

## Case Study

# Enabling participation in restorative justice processes and conversations: Helping everyone to understand, to participate, and to have their say

**Talking Trouble: Aotearoa, New Zealand**  
**Alayne McKee (Talking Trouble) and Pamela Morrison (CYCJ)**  
**September 2020**

### Background

Talking Trouble Aotearoa New Zealand (TTANZ)'s speech and language therapists (SLTs) are passionate about improving New Zealand's response to the speech, language and communication needs experienced by many children and young people, and adults in conflict with the law. Their specialised speech and language therapists provide clinical services, research, professional training and consultation, as well as delivering communication assistance in a range of legal settings such as family group conferences (FGCs) and court.

Restorative justice processes are 'talk-based' processes - they require people to listen, understand one another and put their ideas and perspectives into words. Although many people may cope well with the communication involved in restorative justice processes, that's not the case for everyone.

Speech, language, and communication needs (SLCN) can create significant challenges for children, young people, and families involved in restorative justice processes and conversations. They may:

- Have limited understanding of jargon, processes and instructions.
- Struggle to perceive other people's perspectives and show empathy or remorse. Of course, their own lived experience of empathy is also critically important in this area.
- Have problems attending to, retaining, and synthesising all the talk that is going on around them.
- Have limited ability to put their experiences, perspectives, ideas, and feelings into words.
- Have difficulty accessing and benefitting from intervention programmes such as anger management courses, as most of therapies or interventions involve lots of talking.

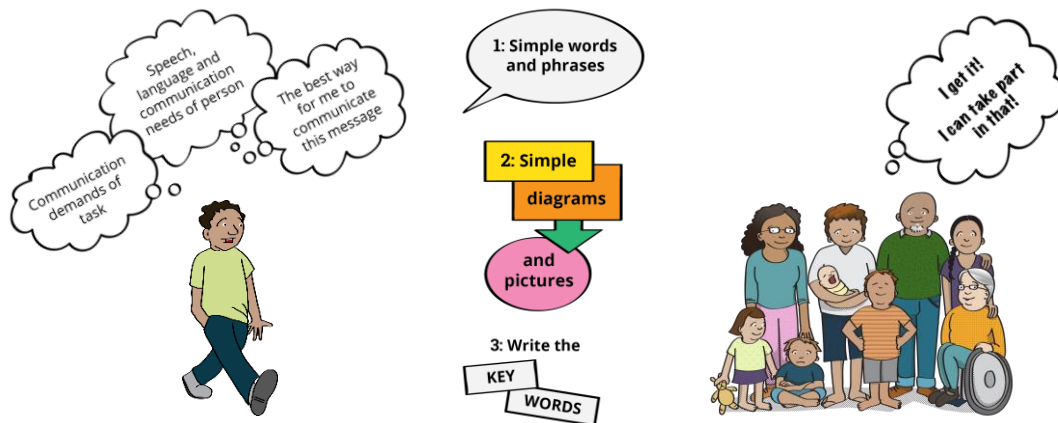
We know that when people with SLCN are under pressure, e.g. within a restorative justice context, they are more likely to give vague, basic, monosyllabic responses to questions. The stress and language demands of a situation can also mean that they may withdraw from the situation or become reactive. These types of responses can be misinterpreted as surliness, or disrespect, and can significantly

impact the outcome of restorative conversations, as well as the person's ability to enact their human rights.

Talking Trouble Aotearoa New Zealand has been collaborating with Family Group Conference coordinators, Restorative Justice facilitators, social workers, judges, lawyers and police to help them to adapt their restorative justice conversations by identifying and supporting the communication strengths and needs of the people they are working with.

### Example of Good Practice

Practitioners who have worked alongside TTANZ use a framework that enables them to communicate more effectively with the populations they serve.



This framework ensures that they consider:

1. The communication demands of the conversation they need to have with a child, young person, and family. They consider the complexity of the processes, jargon or vocabulary that need to be understood, the information that needs to be synthesized and the decisions that need to be made within the conversation or meeting. They also think about how the venue for the conversation and the people involved in the conversation will support or hinder the child, young person, and family's ability to regulate.
2. The speech, language, and communication strengths and needs of the child, young person, and family they need to have the conversation with. They have their 'communication radar' turned on, they check comprehension in respectful ways, and they actively look out for things that make talking and participating easier or harder for the person they are talking to e.g. signposting topics, chunking information, writing or drawing, as one talks to make information more concrete.
3. The best way to communicate effectively with the child, young person or family based on what they have learned through the first two phases of the framework. Practitioners who are open to adapting their own communication and using [compensatory communication strategies](#) such as signposting topics, chunking information etc. are often able to provide

enough communication support to enable effective communication throughout the restorative justice meeting. On other occasions the practitioner may be aware that they do not have enough knowledge or skills to support communication sufficiently to ensure that the child, young person and family can understand and participate enough to achieve equal access to justice. When this happens, they refer to TTANZ for communication assistance within the restorative conference.

The information gathered through the application of this framework shapes what happens before, during and after the restorative justice meeting. For example:

**Preparatory stage:** When meeting with the child, young person, family (whether it be the person harmed or person who has caused the harm) and other professionals to discuss the restorative process and how it is going to work it is important to discuss:

- The speech, language and communication strengths, and needs of the people involved i.e. the things you have noticed about their communication and the things that they have told you (things that make it easier, or harder for them to understand, participate and have their say).
- How you can all work together to ensure that the restorative conference conversations are all pitched at the right level for the child, young person, and family.
- How you and the child, young person and family can plan, and prepare in advance, resources that will help to make sure their views are expressed (how they feel, what needs to be in the plan). For example:
  - o Visuals to help the victim to talk about the impact of what happened and to help the person who has caused harm to see the impact of what happened.
  - o Visuals to help the young person talk about their life, why they did what they did, what would make a difference for them.
- Whether or not communication assistance from a speech language therapist would be helpful to enable you to plan your communication and/or to help you mediate communication during the restorative conference.

**During the conference** Following a thorough preparatory stage and agreement from all parties, a restorative conference can now take place. In order to make this as safe and inclusive as possible and ensure the process is rights-respecting, the following should be considered:

- Include good communication practice in your Ground Rules - make sure that everyone knows it is ok to say "I need a break" or "Sorry I missed that, Say it again" or "I don't know what you mean".
- Signpost topics - visually orient everyone to each topic as you introduce it by using pictures and/or writing key words relating to the topic on a whiteboard. When the topic is finished say something like "we've finished talking about...now we're going to talk about ....." and put up a new visual or key word to represent the new topic.
- Draw flowcharts and diagrams to show processes as you talk about them. They are a great way to make sure that options, opportunities, and consequences are all made really clear.

|  |
|--|
| <ul style="list-style-type: none"> <li>- Use Comic Strip Conversations to explore information that comes up during the meeting.</li> </ul>   |
| <p><b>After the conference</b> Ensure that the child, young person, and family have a good understanding of what was decided, what is expected of them and what is going to happen next. This may involve creating simpler visual reports and plans.</p>   |
| <p><b>Benefits and Impact</b></p> <p>Supporting and addressing the communication needs of participants in the restorative justice process empowers them and enables them to participate meaningfully and enact their rights.</p> <p>Processes where children, young people and families can participate meaningfully are not simply a nicety, they are a necessity. Increasing participants' ability to take part in restorative justice has long term benefits for the person who has caused harm (improved desistance) as well as benefits for the person who has been harmed (feeling of safety).</p> <p>Children and young people have reported a general mistrust of the youth justice system which can include restorative justice. Children, like adults, want to be heard and receive information in a format they understand and be supported to participate in processes they are involved in and decisions made about them.</p> <p>Addressing the speech, language and communication needs of children within the restorative justice process supports a more comprehensive attempt to ensure that children's rights are fully respected.</p> |
| <p><b>What has been learnt?</b></p> <p>From the practice in New Zealand, it is clear that there is a need for speech and language therapy knowledge and specialist services within restorative justice and the wider youth justice system. Furthermore, these services at an early point in a child's life may reduce or eliminate them coming into conflict with the law. Snow (2019) suggests that speech-language therapists have a key role to play in preventing at-risk children from later engaging in offending behaviour. She advocates for the inclusion of speech and language therapists (or speech language therapy knowledge) at all stages on the notional 'school-to-prison pipeline'. This includes at schools, in child and welfare agencies, in child and adolescent mental health care settings, at police stations, in court, and in youth justice facilities.</p>  |
| <p><b>Further information</b></p>  |



Children and Young People's  
Centre for Justice

[www.cycj.org.uk](http://www.cycj.org.uk)

[Click here](#) to visit the website. Follow @AlayneMcKee and @TalkTroubleNZ on Twitter.