

Restorative Justice Pilot – Information for Applicants

What is restorative justice?

Restorative justice is a process in which everyone involved in an offence communicates with each other about the harm that has been caused. The aim is to decide together how to deal with that harm, so the future can be better. The police and courts are not involved.

Restorative justice can bring about many things including:

- The offender is held to account
- The offender hears the victim's story – how the offence has affected their life
- The offender admits the harm they have caused to the victim and other people, such as the victim's family, and apologises
- The victim hears the offender's story, or why they may have committed the offence
- Relationships that had broken down because of the offence are restored
- The victim and other people involved may forgive the offender
- The offender may agree to do specific things that the victim wants.

As part of the process the victim decides the outcomes they would like, and has input into deciding the type of communication that will be used. This is usually a face to face meeting where everyone involved is present, or where the victim is represented by someone else.

Depending on the circumstances, the communication may also take place using email or traditional mailed letters, or online using software such as Skype.

How did restorative justice come about?

The idea of restorative justice has been around for a long time. Many Indigenous and early European cultures used it in various forms. Our modern process began in the 1970s with victim-offender mediation programs in the US. In the 1990s New Zealand developed family group conferences to deal more effectively with youth offenders.

Restorative justice processes have often, but not always, achieved the outcomes sought by victims.

Restorative justice and sexual assault

Restorative justice has not generally been used for sexual assault offences in Victoria. SECASA now offers a process to victims. Outcomes can be creative, for example:

- An offending uncle may no longer be invited to family dinners
- An offender may commit to doing an activity, such as attending counselling
- Where a mother had been unable to stop the father assaulting their child, the relationship between the mother and child may be restored.

Unlike a court hearing, the restorative justice process can be flexible and responsive to your needs. It will be carried out in ways that aim to make you feel safe.

Who can apply for a restorative justice process?

The following people can ask for restorative justice to be carried out:

- Existing SECASA clients (please talk to your counsellor as a first step in applying)
- Other victim/survivors of sexual assault, who may or may not have sought counselling before

The pilot is open to people living in and outside SECASA's south eastern region. Face to face meetings will most likely be held at SECASA's East Bentleigh office and we are not able to offer meetings outside our region at this time.

Who cannot apply?

We cannot carry out a restorative justice process on behalf of an offender (someone who has sexually assaulted someone else), or a family member of an offender.

Why are we running a pilot?

Research from other areas of the law shows that restorative justice has helped people in moving on with their lives. SECASA is already carrying out the process for a small number of clients and several of our counsellors have been trained as facilitators.

During the pilot **Monash University** will carry out surveys and talk with participants who agree to be involved, about the helpfulness of the process for them. This evaluation will help us decide if restorative justice can be offered by all the CASAs in Victoria in future.

Important: agreeing to be involved in the evaluation is voluntary for participants in the pilot.

What does the SECASA restorative justice pilot process involve?

The pilot process involves the following steps:

1. The applicant is asked to complete the SECASA restorative justice pilot intake form, (this is the application form):
 - As needed, a counsellor will assist you to fill out items on the form such as:
 - The harm that is to be addressed
 - The person responsible for causing the harm
 - Other people you would like to be involved in the process, including one or two support people:
 - A legal advisor/lawyer/solicitor cannot be a support person
 - The type of communication to be used
 - The outcomes you want
 - If you agree to being involved in the evaluation of the pilot by Monash University (this is voluntary)
2. SECASA will assess your application. If it is accepted you will be referred to a restorative justice facilitator who will be a specially trained SECASA counsellor:
 - Important: if you are an existing SECASA client, your regular counsellor will not be your facilitator. This is because restorative justice is separate from your on-going counselling.

3. The facilitator will:
 - Discuss the process with you, so you know what to expect
 - Support you while you arrange your restorative justice meeting:
 - Part of the process involves you contacting the other people you want to be involved, and inviting them to attend
 - The facilitator can help you decide what to say and the best way for you to make the contact (phone, email etc)
 - Talk with everyone you have invited, to make sure they are properly prepared
4. If you agree to take part in the pilot evaluation, a researcher from Monash University will contact you to talk about this. You will be asked to fill out two short survey forms at the start of the process and one at the end.
5. The facilitator will be there for a face to face or online Skype meeting. Whatever type of communication is being used, the facilitator will ensure that the rules of restorative justice are followed.

The “rules” for the SECASA restorative justice process

- Everyone takes part voluntarily – no-one can be forced
- Everyone will be fully informed about the process, its benefits, risks and potential outcomes
- Respect must be shown to everyone
- Protecting safety, both physical and emotional, is a priority. The facilitator will end the process if the safety of anyone taking part is put at risk
- Everyone must understand what is happening and why.

Do you want to report the sexual assault to police or take legal action?

Before you decide to take part in the SECASA restorative justice process, you must be reasonably certain that:

- You do **not** want to report to police
- You do **not** want the case investigated by police or taken to court.

Taking part in a restorative justice process may compromise a future prosecution related to the sexual assault. If you intend to take legal action then this process may not be appropriate.

Interested in the SECASA Restorative Justice Pilot?

If you are a SECASA client, talk to your counsellor if you would like to find out more about this pilot or apply for it.

If you are not a SECASA client please call our Administration Team: 03 9928 8741: say you are interested in the restorative justice pilot and give your name and phone number. One of our counsellors involved in the pilot will call to talk with you.

This pilot is being carried out by SECASA and Monash University.