

Working with women who offend: A guide for restorative justice practitioners

The Restorative Justice Council



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Introduction

This brief guide for practitioners is based on the findings from the seven-month research project entitled Making restorative justice work for women who have offended. Funded by Barrow Cadbury Trust, this study aimed to explore female offenders' access to, and experiences of, restorative justice. The ultimate objective of the project was to develop an evidence-based set of recommendations for the effective and ethical use of restorative justice with women¹ who have offended, with a view to increasing the number of female offenders accessing restorative justice and ensuring that those women who do take part have a positive experience of it.

More details of this research, and the full findings, are contained in the research report, which is available on the Restorative Justice Council's (RJC) website. Some of the findings, however, had particular relevance for frontline practice, and this document specifically highlights these recommendations. It is intended to be helpful for practitioners who are managing restorative justice cases that involve a female perpetrator in order to foster effective and ethical working approaches.

Context and background

As the leading body in the restorative practice field, the RJC has a responsibility to foster good practice in restorative justice delivery. To date, no specific information has been produced to support the delivery of effective and ethical practice with female offenders. In part, this may be due to the relatively low numbers of female offender cases that go through to conference. However, it may also be due to a significant gap in research and understanding around female offenders' experiences of restorative justice.

Women in criminal justice

It is possible that women who have committed an offence experience restorative justice in a different way to male offenders. The reasons behind this suggestion are linked to a growing evidence base showing that not only do women who offend have different offending patterns to their male counterparts, but they also come into the criminal justice system with different backgrounds and needs. Research clearly shows that:

- Mental health problems and drug and alcohol misuse have significantly stronger links to female compared to male offending.
- Women in prison are more than twice as likely to suffer from anxiety and depression as male prisoners, and five times more likely to suffer from mental health issues than women in the general population.
- Around half of female prisoners have attempted suicide at some point, which is twice as high as the rate among male prisoners.
- Women who offend report significantly lower levels of self-esteem compared to male offenders.
- Over two-thirds of women in UK prisons have experienced domestic violence and/or sexual abuse.

¹ For the purpose of this document, 'women' is used as a summary term to refer to females of all ages.

- Women’s offending is more likely to be related to an abusive partner, via coercion, manipulation or bullying.
- Female offenders are significantly more likely to experience higher levels of stigma compared to male offenders.

Given this evidence, it has been recognised that for criminal justice to deal effectively with women’s offending, the complexity of their circumstances and experiences needs to be taken into account. This was acknowledged on a political level in 2007, with the publication of the Corston Report. In this report Baroness Corston argued that women have been marginalised in a criminal justice system designed by and for men, and forcefully called for gender-responsive approaches. The criminal justice field has since continued to stress the value of using particular approaches when working with women in criminal justice: “Organisations and advocates are clear that a gender-specific approach to reduce reoffending is absolutely necessary if we are to address the needs of female offenders.” (Clinks, 2014: 6). In view of this evidence, this research project explored whether restorative justice is lagging behind other areas of criminal justice service provision in this area.

Summary of the findings: Practitioners’ perspectives and experiences

Access and case selection

The extremely limited literature that exists suggests that very low numbers of female offender cases go through to conference, and that there is a perception in the field that women who have committed an offence are more reluctant to engage in restorative justice. None of the practitioners interviewed for this study supported this view. Rather, the number of female cases dealt with was roughly in proportion to general female involvement in the criminal justice system. A wide range of access routes into restorative justice was identified, and none of the practitioners were of the view that these differed depending on gender. There was a suggestion in the interview data, however, that there may be missed opportunities for restorative justice with female offenders. This was linked to the fact that female cases more commonly lack a personal victim, the main example being shoplifting. Cases without a personal victim were in some areas seen as lower case priority, while in others these cases were simply more challenging to get to conference due to a reluctance from commercial premises to engage.

Thorough preparation work was generally identified as essential to a successful conference. Due to the higher levels of complexity prevalent in female offender cases, there was a suggestion that preparation work with this group may take longer and be more demanding. There was a majority consensus in the interview data that standardised assessment tools would be helpful in terms of producing consistency in preparation approaches across the field.

Barriers to engagement in restorative justice

The majority of the barriers to engagement identified in this study were general rather than gender-specific. On an individual level, a lack of both offender and victim engagement acted as general barriers to conferences taking place. It was felt that offenders were more

likely to have an interest in participating in restorative justice if they had some previous awareness of it. Similarly, it was found that better public and professional awareness and understanding of restorative justice would increase referrals as well as uptake. While these barriers were applicable to both female and male offender cases, a small majority of practitioners also highlighted some particular barriers for female participation. Echoing the findings in the preparation stage, these specifically related to higher levels of complexity being common in female offender cases, which meant that they could take longer and be more challenging to get to conference.

Views on gender and working approaches

This study found clear evidence to support previous research that there is a lack of a consistent approach to gender in the restorative justice field. Some practitioners argued for complete neutrality, while others suggested that working with women requires a different approach. Regardless of attitudes to gender specificity in working approaches, there was a consensus in the interview data that conferences should be managed in the same way regardless of gender, and should be based on individuals' needs and sensitivities. None of the practitioners interviewed in this study had received any particular training on working with women in restorative justice. Several practitioners, though, highlighted the special skills required in, for example, identifying mental health and other complex needs, which they viewed to be more common and therefore more relevant in female offender cases. They did not always feel they were adequately equipped to assess for and/or deal with these issues, however.

The role of gender in restorative justice conferences

Even among practitioners calling for neutrality in working approaches, there was a dominant view that relationship building plays a particularly important role for effective working with women. While it may take more preparation to get women ready for a restorative justice conference, often due to heightened levels of complexity, many practitioners also felt that when a female case does reach conference it is more heartfelt. Additionally, it was generally felt that women are better communicators, which could be helpful for a smoother running conference. Finally, there was a noted difference in terms of the relationships present in female offender cases — that is, prior relationships between offenders and victims were suggested to be somewhat more common. In terms of the impact of maturity and gender on conferences, the interview data generally suggested a sense that girls mature earlier than boys. However, data on maturity also highlighted the complexity of this matter. Specifically, a couple of practitioners expressed that due to the higher frequency of disruption and trauma in female offenders' lives, though they may mature earlier, they are often still very 'young' in many ways, including in terms of vulnerability and naivety.

Gendered benefits versus disadvantages

Overall, the practitioner interview data was, maybe unsurprisingly, dominated by benefits. Again, the majority of these were general rather than gender-specific, and fell in line with the wider literature on restorative justice. Two beneficial themes emerged as particularly relevant for female offender cases, however. They were that women were felt to typically have higher levels of empathy, as well as often being more emotionally intelligent, than boys and men. Due to these factors, some practitioners suggested that the restorative

justice process might bring particular benefits to women. Additionally, given the higher prevalence of prior relationships between the victim and the offender in cases involving female perpetrators, some suggested that repairing these relationships may have a greater impact, with implications beyond the actual offence.

Conversely, some also suggested that female offenders' more heartfelt involvement might mean they experience more challenging emotions linked to the conference — shame and guilt were especially prominent themes here. There was therefore a perception that — if not managed correctly — restorative justice could increase women's vulnerability. Moreover, as a result of more heartfelt involvement and more relationship building within the process, some practitioners felt that for female offenders to reap the full benefits of restorative justice, good after-support may be especially important. Finally, there was a gendered risk expressed in a small minority of the interview data around negative stereotypes and gender norms possibly negatively impacting on judgement in female offender cases.

Partnership working

Most practitioners identified partnership working as essential for effective restorative justice work. The general consensus, however, was that this was not currently happening. Effective multiagency working was predominantly identified in the youth sector. Good partnership working was highlighted as particularly important, first in regards to linked-up working between different agencies working on a case and, second, for accessing specialist skills and expertise for identifying and adequately dealing with complex needs. Signposting practices were also identified as important in this area, with many practitioners feeling that this was especially applicable, again due to heightened complexity and needs, when working on female offenders' cases. Overall this study found major scope for partnership working being developed between women's centres and restorative justice facilities. It is suggested that such partnerships would offer an excellent opportunity to deliver effective and ethical restorative justice practices with women who have committed an offence.

Summary of the findings: Female offenders' perspectives and experiences

Access to restorative justice

There was a great variation in terms of how the women who took part in a conference came to access restorative justice. The vast majority of the women interviewed had not heard of restorative justice beforehand, though the few who had heard of it before reported that it had made them more likely to take part. A wide variation in the length of time between the offence being committed and the conference taking place was also identified, ranging from two weeks to 11 years. The interviews suggested that it may be beneficial for restorative justice to be offered at the earlier stages of the criminal justice process when the offence is still 'fresh' for all parties, to help tackle guilt and manage challenging emotions. It is then essential to allow for flexibility in terms of length of time in getting the person 'ready', however. The readiness of the victim would also, of course, need to be considered.

For the majority of the women, agreeing to take part was not a decision taken lightly. Rather, to choose to meet their victim was a daunting task, which often brought about

considerable anxiety. A small number of women who had not accessed restorative justice rejected the idea of participation because they did not consider their case to have an existing victim. This was either because they viewed their crime to be 'victimless' (in this case a drug dealing offence), or, in one case, because their victim had since died.

Offence and background

The majority of the women's offences related to shoplifting and various forms of fraud and theft, though there were two instances of more serious offence categories. Falling in line with existing evidence, the vast majority of the women's offending took place in the context of complex circumstances and needs, such as mental health issues or living with trauma and/or abuse. The findings showed that the presence of such factors did not imply a subjective removal of culpability on behalf of female offenders — none of these issues were viewed by the women as providing as excuse for their offending behaviour.

Conference processes and preparation

Restorative justice conferences were found to be variable events, with different outcomes and significance for the women involved. Despite this variability, all of the women who were interviewed for this study said that they would recommend it to others. In terms of preparation, overall the women felt well prepared — knowing what to expect was an important theme in this area. A minority of the women felt poorly prepared, however. This was associated with having very little understanding of what restorative justice was or what the conference would entail, poorly managed preparation meetings, in which inappropriate questions were asked, or — alternatively — that the woman did not feel understood by the male facilitator leading the case. It was suggested that for some women, preparation work may be more effective if carried out by a female worker, to encourage trust and a feeling of shared understanding of personal challenges. Despite levels of preparation, the vast majority of the women experienced the immediate period before the conference as nerve-racking. Several of the women reported experiencing panic attacks, including vomiting and uncontrollable crying, just before going into the conference.

The conference meeting

The majority of the conferences were experienced as positive by the women. Nevertheless, there were some examples of poor organisation of the conference meeting. Major issues included not using a neutral location, a lack of proper mental health assessment (therefore insufficient preparation for the meeting), not being informed about who would be in the room, insufficient time to speak to the victim, and a lack of balance between the victim and offender parties. This issue of imbalance in the room was specifically linked to cases where indirect victims, such as officials or store staff, represented the victim. Given the dominance of acquisitive crimes, such as shoplifting, being committed by women, this experience of imbalance in the room with more official representation may have gendered significance.

In terms of support during the conference event, an unexpected finding was that despite being offered the opportunity to invite a family member or a friend as informal support, the vast majority of the women chose not to. Interlinking with the theme on the value of relationship building, the women were commonly comfortable with

the support provided by someone they had a positive professional relationship with, such as a probation officer. Most of the conferences experienced by the women were highly emotional events. A clear association was found in the data between the type of offence and the level of emotional impact of the event, however, with shoplifting cases being the least emotional. That said, conferences relating to shoplifting offences were still overwhelmingly experienced as valuable by the women, as it forced them to think about the offence from a different perspective.

Outcomes and post-conference experiences

Showing continuance in the theme of inconsistency and flexibility in the restorative justice process, agreed outcomes varied from case to case. None of the women felt that the outcome was unfair or unjust. For many, the most powerful outcome of the restorative experience was the alleviation or removal of guilt, though for a minority of the women, heavy emotions of guilt continued to negatively affect them after the conference. Although it was overwhelmingly an emotionally draining experience for most of the participants, the majority of the women did feel positive about the event post-conference. In terms of follow-ups, most also felt well supported following the meeting. However, a minority of the women did not receive any follow-up, or at least what they felt would have been adequate support, once the conference had concluded. The lack of adequate follow-up is concerning given some of the women's vulnerability. In terms of broader support, a small minority of the women interviewed were engaged with women's centres, which were deemed to provide an incredibly valuable source of support.

Conclusions and recommendations

The findings in this study clearly demonstrated that restorative justice conferences are generally experienced as positive both by the female offenders who participated, and by the practitioners leading such cases. The findings also suggest, however, that due to the complexity in many of the women's lives, particular forms of support and encouragement may be valuable for the effective and ethical delivery of restorative justice with women who have offended.

In order to help women break away from their offending behaviour, the findings in this study clearly indicated that restorative justice should be used in conjunction with other forms of interventions and/or support. It must be recognised that the professional skillset and training required to identify and treat complex sets of needs is often different from those required for the delivery of good restorative justice practice. The role of partnership working and signposting is therefore essential. Major gaps were identified in the study in this area, evident in both the practitioner and female participant interview data. Significant potential value was suggested for investing in the development of partnership working with local women's centres. This could allow for restorative justice to be introduced, and the woman's ability and willingness to participate to be assessed, in a working context where there is familiarity and expert knowledge of relevant issues. If done effectively, such partnerships are likely to enable more women who have committed an offence to access, and have a positive experience of, restorative justice.

Implications for practice

The findings of this study have implications in terms of how to foster effective and ethical working with women who offend in restorative justice frameworks. The following recommendations are particularly relevant for frontline practice:

1. When first putting forward the possibility of restorative justice with women who have committed an offence, the option of a female restorative justice worker should be offered wherever possible. For some women, working with another female may help build a more open and honest working relationship.
2. To create a better understanding of what the process may involve for a female offender participant visual materials such as the film, *Recovering from crime – restorative justice in action*, may be useful to include in the introduction. While emphasising that each case is different and that each conference will vary, showing such material may help manage pre-conference anticipation, including anxiety around what the event may entail.
3. Practitioners should have an awareness of the higher likelihood of complex needs, including mental health issues and the presence of previous or current abusive/coercive relationships, in female offender cases. For individuals who have experienced abuse, as the majority of women in the criminal justice system have, conditions such as Post Traumatic Stress Disorder are common. Special care should be taken to consider which of these factors may be present in a case involving a female offender, and the impact they may have on the restorative justice process. A formal diagnosis involving an appropriate specialist may be required.
4. In terms of mental health issues specifically, practitioners are reminded that these may both be diagnosed or undiagnosed, and may or may not be acknowledged by an individual. A strategic recommendation in this study includes the development of standardised assessment tools to ensure that factors such as these are adequately explored. However, until this has been implemented and disseminated, practitioners may wish to draw on King's College's Threshold Assessment Grid (TAG) when exploring whether a participant in a restorative process has a mental health problem and considering whether to consult with a qualified professional for a formal assessment. TAG is available at www.researchintorecovery.com/files/TAG.pdf. While TAG is a useful tool to draw on for the identification of potential issues, practitioners are reminded that this does not qualify as a professional judgement about mental health, and that they may need to work in partnership with medical professionals in cases involving mental health or/and complex trauma. For further guidance on restorative justice practice and mental health, please see the RJC's guide *Restorative practice and mental health*, which is available to RJC members at www.restorativejustice.org.uk.
5. If there are complex needs or other particularly challenging factors in a case, practitioners should discuss with the female whether they would like this to be shared with the other party, and if so in what way. For example, this study identified a good example of practice where a woman who had committed a serious offence wrote a letter, with the support of her female restorative justice worker, to the victim. This letter outlined some of the contextual trauma factors relevant to the offence that she felt she would not be able to share in person, without potentially

experiencing retraumatisation, during the meeting. Such methods may encourage a more honest and effective conference meeting, while reducing the woman's anxiety ahead of the event.

6. Recognising the prevalence of higher levels of complexity, practitioners should be aware that signposting practices may be especially important when working with women who offend. It is recommended that these should be integrated into core restorative justice practice. If there is a recognition, or suspicion that there may be, complex and untreated needs by the female offender, priority should be given to signposting the case to partners with suitable expertise. Importantly, this may need to be done before a restorative justice conference can take place, in order to allow for women to deal with other challenging or chaotic factors that otherwise may disrupt or disadvantage the restorative justice process.
7. A strategic recommendation from this study is to include at least some basic awareness training around complex needs, including gendered factors and sensitivities, in practitioner training packages, in order for practitioners to be in a position to identify potential issues and provide appropriate support. This is particularly pertinent for practitioners who are working with women who have committed an offence. Practitioners are reminded that it is a requirement of the RJC's Practitioner Code of Practice that they build on initial training by undertaking continuous professional development (CPD). As a part of their CPD, practitioners may wish to consider undertake Mental Health First Aid² training, which gives an introduction to people wishing to learn how to identify, understand and help a person who may have a mental health issue.
8. Practitioners should be aware of the likely higher importance of relationship building when working with women who have committed an offence, and adapt their working approach to allow for this. It is likely that these cases may require additional preparation time, including dealing with emotional anguish in the build-up to the conference. Steps should be taken to reduce the risk of severe anxiety, such as panic attacks, before and during the conference. Beyond adhering to standard good practice in terms of using suitable premises that the female feels comfortable with, this may for example include considering additional preparation methods such as recommended in point 5 above. For further guidance on working on cases involving mental health, please see Restorative practice and mental health.
9. All practitioners should ensure that they practise in compliance with the RJC Practitioner Code of Practice and supporting guidance. This includes selecting a neutral space for the conference that is suitable for both parties, and ensuring that victims and offenders do not meet beforehand. Moreover, to ensure effective outcomes, practitioners should be mindful of ensuring an even balance between the victim and offender sides in the conference setting, especially when dealing with female offender cases involving indirect victim representation.
10. Practitioners should be mindful of the importance of upholding good practice in terms of ensuring that both female and male offenders are treated equally, which may not mean being treated the same, but must include an awareness and questioning of the presence of gendered judgements.

² Training course details can be found at: <http://mhfaengland.org/>

11. Shoplifting offences are common in the female offender population, and this study found that restorative justice conferences can play a valuable role in changing behaviour in these offence categories. As far as their role allows, frontline practitioners are encouraged to give equal priority to shoplifting cases, as well as take an active role in the development of positive engagements with relevant commercial premises.
12. Drug offences are also a common offence group among female offenders. The findings show that restorative justice may have a role to play in helping female offenders falling into this offence category to recognise the broader impact that their offence has had on other, less immediately apparent, victims. Practitioners are encouraged to think creatively about ways to increase victim awareness for female offenders in these offence categories through restorative justice practice.
13. More than just monitoring outcome agreements, follow-up practices should include a check-up on the woman's emotional wellbeing, including assessing levels of guilt and shame and associated impacts on mental health. In accordance with RJC guidance continuity in case handling is highly important to the follow-up process. If any issues arise, appropriate signposting to support services should be made in order to reduce the risk of challenging emotions leading to self-destructive behaviour.
14. Practitioners should, whenever possible, take an active role in developing effective partnership working. Though this is also a key recommendation on the strategic level, frontline practitioners should feel encouraged to take initiative and create joined-up working links wherever they see opportunities for it. Particular value, in terms of ethical and effective working with females who have committed an offence, has been detected in this study for the development of such links with local women's centres.
15. Finally, this study clearly found that restorative justice is likely to be one of many mechanisms that can help women break offending behaviours. With the knowledge that women who offend often lead isolated lives, practitioners should be encouraged to view restorative justice contact as an opportunity to engage female participants with other change support provisions.

By implementing these recommendations, frontline restorative justice can make a significant contribution to effective and ethical working with women who offend, with the ultimate aim of reducing offending behaviour and improving lives.

This guide draws on information contained in the following publications:

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About the Restorative Justice Council

The RJC is the independent third sector membership body for the field of restorative practice. It provides quality assurance and a national voice advocating the widespread use of all forms of restorative practice, including restorative justice. The RJC's vision is of a society where high quality restorative practice is available to all.

The RJC's role is to set and champion clear standards for restorative practice. It ensures quality and supports those in the field to build on their capacity and accessibility. At the same time, the RJC raises public awareness and confidence in restorative processes. The ultimate aim of the RJC is to drive take-up and to enable safe, high quality restorative practice to develop and thrive.

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