

'RESTORATIVE PRACTICES IN WORKPLACES'

**Les Davey, Director
IIRP UK**

Paper from the 10th International Institute for Restorative Practices World Conference
"Improving Citizenship and Restoring Community"
Danubius Hotel Flamenco, Budapest, Hungary - 7-9 November 2007

Many may wonder to what extent restorative practices developed and grown from a process which started out its life in the Criminal Justice arena as 'Restorative Justice', can impact upon conflict and broken relationships in a Workplace context. Indeed, with Alternative Dispute Resolution (ADR) and workplace mediation already widely used in many organisations around the world, some might even question the 'need' for the use of restorative practices in the workplace. I will attempt to address these valid questions.

Let me start by taking you back to the mid 90's, when I was a founding member of the Restorative Justice Consultancy of Thames Valley Police in the UK. From the outset, whilst developing and expanding the use of 'Conferencing' and 'Restorative Justice' in the Criminal Justice field (as widely researched and reported), Thames Valley Police also used restorative conferencing to address internal staff complaints and grievances, as well as piloting (under the supervision of the Police Complaints Authority), their use with cases involving lower level public complaints against police.

The Independent Police Complaints Commission, formed in April 2004 (which took over from the Police Complaints Authority), encourages through legislation the use of restorative practices, especially in relation to the "Local Resolution" of complaints from the public. Research by the University of Oxford 'Centre for Criminological Research' suggests that restorative meetings in these circumstances can lead to far greater mutual understanding between the officer and the complainant. [Meeting Expectations: The application of Restorative Justice to the Police Complaints Process – Hill, Cooper, Young & Hoyle – November 2003]

Another driver in the use of restorative practices within workplaces in the UK, are regulations mandated under the Employment Act 2002. These entitle employees, regardless of company size and except in cases of gross misconduct, to informal dispute resolution before they are dismissed. One recommended form of informal resolution is through Restorative Practices such as mediation and restorative conferencing. Employees are unable to make claims to employment tribunals unless they have first formally raised the grievance with their employer and have not received a satisfactory response. Employers are encouraged to offer such services and employees to take them up, through a financial incentive. Failure of an employer not to offer such informal processes or an employee (without good cause) to take part them can lead to a reduction (for the employee) or increase (for the employer) of up to 50% in any award from a later tribunal!

The International Institute for Restorative Practices, UK Office (IIRP UK - www.iirp.org/uk), through our 'Real Justice' and 'Good Company' programs, as well as playing a major role in the imbedding of such processes in policing over the last decade, has also delivered workplace use of restorative practices training, consultancy and service delivery to school staff teams and local authorities. For the last three years we have been working with Royal Mail (the UK's national postal service, with around 190,000 employees nationwide) on a workplace use of restorative practices pilot scheme in the south west of England. This work is currently being evaluated with a view to a national roll out.

Restorative practices have been, and are being, used in a number of very different workplace settings with a good deal of success and satisfaction being reported. So what have restorative practices got to offer that other processes like ADR and workplace mediation do not?

The above services generally have a fairly narrow focus on the actual conflict and its resolution, rather than the much wider aim of restorative practices: “to develop community and to manage conflict and tensions by repairing harm and building relationships.” This statement identifies both proactive (developing community) and reactive (repairing harm and building relationships) approaches.

When conflict arises and people are hurt or harmed by inappropriate behaviour, relationships are broken and teams suffer disruption and disharmony. Organisations and services that only use the reactive without building the social capital beforehand are less successful at dealing with such conflict and broken relationships than those that also attend to the proactive elements of Restorative Practices.

The advantages of using the whole range of restorative practices in the workplace are that they tackle inappropriate behaviour and conflict early on before they become a big issue. Through the proactive use of restorative practices in the workplace and the building of social capital, teams and individuals are better equipped to deal with conflict and inappropriate behaviour when they arise.

Perhaps the best way of illustrating the use of RP in the workplace is through telling a few stories from cases we have dealt with:

Case Study 1

Two individuals, Jane and Richard, were working at the headquarters of a large organisation. Their roles overlapped which meant they attended regular meetings together with the senior management team and also represented the organisation at external meetings together on occasions. Over a period of time a number of small incidents and disagreements had led to a break down in communication. They worked in separate offices and the disagreements were not addressed. They openly criticised each others work in front of colleagues. Their manager was temporarily promoted and they had a new acting manager. Things came to a head when they began to argue with each other at a public meeting attended by the head of the organisation. This was reported back to the manager and it was decided to offer them the opportunity to discuss the issues in a restorative conference.

The restorative conference which followed allowed both parties to have their say, listen to each other, and realise the harm they were causing each other and to the organisation itself. As a result of this meeting both parties undertook to cease such damaging behaviour and personal development plans were put in place to address their respective shortcomings, together with a review at stages to ensure compliance and progress.

Case Study 2

This case resulted out of what had become a long standing ‘temporary’ resolution of an earlier official grievance raised by a section manager, Gill, about her area manager, Simon, in which she expressed several concerns over his style of management, failure to represent her fairly or to look after her personal development. Gill was put under the supervision of another area manager Frank who would not normally have responsibility for her or her section of the organisation.

This had then remained the case for about 18 months until a new manager, Judy, took over from Frank in a sideways move. Judy was not willing to let this situation (which she felt was

setting an unacceptable precedent in the organisation), remain. She decided to seek to resolve the dispute through a restorative conference.

Preparation for this conference revealed that, as far as Gill was concerned, her grievance had closed when she started working for Frank and she was happy with the current outcome and status quo. Simon and Judy however were of the opinion that this was only ever meant to be a temporary arrangement, which was now long overdue for review. Their desired outcome was that Gill would start to work to Simon again as soon as possible.

At the meeting itself, Gill continued to hold to the same views and despite being offered several safeguards and assurances by both Judy and Simon they were unable able to come to any agreement about her refusal to work under Simon. Though leaving the meeting on talking terms with Gill, the outcome did not meet Simon and Judy's expectations. In feedback, Judy stated that although the meeting did not deliver her desired outcome, she at least now had a clear understanding of all the issues involved. She also now knew what the next steps needed to be and was able to make the decision to take the matter to the next level and seek the dismissal of Gill.

This case demonstrates that not all such meeting have a happy ending. However, it also shows that they do offer a fair process to all and do not seek to meet or enforce the desired outcome of any one participant. So in this respect people tend to be satisfied with the process even if they are not satisfied with the outcome.

Case Study 3

Two teams who had previously worked under different management and in different regions of the same organisation were amalgamated. The two departments were involved in a range of activities and had carried out these roles in quite different ways. There were also two very different management styles. On amalgamation a new manager took over the teams but the same two supervisors continued with teams mixed from the different regions. The different styles caused friction between individuals about what was the best way to do things and there were allegations of favouritism. Relationships and interactions between the different cliques grew worse resulting in some team members going sick. The manager decided to hold a restorative conference to deal with the issues.

This case resulted in an all day restorative meeting, where all were able to ventilate their frustrations and concerns in the morning, before moving to considering how they might overcome them as a team. The afternoon session lead to an agreement and action plan which addressed all of the main concerns and how the team would work together to overcome them. People had the chance to be listened to and to listen to others in a safe and fair environment, resulting in the repair of broken relationships and the establishment of clear expectations and working practices for the future.

All of these cases were dealt with using restorative practices with varied degrees of success and outcomes. We will have time to look at these three cases in more of the detail in my workshop session later in the conference (as in the conference program).

In Conclusion

If restorative practices are to reach their full potential then they need to be integrated into our everyday life, including the workplace. When restorative practices and language are embedded into the way we deal with all conflict and inappropriate behaviour, we are most likely to make a difference in the lives of those harmed and affected. An organisation which fully embraces restorative practices has the potential to create a safer, happier, healthier, fairer and more effective workplace for everyone.

RESTORING COMMUNITY IN A DISCONNECTED WORLD
The 11th International Institute for Restorative Practices World Conference

Toronto, Canada, 22nd to 24th October 2008

***‘Restorative Practices
in the Workplace’***

Les Davey - Chief Executive - IIRP UK

Contrasting Adversarial and Restorative

“What happened?”

“Who is to blame?”

**“What punishment or
sanction is needed?”**

“What happened?”

“What harm has resulted?”

**“What needs to be done to
make things right?”**

**‘For punishment and sanctions to be effective
(in changing behaviours), they need to be
delivered in a context that provides both
meaning and relevance.’**

**“Why would restorative approaches be better
than adversarial ones in this regard?”**

Adversarial

Focus is in the past

Pre-occupied with blame

Deterrence linked to punishment

Restorative

Focus in past, present & future

Emphasis on resulting harm

Deterrence linked to relationships and personal accountability

‘Consequences (may include punishment) are an important part of Restorative Practice. This involves dialogue and respectful challenge.’

So what does this look like in a workplace context:

EXISTING SYSTEMS

❖ Behaviour seen as a breach of the discipline code/rules

❖ Wider workforce and community largely ignored

❖ Accountability and responsibility viewed in terms of punishment and sanctions

❖ Adversarial approach pre-occupied with blame and punishment

RESTORATIVE APPROACH

✓ Behaviour seen as harmful to individual/s, organisation and service provision

✓ Wider workforce and community involvement

✓ Accountability and responsibility related to repairing harm and professional relationships

✓ Promotes the opportunity for challenge, reflection and learning

So what does Restorative Practice look like?

- Your practice would need to be *respectful* and *fair*
- It would focus upon *repairing harm* and *restoring or building relationships*
- It would help develop *empathy, responsibility* and *accountability*
- It would promote the likelihood of *positive behavioural change*

**For Restorative Practice to be explicit,
organisations need to actively:**

1. Work WITH people

2. Offer them Fair Process

3. Use Restorative Language

**4. Encourage Free Expression of
Emotions**

Who are IIRP UK working with?

- ❖ Police Services
- ❖ Royal Mail
- ❖ School staff teams
- ❖ Council Offices

IIRP UK Case Studies

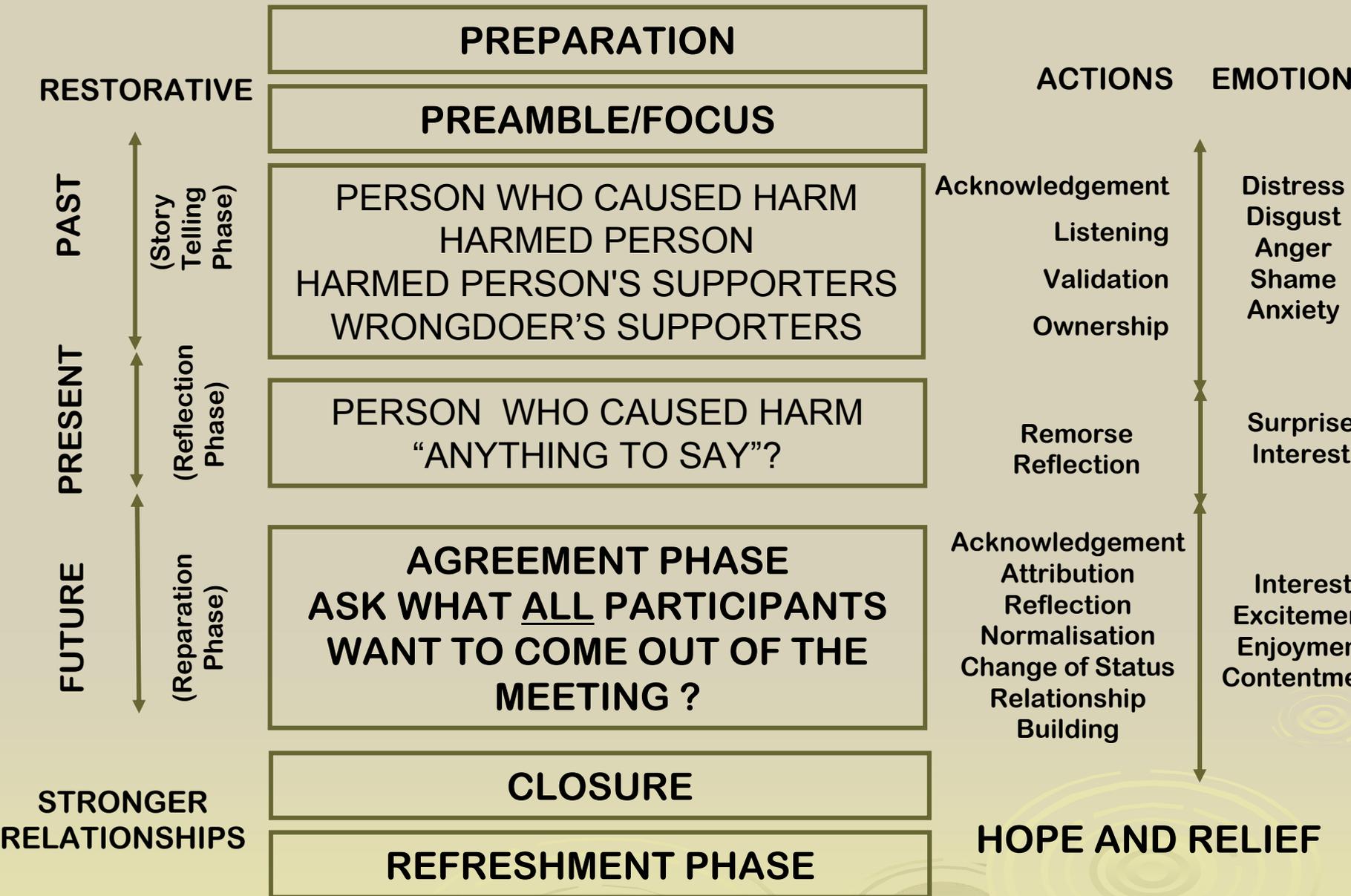
- ❖ Staff Problems
- ❖ Management dispute
- ❖ Team re-building

Case Studies

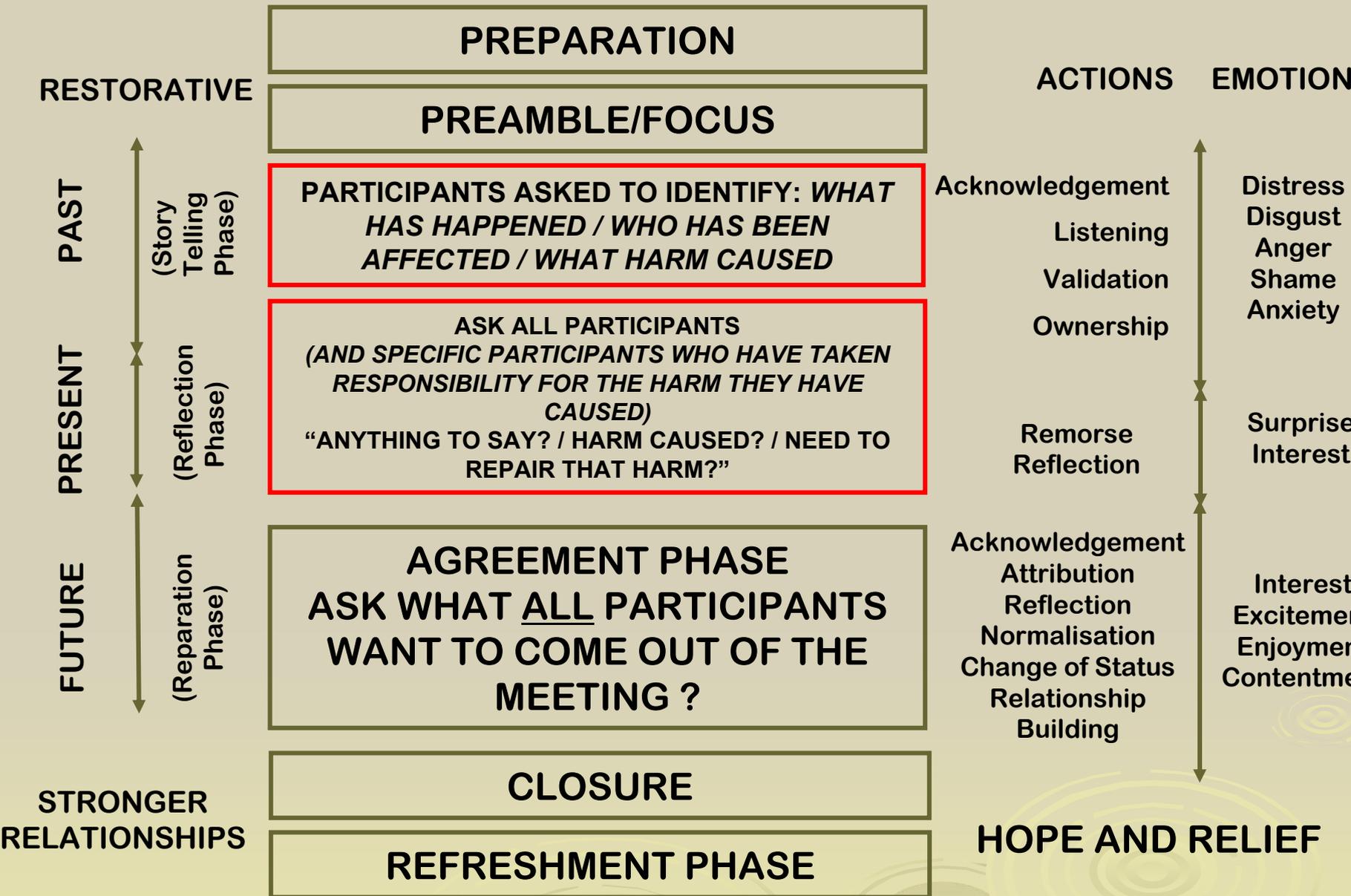
1. Who was affected and how?
2. What were their needs?
3. What might help meet those needs?
4. What are the implications for the organisation/team?

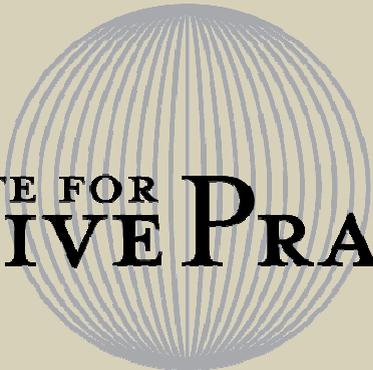
Gather group idea's / thoughts, discuss and nominate one person to feed back your groups feedback on your allocated case study.

Acknowledged Harm - CONFERENCE FRAMEWORK



Unacknowledged Harm - CONFERENCE FRAMEWORK





**INTERNATIONAL INSTITUTE FOR
RESTORATIVE PRACTICES**

UK OFFICE

**Les Davey
Chief Executive IIRP UK**

E-Mail: lesdavey@iirp.org

Web Site: www.iirp.org/uk

Tel: +44 (0)1706 810201

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Ensure Good Preparation of all Participants

Step 1

Welcome and introduction: (NB: Green Italics and ' / ' are options and when in (brackets) are explanation)

"Welcome, as you know my name is and I have been asked to facilitate this meeting. (*Introduce participants if this is necessary*)."

"I have spoken to all of you about the incident (*briefly describe what happened*)."

".....(*wrongdoer/s name/s*) has/have admitted *his/her/their* part. I remind you that you are here to discuss what has happened, not the character of anyone involved. I will invite you all to talk about how you and others may have been *affected / harmed / hurt* by what happened. This will help everyone understand what needs to be done to help *repair the harm caused / make things right*."

FAIR
RESPECT
ENGAGE
SAFE
HONEST

Step 2

Start with wrongdoer/s:

"I would like to start with" "

"Could you tell us what happened?"

"What happened then?" (*repeating as necessary to fully unfold their story*)

"What were you thinking about at the time?"

"What have your thoughts been since?"

"Who has been *affected / harmed / hurt* by what you did?"

"In what way have they been *affected / harmed / hurt*?"

Step 3

In turn, invite (i) person/s harmed (theme in views when not present) (ii) their family/support people (iii) the wrongdoer/s family/support people to speak:

"..... (*person/s harmed name*) what did you think when you realised what (*wrongdoer/s name*) had done?"

"What have your thoughts been since?"

"How has this incident affected you and others?"

"What has been the *hardest / worst* thing for you?"

Step 4

Go back to wrongdoer/s:

"You have just heard how (*person/s harmed name/s*) and others have been *affected / harmed / hurt* by what you did."

"Is there anything you want to say at this time?"

"Do you see that harm has been caused?"

"Do you think something needs to be done to repair the harm done?"

Step 5

Return to the person/s harmed (theme in views when not present) and then all other participants:

"What would you like to see come out of today's meeting?"

(where appropriate, record any agreement made)

Step 6

Return to wrongdoer/s:

"What do you *think / feel* about what has been said?"

Optional questions: "Would you do anything differently now?" / "What other choices could you have made?" / "What have you learned from this meeting?"

(Summarise any agreement made)

Step 7

Give participants the opportunity to express positive outcomes:

"What do you think about what has happened here today?"

Step 8

Final invitations to speak—ask all:

"Before I close the meeting, is there anything else anyone wants to say or ask."

Step 9

Closing the meeting:

"Thank you for participating in this meeting. I hope your time together has helped you deal with this matter."

Step 10

Reintegration and refreshments after the conference

Invite all participants to stay for refreshments and talk informally while you prepare the agreement/conclude paperwork etc.

Ensure Good Preparation of all Participants

Step 1

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RESPECT
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SAFE
HONEST

Welcome and introduction: *(NB: Red Italics and '/' are options and when in (brackets) are explanation)*
"Welcome, as you know my name is and I have been asked to facilitate this meeting. *(Introduce participants if this is necessary).*"
"I have spoken to all of you about the incident *(briefly describe what happened)* and remind you that you are here to discuss what has happened, not the character of anyone involved. I will invite you all to talk about how you and others may have been *affected / harmed / hurt* by what has *happened / is happening*. This will help everyone understand what needs to be done to help *repair the harm caused / make things right.*"

Step 2

Start with most affected/harmed person (theme in views when not present):
"I would like to start by asking to talk about *his/her/their* experience(s) which has led up to us being here today"
"Tell us what happened and how you became involved?" or "What did you do?" or "How did you react when you heard what had happened?"
"What happened then?" *(repeating as necessary to fully unfold their story)*
"What were you thinking about at the time?"
"What have your thoughts been since?"
"How has this incident affected you and others?"
"What has been the *hardest / worst* thing for you?"

Step 3

NOW ASK ALL PARTICIPANTS IN TURN THE ABOVE QUESTIONS
In turn, invite all participants (including family and support people) to speak asking the above questions (theme in views when not present).

Step 4

Now say to all participants:
"You have all had the opportunity to speak and listen to others. You have heard how people have been affected by what has happened and the harm that has been caused. Is there anything anyone wants to say at this stage?"
"Do you all see that harm has been caused?"
"Do you all think something needs to be done to repair the harm done?"

Step 5

Address the whole group and seek individual responses:
"What would you like to see come out of today's meeting?"
(where appropriate, record any agreement made)

Step 6

Return to any identified wrongdoer/s (otherwise address the whole group) to comment as any outcomes are suggested and agreement formed:
"What do you *think / feel* about what has been said?"
Optional questions: "Would you do anything differently now?" / "What other choices could you have made?" / "What have you learned from this meeting?"
(Summarise any agreement made)

Step 7

Give participants the opportunity to express positive outcomes:
"What do you think about what has happened here today?"

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Final invitations to speak—ask all:
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