

# **Kawartha Pine Ridge District School Board**

## **Restorative Conferences Facilitator's Manual**

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# Section 1

## Facilitator's Role FACILITATING RESTORATIVE Conferences

### Selecting Cases

Consider the following questions?

1. Has someone been harmed?
1. Is there a need to repair harm?
1. Has the offender admitted responsibility?
1. Could a Restorative Conference cause further harm?
1. Does the victim want this process?

For the Restorative Conference purpose, the victim is defined as one who have been adversely affected or harmed by the offender's actions. The offender is defined as one who has caused the harm.

## **Facilitator Do's and Don'ts**

- Do maintain confidentiality of all participants.
- Do treat all participants with dignity and respect.
- Do contact and inform all participants, making sure that they understand all of the issues involved.
- Do ensure that offenders understand their rights by reading a statement of rights directly from the script.
- Do remember that your role is to facilitate the process; you are not an affected party. You are a neutral referee, not a player.
- Do ensure that the agreement reached is not stigmatizing.
- Do place a “Meeting in Progress” sign on the door.

- Don't allow conferences to proceed if the facts are in question.
- Don't facilitate a conference if you have a conflict of interest.
- Don't lose sight of the ultimate aim of the process - to achieve the most satisfactory outcome for victims, offenders and the community
- Don't invite people who have no right to be there.
- Don't be surprised or react to apparent insolence or obstinance.
- Don't react to/with anger - stay calm
- Don't take sides
- Don't be condescending or patronizing with participants
- Don't permit mobile phones or pagers in the conference
- Don't rush the process

## Recognizing and Dealing with Strong Emotions

### Some facilitator comments to help deal with extreme displays of anger:

“I know you’re finding this difficult. I think we all are. I’m struggling to understand why you are so angry”.

“What is it about what’s happened that you find most difficult?”

“It’s clear that you are very angry. Does it seem that we don’t understand that?”

“What do you need to hear or see to convince you that John is truly sorry for what he has done?”

### Helpful Hints:

- **Silence** is a powerful tool to help people absorb what has been said. Avoid the “rescue”.
- **If an offender denies responsibility**, without admission of involvement, the conference can’t really carry on.
- **If disclosures of sexual abuse arises**, should not continue and report.
- **If one participant walks out**, you can continue if it isn’t the offender or the victim.
- **Strong emotional displays** are not unusual and should not be discouraged.

## **Facilitators Role During Agreement Phase**

- Clarification of who, what, where, when and how much
- Recording the agreement.
- Conducting the occasional reality test.
- Not deciding the outcome - the participants (victim/offender) must reach the outcome if it is to have a long term impact.
- Ensuring supervision and monitoring are included.
- Checking that the terms of the agreement are not shame inducing.



## Section 2

# Pre-Conference Organization

### Preparing for a Restorative Conference

#### Participants

- Facilitator (Must not be involved in case)
- Co-facilitator (Monitors and takes notes)
- Offender and their family supporters
- Victim(s) and their family supporters
- Anyone else adversely affected by the incident

#### Others:

Witnesses, extended family, friends, teachers, counsellors, and social workers.

The facilitator decides who should attend.

Victim should be aware who will be in attendance and consideration be given to their comfort and sense of security.

All must be informed of the process and purpose of the Restorative Conference.

## Scheduling/Venue

### Consider:

- travel time
- school schedule (after school or evening)
- work schedule
- ASAP
- accessibility
- no distractions (PA system etc.)

## Seating Plan

### Purpose:

- facilitates smooth process and dialogue
- victims and offenders are beside their supporters
- victims and offenders are apart
- most aggressive or angry participants should be seated next to the facilitator
- use horseshoe or conference (remove all barriers?)

Seating Plan Horseshoe Shape	A second row of participants can be added for large conferences.
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## **Preparation Checklist**

Do you have a clear understanding of the incident?

Are you clear about who the offenders and victims are?

Have you talked to the investigator or relevant staff member(s)?

Have you talked to other personnel who may be able to shed light on the incident?

Have you invited all those necessary?

Do you have a list of those who are attending and what each individual is likely to contribute?

Do all participants understand the purpose and process of the conference?

Does everyone know the Restorative Conference time and how to get there?

Is the location suitable? Will you be disturbed? Is the room large enough?

Have you arranged for refreshments?

Have you begun to prepare your seating plan?

Are you going to have place cards out in advance to pre-organize seating?

What will the conference look like?

# Section 3

## The Conference

### Following a Script

Scripts have been developed to:

- ensure facilitators do not inadvertently deviate and hinder the ability of the group to complete the process.
- reintegrative shaming occurs in a specific sequence.

### Parts of the Script

#### **Introduction**

- establishes role of facilitator
- explains the purpose of the RC
- introduces the participants and their relationship
- sets the tone and focus.

#### **Offender's story**(the one who has caused harm)

- the offender(s) explain what they did and how they became involved
- when necessary, the facilitator asks questions to clarify the incident
- the offender(s) is/are asked to share what they were thinking at the time

- the offenders are asked who has been affected by their actions and in what way.

### **Victim's story** (the one who has suffered harm)

- the victim(s) describe how they have been emotionally, physically and financially affected by the offenders' action
- the facilitator explores how the victims' friends and family.

### **Parts of the Script (cont'd)**

#### **Victims' supporters**

- the victim's supporters relate how they have been affected by the incident
- what has occurred since the incident is also discussed.

#### **Offenders' response**

- each offender is asked if they would like to say anything to those in attendance.

#### **Reparation / Agreement**

- the victim is asked what should occur to repair harm
- all participants are given the opportunity to express their view and a consensus is reached on an appropriate resolution
- the conference is formally closed after all parties have agreed to the terms and conditions of the agreement.

#### **Participant interaction**

- the facilitator drafts up the agreement
- participants are invited to share in refreshments
- further reintegration usually takes place during this period

### **Signing agreement**

- facilitator requests that key participants sign the agreement
- facilitator thanks participants and closes the conference.

## **Restorative Conference - Facilitator's Script**

### **Room Arrangement**

1. Before participants arrive, arrange seating according to the seating plan.
  - , Victim(s) and supporters on the left facing the facilitator.
  - , Offender(s) and supporters on the right (facing the facilitator).
  - , Conference facilitator in front.

### **Greetings**

1. Greet the participants on arrival. Invite the victim and supporters to wait in a separate area if possible until everyone has arrived.
1. Using the seating plan, seat the offender and supporters first, then seat the victim and supporters.

## Introduction

### 1. Introduce the participants:

*“ Welcome. As you know, my name is ..... Before the conference begins, I would like to work my way around the group, introduce everybody and indicate their reason for being her.”* (Introduce each participant and indicate their relationship to the victim and the offender).

*“At this stage, I would like to thank you all for making the effort to attend. This is difficult for all of us, and your presence here will help us deal with the matter that has brought us together.”*

*“Today, this conference will focus on an incident which happened (date, place and nature of offence - no elaboration). It is important to understand that we will focus on what (name) did and how her/his unacceptable behaviour has affected others. Does everyone understand this?”*

*“We are not here to decide whether (name) is a good or bad person. We want to explore in what way people have been affected and hopefully work towards repairing the harm that has resulted.”*

*“(Name) has admitted her/his part in the incident. If at any stage in the conference (... name) you no longer wish to participate, you are free to leave, but you need to know that the matter will be dealt with very differently if you do.”*

*“This is an opportunity for all of you here to be involved in repairing the harm that has been done.”*



OR *“This matter, however, may be finalized if you participate in a positive manner and comply with the conference agreement.”*

### **Offender**

1. The offender is asked to tell the story of what happened. If there is more than one offender, they are asked to speak in turn, taking up the story at different intervals.

*“To help us understand who has been affected by this incident, we’ll start with (name) ”*

Key questions can include the following if they are not covered by the offender:

- , *What happened?*
- , *What were you thinking of at the time?*
- , *What have you thought about since the incident?*
- , *Who do you think has been affected by your actions?*
- , *In what way have they been affected?(How have they been affected?)*

### **Victim**

1. The victim is then asked the following questions:

Key questions include:

- , *What did you think at the time? Immediately afterwards?*
- , *How did you feel about what happened? (How has this incident affected you?)*
- , *What has been the hardest thing for you?*
- , *How did your family and friends react when they heard about the incident?*

### **Victim Supporters**

1. The victim's supporters, in turn, are then asked:
2.
  - , *What did you think when you heard about the incident?*
  - , *How did you feel about what happened? (How has this incident affected you?)*
  - , *What has been the hardest thing for you?*
  - , *What do you think are the main issues?*

## , **Offender Supporters**

1. The offender's supporters are then asked for their reactions. Start with the parents (keep Mum until last unless Dad is extremely angry), caregivers and then the other supporters, in turn.

To the parent/caregivers:

***“This has been be very difficult for you, hasn't it? Would you like to tell us about it?”***

(Give the person space to respond at this point. Do not jump in until they have spoken and then allow them to continue.)

*How did you find out about (the incident)?*

*What did you think at the time? Immediately afterwards?*

*How did you feel about what happened? (How has this incident affected you?)*

*What has been the hardest thing for you?*

*What do you think are the main issues?*

## **Offender**

1. Give the offender a chance to respond, having heard the stories from all participants.

***“(Offender) ... before we move on, is there anything you want to say to ... (victim) or anyone else here?”***

## **Agreement**

1. Restitution and reparation are now negotiated.

- 0 Start with the victim. ***“You’ve heard all that has been said here. What do you want to see happen as a result of this conference?”*** OR ***(What would you like from today’s conference?)***
- 0 Ask the same question of the victim’s supporters. Allow plenty of time for discussion at this point. Plans to repair harm may begin to developed.
- 0 Once the plans are looking OK, be sure to ask the offender:  
***“Do you think it is fair?”*** OR ***“What do you think about that?”***
- 0 To the offender’s supporters, ask:  
***“Is this a fair arrangement?”*** OR ***“What do you think about that?”***
- 0 Generally to all:  
***“Is everyone happy with that?”***
- 0 The agreement should also include arrangements for monitoring and follow-up.

### **Closing the Conference**

1. The facilitator summaries the outcomes of the conference regarding restitution and reparation:

***“Allow me now to read back what you’ve agreed upon ..... (at this point read the Agreement) ..... Completion of this Agreement will go a long way to putting right the wrong and allowing us all to learn from this unhappy experience. Is there anything else anyone wants to say? ..... No? Thanks again, all of you for coming. Thank you for your contributions in dealing with a difficult matter. Congratulations on the way you have worked through the issues. Please help yourselves to refreshments while I prepare the agreement.”***

The facilitator writes up the Agreement, which the participants sign, then makes photocopies for those with something to do and/or the key person.

1. Where appropriate, serve refreshments while the Agreement is being written up, signed and photocopied.

Do not hurry participants out of the conference room as much informal reintegration is likely to happen after the conclusion of the conference.

### **Restoration Conference Agreement**

Facilitator should conduct a reality check to ensure that the agreement is **SMART**.

**S**imple (e.g., 40 hours of community service)

**M**easurable

**A**chievable

**R**ealistic

**T**imely

**S**pecific (i.e., timelines for completion and person responsible for monitoring)

### Restorative Conference Agreement

The Restorative Conference took place \_\_\_\_\_ on \_\_\_\_\_  
and was co-ordinated by \_\_\_\_\_

The Participants in the Conference were:

_____	_____
_____	_____
_____	_____
_____	_____

The following agreements were made: (Use an additional blank sheet if more space is required).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The terms of this agreement will be supervised by : \_\_\_\_\_  
Follow-up in the form of \_\_\_\_\_  
will take place on \_\_\_\_\_

Signature: \_\_\_\_\_