

# TAKING A RESTORATIVE APPROACH

## The Restorative Leadership Symposium: Cultivating Caring Leadership & Embracing a Restorative Approach

November 28, 2023

Vancouver, BC



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# A RESTORATIVE APPROACH TO JUSTICE

an *approach* rooted in a  
relational theory of justice

# Relational Self in a Relational World



# Relational Worldview

- ❖ Indigenous knowledge
- ❖ Faith/Spiritual Traditions
- ❖ Feminist knowledge



# Restorative Approach is Relational

Rooted in a relational idea of human beings and the world

*"We live in and through relationships with others"*

Relevant for all levels of relationship (interpersonal, social, institutional)

Relationship can be healthy or unhealthy, harmful or positive

"Restored" relationships focused on conditions/structure of relationship needed for wellbeing

Relationships that are based on equal respect, concern/care and dignity

*Citation: Jennifer J. Llewellyn "Restorative Justice: Thinking Relationally about Justice" in J. Downie & J. Llewellyn, eds., Being Relational: Reflections on Relational Theory & Health Law (Vancouver: UBC Press, 2011).*

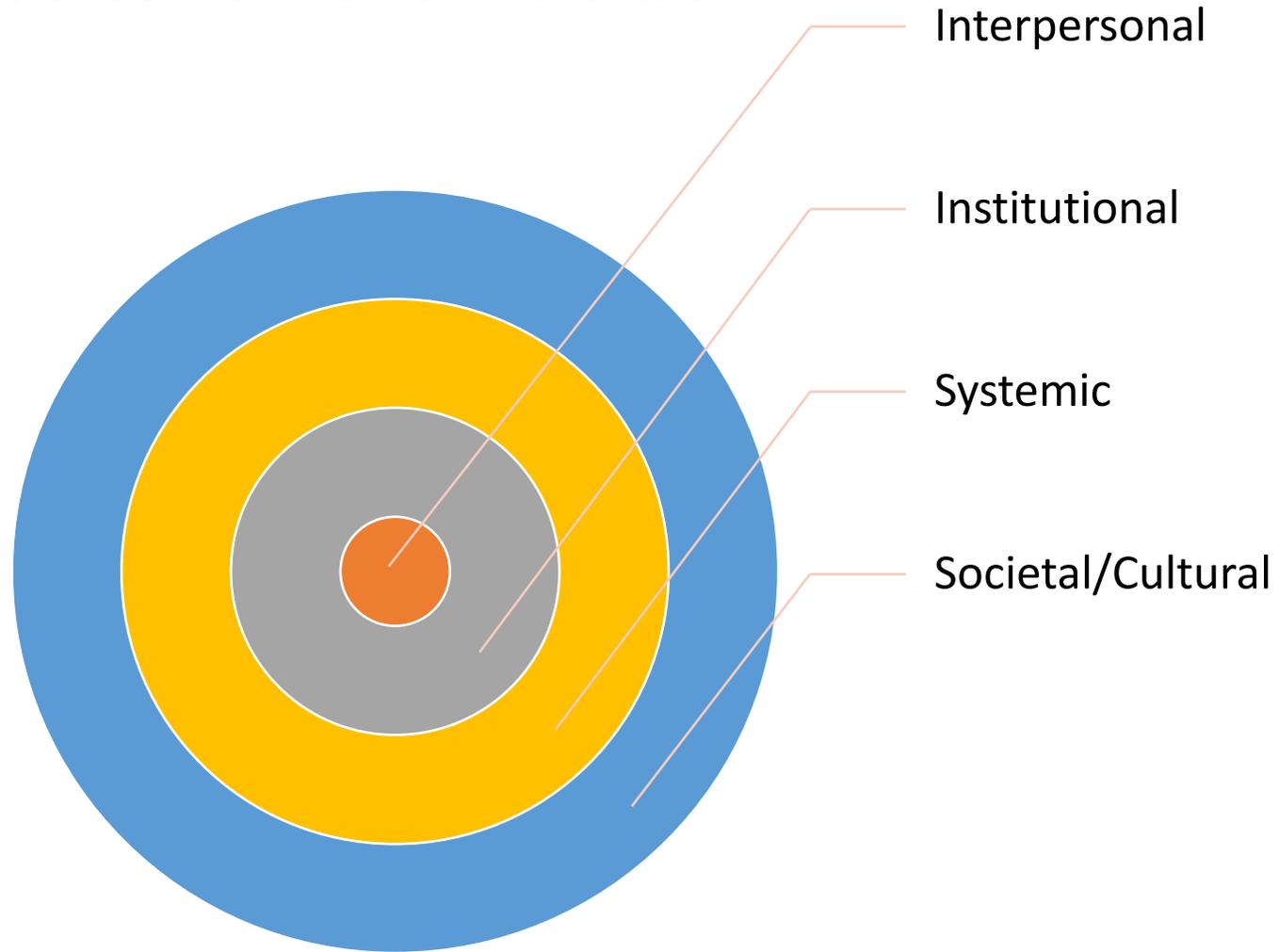




Restorative Justice =  
Relational Theory of Justice

- Justice as *Just Relations*
- Challenges western liberal individualism that informs current system processes and their alternatives

# Relational at all levels



Taking A Restorative Approach Starts with Why



# WHY?

The world is relational –interconnected

- Justice fundamentally about social relationships
- Health & Wellbeing are relational
- Care is relational
- Complex issues – are interconnected



# Approach not just practices

A restorative approach is a conceptual or philosophical framework

It is a “lens” through which to analyze issues

Informs ways of working and process

Relevant to all aspects of understanding and doing work

*If we want to do things differently we must think differently about why we are doing things*

- Taking A Restorative Approach helps:
- Understand what healthy relationship requires and why it is so essential for safe, supportive and productive care.
- Guide policies, practices and processes to respond when things go wrong and support healthy relationships so that things go right more often.
- It is an approach ... it is about the ***culture*** of a place... it is not just a set of tools or practices

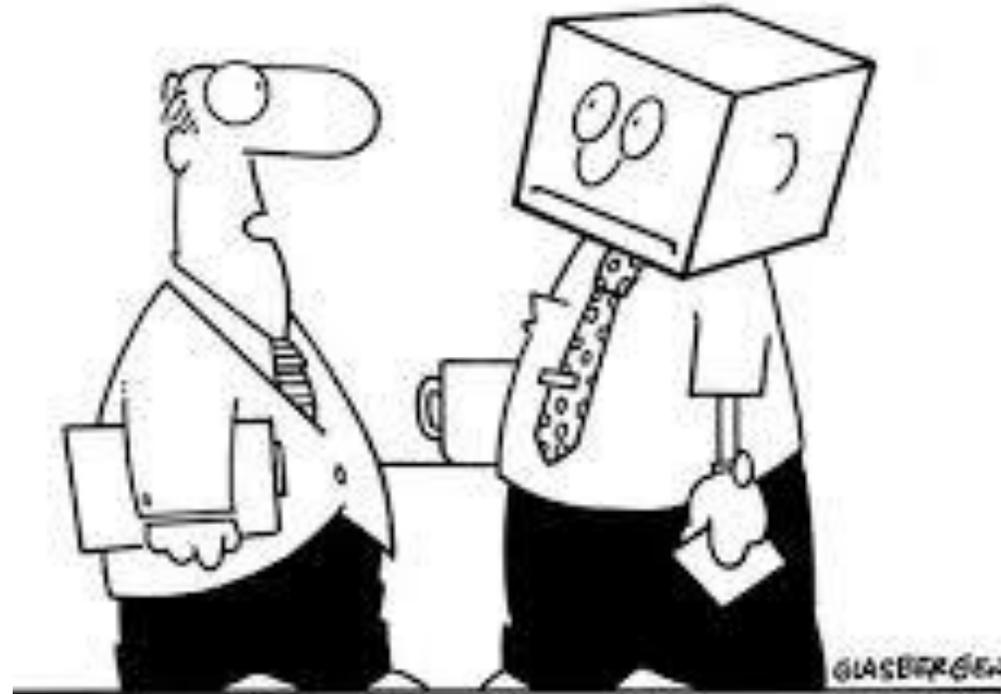
A RESTORATIVE  
APPROACH TO  
JUSTICE IS NOT

- Just a “tool in the conflict resolution tool box”
- Just a practice/set of practices (or program)
- Settlement focused mediation
- Diversion or Community-based punishment/sentences

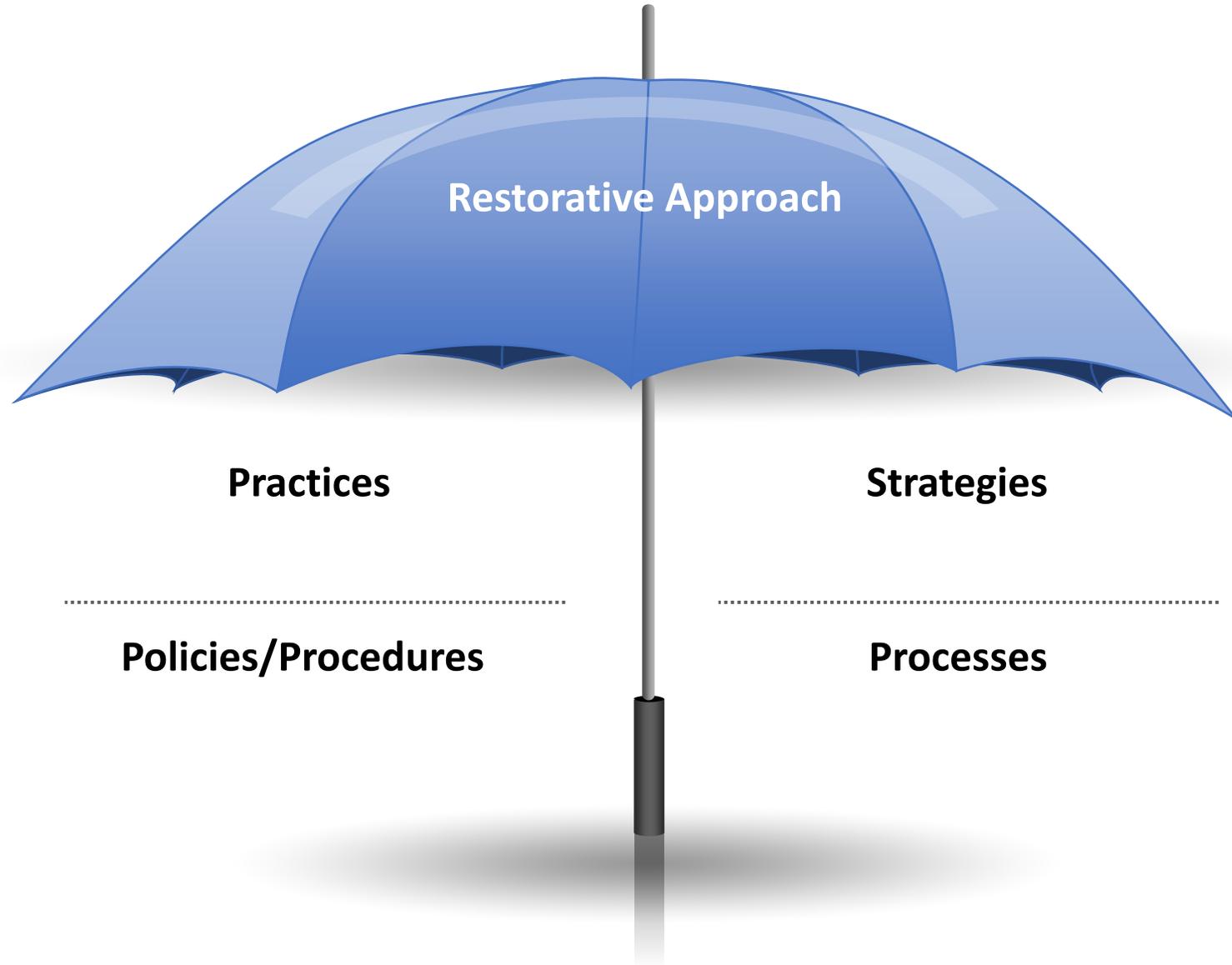
# A Way of Thinking

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“Thinking outside of the box is difficult for some people. Keep trying.”



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**“Think back...did you add anything different to your chili recipe this time?”**

## BASIC COOKING PRINCIPLES

### Carbohydrates

- Starches and sugars are both carbohydrates found in: fruits, vegetables, grains, beans and nuts. Meats and fish also contain a small amount
- Two most important changes caused by cooking:

### Caramelization

- Browning of sugars (browning vegetables and golden colour of bread crust)

### Gelatinization

- Starches absorb water and swell (thickening sauces)



**Relationally focused:** attention to interconnection seeking to understanding and promote just relations between individuals, groups and communities

**Comprehensive and holistic:** takes into account histories, contexts and causes of harm and its impacts

**Inclusive and participatory:** culturally-grounded trauma-informed, attentive to needs, safety and well-being of participants.

**Responsive:** Contextual, flexible practice, accessible, efficient and effective processes, informed by data and knowledge

**Focused on promoting individual and collective accountability & responsibility**

**Collaborative and non-adversarial:** among parties involved and among system/community agencies.

**Forward-focused:** educative (not punitive), problem-solving, preventative and proactive.

# Restorative Principles

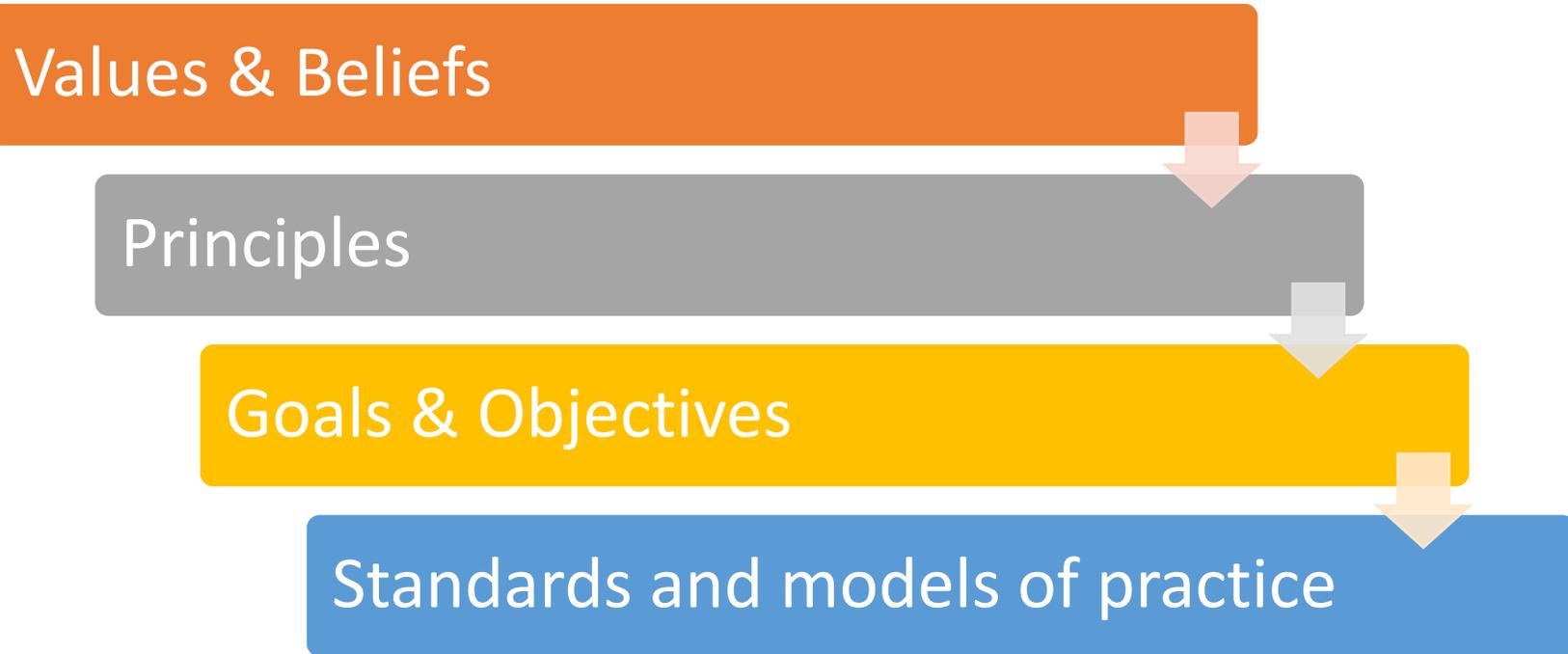
*Citations:*

Jennifer J. Llewellyn “Responding Restoratively to Student Misconduct and Professional Regulation – The Case of Dalhousie Dentistry” in G. Burford, J. Braithwaite & V. Braithwaite eds., *Restorative and Responsive Human Services* (Oxford: Routledge, 2019)

Jennifer J. Llewellyn et al. “Imagining Success for a Restorative Approach to Justice,” *Dalhousie Law Journal*, 36:2 (2013): 281-316



# Principles are not a mission statement



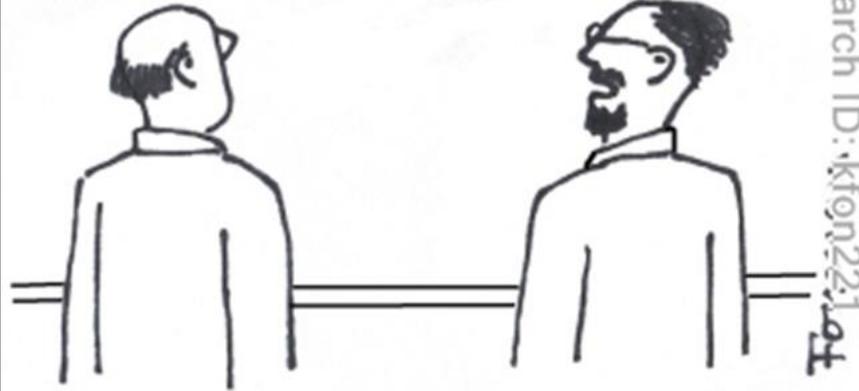
## WHAT DOES IT MEAN TO TAKE A PRINCIPLE-BASED APPROACH?

- ❖ principles drive practice
- ❖ does not prescribe one size fit all practices
- ❖ framework to guide process and practice
- ❖ supports responsiveness
- ❖ enables innovation
- ❖ supports consistency and coherence
- ❖ supports accountability for “good practice”
- ❖ helps understanding and assessing success



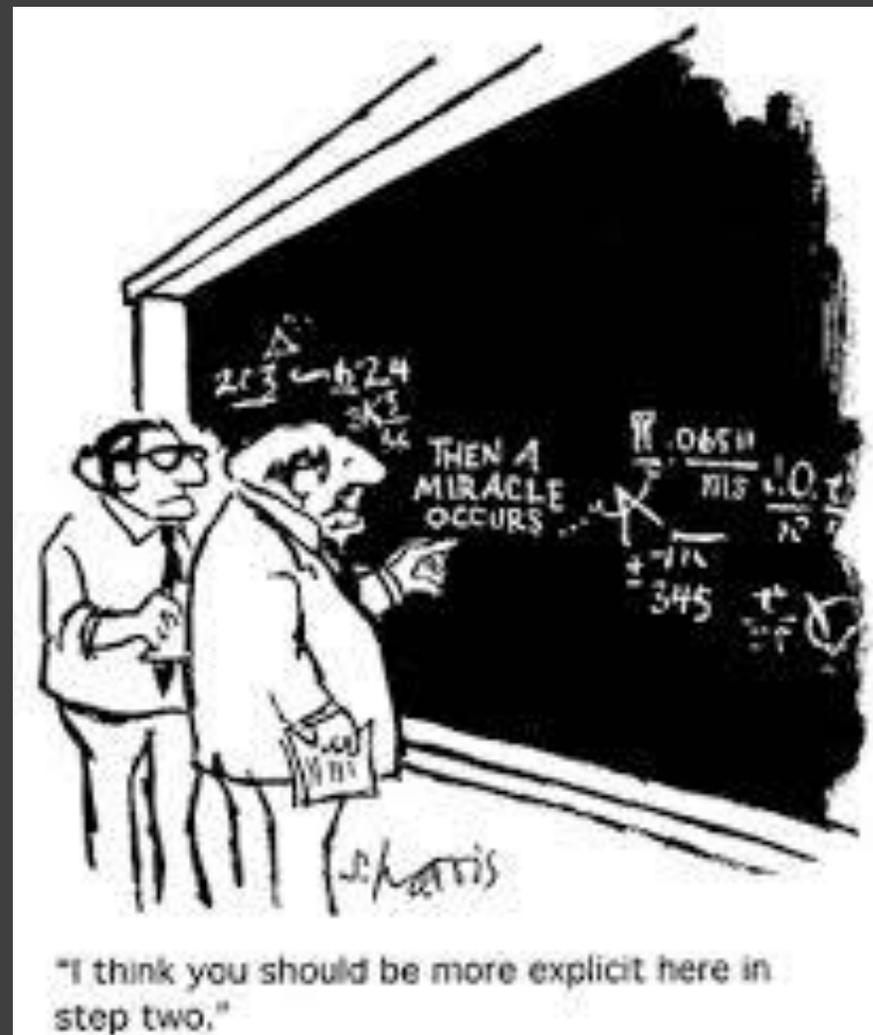
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$$\begin{aligned} & 3c_2 / \Delta + \sqrt{\epsilon} \times 5B_2 \left(\frac{a}{y_2}\right) \\ & \Delta + B_2) + \Sigma \times M \\ 5Y_2 & \approx \Sigma \times N (\Delta + \sqrt{5+y}) \times Y_5 \\ M + 5B_2 \times x & \approx \Omega + M_5 + F \times \Sigma MN \\ \sqrt{5+B} \times (B_2 & 5 + \Sigma \Delta) \times D_5 \cdot F_1 + \end{aligned}$$

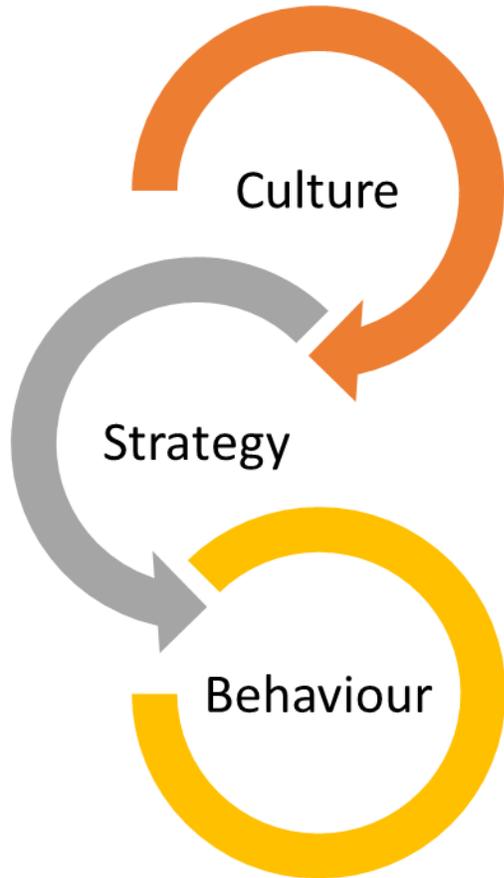


"If only making the perfect soft-boiled egg was as easy in practice as in theory."

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# Putting Principles into Practice



**WHY**  
Relational  
Eco-System

**HOW**  
Principled Approach

**WHAT**  
All that we do...

# The Restorative Approach is NOT:

## Just for when things go wrong

- Also about making sure things “go right” on the everyday
- proactive/preventative & reactive

## Just for easy /interpersonal cases

- Also for the “hard” complex issues

## Just for patients

- Also for staff, administrators, supports

# Why transform?

## Individualistic

- look at individual incidents/events
- Focused an individual or interpersonal level
- Failed to consider and address context, causes and circumstances
- Misses systemic and structural level

## Adversarial

- Ignores complexity
- Creates or furthers divisions
- Creates sides – offensive and defensive behaviour
- Traumatizing or re-traumatizing

## Punitive in strategy

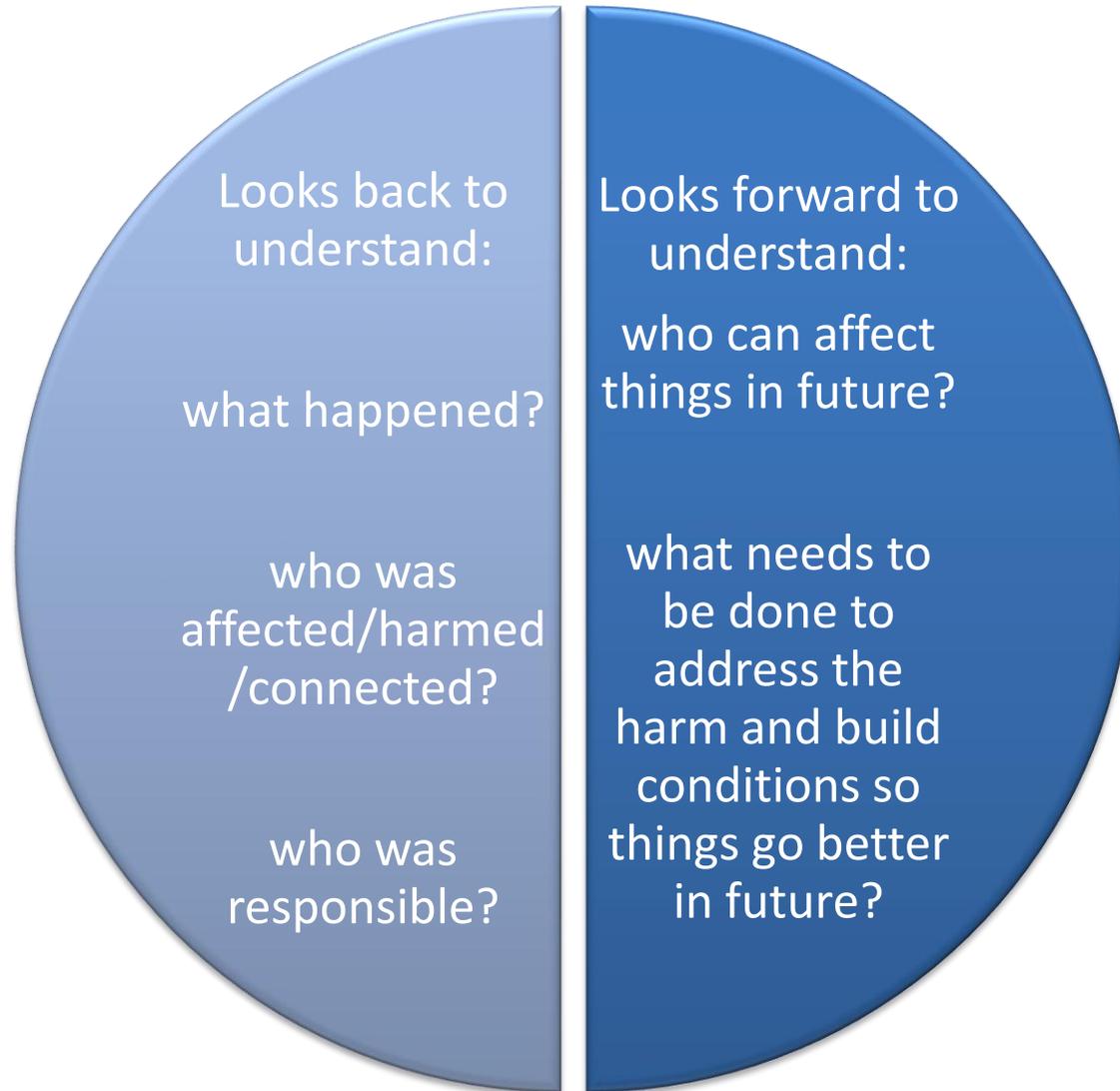
- Backward focus
- Ineffective communication strategy – for individuals or those in community
- Uses fear as external motivator

There is significant recognition that our current approach when things go wrong is failing. It is generally:

- Slow
- Hard to access
- Produces significant inequalities in outcomes
- Not meeting needs of those who are harmed
- Not making situations better or safer
- Reproduces systemic racism, sexism
- Harmful to relationships
- Reproduces power imbalances
- Traumatizes or re-traumatizes participants (including often counsel!)

The case for justice transformation is loud and clear.....

## Responding Restoratively



# RESPONDING RESTORATIVELY

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Not focused on *blame* but on addressing harm and ensuring does not happen again

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Focused on meaningful accountability/ responsibility – that responds to human needs and fosters conditions for healthy social relations.

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Considers context and causes of a harm (does not look only at the incident out of context)

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Reveals where individual harm is connected to broader or systemic issues

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Not only focused on offender(s) and victim(s) but includes others involved or affected or who can support way forward

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Aimed at making and supporting plans for the future that support safe and healthy relationships.

A restorative approach requires consistency in the application of the principles from the everyday to special situations – it is the way things are done....

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**Proactive &  
Reactive**

# RESTORATIVE PROCESSES

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Adapted to respond to the situation (different context/issues/needs of parties)

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Not one size fits all – process should be tailored to suit

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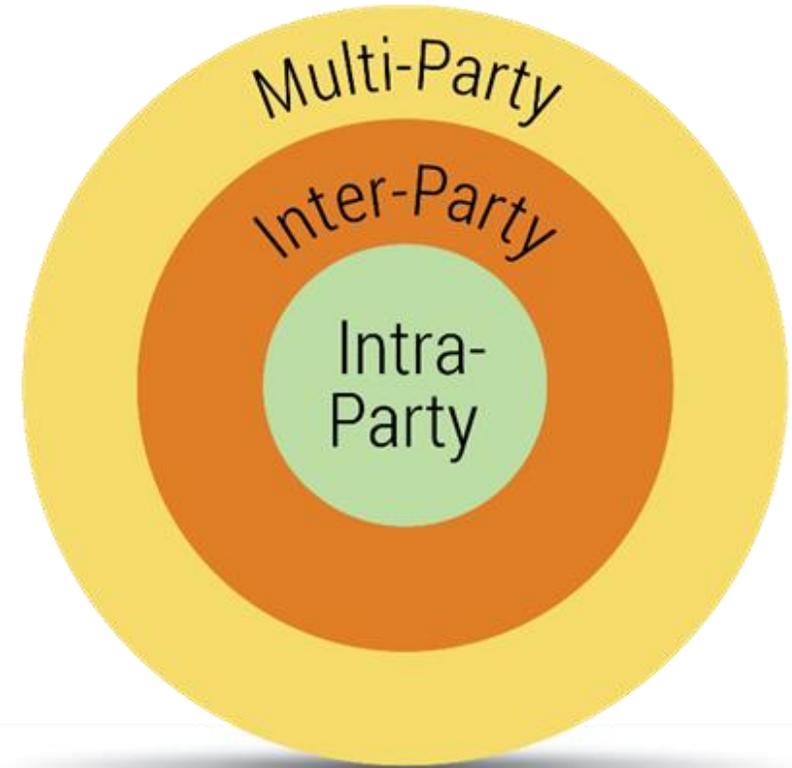
Not aimed at agreement/settlement - Aimed at helping parties to understand and make a plan for way forward

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Restorative Justice is not one practice – not all about a circle or conference it is a process/approach

# RESTORATIVE PROCESS: WORKING WITH PARTIES AT DIFFERENT LEVELS THROUGHOUT THE PROCESS

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# Phases of Work

- Building Relationships
- Learning and Understanding
- Develop Plans & Take Action

# Restorative justice: Better Justice

Better information/understanding (Relational Truth)

Better Experience

- Inclusive, Efficient, Fair and Transparent process

Better outcomes

- More legitimate & better success and follow through because inclusive & participatory

Broader Impacts

- Responsive to systemic Issues
- Capacity building for all parties into the future

# Taking A Restorative Approach to Health: It is possible

- ❖ Dalhousie Dentistry (*Professionalism*)
- ❖ Restorative Public Inquiry Nova Scotia Home for Colored Children (*Institutional abuse/systemic racism in care systems*)
- ❖ Motherrisk Commission (*Failure of care system*)
- ❖ Long Term Care Commission (*Failure of care system*)
- ❖ Black Firefighters (*Human rights/Workplace Culture*)
- ❖ Sexual Misconduct in Canadian Armed Forces: Restorative Engagement program (*Institutional culture change*)
- ❖ Jason LeBlanc (*Failure across systems: corrections/health*)
- ❖ Unexpected Death in Hospital (*Health care harm*)

# REPORT FROM THE RESTORATIVE JUSTICE PROCESS

AT THE DALHOUSIE UNIVERSITY  
FACULTY OF DENTISTRY

MAY 2015

PREPARED ON BEHALF OF THE PARTICIPANTS BY

**JENNIFER J. LLEWELLYN** Viscount Bennett Professor in Law at the Schulich School of Law, Dalhousie University.

**JACOB MACISAAC** Community Safety Officer, Security Services Dalhousie University.

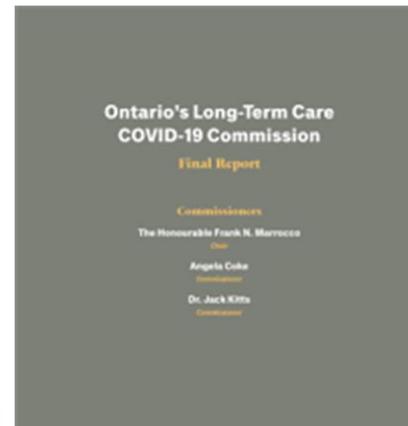
**MELISSA MACKAY** Advisor, Harassment Prevention/Conflict Resolution, Office of Human Rights, Equity and Harassment Prevention, Dalhousie University.

**MRC** | MOTHERISK  
COMMISSION

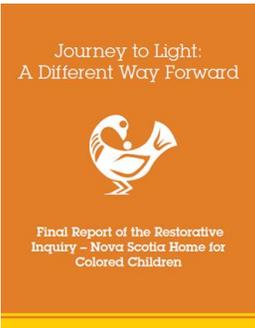
## Journey to Light: A Different Way Forward



### Final Report of the Restorative Inquiry - Nova Scotia Home for Colored Children



# Responding Restoratively to Failures of Care



# Shift to Being Human-Centred

Restorative Inquiry Nova Scotia Home for Colored Children

[www.restorativeinquiry.ca](http://www.restorativeinquiry.ca)

**Siloed and Fragmented vs Integrated and Holistic Ways of Working**



**Accountability vs. Responsibility Focused**

<b>Blame/Liability focused vs. Problem Solving/Solution Focused</b>	<b>Individually vs. Relationally Focused</b>	<b>Risk Adverse vs. Need/Harm Focused</b>	<b>Defensive vs. Learning (Reactive/Protective vs. Responsive/proactive)</b>	<b>Compliance vs. Responsive Regulation</b>	<b>Transactional vs. Trusting Relationships</b>
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**Professionally Controlled vs. Shared Governance (with community & families)**

