



Making restorative justice work for women who have offended

A Restorative Justice Council
research report

Dr Linnéa Osterman

Dr Isla Masson

Context and background

- Major gap in research female offenders and restorative justice

“Few have ventured to consider ... whether there may be gender differences in offenders’ orientations to a restorative justice process.”

(Daly, 2008:113)

- Clear evidence base women in CJ different offending patterns, backgrounds and circumstances
- Growing recognition and evidence of the value of gender-responsive CJ approaches
- **Is restorative justice lagging behind?**

“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)

Methods and approaches

- Semi-structured qualitative interviews:
 - 10 practitioners
 - 11 (14) female offenders
- Challenges to recruitment
- Final sample:
 - 15-60 years of age
 - Majority fraud and/or theft
- Semi-structured thematic analysis



Access to restorative justice

- Suggested proportional female involvement
- Very variable access routes – no gendered difference
- However, possibility fewer **opportunities** in dominant female crime categories
 - Strategic priorities shoplifting
 - Challenges engage with commercial premises
- Found clear positive impact shoplifting cases
 - Some challenges existing literature



“It makes you think though really, you go in and take something, and there is a lot of people you know that it does affect like, like security, the money what they put in and everything else ... You don’t think like that, you don’t, you just think it’s a big company they’ve got the money, but you think the number of people do that it does affect them, I do understand that now.”

(‘Bethany’)

RECOMMENDATION:

Think critically about priorities in case selection - Practitioners should be encouraged to prioritise shoplifting cases and consider innovative ways to overcome challenges in engagement with commercial practices.

Preparation work



- Importance of quality preparation work
 - Female offender cases more demanding
 - Flexibility key
 - Offending context
 - Complex circumstances and needs
 - Importance woman being 'ready'
 - » May need prioritise more acute needs
 - » Examples poor practice
 - Lacking tools
 - Mental health assessments
- Other complicating factors
 - Prior relationships

"We don't know how to, that's the problem."

(PR 5: COMM)

"We have to be more flexible [with female cases] ... You really have to understand the complexity of the females' lives, which will be more ... than the males, but you have to, before you go into that conference, it might take more time, more preparation, more flexibility and more understanding. There's issues that might never come out, issues that you can't research and prepare for beforehand, that's the reality, it's just more complex."

(PR 3: POL)

RECOMMENDATION:

Appropriate preparation work key – Careful consideration complex needs, and awareness that the preparation stage with women may be longer and more demanding.

RECOMMENDATION:

Standardised assessment tools, including signposting

Gender and working approaches

- Support previous research: lack consistent approach
 - Sharing of contextualising factors = positive effects
- Prominent training theme: complex need
- Significance of relationship-building
 - Often lack of informal support



“Girls are more needy, they need to build that relationship, boys they just turn up to their appointment, they do what they need to do and

“I think he prejudged me because he was like, when I told him all stuff that, it’s not like I was looking for a get-out clause or something ... but I wanted to make him aware that it’s not just like, to get money for drugs or, obviously there was massive issues and stuff, you know ... I think it would have been different if it was a woman, cos’ I think a woman working with a woman, doing restorative justice, they know where they’re coming from.”

(‘India’)

RECOMMENDATION:

Basic awareness training on gendered aspects of crime and victimisation

RECOMMENDATION:

Likely higher importance relationship-building – more support in and around conference

RECOMMENDATION:

Whenever possible – offer of a female worker

Gender in the conference setting

- Some gendered themes:
 - More heartfelt involvement
 - Communicators
 - Higher emotional intelligence
 - More accessible empathy work
 - Overall: Conferences more impactful
- Theme of emotion
 - Some challenges to gender stereotypes around display of emotion
 - Other variables at play
 - » Prior relationships



Gendered risks

- Mental health
 - Practitioner awareness/not
 - Issues around consistency
 - Shame, guilt and anxiety
 - Alleviation versus deterioration
 - Core factor: Quality RJ
 - Ongoing personalised support
 - Thought-out strategies managing emotions
 - Follow-up support
- Gendered stereotypes and norms

“Because [female offenders] experience shame in such a particular way, and I think maybe it is different to the way men experience shame. ... I think women are very in touch with their emotions, but the emotion of shame is so painful, whether it is to do with their own, the abuse they’ve experienced themselves, that there is more likely to be more self-harm. So I wonder whether, thinking about it, that restorative justice might get them, help them ... manage the shame in a way that is not destructive.”

(PR 4: PROB)

“The whole idea of “you’re a nice looking girl, why did you get involved? You shouldn’t have done that! ... I have seen this on the odd occasion ... That preconceived idea that: ‘oh they’re female and this is absolutely disgusting” (PR2: YOS)

RECOMMENDATION:

Careful and thought-out management of anxiety, guilt and shame pre, during and post-conference

RECOMMENDATION:

Mindful equal treatment – Questioning the presence of gendered judgements

Partnership working

- Essential for effective work
 - Lacking in many regions
 - Gendered lens
 - RJ one of many mechanisms offering positive change for female offenders
 - Signposting and referral practices key

“A restorative justice practitioner could provide a catalyst for a referral ... That’s what we need to do ... go back and revisit it [restorative justice] once whatever it is that’s going on has been dealt with.”

(PR 7: POL)

- Gender-specific services key
 - Women’s centres



RECOMMENDATION:

**Partnership working – particular value
women's centres**

Conclusions

- Overall restorative justice experienced as positive
- Particular factors that may be valuable to consider:
 - Possibility of differently natured preparation work
 - More demanding, greater flexibility
 - Role of relationship-building
 - Awareness of complex needs
 - Importance of upholding Code of Practice
- No magic bullet...but valuable opportunities
 - High quality gender-aware practice
 - Effective partnership working
 - Particular needs and circumstances female offending
 - » Acknowledged, incorporated and mainstreamed into practice



Promoting quality restorative practice for everyone

Thank you for your time!

Full reports:

www.restorativejustice.org.uk/resources

Dr Linnéa Osterman: L.Osterman@greenwich.ac.uk

Dr. Isla Masson: ab7919@coventry.ac.uk

Jon Collins (CEO RJC): jon@restorativejustice.org.uk