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RELATIONSHIPS, JUSTICE AND LEGITIMACY

Sir Peter Woodhead explains why Relational Justice is central to the work of the Prisons Ombudsman



It is the job of Ombudsmen such as myself to ensure that institutions and organisations exercise their power over citizens in a manner which accords with the principles of justice and reasonableness. Proper complaint procedures are particularly important where institutions are large and publicly owned and this applies more to those in our prisons than perhaps any other single group in our society. There are few individuals in society who are so completely in the power of a large organisation as prisoners. Almost every aspect of prisoners' lives – from what time they get up to where they live, from what they eat to whom they can see – is controlled by the Prison Service. In extreme circumstances, prison staff are entitled to use physical force to restrain a prisoner and can impose additional days in custody as a punishment for misbehaviour. Given these wide-ranging powers, it is vitally important that the Prison Service has an effective grievance procedure which protects the rights of the individual and that has prisoners' confidence.

The background to my appointment as the first Prisons Ombudsman in 1994 was the riots at Strangeways and other prisons in Spring 1990. One of the main causes of the riots, as identified by Lord Woolf in his landmark Report, was a belief on the part of prisoners that their grievances were not being properly addressed by the Prison Service's internal requests or complaints system. As Lord Woolf wrote: "A recurring theme in the evidence from prisoners who may have instigated, and who were involved in, the riots was that their actions were a response to the manner in which they were treated by the prison system. Although they did not

always use these terms, they felt a lack of justice".¹ This was a serious matter. To quote Lord Woolf again: "Within a prison in particular, it is an important requirement of justice that justice should not only actually be done but should be seen to be done. It will not be seen to be done if there is no proper procedure, if there are no established rules, if the prisoner is not made aware of those rules and if there is not, at least at the final stage of the process, recourse to an independent element".² My appointment as Prisons Ombudsman is born out of this desire to make prisons places of justice.

"The idea of Relational Justice – avoiding injustice and promoting legitimacy and relationships – needs to become more widely accepted."

JUSTICE IN PRISON

As Ombudsman, I am neither an advocate for the complainant, nor an apologist for the Prison Service against which the allegations in question are directed. My investigations establish the facts and examine impartially the points of view of both parties. But ultimately, my goal is to make a significant contribution, not just to resolving individual cases, but also to a fairer and more just prison system. It is not possible to quantify objectively the performance of the Prison Ombudsman in this respect. However a recent review of the work of my office, using prisoner evaluation reports, suggests that the role has been a significant factor in achieving justice, openness and fairness in the Prison Service with its concomitant advantages for security.³ The concept of Relational Justice, described by Anthony Bottoms as 'avoiding injustice and promoting legitimacy and relationships' (see Chapter Four of *Relational Justice: Repairing the Breach*), is as neat a summary as any of what a Prisons Ombudsman should try to achieve.

AVOIDING INJUSTICE

Last year the greatest number of complaints (25%) was about adjudications, the internal Prison Service disciplinary system. Some were tied to insufficient enquiry into the alleged offence or a refusal to call witnesses. Many were related to levels of punishment; prisoners who accept their guilt but consider the punishment imposed was too harsh. Another primary concern was that of inconsistency both throughout the Prison Service and within particular establishments; specifically markedly different punishments for similar crimes committed by similar kinds of offenders. Whilst I do not necessarily deliver the outcome the prisoner wants, I have upheld the prisoner's complaint in whole or in part in about 40% of cases.

I always try to put myself into the shoes of the complainant and ask myself how I would have felt about the alleged injustice. In his chapter for *Relational Justice*, Anthony Bottoms suggests we think of ourselves as having a conversation with the potentially 'done down'.⁴ There is a kind of personalised methodology at work. For justified complaints I seek where possible to recommend a remedy which acknowledges the individuality of the prisoner. A sincere letter of apology may be more

valuable than financial compensation in showing regret for harm done and respect for the person affected.

I also attach importance to explaining my decision fully and I may criticise the Prison Service response to a complainant for failing to do this. To make an adverse decision without reasons emphasises the powerlessness of the prisoner in the face of arbitrary action and can reinforce a sense of alienation. It also encourages prisoners to see themselves as victims which is not conducive to facing up to their own faults.

PROMOTING LEGITIMACY

Lord Woolf's Report implicitly stresses the need for prisons to seek legitimisation from prisoners and it emphasises the importance of humane regimes and procedural justice in doing so. This concern for legitimacy is unpacked by Richard Sparks and Anthony Bottoms⁵ and is seen by the latter as a central feature of Relational Justice. 'Legitimacy' recognises that there are variable conditions in prison regimes that make it more or less likely that prisoners will accept, however conditionally, the authority of their custodians.⁶ A crucial element of these 'variable conditions' appears to be how just prison conditions are and the quality of prison regimes. A whole range of factors can cause prisoners to withhold 'legitimacy' – with potentially explosive results. "...[E]very instance of brutality in prison, every casual racist joke and demeaning remark, every ignored petition, every unwarranted bureaucratic delay, every inedible meal, every arbitrary decision to segregate or transfer without giving clear and well founded reasons, every petty miscarriage of justice, every futile and inactive period of time – is delegitimising."⁷

A major part of my work is to address these problems and to promote legitimacy in prison. Prisoners may not like their punishment, but

they should have no grounds for seeing their punishment as anything less than manifestly just and fair. My own experience validates the concern for legitimacy. I have found, to an extent which some people might find surprising, that prisoners attach significant importance to due process. They particularly value having decisions on their grievances properly explained. Two thirds of prisoners in a survey conducted as part of a review of my office reported that their complaints had been dealt with both helpfully and promptly.⁸ Sixty per cent of those whose complaints had not been upheld indicated that they understood why this was the case.⁹ Whilst by no means complacent, I find some encouragement in these results. However, the same survey uncovered disturbing evidence of prisoners' concerns about the consequences of initiating the grievance procedure, indicating that they were actively discouraged by some staff from doing so.¹⁰

PROMOTING RELATIONSHIPS

It is a truism that relations between staff and prisoners are at the heart of the whole prison system and control and security flow from getting that relationship right. Dynamic security, developed in the 1980s, worked on the premise that good security and healthy prisons depend on a consideration for the individual (staff and prisoner), on purposeful activity and on good working relationships between staff and prisoners. I see many examples of this in the course of my regular prison visits. Yet there is room for improvement. The majority of complaints that reach my office could, I believe, have been resolved at landing or wing level. However, resolving problems at a local level would require

"I always try to put myself into the shoes of the complainant and ask myself how I would have felt about the alleged injustice."



a cultural change throughout the Prison Service. It would involve a greater willingness among some staff to engage with prisoners about these issues at the outset and a

readiness to treat them more as individual human beings in their care.

Ultimately, if we treat inmates in the same way as they treated the victims of their crimes, the result will be little change to the high recidivism rates of recent years; more victims, and more taxpayers' money wasted. But if we want prisoners to have a chance of integrating into society after release – and surely that must be our aim – then we must persuade potential re-offenders to have respect for others by demonstrating we have respect for them as human beings. For these reasons, the idea of Relational Justice – 'avoiding injustice and promoting legitimacy and relationships' – needs to become more widely accepted. The alternative is a crisis of legitimacy that the Prison Service ignores at its peril.

Sir Peter Woodhead has been Prison Ombudsman since 1994 following a highly distinguished career in the Royal Navy and Ministry of Defence. He was formerly NATO Deputy Supreme Allied Commander (Atlantic).

¹ HMSO 1991. *Prison Disturbances April 1990*, paragraph 9.24.

² *Ibid.* paragraph 14.297.

³ Prisons Ombudsman Annual Report 1998/99.

⁴ Anthony Bottoms. 1994. 'Avoiding injustice, promoting legitimacy and relationships.' In Burnside, J. and N. Baker *Relational Justice: Repairing the Breach*. Winchester: Waterside Press, p.58.

⁵ J. R. Sparks and A. E. Bottoms. 1995. 'Legitimacy and order in prisons.' *British Journal of Sociology* 46:45-62.

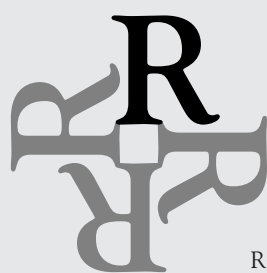
⁶ Sparks and Bottoms, *op.cit.*

⁷ *Ibid.* p.60.

⁸ Prisons Ombudsman Annual Report 1998/99. Cm 4369.

⁹ *Ibid.*

¹⁰ *Ibid.*



Views expressed are those of the authors and do not necessarily reflect the policies of the Relationships Foundation.

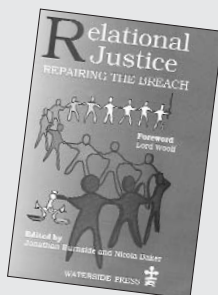
WHO WE ARE

The *Relational Justice Bulletin* is a quarterly publication by the *Relationships Foundation*, a Cambridge-based charity, as part of its *Relational Justice* initiative.

Relational Justice is a fresh approach to crime and punishment.

Rather than looking at crime solely as an offence against the state, it sees it as a breakdown of relationships between offenders, victims, families and the community.

The concept was developed by the *Relationships Foundation* in the early nineties. It first gained public exposure with the publication of the book '*Relational Justice: Repairing the Breach*' (Waterside Press, 1994), which was welcomed by Lord Woolf as 'a radical new approach which anyone with any concern about the criminal justice system needs to be aware'. Since then, it has been shown to have wide implications for policy and practice.



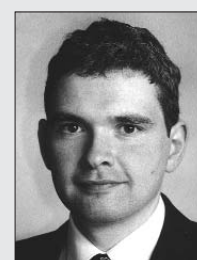
The *Relational Justice Bulletin* has been launched as a platform for discussion of the ideas at the heart of *Relational Justice* as well as exchange of good practice across the system.

You are warmly invited to join the growing number of professionals and practitioners who are already receiving it (see subscription form on the back page) and to contribute your own ideas and experience.

The *Relationships Foundation* is a registered charity dedicated to developing new 'relationships-based' approaches to social, economic and political issues.

Your help would be welcome in publicising the *Relational Justice Bulletin*. Free A5 leaflets are available for your use. You can request copies on the form on the back page.

Dr Jonathan Burnside is Editor of the *Relational Justice Bulletin*



VIOLENCE WITHIN RELATIONSHIPS

Mary Phillips discusses how multi-agency partnerships have been successful in tackling domestic violence



Domestic violence is a vital subject for Relational Justice because it is, by definition, a crime that is committed in the context of an intimate relationship. Domestic violence usually takes place in what should be the safety of the home; often in front of children; and by a partner to whom s/he should be able to look for support. It is one of the most dreadful violations of family life. Of equal relevance to Relational Justice is the fact that the challenge of securing justice for victims of domestic violence is immense; not least because of the close relationship involved. This can make it harder for the victim to acknowledge that a crime has been committed, or to report it to the police.

Women are typically perceived as being the main victims of domestic violence and hence what statistical information is available tends to focus on women's experiences of domestic violence. One in four women experience domestic violence at some stage in their lives and it is estimated that between one in eight and one in ten women have experienced domestic violence in the past year. Domestic violence appears to be increasing. Reported incidents of rape have more than trebled over the last ten years. Figures for rape incidents recorded by police between 1990-1994 show that only 30% of cases involved 'stranger rape.' The rest were perpetrated by acquaintances and intimates.¹ Unsurprisingly, women fear personal attack more than any other crime.

Domestic violence accounts for one quarter of all violent crime. Two women are murdered every week by their current or former partners, accounting for nearly half of all women killed in the UK. One in five of all murder victims is a woman killed by a partner or ex-partner.²

MULTI-AGENCY PARTNERSHIPS

There are all sorts of reasons why some women cannot leave abusive relationships: family pressure; practical obstacles (no money and nowhere to go); the hope that somehow the man will change; and the disruption that leaving would cause their children. So how can the criminal justice process better serve the victims of domestic violence?

At the Thames Valley Partnership, we believe that the best way to tackle domestic violence is through the development of inter-agency partnerships. This view is shared by the Cabinet Office which recently said in a policy document, *Living Without Fear*, that it wants to see effective multi-agency partnerships tackling domestic violence right across the country within five years. Already, there are around 200 inter-agency violence fora across England and Wales.

In accordance with this belief, the Thames

Valley Partnership has developed a multi-agency Steering Group ('Behind Closed Doors') whose aim is to work in partnership to develop a better service for victims of domestic violence. This has been achieved by bringing together statutory and voluntary agencies working in the field of domestic violence. So far we have established fourteen local fora across the Thames Valley area. These have developed partnership with solicitors, police and others to ensure early and easy access to the legal system; giving victims the opportunity to obtain injunctions orders and securing emergency protection for the victim.

CO-ORDINATED RESPONSES

The Crown Prosecution Service (CPS) are also part of the fora. Historically, prosecutions for domestic violence assaults have been low as there are seldom independent witnesses to the assaults. Research suggests that as many as 80% of cases initially reported to the police and referred to the CPS were later dropped through lack of witnesses.³ As a result of the partnerships formed, of which the CPS are members, there is a recognition that by the time the police become involved matters will invariably have reached crisis point. Even where a complaint has been withdrawn and there is no reason to doubt the truth of the initial allegation, the CPS may now still continue with the prosecution. Such co-ordinated responses enhance services to victims.

Local fora have also formed partnerships with Local Authority Housing Departments and Housing Associations. This has resulted in the provision of community alarms, enabling victims to remain in their homes safely. The alarms provide not only reassurance, but also a record of the incident, thereby giving the police greater evidence on which to base a successful prosecution. Another positive effect of these measures is that they allow children to remain within their schools and communities and hence to maintain continuity in their relationships.

In addition, local authorities are now identifying domestic violence as a key priority within their new community safety strategies under the Crime and Disorder Act 1998. As a result, more partnerships are developing with local authorities. These will provide badly needed places of refuge and a greater range of alternative support for victims and their children. In these and other ways, good multi-agency relationships can help to put right relationships that have gone wrong.

The Thames Valley Partnership has also started to work with schools, youth clubs and young offender establishments to try to 'break the cycle' of abuse. One study revealed that 70% of abusive husbands came from violent

backgrounds,⁴ whilst another found that 30% of men who experience violence in childhood went on to abuse their female partners as adults.⁵ In partnership with private sector sponsors, we commissioned a theatre company, Theatre Adad, to develop a dramatic exploration of relationships called 'Behind Closed Doors'.

MAKING A DRAMA OUT OF A CRISIS

This aims to challenge young people's attitudes and expectations of relationships by means of theatre-in-education. It specifically addresses those factors that are thought to contribute to the development of violent or abusive relationships. It also explores 'relationships' in general; the individual's perception of what behaviour is 'normal' and acceptable within a relationship; and the development of abuse, all within a safe environment.

Part of the reason why 'Behind Closed Doors' works is that it recognises that domestic violence is ultimately about the abuse of power and control in male/female relationships. Accordingly, recent work with perpetrators have moved away solely from anger management towards an approach based on mutual respect. As agencies, in our dealings with one another, we too have got to model relationships based on mutual respect. Domestic violence is a crime within relationships and tackling the problem means establishing strong and secure families and communities. This is a huge task. But the value of a cohesive response by local groups, responding to local need, is both enormous and powerful. The development of inter-agency partnerships has already produced innovative, creative and caring responses to survivors of domestic violence and must continue to do so. If relationships are part of the problem, they can also be part of the solution.

Mary Phillips is seconded to the Thames Valley Partnership by the social services departments from Berkshire Unitary Authorities. The Thames Valley Partnership is a multi-agency charity that 'strengthens partnerships to reduce crime and the fear of crime.'

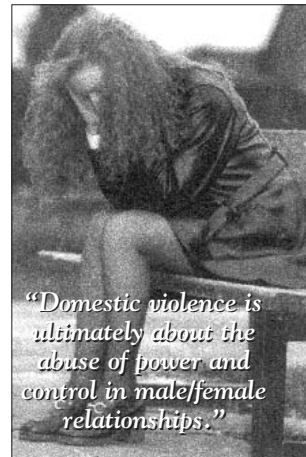
¹ *Living Without Fear*. 1999. Cabinet Office, The Women's Unit. London: HMSO. p.32.

² National Inter-agency Working Party on Domestic Violence – Victim Support 1992.

³ Edwards 1998.

⁴ Rosenbaum 1991.

⁵ Stark & Flitcraft 1998.



VOICES OF JUSTICE

Caz Ford explores a new mediation project that gives young offenders the chance to change



Over the last few years there has been a surge of interest in Relational Justice projects. These aim to get offenders to face up to what they've done and to make some kind of reparation. The latest is a new project launched in Bristol called 'Voices' which stands for 'victims and offenders in conferences': the first pilot of its kind in the south west.

'Voices' is inspired by the Family Group Conferences model used in New Zealand (see Chapter Seven of the book *Relational Justice: Repairing the Breach*¹ and Issue Two of the *Relational Justice Bulletin*)². Under this model, every young offender (convicted of all but the most serious of crimes) is asked to join a family group conference, ideally with the victim, to find a way of making amends. The term 'family' is interpreted to include a variety of people who

"No-one should underestimate the power of the face-to-face encounter to effect change."

can help the offender, such as teachers or youth workers. In Bristol, 'Voices' conferences use the same principles, but involve fewer

members of the wider community. Mediators facilitate the meetings to help the offender take responsibility for their actions, understand how it hurt someone and hopefully change their behaviour as a result. The project is managed by the charity Bristol Mediation, and brings together a whole range of agencies including police, education and social workers.

REGAINING CONTROL

A special panel selects suitable young offenders aged between ten and seventeen for referral to the project. As far as referral criteria goes, there has to be an identifiable victim; the offender has to have admitted guilt; and the crime has to be a cautionable offence. If the offender and the victim agree, a meeting is arranged. The meeting takes place in a neutral venue where both parties can explore their relationship in a safe, constructive environment. The conference itself is facilitated by mediators. The emphasis is on identifying the crime itself as being wrong, rather than on labelling the offender as a 'bad person.'

'Voices' benefits victims, many of whom feel let down by the criminal justice system. Conferencing enables them to be truly involved. Telling the offender exactly what they think can help a victim to regain some feelings of control after a disempowering experience. In many cases, simply hearing the offender say sorry can help them to feel a lot better. No-one should

"Mediation has everything to do with relationships."

underestimate the power of the face-to-face encounter to effect change. Since November 1998, 48 young offenders have been referred to Voices and five conferences have taken place. Offences committed include: burglary; criminal damage and robbery, as well public order offences.

PARTICIPANTS' VOICES

I have conducted interviews with participants in 'Voices' and have so far found some very positive results. A recent case involved seventeen-year-old Mark and Daniel (not their real names). Mark was caught in possession of stolen bike parts. Of the 'Voices' experience he says: "It wasn't what I was expecting. I thought I'd say sorry and go." Instead he admits: "I felt differently – like I shouldn't have done it. It makes you change. If I were in that position again it would make me say no – don't do it."

His victim, Daniel, was a student who had worked hard to buy his bike – a treasured possession. He finished his evening job at eleven o'clock at night only to find it had been dismantled. "It upset me more than anything else," he says. "My bike is my only form of transport. When it happens you think – right I'm going to get the person who did it. But at the end of the day I didn't feel angry when I went into the conference, I just wanted to know if he'd done it or not and to stop him from doing it again. I thought it [Voices] was an excellent idea. It gave me the chance to really talk to Mark. If he's open enough to understand what he's done isn't right, it could alter the way he behaves in future."

Although the project is still in the early stages, such findings appear to justify the enthusiasm of the Chief Constable of Avon and Somerset Constabulary, Steven Pilkington, who said at the launch in April that Voices had "the potential to make an enormous impact on the lives of young people, those who have been offended against and communities generally."

MORE CONFLICT RESOLUTION

This interest in victim/offender mediation could also have positive 'knock-on' effects for other kinds of conflict resolution – such as the mediation service that Bristol Mediation operates for neighbours in dispute. This is the core work of the organisation and many areas of the country have similar services. Yet many clients are unaware of their local mediation service until referred by their local council or by some other agency.

Despite its low profile, mediation can be extremely effective – providing both parties are willing to take part. Around 90% of cases that

reach a face-to-face meeting end in agreement on presenting issues. It works, because instead of polarising two households into different camps, it encourages them to focus on the problems between them and find their common ground.

Of course, this does not happen by accident. From my experience as a volunteer mediator, I know that the whole tone of mediation meetings is crucial to getting the best out of people. There's no doubt that mediation takes skill. By agreeing to take part, both parties are investing a great deal of trust in mediators, who need to have excellent listening skills to help participants really hear something they may otherwise miss (or dismiss). Mediators also need to keep calm. Face to face meetings can be highly charged, as people vent feelings of anger, frustration, upset and fear. Basic principles used in mediation include; speaking for oneself rather than accusing others, separating the problem from the personalities, and looking at what people want for the future rather than allocating blame for the past.

Mediation has everything to do with relationships. Successful work with offenders often hinges on the impact of meeting the person they hurt, even for a short time. With neighbour mediation there is usually some form of ongoing relationship, but in both cases it is the humanisation of each other that can lead to insight and positive change.

"Successful work with offenders often hinges on the impact of meeting the person they hurt."

Caz Ford is a freelance writer and fundraiser and was formerly a BBC radio presenter and producer. She has been a volunteer community mediator since 1996 with Bristol Mediation, specialising in neighbourhood disputes.

¹ McElrea F. 1994. 'Justice in the Community: The New Zealand Experience'. In *Relational Justice: Repairing the Breach*. Jonathan Burnside and Nicola Baker (eds.). Winchester: Waterside Press.

² McElrea F. 1999. 'Why Relational Justice Works', *Relational Justice Bulletin* 2, pp6-7.



THE HEIRS OF ALCUMUS

Alan Clarke evaluates mentoring for young people at risk



A wealth of research evidence suggests that a breakdown in supportive relationships is one of the main reasons why some young people drift into crime. Inadequate parental supervision, poor family attachment, parental neglect and truancy or exclusion from school¹ are all key predictors of delinquent behaviour². Young people deprived of a stable family home life and who are excluded from school are particularly vulnerable to social isolation. These factors have given rise to the emergence of a variety of innovative intervention programmes using adult mentors who are trained to provide practical and emotional support for young people at risk. Indeed, mentoring schemes are playing an increasingly important part in the general preventative strategy towards tackling youth crime. The national Youth Justice Board has recently established a fund to support the development of mentoring programmes to prevent the onset of offending or encourage young offenders to desist from further offending.

Although mentoring has only recently been introduced as a strategy in working with young people at risk, the idea goes back to ancient times. The term 'mentor' has its roots in Greek mythology, where it appears in Homer's *Odyssey*. Mentor was the name of the trusted son of Alcumus, who was chosen by Odysseus to act as a guardian, teacher and adviser to his son Telemachus. The word "mentor" has since come to mean "a loyal, wise and trusted teacher and friend."³ The mentoring process itself is based around two individuals developing a 'helping relationship'.

BEACONS OF HOPE

In this guise mentoring has been used for a long time in a wide variety of professional and occupational contexts as a way of building supportive relationships between supervisors and trainees. But, in line with its origins, a 'mentor' can be viewed as having a significant role to play in a young person's transition to adulthood. It is in this more general context of adult maturation and the development of essential interpersonal skills and behavioural competencies that mentoring has come to be seen as a useful way

of helping vulnerable young people. Adult mentors can be 'beacons of hope for young people adrift in an uncertain world'.⁴ Where informal familial support mechanisms have been weakened or ceased to exist, mentors can be an alternative source of guidance, care and support, while at the same time presenting a positive role model. Suitably trained mentors can encourage mentees to see their offending behaviour and anti-social actions in a wider relational context. The content, structure and organisation of mentoring support roles vary between mentoring schemes. The form a particular mentoring role takes is determined by a number of factors, such as the aims of the programme, the nature of the target group and the social, economic and cultural characteristics of the area in which the programme is located.

DALSTON YOUTH PROJECT

The Dalston Youth Project (DYP) in north east London provides a good example of an innovative initiative that incorporates a mentoring support scheme with a structured community-based educational programme. The project was set up in 1994 with funding from Crime Concern to provide education and careers advice for young people between 15 to 18 years of age, who had either already offended or were in danger of being excluded from school. A similar project focusing on the prevention of truancy and school exclusion among 11 to 14-year-olds was launched in 1997. The author is a member of a research team currently engaged in a three-year evaluation of this project.

In the case of both projects, mentoring is one element in a twelve-month integrated programme. The mentors are all volunteers, drawn from a variety of ethnic groups and occupational backgrounds. They are recruited exclusively from within the local community, in order to ensure that they are familiar with the socio-economic conditions and cultural surroundings experienced by the young people they befriend. Each programme cycle begins with a weekend residential course at an outward bound centre. At the end of the weekend course the young people are matched one-to-one with the volunteer mentors.

Mentors are trained to act as supportive role models. They are encouraged to meet their mentees on a regular basis and become an adult friend and advisor. Meetings are often organised around recreational activities and social outings, as these provide the kind of informal atmosphere in which a mentoring relationship can flourish. Trust and friendship are at the core of this relationship, as illustrated in the following comments by mentees on the programme for young people aged between 11 and 14 years:

"Mentees are encouraged to see their offending behaviour in a wider relational context."

"A mentor is your own personal person. You can talk to that person and they won't tell anybody else. They are like a second sister or brother. A really, really good friend."

"You can use your mentor in different ways. The way I use my mentor... (is to) talk things through. I have no one to talk to at home."

THE RELATIONAL DIMENSION

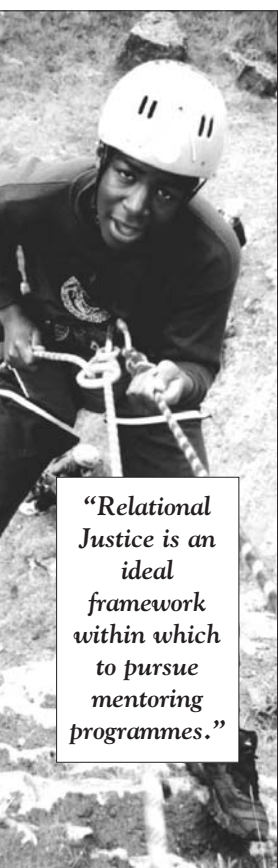
Developing the relational dimension of mentoring is something that requires effort and commitment from both sides. One mentor aptly describes mentoring as 'a marathon, not a sprint'.⁵ However, it can be rewarding for all concerned. There is growing research evidence that programmes with a mentoring component do make a difference. The bulk of this empirical research comes from the USA. For example, in an impact study of the Big Brothers/Big Sisters youth programme, which compared a group of young people who had been involved in a mentoring relationship with a matched control group, it was found that those who had received mentoring were 46 per cent less likely to take illegal drugs and 52 per cent less likely to absent themselves from school.⁶ Although there has been relatively little systematic research into mentoring schemes in the UK, from the few studies that have been completed to date, there are signs that mentoring can have a positive impact. In an evaluation of the Community

Service Volunteers On-Line Mentoring Scheme, a number of positive outcomes are reported, including a reduction in offending behaviour and a reduction in the number of problems experienced at school.⁷

Relational Justice is an ideal framework within which to pursue relationship-based programmes like these that meet the specific needs of disadvantaged and disaffected young people.

Dr. Alan Clarke is a Lecturer in Sociology at the University of Surrey. His research interests are in the area of crime and the criminal justice system. He is currently working with Professor Roger Tarling on a three-year evaluation study of the Dalston Youth Project.

"Relational Justice is an ideal framework within which to pursue mentoring programmes."



¹ Graham, J. and Bowling, B. (1995) *Young People and Crime*, London: Home Office.

² Farrington, D. (1996) *Understanding and Preventing Youth Crime*, York: Joseph Rowntree Foundation.

³ Dondero, G. M. (1997) 'Mentors: beacons of hope', *Adolescence*, 32, 128, p. 881

⁴ *Ibid.*

⁵ Quoted in Rastan, C. (1999) 'Mentoring – a marathon not a sprint', *Crime Prevention News*, April/June, p. 11.

⁶ Tierney, J. P., Baldwin Grossman, J.B. and Resch, N. L. 1995. *Making a Difference: An Impact Study of Big Brothers/Big Sisters*. Philadelphia: National Mentoring Partnership.

⁷ Porteous, D. (1998) *Evaluation of the CSV On-Line Mentoring Scheme*, Vauxhall Centre for the Study of Crime: University of Luton.

A SPACE FOR RELATIONSHIPS

Catryn Yousefi describes the Howard League's Citizenship and Crime Project



Early intervention to prevent the progression and escalation of antisocial behaviour is currently central to policy and practice development. The principal aim of the Youth Justice System is now stated to be the prevention of offending by the Crime and Disorder Act 1998. The Howard League for Penal Reform has developed an innovative education project, the Citizenship and Crime Project, which addresses these changes by seeking to encourage young people to adopt a sense of citizenship, potentially leading to reductions in antisocial behaviour.

The Citizenship and Crime Project was launched in 1997 with the aim of reducing youth crime. The Project takes place in secondary

The programme uses various mediums of communication, including discussions, role-plays, quizzes and games.

A fundamental aspect of the Project's success has been the invaluable contribution of our volunteer advisers. They hail from disparate criminal justice and/or youth related backgrounds and all have a commitment to empowering young people. With the Crime and Disorder Act 1998 and the development of Youth Offender Teams, with resultant multi-agency partnerships, the Citizenship and Crime Project has been able to utilise a multi-disciplinary team of advisers to build relationships with extensive numbers of young people. These relationships have helped to

inform, empower and encourage a forum of discussion with the young people, providing a space which ensures that we are not merely talking about young people, but with them.

BENEFICIAL CONTACT

The three year project is being evaluated to determine the impact of the

conference on young people. All the students and advisers who take part have the chance to comment on the conference programme. So far the feedback has been extremely positive from both students and advisers. The conferences enable students to gain factual information about crime and its consequences. The students enjoy taking part in role-plays and at the same time they are learning valuable skills such as strategies to resist peer group pressure.

Students say they found their contact with the advisers to be very beneficial. It gives them an opportunity to air their views in a safe environment and on their own territory. They are able to discuss their personal experiences in a mutually respectful relationship. One student commented on how he enjoyed working with a defence solicitor because "he understood us and really listened to us." When students were asked whether they enjoyed working with the advisers, their comments included: "I could relate to them really well and they really understood our problems"; "They made it clear and I wasn't afraid to ask questions. They made it fun and knew the answers to all our questions on crime" and "It was good working with an adviser, because they were an equal as well as a teacher."

COMMUNITY CRIME PREVENTION

The advisers also gain from their experiences on the conferences. A police officer from Brent hoped that his contact with the students

provided them with "an alternative view of the police and the fact that we are not all always as bad as they think. I have gained from speaking to the pupils and I hope they have gained from speaking to me". A representative from a crime diversion project in North London working with young offenders said that his experience allowed him to reflect directly on the circumstances of the young people and increased his awareness of the reasons why individuals become involved in crime. "I was able to witness at first hand the complexities of their backgrounds, bringing such issues to the forefront of my work."

A community safety officer summed up the importance of engaging in constructive dialogue with young people when he commented "the students responded enthusiastically, leaving me quite clear that community crime prevention strategy would be incomplete without entering into these partnerships with schools."

From our ongoing evaluation of the Project, it has become increasingly evident that not only are the students' attitudes to offending and anti-social behaviour being challenged but, equally as important, barriers between young people and adults are being broken down. The Project, through the development and encouragement of relationships and discussions is aiding the understanding of all those involved on issues of juvenile justice. Stereotypes are being challenged and avenues for discussion and debate are being explored. This can only strengthen the position of volunteer advisers acting as positive role models for young people and the potential for young people to be part of the solution to crime prevention.

Note: The Citizenship and Crime Project is currently preparing to enter its third academic year. Conference dates have been booked and volunteers are actively being recruited. If you are interested in taking part in the Project contact Catryn Yousefi at the Howard League on 0171 281 7722.

Catryn Yousefi is a Project Co-ordinator on the Citizenship and Crime Project at the Howard League for Penal Reform since 1998. Prior to this post she worked as a Drug Education Officer for a street drug agency in south-east London.

"The Citizenship and Crime Project has been able to utilise a multi-disciplinary team of advisers to build relationships with extensive numbers of young people."



schools across London, working with 13/14 year olds, with the aim of informing young people about crime and its consequences. It provides young people with the chance to meet and talk with professionals from the criminal justice process – including magistrates, police, youth workers, probation officers, solicitors and barristers – who have been recruited as 'volunteer advisers'. They work closely with young people in small groups to explore issues of crime and citizenship.

BUILDING RELATIONSHIPS

The Citizenship and Crime Project aims to inform young people about the criminal justice process, particularly the youth justice system. It also aims to empower young people by giving them skills to say 'no' to crime and by developing social skills such as conflict resolution. During a two-day conference, using structured workshops and activities, the students are encouraged to think about how they can prevent crime by making a positive contribution to their communities. The conference programme hopes to challenge commonly held assumptions about youth crime and its consequences. The students are asked to think about why some young people commit crime and how young people can avoid the kinds of pressures that may push them into crime. They also consider the consequences of crime and the effects it can have on the victim, the offender and the wider community.



HEALING THE FRACTURED SELF

Jonathan Wallace describes the role of relationships in rehabilitating addicted prisoners



Chronic drug addiction creates isolation: isolation from others and a complete breakdown of any relationship with self. The chronic drug addict has only one meaningful relationship – with the drugs he or she needs and craves. All other relationships become transactions in progress. Over and over again and over many years, addicts seeking recovery have explained to me how they started to use drugs because they felt alone, awkward, frightened and separated from others. “I felt that I was in a play. But everyone else had the script and I didn’t.”

At first, the drugs gave them either a feeling of being connected to the world and others, or of being content in their sense of solitude (depending on the drug). Either way, self-medication started by providing a sense of identity, of ‘meaning’ and a sensation of relating to others and to the world. Soon addiction kicks in and the addict is once more alone. Now he or she starts using drugs against his or her will. Denial erodes any sense of reality. Drug addicts are allergic to reality, especially in withdrawal and in early recovery.

ADDICTION TREATMENT

Most chronic drug addicts end up in prison at some point. Here they face a new set of problems. Relationships in prison are all about coercion and transaction. “I will behave this way if you will behave that way.” And active addiction does not stop at the gates. One inmate in HMP Wandsworth told me at a self-help group in 1988: “there’s more drugs in this nick than in Brixton itself. I need only walk 20 yards to score here. I had to go 200 yards at home”. When he went on to explain that one set of “works” (hypodermic syringe) was being shared by 32 men, three known to have HIV, I decided to do something. I set up and helped to run a charity, now called the Rehabilitation for Addicted Prisoners Trust (RAPt). Our mission is to provide the best level of drug treatment facilities in prison as is available in the free world. We also committed ourselves to making such treatment available “to every prisoner in Britain who asks for help.”

At that time there was no specialist, intensive addiction treatment programme in any British prison. We resolved to take the most effective treatment programme into jails. This was called the ‘Minnesota Model’, a treatment approach based on the principles of Alcoholics Anonymous (AA) and its offshoot fellowship Narcotics Anonymous (NA) and developed in

the United States. It is exactly the same programme which the costly treatment centres, such as the Betty Ford Clinic and Hazelden in the US and the UK’s Priory and Clouds (and many others), provide. It was a long haul from the idea to action.

But we started Britain’s first full-on addiction treatment programme at HMP Downview in Surrey in 1992. All funds had to be raised charitably. No statutory funding was available. Today, RAPt works in five jails and the government has just announced £73 million in funding over three years to provide help for drug addicts in all prisons. Fifty of them are to have intensive treatment programmes or therapeutic communities. I am grateful to have played a role in this huge change in government policy.

RELATIONAL CHALLENGE

Relational issues erupted even before we met our first client. We initially had to build a rapport with the prison staff. They felt invaded and even threatened by outsiders coming in to their domain and offering services which they (rightly) felt they should be doing themselves. Passive-aggressive behaviour erupted from the outset. This was immediately eased (but has never been truly surmounted) by our treatment model’s core requirement. Two thirds of our qualified counsellors need themselves to be recovering addicts (and preferably ex-offenders). As the preamble read out at every NA meeting says: “The therapeutic value of one addict helping another is without parallel.” Or, as one prison officer admitted early on: “You can’t con an ex-con.”

The real challenge came with how to build a relationship and trust with the prisoners. Our early days were not easy. Many applicants for treatment came to disrupt the work. One day, Frank Q. arrived; a terrifying figure serving life for murder and a self-confessed addict who “had used drugs every day inside for over 18 years.” He paid for this by enforcing the will of the prison’s drug dealers. Frank had come to “sort us out.” But Frank had a remarkable change of heart. He cleaned up, went for recovery with the same determination that he had pursued his addiction and became our most eloquent advocate. Too much so, at first. When we learned he was “leaning on” fellow inmates to apply for treatment with much the same tactics as he had employed before, we suggested that he desist. It is a given rule that recovery on the AA/NA model

is spread by “attraction rather than promotion.” Relationships are built by example, not by preaching and certainly not by harsher methods.

RIGHT RELATIONS

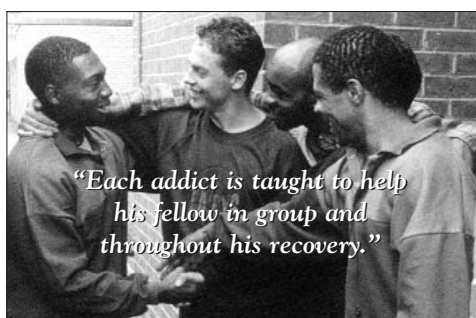
The treatment model we adopt is wholly based on building trusting relationships. But first, the addict must abstain from all drugs (including alcohol). No meaningful relationship can be made by, or with, a toxic addict, whether the drug is illegal or prescribed. Then the therapy begins. This model is based on group therapy and “working” the 12 Steps of recovery of AA/NA. Each addict is taught to help his fellow in group and throughout his recovery. “We can only keep what we have by giving it away,” is

another phrase from the NA preamble. So the group is comprised of those coming to the end of their 13-week programme and helping those stumbling in and newly detoxed. The 12 Steps address the issue of “powerless over drugs” and the life-saving need to

ask others for help: “I alone can do it, but I cannot do it alone.” “I feel I belong somewhere for the first time in my life,” is a constant refrain from those in early treatment and at fellowship meetings. The 12 Step recovery programme goes on to address the core issues of one’s relationship with self, “I can only stay clean if I believe I am worth it.” Then other steps: “we make a fearless moral inventory of ourselves, sharing this with another human being and with our higher power (a God of our understanding).” When the addict has detoxed from the drugs and from the guilt and from the shame of his past, the programme sets great store by making “right relations with others.” This means making practical and thorough amends to “all those we have harmed, except when to do so will injure them or others.” It concludes with the 12th Step which insists that “we try to carry this message to addicts and to practice these principles in all our affairs.”

This is a necessarily brief description of a complex journey for the individual addict. And it works. RAPt’s success rate (a year clean and sober after completing treatment) is over 50 per cent, according to an independent survey. Then, rebuilding family relationships in the free world can begin. RAPt offers aftercare services specifically designed to heal relationships for the prisoner on release, but this work must be described in a separate article.

Jonathan Wallace is a writer and publisher who sold his publishing company in 1986 and set up a treatment facility for street addicts in north London. He went on to found the Rehabilitation for Addicted Diseases Trust (RAPt) in 1990, opening the first stand-alone, intensive addictions programme in a British prison in 1992.



“Each addict is taught to help his fellow in group and throughout his recovery.”

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NEAR(L)Y JUSTICE

David Green gives his view of the Westminster Abbey case



The Westminster Abbey case is a good example of the kind of conflict that can arise between relationships and justice. Since the *Relational Justice Bulletin* is devoted to debating precisely these sorts of issues, it is in this spirit I respond to the article by Judge Christopher Compston in Issue 2. I must also declare my personal interest as the solicitor who advised the Abbey throughout the Neary case. For this reason, I am becoming known in my office as the “gamma minus” man!

Judge Compston’s article raises three fundamental issues that cannot go unanswered. The first is Judge Compston’s claim that the Neary case was: “A civil dispute over sums of money going from concerts involving Dr Neary and the choir outside the Abbey. The new Dean said that these monies belonged to the Abbey. The Nearys disagreed, claiming that they belonged to the Neary company.” No. The Neary dispute was actually about the making of secret profits, as confirmed by the Judgement of the retired law lord, Lord Jauncey. Indeed, the Neary case has been reported in several employment law journals, including a summary in the June edition of the *Industrial Relations Law Bulletin*. This states that: “The Dean and Chapter of Westminster Abbey were justified in summarily dismissing the Abbey’s organist and his wife its concert secretary in the determination of a retired law lord in *Neary & Another v. Dean of Westminster*. The conduct that struck at the root of the trust and confidence inherent in the couple’s relationship with the Dean and Chapter could amount to gross misconduct and their conduct was such as to fatally undermine the relationship of trust and confidence that should have subsisted between them and the Abbey. *They used their positions to make secret profits over a prolonged period and entirely failed to inform the Abbey authorities of what they were doing, even though there were ample opportunities to do so and no good reasons for not doing so*” (emphasis added).

A FAIR HEARING

The second issue is Judge Compston’s comment on how the matter should have been dealt with. In putting forward his proposals for “justice”, Judge Compston appears to ignore that there is already a code of practice for disciplinary matters, developed by ACAS. This has been in existence since 1977 and was last revised in 1997. The ACAS Code provides practical guidance on how to draw up disciplinary rules and procedures, and how to operate them effectively. It is those

procedures that are considered by Employment Tribunals when looking at cases that come before them in respect of dismissal. Those procedures do not, of course, provide for an outside independent body to deal with internal disciplinary matters, as Judge Compston suggests in his article. But if every employer was required to adopt such a procedure, the employer’s ability to run its business would grind to a halt. It is the duty of an employer to give consideration to the ACAS Code and there is no need to produce a new set of rules simply because, in Judge Compston’s view, those rules might have achieved a different result in the Neary case.

Ironically, the very thing Judge Compston

asks for (namely, an independent tribunal to consider disciplinary matters) was actually what happened in the Neary case. Because of the special nature of Westminster Abbey, it is subject to visitorial

jurisdiction. There was, therefore, the right of internal appeal to an independent person appointed. Moreover, the appeal hearing was not a review of the Dean and Chapter’s decision but a complete re-hearing. How can it not be justice for such an independent person to have completely re-heard the case against the Nearys, having had the benefit of 12 days of evidence and then reached the decision that Dr and Mrs Neary should be dismissed? This is the justice that Judge Compston seems to ignore.

COSTS

The final issue is that of costs. Of course costs should always be controlled and cases kept in proportion, even in internal disciplinary matters. However Judge Compston fails to deal with the fact that I, together with members of Dean and Chapter, spent days in April 1998 negotiating with the Nearys and their solicitors in order to procure a settlement of the matter before any costs of Appeal were incurred. That such negotiations failed because the Nearys would not accept that they were guilty of doing anything wrong is not something that can be blamed on the Dean and Chapter. Costs were incurred by the Nearys’ Appeal but such costs would have been unnecessary if the Nearys had not wished to be absolved from serious conduct, something that the Dean and Chapter and later Lord Jauncey were seemingly not prepared to do.

David Green is a partner and head of the Employment Unit at Charles Russell Solicitors in London.

“Costs should always be controlled and cases kept in proportion.”