

# **SUPPORTING YOUNG OFFENDERS THROUGH RESTORATIVE JUSTICE: PARENTS AS (IN)APPROPRIATE ADULTS**

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## **Abstract**

Set within the wider context of responsabilising youth justice policies, this article heeds academic calls for further research into parent/child dynamics within restorative justice processes (Prichard, 2002; Bradt et al., 2007), by critically analysing and evaluating the role of parents as supporters of young offenders. The aim is not to call into question the entitlement of parents to be present during restorative processes, but to critically examine their suitability to play the role of designated supporters. Drawing upon the literature as well as empirical work conducted by the first author (Hoyle et al., 2002), it will be argued that many of the moralising and responsabilising messages directed at the offender find currency with parents in a way which makes them feel ashamed, embarrassed and as if they themselves are on trial. Parents react to this discomfort by engaging in apologetic, neutralising, dominating and punitive discourses. Their reactions not only cast doubt upon their ability to be composed and supportive of their children, but more importantly might adversely affect the dynamics of the process itself. Parental reactions might thereby deny the young person the opportunity to take responsibility for their actions and to contribute to the discussion on appropriate reparation, which could ultimately thwart the chance for reintegration.

**Keywords:** Restorative Justice; Parenting; Responsibilisation; Youth Justice

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## **Responsibilising Youth Justice**

After decades during which young offenders were subject to repeat cautions (Audit Commission, 1996), the New Labour government of 1997 made clear in its White Paper 'No More Excuses: A New Approach to Tackling Youth Crime in England and Wales' (Home Office, 1997) its commitment to holding offenders to account for their behaviours, primarily, though not exclusively, through the pursuit of restorative justice practices. Restorative ideals were enshrined in the Crime and Disorder Act 1998, which introduced

restorative justice (henceforth RJ) processes in youth justice, with the central aims of 'restoration, reintegration and responsibility' (Home Office, 1997 pp31-32). However, concern has been expressed that '...in the prevailing penal climate, the principles of restorative justice have been narrowly interpreted to give undue weight to the responsabilisation of young offenders' (Gray, 2005 p938). This is partly because alongside restorative measures, the Act also introduced interventions aimed directly at responsabilising not only youths, but also their parents, including pre-emptive interventions such as Parenting Orders and Parenting Contracts:

The Government is determined to reinforce the responsibility of young offenders – and their parents – for their delinquent behaviour...Parents of young offenders may not directly be to blame for the crimes of their children, but parents have to be responsible for providing their children with proper care and control (Home Office, 1997, s. 4.2-4.6.; see also: Downes and Morgan, 2002; Gray, 2005; Williams, 2004).

Wary of the perils of grafting restorative justice onto a youth justice system that has competing priorities, Brian Williams saw the government's apparent commitment to restorative justice 'as part of a strategy of "responsibilization"' (2004 p5), a strategy criticised by Garland and others for 'devolv[ing] responsibility for crime prevention on to agencies, organizations and individuals which are quite outside the state and to persuade them to act appropriately' (1996 p452).

## **The Role of Offenders' Parents within Restorative Justice**

Although academic interest in RJ is longstanding, the central concern of this article, namely, the dangers of responsabilising parents, and in particular their suitability to play the role of offender supporters in restorative processes, has attracted little attention. Where parental involvement is discussed, it 'is almost automatically assumed to be in the best interest of all the parties' (Bradt et al., 2007 p292). It is now 'time to breach the obviousness with which [parents] are almost automatically involved, regardless of possible pitfalls' (Bradt et al., 2007 p291).

In England and Wales, a juvenile under the age of 17, should be given a reprimand or final warning (previously a caution) in the presence of an 'appropriate adult'<sup>1</sup>. Some parents may feel morally obliged to perform this role, but it is clear that many do so because they do not perceive there to be an alternative. In organising RJ conferences, facilitators rarely explain that another family member, friend, or other 'appropriate adult' could attend to support the young person (Hoyle et al., 2002 p24), partly because the legislation states that the most suitable 'appropriate' adult to act on behalf of juveniles is a parent or guardian<sup>2</sup>. The aim of this article is not to call into question the entitlement of parents to be present during RJ processes, but to critically examine their suitability to perform the role of offender supporters.

The suitability of parents as offender supporters is contingent upon a whole range of variables ranging from the parents' own integration within a law-abiding community down to their relationship with the offender and other significant members of the family. As parents often feel responsible for their children's behaviour, and indeed this is part of the government's intent, we argue that they may not be ideally placed to provide support in what is often an emotionally-charged encounter. Indeed, their responses to the process of responsabilisation, and particularly their own anxieties about being judged, may adversely impact on the dynamics of the restorative process. Of course in some cases there will be positive effects of having parents as witnesses during the process, and these may be critically important to the success and enforceability of any reparative agreements. However, the assumption that parental support of young offenders benefits the offender and the process must be challenged. Furthermore, those tasked with arranging conferences should heed our call for greater inclusion of the offender's wider community of concern; other family members, friends, teachers etc, who are less likely to assume responsibility and feel personal shame for the offender's behaviour, yet be sufficiently close to the offender to offer emotional and practical support, and help in the reintegration of the offender into the law-abiding community.

## **The Thames Valley Study**

This article draws on the findings of a three-year evaluation of the Thames Valley Police initiative in restorative cautioning (Hoyle et al., 2002)<sup>3</sup>. Under the Thames Valley (hereafter TV) programme, cases destined for a caution, rather than for prosecution, would be processed by an RJ co-ordinator who would try to arrange restorative conferences involving offenders, victims and their respective 'supporters'<sup>4</sup>. Heavily influenced by the family conferencing approach to juvenile justice developed in Wagga Wagga, Australia (Moore and Forsythe, 1995), the TV model envisaged that a structured dialogue about the offence and its implications, according to a particular sequence of speakers and issues, would have benefits for all concerned. To achieve this structure and sequence, police facilitators were provided with a 'script' with explanatory statements, questions and prompts, aimed at promoting constructive dialogue between all parties to improve the chances of restorative outcomes.

The research was broken down into distinct phases so that interim findings from each could be used by the police to re-shape aspects of their initiative, with a view to improving practice. This article concentrates on phase 4 (the 'full evaluation') and thus draws upon data acquired once police restorative practices were well established and settled, and therefore should represent RJ in TV at its best. All but one of the conferences observed during this phase were tape recorded and the recording was fully transcribed. The quotations used below are taken from these transcripts and are therefore verbatim. Although the RJ conferences drawn upon below took place seven years ago, the same type of approach is used today in many police-led RJ processes, and the focus on parent-child dynamics remains pertinent to all current RJ activity aimed at responding to criminal offences committed by juveniles.

The main body of this article, which draws both upon the literature and the aforementioned empirical work, is presented in two sections. The first shows that parents in RJ conferences experience feelings of guilt, shame and embarrassment, stemming from their perception of being judged and held responsible for the conduct of their child. Indeed, it makes clear that it is largely the RJ process itself, in particular the focus on shaming the offence and making the offender accountable for his or her actions, which engenders these emotional responses. Section two shows that these emotional responses can result in parents engaging in apologising, neutralising, dominating and punitive discourses, which not only cast doubt upon their ability to be composed and supportive to their child, but might also affect the dynamics of the process itself and the parent's ability to support the process. Much of the literature presents the notion of supporting the child as synonymous with supporting the process, but empirical evidence suggests that oftentimes there is tension between these roles. Parental support for the child, for instance, may lead to parents apologising for or downplaying the offence, which is notably unhelpful in a process which is supposed to hold the offender accountable for their unacceptable behaviour. Alternatively, parents may engage in punitive, rather than reintegrative shaming, or coerce the young person into agreeing to a disproportionate reparation agreement in the misguided hope of bringing restoration to the victim.

## **The Consequences of Responsibilising Parents through Restorative Justice**

Consideration of the parent/child relationship casts doubt upon parents' suitability to play a supportive role within a process which may engender feelings of guilt, shame, embarrassment and being judged. Before considering parents' role in the process, it is therefore crucial to consider why they are almost invariably placed in this challenging position.

Core RJ values usually include consensual, non-coercive participation and decision-making (Hoyle and Young, 2002). For parents of young offenders however, 'actual practice would suggest that it is less than voluntary' (Umbreit, 1999 p217). Parents are not blatantly coerced to attend conferences, and not legally required to perform the role of 'appropriate adult', but do feel both practically and morally obliged to act as supporters. Most parents in the TV study felt that the offender had no choice but to participate and that therefore they themselves had no choice, given that the caution could only take place in the presence of an appropriate adult. This is partly because those tasked with arranging RJ conferences give them little or no choice. Assuming that parents are the most appropriate supporters, facilitators rarely explained that another family member, friend, or other 'appropriate adult' could act as supporter. Parents who perceive themselves to be morally or even legally obliged to attend may feel resentful of the process. Add to this the typical dynamics of the parent/child relationship and there is potentially a toxic mix of self-blame and recrimination, which can render them unsuitable supporters in a process aimed at addressing responsibility, restoration and reintegration.

The very nature of the parent/child relationship means that processes intended to hold young offenders to account (Braithwaite and Daly, 1994) often make parents feel they are also being held to account. Cook recounts instances where offenders' mothers felt that their parenting was being judged: 'I felt like everyone thought I was a bad mother' (2006 p115). Notwithstanding findings of considerable parental support for both referral orders and youth offender panels, parents interviewed by Crawford and Newburn also voiced similar concerns that 'they were made to feel inappropriately "on trial" for their child's behaviour', with some amongst them feeling 'that they were perceived to be "at fault"' (2003 p181-2).

According to Prichard, 'In the eyes of most parents, the criminal behaviour of their child will suggest that, prima facie, they are "not succeeding" as parents.' (2002 p334). Many of the conference transcripts from the TV study show parents, in their role as 'offender supporters', expressing concern that their child's behaviour was a reflection of their parenting:

This is a small community, where everybody does know you and everything he does reflects on the family....Me as his mother, it will come back on me, you know, you're not doing your job properly, you should know [Case 2016].

but I just found it totally embarrassing....I'd feel it was a reflection on [me]...if I'd actually shoplifted, I mean I'm a nurse, and I've got access to money and all sort, you know. I mean they have to trust me, and I just feel a real bad reflection on myself, I'm totally embarrassed by it.... [3006].

Parents also explicitly expressed shame and embarrassment during the restorative sessions:

I'm extremely embarrassed sitting here having to hear what you've (the victim) had to say about the beatings you've had.... [3004].

I was quite embarrassed actually by him... [3014].

... and um it's a shameful thing really for me, because I, I wouldn't like anything like that to happen to anyone.....As it has happened, the only thing we can do is, you know, apologise, and I do fully sympathise with the family (of the victim)... [3018].

....So I felt extremely let down that he'd brought shame to the family. [3014].

The assumption is made in some of the literature (e.g. Braithwaite, 1989) that parents within these processes are no different to 'relevant others', 'individuals invited to attend conferences other than the offender and victim, such as family members, friends, teachers and professionals' (Bradt et al., 2007 p291). This cannot be true if parents feel coerced to attend an RJ session, and then reveal their own shame, embarrassment and guilt. They are

emotionally involved in the process on a personal level, beyond their ascribed roles as offender supporters. Hence, Prichard (2002 p330) is critical of Braithwaite's (1989) original<sup>5</sup> 'assumption that parents of young offenders are similar to any other participants in the ceremony', arguing that his 'one dimensional and simplistic' conceptualisation fails to take into account that 'the especial depth of parent-child relationships differentiates parents from all other supporters' (Prichard, 2002 p331). To the extent that the parent-child relationship is 'different', because a 'child represents to a large degree the product of his or her parents' genes, parenting skills, lifestyles and values' (Prichard, 2002 p333), parents must be differentiated from other supporters. It is this difference which goes to the very root of parents' unsuitability as offender supporters.

Within a youth justice system intent on pursuing responsibilisationist aims, RJ processes which require young offenders to account for their behaviour may in fact result in parents feeling that they need to account for their own behaviours, leaving them feeling punished for being a 'bad parent'. A process which, indirectly at least, casts them as failures 'works as a stigmatising and potentially criminalising mechanism which may engender feelings of stress, alienation and penalisation.' (Parr, 2006 p7). Prichard (2002) concludes that the manner in which parents act 'could be interpreted as reactions to feeling on trial'<sup>6</sup> and the TV data certainly suggest this is true. Whether adequate parental support can be forthcoming in a situation where the unstated but implicit message is that the parents too are to be held responsible for the behaviour of their children must therefore be critically assessed.

## **Inappropriate Behaviours from Appropriate Adults**

The dynamics of a restorative conference can be significantly affected by both the emotional responses of the parent who feels judged within a process which focuses on accountability, and by the nature of that particular parent/child relationship. Building on the evidence presented above, this section shows that parental feelings of shame and embarrassment, and of being judged, manifest themselves within restorative conferences in inappropriate behaviour, such as parents' apologies, techniques of neutralisation, domination of the process, and punitive discourses. These responses not only cast doubt upon parents' ability to be composed and supportive of their children, but more importantly might affect the dynamics of the process itself and thereby impact adversely on the chances of reintegrating the offender or restoring the victim.

### **Apologising Behaviour**

One of the aims of RJ is for the offender, on hearing about the victim's suffering, to feel accountable for their behaviour and express regret at the harm caused by it. An apology is considered to be evidence of this; indeed, it is often referred to as 'symbolic reparation'. Unlike in a courtroom, where lawyers speak for their clients, it is crucial in RJ that offenders speak for themselves. Hence it may be problematic if someone apologises on their behalf. The transcripts of the TV conferences are replete with examples of parents

apologising to victims, and even to police facilitators, for their children's conduct, as the following excerpts show (all are quotations from offenders' parents):

Really once again I'm really sorry for what my son has done to you and all that, really sorry and I hope you try and pick up the pieces and um, you know, I'm really sorry.... [3018].

... we feel really, you know, guilty ourselves. .... very sorry. ...I apologise myself. [2009].

...I'm sorry if my boys have, er, gone overboard... they all should be sort of like er, ashamed of themselves and I'm really sorry this happened to you mate [looking at V].....But er I do feel sorry for you mate, I feel sorry for your family and er, pretty upset that your family's seen you like that....So while I can apologise to you I'm sorry... [3018].

The last excerpt was that parent's first contribution to the conference. These repeated apologies did not appear to be triggered by anything said immediately prior to this intervention, suggesting that the parent saw his main role as to apologise.

Some parents go beyond simply aligning themselves with the victim and his suffering and appear to try to distance themselves from the offender – the very person the parent is there to support:

I'd just like to apologise to [the victim] and her parents as well. I've heard what happened and it shouldn't have happened. ... I'm not sticking up for [the offender] at all, I never have done since she done it... [2004].

If the parent is adamant that the purpose of the apology is not to 'stick up' for the offender, the rationale for the apology seems to derive from the close parent/child nexus and, in particular, the concern that a child's acts may be perceived to be a reflection of poor parenting. As Prichard argues, parental apologies provide the 'clearest evidence of a sense of personal responsibility', corroborated by the fact that in his study and ours 'no other supporter of a young offender ... offered any sort of apology' (2002 p335).

Parents' apologies for the prior conduct of their children provide a clear indication of their feelings of guilt, shame and embarrassment. However, while parental apologies may help to restore some victims, the aim of RJ is for offenders to feel independently accountable for their behaviour and apologise only if they feel the need to express regret at the harm their behaviour has caused. In some cases, parental apologies, especially early on in the process, may adversely impact upon the restorative process by effectively disempowering young offenders, by letting them think their parents can make it right for them, leaving them feeling that they themselves are not expected to apologise or make good the harm done. Restorativists are critical of lawyers speaking on behalf of young offenders in court; it may be considered equally, if not more, unacceptable for parents to be doing just this in a restorative conference.

## Neutralising Behaviour

Whilst parental apologies may prevent some young offenders taking responsibility for their behaviours, parents excusing their children's behaviour will surely subvert restorative principles, most notably offenders being held to account for their actions. Prichard (2002 p336) found examples of 'parent defences', what we refer to as 'parental techniques of neutralisation', drawing upon the work of Sykes and Matza (1957). Fully aware that they are being judged, parents may attempt to suggest that the offence is not so serious or, alternatively, that the offender, or indeed themselves, are not to blame. Parental techniques of neutralisation can be seen at two levels, and provide evidence of parents' unsuitability as offender supporters.

*Offence-level neutralisation* involves the parent downplaying the incident, something likely to frustrate other participants who are keen for the offender to acknowledge their culpability. In case 1020, after insisting that he was a good parent who has tried to teach his son right from wrong, the offender's father goes on to state that he 'can well understand how [his son] committed [the offence] because the blinkers go on and he just wants the excitement of riding his bike'. Harking back to when he first got a bike, he suggested that his son was only in trouble because the law was no longer so permissive: 'safety regulations are tighter than when I first rode a bike as a kid so it's harder for kids these days to stay within the law'. He continued to downplay the significance of the offence, emphasising the 'need to move forwards'. In case 2002 a mother of one of two boys cautioned for burglary of a school similarly tried to downplay the offence and neutralise the boys' guilt by claiming that the school should take some responsibility for leaving the property vulnerable to break in and, further, that 13 year olds will take things left unattended in this way. Adopting a 'boys will be boys' philosophy on youth offending (Klein, 2006) she asserts: 'they were just mucking about like lads do'. This was also apparent in case 2016, where a father of a young offender who had caused criminal damage to a greenhouse commented 'boys are boys, they go out and they mess about, which I can accept ...'

There were similar comments made by parents in other conferences, especially on the theme of drug misuse, with some parents making 'neutralising' comments about how 'everyone's taking drugs' [e.g. 2013], but also with reference to shop theft [e.g. 3001]. Furthermore, many parents tried to excuse their children's behaviour by blaming 'peer pressure' [e.g. 3014]. In these examples, it was clear that the parents were trying, in a rather clumsy way, to support their children. By playing down the offence or blaming peers, they were suggesting that the child was not fully culpable for the harm caused. In this sense, their support for their child was clearly at odds with the aims of the restorative process.

The tensions inherent in support for the child and the process were similarly evident in other cases where parents appeared to be unable to disapprove of the child's behaviour, or thought it had all been blown out of proportion. For all the attention devoted in the literature to reintegrative shaming, and in particular the importance of having the

offenders' behaviour disapproved by their 'community of care', the fact remains that parents may not unequivocally disapprove of the behaviour. Parents feeling personally ashamed or embarrassed may find relief in playing down the offence, leaving offenders feeling there is little for them to feel sorry about (see also Bradt et al., 2007 p297).

The second level parental technique involves neutralisation at the personal level, with the parent neutralising their own personal responsibility for the offence in particular, or their child's behaviour more generally. This can be seen when a parent portrays a child as somehow pathologically 'bad', or provides an account of the child's upbringing to suggest that he or she has not been raised to behave badly. For example, in case 3002 a father frequently referred to his son as 'a hopeless case', not to be trusted by his family or friends, and as a person 'always thieving' and 'likely to go on doing so.' There were even more examples of cases where parents spoke at some length about their attempts to teach their children right from wrong, as the following excerpts show:

We brought our daughters up, or tried to bring them up, with a sense of right and wrong, what they should and shouldn't do.... [3004].

We haven't brought our children up to be like that so I've got no idea what brought them up to do that. [3018].

I just feel so disappointed. You know, I mean we, we always brought her up to, to understand, you know, about honesty, you know, shoplifting, I mean we've been over it time and again ... She hasn't been brought up like that, to behave like that. It's total...disappointment. [3006].

Parents are not speaking to their children when they make such comments; they are communicating directly with the other adults at the conference, usually with the victim or parents of the victim, or the facilitator. The TV case transcripts suggest that in most cases insistence that the offensive behaviour was an aberration is an attempt to persuade others that they have not been ineffective parents, rather than a plea for those present to understand that their child is not a bad person. As Prichard (2002 p336) argues, such reactions are the most obvious attempts by parents to diminish their own responsibility. This form of neutralisation – which provides clear evidence that parents feel that others are judging them for their child's behaviour - avoids the problem of the young person being denied the opportunity to take full responsibility for their actions, but does not maintain the crucial restorative distinction between act and actor, nor does it result in young offenders feeling supported in the conference. Parents may well be correct in insisting that their parenting skills are not to be blamed for their children's behaviour, but by expressing this in such stringent ways, they are distancing themselves from the very people they should be supporting. Some young offenders will hear these explanations as: you did the crime, now you're on your own - an unfortunate result of parents' attempts to assuage their guilt and shame. Parents' suitability to play the role of offender supporters is certainly undermined by the fact that their defensive comments can leave children exposed and lacking in support.

## **Dominating Behaviour**

Since Braithwaite's (1989) 'reintegrative shaming' thesis was first adopted by those running RJ conferences (Hoyle, 2007), there has been an assumption in the RJ literature that having offender supporters present during restorative sessions will help to shame the inappropriate behaviour whilst ensuring that the offender is then reintegrated into a caring pro-social community, and that offenders' parents are particularly well-suited to the task because of their unconditional love and support. This thesis fails to consider that they are the people most likely to feel judged, ashamed and embarrassed by their child's actions and that this is likely to impede their ability to be supportive. Parents' support should help the young offender to find the courage to speak out about what they did, explain the context without making excuses, and explore how they feel they could put right the harms caused by their actions. However, the aims of empowerment cannot be realised if parents respond to the stress of the encounter by dominating the session. In Karp et al.'s study, 'Both coordinators and panel members reported that parents were frequently very vocal during the meetings, sometimes undermining their child's ability to be an active decision-maker in the process' (2004 p210).

In some TV conferences the contributions of parent supporters account for a large proportion of the number of words spoken during the session. In case 3006, for instance, one mother spoke more than three times as much as her daughter and her co-offender, accounting for 17% of all words spoken in a conference which had six participants (the two young offenders only spoke 5% of the words each). More alarmingly, perhaps, is case 3014, cited below, where one of the young offender's mothers spoke more than a quarter of the total words (27%) in a conference involving six participants and two offenders. Again, the offenders' contributions are extremely limited: one spoke only 2.7% of the words, with the other speaking 4.6%; the other mother spoke almost 20% of the words, with the victim accounting for only 11%. The following excerpt from this case provides evidence that one of the mothers was not only verbose, but that she dominated the process by speaking for her son even when he was being asked fairly innocuous questions. The facilitator (F) was trying to encourage the young offender (O) to empathise with the victim by exploring how he might feel if something of value to him was stolen, but he is given little opportunity to do so, despite repeatedly addressing the questions directly to him:

F: Have you [looking at the offender] ever had anything taken yourself? Has anyone stolen anything from your in the past?

O: Yeah.

F: Well what have they stolen?

Parent: Bike. Mountain bike.

F: Mountain bike. Do you like using your bike?

Parent: He did.

F You used to ride it a lot?

Parent: Yeah, he had it for Christmas.

F: So how did you feel then when that was gone?

Parent: He was gutted.

Young offenders can be reticent when put on the spot by challenging questions; some are monosyllabic. A good facilitator is comfortable with the inevitable pauses in a conference when they have asked a young offender to explain his actions or motivations. Children need time to consider their responses but parents often feel extremely uncomfortable during these silences and, perhaps understandably, fill the gap to release the tension and relieve their child. Case 1019 is a good example of a case which had very many relatively brief pauses following the facilitator addressing the young offender, which are immediately followed with a reply from his father. The more the father interrupted, the quieter the child became.

Notwithstanding the theoretical appeal of empowering the offender, we remain sceptical of the extent to which parental involvement in restorative processes will realistically meet the expectations associated with empowerment: ‘empowerment of young people is often not accomplished: the young are often silenced by “a room full of adults”’ (Braithwaite, 2002 p153, quoting Haines, 1998 p93). As Bradt et al. point out, ‘the fact that relevant others [the parents] are invited to counteract domination [by victims] does not exclude the risk that relevant others can in turn dominate the process in several manners’ (2007 p297). That parents might feel the need to speak for their children, and thereby dominate the session, is illustrative of their feeling ‘responsibilised’ for their child’s behaviour. Furthermore, their domination might not always take the form of talking for their children – in the way most parents do to some extent – but may result in them dominating the child in a way that is clearly punitive.

### **Punitive Behaviour**

Punitive parental domination is a far cry from Braithwaite’s concept of supportive and reintegrative parents. It is evident when parents take out their frustrations on their child, by demanding that punitive action be taken against them, as in the following case:

Parent: ...he hasn’t learned his lesson....

F: Mm.

Parent: Throw the bloody book at him if I was you. [3 second pause] I’m serious. I’m serious....Lock him up and throw the bloody keys away.

He continued with this theme further on in the conference by saying directly to his son:

I personally feel if you, if you were caught driving it, I don't stand in the way of them [by which he means the police] giving you a beating. Give you a good beating so that you realise you've done wrong. What's happened here [referring to the restorative conference] is nothing! This is nothing. You deserve more than this.

He finished his punitive rant with the 'when I was young we got a smack round the ear and it never done me no harm' theme [3007]. This father was asked by the facilitator at the start of the conference why he had accompanied his son to the conference. He explained his presence by saying 'Well because he's a minor', when prompted further, he also conceded 'I suppose, um, I'm part responsible for what happened. You know, because um y'know maybe if I'd put my foot down a bit more on him...' This comment demonstrates his sense of unease that his own parenting may be partly to blame, which probably fed his punitive, distancing, and generally unsupportive stance.

In another case [1019] a boy is 'supported' by a father, who readily admits that he has assaulted his son ('I socked him round the head, not once but twice or three times' for 'smirking over not doing his homework') and a step-mother who does not have a kind word to say about him. Any reparative attempts made by the boy are dismissed by her as disingenuous. After a lengthy exchange between the parents and the boy, which make clear the low opinion the supporters have of him, and their lack of faith that he can ever make anything decent out of his life, it is left to the facilitator to theme in some of the reintegrative messages that should be central to a restorative approach. This is something supporters should do; it is not the role of a neutral facilitator.

Other parents, whilst not overtly punitive during the conference, are, nonetheless, dismissive of their children or careless about the things they say, even cruel in some instances. For example, in case 2011, a mother refers to her son as a 'hothead' and says to him: 'you must admit you've got a bit of a temper, haven't you?' She continues by comparing him to his (absent) father, who she has already made clear is 'no good'. Another mother calls her son 'brain-dead' during the conference [3002]. Whether attempts to excuse the child's behaviour (he's impulsive, and therefore not fully culpable) or excuse their own parenting (it's genetic, and certainly not from my side), these utterances are not respectful. Furthermore, they create a distance between parent and child and fail to maintain the critical distinction between the act and the actor, apparently in the attempt to minimise the parent's shame.

## **‘I’m Hurting Too’: Assaults on Parental Self-Esteem**

I was ... really depressed, about the whole thing. ... I was really upset you know. I was on holiday, that spoilt the holiday for me, and, em, so, I took it really badly. ... it took me about a week to, em, get over the first initial shock [3013].

This quotation from one of the TV transcripts describes the harm caused by crime. However these are not the words of the victim, but the mother of the young offender. The TV restorative conferences, like Prichard’s (2002) Tasmanian conferences, provided clear evidence that the restorative process can, and often does, engender in parents feelings of guilt, shame, embarrassment and concerns about being judged. Parents feel that their children’s behaviour reflects on their parenting skills. When their children succeed in education or sport, or shine in social situations, they glow with pride, feeling that the success reflects well on them. Conversely, when their child transgresses they feel the pain of being judged to have failed adequately to teach them right from wrong and equip them with the social skills to avoid the transient gratifications of deviance. Because parenting is a socially valued task, highly esteemed by society, to succeed in parenting does wonders for parents’ self-perception, but to fail can challenge the self-esteem and self-efficacy of even the most confident parent; it can be devastating for those with already low self-efficacy. Bandura’s (1989) concept of self-efficacy, which Prichard draws on, refers to parents’ perceptions of their ability to parent well, it is a more task or skill focused concept than the broader notion of esteem. But what is clear from both the Tasmania and the TV data is that these concepts are inextricably linked.

Braithwaite’s theory of reintegrative shaming posits that:

The effectiveness of shaming is often enhanced by shame being directed not only at the individual offender but also at her family....a shamed family ... will often transmit the shame to the individual offender in a manner which is reintegrative as possible (Braithwaite, 1989 p83).

However, the proximate nature of the parent/child relationship renders difficult a central tenet of this thesis: the desirability of drawing a distinction between disapproving of the criminal act while treating the actor as essentially good’, as was clear in case 3002, where the father refocused attention from the act to the offender, dismissing him as a bad person. Prichard considers at length ‘the dangers inherent in Braithwaite’s assertion that directing shame at parents of young offenders can be conducive to reintegrative shaming.’ (2002 p330) He highlights the importance of paying close attention to parental feelings of condemnation and stigmatisation: ‘If this feeling is ignored, the conference can stigmatise parents, damage the confidence of already diffident parents or put unnecessary strains on adolescent-parent relationships’ (2002 p338).

Parental efficacy - a parent's beliefs in his or her ability to guide their child in the right direction and provide a family life conducive to good behaviour – can be further challenged by the child during the restorative process and by other participants, for example victims. Children may seek to blame their environment for their behaviour. Parents may feel relieved if their children blame their peers, and indeed, as we saw above, they are only too happy to suggest that their child is easily led. But if the child blames his or her home life or a familial influence, the parent will likely feel more uncomfortable and become defensive. Similarly, victims may imply that parents have not done all they could to prevent the offence. Given the strong responsabilisation philosophy behind current youth justice policies, including RJ, this is hardly surprising. The low self-esteem of some parents entering the restorative conference can be further depressed by questioning which, in seeking to understand the offending behaviour, may unearth problems within the family or the parent/child relationship. Hence, we witness a range of behaviours demonstrating the parents' anxiety and desire to shift the focus away from them: apologising, neutralising, dominating, and punitive discourses, which adversely impact upon the dynamics of the restorative process.

Responsibilising parents - who are feeling victimised - for their children's behaviour and then expecting them to act in a supportive manner might well be too much to expect from many parents. The TV data is replete with examples of parents imploring their children to consider how their actions have affected them, as well as the direct victims. This can be used to good effect. It 'may bring it home [to the offender] that it is not only the victim who experiences the bad consequences of his actions, but that something similar applies to his loved ones, the people he cares for and who care for him.' (Wiejers, 2002 p73). As one mother told the other participants in a TV conference:

I just said you know, you just didn't hit [the Victim], I said, you hit everybody else around you. I said you putting us through ... it's embarrassing and, you know, you can't, and I just told her she couldn't do that. You know. It's not fair [2004].

Conceiving of parents as secondary victims, and acknowledging that they are not best placed to support their children, raises three related questions: Who is best placed to support young offenders? Should parents participate in conferences? And, if so, should they be supported by others?

### **Who Should Support Young Offenders?**

Many academics presume that 'parents are ... an irreplaceable resource for young offenders' (Bradt et al., 2007: 294); a view apparently shared by practitioners. Appropriate support for young offenders can only be identified from thorough preparation, which was not apparent in most TV cases. Prior to the conference, the majority of offenders in the TV study were not asked who they would like to support them. Research in adjacent fields – such as that produced by the mental health charity 'Young Minds' - shows that when children are anxious about participating in a new or a challenging process they almost

invariably want their parents to be close to them, as their preferred source of support. However, whilst many in the TV study would undoubtedly have chosen their parents as their key supporters, a few were very clear, in interview, that they had not wanted this - for example the boy in case 1019 discussed above, who was berated throughout the conference by his unsupportive dad and antagonistic step-mother.

Those tasked with organising conferences need to talk at length with all the 'stakeholders' to establish who should be invited to attend and who is best placed to support the key participants – victims, offenders and young offenders' parents. Sometimes another family member can perform the role of offender supporter - an aunt or uncle, for example - but sometimes the facilitator will need to look beyond the family to significant others in the offender's life; perhaps an admired football coach or a respected teacher or neighbour; sometimes a family friend. They need to be close enough to the offender to care about them, and to invest in their reintegration, but not so close that they feel the child's bad behaviour reflects badly on themselves. They will need to be interviewed to assess their suitability and prepare them for their role by explaining the purpose of the process and the main RJ values.

If this preparation had taken place in case 3001 the young offender would not have been left with no support. This girl, who was cautioned for shop theft, spent the 90 minutes of the conference with her head down, quietly crying into her collar. She was hardly able to respond to questions and when she did manage to speak was mostly monosyllabic. Indeed our calculations, based on the full transcript, show that she spoke only 0.5% of the words. She was desperately in need of support but her supporters - her mother and aunt - were unable to provide this. They too were so upset and sobbed intermittently during the conference. Again, the mother spoke only three percent of the total words, the aunt just over one per cent. The aunt's only contributions were to make clear how upset and disappointed she was. By way of comparison, case 2016 benefited from the presence of the offender's teacher who was supportive to the offender and made contributions that helped to restore other participants, which the boy's parents, both present, were demonstrably unable to.

### **Should Parents Participate in Conferences?**

If parents are harmed by their children's offending behaviour, and RJ is aimed at restoring the harms caused by offences, parents have a legitimate role to play in restorative conferences, although not as the primary supporters of their children. Furthermore, if most children want their parents with them they must not be excluded.

In a few TV cases parental involvement seems to have brought about a positive shift in the dynamics of a parent/child relationship, even if it hindered the main aspects of the restorative process. One conference [2011] began with the young person and his mother sitting apart without communicating. Their criticisms of each other made clear their individual problems and fundamental difficulties in their relationship. Through effective facilitation they finally broke through an impasse in their relationship. Talking openly for

the first time in years provided some catharsis, with the young person breaking down in tears and pleading with his mother to spend more time with him. There were less dramatic, but nonetheless impressive, results for a few other families. Overall, the follow-up interviews conducted with all conference participants months after the meeting suggested that for 28 per cent of the offenders, where there were reliable data (n=65) on this issue, the restorative process had produced beneficial effects on their relationships with their family or friends, and in none of the cases was a negative effect apparent.

Parents' ongoing relationship with their children provides a further reason for their participation in conferences. The literature makes clear the importance of parental support in securing compliance with reparation agreements, and the shift in the dynamics of the parent-child relationship may bode well for desistance from crime (Weijers, 2002 p73; Karp et al. 2004 p215; Bradt et al, 2007 p295).

However, if parents are to play a role in the conference and not produce the unfortunate dynamics described above, they must be better prepared before they participate. At present, a brief telephone conversation is usually the only contact a facilitator will have with parents before a conference. This may not be adequate to explain the aims of the process. For example, parents need to know before they attend a conference why it is important that the young person be given the space and encouragement to be accountable for their actions and why derogatory statements and bullying can inhibit this process. They also need to be reassured that their parenting or lifestyle is not on trial. In other words, if parents were properly 'briefed' before a conference some of the problems of parental involvement could be avoided.

### **Should Parents have their own Supporters?**

RJ conferences can provide 'the basic ingredients for disintegrative shaming for parents ...; shaming, potentially no community of concern with which to maintain "bonds of love or respect" (Braithwaite, 1989 p101), and no formal forgiveness.' (Prichard, 2002 p339). Whilst some parents are so emotionally affected by the offence that they can offer no support to their children, if they feel harmed and shamed by the process there is no justification for denying them a supporter. While parents are defined as 'offender supporters' there appears to be a problem of infinite regression in asking supporters to bring supporters, but if we reconceptualise them as parties affected by the offence, we can encourage them to identify appropriate people to support them. Only a fifth of parents in the TV study recalled being asked if they would like someone to accompany them and so, not surprisingly, only a very few brought anyone with them. However, in interviews after the conference some (especially single parents) said they would have liked to have someone else there to support them.

## **Conclusion**

This article is not intended as a criticism of restorative processes, or parental involvement in them. However, it has shown that the very nature of the parent/child relationship means that the wrongdoings of young offenders are felt to reflect negatively upon their parents, causing them to experience shame, embarrassment, and guilt. As a result of feeling judged and experiencing low self-esteem, parents often engage in apologising, neutralising, dominating, and punitive discourses, which seriously impinge upon the support they provide, and which also inevitably impact upon the dynamics of the process. As active participants in the process, who are being 'responsibilised' for their child's behaviour, they are not ideally placed to be supportive. This is the case for most parents, although we could have provided some examples of supportive parents who managed perfectly the tensions inherent in shaming the act but then reintegrating the child into a safe and loving relationship (e.g., cases 3015 and 3008). However, not all young offenders have ideal family backgrounds. Some have parents who engage in criminal activity, or who fail unequivocally to condemn it. Others' families are so impoverished, both financially and emotionally, that the parents are unable adequately to support their children. Furthermore, when the parent/child relationship has irreparably broken down, parental involvement in the process may, in Weijers' words, 'be pedagogically irresponsible towards the young person' (2002 p79). It is of crucial importance therefore not to uncritically assume that parents are best placed to support their children, but rather to draw upon the offenders' wider 'community of care' to identify people who are concerned about the young person, understand the purpose of RJ, but are not emotionally entangled.

## **End Notes**

1. Crime and Disorder Act 1998, s. 65.
2. Police and Criminal Evidence Act 1984, Code C, para. 1.7.
3. The authors are indebted to Professor Richard Young who worked with the first author for the duration of the Thames Valley project, and to Roderick Hill who assisted Hoyle and Young during the latter phases of the study.
4. Where there was no victim able and willing to meet with the offender (including, of course, cases where there is no identifiable victim), a 'restorative caution' would take place instead, in which the police officer facilitating the process would 'theme in' any victim's views at the appropriate point. In over half of the 56 restorative meetings observed during the fourth stage of this study there was no victim present at the meeting (Hoyle et al., 2002: 12).
5. Prichard (2002) acknowledges that 'Braithwaite's own position on this matter has changed since the publication of *Crime, Shame and Reintegration* (see, e.g., Braithwaite and Braithwaite, 2001; Harris, 2001); however, because of the influence of this seminal text, he feels it is important to explore its 'significant weakness'.
6. Prichard argues that this is exemplified in four categories of parent behaviour: '(a) apologies by parents to conference participants, (b) onerous or magnanimous undertakings offered by parents, (c) "defences" to perceived assumptions that they are inadequate parents, or that their child is "bad", and (d) denial of their child's culpability, and, disinterest in the conference' (2002: 335).
7. The theory posits that the best way of controlling crime is to induce a sense of shame in offenders for their actions whilst maintaining respect for them as people (because to condemn them as 'bad people' might push them towards deviant identities, commitments of sub-cultures).

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