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# SOCIAL WELFARE AND RESTORATIVE JUSTICE

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## SUMMARY

*This paper explores the links and connections between social work and restorative justice. After a brief description of social work, restorative justice and family group conferencing, I will explore some the complementary theoretical links and practice applications, critically examining the potential implications and opportunities for social work practitioners and academics in relation to practice.*

**Key words:** social welfare, restorative justice

## INTRODUCTION

Social work and restorative justice are both notoriously difficult approaches to define (Zehr and Toews, 2004; Brand et al, 2005). They are underpinned by numerous social and psychological theories and a plethora of practice interventions (Adams et al, 2002; Liebman, 2007). A focus on Human Rights and the tenets of Social Justice underpin these approaches along with focusing on empowerment and anti oppressive and anti discriminatory practices (Cox and Pawar, 2006; Family Rights Group). They seek to engage with marginalised and excluded individuals and groups and have sought to address change at both a structural and individual level (Davis, 1994; Sullivan and Tift, 2001; Mullaly, 2007).

Despite these approaches appearing to have many similarities they are often viewed as ideological opposed to each other due to the division of aims regarding the system that they are generally associated with, either justice or welfare (Morris and Tunnard, 1996; Crawford and Newburn, 2003; Ashley and Nixon, 2007). These two systems are constructed through legislation that dictates statutory roles and responsibilities for the practitioner, defines service users and subsequent interventions (Cavadino and Dignan, 2005; Johns, 2007). The criminal justice system (CJS) has a plethora of underpinning legislation relating to either both

youth and adults who offend. The legislation specifies the statutory agency that will address offending behaviour either Youth Offending Teams for young people (aged 10-18) or the Probation Service for adult offenders (Probation Service Act 1993; Crime and Disorder Act 1998; Criminal Justice and Court Services Act 2000).

Similarly social workers, their clients and social service departments are all creations of statutes, reflecting the complexity and diversity of the service user groups (Alcock, et al, 2002). Legislation not only defines the social work profession but also specifies its duties to protect vulnerable groups, such as, children, the elderly and individuals with mental health difficulties (Johns, 2007; Brayne and Carr, 2008).<sup>1</sup>

The aims of each system have resonance with the specific service user groups and therefore embrace a delineated intervention focus. Restorative justice appears in the literature with an emphasis on 'criminal justice' and is therefore more often associated with particular interventions that engage with convicted offenders in the CJS (Liebman, 2007). Social work with its welfare orientated approach seeks to engage with vulnerable individuals and groups in the welfare system (Thompson, 2005).

Each systems also employs distinct differentiating terminology, for example in the CJS there are 'offenders' and 'victims', and its objectives are to

<sup>1</sup> For a comprehensive account of the law and its application to social work practice see (Johns, 2007; Brayne and Carr, 2008).

ensure punishment through the processes of rehabilitation, accountability and responsibility (Cavadino and Dignan, 2005). Whereas social work is associated with the welfare system and its overarching purpose to protect and care for its most vulnerable citizens (Hornby, 2003). The welfare system obviously encompasses an exponentially wider range of vulnerable client groups or 'service users' and therefore a multitude of needs and subsequent services to address those needs. Welfare services go beyond the narrower focus of just addressing offending or anti social behaviour to offer broader comprehensive provision and interventions focussed on empowerment, engagement and seeking to ensure well being (Hornby, 2003).

Despite the aims and objectives of these two systems seemingly diametrically opposed to each other, on closer examination connections and links do start to emerge. Notwithstanding the divergence in focus it is not uncommon for users to have involvement in both the welfare and justice systems simultaneously, especially young people (Van page, 2003; Mantle and Critchley, 2004). It is in the area of intervention where differences and similarities between these two approaches are most prominent.

The distinction in the literature regarding where RJ is located in terms of its CJS focus is somewhat misleading, as the practice of restorative justice is commonplace in both the welfare and justice systems (Brown, 2003; Liebmann, 2007). However it is the mode of RJ intervention used in each system that establishes the differentiation and is reflective of its overarching objective. For example, in the judicial system, various forms of RJ are used across all manner of pre and post court disposals, for example, letters of apology, victim awareness sessions and face to face meetings with victims through a variety of mediated processes including Family Group Conferences (Home Office, 2003). Regarding welfare concerns, many local authorities use one specific RJ intervention; Family Group Conferencing (FGC) to address child welfare and protection concerns with varying degrees of success (Brown, 2003; Fox, 2009).

The overlap of these mediated processes in both the welfare and justice systems identifies the use of Family Group Conferencing as the method of choice for interventions that seek to engage communities and individuals in a holistic collaborative fashion to address welfare and criminal matters, occasionally simultaneously (van Pagee, 2003).

Having explored and explained the distinct nature of social work and RJ practices and where they are located structurally, this paper will now discuss each particular approach and some of the associated theories that apply to each. It will then identify areas of practice in which either FGC or its derivatives underpin the intervention.

## **SOCIAL WORK AND RESTORATIVE JUSTICE**

The International Federation of Social Workers (IFSW) definition of social work highlights the correlation in values and underlying principles between social work and restorative justice in that 'the social work profession promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance well-being. Utilising theories of human behaviour and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work (IFSW, 2007).

Restorative justice is seen by many as a philosophy, a process, an idea, a theory and an intervention (Braithwaite, 1989; Umbreit and Cary, 1995; Richardson, 1997; Umbreit and Coates, 1999; Graef, 2000; Du Pont, 2001; Family Rights Group). It often feels very familiar and yet a strange or possibly alien notion, a marvellous ideal and perhaps an unobtainable goal. It is deemed as hugely successful and yet surprisingly criticised (Fox, 2005; Sherman and Strange, 2007). It appears at any given time to be old and new, traditional and innovative, a humanitarian healing process and a suitable punishment, meeting the needs of the welfare and justice systems in many common law jurisdictions (Walgrave, 2003; Mantel et al, 2005).

Restorative Justice seeks to resolve conflict and repair harm. It encourages those who have caused harm to acknowledge the impact of what they have done and gives them an opportunity to make reparation. It offers those who have suffered the harm the opportunity to have their harm or loss acknowledged and amends made' (Restorative Justice Consortium). Ultimately RJ is a problem solving approach that seeks to bring together and incorporate the views of all individuals or groups that have an interest in the incident, whether this is a welfare concern or a criminal matter (Sullivan and Tift, 2001). In both the justice and welfare systems, RJ can give victims a voice, which more often the established systems and procedures do not allow.

Shaming and reintegration are core aspects of RJ theory as the offender's relationship and connections to the victim and other community member's assists in holding them accountable and responsible for their unacceptable behaviour (Braithwaite, 1989). Subsequently this assists in making decisions and plans to support both victims and perpetrators which empower the victims and promote safety and healing (Family Rights Group).

The links between RJ and social work are well established although not widespread (Severson and Bankston, 1995; van Wormer, 2003; Mantle and Critchley, 2004). At its very core, RJ interventions possesses a fundamental objective, that of restoring balance, making right a wrong and repairing the social bonds that have been broken (Daly and Immarigeon, 1998). Restorative practices are underpinned by a set of values, which include: Empowerment, Honesty, Respect, Engagement, Voluntarism, Healing, Restoration, Personal Accountability, Inclusiveness, Collaboration, and Problem-solving (Restorative Justice Consortium).

It is the shared value base that seeks to promote inclusivity, collaboration, problem solving human rights and social justice that provides us with some initial connections between these two approaches. This reinforces the notion that social work and restorative justice are concerned with the 'whole person, within the family, community and societal and natural environments, and should seek to recognise all aspects of a person's life' (Asquith et al, 2005). In a broader sense it emphasises core principles that encompass challenging stigma, discrimination and exclusion, recognising diversity and seeking to promote inclusion within society, that highlight that these approaches are interlinked and compatible (Mirsky, 2003; IFSW, 2004).

In terms of a practice application Family Group Conferences (FGC) are well established within the criminal justice and social work professions in the United Kingdom (Brown, 2003; Liebman, 2007). It is their emphasis on problem solving with voluntary engagement by all parties, seeking to reintegrate and balance the needs of victims and perpetrators that have established it as the pinnacle of restorative interventions (McCold and Wachtel, 2003).

The success of the FGC model of intervention is supported by McCold and Wachtel (2003) Restorative Justice Typology which identifies a process continuum regarding the degree an intervention is restorative. Certain practice models are seen as more restorative than others, with FGC as

'fully restorative', victim offender mediation as 'mostly restorative' and financial compensation for victims as 'partly restorative'. The level of restoration is measured by how much the intervention meets the needs of those attending. Participants of the process are defined as either primary or secondary 'stakeholders' and essentially comprise of victim and offender, their families and friends in the former category, with the addition of community, in the latter.

FGC is particularly focused on young people, especially where there are child welfare and youth justice concerns (Fox, 2009). In terms of welfare this approach has been described as a 'decision making and planning process whereby the wider family group makes plans and decisions for children and young people who have been identified either by the family or by service providers as being in need of a plan that will safeguard and promote their welfare' (Family Rights Group). When focused on youth justice concerns the conferences are designed to heal the damage caused by an offender's behaviour, restore harmony between those affected by their behaviour, encourage the participation of those who have a direct interest in either the offender, perpetrator or the offence, empower the victim, and positively 'reintegrate' the offender within the community (Maxwell and Morris, 1993; Stewart, 1996).

According to many advocates the question of whether RJ is successful is now longer a consideration, changing the focus from not if it works, to why it works and with whom, under what circumstances? (McCold, 2004; Sherman and Strange, 2007). This focus reflects the current climate of 'evidence based' or 'evidence informed' practice in which the success of interventions are supported by the latest research evidence of best practice (McNeece and Thyer, 2004; Walter et al, 2004; Smith, 2006). Although not conclusive, especially in terms of practice knowledge or wisdom, it is accepted and supported in the literature, that family group conferencing appears to be an effective mode of intervention when dealing with either welfare or justice issues (Utting and Vennard, 2000; Essex, 2002; McCold and Wachtel, 2003; Sherman and Strang, 2007; Fox, 2009).

Therefore it is not difficult to understand why FGC practices that embody these fundamental welfare principles and values have embedded themselves in social work interventions aimed at young people and adults in the welfare and youth justice and criminal justice systems (Essex, 2002; Home Office, 2003).

There are various types of conference models<sup>2</sup> in existence and all originate from the model based on the traditional Maori problem solving practices and encased in law in New Zealand in 1989 (Shaw and Jane, 1999). In the United Kingdom like many countries, there are variations within these models, their uses and where they take place within the judicial or welfare process (Mirsky, 2003; Family Rights Group).

This paper will now explore the links between the interventions and established social work theories that connect them.

### PRACTICE INTERVENTIONS

The use of FGC for many social service departments has become well established in the UK (Brown, 2003). They are predominately associated with child welfare and child protection cases along with youth justice matters (Simmonds et al, 1998; Smith and Hennessy, 1998; Latimer et al, 2001; Miers, 2001). Conferences take place at varying points in either the welfare or justice system and seek to provide a holistic, participatory process of engagement with families in assisting to decide the best outcomes for young people. It can be seen how many of the core principles of RJ that underpin FGC interventions have permeated into various and diverse areas of social care practice, where inclusion and extended support for an individual are required (Mirsky, 2003).

For example, in the U.K, mediation has very clear links with social work practice and no more so then in arena of 'child centred court based mediation' provided by the Children and Family Court Advisory and Support Service (CAFCAS). The service provides family mediation to assist parents in making suitable decisions and arrangements for their children where there has been a relationship breakdown (Mantle and Critchley, 2004: 1162). Person Centred Planning (PCP) is a process that uses 'circles of support' to assist in planning care and support packages for individuals with disabilities. These circles focus on the service user and empower them and their families to enlist family, friends, neighbours, support workers and professionals to help provide a network of people or services who assist with the care of the disabled service user (Circles of Support, 2005).

Kinship care uses this intervention to assist in child welfare concerns. It is a process whereby once

the Local Authority identifies that there are welfare or protection concerns regarding a child, instead of placing the child with strangers as in a standard fostering agreement, they are placed with extended family or 'kin' with the support of the local authority (Aldgate and McIntosh, 2006). FGC's are used as the decision making forum where consultation is undertaken between the local authority, family members and the child in terms of identifying systems of support and ultimately a safe place for the child to stay (Broad, 2001). Essex Family Group Conference service has been especially creative in extending their use of FGC to incorporate adults with mental health concerns. In terms of this intervention, the FGC is used as part of the Care Programme Approach (CPA) which is a system of care similar to PCP in that a conference is called in which the service user, their family, extended family, friends and identified professionals attend to address and support the service user in managing their mental health difficulties by identifying areas of support from family and or using community services (Essex, 2007).

In other parts of the U.K, FGC are used for intervening where there are domestic violence concerns, bullying issues in schools, teenage runaways, teenage mothers even organisational management concerns (Denton, 1998; Enfield Youth Offending Team, 2004; Kent Social Services, 2008; Day Break, 2008).

Taking the broader view, social pedagogical approaches have started to appear in particular aspects of children's social work, moreover children in residential care settings (Cameron, 2007). The pedagogically approach with its emphasis on group and team work, in how it is taught and its practical application, compliments both social work and RJ interventions. Philosophically, it is seen as a person and child centred approach to working with young people and adults as it places emphasis on the service user networks and associated extended networks such as family and community which again link with restorative justice and social work (Munford and Sanders, 1999; Sarnof, 2001).

### THEORIES

There are numerous theories from the fields of social work, criminology, education and psychology that have been put forward in terms of trying to understand RJ from many different perspectives

<sup>2</sup> For a comprehensive discussion on the models of Restorative Justice see McCold (1999) and Liebmann, (2007).

(Mirsky, 2003; Mantel et al, 2005; Mirsky 2006; Porter, 2006). One of the most recent research projects has taken a psychological view of FGC highlighting that the processes are not only successful in terms of outcomes but also very positive in terms of the participant's mental wellbeing (Smith and Hennessey, 1998; Wilcox and Hoyle, 2005; Porter, 2006).

Restorative Justice theory locates itself within the broad spectrum of sociological crime theories which places the causes of criminal behaviour within society and its structures, rather than within the individual (Mantel et al, 2005). In seeking to repair the broken social bonds that criminal behaviour creates, RJ aims to restore the relationship between key 'stakeholders' and this is achieved through the process of 're-integrative shaming' whereby the offender accepts responsibility for their actions (shame) and seeks to make amends (reintegration) to the victim and at times the community (Braithwaite, 1989; Daly and Immarrigeon, 1998; McCold and Wachtel, 2003). In the case of FGC this brings together the parties involved in the event in a safe forum to discuss the effects of the behaviour and to seek a consensual agreement in how to restore the balance between the aggrieved parties and the perpetrator. This process is in stark contrast to the established way of addressing crime which are seen as offences committed against the State, rather than on the actual victim and community where it occurred (Morris, 2002).

Numerous psychological and sociological theories associated with social work interventions such as empowerment, advocacy, anti discriminatory and anti oppressive practice, group work, cognitive behaviour therapy, family therapy and community development can be seen to varying degrees to underpin RJ interventions, practices and processes (Preston-Shoot and Agass, 1990; Brown, 1997; Ronen, 1997; O'Neill and Heaney, 2000; Ife, 2002; Berg and Steiner, 2003; De Shazer, 2003; Mullaly, 2007).

Empowerment and advocacy are two key theoretical perspectives that underpin the FGC approach, as service users / victims / clients are empowered to take a greater control over the events in their lives and in turn, have a much greater say in the outcomes that affect them. Advocacy is seen as enabling the service user to have a voice in terms of expressing their rights and having choices in the services they receive (Adams, 1990; Beresford and Croft, 1993; McCold, 2007; Mullaly, 2007). These two approaches emphasises the devolvement of power

away from the organisational and professional 'expert' to one that seeks to share power and control with all parties. This complements and interlinks with anti discriminatory practice and anti oppressive practice, as empowerment and advocacy seeks to address the abuse of structural power that effect peoples lives at the macro and micro level of society (Burke and Harrison, 2002).

### **According to Braye and Preston-Shoot**

For empowerment in social care to have meaning, the organisational culture must move away from that of power (control of the expert) and role (emphasis on given tasks and procedures) to that of community (learning with users). Such a culture would seek to use and enhance the power and authority held by users (Braye and Preston-Shoot, 1995: 115).

With the emphasis on working 'with' rather than 'for' the service user, advocacy and empowerment interconnect with, user involvement, participation and partnership working (Banks, 2006; Cleaver, 2006). This shift in power sharing, especially within FGC, is seen by some, as definitive of empowerment and advocacy (Leadbetter, 2002).

Restorative Justice and especially FGC meet the core social work values of equality, worth, dignity and respect for all people (IFSW, 2007). These values reflect the theories outlined above and provide the basis for the National Occupation Standards and General Social Care Council's (GSCC) six codes of practice for social care workers that are the minimum requirements for professional standards of practice (SkillsforCare; GSCC, 2004).

Different theories underpin the various models of FGC. The experience of the conference facilitator and their level of facilitation skills are seen as important elements in the implementation of FGC. One particular model often referred to as the 'New Zealand' model, relies more on the coordinator's role and an understanding of the dynamics and facilitation of groups and is therefore underpinned with family therapy and group work theory (Brown, 1997; Gorell Barnes, 2004). The Wagga model of FGC is a scripted process and compliance with the script used by the facilitator is the most important factor. This approach is underpinned by brief solution therapy, as it focuses on the issue or difficulty and identifies the individual's strengths to address the problem (Community Justice Forum, 1998; Dallos and Draper, 2000; De Shazer, 2003; Restorative Justice Oak Bay, 2003).

Ultimately the connection and correlation between these many varying theories, principles and values of RJ and social work manifest themselves in the person centred approach to intervention. This approach highlights the service user as central to the decision making process and is considered 'a radical way of gathering information about what is important to someone, what they want for his or her future or what support he or she needs' (Sanderson et al, 2004).

This approach is often associated and intertwined with the 'strengths based approach' to social work, which seeks to establish individual's positive attributes over perceived deficits. It acknowledges that individuals, families and communities all have strengths, which can be drawn upon to address particular social welfare issues. It is seen by many as 'going right to the heart of relationship building with clients and challenge social workers to examine their position and roles in helping relationships' (Munford and Sanders, 2005: 159). All these approaches seek to empower, nurture and support relationships, not only between service user and carer but also to extend this to include professionals, families and community (Munford and Sanders, 1999; Joseph Rowntree Foundation, 2006).

Saleeby (2002:12-18) has highlighted that there are five key principles that underpin the strengths based approach, these are: (1) that every individual, group, family and community have strengths; (2) trauma, abuse, illness and struggle maybe injurious but they may also be sources of challenge and opportunity; (3) assume that you do not know the upper limits of the capacity to grow and change and take individual, group and community aspiration seriously; (4) we best serve clients by collaborating with them and lastly, (5) every environment is full of resources. There is an established connection between this approach and Crisis and Brief Solution theory and equally it is obvious that these theories and approaches again overlap with those that underpin FGC to varying degrees (Roberts, 2005: 23).

An integral element of the strengths based approach and FGC is the involvement of 'family, community and neighbours' or what Munford and Sanders (1999;158) call the harnessing of 'informal and naturally occurring networks' and these are highlighted continually in the literature on FGC in terms of the support they can offer both service user, perpetrator or offender (Paranis, 2000). The community when involved in problem solving can assist in creative outcomes concerning the incident and is deemed a more productive response when

facilitated by the family and community and not just professionals (Sarnof, 2001). This is reinforced by community development theory which highlights that community members when mobilised can work together to achieve goals and aspiration that benefit their community. This is especially effective when people feel that through their collect actions they have a say, have more control and feel empowered to influence events and decision affecting them and their environments (Ife, 2002).

The complementary nature of the theories that underpin both RJ and social work interventions also reflect their respective definitions. Empowerment, person centred and strengths based approaches all reflect the IFSW commitment to problem solving, promoting social change and social justice. Equally they reflect the RJ consortiums view of partnership and collaborative working as well as its emphasis on empowerment.

## **IMPLICATIONS AND OPPORTUNITIES FOR SOCIAL WORK PRACTICE**

### **Implications:**

As this paper has shown, RJ and Social Work are linked through various aspects of complementary theories and practices converging in the RJ intervention of FGC. The multifaceted aspects of FGC highlight its versatility as a practice approach supported by a broad theoretical base. It is logical therefore to assume that the implications relating to this intervention may encompass many of the positive and negative attributes associated with the theories highlighted above.

As Payne (1997) points out theory is a social construct in which power dynamics both political and personal are played out. Theory defines our understanding of an intervention or approach and allocates meaning to its process and ultimately its outcomes. Therefore just applying numerous theories to the practice of FGC is in itself a naïve and superficial exercise. However, we can use theories to assist in the explanation and understanding of certain phenomena, giving 'workable definitions of the World' but no absolute answers (Howe, 1987:10).

From a critical perspective social workers should have an awareness of how the social world is created and that realities do not just exist by themselves but are created through social interaction (Lishman, 2007). One aspect of 'social construction' is the acknowledgement of the numerous ways that soci-

ety and 'state power constructs social work as an element of state control and oppression' (Lishman, 2007:33). In addition, practitioners need to accept that the knowledge bases for the creation of the profession are constructed and that power in the form of language and literacy are inherent in the dominant discourses of social work. Darville (1989) calls this organizational literacy, which he suggests is a method of power domination. He maintains it is used to establish and perpetuate hierarchical power within society. It is used to marginalize and disempower certain groups through the use of specialist knowledge and terminology.

A critical analysis of RJ theory and its associations with FGC, highlight a number of subtle divergences in the definition and application of these theories. FGC as a communitarian problem solving approach locates success in a collective decision making process and therefore may conflict with many of the individualist theories that social workers and criminologists apply to understanding service users.

Braithwaite's (1989) notion of 'reintegrative shaming' which is essential to RJ theory does not explore the idea of an individual's responsibility for offending behaviour. Therefore crime is seen as breaking a social contract between an array of victims including the community rather than an individual act to commit an offence. 'It is fair to say, therefore, that Braithwaite and later contributors to RJ literature have spent little time directly examining the characteristics of RJ in the context of the ... major individual theories of crime' (Mantel, et al, 2005:10). Inherent to 'reintegrative shaming' is a requirement for a broad moral consensus on what constitutes right and wrong. Therefore assumptions are made about the level of the offenders bond and cohesiveness to their victim and local community and the affects of breaking those social ties (Smith, 1995).

There are also questions around the moral legitimacy of a theory that encompasses the concept of a process in which offenders or perpetrators are encouraged to experience shame in the context of efforts to integrate them back into the community (Braithwaite, 1989). A disproportionate number of young people in local authority care come in to contact with the youth justice system and therefore can be seen as offenders and victims by equal measure (Youth Justice Briefing, 2007). Being accountable and responsible for ones own behaviour as an adult is an acceptable request, however to ask the same of a child, raises serious ethical questions. This reflects

a concern that FGC may re-victimise not only the victim but equally the offender as well.

There are no all encompassing theories of human behaviour and to view them in there purest form denies the reality of the complexity of criminological and social work practice (Payne, 1997). Critiques of social work theories are commonplace in the literature and reflect the complexity of working with human beings as service users and colleagues and also the systems, procedures and legislation that encompass social work role.

FGC's embody a person centred approach to interventions, embrace user empowerment, advocacy, partnership and collaborative working and in addition provide an anti discriminatory and anti oppressive framework for problem solving. The emphases on anti discriminatory and anti oppressive practices that underpin this intervention reflect the assumption for positive outcomes for service users when using this particular approach. However there are more complex and intricate discussions to be explored concerning empowerment, PCP and the strengths based approach in particular in terms of issues concerning the construction of what constitutes empowerment, types of advocacy and what component are considered successful in the outcomes achieved and for whom (Brandon, 2000; Leadbetter, 2002; Fox 2009).

The use of community and family in terms of providing support during and post conferencing has lead to some important issues being raised. There is the suggestion that RJ is seen as welfare on the cheap (Kiely, 2003). Research shows that many kinship carers highlight financial concerns as an issue as they do not receive the same remuneration as employed foster carers (Broad, 2001). Also the increased levels of stress and ill health of carers have been highlighted in the literature and the use of FGC to possible impose an additional burden for looking after a family member with learning difficulties or mental health concerns could contribute to those figures (Carers UK, 2004; 2007).

The replication of the traditional female care role within the FGC process is of concern as it has the potential to reinforce notions of societal obligations and expectations associated with the ethic of care and the engendered role of carer (Gilligan, 1982). Caution is also required for FGC participants, as research highlights that in some cases young females are more intimidated by the FGC process than male counterparts and this may lead to imposing stereotypical carer roles and sanctions within

the family or community environment to monitor and care (Brown, 1998; Maxwell et al, 2003; Fox, 2005).

The outcomes for RJ and FGC in both the justice and the welfare systems have proved to be consistently positive (Lupton and Stevens, 1997; Simmonds et al, 1998; Miers, 2001; Sherman and Strang, 2007). Additionally, the evidence base for RJ suggests that FGC's which incorporate the views of all participants are the most effective and that would need to be a consideration for the enhanced use of this intervention. However, measures would need to be in place to ensure that holistic rather than paternalist decision making takes place within the FGC forum (Zerona, 2007). FGC used in the justice system have a different focus to those undertaken in the welfare systems and issues concerning the levels of voluntarism and coercion have been acknowledged to some degree in the literature. Some advocates accept coercion as a necessary part of the system and deem the ends as justifying the means (Crawford and Newburn, 2003). Other proponents argue that process is as important as outcomes and therefore the core notions of empowerment, voluntary participation, honesty and respect are essential in meeting the aims of restorative justice (Harris, 1998).

This will raise concerns for social workers who seek to engage service users in a respectful, collaborative partnership approach, which honours human rights and self determination (Pitts, 1990; Payne, 1995). Although FGC seeks to establish a decision making forum that devolves and distributes power evenly amongst the participants, this is somewhat dependant on the FGC model used, how it is facilitated and the ultimate focus of the conference either for justice or welfare issues (Fox, 2005). This is also dependant on the Social Service team and the management philosophy of the department and the individual social worker's view of FGC. Previous research involving FGC in child protection cases highlighted that some social workers were resistance to making referrals and attending the intervention even though instructed to do by organisational guidelines (Morris and Sheperd, 2000). This potentially is linked to feelings regarding the relinquishing of professional power and the capacity of families involved with social service departments (Morris and Sheperd, 2000; van Pagee, 2003).

Caution needs to be exercised at the micro level in acknowledging FGC as an anti oppressive practice in that the process can equally empower and dis-empower participants and deny as well as create

choices for individuals and families. At the macro level the context in which FGC operates may have a direct impact on how the intervention is implemented and therefore instrumental in transmitting power during the process while at the same time wider issues of structural power and oppression may go untouched (Beresford, 1988; Hugman, 1991; Ashley, 2008).

### **Opportunities:**

As the examples above have shown, FGC provides opportunities for Social Work and Social Care professionals to work with an ever-expanding number of service user groups in a creative and holistic manner. It is by no means unimaginable that FGC's could be used with all client groups where decision making in terms of providing support or interventions for a service user takes place. Not only can FGC's provide a forum for decision making that empowers all participants but as the latest research shows the very process of having a say in the outcomes of the conference can be cathartic for the service user and other participants (Porter, 2006).

Given that the use of FGC is so pronounced as a social work practice with young people in the welfare and justice systems, it seems a logical step for it to be embedded in social work and social care student's academic learning pathways. It is the multidimensional nature of FGC, which establishes it as a flexible tool for practitioners and therefore lends itself for analysis and critical reflectivity as with any other social work intervention. As FGC intersects with numerous ideological systems and the theoretical frameworks that underpin social work, it appears apt to examine how FGC may meet the requirements of social work training programmes.

The training of social work students is set out in the Care Standards Act (2000), the Secretary of State delegated responsibility for the approval of social work training courses to the General Social Care Council (GSCC) under section 63 of the act. In addition the Quality Assurance Agency (QAA) monitors the provision of these courses within higher education institutions and between them they seek to ensure the quality of programmes that educate and train social workers (Department of Health, 2002). In addition to providing specific academic learning and assessment in five key areas, those of Social Work Services and Service User, the Service Delivery Context, Values and Ethics, Social Work Theory and the Nature of Social Work, the higher education institutions need to ensure



that social work students have met a number of National Occupational Standards (NOS) that reflect their competence to practice ([www.qaa.ac.uk](http://www.qaa.ac.uk)). The QAA set the requirements in terms of outcomes that students are required to reach before they can be awarded their degree (Department of Health, 2002). There are six key roles that underpin the NOS which in turn provide the baseline for standards of practice in new qualified social workers.

Academically, FGC can be seen to meet the five key academic learning and assessment areas highlighted above. For example, CAFCAS intervenes using mediation in the court arena with disputing parents. In this particular setting, a third party acts as mediator between the two parents, however, the Family Law Act (1996) is clear that mediators do not act on behalf of the child (Liebmann, 2007; Mantle and Critchley, 2004). A FGC in this setting would extend the roles played by all the stakeholders, providing conciliation rather than reconciliation, helping all parties to 'move on' and importantly including the wishes and feeling of the child(ren) involved in any decision making.

## CONCLUSION

The aim of this paper was to investigate the connections between Social Work and RJ. I have highlighted that these two approaches compliment each other on many levels both theoretically and as established practice interventions. As the social work profession continues to place greater emphasis

on evidence based practice (EBP) and on person centred practice, especially in terms of the 'personalisation' agenda, it seems likely that family group conferences will come to the fore as a social work intervention that not only meets the EBP criteria but one that philosophically complements the core values and principles of the social work profession.

There are areas of contention and concern as with all interventions, and assessment should be required to provide the basis for the provision of a FGC, rather than the potential blanket approach of this intervention with all youth. This is especially relevant in terms of the age ranges for young people exposed to the intervention and whether the practice is culturally sensitive. Research continues to be required into whether particular areas of practice are appropriate for FGC, for example in case of sex trafficking or domestic violence. In addition an examination of the type of model of FGC and to what extent it may alter outcomes or experiences for service users is another area for consideration.

In the longer term, if the social work profession continues to assimilate FGC as a social work intervention, it would seem sensible for social work educators to consider integrating these complementary approaches into the social work curricula in terms of both theory and practice. For now however, social work educators, students and practitioners should remain cautiously optimistic of the potential of Family Group Conferences in meeting the aims of social work practice.

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## SOCIJALNA SKRB I RESTORATIVNA PRAVDA

### **SAŽETAK**

*Rad istražuje povezanost između socijalnog rada i restorativne pravde. Nakon kratkog opisa socijalnog rada, restorativne pravde i obiteljske grupne konferencije, razmatraju se komplementarne teorije i praktična primjena ovih koncepata, uz poseban kritički osvrt na implikacije i prilike koje se otvaraju stručnjacima i znanstvenicima u području socijalnog rada.*

**Ključne riječi:** *socijalna skrb i zaštita, restorativna pravda*