NARRATING THE RESTORATIVE JUSTICE OFFER

An Analysis of Informational Materials Used in England and Wales

Dr Kerry Clamp, Dr Elena Genova, and Dr Will Paterson

Corresponding author:

kerry.clamp@nottingham.ac.uk

University of Nottingham

UK | CHINA | MALAYSIA

Table of Contents

Glossary of Terms

Code	Code of Practice for Victims of Crime
CJA	Criminal Justice Alliance
MoJ	Ministry of Justice
PCC	Police and Crime Commissioner, also encompassing Police, Fire and Crime Commissioners (PFCCs); the City of London Police Authority; the Mayor's Office for Policing and Crime for the Greater London Authority (MOPAC); the Greater Manchester Combined Authority (GMCA); the West Yorkshire Combined Authority, and Jersey Police Authority
RJ	Restorative justice
RJC	Restorative Justice Council
Service providers	Referring to commissioned service providers in PCC areas encompassing third sector providers and RJ hubs within individual police forces

List of Figures

Executive Summary

In England and Wales, the Code of Practice for Victims of Crime requires practitioners involved in criminal justice to inform victims about restorative justice (hereafter RJ) and to provide access to RJ services. Recent research has demonstrated that practitioners provide information about RJ verbally and in written form (see Clamp and O'Mahony 2019). This project collected and analysed documents to explore how RJ service providers explain the RJ offer in informational materials. It is worth noting the novelty of this research as an exploratory study because no research has analysed *how* RJ is explained to potential participants in England and Wales.

We requested documents related to RJ provision from each of the 42 Police and Crime Commissioner (PCC[1]) areas. We received 61 documents from 38 (out of 42) PCC areas – see Appendix A for further details – representing a 90% response rate. We received a range of documents, described as:

- **Information packs** – two or more pages made of A4 sized sheets either folded or stitched together.
- **Leaflets** – an A4 single sheet printed on one side or both sides that contained graphics. These documents were flat and unfolded or folded to a smaller size.
- **Posters** – an A3 or A4 single sheet containing summary information, graphics, and a pre-determined storytelling message.
- **Infographics** – either an A3 or A4 single sheet containing imagery, charts, and minimal text to provide an easy-to-understand overview of a topic.

We used qualitative content analysis (hereafter QCA) to evaluate the written (textual) and visual content in the documents. We did not seek to analyse differences in the textual and visual data in the documents, or the use of a given document more broadly. Rather, our focus was on analysing the narratives across the documents and the role of visuals as a contextual framing of the written material. Our analysis produced six key themes that communicated different aspects of RJ and RJ provision:

1. **Conceptualisations of RJ** – statements about the purpose and nature of RJ.

---

[1] There are regional variations in the names used for this role. These are: Police and Crime Commissioners (PCCs); Police, Fire and Crime Commissioners (PFCCs); the City of London Police Authority; the Mayor's Office for Policing and Crime for the Greater London Authority (MOPAC); the Greater Manchester Combined Authority (GMCA); the West Yorkshire Combined Authority, and Jersey Police Authority. For ease, reference to PCCs throughout the report encompasses all these variations.

2. **Conditions of participation** – the requirements for taking part in RJ.
3. **Mechanics of the process** – statements about how the process works.
4. **Outcomes of participation** – 'evidence' drawn upon by service providers.
5. **Routes to engagement** – information about how people can get involved in RJ.
6. **Conceptualisations of service providers** – the portrayal of service providers.

We also identified three broad styles of visual content across the documents we received:

1. **A minimalist style** – prioritises textual over visual information.
2. **An indexical style** – uses both visual aids and real-life stock images.
3. **A symbolic iconic style** – uses animate and inanimate imagery as well as visual aids.

Key findings

Textual analysis

Documents often narrate the RJ offer in a linear way, and our themes reflect this approach. This begins with a definition of the concept (i.e., 'conceptualisations of RJ'), then an explanation of the rules and requirements of participation (i.e., 'conditions of participation'), followed by a discussion of how it works (i.e., 'mechanics of the process'). Consideration is then given to the positive results and experiences of participating in the process (i.e., 'outcomes of participation'), the ways people can become involved (i.e., 'routes to engagement'), and finally how service providers portray themselves (i.e., 'conceptualisations of service providers'). When reading across the themes there may appear to be some overlap, but there is variation according to timing (i.e., concerning a person's current position in their journey through the RJ process) as well as a difference in the way the documents discuss RJ (i.e., in abstract or concrete terms).

Conceptualisations of RJ

The dominant narrative across all documents pertained to what RJ is. We identified two types (or categories) of statements across the theme. The first were explanatory statements about the *nature* of RJ, or how the RJ process works in practice. Notably, the documents described RJ as a process that takes place in a range of formats, comprising not only the victim and offender, but also their loved ones. Communication was a defining characteristic of the process involving a discussion of the incident, its consequences, and the asking and answering of questions. Documents were clear about the limits of RJ in relation to the CJ process but highlighted that RJ gives participants a meaningful voice. This was often portrayed as a key benefit over the formal CJ system.

The second were 'normative' statements about the *purpose of RJ* or the goals and aims it seeks to achieve. One aim was the empowerment of participants by providing opportunities to: articulate themselves, share their story, seek clarification from the other party, and understand what led up to the incident, reach an agreement about how to address the harm caused, and to take steps to repair the harm. Another aim was that RJ could result in healing by addressing the impact of offending, reaching an agreement about how to repair the harm caused, and taking positive action to make amends. The final aim we identified related to the positive consequences of participation that arose following a meeting between participants. This included active attempts to address offending behaviour, reductions in fear of further victimisation, and the development of a deeper sense of community.

We identified three issues when analysing the data for this theme. In *some* (not all) of the documents:

1. While the aims of RJ were often stated in positive terms, we noted a punitive undercurrent, which constructed RJ as a zero-sum game between victims and offenders.
2. There was an unreasonable onus on victims to engage in RJ to prevent others from experiencing victimisation by the offender.
3. There was the possibility that expectations could exceed what the process could reliably achieve.

Conditions of participation
This theme was smaller and less complex than the previous theme because it focused on communicating both the conditional and optional aspects of RJ. In respect of the former, the documents contained statements about the *pre-requisites* or criteria to meet to be eligible for RJ, and the qualifying aspects of a case. For those documents directed at practitioners, this included detail about force policy, the requirements to make a referral, and information about key indicators of suitability for both victims and offenders.

In respect of the latter, the documents contained statements about the *agency* individuals have when they take part in the process. Documents were clear about the process of decision-making from the point at which participants decide to engage, to the speed at which the process progresses, to the ability of participants to stop participating at any stage of the process and finally, to determine the nature of their engagement. The priority here is

empowering individuals to make decisions about how, when and if to participate and making clear the service provider will respond to their needs.

We noted two issues within this theme:

1. A lack of reference to the 'entitlements' or 'rights' within the Code, which we felt could provide helpful context for readers.
2. A tendency to prioritise consent over informed consent. For readers to give informed consent, they need to be aware of the risks, benefits, and alternatives to RJ. This was missing from the documents we analysed.

Mechanics of the process
This theme contained information about *how* the RJ process works. We divided this theme into those statements that explained: 1) the *arrangements* made over the course of the process, 2) the nature of *interactions* between participants and facilitators, and 3) the *ethical considerations* that guide the process.

We identified three principal *arrangements* for delivery. The first involved 'safeguarding,' which refers to all the activities undertaken by the facilitator to ensure the participants experience no further harm during the RJ process. The second referred to the 'rules' that guide the process, including the responsibility of facilitator/s to prepare all parties for each stage of the process and to make sure they are clear about the relationship between RJ and the CJ process. The final arrangement involved the nature of 'support' participants would receive during the process. Facilitators must ensure:

- the process reflects the wishes of participants,
- they are attentive to the needs of participants during any interactions, and
- participants have access to additional support outside of the RJ process.

We noted two explanations of how *interactions* occur throughout the process. First, communication between the facilitator and participants involves 'explanations' of the process during the preparatory phase. This includes how communication works between parties and any follow-up after the process has ended. Second, communication between participants includes providing insight into the impact of the incident, explanations about why the incident occurred, raising and answering questions, and agreeing a way forward.

Finally, a minority of the documents contained what we have termed *ethical considerations* or guiding principles for practice, such as respect, dignity, and fairness. Across the 61

documents we received, there were only 8 statements that addressed ethical considerations as reflected in the Code.

Two issues arose in this theme:

1. There was variable success in the documents explaining key terms. In some, it was not clear why terms needed explanation because the meaning was obvious. In others, the meaning was not clear and/or accurate in the description provided.
2. There was common reference to apologies and the expectation that offenders must want to offer an apology to take part. There are risks for victims when apologies are a condition of participation, especially when they are not genuine.

Outcomes of participation

All documents contained statements about the positive outcomes of an RJ process and the positive subjective experiences of participating in RJ. These statements fulfilled two functions. First, to *legitimise RJ* as a justice mechanism by citing 'evidence' through either the use of empirical data or unsubstantiated claims about the benefits of participation presented as 'fact'. Second, to underline the *positive consequences* of participating in RJ using the narratives of participants. Notably that RJ has:

- a 'cognitive impact' whereby exploring the incident and its consequences allowed victims and offenders to move on,
- an 'emotional impact' whereby participants achieved a sense of 'closure' and regained 'control' by sharing their experience in a supportive environment, and
- a 'social impact' whereby participants experienced positive effects in their day-to-day lives, and some experienced a 'change in self-perception'.

We noted two issues in this theme:

1. The importance of acknowledging sources when making claims about what RJ can achieve. The primary source of the statistical evidence used across the documents was a Home Office trial involving the use of restorative conferencing with adults who had committed moderate to serious offences. It is not clear how this relates to local service provision where RJ is used primarily for volume offences.
2. While the documents contained qualifying language (e.g., 'may', 'could'), there is a tendency to construct RJ as a means through which participants experience significant personal benefits. We know from research some participants feel worse after participating in RJ (see Batchelor 2018). Thus, documents should not raise

expectations beyond what the process can reliably achieve to minimise the possibility of revictimisation.

Routes to engagement

Every document explained how the reader could access further information about RJ and the local service provider. Our analysis identified two principal ways this could happen, namely those that: (1) relied on individual *autonomy* whereby individuals could find further information by contacting the service provider*,* and (2) were *contingent* upon the action of others whereby the criminal justice practitioners would make a referral. The former was the most common approach in the documents we analysed, and it chimes with a guiding principle of RJ that stakeholders should be 'empowered' to make decisions for themselves about if, when and how they become involved in RJ.

Two issues arose here:

1. For any practice to be 'restorative', it needs to be inclusive with decision-making involving those most affected. Some documents were explicit that a discussion with the victim and/or the offender would be part of the assessment of suitability for participation in RJ. Yet, in other areas, contact would only occur where an initial assessment determined the case is suitable. There is the possibility for victims to feel *re*victimised where practitioners make decisions about suitability without discussion and/or explanation.
2. While there were different options about how to get in touch, we noted no attempt to accommodate those with accessibility issues (e.g., visual and hearing impairments) and, with one exception, there was no reference to documents being available in different languages. This raises questions about how inclusive informational materials are in meeting the varied accessibility needs of the local population.

Conceptualisations of service providers

We noted two types of statements about service providers. First, there were statements that referred to the *purpose* of the service provider. The 'overarching ambitions' of service providers were presented as: creating a process tailored to those who engage with it, addressing the consequences of offending that are often overlooked by the CJS, securing meaningful outcomes for all involved, and ensuring participants view the process as worthwhile. Furthermore, documents highlighted the 'personnel support' on offer with benefits cited for both participants (e.g., having ones needs met, gaining access to support, and recovery) and CJ practitioners (e.g., a reduction in workload).

Second, there was an attempt to increase the perceived *legitimacy* of the service provider through:

- 'assurance' (e.g., the PCC commissioned the service and access is free of charge),
- 'credentials' (e.g., facilitators have received 'specialist training' and/or the service operates to a high standard evidenced by accreditation), and
- 'endorsements' (e.g., quotes from participants that emphasised the success of the process because of the service received).

While it is important for service providers to portray themselves in a positive light, we felt there were two important issues for consideration:

1. By articulating RJ to practitioners as a means to reduce workload, service providers are leading practitioners to view RJ as a way to get rid of cases rather than as something of value for those affected by crime.
2. Service providers are often limited in their capacity to cope with demand for RJ, which results in long waiting lists. This can have negative implications for the perceived legitimacy of the service where frontline officers no longer refer cases and/or the victim/offender withdraw from the process (see Clamp and O'Mahony 2019; Clamp 2021, 2022).

Visual analysis

We drew on semiotics to categorise the visual data, which resulted in the identification of three distinct styles: minimalist (3.2.1), indexical (3.2.2) and symbolic iconic (3.2.3). Crucially, the names of these styles reflect the *purpose* of the visuals (i.e., how imagery and visual aids were used), rather than the specific message they were communicating or the target audience of the documents. While all three styles used visuals, they did so in diverse ways. Our analysis demonstrated that the images used across the three styles were limited in their effectiveness in communicating the restorative offer to specific audiences or as written in the document.

Minimalist style

Documents using this style were informational (i.e., text heavy) and authoritative (i.e., they prioritised logos over other images). The restrictive and conservative use of imagery and visual aids resulted in limited attempts to reaffirm and/or enhance the textual narrative. This style prioritised the portrayal of RJ as a legitimate response to crime using organisational logos, rather than communicating the scope or benefits RJ offers to the reader. As such, we felt this style contained the least effective use of visuals for three reasons:

1. Its conservative approach resulted in a missed opportunity to enhance the key messages contained in the written text about RJ.
2. By prioritising textual over visual information, the documents may be more difficult to engage with for those who are unfamiliar with the criminal justice system in England and Wales, whose first language is not English, and/or who have low literacy levels (such as those with learning difficulties).
3. The emphasis of the logos of criminal justice partners on RJ promotional materials in this style may suggest a stronger relationship with service providers than exists. This could deter those individuals, particularly from minority groups who tend to avoid criminal justice agencies, from engaging with the restorative service provider.

Indexical style

The indexical style provided a more relatable and informative representation of RJ than the minimalist style because it used photographs (see 3.2.1). This style also contained a wider range of visuals that supported, or at least aligned, with some the textual data in the documents. At times, this was successful in conveying positive subliminal messages that could entice people to engage with RJ (i.e., particularly in respect of inclusiveness and interactions), but we have also highlighted inconsistency across the documents that used this style (i.e., where corporate images were used).

We noted two issues with this style:

1. While there were attempts to avoid stereotypical images of victims (i.e., as elderly white females) and offenders (i.e., as young men from minority ethnic backgrounds), this tended to be limited to ethnicity rather than age. Thus, this could reduce engagement by women who are younger and men who are older.
2. The seemingly random choice of some images and their positioning in relation to the text created ambiguity. This meant the potential of images to enhance or support specific aspects of RJ the document discussed was limited.

Symbolic iconic style

This style was characterised by using stock cartoon imagery in combination with a range of visual aids such as change in font size, formatting, text boxes, symbols, and shapes. Used sparingly, the visual aids can work well to highlight key messages. Conversely, an over-reliance of such techniques, especially when different methods are used simultaneously, can also obscure meaning and detract from what is important, which seemed to be recurring a problem in several leaflets in this group. While the avoidance of real-life people, settings,

and social situations indicates a commitment to avoiding stereotypical depictions, this had the added effect of introducing ambiguity into the relationship between the imagery and the text.

We noted two issues with this style:

1. The use of cartoon stock images and symbolism associated with both animate and inanimate objects in this style can be ambiguous. In this respect, the design contradicts the textual data that communicates that RJ is an inclusive service because it may not secure participation by those who find the documents difficult to comprehend.
2. Where documents were from national RJ service providers that held contracts in different PCC areas, the visuals remained the same across locations. While this may signal that the service is professional, it simultaneously *de*personalises the service provided because there is limited information in the visuals that captures the character of RJ in a specific area.

Recommendations

- To refer to the Code, to help readers understand why RJ is being promoted.
- To place a greater emphasis on *informed* consent, rather than consent.
- To ensure apologies are never a requirement for participation.
- To communicate equal concern for wellbeing and responding to the needs of *both* victims and offenders.
- To ensure all information presented on promotional materials is relevant, accurate, and conveys intended meaning.
- To make more use of local statistics to demonstrate the positive experiences and outcomes of using the RJ service in the local area.
- To explain how RJ leads to positive outcomes.
- To avoid statements that raise expectations beyond what the process can reliably achieve.
- To review informational materials for any implicit messaging that may be disempowering and could lead to *re*victimisation.
- To create processes that help participants to understand *why* their case may not be suitable.
- To cater for all accessibility needs (i.e., language/visual impairments) to meet the principle of 'inclusivity'.

- To avoid 'selling' RJ to CJ professionals as a way to reduce workload.
- To ensure the service offered aligns with capacity.
- To increase the use of summary visualisations to aid inclusivity.
- To ensure images support the textual data contained in the documents.

1. Introduction

Restorative Justice (hereafter RJ) first emerged in the 1970s to respond to the expensive and ineffective criminal justice process, one that also marginalised victims and did little to address the underlying causes of offending. In England and Wales, there has been considerable growth in policy interest in RJ since the early 1990s. This began with New Labour's commitment to being 'tough on crime: tough on the causes of crime' (Home Office 1997), which led to several RJ pilots involving both adult (see, for example: Miers *et al.* 2001; Shapland *et al.* 2004, 2006, 2007, 2008) and juvenile offenders (see, for example: Dignan 2000; Miers *et al.* 2001; Newburn *et al.* 2001a, 2001b; 2002). In 2009, the Liberal Democrats spearheaded community justice panels as a form of RJ, to give communities the opportunity to tackle low-level crime and anti-social behaviour (see Clamp and Paterson 2011; MoJ 2010; Turley *et al.* 2014). Finally, the Conservative-Liberal Democratic coalition government's 'Restorative Justice Steering Group' developed key strategic action plans for the implementation of RJ. A central tenet in these initiatives is to foreground victim participation and increase opportunities to confront offenders with the impact of their offending behaviour.

Yet, research has demonstrated that the desire to place the victim at the heart of the justice process has often been unmet in practice. In England and Wales, victim participation rates in restorative processes have remained low, roughly between 7% and 28% across youth and adult RJ initiatives (Crawford and Burden 2005; HM Inspectorate of Probation 2016; Holdaway *et al.* 2001; Hoyle 2002; Miers *et al.* 2001; Rosenblatt 2015). While research investigating low victim participation in RJ is rare, a recent doctoral study has demonstrated that criminal justice practitioners do not routinely make proactive and systematic RJ offers to all victims (Banwell-Moore 2020). Indeed, as the current Victim's Commissioner, Dame Vera Baird (2020: 1) has reflected:

> *Unfortunately, some four years after my predecessor's review, A Question of Quality: A Review of Restorative Justice, we continue to see an unmet need for restorative justice. This report found few victims recall receiving an offer of a meeting with the offender to ask why they committed the offence (5% in 2018-19). For those who did not receive an offer, one in four victims said they would have accepted – a figure which has remained consistent in each of the last five years.*

Information about RJ and RJ services should be available to all victims, without restrictions on the type of offence or stage of the criminal justice process (CoE 2018; MoJ 2016). In England and Wales, the Code of Practice for Victims of Crime (hereafter 'the Code') outlines

RJ entitlements, along with Ministry of Justice (hereafter MoJ) Action Plans to support implementation (2012, 2013, 2014, and 2016). Despite a favourable policy environment, RJ provision in England and Wales is 'patchy' and results in a 'postcode lottery' of access to RJ for victims and offenders (RJC 2018; CJA 2019). This is the result of a devolved budget for RJ that means the amount of investment by PCCs reflects their personal support for RJ as a legitimate response to crime.

The Code first came into effect in 2006 and sought to improve victim confidence by making clear the service and minimum standards of treatment that victims of young people could expected at each stage of the criminal justice process. A revised 2013 Code expanded these 'entitlements' to adults and, while more limited in scope, became 'rights' in the 2020 version that came into effect on 1st April 2021. Despite the changing nature of the Code, all versions have consistently made it clear that victims must receive information about what RJ is, and how to access it.

According to the 2020 version, victims must receive this information within **five working days** of initial contact with the criminal justice system [Section 3.6, **emphasis added**]:

> *If the offender is an adult, you have the **Right** to receive information about Restorative Justice from the police and how to access Restorative Justice services in your local area. If the offender is under the age of 18, you have the **Right** to receive information about Restorative Justice from the Youth Offending Team.* [Section 3.4, **emphasis** original]

This right to information extends throughout the victims' journey in the criminal justice system:

> *Although the police are responsible for providing you with information on Restorative Justice initially, all service providers must consider whether you would benefit from receiving this information at any stage of the criminal justice process.* [Section 3.5]

Furthermore, a referral to a RJ service must occur within **2 working days** of reporting the offence:

> *If you report a crime to the police, you have the **Right** to be referred to a service that supports victims, including Restorative Justice services.* [Section 4.5, **emphasis** original]

Recent research has demonstrated these rights are communicated verbally and in written form (see Clamp and O'Mahony 2019). This project sought to interrogate this latter approach by collecting and analysing documents to explore how service providers explain the RJ offer

in promotional materials. It is worth noting the novelty of this work as an exploratory study because no research has analysed *how* documents communicate what RJ is in England and Wales. The following section outlines how we did this.

2. Methodology

This section provides an overview of the methodological approach adopted for our study. It explains how we gathered the data and analysed it using a team-based approach to qualitative content analysis (QCA).

2.1   Our 'data'

The study collected informational materials between 2018 and 2020 that outlined the provision of RJ in PCC areas across England and Wales. We used a purposive sample that involved asking RJ leads in our existing professional networks to provide the documents they were using to inform people about RJ. Where we did not have established relationships in a specific area, or where our previous contacts had moved roles, we asked our network for recommendations about who to contact.

Our final sample consisted of 61 documents[2] for analysis from 38 (out of 42) PCC areas across England and Wales (see Appendix A). Thus, we view the documents gathered as a strong representation of the RJ offer because our sample consists of 90% of all PCC areas. The documents communicated the nature and characteristics of RJ, including how one could get involved. The documents we received were in a range of formats (e.g., leaflets, posters, letters, information packs, and infographics). They were primarily targeted at victims, offenders, and the public, but we also received a few documents (N=5) directed at criminal justice practitioners (see Appendix A).

2.2   Our approach to analysing the data

We adopted a QCA approach to analysing the documents we received because of our interest in the construction of the RJ offer (i.e., understanding *how* documents communicate what RJ is). This required a consideration of not only what was written, but also the role of visual aids (e.g., use of images, colour, highlighting, fonts, and text boxes) in supporting or hindering the intended meaning of the written text (Kostelnick 1996; Richardson and Wodak 2009). In doing so, we had to keep an open mind at each stage of the analysis (see Table 1), grounding our understanding and ideas on what we saw and read, rather than our preconceived notions about what we might find. The diversity of the team's disciplinary focus (i.e., two are sociologists and one is a criminologist) and familiarity with RJ (i.e., one has

---

[2]We excluded three documents from our analysis because they were out-of-date, and the RJ lead sent us updated ones. We also discounted another document because it described an institutional action plan, which did not communicate the RJ offer, and thus fell outside of the scope of this study.

extensive knowledge, while two were unfamiliar with the concept at the start of the project) meant taken-for-granted assumptions were challenged, and fresh perspectives emerged when analysing the data.

Thus, our 'inductive' approach to QCA meant thinking about *both* what a document explicitly communicates – or its 'manifest' meaning – and what it implicitly communicates – or its 'latent' meaning (Hsieh and Shannon 2005). This involved an iterative process of describing, categorising, and then thematically systematising information into discrete groups (see Bengtsson 2016; Hsieh and Shannon 2005; Mayring 2000, 2014; Sarantakos 2013). We used Bengtsson's (2016) model to inform our coding and organisation of the textual and visual data (see Table 1). This involved a dual process of independent and collaborative working. Working as a team meant we challenged, questioned, and tested all levels of analysis, from code level to overarching themes. This approach ensured consistency of analysis as it fostered a deep familiarisation with the data, which enabled a rigorous process of testing, refining, and consolidating our analysis. Table 1 provides a step-by-step overview of this process before we discuss how we did this for the textual data.

Table 1. Five-stage model for team-based of QCA	
Stage	*Description of stage*
1. Familiarising	The allocation of a small sample of the documents (i.e., five each) among the team, and preliminary individual analysis to develop initial conceptualisations and core themes of the project.
2. Categorising	Initial group analysis to examine and agree on shared themes from Stage 1 and to discuss initial image analysis.
3. Testing	The distribution of the remaining documents (N=46) and further rounds of individual analysis, using themes agreed upon in Stage 2.
4. Refining	Further group analysis, which entailed the selection of one document from each team member's sample and cross-checking the coding to ensure a consistent approach across the team.
5. Consolidating	Final rounds of analysis, which involved addressing any gaps in the analytic frame and finalising themes across both the textual and image analysis.

2.2.1 Textual analysis

When analysing the text, our approach was as follows:

- First, *familiarising* ourselves with the data involved copying 'meaning units' or chunks of text (e.g., '*I felt like a weight had been lifted*') into a spreadsheet from the initial subset of the five documents we were each allocated. At this stage, we made initial judgments about how we could group them.
- Second, *categorising* entailed all meaning units being iteratively organised into key topics or themes central to RJ. This involved making a collective decision about how to organise meaning units into: (1) 'codes' or basic labels, (2) then 'sub-headings' or

larger descriptive terms, (3) then 'categories' or larger umbrella concepts, and finally (4) 'themes' or overarching topics that ran across the data. For example:

Meaning unit	Code	Sub-heading	Category	Theme
'I felt like a weight had been lifted'	Recovery	Emotional impact	Positive consequences for participants	Outcomes of participation

- Third, in the *testing* stage, we applied our agreed coding scheme (e.g., the outcome of the overarching process outlined in the table above) to the remaining text of the documents in our sample. This meant we were able to individually identify any gaps and change our scheme collectively where needed. For example, we found some meaning units that did not fit within our existing themes and so we needed to develop another theme (e.g., about how service providers portrayed themselves within the documents, see Section 3.6).

- Fourth, in the *refining* stage we cross-checked our individual coding as a team to build a shared understanding of the coding process and identify where some codes were too narrowly defined. For example, we had been using 'qualifying offences' as a code, but we broadened this to 'qualifying aspects' to reduce the number of codes in the theme on 'conditions of participation' (see Section 3.2).

- Fifth, in the *consolidating* stage, we reviewed our final coded sample collectively to ensure consistency in our analysis and to deal with any outliers. For example, we resolved coding inconsistencies (i.e., making decisions about which themes to code a meaning unit under) and differentiated between codes that had overlaps across themes (e.g., we differentiated consent between an initial requirement – 'initial consent' – in 'conditions of participation' and a requirement for the duration of the process – 'ongoing consent' – in 'mechanics of the process').

Our five-stage process produced 1,405 rows of meaning units across the sample, with more than 6,000 coding decisions. This process led to the identification of 6 themes, 12 categories, 23 sub-headings, and 30 codes across the textual data. This allowed us to identify and discuss *how* documents construct RJ.

To support the 'consolidation' of our analysis, we used NVivo 12 to produce 'word clouds'. This enabled us to:

1) provide a visual cue to illustrate the distinctive features of a theme,
2) visualise the differences across themes, and
3) further scrutinise our analysis as a team.

Figure 1 represents the top 100 words used across the sample. We noted the four most frequent words (e.g., 'restorative', 'justice', 'offending', 'victim') made the other distinctive features of a theme less visible. As such, we created a second set of word clouds that excluded these four words from *all* themes. As Figure 2 shows, 'crime', 'harm', 'help', 'process' and 'communication' are now prominent and reflect a better picture of the key characteristics of RJ identified within the documents we received.

Figure 1. Word cloud showing top 100 words in the sample

Figure 2. Word cloud of text, excluding 'restorative', 'justice', offend' and 'victim'.

It is important that the word clouds presented in each theme should not to be considered in isolation from the written analysis. Instead, they are a visual aid to highlight the distinctive use of terminology discussed in the theme.

2.2.2 Visual analysis

For the visual analysis, our approach involved first noting 'manifest meanings' or a description of what we saw, and then exploring latent meanings or the impression that the visual aids produced across the documents. Our step-by-step approach was as follows:

- First, in the *familiarising* stage, we paid particular attention to 1) whether the document we analysed used visuals, and 2) the type of images used (e.g., stock images of people and real-life situations, non-descript cartoon images and animation, logos, symbols and/or icons) in our initial subset of documents. We then recorded our observations into an excel spreadsheet. For example: "*No use of images - just shapes and boxes to control text – very 'clean' and 'informational'*".

- Second, the *categorising* stage involved identifying the use of supra-textual information (e.g., use of colour, formatting, text boxes, quotes, and speech bubbles) and then recording this into our excel spreadsheet as follows:

Type	Images	Logo	Type of logo	Audience	Stats	Text box	Speech bubbles/ Quotes	Colour
Leaflet	N	Y	Police, PCC, & Service	Gen	Y	Y	N SB but Y to Q	Y

- Third, in the *testing* stage, we then applied our coding scheme (e.g., the process outlined in steps one and two above) to the remaining documents in our sample. As a result, three noticeable styles in the use of visual aids emerged across the documents to supplement information about RJ: 1) the exclusive use of logos and quotes from stakeholders, 2) a reliance of images that conveyed real life scenes, settings and/or interactions, and 3) a reliance on stock cartoon or non-descript images and symbols.

- Fourth, in the *refining* stage, we further developed the three identified styles and began the process of categorising them thematically. Specifically, this meant that the first style was initially labelled a 'minimalist' style, the second a 'tailored' style and the third a 'standardised' style.

- Fifth, in the *consolidating* stage, we reviewed all the documents again to ensure consistency of our coding and more deliberately focused on the latent meanings conveyed in the visual aids. This resulted in a change to the descriptive labels applied to some of the identified themes (i.e., the 'tailored' style became the 'indexical' style and the 'standardised' style became the 'symbolic iconic' style.

Ultimately, our five-stage process produced eight columns of categories across the sample, alongside a column with a short analytical profile of the visuals used in each document. The profile included descriptive detail of the visuals used and the ways in which it could be interpreted. This process led to the identification of three themes (or styles of visuals) based on more than 732 coding decisions.

3. Findings

It is important to note the findings are national in focus and do not evaluate how a particular PCC area or a specific service provider communicate what RJ is. This is due to the exploratory nature of the study and our aim to identify the key characteristics of the RJ offer used to explain RJ to the wider public. Where a document is quoted (see 3.1) or used as illustration (see 3.2), it is done to show a wider presence across the sample or to draw attention to outliers. To reinforce this approach, we have sought to de-identify the examples we used as far as possible.

3.1   Textual analysis

Documents often narrate the RJ offer in a linear way, and our themes reflect this approach. This begins with a definition of the concept (e.g., 'conceptualisations of RJ', 3.1.1), then an explanation of the rules and requirements of participation (e.g., 'conditions of participation', 3.2), followed by a discussion of how it works (e.g., 'mechanics of the process', 3.1.3). Consideration is then given to the positive results and experiences of the process (e.g., 'outcomes of participation', 3.4), the ways people can become involved (e.g., 'routes to engagement', 3.5), and finally how service providers portray themselves (e.g., 'conceptualisations of service providers', 3.6).

It is important to note when reading across the themes there may appear to be some overlap, but there is variation according to timing (e.g., concerning a person's current position in their journey through the RJ process) as well as a difference in the way RJ is being discussed (e.g., in abstract or concrete terms). Furthermore, the word clouds provide a visual representation of the most common words associated with that theme and help to elucidate its distinctiveness. As such, they are a visual cue that supports the written analysis in each sub-section to understand how documents communicate RJ to the reader.

3.1.1 Conceptualisations of RJ

The dominant narrative across all documents pertained to what RJ is (N=546). Figure 3 highlights the most frequently used words to outline the key features of RJ to an audience who may be unfamiliar with concept but may already be in contact with the criminal justice system.

Figure 3. Conceptualisations of RJ word cloud (top 100 words, excluding
'restorative', 'justice', offend' and 'victim'*)*

This language coincides with our coding scheme, where we identified two types (or categories) of statements across the theme. The first were explanatory statements about the *nature* of RJ or how it 'should' work in practice, and we can see the prominent concepts 'harm' (e.g., to deal with), 'chance' (e.g., to participate in) and 'crime' (e.g., to respond to) reflected in the written analysis in this subsection.

The second were normative statements about the *purpose* of RJ or, in other words, the goals and aims RJ should achieve. We can see this reflected in the written analysis whereby RJ is constructed as a process that 'helps' individuals by allowing them to describe the 'impact' of the incident, ask 'questions', receive 'answers' and 'move on'.

1. Nature

Roughly 38% of all statements in this theme (N=205) explained how RJ works. All documents describe RJ as a process (e.g., '*RJ is the term used to describe a number of processes that can bring people together who have been harmed by crime*'). This interaction could occur in a range of formats (e.g., '*...through a direct face-to-face meeting, a conversation through their supporter or even via a letter*') and in the presence of more people than the victim person and the offender (e.g., '*It may involve meeting the victim and their family and the people important to you*').

The key defining characteristic of the process is communication (e.g., '*Restorative Justice brings those harmed by crime and those responsible for the harm into communication*'), alongside the ability to articulate the emotional consequences of offending (e.g., '*With restorative justice you will get the chance to explain your feelings*'). As such, RJ is constructed as a 'procedural transformation' whereby both victims and offenders are able to

have a voice (e.g. '*Most of all it allows you to make your voice heard*'), in a way that is meaningful to them (e.g. '*...to make their own choices in communicating their experience*') to find solutions to the incident (e.g. '*This can lead to mutually agreed, positive outcomes for all involved*'). This involves participants:

- discussing the incident (e.g., '*Restorative Justice gives you a chance to communicate directly or indirectly with the other person and discuss what happened*'),
- describing the impact of the incident (e.g., '*It gives someone affected by crime the chance to have their say, explain what the effect was on them*'), and
- getting answers to their questions (e.g., '*Restorative Justice is your opportunity to ask the suspect questions about the offence/crime*').

RJ is often described in 'proximity to CJS' by explaining its relationship to the criminal justice process. This involved clarifying RJ:

- is not a challenge to the criminal justice process (e.g., '*Being involved in Restorative Justice doesn't always mean that those who have caused the harm won't be dealt with by existing criminal justice processes or statutory enforcement, such as going to court, being convicted and receiving a sentence*'),
- does not replace sentencing (e.g., or '*Restorative Justice is not an alternative to sentencing*'), and
- does not routinely affect sentencing (e.g., '*There is no evidence to suggest that sentences are significantly impacted upon as a consequence of Restorative Justice having taken place*').

Rather, RJ is portrayed as a complement to the criminal justice process (e.g. '*...alongside and integrated with criminal justice it can deliver benefits that traditional criminal justice on its own cannot*'), and a means through which to overcome some of its inherent limitations (e.g. '*Many victims feel that the criminal justice system does not give them a chance to get involved*') by giving victims a central role in the process (e.g., '*provide you with a voice in the criminal justice system*').

For those documents directed at practitioners, we noted a tendency to describe RJ as a morally just endeavour, rather than a means to improve key performance indicators (e.g., '*The concept of restorative processes is not about reducing our workload or improving performance by easy detections, it is about "doing the right thing"*'). Previous research has shown RJ has been 'sold' to officers to reduce workload (see Clamp and O'Mahony 2019;

Marder 2020) and while this is still present in our study (see 3.6), under this theme we can see an attempt to reshape the justifications for its use.

2. Purpose

More than two-thirds of statements (N=341) within this theme sought to explain the function of RJ as a justice process. We identified three primary aims or goals as communicated in the documents:

a) Empowerment

RJ is primarily portrayed (N=201) as a way both victims and offenders can have their needs met, which involves asking questions or making statements. Some documents contained ambiguous examples of this, where it was not clear if they were quotes provided by previous participants or constructed by the author to aid understanding:

'Why me'?

'I need some answers'.

'I only wanted an apology for the way that she spoke to me in front of my children'.

'I wish I could tell them how much harm they caused'.

'I wish I could say sorry.'

'I want to make it up to her'.

'I want them to know that they don't need to be afraid'.

'This can't go on like this'.

'Why did they do this to me?'

'I would like to have a say in what they should do to make amends to me'.
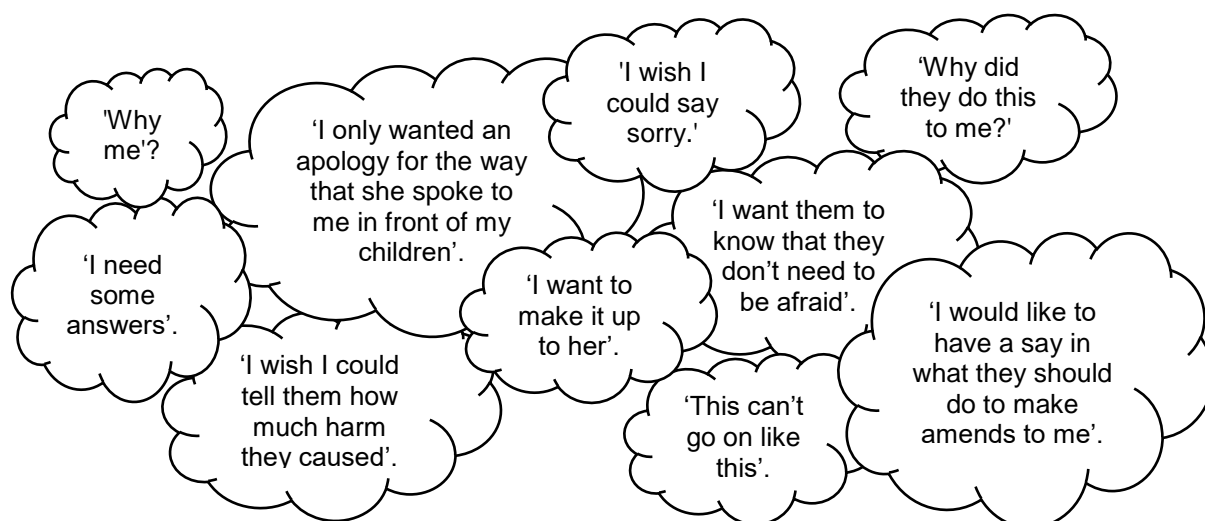
Figure 4. Stakeholder rationales for participation contained in documents

These quotes present RJ as an empowering process because it creates an opportunity for participants to:

- articulate themselves (e.g., '*Puts you at the heart of the process and gives you a voice*'),
- share their story (e.g., '*You could try restorative justice to explain why you did something that caused harm to the victim or victims*'),
- seek clarification from the other party (e.g., '*Get some answers to any questions you may have about what happened*'),

- understand what led up to the incident (e.g., '*for some people who have been affected by crime it helps them to explore why the crime happened*'),
- reach an agreement about how to address the harm caused (e.g., '*...enabling everyone affected by a particular incident to play a part in repairing the harm*'), and
- take steps to repair the harm (e.g., '*RJ gives you the chance to make a real difference to the person to whom you have caused harm and to your family and those close to you*').

b) Healing

A secondary rationale (N=114) for RJ as an approach to crime is made by referencing the ongoing trauma of experiencing victimisation (e.g., '*For some, even though the crime may have been solved, the emotional impacts live on*'). RJ is thus constructed as a process through which participants can gain closure (e.g., '*For many people restorative justice helps to get closure after a traumatic time*'). This occurs by:

- addressing the impact of offending (e.g., '*RJ facilitates some form of communication between a victim and offender to hopefully address the feelings and consequences that have arisen from the offence*'),
- reaching an agreement on activities to repair the harm caused (e.g., '*agree on what they should do to make things better*'), and
- taking positive action (e.g., '*It also creates opportunities to find ways in which those who have caused the harm can make amends for what they have done*').

For victims especially, the documents constructed RJ as a process that will address the negative emotions and stress caused by crime and, in doing so, allow them to 'recover'. This occurs because the process allows them to:

- engage with those responsible for the harm caused (e.g., '*For many victims meeting the person who has harmed them can be a huge step in moving forward in recovering from the crime*'),
- understand why the incident occurred (e.g., '*For some people who have been affected by crime, it helps to explore why the crime happened*'), and
- regain a sense of control over the situation (e.g., '*...come away feeling better because it has allowed them to have their say and able to move on*').

Some documents suggest RJ can respond to serious adverse consequences of victimisation (e.g., '*This can also help with post-traumatic stress*'). Often, this is supplemented by quotes

from victims (e.g., '*"Leaving the meeting it was like a great black cloud had gone from over me"*') to provide further support for the effectiveness of the process in dealing with trauma.

Documents directed at offenders made it clear the process was not only for the benefit of victims, but offenders could also experience positive results from participation (e.g., '*the process of Restorative Justice not only helps those who have been harmed, it can help you too*'). These benefits arise from:

- discussing why the incident occurred (e.g., '*it helps offenders to explain their actions*'),
- understanding the consequences of their actions (e.g., '*Offenders who have taken part in restorative justice have said that the experience helped them to understand how their actions affected others*'), and
- taking steps to repair the harm (e.g., '*and to feel that they have done something positive*').

The documents claim this will '*enable them to deal with the feelings of guilt or remorse*'. Thus, RJ is constructed as an opportunity for offenders to tackle negative consequences of offending behaviour (e.g., '*...move forward from the isolating effects of crime or conflict*') and to move on (e.g., '*You can use your positive outcome for yourself, your family and your victim*'). Quotes from offenders reinforce these claims by showing they want to engage in a process to repair the harm caused (e.g., '*"I want to make things right if I can"*') and to take responsibility for their actions ('*"If I had the chance to apologise, I would"*').

By playing an active role in dealing with both the causes and consequences of the offence/incident, RJ aims to:

- aid recovery (e.g. *People who have participated in restorative justice have reported that it has been an empowering experience which allowed them to feel more in control of what happened to them*),
- so all parties can move forward (e.g. '*and where any harm caused can be repaired, enabling lives to be restored*').

c) Consequences of participation

Finally, almost a fifth (N=61) of the statements referred to the aims of RJ that were beyond the immediate process itself (e.g., '*These interventions are focussed on making things better*

in the future'). First, frequent reference to participants' positive experience of the process formed a key rationale for why people should consider RJ and then participate in it ('*Evidence shows that most people who take part in a Restorative Justice process come away feeling satisfied because it has allowed them to have their say*'). This did not mean the process would be easy (e.g., '*Hearing about the effect that your actions have on others might be hard to hear*'), but this discomfort is framed as necessary to gain insight into the impact of one's actions (e.g., '*Taking part in a restorative meeting can also help you to fully understand the harm that has been caused*').

Second, the documents construct RJ as an effective way to tackle recidivism because these insights facilitate reflective thinking (e.g., '*it has helped them to change the way they feel and think about others*'). This could result in attempts to address offending behaviour in active ways (e.g., '*This might include addressing the issues in their life that led them to commit the crime*').

Third, the documents present RJ as a means to provide a sense of security and belonging by:

- reducing fear of further victimisation (e.g., '*feel less fearful of becoming the victim of further crime*'),
- providing assurance that the offender will not engage in the same behaviour again (e.g., '*Families also want reassurance that your offending will stop while victims want to know they are not likely to be harmed by the same person*'), and
- developing a deeper sense of community (e.g., '*Restorative practice supports and encourages participants to feel part of the wider community*').

Issues to note

We identified three issues when analysing the data for this theme. First, while the documents generally constructed the aims of RJ positive terms, we noted a punitive undercurrent in some of the documents. We noted readers could interpret RJ as:

- a confrontation (e.g., '*Imagine being able to have contact with the person who committed a crime against you, your family or someone you know*'),
- an opportunity to dominate offenders (e.g., '*A restorative process holds the offender directly accountable to their victims*'),

- a process that does things **to** offenders (e.g., '*Restorative Justice can be beneficial to offenders because it **forces** them to address the impact that their criminal behaviour has had on victims and others*', **emphasis** added),
- a means to achieve specific outcomes (e.g., '*get an apology*'),
- a process that is guaranteed (e.g., '*RJ means that you have the chance to not just to say sorry and feel sorry, but to do something about it*'),
- an approach that has a hierarchy of concern (e.g., '*Whilst there are clear and documented benefits for offenders and the community at large the Restorative Justice Service is focussed on the identified needs of the victim*'), and
- a means to an end (e.g., '*It can also be used as an effective tool to rehabilitate offenders post-conviction*').

Adversarial approaches are often a zero-sum game when considering the relationship between victims and offenders within the criminal justice process and we can see this reflected in how these sentences have been constructed. It is important to take care with the language used to ensure this does not depart from RJ's core aims and values and/or readers do not interpret their meaning in unintentional ways.

Second, some documents placed an unreasonable onus on victims to engage in RJ to prevent others from experiencing victimisation by the offender. Documents articulated this as an:

- outcome of the process (e.g., '*Through this process, you may be able to influence the offender's behaviour, thereby helping reduce the potential of further crime and other people becoming victims*'), or
- explicit reason why victims should engage in RJ (e.g., '*Help to prevent the same thing happening to somebody else*').

This approach has the potential to revictimise because it has the unintended consequence of responsibilising those who have experienced crime, for the future behaviour of their offenders and thus, those harmed by them. This supports critiques from some scholars that RJ can be co-opted within the criminal justice realm and that 'there has been a tendency to use victims in the service of severity, in the service of offenders, which broadly amounts to a form of victim prostitution' (Ashworth 2000: 186).

Third, some documents were written in a way that expectations could exceed what is certain. For example, we noted the construction of RJ as a meeting that can have a significant

16

impact for those who participate (e.g., '*Sometimes those meetings lead to transformational changes in their lives*') because it can:

- deal with the consequences of crime (e.g., '*Restorative justice can help you if you have been a victim of crime*'),
- prevent future offending (e.g., '*Increased safety as RJ has been found to reduce repeat offending*'), and
- stimulate change in offenders ('*It has the potential to motivate them to change and become responsible, law-abiding, productive members of society*').

This can be true, but it does not acknowledge some victims and offenders have felt worse following participation. This occurs when:

- victims are being used to hold offenders to account,
- offenders do not want to participate which leaves the victim feeling they continue to have power over them,
- the participants are not emotionally ready, and/or
- the experience is not that transformative, and the individual starts to wonder what is wrong with them (Batchelor 2018).

This can lead to revictimisation and create more harm, which is the antithesis of RJ. As such, Batchelor (2018: 4) argues we should be more honest about the potential limitations of RJ from the outset because there is value in going through the process without foregrounding its transformative appeal:

> *Hearing about setbacks can equip a participant to cope, if their own process doesn't go to plan. It can reassure them that it's not a personal failing, and that there are many potentially positive outcomes that can arise along the way.*

RJ practitioners know the preparatory phase often fulfils the needs of participants to develop effective coping mechanisms, regardless of whether the face-to-face meeting occurs. We would thus recommend a more considered approach concerning the claims made about RJ and a careful crafting of the statements on informational materials read and used by members of the public and criminal justice practitioners.

3.1.2 Conditions of participation

An important feature of the documents we analysed was information about the rules and requirements that shape and regulate participation in RJ (N=225). This theme was smaller

and less complex than the previous theme because it focused on communicating both the conditional and optional aspects of RJ. Figure 5 shows the keywords associated with this theme.

Figure 5. Conditions of participation word cloud (top 100 words, excluding 'restorative', 'justice', offend' and 'victim')

We divided this theme into two key categories. The first were statements about the *pre-requisites* or criteria needed to be met prior to participation in the process (i.e., 'involvement' must be 'voluntary'). The second were statements about the *agency* individuals have when they participate in the process (i.e., offenders must 'want' to 'take' 'responsibility' or participants must 'want' to 'communicate' or 'meet').

1. Pre-requisites

More than a third of the statements in this theme (N=75) communicated the non-negotiable requirements of the RJ process. These were:

- the voluntary nature of the process (e.g., '*Both the victim and the offender must be willing to participate*'),
- the safety of all involved (e.g., '*…it has to be safe for both the victim and the offender to be involved in the process*'), and
- a willingness to engage with the other party to find a resolution (e.g., '*...and involve participants being willing to use communication to find a way forward*').

In addition to these requirements, there were specific criteria for stakeholders in the process. For example, for the offender this includes:

- admitting guilt (e.g., '*Restorative Justice can only take place in cases where someone has admitted guilt or been found guilty of a crime*'),

- accepting responsibility for the harm caused (e.g., *The offender must take some responsibility for the wrongdoing*'), and

- demonstrating remorse (e.g., '*The offender must acknowledge the harm caused by their actions and demonstrate a willingness to repair the harm*').

In relation to the 'qualifying aspects' of the case, we observed several variations. First, concerning suitable crime types, some documents listed no restrictions (e.g., '*Any criminal offence can be considered for the RJ process*'), and made it clear RJ is available:

- at all stages of the criminal justice process (e.g., '*RJ should be accessible to all crime victims, at any stage during the Criminal Justice System; inclusive of offence type*'),

- at any point following the incident (e.g., '*RJ is not time limited - it can be for historic offences too*'), and

- for those incidents not considered criminal in nature (e.g., '*Suitable for community and family conflict*').

Other documents noted specific exclusions (e.g., '*except in cases of domestic abuse, child abuse, and sex offences*') and crimes of focus (e.g., '*It is used in incidents of complaints against the Police'* or *'If you have been a victim of fraud*').

Second, some documents linked suitability to primary victims (e.g., '*You are suitable because you have committed an offence with a personal victim*'), whereas others extended their service to all secondary victims (e.g., '*Victims of crime include family members, witnesses and anyone else affected by the crime*'). Yet some documents made it clear being a victim was not satisfactory on its own (e.g., '*As a victim of crime, you **may** be able to take part in Restorative Justice*', ***emphasis*** added).

For documents directed at practitioners, they provided further detail about force policy (e.g., '*Restorative Justice is used for more serious crime (not ASB) or more complex situations as defined by the AMBER or RED sections of the RAG assessment*') and the requirements to make a referral (e.g., '*If the case is AMBER or RED and receives the necessary authority from a sergeant or inspector*'). There was also information about:

- discretion in decision-making (e.g., '*You have the freedom to deal with cases appropriately in accordance with the victim's wishes provided all the circumstances are right, e.g., the crime or ASB is one that can be dealt with using Community Remedy or Restorative Justice*')

- the types of offences that were suitable (e.g., '*Community Remedy can be used to deal with conflict wherever it arises, for example neighbourhood disputes or anti-social behaviour*'),
- expected outcomes (e.g., '*Some form of remorse, apology, reparation, or compensation by the perpetrator will be required when applying the restorative processes*'), and
- exclusions (e.g., '*It may be that the case is too serious to warrant a restorative process, or the offender has had too many Community Remedy or RJs before, or their offending history shows that this type of disposal is likely to have little impact on their offending*').

There were also clear prompts for practitioners to consider when assessing a case for RJ (e.g., '*Listening to people's needs is a good way of identifying if they would benefit from Restorative Justice*'). When dealing with victims, this includes looking for:

- a desire to explain the impact of the offence (e.g., '*I want to tell them how it affected me and my family*'),
- wanting answers to questions (e.g., '*Would they like to know why the offence took place?*'),
- evidence of contrition (e.g., '*Would they like an apology from the offender?*'), and
- needing to know the offender will not repeat their actions (e.g., '*Would they like reassurance from the offender to satisfy themselves that the crime won't happen again?*').

When dealing with offenders, this includes looking for:

- a desire to explain why the offence occurred (e.g., '*Indicate that they would like to provide an explanation to the victim or a family member as to what happened or why it happened?*'), and
- evidence of remorse (e.g., '*They may want to apologise for what they have done*').

2. Agency

More than two-thirds of the statements in this theme (N=149) explained the process of decision-making from the point at which participants decide to engage, to the speed at which the process progresses, to the ability of participants to decide to stop participating at any stage of the process and finally, to the nature of their engagement. The priority here is

empowering individuals to make decisions about how, when and if to participate and responding to their needs.

First, while a willingness to participate is a mandatory criterion for RJ, documents also made clear this decision was <u>solely</u> at the discretion of those involved (e.g., '*Restorative Justice is always voluntary – you do not have to take part*'), requiring the 'initial consent' of the:

- victim (e.g., '*Restorative Justice is a voluntary process which offers you the opportunity to potentially communicate with the offender to address any harm caused*'), and
- offender (e.g., '*If the victim decides to take part in the Restorative Justice process, then it is completely your decision as to whether you want to be involved*').

Even so some documents highlighted the facilitator would also need to agree RJ is appropriate for all concerned before a meeting could occur (e.g., '*If you, the offender and our team member all agree that it's right to arrange a meeting then we will organise that*'). Where the facilitator believes the case is suitable, it is clear initial consent would not be binding (e.g., '*There is no obligation for you to progress to a restorative outcome*'), and even where participants had agreed to participate, they were able to change their mind at any point (e.g., '*You can change your mind at any time, including opting in or out*).

Those documents directed at practitioners not only stressed consent was necessary (e.g., '*Restorative Justice has to be voluntary for both victims and offenders*'), they also explained what should occur where one or both parties did not want to participate (e.g., '*This is purely a voluntary process which both parties must agree to. If neither party agrees, an alternative disposal should be sought*'). Where participants agree to proceed, these documents also outlined the:

- steps for making a referral (e.g., '*You must have the consent of the individual involved to share their contact details with the service*'), and
- additional requirements when the process involves minors (e.g., '*If either the victim or the offender is a juvenile, [we] will also need the parent/guardian details*').

Second, while the facilitator manages the process (e.g., '*The facilitator will arrange the communications at a pace everyone is okay with*'), documents outlined they would take their cues from participants about:

- the expectations they bring into the process (e.g., '*we will start with finding out what you would like to do and agree to a course of action*'),
- how they would like to engage with each other (e.g., '*After this you will be able to decide whether you want to meet or communicate with the other person*'), and
- the pace at which they would like to proceed (e.g., '*We will only progress if and when everybody is ready*').

Third, there was also some reference to RJ not being time-bound (e.g., '*You can ask to participate in Restorative Justice at a time that is right for you*'), and that it did not have to involve a meeting (e.g., '*Taking part in restorative justice doesn't mean that you have to meet the other person*' '*RJ need not be face to face*'). Rather, participants were in control of:

- the nature of their engagement with the other party (e.g., '*How much you want to be involved is down to you*'),
- whether they involved loved ones in the process for support (e.g., '*Be willing to think about whether to include people in this process who are important in your life*'), and
- when they get involved (e.g., '*Restorative justice doesn't have to take place straight after a court case, it is available any time you're ready*').

<u>Issues to note</u>
Given the Code outlines the current commissioning model and rationale for offering RJ across the country, we found it surprising that only one PCC area made explicit reference to it (e.g., '*Under the Code of Practice for Victims of Crime you are entitled to Receive information about Restorative Justice and how you can take part. Additionally, victims are entitled to be offered the opportunity to take part in RJ as part of the Code of Practice for Victims of Crime*'). Reference to the rights victims have may help readers to understand the context in which RJ is being promoted, thereby creating further legitimacy for the process.

While consent was a key feature in this theme, only one reference was made to 'informed' consent (e.g., '*You will be given as much information as you need to make an informed decision about taking part*'). Asking participants if they want to participate is important (i.e., for their consent), but ensuring they have a sound understanding of the risks, benefits, and alternatives to participating in RJ (i.e., informed consent) means the decision occurs after consideration of all the facts. This links to the previous discussion of Batchelor's research, where facilitators should discuss potentially negative experiences or outcomes prior to the process starting to protect participants from further harm.

3.1.3 Mechanics of the process

It is evident that an important aspect of these documents is to help people to understand how the RJ process works, given the statements in this theme comprised more than one fifth (N=310) of all material transcribed. This practical information is distinguishable from the definitional or abstract aspects of the documents (e.g., theme 3.1) and the requirements for participation (e.g., theme 3.2) as Figure 6 shows:

Figure 6. Mechanics of the process word cloud (top 100 words, excluding 'restorative', 'justice', offend' and 'victim').

The documents tended to explain how RJ worked from start to finish, with an emphasis on the preparatory phase to help elucidate how the process would work for those who may not have heard of the concept before. We divided this theme into those statements that tended to explain 1) the *arrangements* that need to be made during the process (e.g., 'safe', 'support', 'opportunity'), 2) the nature of the *interactions* amongst stakeholders and the facilitator/s during the process ('communication', 'meeting', 'questions', 'ask'), and to a lesser extent 3) the *ethical considerations* that guide the process.

1. Arrangements

Most statements (N=220) in this theme related to the arrangements made in the preparatory phase and for the meeting. Across the documents, the role of the facilitator (e.g., '*A Restorative Justice co-ordinator will always be assigned to the case to guide the customer through the process and explain clearly how we can help*') and their relationship to criminal justice practitioners (e.g., '*They work alongside the police, local authority or housing provider and will be with the customer every step of the way*') was clear. We identified three principal

practical considerations and guiding principles for delivery in the documents: safeguarding, rules, and support:

    a) Safeguarding

The largest consideration was 'safeguarding' (N=94) which encapsulates all the assessments and activities undertaken by the facilitator to protect participants from further harm. This involves an initial discussion to determine whether RJ is:

- suitable for the case (e.g., '*After you are referred, someone will contact you to discuss the process and ensure that a restorative outcome is suitable (this will be explained to you)*') and
- the right option for the participants (e.g., '*A trained facilitator will talk with you to see if you are ready, willing and suited to Restorative Justice*').

Thus, the role of the facilitator is clearly stated as one of support (e.g., '*they will help you feel safe, at ease*') and oversight (e.g., '*Your facilitators will ensure that any communication is supervised in a way which is both safe and likely to meet your needs*').

The documents stated that for a restorative process to proceed, the facilitator must decide it is appropriate to do so (e.g., '*only takes place if a trained facilitator decides that it would be safe and suitable*'). Undertaking this assessment involves answering the following questions:

    a. '*Do either of the parties deny any involvement?*
    b. *Do either of the parties show attitudes or intentions which could lead to harm?*
    c. *Are there other issues that could hinder attempts at restorative justice, e.g., mental health, substance misuse?*'

The outcome of the risk assessment could have an impact on the format of communication. A facilitator may decide to replace a face-to-face meeting with another type of communication, where it would be safer for both parties (e.g., '*If a meeting can't go ahead both parties will have the opportunity to consider alternatives such as indirect communication in the form of a letter, a recorded message or through shuttle mediation for example*'). Where face-to-face meetings do occur, the facilitator must identify:

- a suitable location for the meeting to take place (e.g., '*It will be held in a neutral, safe place*'), and

- the needs of the individuals involved (e.g., '*Thorough assessment of individual support needs and requirements, following the impact of crime*').

Safeguarding assessments continue as the case progresses and is not limited to an initial vetting of suitability (e.g., '*Each step is risk assessed to make sure that everyone is, and feels, safe*').

b) Rules

More than a third of the statements in this category (N=77), communicated the 'rules' that guide the process, with two priorities noted. First, the primary role of the facilitator is to ensure participants are '*fully prepared*' for the process. This involves:

- meeting with each of the parties (e.g., '*Trained Restorative Justice facilitators will arrange to meet with you and the victim separately*'),
- providing an opportunity to discuss the incident (e.g., '*Help you both to talk about what happened. Help you agree how the harm or upset can be put right*'),
- securing agreement about how the parties want to engage with one another (e.g., '*Your facilitator will discuss how you would like to communicate – face-to-face or by another method, such as writing letters*'), and
- ensuring the parties are aware of the arrangements of the process (e.g., '*you will be part of the planning of this meeting and will know in advance who else will be there*').

It is important to note, while facilitators are responsible for making final decisions about the extent and nature of the interaction between parties, some documents stated participants would have some agency or choice throughout the process where it was safe. This included:

- the nature of engagement (e.g., '*You do not necessarily have to meet the person directly and the process is led by you as the victim*'),
- ongoing consent to be involved (e.g., *RJ is a voluntary process for all involved and either you or the offender can change their mind at any time*'), and
- the timing of the process (e.g., '*This will be done at the right time for both parties*').

There was a different approach for those documents written for practitioners, which covered the rules:

- practitioners needed to follow (e.g., '*Officers need to take each case on its merits and by using the RAG assessment and flowcharts, apply their professional judgement to do the right thing for the Victim, Offender and Community as a whole*'), and
- those that guide the interaction between the service provider and those practitioners who refer into the service (e.g., '*All referrals will be acknowledged, and you will be kept up to date on the progress of the case*').

Second, there were frequent clarifying statements about:

- the relationship of RJ to the CJS (e.g., '*The Restorative Justice Service is completely independent of the Criminal Justice System*'),
- the stages RJ can occur (e.g., '*RJ can be at any stage of the criminal justice process – it is not instead of a criminal punishment but can run alongside other criminal justice processes (e.g., Community or custodial sentence')*),
- the timing of RJ in relation to sentencing (e.g., '*If a case has gone to court, we will wait until sentencing has happened before we begin the process*'),
- the agency victims have over the timing of any communication during the process (e.g., '*The victim will also be asked if they would like any meeting or other communication to be soon, before you are sentenced, or later*'), and
- the time limits of RJ in relation to the offence (e.g., '*Restorative Justice can happen at the time which is right for you irrespective of when or where the crime occurred*').

The documents explained how the RJ process would work in relation to the criminal justice process (e.g., '*If they say that they would like some communication with you soon, and if you plead guilty when you come to Court, the same facilitator will then make contact with you*') and what would happen if an offender was already in prison and all parties agreed to meet (e.g., '*If you're currently in custody this will be in a custody setting*').

Documents also provided information about the formal nature of agreements arising from meetings between the parties (e.g., '*Any agreed outcome should have a written action plan, continuous opportunity for written comment to be provided, an outcome letter detailing explanation/ understanding, apologies where relevant and identified learning/prevention*'). Where this occurred before the criminal justice process ended, the court would receive information about the outcome (e.g., '*If Restorative Justice takes place prior to you being sentenced, then a report from your facilitator on what happened, what was agreed and what the victim thinks and feels will be submitted to the court for consideration by the judge or magistrate*'). Nevertheless, the documents made clear the agreement would not influence

the outcome (e.g., '*There is no evidence to suggest that sentences are significantly impacted upon a successful completion of RJ having taken place*') because of judicial discretion (e.g., '*The Judge or the Magistrate are the only people who can decide on the appropriate sentence for the crime that you have committed*').

c) Support

Just under half of statements outlined the 'support' (N=49) on offer to participants and included:

- those tasks undertaken to ensure the process reflects the wishes of the participants (e.g., '*They will work closely with you to make sure that the process works best for both you and the victim*'),
- how the meeting will be facilitated (e.g., '*If you choose to take part you will be supported by trained RJ practitioners who will support you through the process*'),
- the other ways participants can receive support during the process (e.g., '*You will be welcome to bring a friend or family member with you to support you, and the offender can do the same*'), and
- the role of criminal justice practitioners (e.g., '*They will also work with the facilitator to make sure they know how to help you at every step*').

As such, the primary actors central to fulfilling a supportive function during the process are the facilitator/s involved in the case (e.g., '*If you choose to take part you will be supported throughout the process by a trained independent practitioner*'), although some reference was also made to loved ones in a supplementary capacity (e.g., '*You can involve a friend, family member or professional for support*').

A central aspect of the facilitator's role involves identifying the needs of participants at the beginning of the process (e.g., '*Our team will talk to you about what other support you might want*') and for signposting participants to other support services where this falls outside of the remit of the RJ provider (e.g., '*and advise them of any additional support available*'). Yet most documents constructed facilitators as being able to meet the needs of all those involved at a range of levels:

- personally (e.g., '...*give you the help you need*'),
- procedurally (e.g., '*Your restorative justice facilitators will be there to support and guide you throughout the process*'),

- emotionally (e.g., '*they will help you feel at ease*'), and

- psychologically (e.g., '*and fully prepared*').

Facilitators are responsible for making initial contact with the parties (e.g., '*A trained facilitator will meet with you to talk through what has happened*') and ensuring they have all the information they need to make an informed decision about whether to participate (e.g., '*...to ensure all parties are fully supported and informed, to make the best decision in how they wish to proceed*'). The documents acknowledged there will be instances where this does not occur (e.g., '*in some cases it will be clear to the officer that this is not the right thing to do and an alternative solution should be sought*') and facilitators will work in the best interests of all involved (e.g., '*and facilitators will work with you to ensure the most appropriate and safe way to address your case*').

Overall, facilitators are responsible for:

- ensuring the process progresses at a pace everyone is comfortable with (e.g., '*The facilitators will take their lead from you*'),

- ensuring RJ happens at an appropriate time (e.g., '*If you are not ready now, that doesn't mean you can't access this service at a later date*'),

- making the arrangements for communication to happen (e.g., '*Our facilitators will meet with everyone involved in the crime and a decision of how to proceed will be made (direct or indirect)*'),

- overseeing communication during the process (e.g., '*Facilitator's will sit in with the harmer and harmed*'),

- ensuring the safety of all involved (e.g., '*Our practitioners will guide the meeting to make sure everyone will be given the opportunity to have their say in a safe way*' and '*You will never be left alone with the offender*'), and

- supporting any agreed outcomes to come to fruition (e.g., '*They will help you to prepare to meet the victim or support you with any other activity such as writing a letter of apology*').

2. Interactions

Just over half of the statements in this theme (N=166) outlined the nature of the *interactions* between participants and the facilitator and those between participants during the process. Most documents stressed the most important consideration is the needs of all parties (e.g., '*the process is focused on the needs of individuals involved*'). Even so, in some documents,

it was clear a hierarchy of concern existed (e.g., '*...puts the needs of victims first*') and where a conflict arose about needs, the victim would be the main concern (e.g., '*In most cases this will mean following the wishes of the victim*'). This would align with practice in those areas that only take victim-initiated referrals (see Clamp and O'Mahony 2019; Clamp 2021).

Communication between the facilitator and participants involves 'explanations' of the process from the preparatory phase, to how communication between parties works, and any follow-up after the process has ended. Concerning initial contact, communication between the facilitator and each individual person would comprise:

- descriptions of the process (e.g., '*They will explain how it works*'),
- opportunities to address any uncertainties (e.g., '*Initially you will meet with a Restorative Justice facilitator to discuss...any questions and concerns you may have*'), and
- an exploration of the expectations participants carry into the process (e.g., '*...as well as what you hope to get out of it*').

The next step is substantive and focuses on the incident and its consequences. For victims, this includes a discussion of:

- the impact of the incident (e.g., '*A trained facilitator will contact you in the first instance to talk through what has happened and the impact this is having or has had on you and your life*'),
- what could help to repair the harm caused (e.g., '*...and to listen to what you think needs to happen to make things right*'),
- whether they would like to communicate with the perpetrator (e.g., '*...and explore if you would like the opportunity to communicate with the person who has caused you harm*'),
- what will happen if a meeting goes ahead (e.g., '*an opportunity for you to discuss with the facilitator what to expect when meeting with the person who committed the offence*'),
- the alternative formats communication could take (e.g., '*If another type of communication is more suitable your facilitator will help with this*'),
- potential outcomes (e.g., '*They might apologise for what they have done and agree on what they should do to make things better*'), and

- the 'support' on offer should the other party not want to participate (e.g., '*if the offender decides they do not want to communicate with you, our team will talk to you about what other support you might want*').

For offenders, this involves a discussion about:

- the incident (e.g., '*The facilitator will talk to the offender about what has happened*'),
- insight into the harm caused (e.g., '*The facilitator will talk to the offender about what has happened and find out about the offender's understanding of the harm they caused*'),
- the type of communication they would prefer (e.g., '*The offender will then be asked if they would like the opportunity to meet you or have some other type of communication with you*'),
- potential outcomes of the process (e.g., '*You might apologise for what you have done, and can agree with the person you have harmed what you can do to personally make things better for them. That might include addressing the issues which led you to commit the crime*'), and
- if they would like more support where communication involves a face-to-face meeting (e.g., '*If you meet the victim, the trained person will ask you if you would like to bring a friend or family member with you to the meeting*').

Where the case proceeds to direct communication between the parties, the facilitator will provide 'explanations' of:

- the purpose of the discussion (e.g., '*to discuss the harm that has been caused*'),
- rules during the process (e.g., '*During the meeting, everyone will have the opportunity to speak*'),
- the duration of the meeting (e.g., '*Each conference can last for 1-2 hours, but shorter meetings can be arranged if appropriate*'),
- what happens at the end of the discussion (e.g., '*An outcome agreement is normally drawn up at this stage, with both parties agreeing what will be done*'), and
- any follow-up procedures (e.g., '*We may also contact them in future to see if Restorative Justice has made any lasting change*').

During a meeting, the communication between the victim and offender mirrors the discussions in the preparatory phase with the facilitator, including:

- providing insight into the impact of the incident (e.g., '*to discuss the effects of their actions, the impact they have had*'),

- explaining why the incident occurred (e.g., '*explaining what issues in your life led you to commit that crime*'),

- responding to queries (e.g., '*This could simply be answering questions they have*'), and

- agreeing a way forward (e.g., '*to collectively decide on a response to a particular crime*').

Regarding outcomes of the process, we noted variation in the amount of emphasis placed on this. Some documents were clear this could emerge as part of the process (e.g. '*You may come to a voluntary agreement with the victim to further repair the harm in some way, but that will not be a requirement of the process*'), whereas others referred to 'apologies' as a potential outcome for the victim (e.g. '*It may result in the offender offering you a letter of apology*') or something practitioners could secure on behalf of victims (e.g. '*This apology could either be to the victim, or to the officer if the victim does not wish to have face-to-face contact*').

3. Ethics

Finally, the documents contained what we have termed *ethical considerations* that identified several guiding principles for practice. Yet, it is important to note this was an exceptional feature. Across the 61 documents we received, only 8 statements addressed ethical considerations as reflected in the Code. For example, one document highlighted that in using their powers, officers must base their decisions on particular values (i.e., '*the force's values of Integrity, Respect, Responsibility, Performance, and Innovation*'), while others identified guiding principles of the process to be 'fair' (e.g. '*All participants - the harmed person, the harmer and their supporters - are treated equally and fairly, with dignity and respect*') and respectful of participants' perspectives (e.g. '*Your views will be respected*'). As such, this suggests ethical considerations are peripheral to the process rather than integral to it.

<u>Issues to note</u>
Some documents attempted to clarify what concepts meant with varying degrees of success. We observed:

- clear descriptions of a term (e.g. '*RJ Conference: It is a meeting led by a trained facilitator*'),

- an attempt to clarify what a process is without actually explaining how it works (e.g. '*Facetime/Skype – Facilitator can arrange for harmer and harmed to talk through social media*'),

- unnecessary elaboration (e.g., '*Letters – Facilitator arranges for both parties to exchange letters*'), and

- an explication of a concept that was wrong (e.g. *Reintegration – a chance for both people to speak to each other informally, if they wish*').

Many documents referred to apologies. While acknowledging this may be a common feature of successful restorative processes, Braithwaite (2003: 13) argues facilitators should not expect apologies because 'if we try to make them happen, they will be less likely to happen in a meaningful way'. The risk here is that an offender feels they must apologise, and the victim does not perceive the apology to be heartfelt. This can lead to significant dissatisfaction with the process, despite a good experience in other respects.

3.1.4   Outcomes of participation

All documents we read contained statements about the positive results arising from RJ and positive subjective experiences of participating in RJ (N=129). These conveyed two functions, to: (1) *legitimise RJ* as a justice mechanism, and (2) demonstrate the *positive consequences* of participating in RJ.

Figure 7. Outcomes of participation word cloud (top 100 words, excluding 'restorative', 'justice', offend' and 'victim').

Figure 7 highlights a distinctive use of wording across the documents to show RJ is an effective process for participants (e.g., 'satisfied', 'reduces', 'evidence', 'satisfaction', 'research') and participants felt the process was a good thing to do (e.g., 'helped', 'feel', 'take' [part], 'move', 'experience', 'understand').

1. Legitimising RJ

Around half of the statements (N=65) drew attention to the value of RJ as a justice process. They were often supported by 'evidence' using empirical data or unsubstantiated claims about the benefits of participation presented as 'fact'.

a) Use of statistics

We noted two broad uses of statistics. First, some documents drew on government statistics to show reductions in recidivism (e.g., '*Reoffending reduced by 14%*', N=9) and high levels of participant satisfaction (e.g., '*85% of victims who have participated in Restorative Justice would recommend it to others*', N= 21). In respect of the latter statistic, some elaborated on why this might be the case (e.g., '*because they have had their say, because it has helped them move on from what has happened, and because the experience has reduced their fear of crime*'). Where documents contained this explanation, it made it clearer to the reader how those outcomes occur.

Second, some documents contained data from evaluations of their local service. This consisted of:

- participant satisfaction with the process (e.g., '*Where a conference has taken place, over 94% are satisfied with the outcome*'),
- victim satisfaction with the service (e.g., '*98% of victims who accessed our services were very or mostly satisfied*'),
- offender satisfaction with the service (e.g., '*99% of offenders who accessed our services were very satisfied*'),
- a willingness to endorse the process (e.g., '*78% of offenders would recommend RJ to others*'), and
- the traditional criminal justice approach (e.g., '*Customer satisfaction is 23% higher when compared to a traditional approach to tackling anti-social behaviour*').

b) Broad claims

These included statements about RJ without reference to statistical data. At times, these were generic in nature, indicating:

- wide-ranging benefits (e.g., '*Government research, along with success stories, proves that Restorative Justice can benefit a wide range of victims and offenders*'),
- RJ was a common approach for serious offending (e.g., '*Many offenders, including people in prison, have taken part in restorative justice*'), and
- RJ was common in day-to-day life (e.g., '*Restorative processes are increasingly being used in schools, care homes and the wider community*').

There were also more specific claims about the benefits for each stakeholder. In respect of offenders, these were that the process would enable them to:

- feel empowered (e.g., '*to feel that they have done something positive*'),
- overcome negative emotions (e.g., '*to deal with feelings of guilt or remorse*'),
- gain insight ('*understand how their actions affect others*'), and
- take positive steps to respond to the harm they have caused (e.g., '*repair harm*').

Those statements about the benefits for victims included:

- making them feel like they mattered (e.g., '*Victims who have participated in Restorative Justice have reported that it has been an empowering experience giving them a voice*'), and
- being able to put the incident behind them (e.g., '*regaining control of their lives*').

Statements like this conveyed a general acceptance of, or irrefutable basis for, the benefits of RJ without demonstrating how or why these outcomes occur.

2. Positive consequences

Almost half of the statements (N=63) reflected the narratives of participants to convey the *positive consequences* of participating in RJ. We coded these subjective benefits as having an impact at three levels:

a) 'Cognitive impact'

More than a third (N=21) conveyed personal reflections about the experience of participating in a restorative process, including an assessment about why restorative justice works. The key message is RJ is '*a good thing to do, and fair*'.

For victims this involved:

- being able to understand why the incident occurred (e.g., '*getting answers to my questions and find out more about the individual and their motivations*'),
- gaining a sense of vindication (e.g., '*When we spoke, I told the offender how his crimes impacted my whole life*'), and
- observing remorse (e.g., '*It was important for me to know that the person who burgled my house was sorry for what they had done*').

Being granted the opportunity to do this meant there were personal benefits on offer to victims (e.g., '*Psychologically, I feel better*') because they were empowered (e.g., '*my voice was heard*'). In other words, being able to understand 'why' enabled victims to 'move on' (e.g., '*It's not about forgiveness. It's about understanding and being able to accept what's happened*' / '*it has given me peace of mind*').

For offenders, the benefits were often related to:

- an increased awareness of the consequences of their behaviour (e.g., '*What I took wasn't just possessions. It was security and happiness – all I left was fear, paranoia, and devastation*'),
- an opportunity to reflect on their actions (e.g., '*The thought of it terrified me. Prison was never a problem to me but for the first time in my life this has made me really think*'), and
- an opportunity to do something positive for their victim (e.g., '*I remember everything about what happened that's why I feel so bad about it all. I want to say sorry. I didn't intend to scare her, if someone had done that to my family, I would have gone mad. I don't want her to keep feeling worried. Meeting her will be the hardest thing I have ever done, including going to jail*').

We observed a tendency for some service providers to draw attention to the importance of sharing one's story because of the potential role this would play in reducing recidivism, as reflected in 3.1 (e.g., '*RJ has the potential to help rehabilitate offenders and support them in addressing their offending behaviour*'). We know from victimological research that victims are often motivated to prevent others from experiencing the same harms they have (see, for

example, Clark 2010; Cross 2018), and that both victims and offenders agree to take part for the benefit of the other party (Shapland *et al.* 2007). As such, it is not surprising to see these types of statements in some of the documents we analysed.

b) 'Emotional impact'

The overriding emotional benefit of participating in RJ related to achieving a sense of 'closure' and regaining 'control' over one's life (N=34). This resulted from sharing one's experience in a supportive environment ('*I spoke, you listened, he listened, and he seemed to understand. It felt good to be heard*', '*the people I was with were understanding*'), and having one's questions answered (e.g., '*I feel better now he has written to me and answered my questions*'). This is even more so when interactions are perceived to be genuine (e.g., '*The offender was genuinely remorseful and wanted to apologise*') and result in positive outcomes (e.g., '*repairing harm*' or '*reducing their fear*').

The impact of this meant participants (both victims and offenders) experienced positive effects in their day-to-day lives (e.g., '*I felt so much better within myself...I felt I could carry on with my life*') and some experienced a 'change in self-perception' (e.g., '*Since the process, I'm no longer a victim*').

c) 'Social impact'

Finally, there were a few (N=9) references to the longer-term benefits of participating in a restorative process. These statements were most often provided from an offender's perspective and related to the opportunity to make amends and to address their offending. The longevity of the experience of talking to one's victim is portrayed as an essential trigger for altering harmful behaviour in the future (e.g., '…*when you look into the eyes of someone you have hurt it makes it harder to do it again*'). A few of the documents we analysed included a quote from a former career burglar and popular RJ advocate: '*If anyone reading this is considering taken part in an RJ conference but aren't sure, then let me say this. Go for it, it just may change your life! It changed mine*'. This implies the benefit of RJ is not only about reductions in offending, but also a powerful opportunity for offenders to view themselves in ways that are more positive.

Issues to note

We noted two issues in this theme. The first is the importance of acknowledging sources when making claims about what RJ can achieve. The primary source of the statistical

evidence used across the documents (specifically reference to 14% reductions in reoffending and 85% satisfaction) was a Home Office trial involving the use of restorative conferencing with adults who had committed moderate to serious offences (see Shapland *et al.* 2007). While the public will not be aware of this, it does lead us to question why local evidence/statistical data is not used, especially since commissioned service providers compile this data on a quarterly basis as part of the reporting requirements in their contracts. In documents that drew on local data, this was much more powerful and we would recommend that this approach be used in all promotional materials.

Second, as stated in 3.1 it is important when communicating RJ, that we take care not to raise the expectations of participants who may well believe that something is wrong with *them* should these transformative experiences not materialise (e.g., they do not feel better) and/or restorative justice does not work (e.g., their offender goes on to reoffend). While qualifying language (e.g., 'may', 'could') is present throughout many of the documents we analysed, there is a clear tendency to construct RJ as a means through which to achieve significant personal benefits.

3.1.5   Routes to engagement

Every document we received explained how the reader could gain further information about RJ and how to access it (N=83). Our analysis identified two principal ways this could happen, those that: (1) relied on individual *autonomy* (whereby individuals could 'find' further 'information' by making 'contact' with the 'service' provider)*,* and (2) were *contingent* upon the action of others (whereby the 'police' would make a 'referral' to initiate the process). Figure 8 reflects this distinctive terminology:

Figure 8. Routes to engagement word cloud (top 100 words, excluding 'restorative', 'justice', offend' and 'victim').

1. Individual autonomy

The first way to get further information involved what we termed 'self-initiated engagement', whereby readers must act for themselves by:

- calling (e.g., '*To speak to a member of our team, call…*'),
- emailing (e.g., '*For more details you can email…*'), or
- accessing a website for further information (e.g., '*To find out more go to www…*').

This was the most common approach in the documents we analysed (N=68) identified and it chimes with one of the guiding principles of RJ that states stakeholders should be 'empowered' (see themes 3.1, 3.2, and 3.3) to make decisions for themselves about if, when and how they become involved in RJ.

Practitioner facing documents were mostly procedural in nature, providing information about:

- getting referral documentation (e.g., '*You can request a simple two-page referral form by emailing*...'),
- the information required for a referral (e.g., '*What we need: Crime Reference Number, Your contact details*'), and
- where to send referrals (e.g., '*Remedi should be e-mailed at…*').

The limited amount of information requested from police officers reflects the belief that to secure referrals from them, the process needs to be as easy as possible (see Clamp and O'Mahony 2019). Like the documents directed at stakeholders, practitioners were also invited to access further information through:

- websites (e.g., '*If you want to know more, you can find a video on the GMP Intranet under 'community resolution'*'), or
- via telephone (e.g., '*If you are unsure, you can always contact the Hub and have a chat through the case before making a referral'*).

1. Contingent access

The second way of gaining access to information was far less frequent (N=15) and involved what we termed 'gatekeeper-initiated engagement' with communication contingent upon the service provider receiving a referral from a practitioner (e.g., police, probation, or housing

officer) and the service provider then undertaking an assessment to determine the suitability of the case for RJ. In the documents that contained this type of statement, we noted a distinction in how inclusive this process was.

Some documents were explicit a discussion with the victim and/or the offender would be part of the assessment of suitability for participation in RJ (e.g., '*A facilitator **will** contact you to discuss the next steps and make sure that RJ is suitable*', **emphasis** added). Yet, in other areas, contact would only occur where an initial assessment determined the case would be suitable (e.g., *Police will pass your details to a RJ agency who **may** contact you with more information*', **emphasis** added). In some instances, while the documents met the requirements of the Code because they explained what RJ was, the extent to which the reader could expect to access the service was uncertain for both victims (e.g., '*You **may** be asked if you would like to be referred by an agency that you are already dealing with, such as the Police, Witness Care, or Victim Support*', **emphasis** added) and offenders (e.g., '*You **may** be asked if you would like to be referred by an agency that you are already dealing with, such as the Police, Probation or Prison*', **emphasis** added).

<u>Issues to note</u>

Two issues arose here. First, as McCold and Wachtel's (2003) social discipline window shows (see Figure 9), for any practice to be 'restorative' it needs to be inclusive with decision-making involving those most affected. This does not mean all stakeholders should participate in a restorative process where this would not be appropriate, but rather that individuals should have the opportunity to understand *why* their case is not suitable. There is the possibility for victims to feel *re*victimised where choices about their suitability occur without explanation.

Figure 9. Social Discipline Window (McCold and Wachtel 2003)
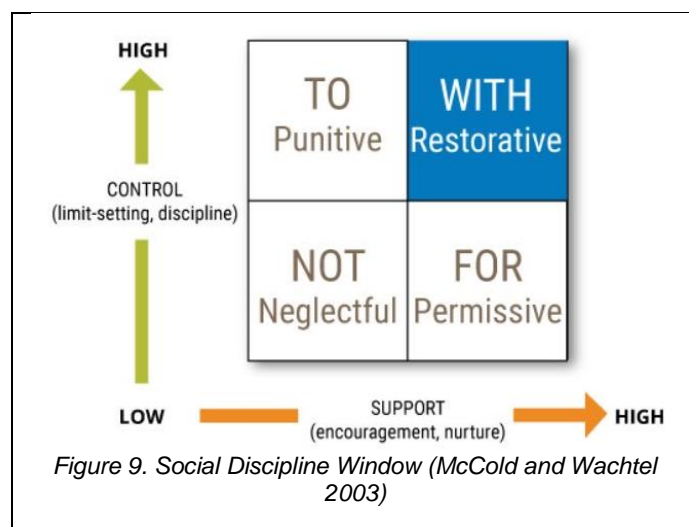
Thus, while approaches that empower individuals to engage with the process are considered good practice, we would recommend those service providers that do not explain *why* cases are not suitable are increasing the possibility of further harm and their practice falls out of step with the values that underpin restorative justice. We recognise this may be the result of limited capacity to engage with the stakeholders of each referral. Even so, we would encourage all service providers to review their documentation to meet the principle of 'inclusivity' and to diminish the potential for any unintended further harm. This would mean practice is more closely aligned to the spirit of the Code.

Second, while there were different options about how to get in touch, we noted no attempt to accommodate those with accessibility issues (e.g., visual and hearing impairments) and with one exception, we did not observe reference to the documents being available in different languages. This raises questions about how inclusive informational materials are in meeting the varied accessibility needs of the local population.

3.1.6   Conceptualisations of service providers

The final theme from our analysis concerned statements about service providers (N=112), with Figure 10 showing the most frequently used words across the theme.

Figure 10. Conceptualisations of service providers word cloud (top 100 words, excluding 'restorative', 'justice', offend' and 'victim').

Our analysis identified two types of statement that used these terms. First, those statements that referred to the *purpose* of the service provider (e.g., 'provide', 'support', 'service'), and second, those statements that sought to increase the perceived *legitimacy* of the service provider (e.g., 'trained', 'free', 'impartial', 'confidential').

1. The purpose of the service provider

Almost half the statements in this theme (N=55) outlined the objectives prioritised by the service provider and the way their employees conducted themselves.

a) Overall 'objectives'

All documents explained the practical function of the service (e.g., '*Bringing those affected by crime or conflict and those responsible into communication*'), and the aim of the service (e.g., '*Our aim is to offer anyone who comes into contact with the Criminal Justice System or experiences conflict in the community, an opportunity to participate in a restorative intervention*'). The strapline for the service provider often captured both these aspects simultaneously (e.g., '*Restorative Dorset: Giving you a voice by delivering restorative justice and mediation*' or '*North Wales Police - providing a safe place to have a difficult conversation*'). In this way, they were able to demonstrate they were providing a 'different' or 'alternative' approach to the traditional criminal justice process.

The documents described the parameters of the service according to:

- types of offences eligible for consideration (e.g., '*available to those involved in crime or conflict*'),
- stage of the criminal justice process (e.g., '*The service is offered across all stages of the Criminal Justice System, from community based and early interventions, to crime and pre/post custody*'),
- geographical area the service operates in (e.g., '*Restorative justice will be available across Greater Manchester*'), and
- relationship of the service to other statutory agencies (e.g., '…*work alongside Supporting Victims and other partners such as local authorities, probation services and Youth Offending Teams*').

The documents described the overarching ambitions of service providers as:

- creating a process tailored for those who engage with it (e.g., *'a service that delivers a choice of restorative opportunities*'),
- addressing the consequences of offending, often overlooked by the CJS (e.g., '*seek to heal the harm caused by crime, conflict, anti-social behaviour, and the harmful actions of others*'),

- securing meaningful outcomes for all involved (e.g., '*provides safe and effective communication between people in conflict to encourage mutually agreed, positive outcomes for all involved*'), and

- ensuring participants view the process as worthwhile (e.g., '*...and to make the experience of Restorative Justice as positive as possible for everyone involved*').

Where contact between the victim and offender was not possible, some service providers remained committed to responding to the needs of those arising from the incident (e.g., '*… if the offender decides they do not want to communicate with you, our team will talk to you about what other support may be available*').

b) 'Personnel support'

Although infrequent (N=6), we noted a tendency to tailor 'personnel support' to different audiences. When addressing service users such as victims, offenders, and the broader community, there was an emphasis on the interpersonal benefits on offer, including:

- having ones needs met (e.g., '*They are there to support you*'),

- supporting participants to reach an agreement (e.g., '*to support participants to find resolution*'), and

- help to recover ('*find a way forward to manage their life back to normality*').

Those documents aimed at practitioners who may refer into the service emphasised a positive impact on workload, in relation to cases that:

- are high volume (e.g., '*You can close the case whilst we do Restorative Justice*'), and

- may require more significant resource (e.g., '*Reduce your workload: Refer an Out-Of-Court Disposal in more complex cases*').

2. Legitimacy of the service provider

More than half of the statements in this theme (N=57) sought to increase the perceived *legitimacy* of the service provider through:

a) 'Assurance'

There was a tendency to instil confidence that the service was a safe option to engage with (N=35) in several ways. Some documents signalled the service was there with the best

interests of the end user in mind (e.g., '*This is YOUR Restorative Cleveland*'). Others contained reference to evidence of working according to professional standards (e.g., '*X Is a nationally recognised and accredited organisation*', '*The process is overseen by trained practitioners*') and commissioned to provide their services (e.g., '*Our provider works on behalf of the Police and crime Commissioner throughout the county*'). The most common statement (N = 25) was that the service contained no financial implications (e.g., '*The service is free of charge*) and that it is person-centred (e.g., '…*and is completely confidential and impartial*').

a) 'Credentials'

These statements (N=17) emphasised two aspects of those working for the service provider. The first was that the person that would be dealing with the case would have received specialist training (e.g. '*Your facilitator will be a specialist in providing restorative justice and will have been trained in supporting people affected by crime*'). The second was that the organisation as a whole had received recognition for the high standards of their service (e.g. '*Our work is recognised by our achievement of the Restorative Service Quality Mark (RSQM) in 2018, awarded by the Restorative Justice Council*'). These statements conveyed the sense that the service provider was legitimate and safe.

b) 'Endorsements'

To a lesser extent (N=5), the documents featured quotes from those who had used the service and had a positive experience, which they attributed to the way the service handled their case (e.g., '*A huge thank you to everyone for making it so easy and helping me through it. Your service was brilliant*') and the role the service played in helping participants to view things from another perspective (e.g., '*It was really good to be heard and understood, you helped me understand the other person better*'). This signals to prospective service users they will receive support throughout the process and that the service will meet their needs.

There were also quotes from PCCs that endorsed the service as an important feature of the broader criminal justice response (e.g., '*We are pleased to support the introduction of restorative resolution to the conduct arena. The initiative will lead to the speedy resolution of low-level complaints which will benefit both complainants and officers*').

Issues to note

While it is important for service providers to portray themselves in a positive light, we felt there were two important issues for consideration. The first is that by articulating RJ to practitioners as a means to reduce workload (also noted in theme 3.5), service providers are inadvertently creating a situation where RJ is viewed as a way to get rid of cases (Clamp and O'Mahony 2019), rather than as something of value to those affected by crime. Recent research has demonstrated a tension between an officer's desire to get rid of high-volume crimes and a desire of service providers to deal with cases that will have significant impact for those affected by crime (Clamp and O'Mahony 2019; Clamp 2020).

Second, service providers are often limited in their capacity to cope with demand for RJ. For example, in one PCC area there was initial significant buy-in from the local Constabulary, but the commissioned service provider was unable to cope with the number of referrals which led to a withdrawal of the contract and a devastating impact on the perceived legitimacy of RJ amongst police officers and the public (Clamp and O'Mahony 2019). A 2021 survey (Clamp 2022) demonstrated that this situation has not changed when a respondent stated: '*RJ is over demanded and under resourced and long waiting lists are in place*'. Care needs to be taken that service providers can deliver what is claimed on informational materials.

3.2   Visual analysis

There was significant variation in the use of imagery and visual aids across the documents we analysed. While this was partially due the *type* of document (i.e., posters and infographics are by design more image-driven than leaflets and information packs), this also related to how visual aids constructed, reaffirmed, and/or enhanced the textual narrative (see themes 3.1.1- 3.1.6). It is important to note that we do not say anything about the intended meaning from the perspective of the author of the documents, but rather, we limit our analysis to how the images support and/or challenge the textual data.

We identified three distinct styles across the documents: minimalist (see 3.2.1), indexical (see 3.2.2) and symbolic iconic (see 3.2.3). Crucially, the names of these styles reflect the *purpose* of the visuals (i.e., how imagery and visual aids were used) rather than the specific message they were communicating or the audience the documents were for. While all three styles used imagery and visual aids, they did so in diverse ways. The minimalist style had a conservative approach to using imagery (usually only official logos) and visual aids (generally limited to colour changes and text boxes), and principally relayed informational content through text. The indexical and symbolic iconic styles both supplemented logos with

images that drew on symbolism (i.e., to convey ideas and concepts), but they differed in the type of imagery they used (i.e., caricature or real-life stock images).

3.2.1 Minimalist style

Almost a third of the documents (N=18) adopted this style. Half of these documents were for victims (N=9), just over a fifth did not have a clearly defined audience (N=4), just over a quarter addressed practitioners (N=3), while a minority were for offenders (N=2). Most documents (N=15) were leaflets, booklets, and information packs. This sample also contained a letter template for victims (signed by the restorative justice officer), an intranet guide for practitioners (containing no imagery or visual aids), and a poster that only contained text boxes and shapes (thus more closely resembling a leaflet).

This style contained a restrictive use of imagery, usually limited to logos positioned on the front and/or final pages of a document. These logos were from:

- criminal justice partners (i.e., PCCs, police forces, service providers),
- charities (i.e., Citizens Advice Bureau, Childline, ROC, Samaritans, Stonewall's Diversity Champions Programme), and/or
- social media (i.e., Facebook, Instagram, Twitter, YouTube).

We noted a certain level of ambiguity in the use of logos in this style, in that the meaning they intended to convey was implicit rather than explicit:

- where more than one stakeholder logo appeared, the relationship between the different organisations was unclear,
- where logos demarcated wider principles (i.e., equality, diversity, and inclusion) adhered to, it was not clear how these principles related to the specific service offered or RJ, and
- where social media logos were used to prompt access further information (see 3.1.5), there was no information about why the reader should follow the service or the types of information that this would provide.

These documents also contained visual aids such as background shading, assorted colours, bullet points, font variations, and shapes to organise the text and highlight key points. In some documents, the use of colour was limited to dividing the text (see Figure 11), whereas others used a combination of shapes and colour to draw the reader's attention to different information (see Figure 12).

Figure 11: Restrained use of colour

Figure 12: Use of colour and shapes to highlight specific messages

At times, the combination of shapes and colour reduced the amount of text needed and summarised key information. As Figure 13 illustrates, the visual aid enhances the text and summarises the process involved for practitioners who want to refer a case for RJ (see 3.1.5). This flowchart conveys information quickly, acknowledging that the reader may be time poor. Documents aimed at victims, offenders and the public did not contain this type of visual aid.
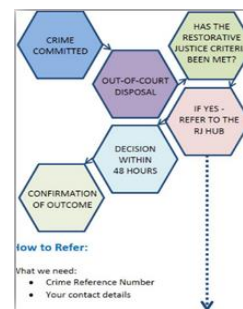

Figure 13: Use of flowcharts

Overall, documents using this style were informational (i.e., text heavy) and authoritative (i.e., they prioritised logos over other images). The restrictive and conservative use of imagery and visual aids resulted in limited attempts to reaffirm and/or enhance the textual narrative. Rather, this style prioritised the portrayal of the service as a legitimate response to crime using organisational logos, than communicating the scope or benefits RJ offers.

Issues to note

We felt that this style contained the least effective use of imagery or visual aids for three reasons. First, its conservative approach resulted in a missed opportunity to enhance the key messages contained in the text about RJ. Second, by prioritising textual over visual information, the documents may be more difficult to engage with for those who are unfamiliar with the criminal justice system in England and Wales, whose first language is not English and/or who have low literacy levels (such as those with learning difficulties, see Chinn 2017). As a result, these individuals may not attempt to access further information and/or pursue the opportunity to take part in RJ.

Third, the emphasis of the logos of criminal justice partners on RJ promotional materials in this style may suggest a stronger relationship with service providers than is the case. While we noted in the textual data that there was a tendency to reference the PCC and criminal justice agencies to legitimise the service (see 3.1.6), the use of these logos does not

acknowledge the unintended consequences their use may have. This specifically relates to the perceived legitimacy of those institutions by the public at large and those who have encountered criminal justice agencies, particularly where they have had negative experiences (Hohl and Stanko 2015; Machura *et al.* 2019; Tyler 2007). This could deter those individuals, particularly from minority groups who tend to avoid criminal justice agencies, from pursuing a restorative process.

3.2.2 Indexical style

Almost half the documents (N=29) we received adopted an indexical style. Just over three quarters of these documents were leaflets (N=22), but there were also some posters (N=5), and booklets (N=2). Like the minimalist style, the audience varied with slightly more than half the documents for victims (N=15), and the rest for an unspecified, general audience (N=8), or offenders (N=6). None of the documents using this style was for practitioners.

This style comprised a variety of visual aids – such as text boxes, speech bubbles, changes in font and colour – and imagery. In addition to stakeholder logos, the indexical style contains real-life stock images to convey subliminal messages to the reader (see Figure 14). The extent to which the imagery and visual aids were used to their full potential and thus, their success, varied. In some PCC areas, for example, the use of colour signalled a change of audience, and the images remained the same across the

Figure 14: Mix of visual aids and imagery

suite of documents for the PCC area (see Figure 15). Furthermore, the generic and corporate imagery does not correspond with either the text or with RJ more generally.

Offender leaflet   Victim leaflet

Figure 15: Use of colour to indicate change of audience

Most documents contained imagery of people having a conversation (see Figure 16), either in pairs or in small groups – reinforcing the assertion that RJ involves 'communication', 'interactions' and in-person 'meetings' (as

Figure 16: Conversations between individuals, all showing palms up

discussed in 3.1.1 and 3.1.3). These pictures frequently show people's open hands with palms facing upwards, a clear and unambiguous gesture that the process is 'interactional in nature' (Cooperrider *et al.* 2018: 4). Most people have conversations during their daily lives and so, these images implicitly convey RJ as something natural and non-threatening. By using digital images of real people, this style helps the reader to connect an unknown abstract experience (i.e., RJ) with a known concrete experience (i.e., a conversation).

Documents that used this style also included images of hands without faces. According to Pohlmann (2005: 359), 'By showing only parts of the body and no faces, we can identify ourselves more easily with the situation, and we are more likely influenced by the image'. In Figure 17, one set of hands supports the hands of another, sending a clear and unambiguous message that the process is characterised by connection, safety, and support. This aligns with the textual data

Figure 17. Use of hands to symbolise support

about the purpose of RJ (see 3.1.1), how the process works (see 3.1.3), and the outcomes RJ achieves (see 3.1.4). Thus, the use of real-life stock images made the documents personable and relatable, particularly where the images portrayed stakeholders as :

- 'friendly' and 'approachable' (particularly police officers and facilitators smiling, see Figure 18), and
- 'diverse' (by including people from a range of backgrounds and demographic characteristics, see Figure 19).

Figure 18: Smiling participants

Figure 19: Diversity of participants

By including images of people from different genders and diverse ethnic origins, in particular, this further reinforces the subliminal message of *inclusivity*. We noted a set of documents that tried to avoid some of the stereotypical gender and race/ethnicity representations of offenders and victims. Typically, portrayals of offenders are generally poor ethnic minority men, which often contrasts with victims portrayed as mostly white middle class and/or elderly women (Madriz 1997; Gruenewald *et al.* 2011; Colburn and Melander 2018). In our sub-sample, such stereotypical representations were avoided by not only using images of non-white individuals, but also by portraying a woman on the offender leaflet and a man on the victim leaflet. Cumulatively, the use of these visuals supports the textual data about the

positive aspects of RJ – particularly the process (see 3.1.3) and the benefits it offers (see 3.1.4) – to entice participation.

However, there were instances where the image worked less well to support the textual narrative about RJ. For example, one set of documents used generic imagery of what appeared to be a call centre (see Figure 20). While this could support the textual narrative that a *trained* professional will talk through what happened (see 3.1.6), it may have the added disadvantage of eliciting negative connotations associated with a call centre (Gilmore 2001), thus inadvertently limiting engagement.

Figure 20: Use of generic imagery

Overall, the indexical style provided a more relatable and informative representation of RJ than the minimalist style because of its use of photographs (see 3.2.1). This style also contained a wider range of visuals that supported, or at least aligned, with some the textual data in the documents. At times, this was successful in conveying positive subliminal messages that could entice people to engage with RJ (i.e., particularly in respect of inclusiveness and interactions), but we have also highlighted inconsistency across the documents that used this style (i.e., where corporate images were used).

Issues to note:
We noted two issues with this style. First, while there were attempts to avoid stereotypical images of victims and offenders, this was not always the case. In some documents, notions of the 'ideal victim' and 'ideal offender' remained (i.e., because they portrayed the victim as an elderly woman and the offender as a young man), despite changing ethnicity of the person in the picture. This may communicate a subliminal message that the victims that typically access RJ are older women and the offenders tend to be young men. Thus, this could reduce engagement by women who are younger and men who are older.

Second, the frequent use of images alongside text in this style 'creates a greater cognitive load, rather than making comprehension easier', particularly for those with intellectual disabilities (Terras *et al*. 2021: 133). The seemingly random choice of some images and their positioning in relation to the text can also create ambiguity. For example, one document used the same stock image repeatedly in different sections of leaflet. This meant the potential of the image to enhance or support the specific aspects of RJ the document discussed was undermined.

3.2.3 Symbolic iconic style

Just over a fifth of the documents (N=14) used what we call a symbolic iconic style. Most of the documents that used this style were leaflets (N=11), although there was also a booklet (N=1), a poster (N=1), and an infographic (N=1). Half of the documents (N=7) addressed victims, whereas the other half were for a general audience (N=4), or offenders (N=3). Like the indexical style, no documents were for practitioners.

The symbolic iconic style is a mid-point between the other two styles. Like the minimalist style, there was a strong emphasis on providing authoritative information, yet this style usually went beyond using a logo and included imagery to reinforce the textual information. It differed from the indexical style in that it used cartoon or non-descript stock images and symbols to communicate information. Yet, the use of imagery in this style was sparse in comparison to the indexical style. While all documents in this style used colour to accentuate key messages, most of the documents (N=9) contained no speech bubbles or quotes as visual aids.

Figure 21 provides a 'typical' example of the symbolic iconic style that helps to illustrate the use of non-descript cartoon and stock imagery as a visual support for the information presented. A few PCC areas used the same imagery but changed the colour of the documents to indicate different audiences, much like the indexical style. Specifically, the imagery demonstrated a committed effort to capture diversity, achieved by using a wide range of cartoon images illustrative of diverse backgrounds (i.e., race and ethnicity, gender, profession). This supported the text and conveyed the subliminal message that RJ is

Figure 21: A typical example of symbolic indexical style to using images

inclusive and widely accessible. The clustering of people on the front of the leaflet also reinforced the assertion that participants would be 'supported' throughout the process by professionals and others in their community.
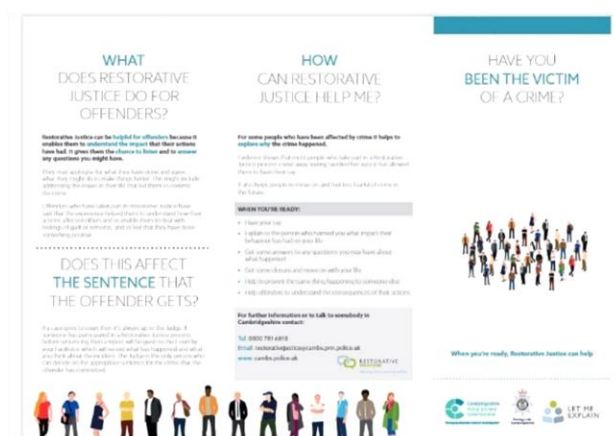
A key distinction in this style, from the previous two, was a reliance on symbolism using either animate or inanimate objects. For example, Figure 22 contains inanimate objects (i.e., chairs) under a section outlining the role of facilitators in the RJ process. Green *et al.* (2006:

184-5) note 'chairs in themselves don't mean anything particularly; it is their emptiness that resonates with meaning. Yet this meaning has an open structure... the chairs open the way to the meaning for us'. Considered on its own, the positioning of the chairs next to each other reinforces the message that RJ involved 'interaction'. Yet, there was an element of ambiguity arising from the relationship between the text and image. For example, the positioning of the chairs could signal that the facilitator would be present but separate from the victim and offender. Alternatively, it could support the message about the impartiality and confidentiality of the service because the image was 'faceless' (i.e., there are no people). It could even mean that participants determine the nature of the process.

Figure 22: Symbolism through inanimate objects

Conversely, Figure 23 shows an animate object (i.e., a tree) positioned between two silhouettes. Anthropologically speaking, trees are cross-culturally deeply symbolical (Rival 2020), often associated with life, nourishment and transformation. Thus, the choice of image and its position could signal that RJ is concerned with reconciliation, dialogue, and peaceful resolution. If considered in relation to the text, we could also interpret the image to mean growth because the reader can access RJ 'when [they are] ready'.
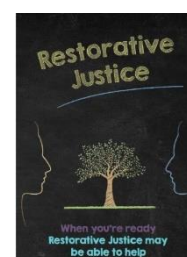

Figure 23: Symbolism through animate objects

Overall, this style was characterised by using stock cartoon imagery in combination with a range of visual aids such as change in font size, formatting, text boxes, symbols, and shapes. Used sparingly, the visual aids can work well to highlight key messages. Conversely, an over-reliance of such techniques, especially when different methods are used simultaneously, can also obscure meaning and detract from what is important, which seemed to be recurring a problem in several leaflets in this group. While the avoidance of real-life people, settings and social situations indicates a commitment to avoiding stereotypical depictions, this had the added effect of introducing ambiguity into the relationship between the imagery and the text. As such, we argue there was a limited attempt to communicate the nature and characteristics of the RJ offer in a visual way.

Issues to note:

We noted two issues with this style. First, the use of cartoon stock images and symbolism associated with both animate and inanimate objects in this style ignores the 'the cognitive load involved in comprehending information resources' with this type of information (Terras and Jarrett 2021: 3). This can alienate some demographic groups, particularly those with

intellectual disabilities. Research has demonstrated 'a preference among people with intellectual disabilities for photographs rather than drawings in multi-modal resources' (Chinn 2017: 1494). In this respect, the design contradicts the textual data that communicates that RJ is an inclusive service because it may not secure participation by those who find the documents difficult to comprehend.

We also noted that where documents were from national RJ service providers that held contracts in different PCC areas, they tended to use the same layout and use of visual aids for each of the documents. While this may signal that the service is professional, it simultaneously de-personalises the service provided because there is limited information in the imagery and visual aids that captures the local character of RJ in a specific area.

4. Recommendations

- To refer to the Code, to help readers understand why RJ is being promoted.
- To place a greater emphasis on informed consent, rather than consent.
- To ensure apologies are never a requirement for participation.
- To communicate equal concern for wellbeing and responding to the needs of both victims and offenders.
- To ensure all information presented on promotional materials is relevant, accurate, and conveys intended meaning.
- To make more use of local statistics to demonstrate the positive experiences and outcomes of using the RJ service in the local area.
- To explain how RJ leads to positive outcomes.
- To avoid statements that raise expectations beyond what the process can reliably achieve.
- To review informational materials for any implicit messaging that may be disempowering and could lead to revictimisation.
- To create processes that help participants to understand why their case may not be suitable.
- To cater for all accessibility needs (i.e., language/visual impairments) to meet the principle of 'inclusivity'.
- To avoid 'selling' RJ to CJ professionals as a way to reduce workload.
- To ensure the service offered aligns with capacity.
- To increase the use of summary visualisations to aid inclusivity.
- To ensure images support the textual data contained in the documents.

References

Ashworth, A. (2000). 'Victims' rights, defendants' rights and criminal procedure',
in A. Crawford and J. Goodey (Ed.) *Integrating a victim perspective within criminal justice*, Aldershot: Ashgate.

Baird, V. (2020) *Victims statistics, 2014-15 to 2018-19: victims' services, restorative justice and information, advice, and support.* [Online]. Available from:
https://s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2020/06/2020-06-05_OVC-Victims-Statistics-part-2-1.pdf.

Banwell-Moore, R. (2020) *Restorative Justice: Understanding the Enablers and Barriers to Victim Participation in England and Wales*. Unpublished thesis. University of Sheffield.

Batchelor, D. (2018) 'Restorative but not transformative: when restorative justice doesn't quite go to plan', *Resolution*, 62(Spring): 4-5.

Bengtsson, M. (2016) 'How to plan and perform a qualitative study using content analysis', *Nursing Plus Open,* pp. 8-14.

Braithwaite, J. (2003) 'Principles of Restorative Justice', in A. von Hirsch, J. Roberts, A. Bottoms, K. Roach, and M. Schiff (ed.) *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* Oxford: Hart.

Chinn, D. (2017) 'Learning how to be (a) patient: visual analysis of accessible health information leaflets for people with intellectual disabilities', *Disability & Society*, 32:10: 1485-1509.

CJA. (2019) *'A Journey of Learning, Growth and Change': A Roadmap for Increasing Restorative Justice across England and Wales*. London: Criminal Justice Alliance.

Clark, H. (2010) '" What Is the Justice System Willing to Offer?"': Understanding Sexual Assault Victim/Survivors' Criminal Justice Needs', *Family Matters*, 85: 28-37.

Clamp, K. (2022) *Restorative Justice and the Code of Practice for Victims of Crime: A Scoping Review of Service Provision in England and Wales*. Unpublished Report.

Clamp, K. (2020) *The Policing Conversation that Matters: An Evaluation of the Cotton Lane Input 2020*. Unpublished Research Report for Derbyshire OPCC and Constabulary.

Clamp, K., and O'Mahony, D. (2019) *Restorative Policing Provision across England and Wales in 2018*. Unpublished Research Report.

Clamp, K., and Paterson, C. (2011) 'Rebalancing Criminal Justice: Potentials and Pitfalls for Community Neighbourhood Panels', *British Journal of Community Justice,* 9(2): 21-35.

CoE. (2018) *Recommendation CM/Rec(2018)8 of the Committee of Ministers to Member States Concerning Restorative Justice in Criminal Matters*. [Online]. Available from:

https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016808e35f3.

Colburn A, Melander L. (2018) 'Beyond Black and White: An Analysis of Newspaper Representations of Alleged Criminal Offenders Based on Race and Ethnicity', *Journal of Contemporary Criminal Justice*, 34(4):383-398.

Cook, R., Smith, B., and Harrel, A. (1987) *Helping Crime Victims: Levels of Trauma and Effectiveness of Services*. Washington, DC: U.S. Department of Justice, National Institute of Justice.

Cooperrider, K., Abner, N., and Goldin-Meadow, S. (2018) 'The Palm-Up Puzzle: Meanings and Origins of a Widespread Form in Gesture and Sign', *Frontiers in Communication*, 3:23: 1-16.

Crawford, A., and *Burden*, T. (*2005*) *Integrating Victims in Restorative Youth Justice*. Bristol: Policy Press.

Cross, C. (2018) 'Victims' motivations for reporting to the 'fraud justice network'', *Police Practice and Research*, 19(6): 550-564.

Dignan, J. (2000) *Youth Justice Pilots Evaluation: Interim Report on Reparative Work and Youth Offending Teams*. London: Home Office.

Gilmore, A. (2001) 'Call centre management: is service quality a priority?', *Managing Service Quality: An International Journal*, 11(3): 153-159.

Green, R., Mann, B., and Story, A. (2006) 'Care, Domination, and Representation', *Journal of Mass Media Ethics*, 21(2-3): 177-195.

Gruenewald, J., Chermak, S., and Jesenia, M. Pizarro (2013) 'Covering Victims in the News: What Makes Minority Homicides Newsworthy?', *Justice Quarterly*, 30:5, 755-783.

HM Inspectorate of Probation. (2016) *Desistance and young people*. Manchester: HMIP.

Hohl, K., and, Stanko, E. (2015) 'Complaints of rape and the criminal justice system: Fresh evidence on the attrition problem in England and Wales', *European Journal of Criminology*, 12(3) 324-341.

Holdaway, S., Davison, N., Dignan, J., Hammersley, R., Hine, J., and Marsh, P. (2001) *New strategies to address youth offending: the national evaluation of the pilot youth offending teams*. Home Office Occasional Paper 69. London: Home Office.

Home Office. (1997) *No More Excuses – A New Approach to Tackling Youth Crime in England and Wales*. Cm 3809. London: Home Office.

Hoyle, C. (2002) 'Securing restorative justice for the "non-participating" victim', in C. Hoyle and R. Young (eds) *New Visions of Crime Victims*. Oxford, UK: Hart Publishing.

Hsieh, H.-F. and Shannon, S. E. (2005) 'Three approaches to qualitative content analysis', *Qualitative Health Research,* 15(9):1277-1288.

Kilpatrick, D., Best, C., Veronen, L., Amick, A., Villeponteaux, L., and Ruff, G. (1985) 'Mental

health correlates of victimization: A random community survey', *Journal of Consulting and Clinical Psychology*, 53: 866–873.

Kostelnick, C. (1996) 'Supra-textual design: the visual rhetoric of whole documents', *Technical communication Quarterly,* 5(1): 9-33.

McCold, P., and Wachtel, B. (2003) *In Pursuit of Paradigm: A Theory of Restorative Justice*. Paper presented at the XIII World Congress of Criminology, Rio de Janeiro, Brazil. [Online]. Available from: www.realjustice.org/library/paradigm.html.

Machura, S., Jones, S., Würgler, A., Cuthbertson, J., and Hemmings, A. (2019) 'National identity and distrust in the police: The case of North West Wales', *European Journal of Criminology*, 16(1) 60–80.

Madriz, E. (1997) 'Images of Criminals and Victims: A Study on Women's Fear and Social Control', *Gender & Society,* 11(3): 342-356.

Marder, I. (2020) 'Institutionalising restorative justice in the police: key findings from a study of two English police forces', *Contemporary Justice Review* 23(4): 500-526.

Mayring, P. (2000) 'Qualitative content analysis', *Forum: Qualitative Social Research,* 1(2): Art. 20.

Mayring, P. (2014) *Qualitative Content Analysis: Theoretical Foundation, Basic Procedures and Software Solution.* [Online]. Available from: https://www.ssoar.info/ssoar/handle/document/39517.

Miers, D., Maguire, M., Goldie, S., Sharpe, K., Hale, C., Netten, A., Uglow, S., Doolin, K. Hallam, A., Enterkin, J., and Tim Newburn. (2001) *An Exploratory Evaluation of Restorative Justice Schemes*. Crime Reduction Research Series Paper, no. 9, Home Office Research, Development and Statistics Directorate, London.

MoJ. (2016) *Restorative Justice Action Plan for the Criminal Justice System for the Period to March 2018*. London: HMSO.

MoJ. (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders. Cm 7972*. London: HMSO.

Newburn, T., Crawford, A., Earle, R., Goldie, S., Hale, C., Masters, G., Netten, A., Saunders, R., Sharpe, K., and Uglow, S. (2001a) *The introduction of referral orders into the youth justice system: First interim report.* London: Home Office.

Newburn, T., Crawford, A., Earle, R., Goldie, S., Hale, C., Masters, G., Netten, A., Saunders, R., Sharpe, K., and Uglow, S. (2001b) *The introduction of referral orders into the youth justice system: Second interim report.* London: Home Office.

Newburn, T., Crawford, A., Earle, R., Goldie, S., Hale, C., Masters, G., Netten, A., Saunders, R., Sharpe, K., and Uglow, S. (2002) *The introduction of referral orders into the youth justice system: Final report.* London: Home Office.

Pohlmann, M. (2006) 'The Symbolic Meaning of Body Parts in Images: The Case of Hands in Advertisement', *European Advances in Consumer Research*, 7: 352-359.

Richardson, J., and Wodak, R. (2009) 'The impact of visual racism: visual arguments in political leaflets of Austrian and British far-right parties', *Controversia,* 6(2): 45-77.

Rival, L. (2020) *The Social Life of Trees: Anthropological Perspectives on Tree Symbolism*. Abingdon: Berg Publishers.

RJC. (2018) *Commissioning Safe and Effective Restorative Justice Services: A Report of Five Regional Workshops*. https://restorativejustice.org.uk/sites/default/files/resources/files/RJC_Commissioning _Restorative_Justice_Workshops_Report.pdf.

Roberts, A., and Green, D. (2007) 'Crisis intervention with crime victims', R. Davis, A. Lurigio, and W. Skogan (eds) *Victims of Crime*. London: Sage.

Rosenblatt, F. (2015) *The Role of Community in Restorative Justice*. London: Routledge.

Sarantakos, S. (2013) *Social Research*. London: Palgrave Macmillan.

Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G., and Sorsby, A. (2008) *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes*. Ministry of Justice Research Series 10/08. [Online]. Available from: https://restorativejustice.org.uk/sites/default/files/resources/files/Does%20restorative %20justice%20affect%20reconviction.pdf.

Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Dignan, J., Howes, M., Johnstone, J., Robinson, G., and Sorsby, A. (2007) *Restorative justice: the views of victims and offenders. The third report from the evaluation of three schemes*. Ministry of Justice Research Series 3/07. [Online]. Available from: https://restorativejustice.org.uk/sites/default/files/resources/files/Ministry%20of%20Ju stice%20evaluation%20- %20Restorative%20justice%20the%20views%20of%20victims%20and%20offenders .pdf.

Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Robinson, G., and Sorsby, A. (2006) *Restorative Justice in Practice: The Second Report from the Evaluation of Three Schemes*. Sheffield: The University of Sheffield.

Shapland, J., Atkinson, A., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Pennant, R., Robinson, G., and Sorsby, A. (2004) Implementing restorative justice schemes (Crime Reduction Programme): a report on the first year. Home Office Online Report 32/04. London: Home Office. [Online]. Available from: http://www.homeoffice.gov.uk/rds/pdfs04/rdsolr3204.pdf.

Terras, M., and Jarrett, D. (2021) 'Accessible Information isn't Easy: Shifting Practice and Production Perspectives of Information Accessibility', *Global Journal of Intellectual & Developmental Disabilities*, 9(3): 1-3.

Terras, M., Jarrett, D., and McGregor, S. (2021) 'The Importance of Accessible Information in Promoting the Inclusion of People with an Intellectual Disability', *Disabilities*, 1: 132–150.

Turley, C., Kerr, J., Kenny, T., Simpson, I., and Keeble, J. (2014) *Process Evaluation of the Neighbourhood Justice Panels*. London: Ministry of Justice.

Tyler, T. (2007) *Legitimacy in Criminal Justice: An International Perspective.* New York: Russell Sage Foundation.

Appendix A: RJ Materials Received

	Area	Information for victims	Information for offenders	General information
1	Avon & Somerset			'Repairing Harm Together' leaflet
2	Bedfordshire	Leaflet	Leaflet	
3	Cambridgeshire	Leaflet	Leaflet	
4	Cheshire	Cheshire victim information pack		
5	Cleveland	Restorative Cleveland leaflet		
6	Cumbria	Community Remedy Leaflet		
7	Derbyshire			Intranet guidance for officers
8	Devon & Cornwall	Leaflet	Leaflet	(a) 'Make Amends' leaflet; (b) poster
9	Dorset			'Restorative Dorset' leaflet
10	Durham	Information pack		
11	Dyfed-Powys	Leaflet		
12	Essex	Leaflet	Leaflet	'Essex Restorative & Mediation Service' leaflet
13	Gloucestershire			'Restorative resolution for complaints against the police' leaflet
14	Greater Manchester			(a) Police leaflet; (b) Service Summary leaflet
15	Hampshire	Leaflet		
16	Hertfordshire	(a) Community Resolution Leaflet; (b) Beacon Poster		Restorative Justice Strategy document
17	Humberside	Advice and Support for Victims of Crime Document		
18	Kent	Leaflet		
19	Lancashire	Leaflet	Leaflet	
20	Leicestershire	(a) Poster; (b) leaflet		Infographic
21	Lincolnshire	Leaflet		
22	Merseyside	Leaflet		
23	MOPAC	A4 document	A4 document	A4 document for practitioners
24/25	Norfolk & Suffolk			(a) Leaflet; (b) poster
26	North Wales	Letter template	Leaflet	
27	North Yorkshire	Information for Victims of Crime document		
28	Northamptonshire	Leaflet	Leaflet	'Voice' leaflet
29	Northumbria	Leaflet		
30	Nottinghamshire			(a) 'Victim Care' leaflet; (b) briefing document
31	South Yorkshire			'Supporting Victims' document
32	Sussex	Leaflet		
33	Thames Valley	Leaflet	Prisons leaflet	Poster
34/35	Warwickshire & West Mercia	Leaflet	Leaflet	RJ for Emergency Personnel leaflet
36	West Midlands			West Midlands Restorative Justice Service leaflet
37	West Yorkshire	(a) Service information page; (b) letter template		
38	Wiltshire	Leaflet		