

RESTORATIVE PRACTICES IN WORKPLACES

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Many may wonder to what extent restorative practices, developed and grown from a process that started out its life in the criminal justice arena as restorative justice, can impact upon conflict and broken relationships in a workplace context. Indeed, with Alternative Dispute Resolution (ADR) and workplace mediation already widely used in many organizations around the world, some might even question the need for the use of restorative practices in the workplace. I will attempt to address these valid concerns.



Les Davey

Let me start by taking you back to the mid 1990s, when I was a founding member of the Restorative Justice Consultancy of Thames Valley Police, in the UK. From the outset, whilst developing and expanding the use of conferencing and restorative justice in the criminal justice field (as widely researched and reported), Thames Valley Police also used restorative conferencing to address internal staff complaints and grievances, as well as piloting (under the supervision of the Police

Complaints Authority), its use with cases involving lower-level public complaints against police.

The Independent Police Complaints Commission, formed in April 2004 (which took over from the Police Complaints Authority), encourages, through legislation, the use of restorative practices, especially in relation to the local resolution of complaints from the public. Research by the University of Oxford Centre for Criminological Research suggests that restorative meetings in these circumstances can lead to far greater mutual understanding between the officer and the complainant. (Hill, Cooper, Young & Hoyle, 2003.)

More impetus for the use of restorative practices within workplaces in the UK has been provided by regulations mandated under the Employment Act 2002. These entitle employees, regardless of company size and except in cases of gross misconduct, to informal dispute resolution before they are dismissed. Recommended forms of informal resolution include restorative practices such as mediation and restorative conferencing. Employees are unable to make claims to employment tribunals unless they have first formally raised the grievance with their employer and have not received a satisfactory response. Employers are encouraged to offer such services and employees to take them up, through a financial incentive. Failure of an employer not to offer such informal processes or an employee (without good cause) to take part in them can lead to a reduction (for the employee) or increase (for the employer) of up to 50 per cent in any award from a later tribunal!

The International Institute for Restorative Practices UK Office (IIRP UK — www.iirp.org/uk), through our Real Justice and Good Company programmes, as well as playing a major role in the embedding of such processes in policing over the last decade, has also delivered workplace use of restorative practices training, consultancy, and service delivery to school staff teams and local authorities. For the last three years we have been working with Royal Mail (the UK's national postal service, with around 190,000 employees nationwide) on a workplace use of restorative practices pilot scheme in the southwest of England. This work is currently being evaluated with a view to a national rollout.

Restorative practices have been and are being used in a number of very different workplace settings with a good deal of success and satisfaction being reported. So what have restorative practices got to of-

fer that other processes like ADR and workplace mediation do not?

The above services generally have a fairly narrow focus on the actual conflict and its resolution, rather than the much wider aim of restorative practices: 'to develop community and to manage conflict and tensions by repairing harm and building relationships'. This statement identifies both proactive (developing community) and reactive (repairing harm and building relationships) approaches.

When conflict arises and people are hurt or harmed by inappropriate behaviour, relationships are broken and teams suffer disruption and disharmony. Organizations and services that only use the reactive without building the social capital beforehand are less successful at dealing with such conflict and broken relationships than those that also attend to the proactive elements of restorative practices.

The advantages of using the whole range of restorative practices in the workplace are that they tackle inappropriate behaviour and conflict early on before they become a big issue. Through the proactive use of restorative practices in the workplace and the building of social capital, teams and individuals are better equipped to deal with conflict and inappropriate behaviour when they arise.

Perhaps the best way of illustrating the use of RP in the workplace is through telling a few stories from cases we have dealt with.

CASE STUDY 1

Two individuals, Jane and Richard, were working at the headquarters of a large organization. Their roles overlapped, which meant they attended regular meetings together with the senior management team and also represented the organization at external meetings together on occasion. Over a period of time a number of small incidents and disagreements had led to a breakdown in communication. They worked in separate offices, and the disagreements were not addressed. They openly criticized each other's work in front of colleagues. Their manager was temporarily promoted, and they had a new acting manager. Things came to a head when they began to argue with each other at a public meeting attended by the head of the organization. This was reported back to the manager and it was decided to offer them the opportunity to discuss the issues in a restorative conference.

The restorative conference which followed allowed both parties

to have their say, listen to each other, and realize the harm they were causing each other and to the organization itself. As a result of this meeting both parties undertook to cease such damaging behaviour, and personal development plans were put in place to address their respective shortcomings, together with a review at stages to ensure compliance and progress.

CASE STUDY 2

This case resulted out of what had become a long-standing 'temporary' resolution of an earlier official grievance raised by a section manager, Gill, about her area manager, Simon, in which she expressed several concerns over his style of management, failure to represent her fairly, or to look after her personal development. Gill was put under the supervision of another area manager, Frank, who would not normally have responsibility for her or her section of the organization.

This had then remained the case for about eighteen months until a new manager, Judy, took over from Frank in a sideways move. Judy was not willing to let this situation (which she felt was setting an unacceptable precedent in the organization) remain. She decided to seek to resolve the dispute through a restorative conference.

Preparation for this conference revealed that, as far as Gill was concerned, her grievance had closed when she started working for Frank, and she was happy with the current outcome and status quo. Simon and Judy, however, were of the opinion that this was only ever meant to be a temporary arrangement, which was now long overdue for review. Their desired outcome was that Gill would start to work with Simon again as soon as possible.

At the meeting itself, Gill continued to hold to the same views. Despite being offered several safeguards and assurances by both Judy and Simon, they were unable to come to any agreement about her refusal to work under Simon. Though they left the meeting on talking terms with Gill, the outcome did not meet Simon and Judy's expectations. In feedback, Judy stated that although the meeting did not deliver her desired outcome, she at least now had a clear understanding of all the issues involved. She also now knew what the next steps needed to be and was able to make the decision to take the matter to the next level and seek the dismissal of Gill.

This case demonstrates that not all such meetings have a happy ending. However, it also shows that they do offer a fair process to all and do not seek to meet or enforce the desired outcome of any one participant. In this respect people tend to be satisfied with the process even if they are not satisfied with the outcome.

CASE STUDY 3

Two teams who had previously worked under different management and in different regions of the same organization were amalgamated. The two departments were involved in a range of activities and had carried out these roles in quite different ways. There were also two very different management styles. On amalgamation a new manager took over the teams, but the same two supervisors continued with teams mixed from the different regions. The different styles caused friction between individuals about what was the best way to do things, and there were allegations of favouritism. Relationships and interactions between the different cliques grew worse, resulting in some team members going sick. The manager decided to hold a restorative conference to deal with the issues.

This case resulted in an all-day restorative meeting, where all were able to ventilate their frustrations and concerns in the morning, before moving to considering how they might overcome them as a team. The afternoon session led to an agreement and action plan that addressed all of the main concerns and how the team would work together to overcome them. People had the chance to be listened to and to listen to others in a safe and fair environment, resulting in the repair of broken relationships and the establishment of clear expectations and working practices for the future.

All of these cases were dealt with using restorative practices, with varied degrees of success and outcomes. We will have time to look at these three cases in more of the detail in my workshop session later in the conference (Thursday, 11:30 a.m., in Park 3).

IN CONCLUSION

If restorative practices are to reach their full potential, then they need to be integrated into our everyday life, including the workplace. When restorative practices and language are embedded into the way

we deal with all conflict and inappropriate behaviour, we are most likely to make a difference in the lives of those harmed and affected. An organization that fully embraces restorative practices has the potential to create a safer, happier, healthier, fairer, and more effective workplace for everyone.

REFERENCE

Hill, R., Cooper, K., Young, R. and Hoyle, C. (2003). *Meeting Expectations: The Application of Restorative Justice to the Police Complaints Process*. Occasional Paper No. 21. Centre for Criminological Research. Oxford, UK: Holywell Press.