



European Forum for Victim-Offender Mediation and Restorative Justice

Pilsen, Czech Republic, 29 June- 3 July 2005

European Forum for Victim-Offender Mediation and Restorative Justice

Final report (Kristel Buntinx)

1. Arrival day Welcome and Introductions by Niall Kearny June 29, 2005

As main purposes of this Summer School it has been identified:

1. Support
2. Education
3. Direction

Also some ground rules were established:

1. Seek to understand
2. Respect
3. It's ok to ask for help

Excercise: In a one to one conversation we introduced ourselves to another trainee who afterwards had to introduce us tot the whole group.

**2. European Recommendations on the training of mediators in criminal matters by Bram Van Droogenbroeck – Kristel Buntinx (Report Sónia Sousa Pereira - Barbara Tudor - Kristel Buntinx)
June 30, 2005**

The aim of this workday was to deepen the knowledge of the Recommendations settled by the European Forum for Victim-Offender Mediation and Restorative Justice.

Regina Delattre was invited to say a few words on those.

Regina started from the Recommendations starting point (where did they come from?).

The main start of it began within the Practice & Training Committee of the European Forum for Victim-Offender Mediation and Restorative Justice.

Experts from 10 countries gathered together and created them on a condensed piece of paper as a result of a very hard work.

A draft questionnaire was brought together and then the question was: what to do with it?

Within the European Forum for Victim-Offender Mediation and Restorative Justice, an AGIS I project has born.

It was a two-part project:

- 1. Exchange of training models and experiences;*
- 2. Development of training models for prosecutors and judges*

Four seminars took place in order to achieve a written result:

- “Exchange of Training Models for Mediation Practitioners” (Working towards the creation of European Training Models for Practitioners and Legal Practitioners in relation to Restorative Justice Practices) – Feb. 2004*

The outcome was a draft document on Recommendations and how to organize training.

Three levels of Recommendations:

- 1. Recommendations as such (some sort of “10 Commandments”);*
- 2. Explanations on them;*
- 3. Additional material/information (p.ex. the triangle, the complex fields).*

There the idea of organize a Summer School was born in order to bring up a pool of supportive practitioners.

Interactive exercises to evaluate, refine and concretize the recommendations

Exercise 1

In every training, **knowledge, skills and personal qualities** should be addressed.

About knowledge and skills, you can read a lot, but about personal qualities you find less.

That's why we asked you to take position in the next thesis.

Thesis A: You can learn/train those "personal qualities", just as "knowledge and the skills".

Thesis B: You can't learn/train those "personal qualities". You just have them or not. You have to search for people with those qualities and then train them on knowledge and skills"

Housework for thesis A: How do you train them?

Housework for thesis B: How do you select those people with those qualities?

Thesis A: Personal qualities can be trained.

"The practice makes a mediator."

Otherwise you can loose valid persons if the selection is too subjective. Different styles implicate a surplus value. You can also see that with volunteers.

You also have a natural selection (training, supervision, evaluation) after the first selection.

Which personal qualities does a mediator need? You first have to decide about that. Anyway it is a growing process that needs time.

You can train personal qualities by role-play (learn to work with emotions) and practice, working with co-mediators, ongoing supervision, and feedback from trainers and the colleagues. Also the exercise of standing in the 'other shoes' can be very effective: how do I feel as victim and offender.

Evaluation and reflection on the cases is also important, also self-reflection on your role as a person, your role in society. Being aware of your own strengths and weaknesses; knowledge of own openness and boundaries.

The balance Δ of all three is needed. Good criteria and support is necessary. Maybe we also need standards to choose a good mediator.

Thesis B: You can't learn/train those "personal qualities".

Although there is a lot to promote thesis A, experience learned us that there are some exceptions. Some persons do miss the qualities to become a good mediator and are not capable to learn it.

The selection is indeed still a problem. How do you select? Interviews are imperfect. Role-play can help.

But also after the first selection, it can be necessary to evaluate the candidate by mentoring or supervision. Sometimes it shall be indicated to return on an earlier decision. You have to be transparent about your way of decision-making.

Personal qualities you can't learn, you just need to have them: self awareness, sensitivity, capacity to listen, potential to grow, curiosity to know more, knowlegde of your personal limitations.

Exercise 2

We should actively provide a **diverse range of training models**. There should be no hierarchical relationship between the models of training. In each of these, the three pillars in Recommendation 2 should be addressed.

Often we speak about two approaches of mediation: ‘process driven’ and ‘agreement driven’.

Our vision is you need a balance between those two. Parties have the right to choose for the agreement or for the process.

What if your context or employer leans forwards to one approach? For example how can you be process driven if you need to deal with 100 files a year? And how do you not neglect an agreement in severe cases?

Do you as a mediator need to watch over this or is that the responsibility of the employer or the organization you work for?

In training do you learn only methods, or also vision and philosophy?

Our thesis is that training need to contain vision. As a mediator you also need to be trained to watch over that vision no matter in which context you land.

Choose for total agree, agree, no opinion, not agree, total not agree.

The participants were divided in two camps: total agree and total not agree.

The group of ‘total not agree’ argued that it has no meaning to force a vision one someone; you can’t persuade others. You have to deal with reality.

Otherwise the younger mediators were still willing to fight for their believes. But the reaction of the experiences one’s was that it is not always possible to keep up to this.

This proves the richness of the differences in age.

Exercise 3

We should **guarantee** that all mediators have received this kind of training. In practice this guarantee could be made visible by a training certificate or by the fact that the mediator is recognised by his parent organisation.

We should **distinguish between the responsibilities** of the trainers and the responsibilities of the organisations that employ the mediators.

a) However self-selecting, the main purpose of training should not be selection of mediators.

b) However oriented to practice, training should not be too much determined by practical needs.

c) However focused on long term effects, the responsibility of the trainer ends when the training is completed.

The employer of the mediator is responsible for the selection of mediators, for developing and monitoring criteria on efficiency, caseload, etc. for day-to-day control on the quality of their work, and day-to-day training on the job.

Which is ideal? What do you choose? The employer as a trainer: as a mediator you get the training on the job.

Or an independent trainings institute trains you. So you can decide to study for the profession as a mediator.

After taking position the housework is to find arguments for the other position.

Training on the job, arguments pro:

You can already fulfil the needs of an organization; cost-effective is better; the employee gets specialization, there is the right motivation; the expectations of employer and employee are more correct; there are support mechanizations; you become quicker part of the organization; it is easier to identify training needs of the mediator, practice of training makes a more effective mediator.

Institutional training, arguments pro:

Better food; no interruptions (telephone calls; respect your wishes; a more independent broader vision; trainees feels safer and more confident; open to criticism when trainers are not known to them; more comfortable for managers where time and resources are an issue to rely on quality training from experts.

High standards, recognized, accredited,

External trainees could possibly generate on income to the service. Generic training rather than service specific.

No fear to criticize the organization, save time and money; to leave the environment, to meet other people, to share ideas, experience, there is an en of training; feedback from outsiders, certificate, universal training and practice and standards, consistent, same education, more new ides into workplace, not contaminated by agency thinking, less house blind, makes a stronger, more credible group to other professions, could look further than training e.g. professional association, support for mediators, accreditation, qualification, security and confidence.

Exercise 4

Training should be an **ongoing process**. Mediators should be expected to continue their professional development on a yearly basis. Trainees should be encouraged to follow training of other models

Draw the tourist attractions of your country. What is the value of your culture to promote mediation?

The drawings of the different countries with some keywords:

Czech Republic: the combination of nature and culture (it is more than Prague), sense of humour, inventive, always looking for new ideas.



Spain: the passion of the Latin culture, the word and the heart, the explosion of emotions when two waves meet, the pact is sacred: when you promise something it is in the heart.



Germany: 16 independent states, it succeeds in holding together many different varieties; this is an advantage.



Austria: proud of quality standards (the German word for stamp means trademark) but also of their wine and music.



Portugal: fado, red wine and sardines. Those national symbols stand for emotional sadness.



Norway- Iceland: On the top of Europe they are guarding the whole continent, very cultural nations and a history of storytelling, also concerning mediation (Nils Christie). You have different seasons in one day; the mediation law since 1901.



Belgium: mediation at all levels (police level, with minors, with adults before trial and post-convicted); ‘Tour of Belgium’ which take place every year and it is an organized package of visiting all types of mediation in different cities, different culture between the north and the south; Round table around restorative justice and mediation (steering groups with police, prison, universities, lawyers, judges and social welfare).



Exercise 5

In addition to a proven ability or experience in delivering training, every training programme, even if not necessarily provided completely by experienced mediators, should be provided by people with an **in-depth knowledge and experience of the mediation process**.
As far as is reasonably practicable, the responsibility for the training programme would be that of a **multi-disciplinary team**.

Personal reflection. What do you still need to learn. Choose a theme for the five following years. *This exercise was made individual.*

Evaluation of the day

The participants were very enthusiastic about the day, also about the way it was given. It was interesting.

There was the possibility to share experiences at many different levels. The methods of training how to make it interesting, it kept people curious. It was creative and kept everybody lively.

**3. The Czech Probation and Mediation Service by Marek Tkáč –
Markéta Prášková
(Report Marek Tkáč - Markéta Prášková - Kristel Buntinx)
July 1, 2005**

The Educational system of Probation and Mediation Staff

Morning session:

Marketa Praskova has presented the education system of the Probation and Mediation Service (PMS) in the Czech Republic.

The education for probation and mediation officers lasts one year, is aimed at providing the officers with quality training for effective performance of probation and mediation activities and each officer must pass a professional exam administered by a five-member commission appointed by the Ministry of Justice.

Specialized course for assistants lasts six months and the program, objectives and principles of the specialized course are identical with the topics of lectures, seminars and training programs for PMS officers.

Issues from the presentation:

- high load of cases
- persuading prosecutors, judges and police to send suitable mediation cases to PMS. There is a new rule for police – according to this rule, they must pass on certain cases to PMS.

Questions for small groups:

What are the advantages of a unified training system?

How would you improve the training in your country?

Marek Tkáč then has presented the system of mediation in PMS Czech Republic.

He talked about different ways of mediation used by probation and mediation officers and he showed the way, how the case gets to a PMS officer.

Partnership with the system works well, but varies from site to site depending upon local relationships with police, state prosecutors and judges.

There are two main types of diversion: reparation and conditional cessation of prosecution. The usage, again, varies from location to location.

Then, the issue has been discussed, in Belgium; for example, mediation is a right, not an opportunity.

Afternoon session:

In the afternoon, the director of PMS jointed us. The local PMS centre has been visited, we had the chance to meet the officers and the assistant there and we could talk about the situation, practice and problems connected with the mediation and probation in PMS.

Visit to the Probation a Mediation Service in Pilsen

The region of Pilsen contains four courts and 300.000 people. The staff contains six persons of which four officers.

They are also dealing with conditional release and community service as a sentence on post-trial level.

In prison there is not much mediation.

The figures of mediation: they started with 13 cases a month for each officer, but now it increased to 3 or 4 cases a month. They don't know the reason for it. Probably the court doesn't have the time to select cases. The length of the mediation is normal one month.

They make agreements about behaviour in the future. The prosecutor can wait six months until 2 years with the continuing of the juridical process.

There is also the possibility of following programmes/courses (only for youth). For adults there is only a programme for drinking problems and drug abuse. The programs are voluntary. But there is no corporation with the organisations; there is no network.

Restorative Justice started in 2001, but they are not restorative-justice-workers. The aim was to work with offenders. Victims came in the second place, but there is nothing else for victims. In mediation the victim is as important as the offender.

They don't have much time to do the mediations. They also do probation and conditional release. It should be separated.

Another problem is that prosecutor's wants to resolve cases fast but victims want time because of the emotions. The system of Justice is focused on the result; they are not interested in the process of the victim.

Sometimes they have good results, even in a short time. It depends on the person of the prosecutor or judge. They don't have earned already enough weight. This centre has a good understanding with the prosecutors and judges.

**4. Training materials and methods of training by Niall Kearny
(Report Regina Delattre - Niall Kearny)
July 2, 2005**

MINUTES OF THE SECOND FULL DAY

First session: **How to plan training?**

Wake up exercise (icebreaker). Rise and shout!

Niall Kearney from Sacro facilitated this day. The minutes of the day's programme were kindly compiled by Regina Delattre. Niall explained that the days are based on Scottish training programme for trainers that are used by Sacro (Safeguarding Communities Reducing Offending) in designing its Annual Learning Programme.

The aim of the day: Participants can expect, at the end of this day, to have a greater range of training materials and methods from which to develop training programmes on mediation and restorative justice

The methods included: group discussions, a questionnaire, handouts, sharing experiences, and brief presentation by the facilitator. .

1. Niall introduced the idea of learning styles as something that every trainer needs to take account of in preparing a training course. Each participant was invited to complete a questionnaire (handout) on training styles designed to discover which suits them best: activist, reflector, theorist, pragmatist.

An activist gets involved fully in any new experience. They enjoy the here and now and are happy to be dominated by immediate experiences. They are open-minded. Their philosophy is: 'I'll try anything once'.

A reflector likes to stand back to ponder experiences and observe them from many different angles. For them, the thorough collection and analysis of data about experiences and events are what count. Their philosophy is to be cautious.

A theorist adapts and integrates observations into complex but logically sound theories. They think problems through in a vertical step-by-step logical way. They are keen on basic assumptions, principles, theories etc. Their philosophy prizes rationality and logic.

A pragmatist is keen to try out ideas, theories and techniques to see if they work in practice. They positively search out new ideas and take the first opportunity to experiment with applications. Their philosophy is to test what works and replicate it

When planning a training programme one has to think about the different learning styles. The trainer has to step back first before finalising the training programme to ensure that there the methods match the learning styles.

Questionnaire on learning styles: This is an example of what to ask people who do the training. The purpose of the questionnaire is to be able to balance the programme according to the different learning styles (put different emphasis, rearrange the contents, make a long term adaption of the programme).

An Open discussion then took place around the question: How do you learn best? – People tell about their experience with the questionnaire. Some say that they have learned something new about themselves.

2. Niall went on then to outline how to actually plan a training programme in the light of the questionnaire on learning styles. He gave a handout entitled: **‘Checklist for planning a training programme’**. **This is a list of questions to help a trainer ensure that s/he has fully prepared.**

The most important questions in designing the programme are:

1. What are the learning objectives?
2. What methods are to be used?
3. How is the training to be assessed?

Niall then facilitated a general discussion on designing a programme. Everyone agreed that it was quite difficult to reach the objectives. Niall commented that, from his experience, a trainer needs to deliver the training programme at best five times so as to be thoroughly familiar with the aims and objectives and sufficiently flexible in the training methods used.

3. Niall drew attention to a handout entitled: ‘Toolkit of techniques’.

This is a helpful list of methods that trainers can use in order to reach the training objectives. Niall highlighted that Kristal and Bram had excellently illustrated many of these methods the previous day. The participants read the handout and Niall then facilitated discussion.

People talked about the use of ‘icebreakers’. It was explained that ‘icebreakers’ are not just about people introducing themselves but they are a valuable exercise designed to make people laugh, feel comfortable enough to be able to learn in a relaxed atmosphere.

People talked about end of session evaluations and the difficulty in expressing both positive and negative aspects. The issue was raised about how to tell trainees that they are not able to work as mediators.

Some helpful hints on training techniques and methods were shared by participants. For example, Gerd said that he uses ‘a parking lot’ technique where people can put themes, which are not relevant at the moment but should be dealt with later. Niall commented that if the learning objectives were clear for trainees from the start then the actual techniques would suggest themselves.

4. Niall then selected for discussion another **handout entitled: ‘Effective trainers’** **This is a list of common characteristics among effective trainers, for example:**

effective trainers are authentic, know their own strengths and weaknesses, avoid dependency by empowering learners, are prepared for and are always open to change, think on their feet.

The discussion on effective trainers evoked some interesting comments and questions. Niall commented on the importance of trainers having an in-depth knowledge of mediation – this is one of the recommendations on training from the European Forum (recommendation 7).

Gerd highlighted the value of being able to use everything, including difficulties that come up either during training or in mediation as an opportunity to learn. .

A question was posed by Marian about what trainers do if they are asked to demonstrate certain techniques. By showing how to deal with certain problems you can discourage people. This led to an interesting discussion with no clear cut answers other than the general guideline that trainers listen to the trainees, reflect on what is being communicated and take things one step at a time.

BREAK

Second session: **Standards, quality control**

5. Niall presented a brief description on Scottish Vocational Qualifications (SVQ). These are the nationally recognised standards of competence used by Sacro for its mediation workers which are validated by the Scottish Qualifications Authority (cf: www.sqa.org.uk/SVQ). He distributed handouts giving a general outline of SVQs.

The SVQ is graded from levels one to five depending on the competence required to do a particular job. Level one requires basic knowledge and skills to do work of a routine nature. Mediation is graded at level four: this is a level of competence which involves the application of knowledge and skills in a broad range of complex technical or professional work activities performed in a wide range of contexts and with a substantial degree of personal responsibility and autonomy. Responsibility for the work of others and the allocation of resources is often present. (cf: ‘Guide to Assessment and Quality Assurance for Training Providers and Employers’ Scottish Qualifications Authority, Glasgow, 1999)

Niall then presented the current mediation standards used by Sacro to assess staff competence in mediation. He went on to highlight a gap in standards for restorative justice practice in Scotland. This gap is filled somewhat by the ‘Best Practice Guidance for Restorative Practitioners’ published by the Home Office (December 2004) for use in England, Wales and Northern Ireland. This Guidance is currently awaiting endorsement by the Scottish Executive for use in Scotland.

Niall’s presentation led to a discussion on the situation in participants’ countries based on the question: who says that somebody’s training and / or practice is good? .

Situation in the different countries:

Germany: a process of introducing a quality mark has just started. Within some months the first three agencies will get the official quality mark which was developed in cooperation of the German association of VOM mediators and the Servicebuereau.

UK: quality mark exists for mediators (not VOM). The Association for VOM practitioners is thinking about developing it.

Belgium: no standards

Portugal: Institute secures quality, no standards for VOM yet.

Norway: colleague evaluation, sometimes feedback from the mediation parties.

Austria: threefold quality system:

1. Neustart gives training (only training institute in Austria)
2. Mediators will be put on a list of the Ministry of Justice (they are forced to do regular further training)
3. Standards/process model (has to be adhered to): whole description of every step of a mediation process.

Issues were raised about the need for accreditation and quality assessment in accession countries. This led to a discussion on **what should the European Forum do in this field, what can it do?**

The following suggestions arose from the discussion. The European Forum could

- Act as guardian of interests of mediation and restorative justice against economic exploitation by unscrupulous practitioners and trainers
 - Provide a common language, defining terms used in this area of work: Many cultural differences make it necessary to have clear terms to be able to communicate
 - Best practice (essential elements of mediation)
 - Develop a list of themes to do with accreditation, service provision, and training for people and organisations to consider and subscribe to.
- It is necessary for the Forum to distinguish between the political and the operational level.

LUNCH BREAK

6. Afternoon session: Exchange of training material This was an 'open' session at which people could view and sample training materials brought by participants.

Almost every country presented some material and/or announcements about conferences, internet activities e.g.: Portugal (www.jusrespt.blogspot.com), Spain (www.pontsdemediacion.com), Scotland (www.sacro.org.uk), Germany (www.toa-servicebuero.de), Belgium (www.suggnome.be).

5. Evaluation of the Summerschool by Niall Kearny (Report Frauke Petzold) July 3, 2005

REVIEW OF THE SUMMERSCHOOL. Where to from here?

Summary of the three flipcharts: Themes / Venue / Structure
(we divided the group in three and they worked each on each topic)

THEMES

- different models of practice
- workshop on techniques (maybe 3 days 3 countries present)
- 6 techniques → (=learning by doing)
- different techniques meeting mediators needs
- more detailed reflection about standards continuing from this summerschool (maybe to find a common structure – for training organisation service and qualifications)
- take one step back to find a restorative way to manage our interaction structurally
- some light approach (diet) developmental theory discussion of some main topics and underlying philosophy

STRUCTURE

- need for a clear structure with stated aims / objectives: also identifying the method / clear instructions
- the variety of methods worked well
- allow a little longer in the sessions for language explanation clarification
- variety of facilitators between days worked well with one consistent “thread” of one “master of ceremony” or presenter / coordinator
- use of other `structures` such as open space technology where the group itselfs decide the different themes they wishes to work with (only for large groups)
- combination of “summer” (?) and school worked well
- we liked the focus on a local service this should be consistent next time

VENUE / LOCATION

- historical town / city or place of interest
- easy or cheap travel access (with good travel directions)
- location with open air venues to allow work outdoors (garden, parks, etc.) within walking distance
- accomodation could be basic as long as all needs are covered
- a place which may have a connection with RJ (local people involved)

- suggestions: generally eastern / central Europe → Basque Country / Croatia / Stavern, Norway / OBIDOS, Portugal / Serbia / Slovenia, Ljubljana, well established VOM

Summery of thoughts of the participants to the “Pool of trainers”

- It could be an income for the Forum, trainer would be payed and the Forum for the organisational efforts → source of funding
- Forum organises practical things of the pool
- Check Med. UK list → directory + smaller list (interviews; Med UK Standards)
- Language Issue (see suggestion of Martin Wright → discussion forum)
- Issue of economic differences between countries (poorer countries accessing training)

Conclusion

The Summer school was a combination of summer and school! It also included a visit of the famous brewery where the pilsner beer is made, a walk in the city and lots of time for amenities. But even more important and interesting were the discussions we held together about mediation, restorative justice, training programmes, the skills of the mediator, experiences with severe cases and several other topics including jewellery, belly dance and superman. Those animated conversations took place during the sessions, but also during pauses, lunch- and dinnertime and even after dinnertime until late in the evening. We learned even more outside the school than in the school.

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