Robert Mackay

The Senate
Standing Committee on Community Affairs
Legislation Committee
Parliament of Australia
Parliament House
Canberra
ACT 2600
Australia

30 January 2018

Dear Madam / Sir

Inquiry into the Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 and Commonwealth Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Bill 2017

Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 No. , 2017

I am writing to make a submission to the above Inquiry.

Background

My background in this field is involvement in the restorative justice movement for over thirty years in research, practice and policy development in UK, Europe and Australia. I also practiced as a social worker and academic teacher of social work for an aggregate of thirty-two years, and as a mediator/dispute resolver of family and community disputes in New South Wales between 2011 and 2016.

I made two submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse and one to the Victorian Parliamentary Inquiry into the handling of child abuse by religious and other organizations. I lived in Australia between 2008 and 2016, and now live in Scotland, UK.

This submission relates particularly to Section 50 in regard to Direct Personal Responses. My second submission to the Royal Commission is subscribed below as Appendix 1. My submission to the Victorian Inquiry is subscribed as Appendix 2.

Section 50, Division 4 – Direct personal responses

1. <u>Independent Facilitation of Direct Personal Responses (DPRs)</u>

The legislation makes no reference to the need of survivors to have the option of independently facilitated DPRs.

In accordance with recommendations of submissions to the Royal Commission, especially (Edan Resolutions: *Response to Redress Consultation*), attached below, it is strongly recommended that the Bill makes provision for independent facilitation of DPRs in order to prevent further victimization of survivors and to ensure that there is a level playing field in the process of providing a direct personal response. This recommendation is in line with commonwealth practice in relation to responses to sexual abuse in the Australia Defence Forces.

It should be the responsibility of the organization responsible for providing the DPR to fund the independent facilitation.

The Commonwealth Redress Scheme Operator should establish a scheme for independent facilitation of DPRs. This work should include:

1. Identifying appropriate practice models, including upholding values relating to Cultural, Linguistic and Ethnic Diverse groups, including concerns for Aboriginal and Torres Strait Islander peoples;
2. Ensuring standards, training and monitoring of practice;
3. Identifying and certifying suitably qualified provider agencies and facilitators.

2. <u>Unavailablilty of Direct Personal Responses where original institution no longer exists</u>

It is suggested that this provision may be invoked where particular organisations such as schools or religious orders have ceased to exist but which operated under the authority of a wider church or other governing body which are still in being.

It is submitted that where a particular organisation no longer exists (such as a school or religious order within a church), it should be the still existing church or other governing body under whose jurisdication the organization operated, which should be responsible for providing the direct response.

Conclusion

I hope that the Inquiry will give consideration to my concerns and proposals.

I pray that the legislation that is being developed in Australia will bring healing and solace to survivors and reform to institutions.

I wish you every success in your work

Yours sincerely

Robert Mackay

APPENDIX 1

Edan Resolutions

Mediation – Consultancy - Research

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RESPONSE TO ROYAL COMMISSION CONSULTATION PAPER ON REDRESS SCHEMES

1 Introduction

I welcome the opportunity to respond to the Consultation Paper on Redress.

This submission relates to Chapter 4 of the Consultation Paper.

It is proposed that the provision of an effective direct personal response is incomplete without the availability of competent facilitators or mediators to facilitate the process. This entails assessment of the suitability of holding direct meetings between survivors and institutions, and acting as mediator or facilitator of the meetings. There also needs to be provision for the follow-up of agreements and undertakings made at meetings.

This submission concludes with remarks about how a facilitated or mediated scheme for direct meetings could be developed. An Appendix contains an extract from my submission to the Victorian Parliamentary Inquiry on a range of restorative practices that are relevant in this field.

This submission is founded on two propositions:

1. Even if survivors have received good support and assistance to meet their needs, and representatives of institutions have been well trained and briefed in the issues, the risks that a survivor may experience re-victimisation in a meeting are significant.
2. There needs to be a clearer recognition of a restorative basis for the purpose and conduct of direct meetings in order to avoid negative outcomes.

The evidence for the argument is found in the text of the Consultation document itself.

2 The case for facilitated or mediated direct meetings between senior representative of institutions and survivors

The authors raise a number of issues about the handling of direct meetings. Although they suggest a number of measures relating to the preparation of meetings, they do not

address how these issues can be managed in the room. They do not refer at any point to the possibility of mediated or facilitated meetings.

The case for mediation and facilitation is presented as a series of responses to statements in the text.

2.1 A restorative lens

In Chapter 2, in section 2.5 it is conceded that although the terminology of restorative justice and therapeutic jurisprudence is not adopted (p. 53), the authors recognise that 'their focus on the importance of processes for empowerment, respect and psychological wellbeing means that they may be of value in this area' (ibid). This recognition is welcomed. However, it needs to stated that restorative justice is concerned with more than is suggested by the document's account (pp. 52-53). Restorative Justice is also concerned with how people have been affected by the harm that has been done and making agreements about how to address and remediate it. Much of what are proposed as beneficial outcomes in the Consultation reflect the purposes of a restorative approach to harm.

Related to this is the key restorative question of taking responsibility (p. 87). If an institution takes responsibility in the course of a direct meeting, how shall its performance be monitored and reported back to the survivor? It is difficult to see how this could be achieved without the involvement of an independent third party.

2.2 Accountability and Responsibility

On p. 84, important points are made about survivors' involvement in the design of redress schemes, as a matter of accountability to survivors. It is a relevant to ask how these negotiations are to take place.

The Forde Inquiry's statement that there is moral and political accountability is significant because both these forms of accountability are mediated through communicative processes. [redacted] evidence (ibid) demonstrates very clearly that there was no process though which her (moral) concerns could be communicated with those with whom she was seeking dialogue. It is suggested that there was a gap in this and other cases, in the simple sense that they are not conducted in a way that allows for safe handling and management. This is represented by a lack of a restorative focus and independent oversight and facilitation.

2.3 Apologies

The authors acknowledge that

> [T]he Royal Commission has heard that, for many survivors, the apology that the institutions have offered them can have a significant impact. Depending on the content, framing and delivery of the apology, the impact can be either positive, resulting in beneficial healing outcomes for the survivor, or negative, potentially resulting in further harm. (p. 89)

The NSW Ombudsman's focus on recognition in apology is consistent with a theoretical understanding of the levels of moral and spiritual injury as a denial of recognition[1]. Nevertheless, there are at least two elements of an apology. The first is the substantive

[1] RE Mackay. (2013) 'The nexus between restorative justice and rights' in T Gavrielides and V Artinopoulou (eds) *Reconstructing Restorative Justice Philosophy – Greek philosophers and human rights*. Aldershot UK: Ashgate.

statement. The second is the affective tone, which encompasses both emotional and moral elements.

2.3.1 *Content of apologies*
In the framing of apologies, the avoidance of power imbalance (see p. 83) can only be achieved in a safe negotiating environment. Mediators are skilled in assisting parties to crafting the wording of agreements in such a way that the needs and interests of parties are met. Simple bilateral negotiation of agreements such as apologies can be fraught with danger for the survivor.

The theme of content is covered in great detail in pp 87-88.

What is apparent here is that the negotiation of content of apologies is complex. Thus a variety of different concepts have to be held in play, such as the distinction between apology and acknowledgement ([redacted], p 87). Apologies may include explanations, but not exculpations (ibid). There are questions about the level of detail needed ([redacted], ibid), which is likely to vary in each case. The provision of reasons 'is a matter that needs to be considered very carefully in each individual case', but it is not quite clear what is meant by a reason in this context (p. 88). How will that consideration take place? All these variables and considerations suggest that there is a need for external assistance in negotiating what is important for each individual survivor.

2.3.1.1 **A note on Forgiveness**
In the same section, Lazare is cited as suggesting that an apology process gives 'the offended the power to forgive' (ibid). It is suggested that this quotation may be picked up as implying some endorsement of this statement by the Consultation's authors. Some survivors clearly do not believe that forgiveness is the purpose of meetings with institutions. Indeed, this is the position of mainstream restorative practitioners.

The Consultation also reported that institutions sometimes seek forgiveness (effectively) in exchange for an apology (p. 88). The Commission needs to reflect about whether this is an appropriate approach for institutions to take. Contrary to what the authors appear to imply, forgiveness is not covered by any of the six 'R's adumbrated by the NSW Ombudsman (p. 85). A request for forgiveness may be experienced as an additional stressor for the survivor. An apology should be both explicitly and implicitly without condition.

2.3.2 *Affective tone*
Attitudes and values are often communicated non-verbally. Humans place great store on their intuitive responses to the communications of others. Interpretation of the behaviour of others is complex and liable to some misinterpretation. However, perceptions can be challenged and emotional release can be achieved through communication about our responses with the other. Such encounters are not easy to handle by parties acting alone, even with supporters in the room. However, working with people's perceptions of each other's behaviour is the stuff of relational family dispute resolution. It is suggested that in order to achieve the maximum benefit of apology, both for the offerer and the receiver, direct facilitated interaction is likely to be more effective than even the most skillfully and sensitively drafted text.

The authors rightly emphasise the issue of genuineness and sincerity of apologies. The NSW Ombudsman, whom they quote, writes tellingly of the affective tone of apology:

> The NSW Omudsman refers to regret as a key component of an effective apology. The Ombudsman describes regret as 'an expression of sincere sympathy, sorrow,

> remorse and/or contrition', noting that the content, *form and means* [my emphasis] of communication of an apology is very important as it can indicate the level of sincerity of the apologizer (p. 88)

DG makes a direct connection between genuineness and engagement (p.86). The experienced 'hollowness' of the apology is something that was judged to be 'worthless'. The sense of alienation is palpable. This is an issue of *affective tone*.

The importance of direct engagement is emphasised by JE (pp. 85-86). The institution needed to make 'an effort to understand what I'd gone through" (p. 86). He goes on to suggest that each individual case needs to be addressed by institutions 'like they know about it and put themselves in your shoes for five minutes and can apologise' for the suffering he went through. It is difficult to imagine how a meeting bearing the heavy load of feeling that JE conveys, could be conducted without independent facilitation. Similarly, a facilitated meeting could provide the setting in which understanding is generated.

2.3.4 *Concluding remark on Apologies*
Carroll's comment on 'good enough' apologies, makes it clear that the interplay between the survivor's level of need, as expressed by their perception of the level of harm, and the attributed level of responsibility of the perpetrator, have a considerable bearing on the impact of an apology. It is difficult to imagine a more sensitive field of negotiation. To countenance such negotiations proceeding without the offer of skilled mediators or facilitators, even with high levels of support and coaching to the individual and institutional parties, is to support a policy condoning unacceptable levels of risk.

2.3 Meetings with senior institutional representatives pp89 -91

In section 4.1 it is recognised that survivors' experiences of direct meetings have been mixed (p. 80).

The Consultation reports that survivors want to tell their stories and to feel respected by the senior officials of the institution. They wanted the officials to be sincere and genuine (p. 89). Clearly some survivors have not had positive experiences.

2.3.1 *Setting the agenda for meetings and preparation*
It is essential that what gets discussed at a direct meeting is driven by the needs of the survivor. It is sometimes difficult for a party to a negotiation to raise what they need to raise. It is often the part of a facilitator or mediator to help parties prepare how they will raise matters in a joint session. This is particularly helpful if a survivor does not have much experience of formal negotiation settings.

On p. 91, the authors refer to concerns about the wearing of uniforms, location of a meeting and the opportunity to bring a support person. What is in play here is how are all these matters to be dealt with before the meeting. Without an independent third party, these pre-negotiations, which are inevitably more stressful for the survivor than the institution, may need to be the subject of a request by the survivor, thus placing them in the role of supplicant. Alternatively, the institution may make proposals for the preliminary arrangements, which the survivor then needs to negotiate about. Much unnecessary stress would be removed were this preliminary process to be handled by an independent third party.

2.3.1.1 **Undertones**

The quotation about the Catholic Church's Towards Healing process discloses the potential mismatch of agendas between the institution and the survivor. This is also reflected in the evidence from the Anglican Church (p. 90). Both these churches espouse a pastoral agenda. A key issue for a survivor is likely to be whether they wish to be responded to within the framework of a church's pastorship. 'Pastoral' implies a relationship between a shepherd and the sheep. In this context, the church must be considered the shepherd and the survivor the sheep. It implies that the sheep will be guided and gathered. This is no mere fanciful playing with words. The imagery is keen and alive in the mind of all who have attended Christian churches, and will be particularly strong in the minds of those who experienced abuse as children. It implies that the church still has and, indeed still ought to have, a role to play in the life of the survivor. It implies it holds a role of leadership. This may not be in the mind or intention of the church, but churches need to be alive to the possible way a specifically ecclesiastical and theological language is picked up by survivors.

However, it is not sufficient that this type of issue is picked up in pre-meeting coaching. Each case will have nuances that need to be explored and managed in the direct meeting. This links directly to the next section.

2.3.2 *Power imbalance*
Power imbalance is recognised as being an issue in the dynamics of meetings, specifically in the sub-section on Apologies (p. 83).

> Apologies should be carefully made to ensure that they do not reinforce any power imbalance. Eldridge and Still write:
>
> > The apology should be for the survivor's well-being, not just a device to make the offender feel better. If it is truly for the survivor, then care needs to be taken that there are no hidden messages within it that enable the offender to maintain power and control. (ibid)

It is suggested that power imbalances are inherent in the relationship between perpetrators and survivors. (For the purpose of this analysis, institutions are secondary perpetrators.) It is asking a great deal of both the survivor and the representative of the institution to manage this imbalance effectively, even with the assistance of prior training, support and coaching and the presence of a supporter in the meeting.

The authors acknowledge that power imbalances can lead to institutions controlling the agenda of meetings, thus reinforcing power imbalances (p. 83). They cite a clear example of that from [redacted], who had to exert considerable assertiveness to prevent the representative controlling the meeting. Her request to hear the representative's response to what she had said to them follows a precept of restorative conversations. Not everyone would have been able to carry out this challenge. In a mediation or restorative conversation it would be for the mediator or facilitator to hold the agenda and the safety and integrity of the process.

A further imbalance is created by the classic 'repeat player' / 'one-off player' dynamic that often affects powerful and less powerful parties in negotiation. In the clergy abuse field, institutional representatives are likely to be repeat players. They therefore have the advantage of knowing the rules of the game. That gives them a distinct advantage in developing a comfort zone, but it may also lead to a thickening of the skin, which the 'one-off' survivor will inevitably pick up and react to. This is a potentially volatile scenario, which the presence of a third party as facilitator or mediator can help to defuse.

There is a strong need to reinforce the secular egalitarian principle between the survivor and the institution. Institutions should not be permitted to play their part in direct meetings in any way that implies greater standing of any kind. The surrender of control of the process of the meeting to a third party working to secular professional standards is a critical mark of humility, both symbolically and practically for religious bodies. It can also serve to level the pitch of the negotiation field.

These issues need the independent oversight and intervention of a third party in the room.

2.4 Assurances and undertakings (agreements)
The drafting of agreements is not a light undertaking. The effectiveness of an agreement lies not only in the intention of the parties, but also in its clarity and realism.

One of the roles of a mediator is to reality-check proposals that parties in mediation put forward for possible agreement. A mediator will work through with the parties the implications of agreements.

Whilst it is not the role of a mediator to supervise agreements, review sessions can be set up to monitor agreements. In the domain of restorative justice, in NSW the Forum Sentencing scheme does supervise agreements that have been endorsed by the courts.

It has been put to me by a survivor that follow-through on agreements is critical for a survivor. Any scheme for direct meeting will need to have some mechanism for monitoring the fulfillment of agreements. This has a bearing on the relationship between direct meetings and redress schemes (immediately following).

3 The relationship between direct meetingss and a Redress Scheme

The statement at Section 4.3 of the Consultation (p. 103) that '[A]n appropriate personal response … cannot be provided through a redress scheme independent of the institution' is simply incorrect. The evidence provided by the University of Sydney Centre for Peace and Conflict Studies and Edan Resolutions shows that such schemes have been provided in Belgium and The Netherlands[2].

Section 4.3 speaks of the role of an intermediary. However, it is not clear whether this means a person supporting the victim, or a person acting in a mediatory or facilitative role.

Of course, it is possible to separate out the adjudication of material redress from the provision of the type of amends that can be achieved through restorative practices. It is also possible to separate those elements, even if direct meetings are facilitated/mediated by third parties. However, it is suggested that if the arguments is accepted that such meetings may need to be facilitated or mediated, it should be an open

[2] (2014) Centre for Peace and Conflict Studies, University of Sydney and Edan Resolutions, with W. Lambourne. Submission to *Royal Commission Into Institutional Responses To Child Sexual Abuse,* Issues Paper 6 - Redress Schemes. On a proposal for a restorative mediation redress scheme.

http://www.childabuseroyalcommission.gov.au/getattachment/80916009-0cff-44e5-bbc8-9923f5c1985c/25-Centre-for-Peace-and-Conflict-Studies-Sydney-Un

question as to whether they are linked to formal processes for allocating material awards. In current justice – penal systems some restorative programs do link the elements of mediation and adjudication; some do not. How that is decided is a matter of policy taking into account the context and the aims of any scheme or system of justice.

4 Reintroducing a restorative approach to direct meetings and Redress Schemes

The authors are clear that those who participate in direct personal responses should be well prepared either through personal support, counseling or therapy in the case of survivors, or through extensive briefing and education in the case of institutions. It is strongly put that these are necessary but insufficient components of a holistic approach to healing and resolution of historic child sexual abuse. It is accepted that restorative practices are not magic bullets that substitute for therapeutic and educational approaches. However, rightly understood, they complement these approaches and add additional value. Ignoring the contribution of restorative practices, is to leave too much to chance in the interaction between individual institutions and survivors. The potential risks in such an approach are already well known and have been rehearsed in the Consultation.

It is therefore strongly recommended that the Royal Commission revises the Consultation's position on restorative approaches.

5 How a mediated or facilitated restorative model can be developed / practical recommendations

In a joint submission with the University of Sydney it was proposed that a restorative mediation scheme could be tied directly to a redress scheme. That option is not being canvassed by the authors. This model is operating in The Netherlands and in a variant form in Belgium. This approach deserves review.

There is another model which emerges from the analysis above. This is to provide the option for survivors for facilitated or mediated meetings, independent of an integrated scheme. This would entail third party neutral assistance in preparing meetings, convening and meetings and acting in a mediation or facilitation role. However, there also needs to be follow up involving offering review meetings with the facilitator or mediator, and some form of formal monitoring of agreements.

This approach could also be adapted and used in the case of collective forms of direct personal response (p. 95).

It is suggested that this would be a delivered as a service independent of institutions and survivor groups.

The issue of funding is complex, but however this is provided, there would need to be a clear charter of independence from institutions. It would be better that, if funding comes in whole or in part from institutions, it is vired through a government body from whom the mediation agency holds a contract for service provision.

The service should be provided by accredited mediators who have received additional training in the field of historic child sexual abuse and trauma.

It is recommended that such a service is provided by an agency or agencies with proven and reliable track-records in the delivery of high quality mediation services.

APPENDIX 2 – Extract from submission of Robert Mackay to the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Organisations[3]

3. Exploring the viability of approaches to bring together victims and offenders, and others who carry responsibility for the harm or who have been affected to facilitate healing (including when possible spiritual healing)

Here are three examples of *restorative* practice.

Healing Circles
Healing Circles developed at Marquette University (Wisconsin, USA) provide an excellent model of practice. In this model a number of parties, not necessarily directly known to each other, come together and share their experience of being involved with the issue of the abuse of power by people with power and authority in the Church. Their experience may be that of a victim; or a church worker, priest, religious or bishop, who has been touched by the issue in their work; or an offender. Each is encouraged to share their experiences and to receive the experience of being heard and listened to. The Circle provides the participants with the further experience of being validated. This means that they can have the feeling that their statements of need, concern or remorse have been taken seriously by others within the community of the Church. This approach has a strong spiritual base. There would need to be some liaison with the supervisor of offenders involved in the process. It would also be necessary that victims were well supported before the meeting. In general, this approach needs considerable preparation of the participants, and careful assessment of whether they are able to benefit from the experience and of their potential vulnerability in the Circle. It is not necessary for an offender to be present at a *Healing Circle*.

Conferencing
Conferencing is a term that covers a number of approaches that bring together victims, perpetrators, their supporters and relevant community members, to address what happened (the incident or episode); how people have been affected, and what can be done to put things right in a way that is both fair and will reduce offending in the future. These approaches are mostly confined to the criminal justice system, workplaces or the education system. Most usually the participants include the victim and perpetrator involved in the same incident or episode. Sometimes more than one victim may be involved. Sometimes there is no victim present. In that case, the victim perspective is represented by someone with expertise in victimology (e.g. an officer of *VOCAL,* Victims of Crime Assistance League NSW).

This approach has been used by the NSW Department of Corrections in serious criminal cases. It is possible that they might have an interest in this area of work. If there was thought to work with criminal cases outside the Department of Corrections program, there would have to be negotiations with the criminal the justice-penal agencies about whether it would be appropriate for a non-governmental organisation to deal with such cases, and if so, under what procedures and conditions.

[3] (Submission to Victoria Parliament Inquiry into the Handling of Child Abuse by Religious and Other Organisations.)

http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Submissions/Mackay_Robert.pdf

The Department of Corrections and the Department of Justice and Attorney General (which provides a form of conferencing for moderate level offences referred by Local Courts) would not be able to address non-serious and non-criminal matters, and it is possible that this approach may be suitable to develop for cases where there are no criminal proceedings, and which there had been, for instance, a breach of trust. For this, there would need to be some liaison with external agencies concerned with the needs of vulnerable groups, including women, gay-lesbian and indigenous groups.

The preparation of participants before a conference is a critical element of the work. Some conferencing models operate with a closely determined 'script'. This means that the contribution of the Facilitator is tightly controlled. There are some difficulties with this method, and it would be advisable to have a more flexible approach to the management of the conference process.

Privately facilitated meetings between victims and senior church officials
This type of meeting would follow a mediation format. Such meetings would occur after legal issues involving the church, the victim and the offender had been settled.

In such a meeting, the victim, possibly accompanied by a supporter, would be empowered to speak directly with a senior member of the clergy, preferably of episcopal rank, about their experience and pain, and to seek personal acknowledgement of their hurt. The church would be facilitated to reaffirm its acknowledgement of responsibility for its handling of clergy sex abuse, to restate its concern for the victim, to reassure them of their innocence, and to recognise the integrity and authenticity of the victim's spiritual journey, even if it has led them outside the church.

General considerations

Taking responsibility
It is important that the perpetrator accepts responsibility for the offence or abusive act before they are admitted to a *Healing Circle* or a *Conference* process. One issue that is often faced in cases of sexual abuse is that the offender either does not accept responsibility, or that their acceptance of responsibility may be a tactic in an attempt to manipulate the outcome of their case. Those engaged in setting up *Healing Circles* and *Conferences* will need to be very careful in the assessment of an offender's motives for participation.

RJ proposes that all involved in a harmful episode or incident are involved in the process of repairing the harm. Unlike civil mediation, there is a strong expectation that anyone responsible for harm will acknowledge this up-front in the conference or the victim-offender mediation process. A complicating feature for both *Healing Circles* and *Conferences* is that the Church itself may be seen by the victim as having contributed to the abuse or having exacerbated it by the way in which their case has been handled. This introduces a complication to both processes. The resolution of the matter needs to take into account both individual and corporate responsibility ('vicarious liability', if recognised in this type of case).

The scope of Healing Circles *and* Conferences
Following the remarks above, a *Conference* may address, if not settle, the question of corporate liability. However, a *Healing Circle* is not the place for that type of negotiation. It would therefore be necessary that this approach is not seen as a substitute for other forms of negotiation of claims or for the setting up of agreements involving the perpetrator.

Multiple cases
If a perpetrator is involved in more that one case, one must be concerned about the quality of a meeting with victims. This holds good whether (1) all victims meet with the offender on one occasion, where the number of victims is large, or (2) the offender meets with victims on a one-to-one basis, or in small numbers. In the first case, victims may not feel heard because of the length of time it would take to hold a meeting. An offender may feel overwhelmed by the numbers, and not participate effectively in the session. In the second case, although victims may have more space to speak and be heard, the offender may feel that what he is saying becomes repetitive.

Wellbeing of participants
Throughout the process, the facilitator will need to have consideration for the wellbeing of participants. If the process becomes difficult, there should be the opportunity to take breaks. If the process becomes too threatening, the session should be terminated.

RJ practitioners have for a long time been concerned that victims of crime do not suffer 'secondary victimisation'. The conventional criminal justice process can serve to re-victimise, by treating the victim disrespectfully or by treating them as marginal to the criminal justice process. It has been suggested that victims of clerical abuse have experienced another level of victimisation where Church authorities have dealt with their cases in insensitive or inappropriate ways. It is therefore essential that restorative measures are designed in such a way that they do no further harm, but rather provide an opportunity for the victim to be heard in a respectful way, and the experience of a dialogue about their concerns.

Preparation for Healing Circles *and* Conferences
The skill of producing successful meetings lies in large part on the quality of preparation. It means spending significant time with victims, offenders and other participants, exploring their needs and expectations of the meeting. It also entails explaining how the meeting will be conducted, and considering what the impact of meeting the others will be for them.