
FAMILY GROUP CONFERENCEING: OUR PROPOSED PRACTICE

Restorative Justice Service
Beyond Social Services ©

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FAMILY GROUP CONFERENCING- AN OVERVIEW

A Family Group Conference is a voluntary consensual decision-making meeting for a family or community group to develop and implement a plan that resolves issues surrounding offending, or keeping children safe and well cared for.

The term “family” is used broadly to include both immediate and extended family members as well as anyone associated with the family who can help put together or contribute to such a plan. Community resources and networks may also be brought in to create a community of support around the family for the success of the plan.

The family is empowered and takes the primary responsibility for its children, rather than relinquishing or delegating this role to external authorities.

Family Group Conferencing is first and foremost a *process* that is more often than not guided by principled practises. We adhere to the:

- principle that, in line with the *UN Convention on the Rights of the Child*, the family be treated as the “natural environment for the growth and well-being” of children, and should therefore be “afforded the necessary protection and assistance” required for the care and protection of that child or young person;
- principle that, wherever possible, a child or young person’s family members and extended support network should participate in the decisions affecting that child or young person;
- principle that, wherever possible, the relationship between a child or young person and his/her caregivers be maintained and if possible, strengthened;
- principle that consideration must always be given to how a decision affecting a child or young person will affect:
 - i. the welfare of that child or young person; and
 - ii. the stability of that child or young person’s family and support group;
- principle that consideration should be given to the wishes of the child or young person;
- principle that endeavours should be made to obtain the support of:
 - i. the parents, guardians or other persons having the care of the child or young person;
 - ii. the child or young person himself or herself;
- principle that decisions affecting a young person should be implemented within a time-frame appropriate to that child or young person.

We propose to use Family Group Conferences in two contexts:

- Juvenile Justice
- Child Care and Protection

Juvenile Justice

In the criminal justice system, crime is a violation against the law and the State. Violations create guilt, and criminal justice demands that the State determines blame and impose punishment. The focus is on offenders receiving their deserts, and the adversarial process more often than not excludes victims and community members from meaningful participation in the decision-making process, effectively in the hands of persons other than those primarily affected by the wrongdoing. A criminal sentence stigmatises and makes reintegration into society that much more difficult.

Resting on the conviction that we are all interrelated, restorative justice is an *approach* to justice based on a traditional, commonsensical understanding of wrongdoing; that offending is harm done to people and community relationships, which creates mutual obligations and responsibilities to put things right. The *focus* is on the harm done to people and communities, holding the offender accountable with the corresponding obligation to repair the harm, and the possible obligations of the wider community. The *process* aims at promoting the inclusive and collaborative engagement and participation of those primarily affected by wrongdoing, in a preferably consensual deciding of the demands of justice in the particular case for the restoration, reintegration and well-being of offenders, victims and the community in an atmosphere of respect.

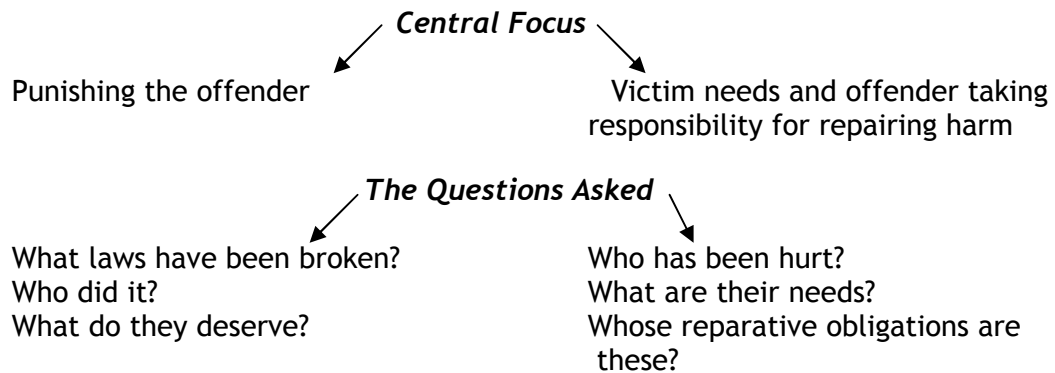
Restorative justice thus can be defined as “a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.”¹

This approach:

- focuses on harm and the needs of victims and offenders;
- addresses both the causes of the crime/offence and holds offenders accountable for their actions;
- seeks ways to “put things right” by healing relationships, repairing the damage caused and reducing indiscriminate stigmatisation of the offender wherever possible so as to enable him/her to re-integrate more easily into mainstream society;
- addresses the offenders’ obligations towards their victims and if appropriate, vice-versa;
- uses an inclusive, collaborative process that promotes active engagement and participation by involving stakeholders, victims, offenders and their extended support networks.

¹ Howard Zehr, 2002, 37

Criminal Justice	Restorative Justice
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Restorative justice is NOT:

- an exercise in mediation²;
- a softer approach to dealing with offenders and it by no means attempts to downplay the severity of damage caused to the victim/s³;
- an alternative or approach to the criminal investigative process;
- a blueprint or a programmatic toolkit for practitioners⁴;
- primarily intended for comparatively minor or first-time offenders;
- an alternative to incarceration⁵;
- a replacement for the existing legal system⁶;
- a replacement for existing diversionary approaches, such as the Guidance Programme;
- primarily designed to reduce recidivism or repeating offences⁷.

As Howard Zehr asserts, “Restorative justice requires, at minimum, that we address victims’ harms and needs, hold offenders accountable to put right those harms, and involve victims, offenders and communities in this process.”

² Restorative justice entails dialogues where the wrongdoer must first (at least tacitly), admit some level of responsibility for the offence. The term “mediation” runs the risk of assuming that parties are to share the same level of responsibility. Victims of crimes such as assault, rape and burglary are unsurprisingly averse to being called “disputants.”

³ Often offenders find it more challenging to directly face those they have hurt, “own up” and apologise accordingly.

⁴ Restorative justice contains no ‘ideal’ model for emulation for it comprises principles that are sensitive to cultural diversity.

⁵ Although restorative justice practices attempt to be diversionary, approaches may also be used in conjunction with, or parallel to, prison sentences.

⁶ Instead, the legal systems should, ideally, be restorative.

⁷ The reduction of breach rates for example, should be looked upon as a by-product. Restorative justice is done first of all because it is the right thing to do.

How best may restorative justice in the Juvenile Justice arena be practised?

Approaches to achieving restorative justice contain no formulaic methods. Indeed, restorative justice should be looked at as a destination. Just as most destinations can be reached via differing modes of transportation or paths, restorative justice can be achieved through a diversity of approaches. Some of these include circles, family group conferencing, peer-group mediation and victim-offender conferencing among others. We doubt if any one of these approaches is clearly superior to the others.

Family Group Conferencing in the Juvenile Justice arena is a formal decision-making process at which families of young offenders, the offenders and victims aim to reach a group-consensus on how the young offenders can take responsibility for their actions, and put right the wrongs. Offenders are supported as they take responsibility for their behaviour, offenders' families are empowered to play an important role in the process, and victims' needs are addressed. In this context, the term "family" is used broadly to include both immediate and extended family members as well as anyone associated with the family who can help put together or contribute to such a plan to achieve reconciliation, restitution and rehabilitation.

A Family Group Conference is a decision-making meeting involving family members or other individuals who are significant to the parties directly involved (e.g. victim and offender).

Young offenders should learn from their mistakes and develop in a socially responsible way without being labelled "delinquents" or "deviants"; such stigmatisation making reintegration into mainstream society so much more difficult. Family Group Conferences for Juvenile Justice are therefore proposed as a **diversionary approach** that seeks to steer young offenders away from the Court system.

Objectives and Process of Implementation

We propose adapting the Family Group Conferencing model for Juvenile Justice formally institutionalised in New Zealand. We, at Beyond Social Services believe that Family Group Conferencing achieves the principles of restorative justice in the following ways:

- the young offender is held accountable and accepts responsibility for his/her behaviour;
- the interests of the victim are taken into account and the matter is put right as far as possible;
- all outcomes seek to maintain and promote the development of the young offender within their family and community wherever possible;
- the outcomes seek to strengthen the family and family groups of the young offender;
- participants are empowered to deal with matters themselves.

Who may attend?

- the young offenders and their families;
- other caregivers and community of the offender;
- victims, and supporters;
- community and school resources (where needed to give support to offenders and their families);
- information-givers (people with pertinent information on the issue, such as community, school or religious body representatives);
- state social workers/supervision officers/child protection and welfare officers (where applicable);
- police officers (if relevant);
- the Family Group Conference co-ordinator.

THE PROCESS

Referral and Preparation

- The Co-ordinator receives referrals and decides whether Family Group Conferencing is appropriate and the referral can be accepted (eg. the young offender must admit the offence).
- Participants are identified, the Co-ordinator contacts them, secures their voluntary participation, ascertains any specific cultural, religious, language interpretation or other needs, and prepares them for the conference (including information on the process, roles and responsibilities, and relevant supportive community resources). The Co-ordinator assists the family to map out their support networks, and determine what resources they may need within their extended families and community, matching these needs with community resources where possible. The Co-ordinator will also work with the victims where they choose to be involved.
- Co-ordinator convenes and facilitates the conference - arranging for a suitable and appropriately set-up venue.



The Conference: Information Sharing

- After introductions and an overview of the tasks of the conference, pertinent information such as a summary of facts is shared. The Co-ordinator ensures the young offender understands the situation and admits the offence as stated. The conference cannot continue if the offence is not admitted, and the matter will be referred back to the police.
- The victim/s then explain the impact of the offending on them, followed by a response from the young offender as to what he/she has heard, with the purpose of facilitating dialogue between the victim/s and the young offender and his/her family.
- Any other pertinent information is shared, such as from the supporting community resources.



The Conference: Private Family Time

- The offender's family is given time for private deliberations - time to talk things through and develop a plan. They may invite any participant to answer questions and clarify issues during this time.
- The Co-ordinator remains at hand.



The Conference: The Plan

- The family, Co-ordinator, victim/s and other participants come together again.
- The plan includes the recommendation to the police on the issue of prosecution, how to put things right with the victims and the community, addresses the underlying causes of the offending, and the implementation framework. The plan is presented, and discussed, to ensure clarity, feasibility, measurability and the ability to be monitored within an appropriate time frame by specific persons.
- Full agreement for the plan is then sought from the participants of the conference. If present at the conference, the police look after, in particular, the community's and victim's interests.

Care and Protection of Children

Care and Protection of Children has to do with situations where there are concerns over the welfare and safety of children and youth. They could be "at risk" if they are experiencing or likely to experience such things as:

- physical, sexual or emotional abuse;
- violence or conflict between their caregivers;
- emotional or physical neglect;
- behaviour which is beyond their, or their caregivers', control;
- lack of stable or adequate care;
- undesirable associations or moral danger;
- behaviour harmful to themselves or others;
- substance abuse.

Where there are concerns for the welfare and safety of children and young persons, Family Group Conferences bring families together in partnership with relevant authorities, community agencies and groups, to help families find their own solutions, and develop and implement plans that keep children and youths safe and well cared for.

Here, "family" is to be read broadly to include both immediate and extended family members as well as friends or anyone within the family's network who can help put together or contribute to such a plan to ensure the future well being, care and protection of children and youths.

At Beyond Social Services, we value each individual child, and believe that the interests, welfare and healthy development of children are paramount concerns. We

believe in giving children and young people a voice, and supporting their healthy development within their families and communities. The process of Family Group Conferencing empowers and values the participants, and makes the best use of the resources of the extended family and community, putting the decision-making squarely in the hands of the family. We believe that given resources, social support networks, information and decision-making power, families, who have the main responsibility for caring for their children and youths, often are the best people to make effective plans for their children.

Objectives and Process of Implementation

We have modelled our approach to Family Group Conferencing for the Care and Protection of children and young persons on the Scottish East Lothian Family Group Conference Project pioneered by the Non-Governmental Organisation, CHILDREN 1st (working name of the Royal Scottish Society for Prevention of Cruelty to Children). Family Group Conferences for the Care and Protection of children and youths are convened:

- to draw-up safe and appropriate plans for children and young people at-risk;
- to explore options within the family, community and professional network and identify ways to efficiently mobilise resources each of these groups have to offer;
- to encourage members of the family and the extended communities to actively participate in planning for the care and protection of children;
- to encourage partnership between families and professionals;
- to empower family members by enabling them to come up with plans which meet the needs of their children;
- to give a voice to children and young people.

Who may attend?

- child or youth at-risk and their families;
- other caregivers and community of the child or youth;
- community and school resources (such as neighbours, friends, religious groups, teachers who can give support to the child or youth and the family);
- information-givers (people with pertinent information, such as community, school, healthcare workers, or religious body representatives);
- state social workers/supervision officers/child protection and welfare officers (where applicable);
- police officers (if relevant);
- the Family Group Conference co-ordinator.

THE PROCESS:

Referral and Preparation

- The Co-ordinator receives referrals and decides whether Family Group Conferencing is appropriate and the referral can be accepted.

- Where there are signs of child abuse, the Co-ordinator will inform the Child Protection and Welfare Service of the Ministry of Community Development, Youth and Sports or police promptly.
- The Co-ordinator meets with the family, identifies the family's social support network and potential participants, secures their voluntary participation, ascertains any specific cultural, religious, language interpretation or other needs, discusses the points to be addressed by the care plan, and prepares them for the conference (including information on the process, roles and responsibilities, and relevant supportive community resources). The Co-ordinator tries to match identified needs of the family with community resources.
- Co-ordinator convenes and facilitates the conference - arranging for a suitable and appropriately set-up venue.



The Conference: Information Sharing

- After introductions and an overview of the tasks of the conference, a summary of issues and facts is shared. The Co-ordinator ensures the family, and in particular, the child or youth at risk understand the situation and agree with the issues and facts as shared.
- Any other pertinent information is shared, from the other participants and supporting community resources, followed by a response from the child (if sufficiently mature), with the purpose of facilitating dialogue amongst the participants.



The Conference: Private Family Time

- The family group is given time for private deliberations - time to talk things through and develop a care plan - how the child or youth can be cared for and kept safe, who should look after the child or youth, and what assistance is needed and what community resources can be provided. They may invite any participant to answer questions and clarify issues during this time.
- The Co-ordinator remains at hand.



The Conference: The Care Plan

- The family, Co-ordinator and other participants come together again.
- The plan is presented and discussed, to ensure clarity, feasibility, measurability and how to monitor the plan within an appropriate time frame by specified persons.
- Full agreement for the plan is then sought from the participants of the conference. If agreement cannot be reached, the Co-ordinator informs the referring agency, and where necessary, the Child Protection and Welfare Service of the Ministry of Community Development, Youth and Sports, for an alternative solution to be formulated.

** Prepared by Rapti Siriwardane and Vincent Lim*

For more information contact:

**The Restorative Justice Service,
231 Outram Road , #03-00, The Hope Centre, Singapore 169040
Tel: 6372 2080 Fax: 6475 8432**