A centre for restorative research & engagement

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Introduction

We need to address the strategic need for restorative practices for all New Zealanders. Substantive evidence supports the view that restorative practices contribute to increased wellbeing through strengthening relationships and addressing conflicts in a comprehensive manner.

To realise the full potential of restorative practices, New Zealanders need a critical mass of resource and a platform for civic engagement that is informed by high quality research and practical expertise.

We need to bring restorative practices front and center to the way we address opportunities and challenges across multiple sectors and in how we revitalise our communities and public institutions.

Why do restorative practices matter?

New Zealand prides itself as a vibrant, attractive, easy going and progressive society committed to principles of modern civic life and democratic systems. We have a strong international reputation and a history for standing up for what is just.

Whilst we can be generally optimistic about our future in a brave new emerging world order, we are a small nation and we need to be better prepared so that we can be very confident that we can play a vital and constructive role in uncertain and dynamic geopolitical conditions. This deep level of security will come from our ability to draw on our own cultural reserves, to invest boldly for social benefits and to build resilience at the community level. We can then count on our investment to demonstrate to the world how we prefer to address and resolve conflicts based on universal human values.

Our local communities are facing challenges that are complex, increasing in intensity and have caught us largely by surprise. Increasingly, the very core of our collective wellbeing as New Zealanders is affected by subtle shifts in how we engage with one another. Growing and persistent mental health issues, alarming suicide statistics, increasing levels of substance addiction and youth crime and the adverse impact of social media on our democratic systems are a cause for concern. This, together with a prison population that is disproportionately large in comparison to our general population, are just some examples of the significant issues that need cost-effective and sustainable solutions. Many of the challenges we face are consistent with global trends in advanced economies. However, there are other challenges that stem from unresolved issues that originate from the very birth of our young nation.

There is already significant evidence that restorative practices, when implemented well, are highly effective in maintaining peace: a humane and effective way to resolve a wide range of conflicts.

> ***Restorative practices*** use the restorative principles of democratic inclusion, participation, problem solving, mutual responsibility, and respectful dialogue to build healthy and equitable relationships between people in organisational settings and to repair relationships when conflict or harm occurs[1].

> ***Restorative justice*** refers to a relational way of responding to wrongdoing and conflict that seeks, above all else, to repair the harm suffered, and to do so, where possible, by actively involving the affected parties in facilitated dialogue and decision-making about their needs and obligations and about how to bring about positive changes for all involved[1].

We wanted to examine whether restorative practices and restorative justice processes in New Zealand have the potential to complement our civic engagement and scale to a level that can make a significant contribution to our priorities as a nation, positively influence international relations and to serve as a strong foundation for our communities.

We interviewed people from diverse backgrounds, who have significant standing within New Zealand society and are highly informed about restorative justice and practice. We present a summary of what we found, organised in three sections:

1. The Present

What are the current opportunities in the restorative practices that are not well utilised? What are the challenges that have to be overcome so that these practices could have a deeper and broader impact for New Zealanders?

2. The Past: The origins of restorative practices in Aotearoa

What are the origins of restorative practices in Aotearoa? How do we learn from Māori traditions and experience to inform broader society?

3. Our shared future

How can we best grow restorative practices so that they can protect our interests as a peaceful and resilient society - and share our learnings with the rest of the world?

We have found that restorative practice and justice is a significant strategic opportunity for New Zealand. It is a rich, multi-faceted resource: A well-functioning system for restorative practice throughout New Zealand could contribute to our social capital and this has potential to contribute to every walk of life. Like our natural capital, it could be a dependable and sustainable resource that contributes to our collective wellbeing.

However, there is a real danger in us not being sufficiently future focused in this area, not investing in it with confidence and courage. If we don't set our

sights high enough and if we don't dig deep enough and cultivate this rich cultural resource, we are likely to find that we inherit the pains of status quo systems of resolving conflicts that are not designed well enough to serve our future potential.

There is a definite need for a nationally significant centre for **restorative research and engagement** that can build on our strengths in restorative practice, engage with every section of New Zealand's society to build resilience, partner with government and represent our world class implementation and resources on the global stage.

We need a platform for restorative justice to help us carve out new pathways for a restorative future for New Zealand.

"Our global standing is high: when we speak, it is with credibility; when we act, it is with decency. Long may that continue."

Prime Minister Jacinda Ardern,

A Vision for a Global New Zealand

About this report

We were commissioned by Professor Chris Marshall, the Diana Unwin Chair in Restorative Justice, hosted by the Victoria University of Wellington's School of Government to assess and articulate the case for establishing a publicly funded, multi-disciplinary "Centre for Restorative Research and Engagement" based at Victoria University but with a broad civic and cross-sector outreach and nationwide profile.

This report presents insights from our research and our interviews with people who have significant experience of restorative practice in the New Zealand context. We have utilised this knowledge to identify potential benefits for the centre. We indicate this throughout the document.

Approach

To produce this report, we developed a method that was customised to the restorative practice subject area. Our method comprised of 4 phases: An Assessment phase followed by Research and Analysis, then Design and finally Drafting and Publication.

There were two themes that were common across all the 4 phases: **Principles & Ethics** and **Communications**. We used a continuous process of discovery, refinement and development to establish the most appropriate working principles and values that would apply to our work. At regular meetings and engagements we continuously refined our approach to internal and external communications. This approach guaranteed that we were being values-led and responsive to the needs of stakeholders in our work.

We allocated significant effort to understand the causal factors behind the challenges in the restorative practice area in the New Zealand context. We have developed this report with the primary purpose of providing a rationale for addressing these challenges strategically and in a holistic manner.

The Assess Phase

The work in the assess phase focused on understanding the context of the Chair's work programme since its establishment in 2014 . We interviewed the Chair, academic staff and in-house consultant to gain an initial understanding of the work that has been performed to date.

We looked at relevant investment guidance from the Public Sector, policy statements and performed a scan of current work being carried out in New

Zealand and overseas.

Conclusions from the Assess phase

From the work arising in the assess phase we came to the following conclusions:

1. There was a considerable amount of work carried out by the Chair across a wide array of domains but there was no long-term plan (or strategy) that tied the work together.

2. We could not find any evidence of a national strategy for restorative practice or a long term plan that would be realistically considered as a "significant" priority for the government. According to the New Zealand Treasury, "Significance" is assessed by agencies, and includes investments likely to have major impact on the government or citizens, the fiscal strategy, or the investment strategy.

3. A case for a nationally significant centre would need to be contextualised within the strategic value of restorative practices and restorative justice to New Zealand citizens, agencies and non-government entities.

Developing, or even, recommending a strategy is out of the scope of our current work. Instead, it would be useful to report on the key areas that would serve as important inputs for such a strategy. We believe that this will also serve to develop the rationale for why a nationally significant centre for restorative research and engagement should become a cornerstone in enabling this strategy to be developed and executed in partnership with government and other interested parties.

The Research and Analysis phase

Having clarified the key objectives and scope for the work, we utilised established and authoritative sources to perform independent research. We used Treasury Investment Management guidance to inform us of our approach in 'making a case'. Essentially, this report is designed to inform the 'Think' phase of the Treasury's Think, Plan, Do, Review phases of the Investment Management System. The report is designed to facilitate a conversation with interested parties and agency leadership on prioritising a national-level strategy within its (10 year, 4 year and 2 year) planning horizon. We developed a research methodology that was tailored to this type of

investment.

We needed to understand the context and strategic landscape of restorative practice and restorative justice quickly and from authoritative sources. In the early and exploratory stage of research process, it was important to capture domain knowledge and strategic insights that could shape thinking and work in this area. We also wanted to achieve a sample quickly and efficiently. We reasoned that the first step was to take a predominantly strengths-based approach. For these reasons, we took a purposive sampling strategy. Our criteria for interviewees, therefore were that they are already committed to restorative practice and justice, have an experiential understanding of its benefits, its quality criteria and have substantive leadership experience. We identified two focus areas for discussion with our interviewees.

Part 1: Exploring Wellbeing Impact of Restorative Practices for Individual New Zealanders

We used the OECD's wellbeing framework [2] to capture our interviewees' understanding of the wellbeing benefits to New Zealanders under the assumption that a centre for restorative engagement and research would be in place and that it would work to embed restorative practices in society.

Part 2: Exploring Impact for Research Excellence

The second part of the survey explored the potential impact of the proposed center to objectives of research excellence. This part was based on the OECD's study on Centres of Research Excellence[3].

We approached the Chair to provide us a list of people based on the above criteria that he was aware of. We asked to be introduced to these people via a standard letter of introduction that we prepared. We interviewed all the people (n=10) who responded to our request.

In addition we wanted an independent Māori perspective so we reached out to one additional interviewee, the co-president of Te Hunga Roia Māori o Aotearoa – the Māori Law Society.

All together, our survey consists of a sample size of 11, which is small but adequate for this type of research.

We designed our survey to prioritise the systematic acquisition of this

(leadership) knowledge over technical analysis such as Cost Benefit Analysis which is more suited to the Plan phase of the Investment Management System. The survey was designed to serve as prompts for a qualitative style of interviewing. We met interviewees in person and utilised a combination of open questions to explore their background, context and specific assumptions that shape their responses.

A limitation of this sampling approach is that conclusions cannot be drawn about what may or may not be the opinion of other individuals or groups in New Zealand society outside of our sample. It would be reasonable to assume that to some extent, the sampled group is a proxy to the people who have experiential knowledge of restorative practice and have a good understanding of its benefits to New Zealanders.

Further research will be needed to systematically study wider segments of New Zealand society and to develop and apply a research methodology suited for that purpose.

Over and above structured research, we also reached out to informal sources. We engaged in public discussions through participating in conferences in order to get independent perspectives from a broad range of sources and to test our thinking and assumptions for the recommendations that we provide in this report.

We analysed the results of our interviews and reflected on engagement with individuals of diverse backgrounds – locally and internationally.

The results of the survey are attached to the report together with a copy of the invitation letter.

The Design phase

The design phase comprised of high level and low level design. In the high level design stage, we designed a conceptual framework, or architecture, that we used to develop the proposed purpose and principles of the center. We used the design to develop the rationale and structure of the report. We also used this design to consult with the Chair and their staff on a regular basis. The low level design comprised of the technical details of drafting and presentation of the report.

The Draft and Publish phases

We drafted the report as per the design, providing our client an overview of the findings.

Acknowledgments

We are especially thankful to all those people and organisations who have contributed their time and gifted their knowledge and experiences for the purpose of this report.

We acknowledge our interviewees : Sir David Carruthers, Children's Commissioner Judge Andrew Becroft, Hon. Chester Borrows QSO, Sir Kim Workman, Professor Wendy Larner, Ms. Ophir Cassidy, Paul Nixon, Caroline Holden, Prof. Dr. Chris Marshall, Dr. Tom Noakes-Duncan, Anya Satyanand and Jon Everest, who responded to our many questions and requests for further information and clarifications. We are especially grateful for their patience and thoughtfulness in explaining aspects of restorative justice in Aotearoa's unique context.

We are grateful to the staff of the organisations that we contacted - especially Oranga Tamariki, Ministry of Business, Innovation and Employment, Office of the Children's Commissioner, Ministry of Justice, New Zealand Law Society and Manukau Law and Victoria University of Wellington for their assistance in providing access to people and resources in relation to this report.

We would like to thank the students of the Diana Unwin Chair in Restorative Justice at the Victoria University of Wellington's School of Government for their help with providing relevant research and information on request.

Finally, we would like to thank Karen Coyle , Executive Assistant to Professor Chris Marshall for her assistance with logistics and administrative support.

Recommendations

These are our key recommendations for the Diana Unwin Chair in Restorative Justice in relation to developing a persuasive case for a centre for restorative research and engagement.

1: Champion for a nationwide strategy for a restorative New Zealand.

Engage purposefully with the Safe and Effective Justice Advisory group to communicate the need for a **national strategy for a restorative New Zealand**. We suggest that this report is used to develop a case for why restorative justice and practice should be regarded as a significant investment for New Zealand.

2: Develop a public engagement strategy and plan

In order to support a drive towards a nationwide strategy for a restorative New Zealand, approach public sector leadership to discuss how a national strategy would be prioritised. Our research and interviews suggest that the government's priorities for Wellbeing for all New Zealanders across all its major portfolios is a strong driver for this.

Develop a **public engagement** strategy and plan. Systematically develop a campaign for restorative engagement at a nationwide level - with consistent messages relevant to multiple contexts. As Children's Commissioner Judge Andrew Becroft mentioned to us, it is crucial that there is a vocal deliberate advocacy: with our media, government, communities and [enterprise] to get the vision for a restorative New Zealand out there among the general public. He believes that right now, this is the most important thing.

3: Address broad societal needs - across all sectors.

Engage broadly across multiple interest groups - don't leave it all to government agencies and "hope for the best". The public sector needs all the help that they can get. We have heard from our interviewees that a restorative future for New Zealand is likely to have broad political support if people engage with **purpose**, **compassion** and **courage**.

4: Commission place based, community-focused research

Commission research with a community focus. Take real world scenarios

of engagement with communities in the public and private sector. Use the **principles of the centre** that we have proposed in this report to shape engagement and illustrate why these principles are crucial for system-level change and crucial in the transformation of peoples' relationship with their community.

5: Apply co-design and collective impact methods

Apply co-design and collective impact methods to gather support for engaging in financial planning with government agencies and an intention to develop an investment case for a centre for restorative research and engagement. Utilise this report to develop a socially constructed way to explore the potential benefits and validate their efficacy. Apply the Treasury's Investment Statement and related guidance in helping public sector agencies integrate insights into business improvement. Restorative practices could help address failure demand today.

6: Address specific needs of public policy professionals

Be proactive in supporting government agencies' public policy teams, NGOs and other interested parties with philosophy, concepts and real world case studies. Write specific guidance that would help busy analysts integrate the key messages of this report into their work.

In essence, we believe that a robust case for a centre for restorative research and engagement can be best developed within a strategic context (the strategic case) and in partnership with representatives across New Zealand society. The New Zealand Government would be a key partner in such an endeavor.

Throughout the report, we have identified potential implications for the proposed centre, in context to specific challenges and opportunities.

In Part 3: "Our Shared Future" we propose key principles for the establishment of the centre, together with financial drivers that support the need for urgent action.

The Present

In New Zealand, restorative practices are currently used across a wide range of contexts and for a wide variety of purposes. They are actively used in our schools and communities to resolve conflicts. It is taught at leading tertiary institutions. The public sector utilises restorative practices across the care and protection and justice systems. New Zealand has professional communities that specialize in restorative practice. However, these practices operate in relative isolation. It is clear that restorative practices are yet to realise their full potential. There is plenty of opportunity for system wide supports to develop synergies between practices so that they can achieve their full potential in a way that can benefit all New Zealanders.

Restorative practice in schools

Restorative practices are widespread in use in New Zealand schools. A recent evaluation by Martin Jenkins and Associates Ltd.[4] for the Ministry of Education indicates that while there has been progress among the 27 schools examined (out of a total of 127 participating schools in the PB4L programme) progress is slowing. For instance, there are significant challenges in finding dedicated implementation team support in these schools. This is likely to be the case in the broader sample of schools also.

While there is cause for optimism in the progress that schools have achieved with restorative practices, the severe resource constraints and the need for relevant, dedicated, specialist skills to provide support in this area makes it a real challenge to scale and grow good practice. While evaluations are generally positive in nature, they have only examined small sample sizes and evaluations are sporadic, few and far between. Anecdotal evidence suggests that the quality of implementation in schools is highly variable. Sir David Carruthers KNZM is past chairman of the New Zealand Parole Board and retired Chief District Court Judge and is credited for having played a key role in the early adoption of restorative practices in New Zealand's courts. He estimates that nearly half of secondary schools utilise restorative practice to some extent.

Monitoring, review and evaluation processes need to be informed by high quality research and evidence, complemented by advisory skills that are readily available. This is crucial in maintaining the momentum of progress where quality is good and it is also crucial to have "problem solvers" - paying attention to areas that need better resourcing or finding ways to achieve more out of the resources available. This type of problem solving requires expertise. It is worth examining how to develop cost-effective monitoring, review and evaluation approaches so that these can be more frequent, have broader coverage and are able to be utilised in decision making at the school, regional and national level.

According to studies by researchers Wendy Drewery and John Winslade[5] a contributing factor to the success of restorative practices in schools is for pastoral care and student support functions to be kept very separate from schools' disciplinary functions. Restorative practices, when implemented well, provide school counselors a way to contribute to the school community in relation to disciplinary issues that does not compromise their student support functions. Students have the experience of resolving disputes in an environment that is not adversarial. Our youth are gaining life skills and learning to resolve differences in ways that are more democratic - without having to rely on authoritarian role models. They are learning to think

inclusively and developing skills that demand responses that are humane and accountable.

There are significant barriers to developing on the success of restorative practices in our schools in a way that can reach its full potential. Teaching resources are stretched. A vast majority of teachers need better support to improve their condition of work. Restorative practices have a lot to offer teachers in this regard because they are in effect a preventative measure with long-term beneficial effects. This will benefit teachers as their demands on disciplining students reduces.

Students exposed to restorative practices in schools are at lower risk of offending[5].

There has been a lot of focus on the benefits of restorative practices to the criminal justice system. Now, it is important to look broader and explore the potential for restorative practices to contribute more comprehensively to student wellbeing. For this, it is important to go beyond school-centric approaches. Restorative practices need to be applied to community building efforts. A broader, more systematic approach to investing in restorative practices in schools is needed. As restorative practices advance further in our schools, we are likely to see a generational shift in attitudes towards conflict and their resolution within cultural and social contexts.

"Socioeconomic disadvantage has been linked to criminal-justice outcomes across the lifecourse. Poverty-related early-life risks to wellbeing are well-established in many domains, including criminal-justice involvement..."

Professor Sir Peter Gluckman, Office of the Prime Minister's Chief Science Advisor. [8]

Our interviewee Anya Satyanand, former CEO of Ara Taiohi - a youth focused organisation that applies restorative principles focused on holistic wellbeing – spoke to us extensively about how a sense of social connectedness is a cruicial factor in youth sense of wellbeing and a key component of Mason Durie's Te Whare Tapa Wha model[6]. Suicide risks among our youth are a matter of deep public concern[7]. Restorative practices need to be considered in targeted responses in how schools interact with families and mental health facilities, such as, with District Health Boards). In other words, there is a very significant opportunity cost for not being deliberate and strategic about restorative practices in this context.

Youth with positive experience of restorative practice are likely to have better relational competencies - they will be better learners, employees and entrepreneurs. Therefore, it is important to invest in developing our

understanding of how we can help our youth create dependable pathways towards higher education and employment through their engagement with restorative practices.

Implications for the centre

At present, the work of the Chair in Restorative Justice has involved providing advice to the Ministry of Education and engaging with schools. The Chair's lectures and conversations about restorative practice have been inspiring for students. Learning resources for schools that were prepared by the Chair have been well utilised.

A dedicated centre for restorative research and excellence will be valuable in recognising good practice where it exists, draw attention for resources where implementation is weak, work alongside the education system as problem solvers and advocate for the public sector and our communities. To do this, the centre will need organisational capability to execute outreach across New Zealand and the capability to utilise a multidisciplinary team of experts . This capability is needed in order to accelerate success.

There is potential to:

(i) develop a more comprehensive strategy for restorative practices: one that can capture synergies between schools, communities (local and international), universities and professionals, potential employers and investors and key public sector initiatives like Positive Behaviours for Learning.

(ii) work alongside schools at an implementation-level, applying research expertise to solve problems for teachers, students and administrators. This will build cost-effective strategies for continuous improvement and help good practice scale to a wider group of schools throughout New Zealand. The centre could even serve as a platform to create new opportunities for collaboration between schools and communities internationally in the restorative practice arena.

(iii) develop systematic, empirical evidence that will contribute to better policy decisions and to grow Zealand's international reputation in restorative practices in the youth context.

Restorative practice in universities

1. University administration - campus management

Campus life can be demanding for young people and discipline issues on campus are particularly challenging. Lindsey Pointer, PhD candidate under the supervision of Prof. Chris Marshall, describes [9] the implementation of a "restorative university" to address campus management. In 2016, Victoria University began accepting referrals of student misconduct cases from its residential facilities. Through the use of restorative justice the university was able to avoid suspensions, expulsions and evictions of students from university housing and has instead offered a process that more fully integrates students into the community. Victoria University then went beyond the implementation of restorative justice to go on to create a Restorative University that fosters a culture of building and maintaining relationships through circle processes and restorative conversations. The Restorative University's community building efforts primarily involve training and allocating trained residential advisors in residential halls. In 2016 and 2017 all residential advisers had been trained in restorative approaches.

"One of the things that restorative approaches allow us to do is have a methodology for culture change that builds community."

Professor Wendy Larner,
Provost, Victoria University of Wellington

Victoria University's success as a 'Restorative University' is strategic for New Zealand because it has the potential to influence campus life in other universities here and offshore, bolster our international reputation through top quality research and talent.

2. Education Courses in Restorative Justice:

Several of New Zealand's leading universities provide courses in restorative justice. Largely, however, these courses are of a piecemeal nature. Victoria University of Wellington is the only university with a professorship dedicated to restorative justice and practice. It is also the only university with a full course dedicated to restorative justice: – Graduate Certificate in Restorative Justice Practice. The School has also produced a free Massive Open Online Course (MOOC) on Restorative Justice - a world first.

3. Engagement with the NZ Public Sector

Victoria University of Wellington's School of Government hosts the Diana Unwin Chair In Restorative Justice. The Chair was established in 2014 and held by Dr. Chris Marshall. He provides academic and professional leadership to a team of researchers and practitioners and facilitates collaborative engagement between public sector agencies and civil society organisations on restorative justice issues.

There is much work of note done in the public sector context by other leading universities. For instance, The University of Waikato has done foundational work in restorative conferencing and restorative practices in schools[10]and works in partnership with the Ministry of Education across 170 schools nationwide.

4. Peer-Reviewed Research

Systematic, peer reviewed research in restorative practices that is focused in the New Zealand context is scarce but it has been growing over the years. According to a literature survey by Elizabeth Butler, available research spans youth justice, adult, Māori, family violence, workplace, theological and sexual violence[11]. There is much to be done in deepening this research base. A major constraint for researchers in this area is that incentives are aligned to publication of research in international contexts. Researchers are not rewarded for their interest in local research to the same degree[12].

New Zealand's tertiary institutions play a vital role in our society. Academic freedom is a key pillar of our democratic processes. Universities in particular are part of the critical link between our youth, our pursuit of excellence and identity. They also provide strong synergies through high skilled employment and innovation and attract top talent to our shores. However, to realize this strategic potential, there will need to be a systematic long-term investment to build capacity and research infrastructure.

Implications for the centre

The centre could provide the critical mass of shared resources and research infrastructure that could make a vital difference to schools and higher education institutions where they need it.

It could offer facilities, resources and support services that are used by the education community to conduct top-level research in a multi-disciplinary way. This could be in the form of equipment, knowledge-based resources such as collections, archives and structures for research information; enabling Information and Communications Technology-based infrastructure

such as computing, software and communication. Choices will need to be made whether the infrastructure is centralised or distributed across New Zealand. The cost and benefits of this investment will need more detailed work and this would need to align with the investment priorities of funding organisations.

It could be worth exploring whether outreach and shared infrastructure could be provided at low marginal costs – leveraging infrastructure that already exists in schools and in government entities. The efficiency of this approach is predicated on the fact that there are nationally consistent standards that are applied in designing, developing and deploying such research infrastructure throughout New Zealand. The centre could be well placed to partner closely with Ministry of Education as well as schools. It would be a place to trial Ministry initiatives in a systematic way. The centre could offer a "co-design" approach that puts students and communities at the centre of engagement.

Having a centre in place would provide strategic benefits to restorative strategy for New Zealand - providing engagement to a broad range of interested parties . The centre will be able to provide a platform for high quality consultation and engagement with domestic and international parties and be able to engage comprehensively with communities and practitioners locally on restorative topics. This type of engagement would be markedly different from the current state where schools and communities reach out to key international parties on an ad-hoc, one-to-one basis.

Restorative practices in our communities

Community groups use restorative practices voluntarily to resolve disputes in a broad range of contexts. Several restorative justice non government organisations accept referrals from people in the community who have experienced harm, perpetrators of harm, legal professionals, probation officers, police officers, reintegration workers, parole boards, schools, workplaces and neighbours.

However, there is little systematic, evidence-based literature on the social impact of the work that practitioners do in the community.

Community focused restorative practice organisations often compete for long-term funding so while they broadly subscribe to a common set of values and principles, there are few opportunities for collaboration and growth of practices that work effectively.

Restorative justice as opposed to community-focused restorative practices is the main focus in the information provided to public. For example, the Citizen Advice Bureau provides guidance on restorative justice[13] processes as part of police diversion processes but has no mention of the broader role of restorative practices in the community.

Anya Satyanand told us that young peoples' sense of interconnectedness within a community is a critical component of their overall health and wellbeing. At present public sector engagement with communities largely occurs in silos even though communities interact with government in education, business, real estate contexts and also across the care and protection and justice systems.

"I have been encouraged by Professor Chris Marshall to look at restorative practices first and foremeost as a social movement as opposed to a slick set of products and services that provide restorative outcomes."

Anya Satyanand.
Former CEO, Ara Taiohi

Many communities overseas have taken great strides in this area. Tim Chapman, Director of European Forum for Restorative Justice in a recent interview[14] : "In Ireland, for instance, restorative practices have been adopted by communities to resolve differences, emerging out of many years of devastating conflict." He described how this has occurred due its own merits - restorative practices were effective in addressing root causes, comprehensively addressing human needs and a way for communities to take charge of their own future.

Restorative practices are to a large extent community-building exercises. Communities are the key ingredient in a successful transition from a retributive justice to a restorative one.

Restorative practices in the community need to be seen not just as a way of resolving conflicts using government intervention but also as a way for members of the community to reach out to one another and as a proactive way of resolving conflicts before they escalate. This will need systematic investment, expert research skills, infrastructure and clear public policy direction that can build widespread public interest in what gets done at the community level.

To achieve this shift, our local communities need powerful platforms to exchange ideas that work and advocate for communities on the national and world stage. Investing this way in our communities will accelerate growth of successful implementation.

"People in communities should use the Police as the last resort. At the moment, the majority of referrals are handled by the Government in one form or other."

Hon. Chester Borrows QSO.
Former Minister for Courts

Implications for the centre

At present, the Chair in Restorative Justice does not have the capacity to engage with local communities to the extent that is necessary to make a significant positive impact to their capability. Community-oriented professional work is highly resource constrained. It is not feasible to engage with restorative practice professionals in a substantive way. Any real progress in this regard can be achieved as part of a phased, national strategy that has, within in it, a capability development component which is focused on communities. A centre for restorative research and engagement could be an effective way to develop a plan, in partnership with community representatives, government, non-government organisations and businesses.

Restorative practices in the care & protection and criminal justice systems

Restorative practices are used extensively in the public sector across social justice and criminal justice contexts.

Restorative practices were formally introduced into the public sector through the introduction of Children & Young Persons and their Families Act (CYPFA) in 1989. This legislation was designed to address findings of the "Puau-Te-Ata-Tu (Daybreak)" report[15] that brought to attention severe shortcomings in the Social Development and Welfare System, with large numbers of Māori and Pacifica children entering foster care. The act extended the definitions and responsibilities of families to include whānau, hapu and iwi and explicitly attempted to incorporate elements of Māori culture into its precepts. This resulted in Family Group Conferences as a medium of resolution.

In youth justice context, the act was hailed as a new paradigm and offered a completely new conceptual approach and revolutionalised youth justice practices.

Today, the CYPFA is renamed Oranga Tamariki Act 2018. A central government agency Oranga Tamariki has been established with the core purpose of administering this legislation. Practice standards[16] produced by the ministry provide clear 'must dos' for personnel when working with tamariki, Whānau Ora and caregivers.

"The spark for leadership [in FGCs in New Zealand] came from our indigenous people. The Government tried to translate that into legislation, models of practice that reflected on part, indigenous culture. Government has a regulatory function and tried to create a space between government and the community. In the early years, it did quite well but the criticism of Māori is that it has encroached that space. There is a need to correct that balance."

Paul Nixon.
Chief Social Worker, Oranga Tamariki

New legislation since 2002 (Parole Act, Sentencing Act, Victims Rights Act) has seen adoption of restorative practices within the criminal justice system. In 2017, The Ministry of Justice published a revised 'best practice framework' to establish a common approach that ensures safe, consistent and robust restorative justice practice in New Zealand.[17] It incorporates previously published standards for family and sexual violence cases. The Ministry trains and accredits facilitators and utilises the framework in the contractual relationship between the Ministry of Justice and restorative justice providers. The focus of this framework is pre-sentencing conferencing of referrals from the District Court and the Police Adult Diversion scheme.

In some cases, restorative practices have also produced strong results in post-sentencing for adults. For instance:

> In 2000 a community group "Hawkes Bay Restorative Justice" ran a project[18] with the Department of Corrections's Hawkes Bay Regional Prison addressing 82 referrals involving very serious offences. Every one of the resulting 15 conferences had very positive outcomes.

However, the practical application of restorative practice for post-sentencing to improve the climate of prisons in New Zealand and to help with re-integration of prisoners is still limited in New Zealand. Recently, Dr Bart Claes, (Board member of the European Forum for Restorative Justice, a criminologist with an extensive research background and experience in Flemish prison system) described [19]the significant level of their government's commitment to change the prison climate towards a restorative prison policy. They use restorative justice consultants who work within the prisons, guiding change and advising their leadership.

Examples like the Flemish case study show that there is potential to make a deeper commitment to restorative practices in post-sentencing settings. New Zealand's prison population is one of the highest in the OECD, costing the tax payer an estimated $100,000 per prisoner each year. Due to the effort by the current government and the Department of Corrections to reduce the prison population by 50% in five years, the prison population has dropped by 7% in the six months leading up to October 2018. This was achieved by making changes to remand population that accounts for almost 30% of the prison population. [20]

Sir David Carruthers' view was that there is untapped potential for applying restorative practices for those serving community sentences as they were at risk of re-offending. While, tweaking with prison processes will provide 'low hanging fruits' – this is the best time to be identifying how restorative practices

could be used in the prison and community context for long-term, sustainable benefits.

Despite the fact that restorative practices are supported by strong evidence for effectiveness, restorative justice practices are yet to make a substantial impact in the current criminal justice system. In 2018, the Ministry of Justice launched the Safe and Effective Justice initiative[21] to address major issues with the criminal justice system: NZ has among the highest imprisonment rates in the OECD. Māori are over-represented at every stage in the justice system. Re offending rates are high. Most people in prison themselves have a history of abuse. A Justice Summit was held with members of the public and organisations to listen to fresh new ideas.

Despite strong support from Government and high level of participation of interested parties, restorative justice processes did not have a significant share of the discussion at the Justice Summit.

Professor Marshall comments: "While restorative justice received no airtime from platform presenters, it surfaced repeatedly in breakout and feedback sessions, and is certainly implicit in the oft-heard plea for a justice system focused on healing more than punishment."

This is an indicator that, despite some good results, it has not been considered a serious option to address the big issues facing New Zealand's criminal justice system. We wanted to get a deeper understanding of the possible reasons behind this lack of enthusiasm. Here are some of the views expressed by our interviewees:

Chester Borrows, QSO and former Minister for Courts, mentioned that referral process for restorative justice for government processes do not adequately address the needs of victims. Police are often the first point of contact into the criminal justice system. Attitudes and behaviours of the police force towards restorative justice - predominantly- isn't favourable to this. As a voluntary programme, it has a significant detrimental effect on victims wanting to participate in it. Behaviours and attitudes usually take a long time to change.

"Even though standards are in place, the quality of restorative practices is very inconsistent."

Sir David Carruthers
Former Chief District Court Judge
Former Chairman,NZ Parole Board
Former Head, IPCA

Mr Borrows also mentioned that there are prevailing myths and misconceptions in the public about restorative practices. For example, a common misconception is that restorative justice is a "soft option" for perpetrators of crime. In actual fact, restorative practice in justice settings are

conducted in light of sentences, not in spite of it. Public opinion shapes, to a significant degree, how the criminal justice system responds to wrongdoing.

Sir David Curruthers' view is that while standards are in place, in actual fact the quality of restorative practices is very inconsistent. In his view, the key to successfully achieving restorative outcomes is the quality of the conferencing at the centre of the process. This extends to the practitioners, courts and local communities.

Speaking to a forum for restorative justice practitioners[22] in Wellington in 2018, Tim Chapman said that "a key issue is that there is a tendency for restorative practice processes that are mandated by government agencies to be "taken over" by professionals. Furthermore, in the case of government run programmes, professionals have a tendency to be biased more towards meeting compliance requirements than focusing on the needs of the victim." (Chapman, 2018)

Sir Kim Workman is a Māori research scholar of Ngāti Kahungunu and Rangitāne descent. He is a retired public servant with a long career that includes serving as the Head of the Prison Service from 1989 – 1993. He raised several issues that warrant more attention within and outside of government[23]:

(1) Successful implementations do not get the recognition and therefore resources that are needed to scale up what works. For example, Sir Kim talked about how faith based practices provided excellent outcomes in corrections facilities - but did not get sufficient resources to provide high quality and independent evaluation. As a consequence, these did not feature highly in the evidence base that the NZ public sector has produced. Multiple interviewees expressed support for the effectiveness of faith based practices.

(2) Māori over-representation is a long-run issue and subject of the Hunn report of 1961. Science-led approaches to risk-based profiling need closer and expert attention. In the correction's context - the movement from penal welfarism to risk management has changed the way the inner life of prisons have been managed. Kim's view is that introducing strategies such as Cognitive Behavioural Therapy (CBT) into the Corrections system and imposing those on Māori has led to a great deal of tension and debate within the Māori community[23].

(3) Recent legislation has ignored the Bill of Rights according to the Law Society Report of August 2013[24]. There were eight acts that have ignored the Bill of Rights. In Sir Kim's view there are other key pieces of legislation not mentioned in the Law Society Report that are in breach of the Bill of Rights: Prohibition of Gang Insignia in Government Premises Act 201, Bail Amendment Act 2013, Government Communications Security Bureau Amendment Act 2013, The Public

Safety (Public Protection Orders) Bill 2014 Child Protection (Child Sex Offender Register) Bill 2015. Returning Offenders (Management and Information Act) 2016.

Restorative justice has a wider role within government than its law enforcement and regulatory mandate. Here are some insights from our interviewees:

Caroline Holden, Policy Director of the Government Centre for Dispute Resolution (GCDR) mentioned that conflicts in New Zealand society, more broadly provide an early indicator of where public policy is failing. Restorative practices are an excellent way to listen to New Zealanders and inform public policy. Restorative practices, ultimately, have very high potential for our sense of civic engagement. This extends to all major sectors: tenancy rights, employment, motor vehicle and transportation disputes, local government and conservation matters.

Anya Satyanand gave us an inspiring example of how restorative approach to international engagement with the Commonwealth enabled her to influence a more equitable negotiated outcome involving a broad range of countries. This shows great potential for how restorative practices can help New Zealand lead with integrity, have a significant impact to our foreign policy and bolster our international reputation as a country that values peace.

Anya said “I have been encouraged by Prof. Chris Marshall to think of ourselves as activists to transform the world. To move towards a more inclusive, peaceful and participatory New Zealand.”

Here is an example that goes to the heart of the integrity and the heart of what Prof. Chris’ [influence] is about:

> “Ara Taiohi has been part of building an international alliance – Commonwealth Alliance of Youth Worker Associations. The pathway to an alliance has not always been a smooth road, and dealing with cultural differences and values has been an interesting journey at times. One area of difficulty has been the development of a universal definition of youth work, and in particular the tension between countries that place emphasis on human rights as the fundamental focus of youth work, and those where the rights of young people are overshadowed by discriminatory legislation and cultural norms. A great example of this is the tension between contexts like Aotearoa and Australia where LGBTIQ young people in theory enjoy the same rights as other youth vs contexts like Uganda and Jamaica where young rainbow people are actively discriminated against by the state and any youth workers who work with them are likely to be prosecuted and potentially jailed.
>
> I was coopted into facilitating a session on cultural differences in youth work models with the objective of building consensus and finding common ground. This session took place in the middle of a fast paced agenda that had given no time for *whanaungatanga* or any kind of relational [engagement]. Eighteen countries were represented around the table. I decided that I didn’t want to talk at people, or have people talk at each other, and instead [decided to] facilitate a restorative circle. This approach generated some heated responses from some participants, who were suspicious and fearful of the process. I was taken aback by the level of emotion that was generated.
>
> But I trusted the process, and ended up co-designing the circle questions with the most upset people so they felt like they had some buy in and control. I emailed Chris from Sri Lanka and got a warm and encouraging response from him right before I ran the circle – it was just what I needed. Because, I was nervous that what I was doing was not the right thing in the circumstance.
>
> The circle changed everything. The circle changed the texture of the conversation. People connected. The space deepened. We were able to talk about some of the difficult things the Alliance had already encountered. People really saw each other and understood where they were coming from. People were able to reflect on the fact that … despite the massive cultural differences in the room, [because of] this process – (everybody had a chance to speak) people felt held in a new conversation and people opened up. Almost everybody said ‘thank you’.
>
> The strategic priorities for advocacy was set after we had the circle. We were able to correct things that had caused hurt in the past.”

“Past experience has shown me that government agencies - despite good intentions - do not have the depth of knowledge or understanding to deeply address causes of the present situation with Māori and to design processes for restoration. This requires a strong partnership with external parties and to work holistically towards shared outcomes. “

Ms. Ophir Cassidy, co-chair Māori Law Society. Principal, Manukau Law, Manukau City.

Whilst the public sector is a major player in the restorative justice and practice landscape, it also has significant constraints. Despite best efforts, the fact of the matter is that it is an aggrieving party in relation to Māori. (Cassidy, O, 2018) A trusted ‘third’ party is needed to help restore the relationship. Public sector organisations are increasingly under financial pressure and human capability constraints and are facing ever increasing expectations from public to deliver on outcomes that

are not always under their control. These are all strong strategic drivers for strategic partnerships with government. Partnerships that will complement democratic systems, assist multiple departments in working closer together in matters of dispute resolution, provide credible, expert knowledge in multiple domains, external evaluation and monitoring of progress that assists public policy development, law enforcement and penal reform agendas. There is a strong need for public advocacy and civic engagement at the local, national and international levels.

For reasons stated above, even though it is important for government agencies to invest in internal resource to meet policy priorities and engage strategically, it is unlikely that government agencies will be able to achieve engagement outcomes on their own.

Implications for the centre

The establishment of a centre that has the support of government and key stakeholders will create capability in New Zealand that is strategic. This is because the centre will then be able to engage the public sector, charity sector and private sector in a manner that inflences them to work towards the **shared outcomes** that are of **critical importance** to New Zealand's best interests.

The Chair in Restorative Justice is not currently funded at the level of resourcing that is needed to provide advocacy and to develop the a public profile to engage strategically with New Zealanders, our public institutions and with key international partners.

We have heard from our interviewees that suggests that the public sector is likely to benefit from:

1. Research that is contextualised for New Zealand and its communities and is related to policy priorities.

2. Partnerships with independent third parties that help the public sector maintain trust in government - with Māori and also with other sections of society that are marginalised in New Zealand.

3. Independent, and trusted advice to government on early risks of policy failure.

4. Independent and trusted advice on public policy that is related to restorative justice across strategic and operational contexts.

A nationally significant centre for restorative research and engagement could be in a unique position to provide these benefits. However, there are several factors that need to be carefully considered in the establishment of such a centre. In Part 3 of this report "Our Shared Future" we suggest key principles and approaches that we believe need to be considered during the establishment, operations and governance of the centre.

The Past: Origins of Restorative Practices in Aotearoa

The Māori approach and principles,or Kaupapa Māori, has influenced Zealand’s modern approach to restorative justice and it is a key factor in its success in the world stage. Yet, there is very little systematic, place-specific research into Māori customs in relation to justice issues. It would benefit New Zealand if there was more public investment in Māori research - in a manner that was done by Māori researchers in a monocultural space.

The role that community organisations have played in facilitating conflict resolution and restorative justice is often overlooked. Many of these organisations have spiritual or religious affiliations. There are good reasons why we should invest in engaging with these organisations and applying ‘what works’ for the public good.

New Zealand needs to be able to tap into authentic knowledge and spiritual traditions that have the potential to transform human relationships and develop peace and goodwill -- especially, at a time when the global outlook is worsening.

Restorative practices in Māori culture

Restorative practices are practiced by many indigenous cultures around the world. In New Zealand, Māori culture form a wellspring of cultural wealth and plenty of opportunities to learn from it.

There is immense cultural diversity within Māori communities. Traditional Māori identity has been predominantly with tribes (Iwi) and each have their own complex histories. Yet, strong common themes emerge from this diversity. Sir Kim Workman states: "Despite the variance in tikanga at a local level there were broad similarities in understanding and approach to the resolution of disputes and the rebalancing which followed individual or collective wrongdoing."

Unfortunately, we found very little systematic research about Māori and other cultures in pre-settlement history. In particular, Sir Workman points to a lack of local knowledge. This is important to note because many popular misconceptions about Māori and Pacifica people arise from this lack of historical knowledge.

Māori and Pacific Island cultures, like many indigenous cultures, place a lot of emphasis on the notion that wrongdoing needs to be addressed with the whole community in mind, not just the individual. Western forms of justice differ in that the state address harm by focusing on the individuals concerned. There is little room for community participation.

In 1840, when the Treaty of Waitangi was signed, Māori formed the majority of the population in New Zealand. By several accounts Māori were a vibrant and thriving culture living in partnership with Pakeha cultures in the years leading up to signing the treaty and for several years afterward. More systematic knowledge of Māori tikanga of those times will provide powerful learning opportunities to practitioners of Māori justice today.

Moana Jackson's "He Whaipaanga Hou" report[25] on the Māori and the criminal justice system calls for the need for a monocultural space within which to understand Māori knowledge. Only then will it be able to interpret facts of social and economic conflicts. This knowledge will be crucial in having a better understanding of Māori ideas of 'success' in education, conservation, enterprise and other activity.

"The justice system is rooted in the same cultural foundations as other major social structures such as the education system; it is inevitably influenced and shaped by the same cultural values and ideals."

In his "He Whaipaanga Hou" report Moana Jackson writes: "The justice system does not exist in isolation of the society it serves." Investing resources into multidisciplinary research about the culture of Māori will help us reliably address the complex problems of conflict and institutionalised racism towards Māori. Moana Jackson calls for a mono cultural space in which Māori can be free to discover and develop their cultural knowledge.

In Sir Kim Workman's submission to the Treaty of Waitangi Claim WAI 2540, he argues "A traditional scientific world view is inadequate to explain art, culture and spirituality. When it comes to those things we must use other ways of knowing[26]. " Science-led programmes using risk management approaches for example are too narrow in characterising behaviours. The mischaracterisation of risks (false positives) is at the foundation of issues in the modern criminal justice system.

Restorative practices that are informed by this high quality cultural knowledge (not just gut feel and hearsay) are likely to address issues with modern risk based approaches used in the context of Māori. Programmes for Māori will need to put Māori practitioners at the forefront of finding culturally appropriate solutions.

"A traditional scientific world view is inadequate to explain art, culture and spirituality. When it comes to those things we must use other ways of knowing. "

Lawrence LeShan (psychologist)
Henry Margenau (physicist).

Ms. Ophir Cassidy gave us a detailed explanation of how she has applied her experience of restorative practices both - in the context of her own family and in her work applying restorative practice in schools, which was informed by her traditional and experiential knowledge as a Māori woman.

We got an understanding of how her approach to facilitation of restorative conferences is rooted in the kaupapa values and in many years of experiential knowledge gained immersed within a traditional Māori way. We got the sense that - in her case at least - the restorative practitioner cannot be separated from her life story, her family and her humanity. Importantly, restorative work of this nature is a craft developed by knowledge and history and does not readily lend itself to reductionist frameworks of toolkits, techniques and catalogs.

Ultimately, restorative programmes will need to be designed to value practitioners as much as the practices and provide the institutional support over the long term.

Research into the traditional and historic links with Pacific Island nations and

communities is also vital. Māori have had significant ties with Pacific Island communities. Knowledge about restorative practices in the Pacific Island context will be useful to develop a more integrated sense of our identity as a Pacific nation.

All this provides a wealth of opportunities to strengthen our cultural heritage as a nation.

Implications for the centre

At present, the Chair in Restorative Justice does not have dedicated research resources in Māori or Pacific Island domains and it would be near impossible to develop the type of infrastructure within the current level of resourcing.

It also poses interesting design challenges from a research programme point of view. Perhaps, a possible setup could be that a pool of dedicated Māori researchers could work in parallel with non-Māori researchers and have protocols in place to exchange knowledge and engage across these domains. The centre will need to invest in and then, offer extensive research leadership expertise, offer academic independence (a key pillar of our democracy) to support free and frank discourse in a trusted space. This will also require shared governance and appropriate infrastructure to support this type of work.

“The justice system does not exist in isolation of the society it serves”
Moana Jackson

Origins of restorative practices in community organisations

Community based justice systems have been the standard since the beginning of human civilisation[27]. By anectodal accounts, restorative justice was practiced by early settlers in New Zealand. Yet, there is very little systematic research in this crucial part of our history. There are a number of community organisations that provide reintegration and support in post-sentencing settings. Some of these organisations utilise staff and resources from charitable organisations that are centered around spiritual or religious beliefs. According to Sir Kim Workman, up to 80% of volunteers from these organisations identify themselves as Christian. In his view, faith based programmes have worked exceedingly well but have not been evaluated in a rigorous way. We will benefit from a deeper and more systematic understanding of the role community organisations and spirituality in particular has played in the restorative justice in New Zealand and indeed, globally.

Howard Zehr is widely credited to have been a pioneer of the modern concept of restorative justice. He was himself the son of a Mennonite church leader, and his book "Changing Lenses" was written predominantly for a church audience. In his book All Things Reconciled[28], Prof. Marshall writes:

> "One of the impressive features of Changing Lenses is the way it brings together historical and social-scientific analysis of the criminal justice system with biblical reasoning on law, crime, justice and peace (or shalom). Zehr's analysis of the criminal justice dilemma resonated with secular readers as well, and the book went on to have a significant impact on criminological thought and public policy well beyond its target audience... He wrote as a historian and a practitioner, not a professional theologian and his primary goal was to promote social change, not advance academic debate. "
>
> Despite the theological origins of modern restorative justice, subsequent scholarship has largely ignored the importance of the confessional seedbed from which restorative justice has sprung.

Mason Durie's Te Whare Tapa Wha framework is widely recognised as a model of understanding Māori health and wellbeing. Taha Wairua (spiritual health) is a key component of this framework and this is about the capacity for faith and wider communications.

Spiritual traditions are widely recognised as being crucial to individual sense of subjective wellbeing.

Traditions that promote universal human values become the common ground for society to find meaning, purpose and restore balance in one's lives. Prof. Dr. Chris Marshall writes: "It is impossible to *experience* justice without it satisfying our psychological need for meaning and validation and purpose, which are fundamentally matters of the spirit[29]."

Yet, there are huge gaps in our knowledge as to how we can integrate spiritual traditions in real world contexts, interact with formal institutions and how we can be certain that this is being done with integrity and transparency.

We see potential for appropriately trained experts who are able to integrate spiritual traditions with restorative practices to provide benefits - improving the quality and consistency of practices, making these practices relevant to a wider group of people and in community building. If executed well, these practices could even address issues of religious reform and dispel myths and dogmas.

Spiritual approaches that are practiced at the grassroots within community organisations have the potential for integration across cultures - such as, between Māori and non-Māori because Christianity has played a major role in Māori history and continues to be a significant aspect of Māori cultural identity. According to the Prison Chaplaincy Service of Aotearoa, 25% of the prison population attends a religious service every month. These services are almost all Christian.

The charity sector in New Zealand comprises many organisations that are related to religious or spiritual beliefs and therefore the sector has strategic, untapped potential in providing access to people in New Zealand's local communities and strengthening peace and goodwill overseas.

We have predominantly focused on Christianity due to its importance in New Zealand history. There is room to explore what we can learn from historical perspectives of restorative practices in other faiths. This could create new learning opportunities and generate innovation in restorative practices in today's context.

Implications for the centre

At present, Professor Chris Marshall, holds the position of the Chair in Restorative Justice. He has published books on the interface of spirituality and justice: Beyond Retribution (2001), The Little Book of Biblical Justice (2005), Compassionate Justice (2012) and All Things Reconciled (2018) and played a key role in attracting leaders in the field, such as Prof. Howard Zehr to New Zealand.

The establishment of a centre for restorative engagement will provide New Zealanders an opportunity to better capture the benefits of faith-based practices, in a mature, knowledgeable and compassionate environment.

The centre could be a seen as an institution that will attract goodwill and include spiritually minded people. It could offer much needed nuanced and experienced leadership – the ability to utilise the best of spiritual thinking from all faiths as appropriate and the ability to protect community focused practices and fellow citizens from dogma, ritualism and overreach. This inclusive and pluralistic approach is deeply in our interest as a nation: As a nation we need to be committed to peaceful solutions at a time when geopolitics is increasingly dominated by religious extremism on one end and on the other end: our vulnerable youth and people on the fringe of our society are struggling with anxiety and depression.

“The [restorative justice] movement owes a great deal to earlier movements and to a variety of cultural and religious traditions. It owes a special debt to the Native people of North America and New Zealand. The precedents and roots of restorative justice are much wider and deeper than the Mennonite-led initiatives of the 1970s. Indeed, they are as old as human history.”

Howard Zehr
The Little Book of Restorative Justice

Our Shared Future

New Zealand needs to invest boldly into its cultural reserves in order to address growing global security risks and in order to address pressing issues in its justice system. A nationwide strategy for a restorative New Zealand could create opportunities for investing in this way.

A resilient future for all New Zealanders can be developed through strong and dependable partnerships. Our shared future must be about investing in partnerships on the basis of strong moral and ethical choices and a commitment to open innovation and inclusiveness.

New Zealanders can expect rich dividends from investing in this way - it will vitalise our public institutions and create new opportunities for sustainable growth across multiple sectors - well beyond the justice system.

A nationally significant centre for restorative research and engagement that works through public and private partnerships should be a cornerstone of our shared future.

The big questions

We have engaged with many of New Zealand's key people in restorative justice and practice - some of whom have played an influential part in gaining institutional support and winning global acclaim for the way the public sector has applied restorative practice to address the needs of our people. From our interviews and research, we can see immense potential for restorative practice and justice processes to build New Zealand's human and social capital - and strongly contribute to better wellbeing for New Zealanders and its international partners.

Some key questions have emerged from our discussions and research.

How could our institutions play a transformative role in building relational capacity at multiple levels of New Zealand society?

Our panel of interviewees were unanimous in their view that New Zealand has a real opportunity to apply restorative practices to build resilience at a community level and to leverage our past reputation in restorative justice to influence peace making at a global level, complementing our foreign policy. Our institutions are key to helping bring economy of scale to restorative practices and to foster the rich cultural and professional resource in a way that helps address New Zealanders' aspirations for a better future.

There is potential for a future where restorative practices are embedded into the very fabric of communities and into the way we live our lives: in family, education, employment, health and justice settings. Listening to international experts (at the 'Effective and Humane' Restorative Justice conference in October 2018) discuss how they have borrowed and adapted New Zealand's practices to their own culture - it is evident that we are underutilising our strengths in restorative practice and theory. We are underutilising our potential for contributing to global thinking in how to build safer communities here and overseas. We could be more influential and purposeful in how we foster innovation in policing practice, courts processes and how we re-integrate incarcerated people into our communities. Above all, we could be doing a lot more to give voice to people who have experienced harm.

New Zealand needs a vision that recognises the full potential for restorative practices. New Zealand needs a nationwide strategy that is bold, broad and far reaching. Currently, this does not exist. There are very significant barriers to be overcome for this to be the case.

More needs to be done to promote restorative practices as a priority in political agendas. Chester Borrows believes that it has much to offer most, if not all political parties in New Zealand.

Our institutions need to take the lead in developing a vision for restorative justice for New Zealand and executing on the vision through a nationwide strategy for a restorative New Zealand. This will necessarily involve taking a broad collaborative approach through trusted partnerships.

Chester Borrows mentioned to us that a key issue with the take up of restorative practices in the public sector is the lack of priority that restorative practices enjoy in agency business. Ongoing engagement in relation to a vision and strategy at a nationwide scale needs to be suited to the need of executives and their advisors so that restorative practice is consistently at the top of executive agendas.

A key part of a nationwide strategy would need to be stimulating public demand for restorative justice and practice: The general public need to be better informed of the value of restorative practices. People need relevant information - especially to address common myths and misconceptions about these practices. For example, a common misconception is that restorative practices are a "soft option" for perpetrators of crime. In actual fact, restorative practice in justice settings are conducted in light of sentences, not in spite of it. Moreover, people need credible information that spans multiple contexts - well beyond justice issues. Communication needs to be multi layered and relevant to local, national and international contexts. There should also be stronger connections between our communities and those internationally. This is very likely to play an important role in stimulating the demand for restorative practices in New Zealand.

"The place to begin experiencing restoration is not from the top but from the bottom, in our homes and communities."
Prof. Howard Zehr

Implications for the centre

A centre for restorative research and engagement could be in a unique position to champion for a nationwide strategy that engages multiple government departments and other interested parties across New Zealand society. It could engage leadership in the political arena, government agencies, business, media and communities to advocate for restorative practices. A strategy for restorative practices will require a more nuanced and human-centric approach than a strategy for linear transactional processes.

Government agencies have real constraints in working across functional and organisational boundaries. The centre could add value to this by reducing the threshold at which meaningful collaboration can take place.

What role could restorative practices play in building our stock of social and human capital? How could this contribute to our collective wellbeing?

Listening to our interviewees, we have good reasons to believe that successfully embedding restorative practices will contribute strongly to social capital at multiple levels. Social capital is defined by the OECD as "networks together with shared norms, values and understandings that facilitate co-operation within or among groups." [30]

Social and human capital are key foundations to our wellbeing and yet these areas have been under-invested in New Zealand. Consistent with developed western nations, New Zealand has also experienced the rapid rise of consumerism and the adverse (largely unintended) effects of globalisation. Economic policies have focused too narrowly on growth and this is a leading cause of the increased migration of people away from their communities. This has put pressure on the stock of cultural reserves - changing the fabric of our social interactions to a transactional nature. Economic growth and technological innovation has increased the speed of doing business and interacting with people.

The rising addiction of people to digital technology and social media has fundamentally altered our ability to relate in a meaningful and enriching way to one another. Polarisation of opinions within society is increasing[31]. This polarisation has adverse impacts -- not only on global and national political choices but also this does not give our society a chance to invest in our own identity as a nation. This extends to our relationships between Māori and pakeha, and how we engage with communities. This goes to the bedrock of our sense of civil life and is likely to impact our democracy in an adverse way if this is left unaddressed. To be clear, this report is not a critique of economic growth or of technology innovation. This is about taking ownership of the role we play in modern society and being pro-active in looking after our shared interests through synergies that the modern world has to offer.

Though 'social capital' is a vital concept, the professional capability to measure and evaluate capital stock in this category is notoriously difficult. There is little consensus between experts and indeed institutions on how best to evaluate the stock of social capital for their purpose(s). This often involves the use of proxy

indicators that capture some aspects of social capital stock. Typical approaches involve measures of engagement in public affairs, of community volunteerism, sociability and social trust [32]. This new and emerging discipline uses analytical and research methods that are well beyond traditional 'pipeline processing' of organisational business process and data management. The emergence of digital economy, public funded open data programmes and a marketplace for data to measure social engagement offers both opportunities and introduces new risks of government overreach and breaches to privacy rights. Whilst some specialist capability exists in the New Zealand public and private sector - what is needed is to bring consistency and scalability to this nature of analysis and to provide policy makers and implementation teams quality advice and research based on this discipline.

Another key aspect that emerged from the interviews is the need for Human Capital development in the area of restorative practices. OECD defines Human Capital as " knowledge, skills, competencies and attributes embodied in individuals that facilitate the creation of personal, social and economic well-being."[33] The public sector lags in most important human capital trends relative to other industries[34].

Taken together, social capital and human capital in the restorative practices context is likely to have very significant impact for individual New Zealanders in a number of categories. It is worth noting here that the OECD framework places a lot of emphasis on individual New Zealanders' wellbeing. Individual wellbeing, though a useful measure, must not be taken in isolation of social and cultural context. Research expertise is required to make this explicit and develop the appropriate measurements. There is a lack of systematic, published knowledge by government departments, NGOs and practitioner organisations in this area.

"Reforms [in the public sector] get complicated and often, become technical exercises bogged down in detail. A transformative approach should be enhanced by restorative thinking"
Tim Chapman
Chair, European Forum for Restorative Justice

In his discussion paper " Whānau Ora and imprisonment" written for Ngā Pae o te Maramatanga and Superu in 2018 Sir Kim Workman brings attention to the work done by Statistics New Zealand in 2006 based on the Sen Approach, formulated the by Nobel Prize winning economist Amarthya Sen.

"The Sen approach is extremely relevant for the situation that many Indigenous

Peoples find themselves in – that is, they are unable to choose and attain the life they wish to live as a consequence of significant historical and structural injustices and inequalities.

Consistent with Sen's approach, Statistics New Zealand determined that Māori wellbeing should be seen as a state in which Māori people are able to live whatever life they choose to live. Several advantages were noted in adopting this approach:

- It recognises that quality of life and wellbeing are shaped by culture.
- It can be adapted to development at the collective and societal levels.
- It includes issues like freedom, security, empowerment and participation as key themes.
- It is rights-based rather than needs-based, although it does not discount the fact that basic needs have to be satisfied.
- It recognises the critical roles that government, the rest of society and the wider world play in enabling people's development.
- It does not attempt to impose a single definition of what 'the good life' is.
- It can accommodate the fluidity, complexity and diversity of Māori society and it recognises multiple realities."

The value of restorative practices to New Zealand in this context is immense and far reaching. This report will not be able to go into all the details. However, this report is intended to provide an understanding of the implications of not being purposeful and strategic about investing in restorative practices – and deriving benefits from this investment in a way that positively impacts New Zealanders' collective wellbeing.

Implications for the centre

The centre could offer multi-disciplinary expertise to assist government agencies.

The centre will need to partner with cultural experts in order to deepen their understanding of the context of issues and opportunities.

Research expertise will be needed to address the challenge of systematically managing the stock of social and human capital in relation to restorative practices. This is vital to the professional management of investment in the wellbeing approach. This would benefit agencies through knowledge transfer. There could be flow on benefits to agencies' key suppliers and to practitioners. Achieving benefits from this will require developing methodologies that are tailor made to real world scenarios, the ability to access international experts and use technology to assist in social capital measurement and analysis.

The centre will need an operating culture that is distinct from typical academic and government agencies and can focus on applied research and high quality work in an outreach environment.

What role do local communities play in the future of our democracy?

During our work, the theme of 'self determination' of communities has come across strongly. Chester Borrows spoke to us about how important it is for communities to be able to manage their own conflicts with confidence as opposed to relying on the NZ Police force for a range of conflicts.

Multiple interviewees stated that it is critical for New Zealand's communities to have the ability to address conflict and build resilience within their own space - without dependence from government, charity or corporate sectors. Tim Foote, a practitioner and founder of a social enterprise Reframe Aotearoa, mentioned that conflict is inevitable when people engage with others - what is needed is the ability for a community to manage conflicts with confidence and in a constructive way [35].

Sir Kim Workman's extensive research points to the need for justice systems to be contextualised within the context of communities and customs, or tikanga. Public sector organisations have many touchpoints with local communities. Whānau Ora and the Social Investment Approach are examples of the public sector taking an integrated approach to empowering communities. The public sector regularly commissions independent evaluations and reviews of their work. However, these programs have significant constraints. Despite their best intentions they must overcome barriers to a holistic and deep engagement.

As Paul Nixon, Chief Social Worker puts it:

> "over the long term public sector organisations make decisions that are optimized to the resources available to them. [It is a delicate balancing act] Some seemingly minor factors could play a big impact on the nature of engagement with communities."

An example in his experience is just how agencies exert control over the location and timing of meetings. This has had unintended consequences on families who are already strained for resources. More importantly, this approach does not fit the families' cultural ethos and value system for engagement.

There is much work needed to integrate policy decisions with community economic development, such as, along the lines of Asset Based Community-Driven Development.

> "When talking about individuals we might focus on how they are unemployed, drug users, apathetic or unskilled. Families are seen as being dysfunctional, abusive, or violent. Communities can be labelled as being toxic, disconnected or unsafe, with high levels of unemployment and isolation. So it isn't surprising that, with all these problems, the control of funds and services go to external organisations." ~ Graeme Stuart, Family Action Centre, Newcastle University.[36]

Instead, transformational change for wellbeing outcomes will come from community-driven progammes that focus on:

- Local knowledge
- Local culture
- Local resources
- Local skills
- Local processes

A future where restorative practices are embedded in our communities, not just in a transactional sense, but in a way to transform relationships across youth, ethnicities, employers, land lords and tenants, public sector services and other contexts will require a way of investing in relationships over the long term. Partnerships with key organisations that are committed to empowering communities to determine their own future is key to this.

"Restorative practice seeks to build the best out of human relationships that are tranformational rather than transactional. Rather than what you can give me and what we can get - what is the impact of this relationships on how we think, how we behave how we feel responsible toward each other how we care about each other, how we care about each other when things are difficult. How we can put something right when we do something wrong. "

Paul Nixon, Chief Social Worker, Oranga Tamariki.

Implications for the centre

The centre will need to execute outreach programmes that engage with communities in a multi-disciplinary manner. This will require research infrastructure that can be shared and potentially, distributed across multiple points of presence in New Zealand.

This is an opportunity to leverage infrastructure services (such as ICT services) from government and academia to provide services at reduced marginal costs.

A centre with an operating culture geared towards innovation will significantly advance the scope and scale of restorative practices in an outreach environment – as the centre could offer a platform to learn from communities and partner with them.

How can trust in our public institutions be maintained?

Even though trust in New Zealand's public institutions is strong, trends across OECD countries point to a steady decline in trust in government, large corporates and a dramatic rise in populist politics [37]. Investment in independent and credible sources is paramount in retaining trust. It is important to engage people across the full spectrum of political beliefs – including those that are disengaged from government, finance and investment systems and corporates. There are real limitations of the extent to which institutions can restore trust intrinsically. A trusted third party that acts as a liaison would be more effective in maintaining trust in relationship with government and restoring this trust when there are failures.

Mis-information (about public policy and facts) can spread very fast in the digital age. As recent collaborative work[38] between researchers at Indiana University, USA and National University of Defense Technology, China suggests: "The massive spread of digital misinformation has been identified as a major threat to democracies." Increasingly, this is outside the direct control of governments.

We want to bring attention to this because there is a very real danger of not being strategic about protecting our interests as a nation and investing in our democracy. To do this we are going to need to think in terms of ecosystems, trusted partnerships and to address complex problems through integrity, transparency and the relentless pursuit of excellence. More than ever before, our leaders require advice that is dependable, 'free and frank', focused on outcomes and outside of partisan organisational agendas.

Implications for the centre

The scope of the centre will need to include a platform for engagement that is supported by sophisticated digital and social engagement technology. This will also require investment in public relations expertise.

The centre could offer significant benefit in managing reputational risks: its mandate of academic independence and through integrity along the lines of the principles proposed later in this section.

How can the public sector reduce failure demand?

There is growing evidence that a large proportion of public services deal with "failure demand" - that is, transactions with the public that are a result of failure of one or more public service department to meet the need of the public. A good example of this is the mis-categorisation of a health claims application (a simple administrative error) resulting in an unsatisfactory outcome for the claimant. A restorative approach to settling this matter where both parties are able to understand the context of the claim and the claimant to better understand the administrative process could prevent a formal dispute from arising.

Restorative workplaces are another opportunity where a better relationship between employers and employees could reduce the demand on employment dispute resolution. In effect, addressing failure demand is about the lack of investment in areas that prevent negative outcomes from occurring.

Implications for the centre

A centre that is focused on outreach, engagement and applied research could be in a unique position to offer deep, practical insights in reducing failure demand for public services.

There are significant potential benefits via avoided costs and improved productivity.

To achieve this the centre will need to train, accredit and manage a dedicated team of advisors or consultants that provide trusted advice to decision makers and staff.

How can the public sector improve productivity in a sustainable way?

Government departments are known to have low levels of productivity in comparison to the measured sector. "Productivity in private sector industries has averaged 1.5% while in public sector industries, like education and health, it has averaged 0.2% [39]."Productivity is not just important for more competitive markets. Improved productivity has significant social benefits. Dr Nolan, principal economist of the NZ Productivity Commission mentions "Higher productivity means public services can do more for users and [the] broader community". In a recent report on the inquiry of Public Sector productivity:

> "Productivity improvement emerges from changes that improve the way things are done. Agencies cannot improve their efficiency without a willingness to innovate or experiment. If government wishes to encourage innovation it will need to signal a tolerance for risk. Public sector leaders also need to champion innovation and a drive for more efficient and effective services. "

We suggest that a strategic approach to restorative justice should involve opportunities where public goods can be generated in a more effective and efficient manner with agency leadership. This requires investing in better quality management of services that are contracted out by government.

In our view, a focus on "best practice frameworks" such as the current Ministry of Justice approach to restorative justice services is necessary - but this is not sufficient to address productivity gains. We suggest that the public sector should invest substantively in partnership with organisations that can apply a high degree of research expertise to practical issues in the restorative practices area. It should invest in partnerships to build capability within communities and work strategically to build synergies between the public, charity and private sectors.

Implications for the centre

The centre could be in a unique position to offer quality management advice based on the expertise of restorative practice execution.

In order to contribute to productivity gains, the centre will need to train, accredit and manage a dedicated team of advisors or consultants that can provide trusted advice to decision makers and staff.

The centre could also bring expertise to systematically measure productivity gains to inform research and system wide improvement. This could have benefits to the wider research community and to public sector leadership in an area that is of vital importance to New Zealand.

How can innovation processes help public policy?

A core part of culture for innovation is the ability to attract, retain and maintain intellectual knowhow for innovation and research. Policy professionals and implementation teams in civil service need career pathways in a supportive environment and the ability to further their interest in national and international arena.

Public policy personnel often work under significant time constraints [12]. Policy professionals' work have a significant impact on state sector decisions and government policy settings. Investing in how policy professionals can be better served through knowledge products: evidence briefs, literature surveys and environment scans for instance will contribute to more informed decisions through the policy life-cycle. Providing professionals with products of interdisciplinary research across a broad array of disciplines (neuroscience, economics, data science and others) can make a significant contribution to their work. The complexities of the internal workings of agencies mean that it would be more efficient to obtain these products from trusted research partners.

Our civil servants need more comprehensive support in developing public policy that utilises restorative justice. Len Cook CBE (who served as Families Commissioner) mentioned at the 'Effective and Humane' Restorative Justice conference that there is need for **evidence based implementation** - not just evidence based policy. A nationwide strategy for restorative justice would need to include a priority for data that supports location-specific implementation - not just policy analysis. The Integrated Data Infrastructure (IDI) is an important resource for policy professionals but lacks data on a number of location specific factors. A strategic approach for restorative practices will provide policy professionals with coherence across the full scope of the public sector - not just in justice settings. Restorative practices for dispute resolution could complement current capability such as the Government Dispute Resolutions Service.

Government agencies also have a significant need to retain policy professionals. Government agencies could benefit from offering career pathways for policy professionals who are interested in restorative practices. Entry level professionals who have an interest in building a career in restorative practice are likely to benefit from credentials that are relevant to public sector and also from a credible, recognised source with an international reputation. Intermediate and advanced level professionals will benefit from secondment opportunities that deepen their knowledge of restorative theory and practice in a research and outreach environment and yet aligned to policy priorities.

There is considerable interest within public sector organisations in recent adoption of Public Sector Innovation (PSI) labs or i-labs

PSIs are often described as "islands of innovation" within organisations. Whilst the idea is gaining popularity there are considerable challenges in how well PSIs are able to influence policy decisions, improve productivity and achieve impact.

A survey [40] funded by the Australia New Zealand School of Government indicates that the top two challenges facing Government-based PSI units are a lack of operational capacity within their organisation and risk aversion. This is a challenge shared by independent PSI units albeit to a lesser degree.

Implications for the centre

The proposed purpose and principles of the centre will require an operating culture that is markedly different than that of a typical university setting or government agency setting. An option could be that the centre might operate more like an innovation hub with distributed points of presence across New Zealand for outreach.

It would be markedly different from a typical PSI because it would be a dedicated, inclusive organisation with a focus on a national strategy for restorative practices and therefore, a focus on capturing benefits for interested parties based on high quality implementation.

How can restorative practices contribute to growth in ethical private investment in New Zealand?

There is a lack of a vibrant marketplace for restorative justice practitioners. There is often competition between practitioners for public sector contracts. Public funded contracts are usually short term and practitioner organisations have the constant challenge of addressing uncertainty in funding. A focus on long-term funding that rewards strong partnerships in the community is needed.

Impact Investment is a growing international trend where investors put capital in companies, organisations and funds that demonstrate measurable impact in social, environmental and governance related benefits. There are currently US$23 trillion in sustainable investments globally representing 26% of all professionally managed funds. In New Zealand, the potential size of impact investment is around NZ$5b[41]. Over the longer term this market will be driven by millennials who see investing as means to express their political and social preferences. Social Investment requires transparency and credibility of evidence. NZ Government leads the world in providing an open climate for

engagement with investors. This is an underutilised strength. Investment at the community level is far too complex for public sector agencies to manage directly. Investors need credible investment vehicles to carry out investments.

The Justice Sector Fund (JSF) is an example of impact investing by the NZ Government but this is limited to only participating government agencies:

> "By May 2017, 66 initiatives had received funding through the JSF. A total of $273 million of savings from the justice sector has been reallocated for these initiatives, examples include the review of family violence law, expanding the use of restorative justice, reintegration programmes for people released from prison, and installing audio-visual links between courts and prisons to improve public and prisoner safety."

> "…One of the main goals of the JSF is to allow new initiatives to be trialled. Once they have shown they are effective they are able to seek long term funding through the annual Budget process."[42]

It is important to go further than this. The justice sector needs credible pathways to engage with investors in the private sector, shape community-led innovation, provide research and implementation expertise and share evidence of what works to support relationships across the charity sector, private and public sectors. Honest brokers are needed. Organisations that can play a role in catalysing public private partnerships. Policies that are underwritten by the public sector, for instance, could provide opportunities for investors to develop an ethical and culturally appropriate marketplace of products and service ecosystem. This will also contribute to improvements in productivity.

Implications for the centre

State sector legislation places checks and balances for how they engage with private investors. The centre could offer a way to engage with private investors in a way that could benefit communities directly.

The centre could even play a pivotal role in facilitating public private partnerships: identifying opportunities and showcasing their success. Investors need transparency, integrity and evidence of 'what works' to assess the viability. The centre could offer this to investors in manner that helps support their investment choices.

It could also open opportunities for members in the community, especially youth who have entrepreneurial ambitions.

Are there better ways to invest in the professional development of practitioners?

A future where restorative practices are embedded across New Zealand society is predicated on having a healthy and functioning ecosystem of partnerships and professional practitioners.

In a forum led by Tim Chapman during his visit to Wellington for the Effective and Humane conference we learnt about the importance of "problem solving" in a restorative justice setting. Typically, restorative justice settings involve two main phases: (i) the conferences themselves, where the person who has caused harm meets with the person who has experienced harm in the presence of a facilitator. (ii) The development of a plan (that, eventually has a legal status through a Youth Court Order in this example) that comprises actions that the perpetrator of harm must take to address the needs of the victim. The process of developing a realistic plan that is comprehensive requires considerable skill, experience and often, knowledge of social services and local conditions. This is no easy feat.

We were left with the impression that a superficial approach to accreditation of practitioners is insufficient to achieve results in a cost-effective way. This requires a long-term commitment to growing practitioner capability that is holistic and comprehensive.

Implications for the centre

The centre could offer a way to engage practitioners across New Zealand and also connect our practitioners with the best in the world.

Multiple interviewees indicated to us that the centre could offer accreditation to practitioners. A centre that has access to outreach, research expertise and strong relationships with government could offer a quality of accreditation that is comprehensive and meaningful. The centre would also need to manage a regular audit and monitoring programme to provide assurance to stakeholders on the quality of services offered.

This has significant potential benefits in improving the effectiveness and efficiency of restorative practices services across New Zealand.

How could New Zealand secure a strong future in a 'superdiverse' landscape?

New Zealand is becoming a 'superdiverse' country. According to the Auckland Plan 2050 Evidence Report: Belonging and Participation[43] , Auckland is the fourth most ethnically diverse city in the world behind Dubai, Brussels and Toronto. This is an opportunity for restorative practices to be tailored to be culturally specific to immigrant communities. However, this requires high quality implementation for benefits to accrue and hence the need for strong partnerships that can attract and utilise the best talent from across the globe.

Implications for the centre

A focus on outreach could offer significant benefits through better cultural integration with migrant communities. This could have many flow on effects for a more productive economy and reduced drivers for conflict.

There is much to learn about restorative practices in other parts of the world. This could open opportunities for a deeper level of cultural exchange internationally and therefore better diplomatic relationships.

The centre could offer benefits in this area in a manner that is far more effective than government departments or NGOs due to the level of expertise that it could offer through outreach activities.

How could New Zealand deal more constructively with climate justice and the protest movement?

It would be valuable for professional development for restorative practices to address the needs of youth and special interest groups. Special interest groups focused on the environment, for example, are a significant opportunity because of their history of protest[44] and their focus on action at the community level. Providing a platform for these groups and the community to resolve complex issues will reinforce civic values. This will enhance resilience of our communities against climate change risks.

This rationale can be extended to other special interest groups such as animal welfare.

Protest movements are a vital part of democratic systems[45]. They act like "safety valves" when institutions are perceived to be failing. A strategic approach to restorative justice should include grassroots movements so that they can utilise restorative practices in their work. New Zealand had made its mark in the world through how it responded to injustices in the 70s and 80s

and how it contributed to the global peace movement. Restorative practices are an opportunity for New Zealand to establish leadership in this area.

Implications for the centre

The centre could play a vital role in enabling a sea change in how New Zealand society perceives peaceful protest. In fact, this could help New Zealand showcase its democratic systems.

An important feature is that the benefit of engaging activists through outreach programmes via the centre could be more cost effective than several government funded programmes specifically targeted to manage risks to agencies because (i) these would not be not significantly different from other outreach activities that the centre would engage in and (ii) principles of restorative practices could be easily transferable to engaging with activists.

What is the impact of restorative practices to New Zealanders' wellbeing?

We asked our interviewees to give us their opinion on whether a nationally significant centre for restorative research and engagement would have a significant impact on individual New Zealanders' wellbeing if the centre was established, resourced and governed appropriately. We asked our interviewees to assume the scenario that the centre was successful in embedding restorative practices across New Zealand society sometime in the future. Our rationale for this approach was to get a qualitative understanding of their reasoning for why restorative practices is relevant to New Zealanders' wellbeing and to identify the basis for doing further analysis.

We found strong support across our interviews for the view that restorative practices would contribute substantively to physical and mental wellbeing for communities - and therefore, to individual New Zealanders. Our interviewees saw restorative practices being a key contributor to community capacity building - contributing to individual wellbeing through social connectedness.

Many of our interviewees expressed strong support for the view that a restorative New Zealand would have a significant impact on education and skills of New Zealanders - although this impact would be indirect. This impact could be observed over time due to improvements in life skills that lie at the foundation of good educational outcomes.

We heard a generally strong support for restorative practices to contribute to New Zealanders' sense of civic engagement and governance. Responses

went well beyond electoral issues (the ballot box) and discussed the role restorative practices would play in giving New Zealanders a sense of purpose in engaging with government at multiple levels - locally, regionally, nationally and internationally - building our reputation as a society that strongly values peace.

Last but not the least, New Zealanders' sense of subjective wellbeing and safety also featured positively when asked about the potential for restorative justice to contribute in these categories.

On multiple occasions, parallels were drawn to M. Durie's Te Whare Tapa Wha model and how well restorative practices support this model.

We got generally weak responses in the work life balance, jobs and earnings and Income and Wealth categories. However, we discovered more insights when we probed further:

Work life balance: We believe that we got a generally weak response rate for this topic because it is often understood in terms of number of hours worked. On that basis it was difficult to form any type of firm opinion. However, when we broadened the question, asking them about "the positive impact for New Zealanders as a result of well implemented restorative practices in the workplace", we received some affirmative responses.

Professor Wendy Larner is Provost of Victoria University of Wellington and President of the Royal Society Te Apārangi. She says that "restorative practices help us understand that we bring our embodied selves into our workplaces and into encounters with others."

There was unanimous recognition of the fact that relational skills and capability developed via restorative practices contributes to important life skills and practical skills in a work setting.

Income and Wealth Levels: Even though we got a generally weak response for this topic, Caroline Holden was confident in her view that restorative practices have potential to improve income and wealth levels and pointed to research done by the GCDR for Pacifica and Māori: "if the imprisonment level was proportionate to the population, they would collectively earn $67m year at the same wage level as when they offended." She said "Restorative practice have real promise to engage Māori and Pacifica in criminal justice system in a culturally appropriate way and reduce offending numbers." Also: The "Criminal Justice System is a brake on the economic potential and prosperity. It's not only bad for the individuals but also for the economy." And "There are benefits to increased productivity through restorative workplaces." Paul Nixon was also confident about the role restorative workplaces could play for a prosperous future for New Zealand.

Jobs and Earnings: Here too, there was a generally weak response although as stated by Caroline Holden "if you are able to stop someone going to prison that has a positive effect on earnings and jobs."

Implications for the centre

The centre will need to engage at a strategic level in order to have a real and significant impact to wellbeing to New Zealanders. Otherwise, there is a real danger in just staying focused on a few areas of dispute resolution.

If the centre was setup to engage strategically, the centre could play a vital role in embedding restorative practices across society so that more New Zealanders are aware of its benefits, have direct experience of it (not only in context of conflict – but as a means to build community relationships) and this would help stimulate the demand for restorative practice and justice.

Integrating a systematic approach to social and human capital management will provide significant institutional benefits to government agencies who struggle to retain this type of intellectual property.

A public that is more confident about restorative practices is likely to shape the demand for restorative justice referrals also. This has many positive flow on effects for the public sector.

Why should we invest in research excellence?

Research excellence is important for New Zealand because it is vital to New Zealand's strategic human capital and creates opportunities for knowledge transfer to the public sector and the private sector. Research excellence is a key component of New Zealand's science policy and evidence based policy objectives. Here we use the term "science" research more broadly than STEM (Science, Technology, Engineering and Mathematics) research. The intention is to include humanities subject matter as part of a broad, systematic, credible methods to inquire about major challenges and opportunities facing our society, utilising the spirit of discovery and courage to face facts and engage in open discourse about those facts and to disseminate shared understanding locally and overseas.

According to the OECD's Publication "*Promoting Research Excellence: New Approaches to Funding*"[3]there is a growing trend of Research Excellence Initiatives (REI) as a means of utilising public funding outside of core institutional funding and project funding. REIs offer a way to link scientific excellence to goals beyond academic science.

We identified the following areas of potential benefits based on the assumption that a proposed centre is viewed as a REI:

- Improved quality in research
- National scientific competitiveness
- Increase international visibility of national research
- Recruit outstanding personnel
- Support Resource Intensive research
- Support risky blue sky and or basic research
- Support interdisciplinary research
- Reduce research fragmentation and concentrate resources
- Promote national economic growth and innovation

Implications for the centre

The potential fit of the centre to the growing trend in REIs internationally is well worth exploring. It certainly appears to align with the intended purpose and principles of the centre – as described later in this section.

What is the cost of not taking a strategic approach - what is at stake?

It is worthwhile examining the real danger of not being deliberate about the bigger picture. We believe there is a heavy opportunity cost for not taking bold steps in this direction. We have found good evidence that supports the view that restorative practices, when applied in a culturally appropriate way, address root causes of conflict. We have learnt of examples narrated by our interviewees and from documented case studies that restorative practices has been highly effective in a wide spectrum of cases. These include violent physical and sexual offending, racism and psychological abuse. The Ministry of Justice's evidence brief[46] shows there is strong evidence that restorative practices are highly cost effective (costing on average only $2,500 per conference in pre-sentencing) and have resulted in high victim satisfaction. There is also growing evidence of the positive benefits of restorative practice to health status of participants.

Despite strong evidence and good results there is a huge unmet demand for restorative justice. In the formal justice processes alone, only 6% of cases before the courts that could be referred to restorative justice actually are. Sir David Carruthers, among others expressed significant concerns about the lack of quality and consistency in many restorative justice conferences. This cannot be reliably addressed in a "break-fix" or piecemeal manner. This needs to be addressed in a comprehensive way and hence the need for a strategic approach that engages the public, multiple government agencies, communities and professionals.

Restorative practices are - first and foremost – a tradition and practice for peace. It is a core part of Māori indigenous tradition and has been adapted to our formal courts processes - for which we have won international acclaim. Therefore, a crucial part of stimulating the demand for restorative practices is understanding that restorative practices are really designed for communities - to be done by communities - as a way for people to determine their own future and maintain peace.

This provides a level of perspective: If applied with integrity, aligned to its core philosophy and with the appropriate level of support from our institutions -- restorative practices can address pressing issues with the current justice system. There is a lot at stake by not addressing these issues comprehensively – especially, as we know that there is strong evidence that supports its effectiveness.

Restorative practices provide a means to address the issue of overrepresentation of Māori and of institutionalised racism. Working in

partnership with Māori and in parallel to the development of their traditions in a monocultural space will provide us all with rich dividends in a justice system that is truly democratic. Restorative practices have shown great results in youth courts. Making this success scalable and sustainable is a real challenge.

"Based on the research within Kōti Rangatahi and other specialist courts, the greatest danger is in setting our sights too low. We should not be afraid to dream big and achieve a significant shift for a better justice system."

Ms. Stella Black, [Ngāi Tūhoe and Researcher, School of Nursing, University of Auckland]

Engaging deeply with our communities and in a restorative manner will provide New Zealand with strategic advantage that lasts generations. The high degree of cost effectiveness of restorative practices shows that a strategic approach underpinned by integrity and quality could provide strong financial incentives and deliver strong value for taxpayer expenditure. There are significant opportunity costs at stake here.

Globally - and at a national and regional level we are living with levels of risk that is the highest in many decades[29,47]. The confluence of multiple factors - the rapid rise of nationalism, climate change, financial volatility, addiction to technology and digital lifestyles are putting a severe strain on modern democratic systems.

To sum this up - investing boldly in a restorative New Zealand is an effective way to manage strategic risks facing New Zealand ~ and building resilience in our communities against adverse events.

New Zealand's implementations through the 1980s have been world leading. Experts all over the world have adapted our practices to their culture. Now, there is a lot that can be gained from learning about their implementations and from sharing our insights as we address our own challenges. Case studies in Nova Scotia, Norway, Scotland, Ireland, Belgium and the UK and the USA are inspiring examples. Currently, the Chair in Restorative Justice does a lot to bring experts over to our shores. However New Zealand does not have a neutral platform for the exchange of ideas and techniques in this area. This requires critical resourcing and a way to make this exchange scalable. One-off conferences, features in the news media are insufficient to gain the traction and growth that is needed in this area.

What is necessary for NZ to gain benefits from restorative practices?

The interviews have shown that there are major factors that have to come together for New Zealand to be able to derive benefits from restorative practices.

The work we do in New Zealand should be of a standard that attracts international quality research and development. These opportunities must be shaped in a manner that is interdisciplinary, place based and culturally appropriate.

These factors are wide ranging and cannot possibly be controlled by a single organisation or even a sector or section of society. This will require values based leadership and a genuine spirit of collaboration. Therefore what is needed is:

1. A nationwide level strategy for a restorative New Zealand that addresses the full landscape of restorative practices currently.

2. Systematic strategic analysis, including environment scanning to understand the political, economic, socio-cultural, economic, legal and environmental (PESTELE) factors that have an influence on restorative practices in New Zealand.

3. Value propositions of restorative practices that are articulated for different segments of society.

4. Roadmaps that identify synergies between practices and institutions, attract investment and capture the benefits along the way.

5. The strategy should include an engagement plan that engages all interested parties with credibility and in a principled way.

6. Ongoing investment, leadership and governance that is focused on maintaining momentum in restorative work at a nationwide scale, monitoring progress of the strategy and to capture benefits for all New Zealanders.

Along the way, it is important to maintain the emphasis that a vision for a restorative New Zealand goes to the heart of civic engagement and our democratic systems - and well beyond just a focus on "dispute resolution". Our national interest as a country that values peace and one that treasures its Pacific heritage needs to be at the core of this.

It is outside the scope of our current work to provide this strategy or to provide a detailed quantitative analysis of benefits. It is an exercise worth doing with the support of leadership and as part of a national level conversation

Implications for the centre

The transformation of restorative practices from their current condition to a strategic capability for New Zealanders is dependent on having a critical mass of high quality research and resource that can be accessed by our society at large.

In our interviews, there was strong support for the view that a centre for restorative research and engagement would provide a platform for public and private sector stakeholders, practitioners, researchers and international experts to collaborate on areas that have the greatest impact for New Zealanders. The centre will need a mandate to engage with all sections of civil society and engage with government at multiple levels - policy, projects and engagement with communities and to represent New Zealand's interests internationally.

A nationally significant centre should be equipped to organise critical resource for a platform for strategic engagement and research - and develop an organisational culture that is tailored for this purpose.

"The hard end of dispute resolution is the criminal justice system but if we built the capability for a restorative New Zealand, to know how to respond when there are incursions then that would be a really good thing. Ultimately we want people to be agents in their own lives and to be able to build the capabity to resolve issues in a positive way - its great for civic engagement."

Caroline Holden
Director, Government Dispute Resolution Service

The Purpose of a centre for restorative research and engagement

A centre for restorative research and engagement could play a crucial part in realising the full potential of a restorative New Zealand.

A key part of this purpose could be to shape the transformation of the justice system from a retributive system of justice to a compassionate and restorative one. The development of a nationwide strategy for a restorative New Zealand, co-designed with all interested parties would be crucial to this.

Fulfilling its purpose would involve disseminating a philosophy of justice; a philosophy grounded in restoring peaceful and just relationships. The centre could provide meaningful and relevant engagement with our institutions: the public service, the political system, free and independent media, academics and researchers, our communities, iwi, our youth, enterprises and charities.

This would necessarily also involve helping engage with New Zealand's constitutional architecture in a restorative way - through encouraging meaningful discussion in relation to the Treaty of Waitangi and the Bill of Rights.

Proposed principles

The centre would need to work closely across multiple organisations of the state sector in order to shape cohesive engagement with our communities. In order to be effective in fulfilling its purpose, we suggest that the following principles should underpin the establishment and governance of the centre:

1. **Independence:** People are looking for a clear separation of restorative practices from the state, corporate and religious power structures. The centre will need to be seen as an institution that any section of society can approach with high levels of trust - regardless of how they align within the political spectrum.

2. **Complementarity:** The core value of the work ahead is to complement status-quo legal processes - where those processes are not able to comprehensively address needs of those who have experienced harm or perpetrators of harm.

3. **Freedom of choice:** Those who have experienced harm should have the freedom to invoke restorative justice or restorative practices at any stage of the formal justice process. This sets a high bar as this principle could raise several legal challenges, especially with court rules structures. However, this principle is needed in order to truly engage multiple groups and build trust across all sections of society. Ultimately, this principle is about enabling people and their communities to determine their future for themselves and seek the assistance they need through fully informed choices. Legal and market structures should not be constraints as much as supports.

4. **Pluralism** in restorative justice and practice: This is to recognise that people in different parts of New Zealand and indeed internationally may have different notions of what restorative justice and practice means to them - their own theories. There is still a need for experts that can recognise these theories and translate between domains. The centre should be able to mobilise experts, engage with knowledge situated in communities' own interpretations of restorative theory, practice, customs (or tikanga) and also have protocols to transfer knowledge over to the centre and vice-versa. This pluralistic aspect of what is deemed normative in society is crucial to the long term success of restorative practices at a national level. This is consistent with Prof. Howard Zehr's Principles of Transformative Inquiry.

5. **Inclusive governance representation:** The governance of the centre should have representation from people across a broad range of our society:

Business, Public Sector, youth, Māori relations and international relations. Māori representation in particular should not be tokenistic. There should be a genuine effort to partner with Māori at every stage of the design of the centre its execution and representation across multiple interests.

The public sector faces very real constraints on how it can implement principles of independence and pluralism. It is constrained to formal policy objectives. The public sector, the public, Iwi and their constituents and practitioners would all benefit from the centre representing these principles for the public good.

It is important to emphasise here that Prof. Howard Zehr's principles of transformative inquiry are the very foundation for genuine progress and integrity of restorative practices. Prof. Zehr's principles are about a "ground up" and experiential understanding of people and their context. The principles guide how to shape and foster restorative process in a way that produce results in a sustainable way. In real terms, there are physical and logistical limitations in how transformative inquiry can be applied by public sector organisations. Furthermore transformative inquiry requires a leadership style and an organisational culture that fosters this. Traditional organisations struggle with developing this type of culture and the processes that support it. It would benefit public sector organisations to work closely with a centre with the resources to develop a work culture dedicated to these principles and to transfer this knowledge to our institutions in way that is relevant to their purposes. Furthermore, the work habits that support transformative inquiry also address some of the common concerns with the way academics and traditional organisations transfer knowledge and skills.

We also strongly recommend that organisations complement Prof. Howard Zehr's principles of Transformative Inquiry with frameworks that have proven to show results: the collective impact[48] and co-design principles.

Working through partnerships

The challenges and opportunities we have presented in this report are too large and complex to be handled by any one organisation or institution. A strongly collaborative approach and a substantial investment in partnerships is necessary.

Presently, the position of the Diana Unwin Chair in Restorative Justice is held by a professor at the Victoria University's School of Government. In addition to the Grace Trust it receives funding from the Ministry of Justice, the Department of Corrections, the NZ Police, the Ministry of Education, the Ministry of Social Development and the NZ Defence Force. Within a few months two other sponsors confirmed their involvement: the Ministry

of Business Innovation and Employment and the Accident Compensation Corporation.

Our report has presented the reasons why a strategic, long-term and coherent approach is necessary to address the significant challenges and opportunities facing New Zealand society. The establishment of a centre will be able to take the current work programme of the Chair to a strategic level.

Here is what Children's Commissioner Judge Becroft had to say about why a centre is a better than the current position of a professor in a Chair.

> "A centre sounds less individualistic than a professorship. A centre provides more structure and substance and is less academic. It [the centre could be a] vibrant and active hub of research practice, bigger than any one person. "

The government's 2018 Investment Statement[49] and the emphasis on wellbeing for New Zealanders provides a renewed opportunity to demonstrate impact. It is likely that historical approaches to measure economic impact have been framed narrowly. This is a matter that will need to be carefully analysed in a socially constructed manner.

In his keynote speech at the 2018 Government Economics Network[50] conference - "Improving peoples' lives through effective policy" the Minister of Finance, Hon. Grant Robertson said that it was important for government agencies to focus on achieving outcomes for New Zealanders within the same (or similar) inputs. We infer that this expectation therefore necessitates an increased emphasis on partnerships and collaboration.

Prima facie, there is a good case for the centre to be hosted by the University. There are several promising areas of benefits that need closer examination, further discussion and careful analysis. In addition to the reasons identified in earlier sections Victoria University could potentially benefit in the following ways:

- Increased international rankings among universities
- Access to shared research infrastructure and outreach at lower marginal costs
- Improved relationship with government agencies
- Increased stock of human capital (through research expertise and products)

Cautions

We suggest a cautious approach to looking at potential benefits. A few of our interviewees expressed some caution in relation to how an academic environment would affect the ability for the centre to conduct its business effectively. Children's Commissioner Judge Becroft put this in perspective:

> "The academic reserve has been a hurdle to jump - academics believe that the quality of thinking, when fully put, will catch on. While that is true, it can take a bit of time. Whereas, restorative justice needs a push in NZ and a centre with people from different backgrounds, where some of them are great advocates publicly.. that would be a game changer.
>
> We have got someone who is probably the foremost academic in the world in Professor Chris Marshall. [In addition] One of Chris' objective has been that restorative practice is approachable to the common person. He has laid the foundation superbly...we are ready to go further...
>
> What we need now is a strong community voice that can advocate for the adoption of restorative practices particularly in business, government and education."

University New Zealand, the peak body representing the interests of all New Zealand universities captures the traditional challenges that universities have had in demonstrating the impact of their research outside of academia:

> "Defining research impact is relatively straightforward, with a typical definition being that it is the demonstrable contribution that research makes to the economy, society, public policy, health, environment or quality of life, beyond a contribution to academia. However, despite many trying to grapple with the issue, no one has been able to devise a satisfactory way of measuring the cumulative economic impact of university research." [51]

Perhaps, this issue could be addressed by adopting the REI approach, as discussed earlier in this section. REIs are specifically designed to address limitations of a purely academic research environment. A focus on wellbeing provides fresh opportunity to better measure and communicate the impact of university research - a move away from narrow economic measures.

We strongly advise that any effort to host the centre within Victoria University would need to address these concerns of knowledge transfer 'by design' - by establishing appropriate governance structures and investing in a work culture at the outset that addresses these concerns. It will also need agency leadership to explicitly set the expectations within agencies to prioritise engagement with the centre.

Urgency and financial drivers

It is important to communicate a sense of urgency about a restorative future for New Zealand and the place a nationally significant centre for research and engagement could play in it.

Currently, the Safe and Effective Justice Initiative advisory group is engaging in a public conversation about what people in New Zealand want from their criminal justice system. It is canvasing a range of ideas about how the criminal justice system can be improved.

This is an opportunity to provide 'bold and fresh' approaches for reform. We believe that this report and supporting engagement should inform those objectives.

There are immediate opportunities that would help make a case for immediate investment in this area:

1. Work on post-sentencing options for restorative practice. Currently, New Zealand's prison numbers have been dropping sharply. There are a large number of people serving community sentences that are at risk of re-offending. This is a very significant opportunity for the public sector - in particular, the Department of Corrections. It could take an integrated approach to prisoner re-integration. Much can be learnt from international successes in the use of restorative practices in prisoner reintegration. The establishment of a centre for restorative research and engagement could play a crucial part in this. This area has strong potential for a cost effective approach. It is also a humane and proactive way to address risk.

2. Work on options to improve working conditions for teaching staff in our public schools. Identify how restorative practices can be utilised as a way to offer incentives to teachers. While salaries surface at the top of teachers' concerns currently, providing them stronger incentives through student support can reap immediate benefits for schools staff, our youth and the public sector.

3. We should waste no time in approaching philanthorpic organisations and impact investors and to facilitate public private partnerships that provide ethical leadership in this area. New Zealand's Foreign Direct Investment (at the time of writing) is falling sharply. Restorative practices could be a great way to attract responsible investors who have an interest in the long-term growth in our communities. This extends to New Zealanders living overseas.

4. Actively invest in community organisations - including those that have spiritual and religious affiliations using a principled, systematic and transparent approach. Commission systematic research and evaluation to assess their value in reintegrating prisoners into communities, reducing re-offending and promoting peace across cultures.

5. Utilise our current government's excellent engagement with the United Nations. This is a tremendous opportunity to integrate restorative practices with foreign policy so that we can maximise our international reputation in peace keeping efforts. Engage with the Department of Prime Minister and Cabinet and the Ministry of Foreign Affairs and Trade on how to develop this integration. This would serve as a positive way to engage in an emerging world order that has a generally worsening security outlook and ecosystem integrity. Our public needs a positive and humane way to address security concerns and build resilience against adverse events.

There is a need for urgency because of the cost saving potential of engagement and also because of significant opportunity costs: There is a very significant cost of delay because vital social benefits are not being realised for New Zealanders. The current approaches to risk management and engagement are not cost effective. Restorative practice interventions, when implemented well, can be a vast improvement in this regard. This could also create opportunities to further explore how restorative practices could offer cost-effective preventative controls in areas of high risk of conflict.

Above all, we should address the opportunity of a restorative New Zealand as a strategic capability for our people. This is a peace movement whose time has arrived.

"Whaia te iti kahurangi ki te tuohu koe me he maunga teitei"
Seek the treasure you value most dearly: if you
bow your head, let it be to a lofty mountain"

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