

## Kent Summer School 2011

### Different stages of restorative work

#### Introduction:

This is the report of the fourth summer school of the European Forum for Restorative Justice which took place in Canterbury, Kent from 11 to 15 July 2011. The summer school was organised on behalf of the European Forum by the Kent Youth Offending Team, the Waage Institut in Hannover, and the Staffordshire and West Midlands Probation Service. The third day of the Summer School was organised in co-operation with the Restorative Justice Council (RJC) for England and Wales and included the attendance of HRH, Princess Anne, who is patron of the RJC. This report provides a brief but vivid insight into the intensive work done throughout the summer school.

The report is structured according to the planned summer school programme. Some small changes were made during the days, which were decided on-site, and this explains any differences between the planned programme and the minutes in the report. At this stage we would like to thank very much Radoslava Karabasheva for providing the European Forum with her minutes which were used in the production of this report.

#### 1<sup>st</sup> day: welcoming and introduction – Organisational aspects



## The "Red thread"

**2<sup>nd</sup> day:****Focus on introductory phase of making first contact with victims and offenders and on the middle phase of casework**

09.00 – 09.30 introduction: "things to say" – before the work starts

09.30 – 10.15 **Exercise in working groups:** exchange of experiences → "When I was / or felt like a victim / offender? What were my needs / what were my expectations? What does that mean for the first contact with the mediator?"

10.15 – 10.45 Discussion

10.45 – 11.00 Break

11.00 – 11.45 Working Groups divided by countries: Brainstorming and collection of issues which belong to the **first contact** with the victim and the offender → address of welcome; organisational aspects; framework requirement; things to say....

11.45 - 12.30 evaluation of the group working – building a map of European countries by bringing together the results of the working groups

12.30 – 13.30 Lunch

13.30 – 14.30 **Role Plays – Introductory Phase** of first contacts with victim and offender

14.30 – 15.00 Evaluation and collecting differences and similarities

15.00 – 15.30 Break

15.30 – 16.30 **Working groups - middle phase:** "what issues do practitioners face in maintaining meaningful contact with victims and offenders"

16.30 – 17.00 evaluation – discussion

19.30 Evening meal – a list of differently priced venues will be provided

- **Summary of outcomes of Exercise in working groups: exchange of experiences**

- **"When I was / or felt like a victim / offender?** - privacy, insecurity, anger, at the system, powerless
- **What were my needs / what were my expectations?** - meet to talk, to have some explanation, more information and answers
- **What does that mean for the first contact with the mediator?"** - give time to express feelings

Is a personal experience as a victim helpful for the mediator? Shall we bring personal experience or does it destroy neutrality?

According to trainings – it is not helpful as it may shift the attention to you (the mediator) and as a victim yourself it distracts the case to you.

Difficulties – keep the balance with being impartial when you first meet the victim and the offender. Be reflective all the time – and evaluate the situation, know yourself and whether you can really be neutral.



- **Brainstorming and collection of issues which belong to the first contact with the victim and the offender**



- **address of welcome**

Hello – my name is... - I am a mediator – Do you know why we are here? – do you know who we are?

- **organisational aspects**

Explanation about what is restorative justice and some information about the legal system in the country – values and principles of the mediation – show that this is not a lower class of justice

- **framework requirement**

Building – think of security issues – is it in a building where access is difficult? Do we go to the home of the V/O?

- **things to say**

Concrete things to say: what happened? How did you feel?

More Outcomes see annex II

- **Role Plays**

- **Introductory phase of first contacts with the victim and the offender**

Case:

A boy messed up the headmistress's room. The police found him playing in the ground. He has lost his mother recently, and his brothers have left the house since that time.

The Headmistress had difficulties at home as her husband was in a final phase of cancer.

- the boy was confused; nobody was interested in him; angry; frightened of what is going to happen; did not do anything; scared about the reaction of his father; during the meeting he had the feeling of "I do not want to be here"; loss of his mother; acted as if "I was alone and looked for attention" (his siblings are not there); there was a conflict with the father and finally it was no identified victim, but just a general bad relations.

- the headmistress – disappointed, tired, needed to talk about the husband, willing to talk but angry, busy, vulnerable.

### **Evaluation and collecting differences and similarities**

From a mediator's point of view – ambivalent. How much do you say to her? High risk; the snails were very important as it was her way to meet the children separately every day.

What was the situation in the real case:

Barbara Tudor: Tend to say restorative work instead of restorative justice. UK has still a long way to Restorative justice.

In the case: the brothers have left the home after the death of their mother and never came back. One of them was in Australia and the other in Northern Ireland.

The boy was close with the one in Australia and was willing to talk to him. Difficult as a special permission to call there was necessary, but they called and the boy spoke to his brother. Afterwards, the big brother called the one in Northern Ireland who came in a few



days at home. – Finally the support from the family was restored, which was better for the boy than looking for support about of the family.

The teacher did not want to see the boy, but she asked that the mediator tells him how she felt.

The boy was touched and ashamed. He wrote a letter to the teacher saying that he was sorry and wanted to repair the harm and he was not going to do it again.

She felt more secure and her doubts to stop teaching were reviewed.

It was life changing for both.

The communication was restored in the family.

All this was done before the court, what is no more possible.

- **Middle phase: “what issues do practitioners face in maintaining meaningful contact with victims and offenders”**

#### Case Material: Air Pistol

A boy was encouraged to go with a friend and shoot an air pistol in the park. An 11 year old girl was hit by a stray pellet.

The parents of the boy were horrified.

- What are the issues for the young person/ His parents?
- What feelings go with the issue?

	Young Person	Parents
Issues	Wants to apologies, but does not know how. Communication Shows remorse (repentance)	Have a charge/ conviction How were the children in a possession of gun Disapproval of the action Guilt/ Shame Trust in the capacity of there son to make good choices Communication Confusion Need support Perception/Reputation Responsibility Worry about the victim
Feelings	Worthless Embraced Afraid Helpless Frustrated	Angry Worried Afraid Disappointed Betrayed

What are the questions they might have had before the meeting :

- Will I have the possibility to talk with the parents?
- How it starts?
- What's the aim?
- Why they come?
- The girl wonders weather the headmaster will attend? The other family does not know anything about the fact that the headmaster was informed. And they are very shocked to learn it.

**Attention:** The information is not the same from the two sides and it is very important to keep it in mind. No information can be transferred however without the express permission of the



parties. It is crucial for the mediation to gain and keep the confidence of the parties that all said is confidential.

Attention: Decide in advance who will sit where, to make it comfortable for everybody. One idea is to do it with cards.

The girl is going to start in the same school as the boy in 3 days. Her mother has informed the headmaster of the situation against the will of the girl. The girl was very worried.

Visualisation of the situation for the girl – pictures of the children's playground and they meet... What next? What happens?

Creative solutions: The result of the mediation: the boy and the girl met. They decided that the best thing for them was that the boy meets the girl on the first day of school and shows her around ensuring that she feels comfortable.



**3<sup>rd</sup> day:****Restorative Justice Practitioners Day – Focus on Restorative Practice in Kent****(Programme of the Practitioners Day see attachment PDF)****Minutes on the Restorative Justice Practitioners Day – Focus on Restorative Practice in Kent**

- **Opening remarks – Chair – Lizzie Nelson - Director, Restorative Justice Council**
- **Restorative Justice in Education - Heather Skelton & Caroline McInnes**

**Heather Skelton**

Harm, unresolved conflicts, relations that are broken...

Restorative practices or better restorative approaches...

Helps the emotional wellbeing of everybody at school

Insistent, consistent, persistent – needed to have restorative school

Restorative recreation meeting organised

- **Restorative Justice Council - Lawrence Kershen QC - Chair, Restorative Justice Council**

Lettre dans le journal The Times faisant appel au soutien.

Surtout une réaction dans les écoles des services de JR, mais il y a un grand nombre de pratiques qui permet une auto discipline qui est pour la vie, mais pas développé.

- **20 years of Restorative Practice in Kent - Annette Hinton - Manager, Maidstone Mediation Services**

1985 Kent probation in Wye

1989- two mediation services (Whitstable and Maidstone)

By 2000- Local Mediation Services throughout Kent

- Service Level Agreement
- Retaliation Crime Diversion Programme

2000- Piloting in peer mediation in School – 40 schools (out of 48)

Keith Richardson and Dick Whitfield

Butler Keith and Charlie Beaumont

<http://www.yjb.gov.uk/publications/Resources/Downloads/RJ%20Action%20Plan.pdf>

- **Restorative Practice in the Youth Offending Service - Andy Birkin - Head of Youth Offending Service**

Restorative practices, restorative justice – bureaucratic limitations in terms of hour of reparation.

The Government wants to keep the young people out of the criminal system as they consider it as the best way to prevent reoffending

Try to make the restorative conferencing – 18 volunteers

- **Restorative Justice in the Probation Service - The Probation Service**

**Sarah Baillard**

“Opposition of restorative and criminal justice unhealthy as it puts the falls idea that restoration is not serious enough and just a reparation with no punishment.”

Restorative Justice in other probation trust

Reduction of reoffending by 55%

Know the motivation of the offender is central





- **Workshops - (vi) Restorative Justice Options in Youth Justice - Charlie Beaumont, KYOS – [www.yjb.gov.uk](http://www.yjb.gov.uk)**

- **Chair - European Forum for Restorative Justice - Niall Kearney**

Develop links below the borders

Exchange of practices / support each others

EC Draft Directive for Victims - (20%) missing –

[http://ec.europa.eu/justice/policies/criminal/victims/docs/com\\_2011\\_275\\_en.pdf](http://ec.europa.eu/justice/policies/criminal/victims/docs/com_2011_275_en.pdf)

- the replacement of the Framework Decision for the victims
- the article 11 will be about the definition of RJ
- Now it is in the Parliament and the Council
- It will be important document

- **Kent Police Restorative Justice in Practice - Allyn Thomas - Assistant Chief Constable, Kent Police**

RJ = Truth + Justice (something bad; the state, not the victim) + Reconciliation

South Africa – the truth and reconciliation process – they did not go for justice, because they would never have the truth.

“RJ is different from Transformative Justice...” (Van Ness)

Daily mail: “Let off for teenage thugs who say sorry to their victims” (Lara Clark and Emily Ander)

- **RJC Patron – HRH The Princess Royal**

Prevention – learn why a young person becomes involved in crime.

1<sup>st</sup> – Save the Children – schools

Restorative Justice – part of the Justice delivering or independent?

- Restorative has one definition
- Justice has another

RJ has to be equal power

“The restorative work has to stay in the system and not separately, out of it and be replaced in 30 years by something more fashionable.”

- **Workshops - (i) Restorative Justice in Schools – Maidstone Mediation Service**

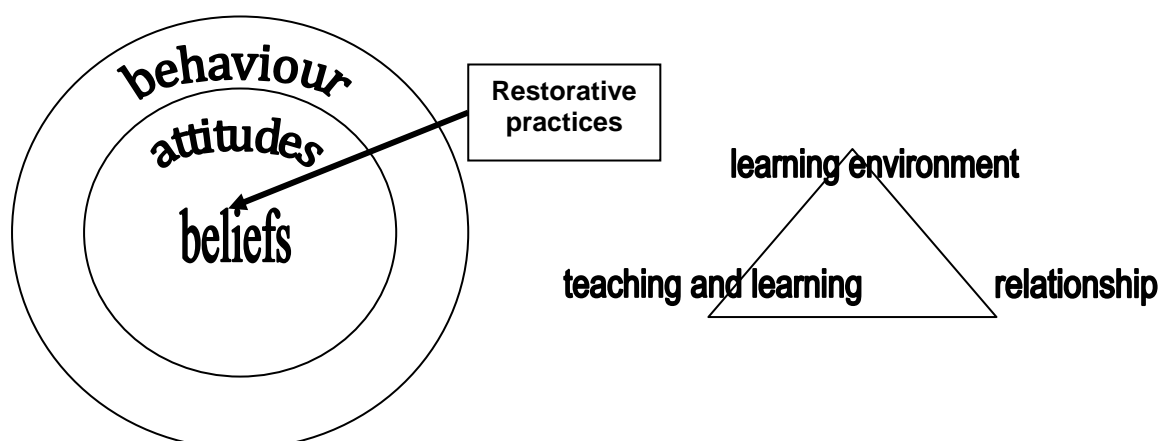
*Embedding a restorative Culture in Schools  
Kent Save Schools (Heather Skelton) and  
Maidstone Mediation (Caroline McInnes)*

**Restorative practices** (approaches) refer to the actual techniques or methods used when applying the principles of Restorative Justice.

- Flexible, innovative alternative to the punitive systems and sanctions traditionally used to manage behaviour in school, such as detentions, seclusions (isolement) and exclusions.
- It is not a soft solution, but rather an additional tool which creates positive outcomes from negative behaviour and actively reinforces the view that inappropriate behaviour is unacceptable and needs to be addressed.



Diagram: restorative practices can change behaviour by challenging core beliefs, rather than simply just managing the behaviour.



- Not a question to improve only schools with problems, but all schools as advantage ; better environment and more up to date
- Even at school the vocabulary is quite punitive

Traditional	Restorative
<ul style="list-style-type: none"> <li>- What have you done?</li> <li>- Why have you done this?</li> <li>- Who is to blame?</li> </ul>	<ul style="list-style-type: none"> <li>- What has happened?</li> <li>- Who has been affected / harmed?</li> <li>- How can we involve everyone who has been affected in repairing the harm and find a way towards?</li> </ul>
<ul style="list-style-type: none"> <li>- What is the appropriate response to deter and possibly punish those of fault so they will not repeat again?</li> </ul>	<ul style="list-style-type: none"> <li>- How can everyone do things differently at school?</li> </ul>

Triangle\*

<b>Intensive</b> e.g. Conferencing, mediation	<b>Re-building relationship</b>
<b>Targeted</b> e.g. classroom, Small group or individual conferences	<b>Reparing relationships</b>
<b>Universal</b> e.g. Social and emotional Skill Programs	<b>Re-affirming relationships through developing social and emotional skills</b>

\*Hierarchy of Restorative Responses, Morrison (2004)

This diagram illustrates the continuum of restorative approaches that can be implemented across a whole school environment.

Check in and out – the time for each person to share and be part of the community.

“Take responsibility for their-own behaviour”

“The bad behaviour at school is everybody’s problem”

- purist restorative approach

Restorative responses

- intensive (conferencing, mediation)
- targeted (classroom, individual conferencing)
- universal (social and emotional skills programme)

In situation of conflict



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*European Forum Summer School 11-15 July 2011, Canterbury*



Side and assumption are always done in the resolution “nobody listens to my side of the story”.

- **Launch of new RJC DVD resource – Guest speaker Jo Nodding**
- **Restorative Justice in Practice – Wendy Freshman** [The Mediation Service, 94 - 104 John Wilson Park, Whitstable, Kent, CT5 3QZ Tel: 01227 773 512 Email: [wfreshman@themediationservice.co.uk](mailto:wfreshman@themediationservice.co.uk) Contact: Wendy Freshman; <http://www.ukmediation.net/cms/community-mediation>]
- **Closing Remarks – Tina Mallard - KYOS**

**(PPT presentation of Niall Kearney, Chair of the European Forum RJ, see attachment)**

#### **4<sup>th</sup> day:**

Focus on **endings** including evaluation of practice and ongoing support for the victim or offender.

There will also be an opportunity to engage in **workshops** which participants will be invited to prepare for in advance in consultation with work colleagues before arrival at the summer school.

09.00 – 09.45 “What does the mediator say and what is he / she doing in the **end of a mediation?**” – What is needed for the ongoing support for the victims and offenders? – **working groups**

09.45 – 10.00 evaluation and discussion

10.00 – 10.30 **Clifford Grimason**, Restorative Justice Manager HMP Hewell - **presentation** on the National Offender Management Service Regional Project working inside prison and in the community between the Prison and Probation Services (co-managed by Clifford Grimason and Barbara Tudor)

10.30 – 10.45 Break

10.45 – 11.45 **working groups**: What should people know about the characteristics of the different phases/stages of mediation in your country?  
“What are the do’s and don’ts / the “must haves” and the “don’t even think about it’s” in the different phases of mediation?”

11.45 – 12.30 evaluation and discussion

12.30 – 13.30 Lunch

13.30 – 15.30 **Workshops** – topics and issues in these workshops are related to the needs and questions the participants have raised or prepared in consultation with work colleagues before arrival at the summer school

15.30 – 15.45 Break

15.45 – 16.45 Workshop - evaluation and discussion

16.45 – 17.00 “This is not going to work” Exercise with nails and a board

**19.30 Summer School Dinner**



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## Minutes on day 4: Focus on endings including evaluation of practice and ongoing support for the victim or offender

### • Working groups

**“What does the mediator say and what is he / she doing in the end of a mediation?”**

**What is needed for the ongoing support for the victims and offenders?**

- Thank you for your participation (ceremony)
- Invite them to call if questions
- Evaluation of the mediation (by the victim and the offender) – in Spain regularly done and obligation to do it immediately after the restorative meeting; in Belgium there is no obligatory evaluation forms after the restorative meeting and the evaluation is done more through surveys or university studies;
- **Follow-up call** in Spain – 30 days after the agreement and in UK it is 15 days
- Control of the payment – in Belgium – charitable organisations – take young people on a hour job and the state pays to the victim
- Rapport to the Prosecutor with little information: similar in Spain and in Belgium. The preparation of **the agreement** in Spain is immediately and in Belgium later.

### **End of the mediation:**

- thank you for your courage
- make sure responsibilities is taken
- Written report: in some countries no written agreement always. It is not obligatory to have one, while in other countries it is automatically prepared after the mediation.

### **Further topics:**

- Who is contacted 1<sup>st</sup>?
    - o in Germany in domestic violence cases – First contact the victim and see if they want to participate; if they don't the offender never hears about this
    - o in Italy – the 1<sup>st</sup> contact is the offender to still listen to him even if the victim doesn't want to participate
  - How long for a mediation?
    - o 2 or 3 months **to finish** the mediation in Spain
    - o In other countries like Belgium 2 months is the minimum and no maximum fixed
  - To have?
    - o In UK – tea or coffee and biscuits
    - o In Spain - bonbons
    - o In Belgium - water...
    - o tissues
- **Clifford Grimason, Restorative Justice Manager HMP Hewell presentation on the National Offender Management Service Regional Project working inside prison and in the community between the Prison and Probation Services (co-managed by Clifford Grimason and Barbara Tudor)**  
SORI RJ Programme and Noms Regional RJ Project, Prison Hewell

**link to presentation of Clifford Grimason:**

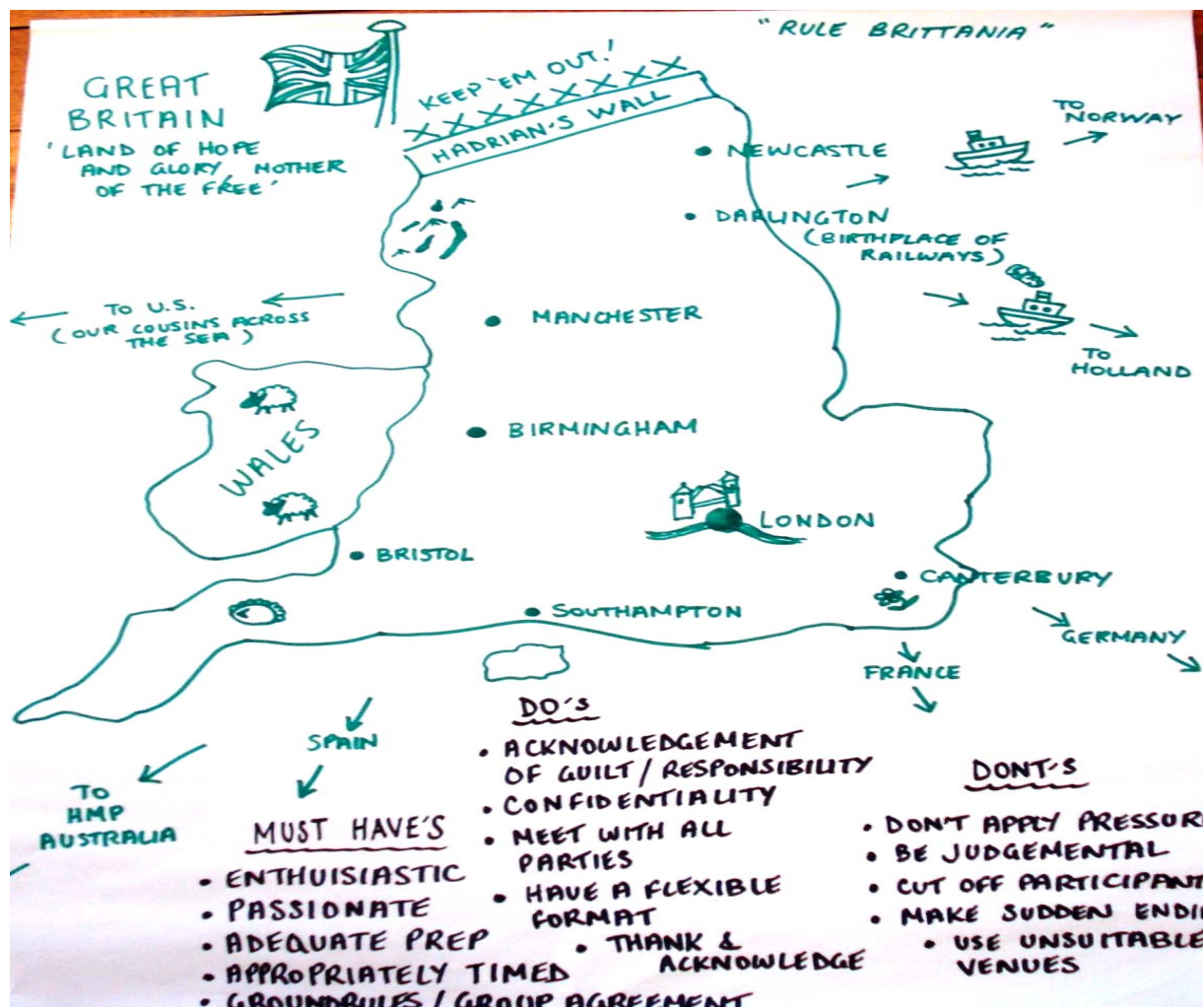
<http://www.slideshare.net/cliffordgrimason/eu-forum-for-rj-canterbury-2011>



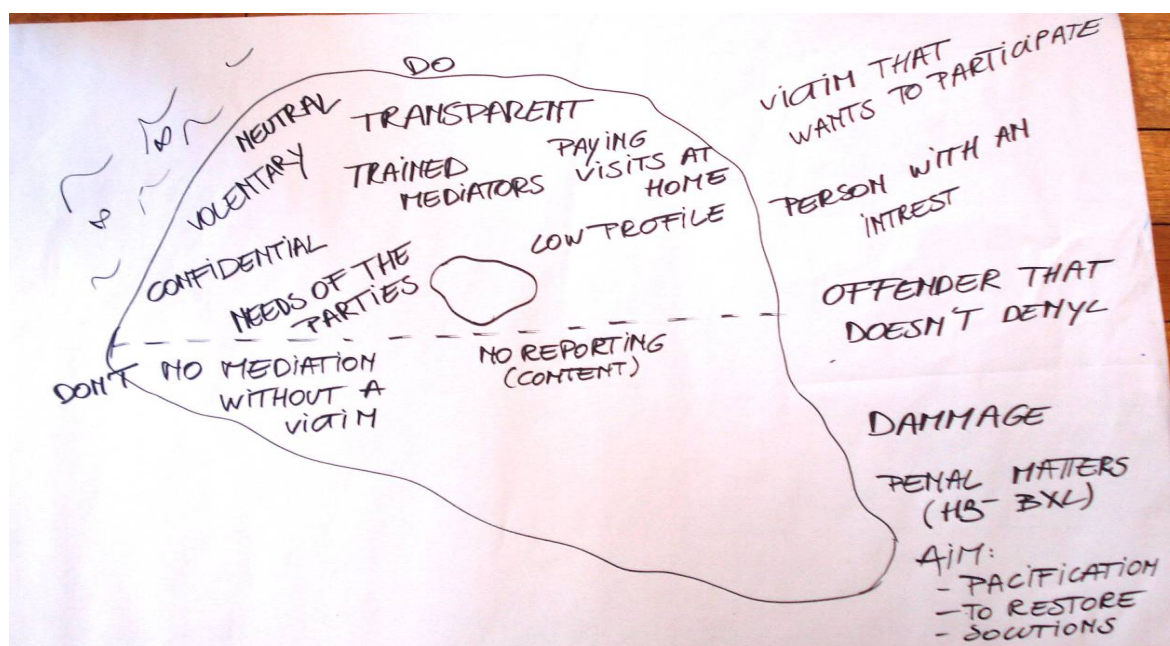
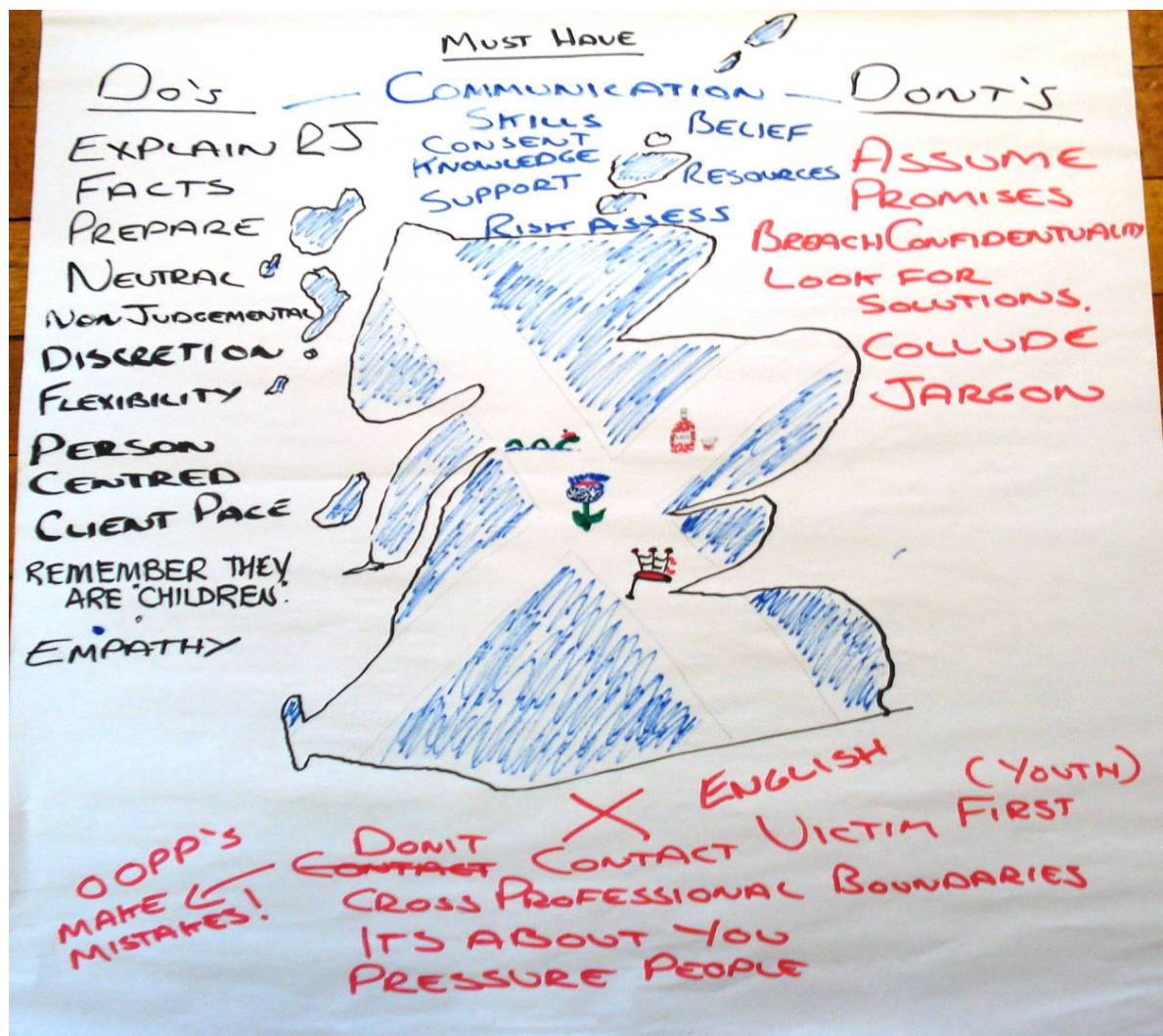
Outcomes of Working groups: What should people know about the characteristics of the different phases/stages of mediation in your country?

"What are the do's and don'ts / the "must haves" and the "don't even think about it's" in the different phases of mediation?"





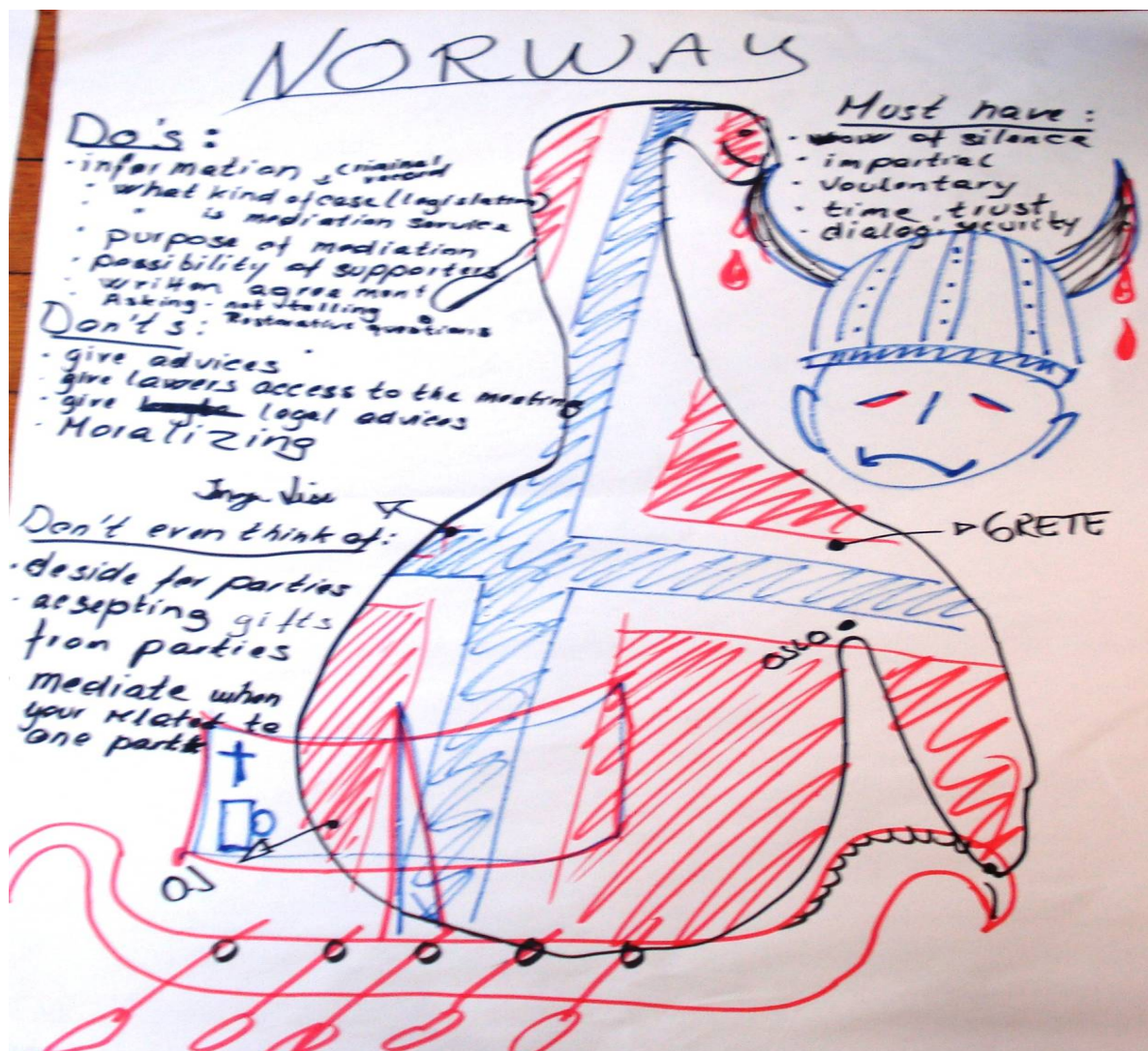




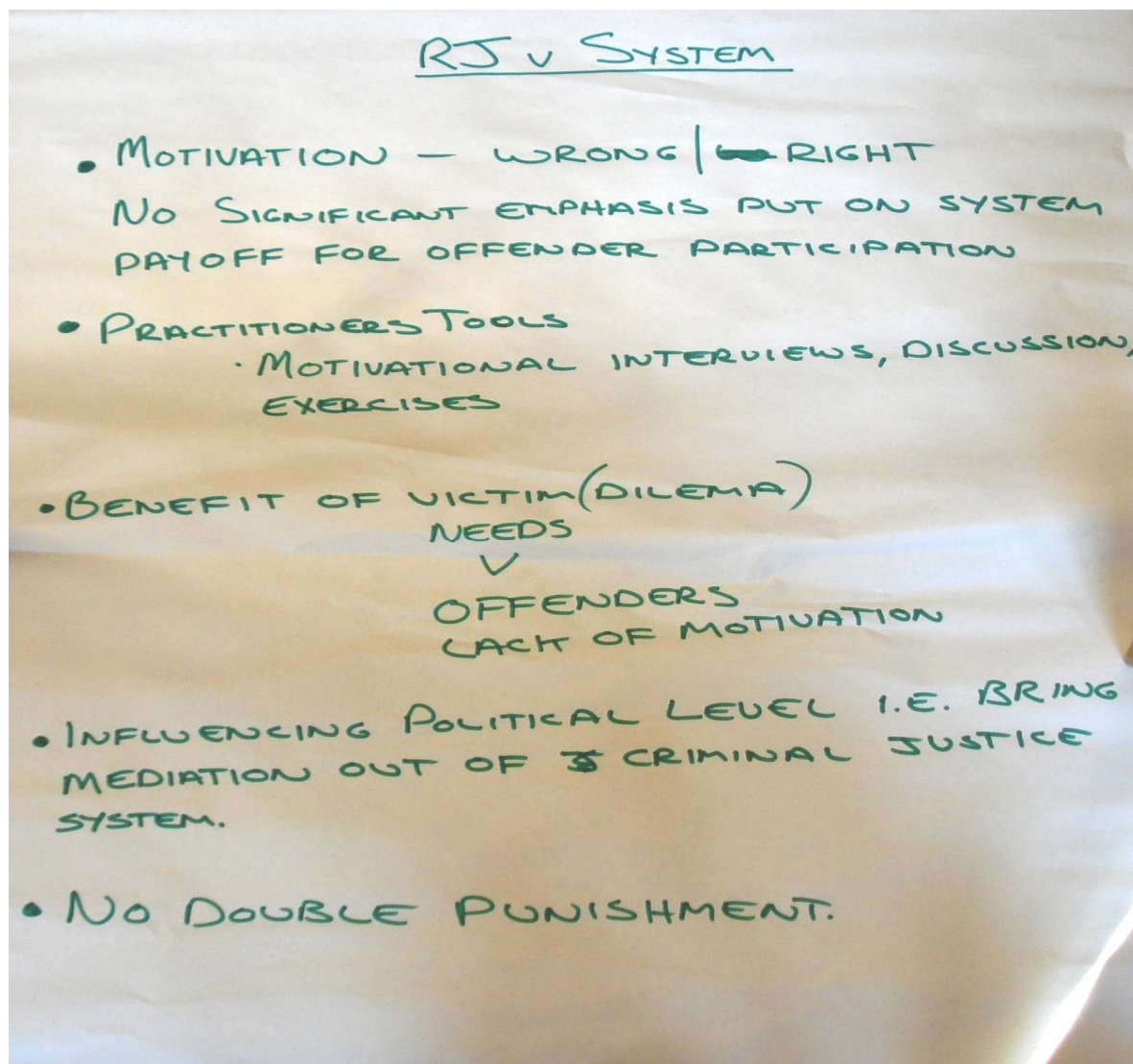








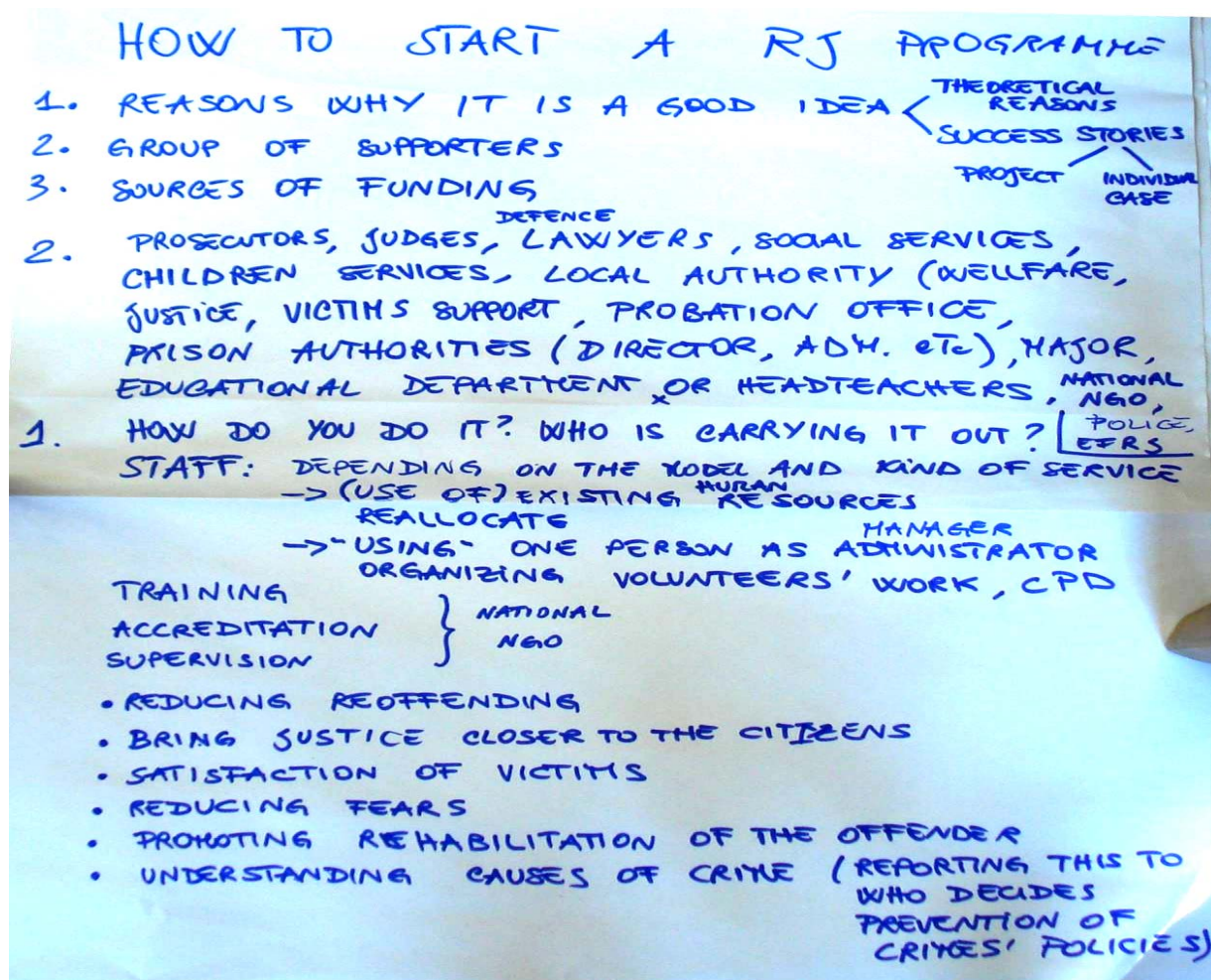
- Workshops – topics and issues in these workshops are related to the needs and questions the participants have raised or prepared in consultation with work colleagues before arrival at the summer school





- Domestic Violence.
- \* Quality | Experience of Training Mediators.
  - \* Timing of Referral. to Service. from the offence.
  - \* Mediation must be available when the people are prepared to engage.
  - \* Venue to meet may be an issue. if people live in the same house.
  - \* Mediator not a therapist
  - \* In most cases there are children involved.





- Workshop - evaluation and discussion

5<sup>th</sup> day:

Reviewing learning from summer school

09.30 – 10.30 **Learning circle** - drawings

10.30 – 11.00 Break

11.00 – 12.00 The future

12.00 – 13.00 Evaluation and Closing circle – “The Stone”

**Conclusion at 1 PM**

**Conclusion**

It was a very successful and stimulating summer school as evidenced in the evaluation forms. The importance of engaging effectively with both victims and offenders while remaining in role of RJ facilitator is always a fertile area for study and discussion. The idea of focussing on this area within an international summer school setting attended by people from all over Europe and beyond has once again proved to be very effective and supportive. Thanks to all those who attended and shared so



willingly of their experience of practice; a particular thanks on behalf of the Forum go to the organisers: Tina Mallard, Barbara Tudor and Frauke Petzold - Chair of the Practice and Training Committee of the European Forum for Restorative Justice.

## **ANNEXES:**

### **Annex I:**

#### **Stages of the restorative meetings**

##### Stage 1: introduction and ground rules

- mobile phones to be switched off
- welcome and introduction of those present
- health and safety and domestic notices
- establish groundrules
  - o everybody will be given the opportunity to have their say
  - o listen respectfully if somebody is speaking
  - o don't interrupt, or use abusive or threatening language or behaviour
  - o take time out if you need to
  - o be open and speak truthfully
  - o respect confidentiality
- set the scene
  - o relationship of the meeting to formal processes
  - o focus the meeting on the particular incident
  - o participation is voluntary (other than in referral order panel meeting)
  - o be clear that the offender accepts responsibility

##### Stage 2: Hearing everyone's stories

- outline the structure of the meeting
- draw out everyone's story



- thoughts and feelings at the time
- thoughts and feelings since
- who has been affected
- what have been the emotional, physical and material consequences
- hear from each of the supporters

Stage 3: Addressing issues and needs

- identify specific needs arising from the offence
- address the victim's questions
- invite the offender to respond

Stage 4: Reflecting on ways of repairing the harm

- discuss and agree specific outcomes for victim and offender
- consider a contact and monitoring of the contact

Stage 5: Endings

- ask what everyone wants to see coming out of the meeting
- summarise the achievements of the meeting
- remind participants about any follow-up arrangements
- thank everyone for their contribution
- don't forget to debrief with your co-facilitator

Source: Pete Wallis and Barbara Tudor, *Pocket guide to restorative justice*, pp. 80-82

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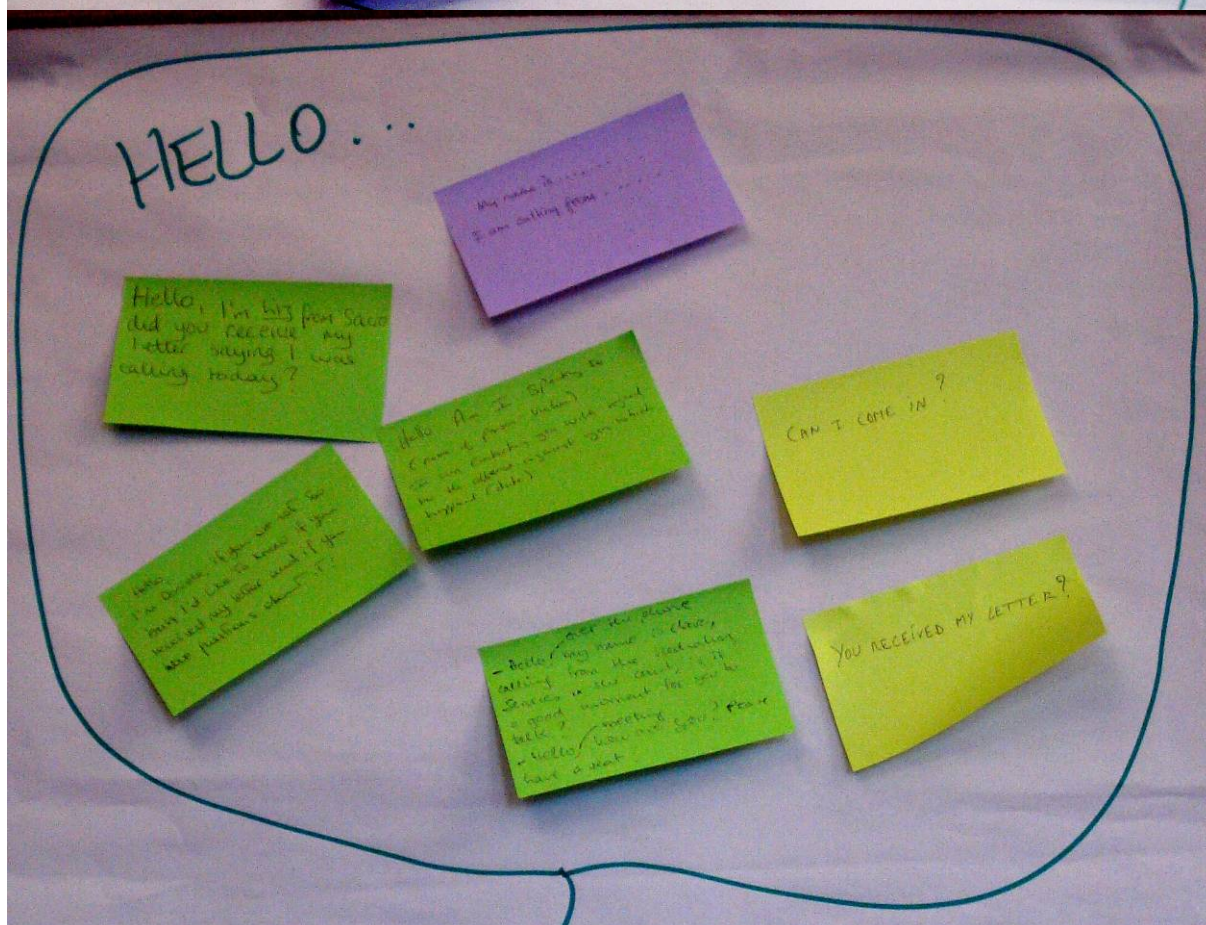
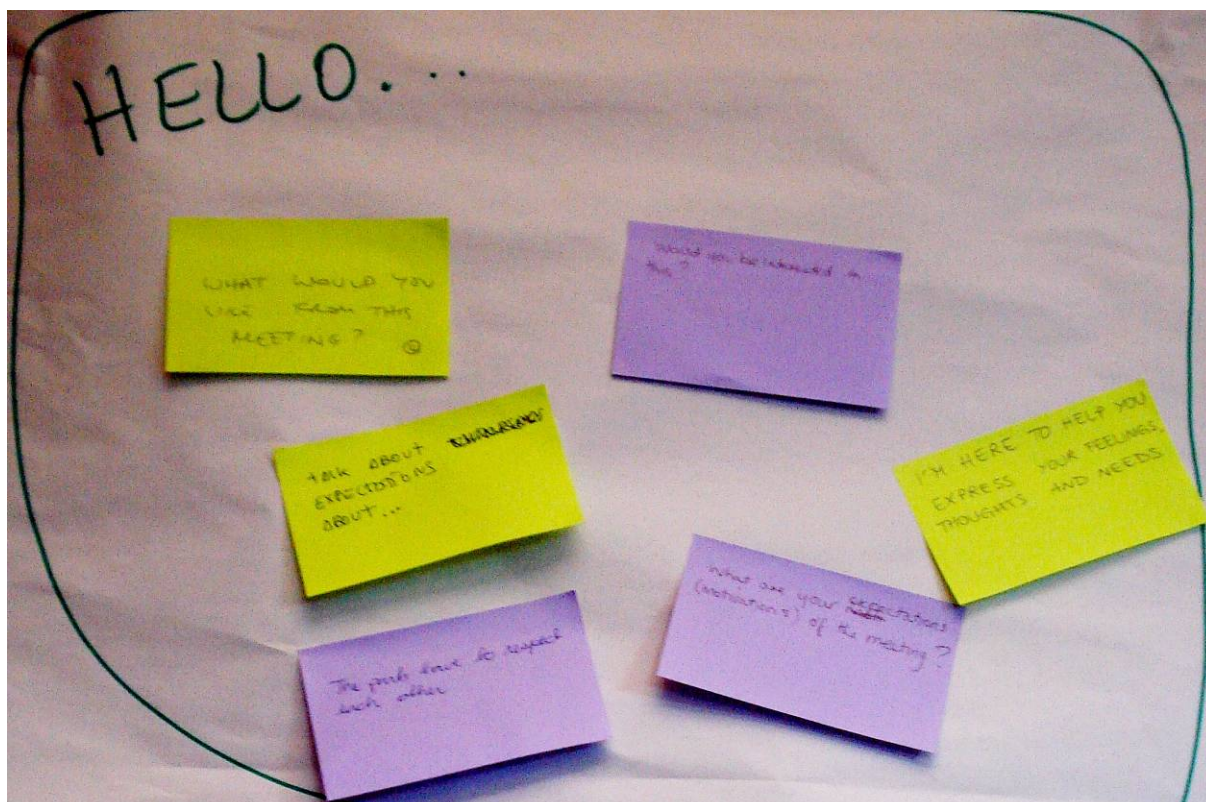




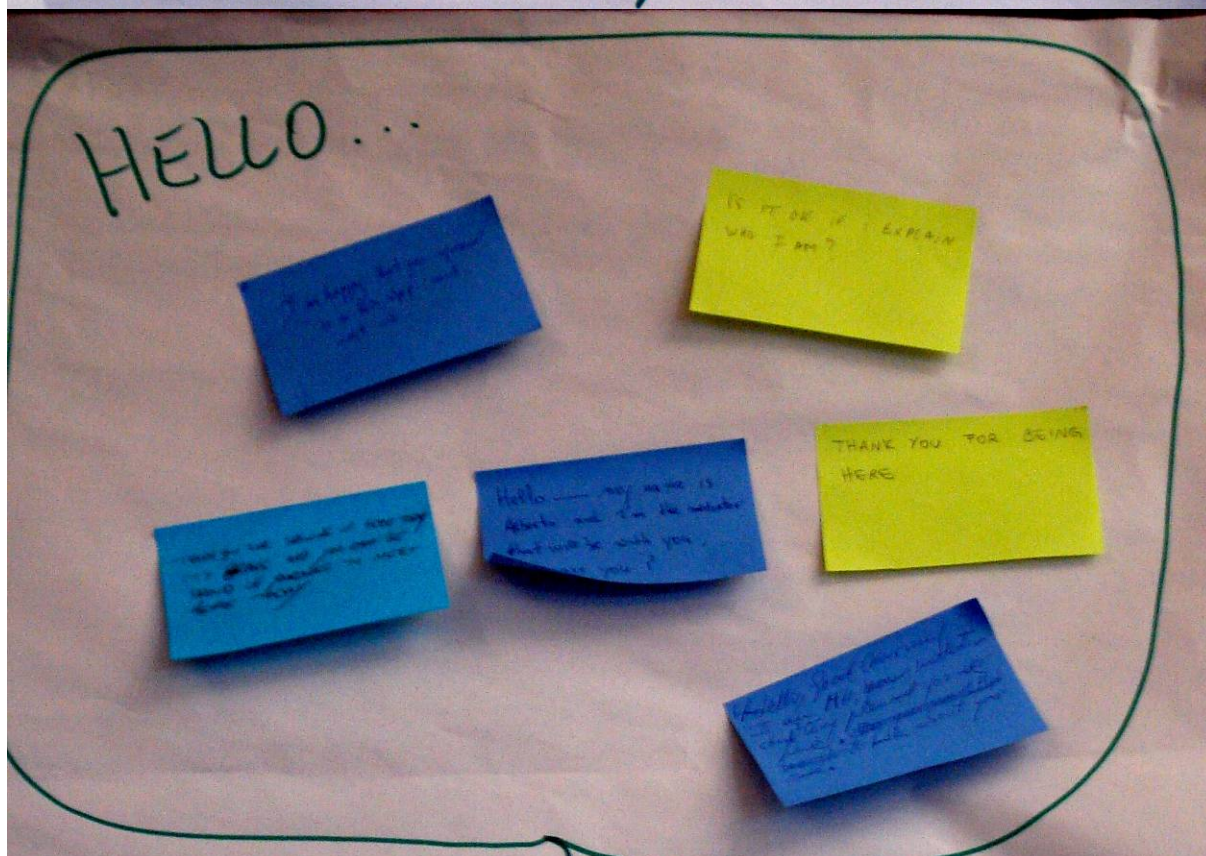
**Annex II:**

**Brainstorming and collection of issues which belong to the first contact with the victim and the offender**

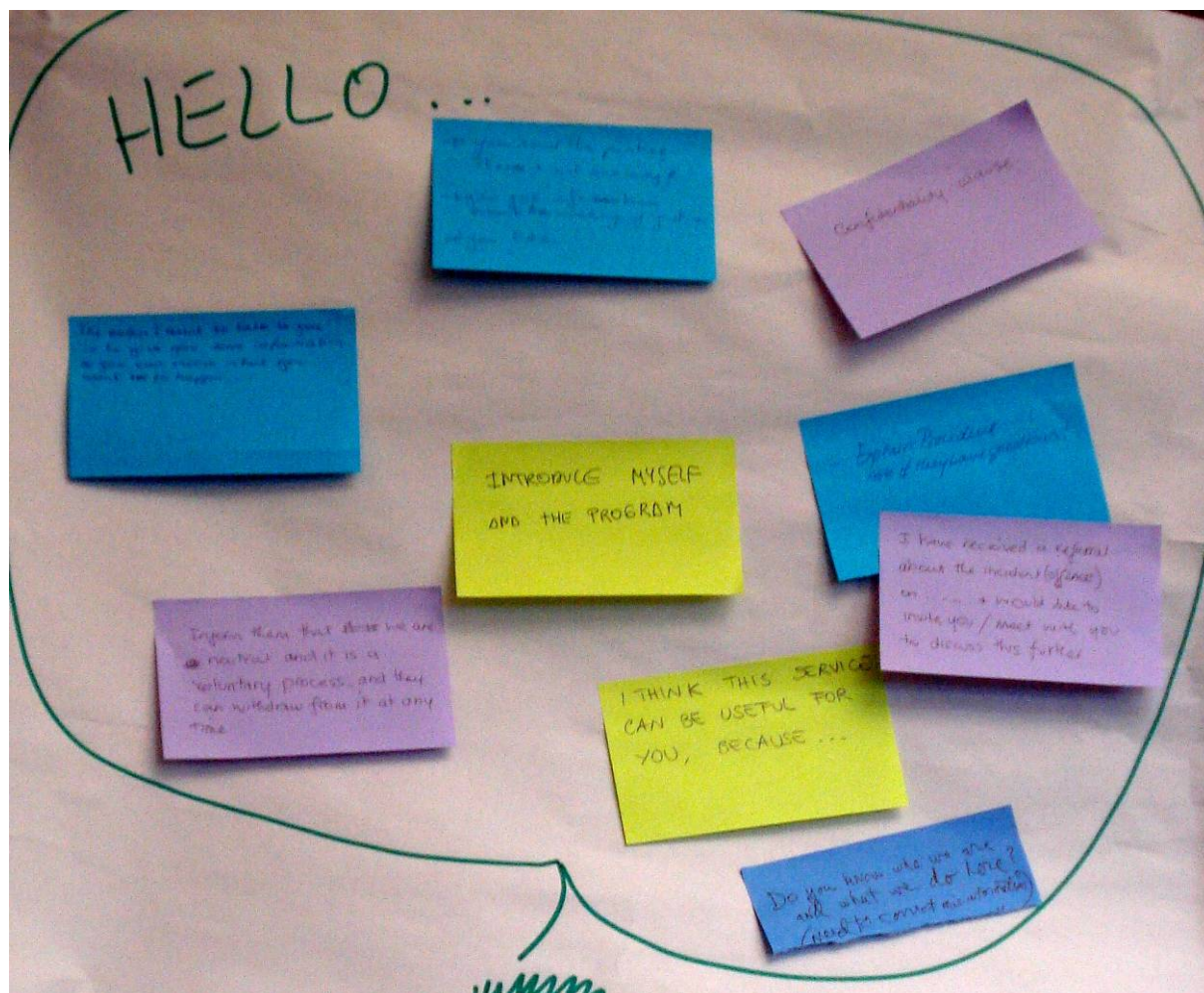












## Annex III



**SUMMER SCHOOL 2011      11 – 15 July, Kent (UK)**  
**List of participants**

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