



Victorian Association for Restorative Justice Autumn 2016 Newsletter

Dear Colleagues

Our **November 2015 event** at the City Campus of La Trobe University marked **ten years** since Judge Eugene Cullity officially launched the Victorian Association for Restorative Justice. A special thank you to those who attended the 2015 event, which was also an official launch for the **group conference convenor accreditation program**.

The evening was attended by Rob Hulls, who was Victorian Attorney General when VARJ was launched in 2005, and is now Director of the Centre for Innovative Justice. His successor, current Victorian Attorney General the Honourable Martin Pakula, addressed participants, praising VARJ's decade of work promoting the idea and practice of Restorative Justice around Victoria.

We also heard from Katrina Robinson (CatholicCare) and John Russell (DOXA) about their work with the Central Victorian Restorative Justice Alliance, and from Russell Jeffrey, who has recently accepted the position of Restorative Justice Coordinator at the Neighbourhood Justice Centre (NJC). Russell provided an overview of Victoria's successful youth justice group conferencing (YJGC) program, and explained the legislated expansion of the program from March 2015.

Committee members Alikki Vernon, Marg Armstrong and David Moore provided an overview of the work of VARJ:

1. Through the course of the last decade:

The inaugural VARJ committee consisted of:

Peter Condliffe (President), Marg Armstrong, Paul Ban, Carmel Benjamin, Kathy Douglas, Mark Griffiths, Tony Hayes, David Moore, Paul Newland, Nigel Polak, & Carol Smith.

Other committee members over the last ten years have included, Margaret Brittain, Adam Broomfield, Barbara Rozenes, Louise Bassett, Derek Brookes, Victor Tse, Pam Carty-Salmon, Angela McCullagh, Bette Phillips, Mike Wells, Sandra Hamilton, Mary Polis & Kerry Walker.

The current committee consists of: *Marg Armstrong, David Moore, Nigel Polak, Alikki Vernon, Dave Vinegrad, Michael Mitchell, Helen Last, Carolyn Worth & Russell Jeffrey.*

- VARJ has organised a series of:
 - ☞ **round-table discussions**, a number of which have influenced Government policy and practice;
 - ☞ **research & practice forums**, including a forum in 2015 with the *In Good Faith Foundation*, and a *Workplace Conflict Special Interest Group*, also established 2015, in collaboration with The Victorian Association for Dispute Resolution (VADR). This Group now meets regularly;
 - ☞ **conferences**, most notably a one-day national conference in 2009 on *Restorative Practices in Education*, and a major international conference, *Broadening Restorative Practices*, held in partnership with the NJC and Restorative Practices International (RPI) at the MCG over 3 days in mid-2013;
- Members of the VARJ committee provided the inaugural Youth Justice Group Conferencing (YJGC) convenor training after the passage of *the Children, Youth and Families Act 2005*;
- VARJ developed a resources pack to support YJGC education and training, including a double DVD resource pack & Facilitator Guidelines;
- The Committee provided an influential submission to the Victorian Parliament Law Reform Committee's 2009 *Inquiry into Alternative Dispute Resolution and Restorative Justice*;
- VARJ consulted widely to develop Restorative Justice *Best Practice Standards*, and began work on a program of accreditation from 2009;
- A special screening of the movie *Face to Face* in 2011, with presentations by Director, cast, and the VARJ technical advisor, filled the Astor cinema for the first time in recent memory;
- Since 2011, members of the VARJ accreditation committee have provided ongoing technical support for the *Central Victorian Restorative Justice Alliance*, including regional training and advice;
- VARJ provided an influential 2015 submission to the Victorian *Royal Commission into Family Violence*, and subsequently provided expert advice.

2. Through 2015:

Teaching/Training

Members of VARJ continued to provide training and facilitation to support the Youth Justice Group Conferencing (YJGC) program coordinated by the Department of Health and Human Services. VARJ has also provided mentoring for senior convenors.

The YJGC program has been “expanded” twice in recent years. The May 2013 expansion involved a budget increase, and the March 2015 expansion involved legislative changes, allowing for Group Conferences to be offered for “higher order” offences heard in the Children's Courts.

Members of the VARJ committee provided generic professional development training for group conference convenors in 2015 at La Trobe University’s city and Bendigo campuses. This training program is helping to develop a networked community of facilitators who provide group conferencing in a range of settings. Agencies that have supported staff to undertake this GC training include: Departments of Justice & Regulation (VSA & NJC), Health & Human Services (YJGC convenors *and* senior practice advisors); contracting service provider agencies (JSS, St Luke’s, Centacare, Berry Street, *etc.*); CSIRO; Centres against Violence, DSCV, Family Mediation Centres, Aboriginal Corporations. Individual consultants have also attended (including lawyers, and consultant colleagues from NSW and SA).

Training for schools’ staff continues to be acknowledged as important (especially where staff have noticed distinct differences between schools which implement restorative practices and those that don’t).

Accreditation

The VARJ convenor accreditation program is now in operation as a result of the work of the Accreditation Committee (Marg Armstrong, Russell Jeffrey, David Moore & Alikki Vernon). An earlier VARJ accreditation scheme has been fully superseded by our program that makes use of standard “Feedback Templates”. These templates encourage the acquisition and consolidation of convenor skills, and support quality practice, by providing the framework for a structured conversation with fellow practitioners & line management. The templates and accreditation application form are available from the [VARJ website](#).

The idea of peer mentoring using templates to structure reflective practice conversations is beginning to be adopted in South Australia, the ACT, Queensland and Tasmania. It may become the national benchmark for professional restorative conferencing practice.

We were delighted that some of our colleagues from other jurisdictions attended the November event, including Leigh Garrett, from South Australia, and John Lennox, from Tasmania.

Forums

VARJ convened two forums on specialist topics through 2015:

☞ **Institutional Abuse (March 2015): an alliance between IGFF & VARJ**

Helen Last and her colleagues from the *In Good Faith Foundation* organised a forum on redress for victims of clergy abuse. Alikki Vernon and Dallas Terlich facilitated this influential evening, which around fifty people attended. Speakers included Rob Hulls (CIJ), Angela Sdrinis (a lawyer supporting survivors of abuse in institutions), Chris Reed (SANO Taskforce), a representative from the Federal Royal Commission on Institutional Abuse, David Moore (pre-recorded *in absentia*, explaining the redress arrangements of the Defence Abuse Response Taskforce [DART]), and victims of abuse. Helen Last notes two positive results from the forum:

- (i) pro-victim lawyers are taking up a restorative approach to their client case work, and some have subsequently trained as group conference convenors; &
- (ii) IGFF are working with bishops who have expressed an interest in restorative practices, and its values, with the Royal Commissioners and the Victorian Government. They are referencing this interest in their redress scheme proposals.

☞ **Workplace forum (April): an alliance between Victorian Association of Dispute Resolution (VADR) & VARJ alliance:**

Over fifty people attended our successful Workplace Forum in April 2015. Panellists discussed the current practice of workplaces offering only either mediation or an investigation in response to staff concerns.

As a result, a *Workplace conflict management* special interest group was formed. The group met on six occasions through the course of 2015 and early 2016. It consists of professionals who are either individual consultants or work for an organisation that helps resolve challenging workplace issues. Its members promote more sophisticated diagnostic tools in workplaces; more nuanced/effective interventions; conflict literacy (& better model policies); & tools that can be shared with HR. The group's longer-term objectives include fostering cultural/industry reform.

The next special interest group meeting is scheduled for 14th April 2016 [6:00 pm start] at Coopers Inn, corner of Exhibition and Little Lonsdale streets, Melbourne CBD.

Special Interest Group members Murray Bickerdike, Stephen Graham and Meriel O'Sullivan will be joined by Professor Jerry Goodstein, of Washington State University, to discuss the value of effective case management in workplace interventions: **"From triage to case management: Crafting** bespoke interventions rather than offering off-the-shelf solutions." All VARJ members most welcome!



☞ Schools and restorative practice; where are we now?

In 2011, VARJ ran a successful conference on restorative practices for teachers. We developed an exciting program for a similar event in 2015, and there were high levels of interest from several dozen colleagues. But for reasons that are not entirely clear, there was insufficient interest to run the large-scale forum that had been planned.

The VARJ committee is currently exploring how best to reengage interest and excitement around restorative practices in the school sector. Some constructive proposals were offered at our October 2015 AGM, including:

- a VARJ-affiliated education special interest group;
- show-casing on the VARJ website schools that are recognised for their RP programs;
- a *commendation scheme* (that is, some type of “stamp of distinction”).

Schools staff: please feel free to approach us with any suggestions!

Consultancy

VARJ President David Moore has worked as a special consultant to the Defence Abuse Response Taskforce (DART), which officially concluded at the end of March 2016 (although some administrative work is still to be finalised as of April 2016).

Between late 2013 and March 2016, DART facilitated over 700 restorative engagement conferences.

These have consistently been judged as:

- highly beneficial for participating *complainants* – those people who registered with the Taskforce, having experienced significant abuse while serving with Defence.
- moving and illuminating for Defence Representatives – currently serving senior officers who have listened with care and empathy to the accounts of complainants and their supporters.

A final report on the Taskforce should be released in April 2016. Importantly, the Taskforce will also be advising other agencies, and officers of the Royal Commission into Institutional Responses to Child Abuse, on procedural lessons about designing and implementing redress schemes.

Recent key developments

Release of the Report by the Victorian Royal Commission into Family Violence

On March 29th 2016, the Victorian *Royal Commission into Family Violence* delivered its report to Government House. The Commissioners spent thirteen months inquiring into how best to:

- prevent family violence;
- improve early intervention;
- support victims;
- hold perpetrators accountable;
- improve the coordination of community and government responses;
- evaluate and measure strategies, frameworks, policies, programs and services.

As Martin McKenzie Murray wrote in the *Saturday Paper of April 2nd*, the report is “so comprehensive, - and enjoys such bipartisan support – that it may well become a globally useful template.” The report’s fundamental points include the need for:

- widespread understanding of the dynamics of coercion, control and loss of self-esteem;
- victim support, requiring three essential pillars of recovery—secure and affordable housing, financial security, and health and wellbeing;
- perpetrator accountability, which is still a contested concept;
- behaviour change programs – not all of which have been adequately evaluated;
- improved coordination between relevant agencies.

To this end, the report recommends creating:

- seventeen **safety hubs** around the state, providing advice and referral;
- the creation of a **specialist family violence court** to ensure more effective policing; and
- prosecution of existing laws.

For those of us with a particular interest in **restorative justice**, key parts of the report include:

[Summary & Recommendations Volume: Restorative justice](#) [p. 38]

“The Commission learnt that some victims of family violence are dissatisfied with current court processes or find them traumatic, often because the processes fail to adequately meet victims’ needs for participation, having a voice, validation, offender accountability and restoration. A number of organisations working with family violence victims urged the Commission to consider whether a restorative justice approach to family violence should be introduced in Victoria, in addition to making essential reforms to the court system. Restorative justice processes can provide opportunities for a victim to confront the perpetrator in a safe environment to describe what impact the abuse has had on them; for the perpetrator to acknowledge the harm they have caused; and for the parties to decide what action might be taken to repair the harm.

There are a number of potential benefits associated with a restorative justice approach:

its potential to deliver better outcomes for victims than the adversarial justice system because it is able to provide a forum for victims to be heard on their own terms and offers a process that is tailored to individual women's needs, and informed by their own choices its particular relevance in those cases where the victim does not wish to separate from the perpetrator but wants the abuse to stop, or where violence has been used by an adolescent against their parents the prospect of encouraging perpetrators to acknowledge the impacts of their behaviour and to recognise its effects on the victim.

The Commission examined this matter carefully, particularly in light of concerns that such an approach might be manipulated by perpetrators and could undermine the important gains that have been made in ensuring that family violence is treated as a public concern rather than simply a private matter between individuals.

The Commission is persuaded that, with robust safeguards in place and as an additional option for (not a substitute or precondition for) pursuing action through the courts, a restorative justice process should be made available to victims who wish to pursue such an option. Restorative justice processes have the potential to meet a broad range of victims' needs that might not always be met through the courts and to help victims recover from the impact of the abuse they have suffered.

The development of a restorative justice approach should proceed cautiously. In consultation with victims' representatives and experts in restorative justice, the Department of Justice and Regulation should develop a framework and pilot program for the delivery of restorative justice options for victims of family violence that are victim-driven, incorporate robust safeguards, are guided by international best practice, and are delivered by suitably skilled and qualified facilitators."

Accordingly, in **Recommendation 122**, the Commissioners recommend:

The Department of Justice and Regulation, in consultation with victims' representatives and experts in restorative justice, **develop a framework and pilot program for the delivery of restorative justice options for victims of family violence**. The framework and pilot program should have victims at their centre, incorporate strong safeguards, be based on international best practice, and be delivered by appropriately skilled and qualified facilitators [*within two years*].

In **Recommendation 128**, the Commissioners recommend :

The Victorian Government trial and evaluate a model of linking Youth Justice Group Conferencing with an Adolescent Family Violence Program to provide an individual and family therapeutic intervention for young people who are using violence in the home and are at risk of entering the youth justice system [*within two years*].

VOLUME 4, chapter 22 [pages 135 – 147, or pp. 1169 – 1181 of the interactive report] addresses in greater detail the issue of: **Restorative justice for victims of family violence**

Report into Sexual Discrimination in Victoria Police

Phase One Report, 2015 the Victorian Equal Opportunity and Human Rights Commission published its [Independent Review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police](#). For those of us with a particular interest in workplace governance, including restorative justice processes, the key recommendations in the report are:

Recommendation 1: Victoria Police to undertake work to deliver a Redress Scheme and public acknowledgement of harm.

Recommendation 9: Victoria Police to review its training and education functions to align learning intent and future capability needs as expressed in the Education Master Plan with organisational processes.

Recommendation 13: Victoria Police to establish a workplace harm model as outlined in the Review, including:

- Immediate establishment of an external 'safe space' service to provide confidential support to victims/targets of workplace harm;
- An internal victim-centric workplace harm unit to triage and case manage internal complaints about workplace harm; and
- An Independent Advisory Board (IAB) to provide expert advice and support to the Workplace Harm Unit.

Recommendation 20: The Victorian Government and Victoria Police should streamline and simplify Victoria Police's existing discipline system by considering and implementing the detailed recommendations for reform in:

- the Office of Police Integrity report, *A fair and effective Victoria Police discipline system* (2007);
- the Office of Police Integrity report, *Improving Victoria Police discipline and complaint handling systems* (2011); and
- the State Services Authority report, *Inquiry into the command, management and functions of the senior structure of Victoria Police* (2011).

Emerging projects and other recent developments – watch these spaces!

- VARJ Secretary Russell Jeffrey was seconded to the **Collingwood Neighbourhood Justice Centre** (NJC) for several months in late 2015, during which time he successfully facilitated several large community conferences. These have helped to repair relationships between police and the local Sudanese community. Russell has now been appointed permanently to the position of **Restorative Justice Coordinator** at the NJC, and is focusing on conferencing to address unresolved community issues.
- March 2015 (state) legislation extended the use of conferencing to cases where a young person is remanded in custody in relation to their offending. The **Parkville Youth Justice precinct** is trialling convening YJGCs in a custodial setting, using the experienced YJGC convenors from Jesuit Social Services.
- The Justice Department is examining the possibility of developing a version of the NSW post-sentencing **Victim-Offender Conferencing** program in Victoria. VARJ is keeping Victim Services Commissioner informed of developments in this area.
- Jesuit Social Services trial of **diversion for “older young offenders”** is being evaluated by the Courts Administration Authority. We understand that preliminary results are very positive.
- Members of VARJ have held discussions with Victorian Magistrates and Judges about the logistics of **using Group Conferencing in the sentencing process of problem-solving courts**. Section 83a of the Sentencing Act allows for courts to use conferencing as part of the Sentencing process:
 - **S. 83A(1A) inserted by No. 77/2010 s. 21(2).**
 - (1A) The court may defer sentencing the offender under subsection (1) for any one or more of the following purposes—
 - (a) to allow the offender's capacity for and prospects of rehabilitation to be assessed;
 - (b) to allow the offender to demonstrate that rehabilitation has taken place;
 - (c) to allow the offender to participate in a program or programs aimed at addressing the underlying causes of the offending;
 - (d) to allow the offender to participate in a program or programs aimed at addressing the impact of the offending on the victim;
 - (e) for any other purpose that the court considers appropriate having regard to the offender and the circumstances of the case.
- In March 2016, the ACT Magistrates Court referred to the ACT Restorative Justice Unit for conferencing its first cases involving adults. We are consulting closely with our colleagues in Canberra.

- RMIT’s **Centre for Innovative Justice (CIJ)** has received a grant to establish a pilot program using **group conferencing in culpable driving cases** – either as part of the sentencing process, or post-sentencing.
- VARJ has worked with the **Federation of Community Legal Centres** on two “Fact sheets” for their [Smart Justice website](#): one on Youth Justice Programs and the other on RJ and adult programs.
- Community Health workers from South Australia’s **Eyre Peninsula** attended a group conference facilitator training in 2015, and are receiving mentoring in establishing a community–based Group Conferencing program. This may help address some of the tensions around the current income management trial in the Eyre Peninsula.
- The **Central Victorian RJ Alliance (CVRJA)** is revising its membership structure to include RP consultants into the Alliance as well as staff of afflicted organisations. Accordingly, CVRJA may change its name to “**network**” rather than “alliance”.
- The movie length documentary [Hunting Ground](#) has been showing in special screenings around Australian universities. Although there are some significant differences between the governance of Australian US universities, there are some sufficient similarities for this film to provide a valuable platforms for discussion about how best to minimise the risk of sexual assault on campus, and to improve official responses.
- Two Inspectors of Municipal Administration submitted their *Final Report to the Minister for Local Government* on Darebin Council in 2015. The Inspectors proposed a range of reforms at Council level, particularly in relation to **Codes of Conduct and complaints handling**, consistent with reforms in the 2015 Local Government Amendment (Improved Governance) Act 2015. The reforms include new processes and more powers for Councillor Conduct Panels, including a new position of **Principal Councillor Conduct Registrar**. A current trial of these reforms in improved dispute and conflict handling may constitute a demonstration project for other municipal councils.
- In November 2015, Federal Health Minister Sussan Ley announced funding for a **mental health reform package**, which is designed to reshape the delivery of primary mental health services. Between four and five million Australians suffer some form of mental health issue in any given year, making mental illness a major chronic disease category. The Mental Health Commission Review and a Governmental Expert Reference Group have both described the current system for managing mental health as inadequate, particularly for people battling multiple mental health-related issues.

The foundational idea is that services will be better tailored to specific needs in local communities. The new integrated care packages are to be commissioned through 31 Primary Health Networks across Australia. The arrangements are to be phased in over three years, with initial trial sites currently being identified. It is highly likely that these trials will raise the issue of how to facilitate Supported Decision Making meetings. The CVRJA have already done this successfully, using group conferencing to address complex mental health care issues.

- Our colleagues at the [In Good Faith Foundation](#) have provided active support to survivors throughout the Royal Commission into Institutional Responses to Child Abuse.

SOME RECENT PUBLICATIONS

Attitudes of victim-survivors to RJ

Francesca Marsh and Nadia M. Wager University of Bedfordshire, United Kingdom
[Restorative justice in cases of sexual violence: Exploring the views of the public and survivors](#)
The Journal of Community and Criminal Justice Probation 2015, Vol. 62(4) 336–356

“This study aimed to fill a gap in the debate regarding the application of restorative justice (RJ) conferencing to sexual offences. This gap is currently characterized by absence of views expressed by survivors of sexual violence (Wager, 2013). The debate has largely occurred in an ‘empirical vacuum’ (McGlynn et al., 2012) and without the necessary consultation.

[The] study consisted of a web-based survey of 121 community members, 40 of whom identified themselves as survivors of sexual violence. The findings indicate that both survivors and non-survivors of sexual violence express positive attitudes towards the use of restorative justice in these cases.”

The study concludes that:

- “the general public, both survivors and non survivors of sexual violence, express fairly positive attitudes towards using restorative justice in cases of sexual violence.”
- “Survivors [agree] that victims of sexual offences should be given the option to use restorative justice but that they should not be pressured into participating in the process.”
- “The concerns expressed by survivors regarding the risks that victims might encounter when participating in this process [...] appear to reflect the concerns expressed by [...] victim advocates and academics who oppose this application.”
- “Survivors themselves, whilst generally less optimistic about the potential for conferencing than their non-survivor counterparts, are considerably less likely to see conferencing as dangerous for survivors.”
- “The [United Kingdom] Victims’ Code of Practice, which was introduced in 2013, states that all victims should be informed of their right to choose restorative justice. [...] Only a very small proportion felt that they would have been offended by the notification of this option [...] at the earliest point of contact.”
- “There is a fairly widespread reticence among practitioners to consider cases of sexual violence for conferencing, [but] this might have to change in light of the number of victims who come forward seeking this form of redress.”

The Use and Effectiveness of Restorative Justice in Criminal Justice Systems Following Child Sexual Abuse or Comparable Harms

In a report for the *Royal Commission into Institutional Responses to Child Sexual Abuse*, UNSW academics Dr Jane Bolitho and Karen Freeman write [page 61]:

- “By increasing the knowledge base of what restorative justice is and where, why and how practices are already working, it is hoped that this report will prompt further reflection and debate on the potential of restorative justice in this sphere.”
- “To achieve justice for victim-survivors of sexual violence is contingent on accepting that a one-size-fits-all approach simply will not work.”
- “We must consider that a menu of options within and perhaps independent of criminal justice systems is necessary (Centre for Innovative Justice 2014, Daly 2011). Restorative justice, as an innovative and imaginative response, then becomes one option on this menu.”
- “The potential benefits of restorative justice must be weighed carefully against the potential risks – where traumatisation has occurred, interventions need to be considered before implementation to ensure there is no further harm. However, [...] these benefits and risks must be weighed up within the context of alternatives, which means the conventional system. [...] It is proper to be highly sceptical of justice innovations that are different to traditional avenues to justice. However, scepticism can be fuelled by an incomplete knowledge of existing practices and evidence bases.”
- [p. 8] The evidence suggests that restorative justice can be practised to good effect following sexual abuse; however, outcomes were seen to be contingent on particular conditions. These conditions are:
 - **specialism**, which includes facilitator skill, knowledge and experience;
 - vigilant use of **screening** (relating to suitability, not just eligibility);
 - the **use of experts** (in sexual offending and the dynamics of violence) throughout the process;
 - **flexibility and responsiveness** to participant needs;
 - **timing** of the meeting appropriate to victim-survivor readiness; and
 - for offenders, participation in a targeted sex-offender treatment program.

Understanding failure to identify and report child sexual abuse

From Eileen Munro and Sheila Fish, 2015, [*Hear no Evil; See no Evil: Understanding failure to identify and report child sexual abuse in institutional contexts*](#), Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney. ISBN: 978-1-925289-30-5 © Commonwealth of Australia 2015

The challenges for institutions in preventing and responding to child sexual abuse include:

- (1) that perpetrators seek to conceal their activities;
- (2) children and young people who are abused can be unable or slow to ask for help; &
- (3) many behavioural indicators of abuse and “grooming” are ambiguous.

Munro and Fish point to the aviation and healthcare sectors, which recognise that many failures result from *system errors*. Factors that produce system errors are best understood by analysing:

- the nature of the **activity** that needs to be managed,
- the type of **reasoning** errors that people are prone to, &
- the wider **system** in which staff operate.

In summarising what organisations can do to make themselves safer places for children, Munro and Fish refer to academic Karl Weick’s concept of *High Reliability Organisations*. These have in common a fundamental belief that:

- mistakes will happen;
- mistakes need to be spotted quickly, and addressed constructively.

High Reliability Organisations, which achieve a very high level of safety, encourage an open culture where people can discuss difficult judgements and report mistakes so that the organisation can learn.

Organisations that seek to be safe places for children must encourage *frequent, open and supportive supervision of staff* to help counteract the difficulties people face in making sense of ambiguous information about colleagues. “A shared acknowledgement of how difficult it can be to detect and respond effectively to abuse contributes to a culture that keeps the issue high on the agenda.” Fish and Munro list, as key challenges to safety in an organisation:

Errors of human reasoning

People can identify and correct errors of reasoning by considering alternative perspectives or explanations, and this is often best done with the help of others. Organisations can help create the conditions for correcting errors of reasoning by encouraging *a culture of critical reflection*, particularly by providing mechanisms for staff members to discuss their judgements.

Organisational factors

Munro and Fish explore organisational factors that influence how well children are protected:

- the recruitment process,
- training in recognising and responding to indications of abuse, and
- formal policies informing people on how to prevent and respond to abuse.

They list other less tangible but nonetheless very important aspects of an organisation:

Local rationality:

People do what they think is right or sensible at a given time, so it is important to understand what “local rationalities” may have influenced their actions.

Organisational culture:

Culture is created by:

- explicit strategies and messages from senior managers, but also by
- covert messages that are transmitted throughout organisations & influence individual behaviour.

Balancing risks:

“Policies and actions that protect children can also create dangers. Workers who are fearful of being wrongly suspected of abuse may keep their distance from children and not provide the nurturing, healthy relationships that children need to have with adults. Organisations have to reach some conclusion as to what level of concern should be reported. Making it compulsory to report even a low level of concern will identify more cases of abuse but at the cost of including numerous non-abusive cases. Efforts therefore need to be made to create a culture that understands the ambiguity of the behaviour so that innocent people’s reputations are not tainted by false reports.”

Avoiding drift into failure:

Organisations face the problem of maintaining vigilance in circumstances where the chances for any one member of staff of working with an abuser are low. Individual staff members may thus be less vigilant than they would be had they detected abuse on multiple occasions. Conversely, if all staff are asked to report very low-level concerns, a pattern of “false alarms” can lead to cynicism.

So: managers must stress the importance of vigilance, and they must monitor and endorse protection policies.

SOME OTHER PERTINENT MEDIA REPORTS

Martin McKenzie Murray provided a particularly clear and concise summary of the Royal Commission into Family Violence report in the *Saturday Paper of April 2nd*, in an article entitled *Familial patterns*. He suggests that the report is “so comprehensive - and enjoys such bipartisan support – that it may well become a globally useful template.”

One of the Commissioners’ recommendations is the creation of a specialist family violence court.

Drug Court: A 3-Part Radio Documentary Series

ABC RN's *Inside the Drug Court*, a three-part radio documentary series on *Earshot*, takes the listener inside the largest specialist Drug Court in NSW - where long-term addicts with extensive criminal histories are put through a challenging rehabilitation program.

Five NSW Drug Court participants granted ABC Radio National producer Sharon Davis unprecedented access both to the Court over a two-year period. The program follows participants as “they stumble, go back to jail and try again.”

Inside the Drug Court:

Episode 1: [The Last Chance](#)

Episode 2: [The Struggle to Stay Clean](#)

Episode 3: [The Road to Heaven](#)

Tie me to the whipping post—the rise of public shaming

The advent of social media has given people a voice with a global reach. But what one tweets tends to come back to bite. In *So You've Been Publicly Shamed*, long-form journalist Jon Ronson investigates the phenomenon of public shaming. Social media create a malign mirror of a community of care, as [Ronson discussed on Radio National's Life Matters](#).



Anne Summers in Conversation with Lt General David Morrison



Before he became 2016 Australian of the year, David Morrison was Lieutenant General and Chief of Army. In this March 2015 conversation with Anne Summers, he describes the circumstances leading to his [Message to the Australian Army](#), after an announcement in June 2013 that civilian police and Defence investigators were inquiring into allegations of unacceptable behaviour by Army members:

"Those who think that it's okay to behave in a way that demeans or exploits their colleagues have no place in this army. If that does not suit you, then get out."

Neighbourhood justice

A March 2016 of the **SBS program *Dateline*** examined the twin topics of:

- (i) solitary confinement of young offenders at [Rikers Island jail in New York](#); &
- (ii) Judge Alex Calabrese's [work with young people at New York's Redhook Youth Court](#).

The program mentioned that the Centre in New York's **Red Hook** neighbourhood had influenced policy in Australia. That is certainly true of the Collingwood [Neighbourhood Justice Centre](#). There's a **related story on the two-way exchange of innovative justice ideas** between Australia and the US.

Some of what is happening at our local Neighbourhood Justice Centre is an advance on young people replicating the adult court system. The NJC is now using group conferencing to involve communities so that they can address constructively issues of crime and community conflict.

[Dr Lauren Abramson](#) heard about Australia's first [youth justice group conferencing](#) program over two decades ago, when she was working in a Head Start program affiliated with Johns Hopkins University. She is now Director of the [Baltimore community Conferencing Center](#) (BCCC), which remains among the most innovative neighbourhood justice program, particularly in offering **large-scale group decision-making processes** in struggling neighbourhoods, with remarkable results.

When Lauren spoke at the VARJ / NJC *conference on restorative practices* here in Melbourne a few years ago, the Director of the Collingwood Neighbourhood Justice Centre was very excited by the work they had done in Maryland, and has appointed Russell Jeffery, a very experienced convenor with [Victoria's youth justice group conferencing program](#) to replicate it some of that work here in Melbourne

This is community justice offered such that all the people affected by an issue are involved in reaching a shared understanding of what has happened, and then crafting a workable agreement (rather than simply having a decision imposed on them). This impact of this approach on social policy and practice in contemporary Victoria *is still not yet widely understood or reported on*. SBS has now expressed interest in capturing this story.

Performance appraisal and Management goal setting

VARJ members involved in workplace issues will have some sense of the number of workplace issues that begin, or are catalysed, by **ineffectual performance discussions**.

A 2015 article in the *Economist* provided an illuminating potted history of changing fashions in [management goal setting](#) since Peter Drucker coined “management by objectives” in the 1950s, along with the mnemonic that goals should be SMART (specific, measurable, actionable, realistic and time-sensitive). A formulaic goal-setting approach eventually came to be seen as (i) too *bureaucratic* and (ii) focused on *outcome goals* in situation where an ideal outcome may be uncertain. (The indirect goal of improved data gathering is often required to identify what an ideal outcome might be.)

Yet well-chosen goals remain vital. Research evidence confirms the common experience: managers who believe they have been set unattainable goals are more likely to abuse their staff. Employees are likely to neglect important matters that have not been included among their goals. Other likely risks of inadequate goal-setting are corrosion of workplace culture; reduced staff motivation; and a temptation to behave unethically.

Clear and simple goals help individuals and teams focus, evaluate performance, decide whether to maintain or change course, and enjoy a sense of achievement. Recent research evidence emphasises that goals should be set more frequently than once a year, they should be transparent to the rest of the organisation, and progress towards them should be measured more often.

Goal-setting should also be a separate exercise from performance reviews (which influences grade and pay). This separation helps give staff permission to test themselves and sometimes to fail.

A recent Radio National broadcast (Monday 16 March 2015) addresses directly [the problem with performance appraisals \(and how to fix them\)](#). The discussion was promoted by a recent study published in the journal *Human Performance*, which addresses the reliability of performance appraisals. This is just one contribution to a growing body of work that's questioning the traditional approach to appraisals.

“In a sample of managerial performance ratings we report on components of variance and find that the idiosyncratic rater variance component is about one third rater main effects variance, one third Rater × Ratee interaction effects variance, and one third upper-bound Rater × Ratee × Dimension interaction effects variance. Further, results indicate that variance components are moderated by the acquaintanceship time between the rater and the ratee”¹

This translates as: performance appraisals say more about:

- the context,
 - the manager, &
 - the manager’s relationship with the staff member,
- than they say about the staff member’s performance.

Fairfax business columnist James Adonis, who researches ways that leaders can engage employees during organisational crises and significant change, summarises what is currently understood about good practice:

- a manager should appraise their team frequently, perhaps even daily;
- appraisal involves both what should be reinforced and what should be redirected;
- issues should be addressed as they arise.

When this approach is in place *as a system*, the confrontational element of performance appraisal tends to be reduced or removed.

¹ Thomas A. O’Neill, Matthew J. W. McLarnon & Julie J. Carswell, “Variance Components of Job Performance Ratings” *Human Performance*
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