

Family Group Conferencing and evidence-based practice: what works?

Darrell Fox

London Metropolitan University

Abstract

Family Group Conferencing is an established method of intervention in criminal justice and social work in the UK and abroad. Describing briefly restorative justice, Family Group Conferencing and the evidence for effective interventions, this article examines relevant research and literature and explores disparities in the knowledge base regarding Family Group Conferencing and the 'what works' agenda. The paper highlights the limited empirical research undertaken to evaluate Family Group Conferencing, particularly where focused on vulnerable young people and especially where there are child welfare and youth justice concerns.

Keywords: Family Group Conference, evidence-based practice, restorative justice

Introduction

As a method of intervention restorative justice is strongly rooted in social work and criminal justice in the UK and abroad (Miers, 2001; Brown, 2003; Mirsky, 2003). Restorative justice interventions include a plethora of practice models. However, despite their popularity, relatively little empirical research is available to support their widespread use and claims of success (Connolly, 2006). This article reviews the literature and explores some of the conflicting messages that recent research has raised, especially regarding one particular intervention with young people - Family Group Conferencing. Restorative justice is not a new phenomenon and has a long history in the guise of various communitarian problem-solving practices (Llewellyn & Hoebel, 1941; Van Ness, 1986; Braithwaite, 1998; Graef, 2000). Restorative justice is now seen by many as an umbrella term for multiple interventions, including Family Group Conferences (FGC), which were initially based on traditional 'First Nation' values and practices (Crawford & Newburn, 2003). McCold and Wachtel (2003) offer a valuable typology that defines which model

of restorative justice is the most effective in terms of meeting the diverse needs of those participating in the event. They offer a 'process continuum' regarding the degree to which an intervention is restorative, with FGC seen as one of the most effective modes of delivering restorative justice as it is considered capable of meeting the needs of multiple stakeholders involved in the process.

Family Group Conferencing is a "decision making and planning process whereby the wider family group makes plans and decisions for children and young people who have been identified either by the family or by service providers as being in need of a plan that will safeguard and promote their welfare" (Family Rights Group, 2004). The planning process and involvement in the decision making can be adapted to include extended family, friends and community members (Mirsky, 2003).

A review of key literature highlights the current popularity of FGC and describes its implementation across a number of professional fields including mental health, social services, youth justice, education and employment (Harris, 1998; McCold, 1999;

Mirsky, 2003). Concomitantly, the aims of FGC are varied (and potentially in conflict), from providing a holistic, problem solving and power devolving intervention in which all participants have their needs met, to meeting the procedural aims of the criminal justice and welfare systems in terms of addressing recidivism, rehabilitation, protection, assessment and planning (Morris & Shepherd, 2000; Leadbetter, 2002; Harris, 2003). The focus and outcomes of FGC interventions highlight accountability, responsibility and a shared commitment to protecting or assisting a child or young person (Dignan, 1999; Utting & Vennard, 2000; Home Office, 2003).

Implementation, process and outcomes have been identified as three main areas of continuing interest that require further exploration by FGC researchers, such as Merkel-Holguin *et al.* (2003), who suggest that FGC remains an intervention that is underdeveloped in many instances. Process is often seen in terms of the positive response of families to the decision making process. However, the engagement of the young people who are the focus of the conference may be variable. Outcomes are often seen in terms of providing adequate family plans to ensure child safety (Brown, 2003; Merkel-Holguin *et al.*, 2003). FGCs are typically judged on their outcomes by the statutory agencies, funding bodies and professional participants. This potentially suppresses the experiences and perceptions of lay participants to the conference process, and this continues to offer something of a challenge in seeking to identify 'what works' in the FGC intervention (Simmonds *et al.*, 1998; Smith & Hennessy, 1998; Miers, 2001; Home Office, 2003; Glasby *et al.*, 2007).

Evidence-based practice

The evidence-based practice (EBP) debate is complex and ongoing. Essentially, evidence-based practice seeks to promote change and development, underpinned by

research evidence and a theoretical knowledge base, to establish what interventions are successful in a particular professional field. It can be defined very simply as treatment (or intervention) based on the best available science or research evidence that establishes what does and what does not work within certain parameters and, in addition, addresses the area of cost effectiveness (Department of Health, 1997; McNeece & Thyer, 2004; Walter *et al.*, 2004). However, this is far from simple to achieve, especially in the area of social sciences where a number of contentious issues arise around what constitutes valid evidence (for example does service user data or input rank less highly as legitimate evidence than a more formal research approach such as a systematic review of other studies?) and just how much evidence is required to inform a particular practice or policy (see Trinder & Reynolds, 2000; Glasby *et al.*, 2007). Notions of a hierarchy of methods and evidence which posit systematic reviews and meta analyses as the pinnacle of reliability (see McNeece & Thyer, 2004), and which view qualitative studies as the least reliable, invite much critical debate (see also Marsh *et al.*, 2005; Denvall, 2008). Indeed, there are those (see Sempik *et al.*, 2007) who assert that the classic scientific experiment and systematic review can be the least useful to practitioners and that rich qualitative insights into the lives and needs of service users are far more useful. This debate is explored in detail elsewhere (see May, 1997; Sackett *et al.*, 1997; Sarantakos, 2005; Sempik, *et al.*, 2007) but is noted here to make the point that evidence in social work rarely flows in some formal 'scientific' sense and that we need to recognise the particular merits of different methods and that there are multiple ways of 'knowing' (practice wisdom, tacit knowledge, user experience) that something 'works' (Duncan & Harrop, 2006; Glasby, *et al.*, 2007).

We must also recognise that 'evidence' in whatever form it takes does not somehow cascade evenly across the institutional arrangements that define our complex welfare systems. New knowledge has to be accessible at the local front-line of practice – much easier said than achieved (see Hughes *et al.*, 2000; Nutley & Homel, 2006; Zeira *et al.*, 2008). Also, 'evidence' can be used to promote all sorts of agendas in welfare that may conceal or legitimate political interests rather than best practice (Jordan, 1998; Weiss, 1998; Mathews & Young, 2003; Coote *et al.*, 2004; Goldson, 2005). We need, therefore, to take a more rounded and moderated approach to evidence, one whereby practice is 'evidence-informed' and 'knowledge-based' but which allows us to move away from the notion that research will provide all the answers to practice questions in a systematic and prescriptive way (see Pawson, *et al.*, 2003; Hammersley, 2005; Nutley & Homel, 2006). With these familiar but essential caveats in mind we now consider the evidence for Family Group Conferencing, particularly in the context of restorative justice.

Family Group Conferencing and restorative justice

Miers (2001) states that, internationally, many countries that seek to address crime using a restorative justice approach appear to have little reliance on Family Group Conferencing. However, where there is the Common Law system of justice (for example, UK, Australia, Canada, New Zealand and the United States of America), FGC is used with good outcomes concerning youth justice matters (Miers, 2001; Walgrave, 2003; New Zealand Ministry of Justice, 2005). Criminal justice data suggests that compliance rates with the conference contract were high, there were good satisfaction rates amongst victims and offenders and a reduction in recidivism and the fear of crime (Latimer *et al.*, 2001;

Miers, 2001; Hoyle *et al.*, 2002; Mutter *et al.*, 2008).

McCold (2003) offers some valuable generalisations about mediation and restorative justice based upon the results from 98 restorative program samples (mediation and conferencing) and 21 court samples over a 30-year time period. Regarding conferencing, he quotes the work of Sherman *et al.*, (2000) which highlights one project in Australia, the Re-integrative Shaming Experiments (RISE), where the:

Australian National Police facilitated nearly 1,300 community group conferences over a five-year period ending July 2000. ... Recidivism patterns of both juvenile personal property and shoplifting offenders revealed that the deterrent effect of conferencing and court was equivalent. More dramatically, re-offending rates by violent offenders dropped significantly among the ... group by 38% in the 12 months following the conference. (McCold, 2003, cited in Mirsky, 2004, p.6)

Nixon *et al.* (2005) established in their snapshot survey that many countries (17) deploy FGC as an intervention for both welfare and justice concerns. Brown (2003) notes that, between 1999 and 2001, research highlighted that 55-57% of local authorities in the UK were either using FGC or were considering use it. A cursory internet search highlights this continued trend in FGC popularity with numerous local authorities using the intervention for both welfare and justice concerns.

Focusing particularly on child welfare or child protection concerns, FGCs are well established globally, and are often linked to country-specific child welfare legislation, for example, The Children Act (1989) in the UK and The Children and Young Person's Act (1989) in New Zealand (Connolly, 2006). In the UK, the data highlights successful family engagement and the

production of agency agreed plans, high levels of satisfaction by attendees, cultural sensitivity and the empowerment of young people (Lupton & Stevens, 1997; Simmonds *et al.*, 1998; Smith & Hennessy, 1998; Lupton & Stevens, 2003; Merkel-Holguin *et al.*, 2003). For the most part, the impact of FGC appears to be a positive one for children, young people, their families and, at times, community members across both the welfare and justice systems in numerous countries. Although limited in terms of wholesale implementation, FGCs are generally seen as successful in terms of engaging and providing a safe forum for conference participants to have a voice and feel listened to in the decision-making processes affecting their children (Lupton & Stevens, 2003; Merkel-Holguin *et al.*, 2003).

However a 3-year longitudinal study in Sweden established somewhat contradictory findings in which young people exposed to conferencing showed a higher re-referral rate to established child protection services (more often due to further abuse) and more time in out-of-home placements compared to young people using traditional assessment and intervention services (Sundell & Vinnerljung, 2004).

Evaluation

Since its introduction into the UK in the early 1990s, FGC has been heralded as a successful intervention in the fields of social care and criminal justice. Research has been undertaken globally that has encompassed both positivist and constructionist paradigms using numerous data collection methods. Overall, the process of FGC is seen as empowering, involving partnership working and collaboration in meeting the needs of the individuals, families and communities and also the legislative and procedural aims of the welfare and justice systems in the UK and elsewhere (Leadbetter, 2002).

In terms of using FGC in crime contexts, recent literature compares conference outcomes for both victims and offenders to those of conventional criminal justice practices in numerous cases in Australia and the United Kingdom (Porter, 2007). Randomized controlled trials of FGC developed by Sherman and Strang led the authors to conclude that “restorative justice - no matter how it is measured - is as, or more, effective than traditional methods of criminal justice for reducing crime with respect to nearly every group of offenders studied” (Wachtel, 2007, p.1). The authors focused on ‘what works’ in terms of recidivism (regarding certain types of crime) and expanded their study to encompass more qualitative data, including the psychological benefits of the project for victims (see Porter, 2007). Sherman and Strang (2007) also suggest, however, that FGC may be more effective with adults than youths. This is of obvious concern given that most FGCs are undertaken with young people. We might, however, be a little circumspect about the evidence wrought from randomized controlled trial methods. The structure and process of FGC may not easily be amenable to comparative experimental evaluation, particularly where the offence and subsequent lived experience of the victim, offender and other participants comprise variables which can not always be controlled (Witkin & Harrison, 2001; Glasby, *et al.*, 2007; Zeira *et al.*, 2008).

Essex Family Group Conference Service undertook research using strengths and difficulties questionnaires (SDQ) to interview participants at 3 established points during the process for 30 combined youth justice and welfare FGCs over a 15-month period. A modified SDQ was employed, prior and post conference and then, on average, 6 months later, to assess any changes in the young person’s psychosocial profile. A slightly varied questionnaire was deployed for the other participants (Mutter *et al.*, 2008). The Essex study attempts to

identify the impact of the FGC on young people over time at 3 standardized points and seeks the views of all the participants involved. However, again, it is focused on outcomes of recidivism and psychosocial changes that occur within the young people. In terms of valid, 'quality' research it embraces service user feedback along with participant questionnaires and therefore provides a broad range of data. However, SDQs are used to predict child psychiatric/psychological disorders and, although modified for this study, their association with the medical model and the potential pathologizing of offending behaviour is of concern to some (see Goodman, 1997; McGuire, 2004).

Merkel-Holguin *et al.*, (2003) in their synopsis of research into welfare-focused FGC, synthesized the findings of a number of multiple method and multiple evaluation indicators. The results suggested a number of areas where more research is needed in order to isolate aspects of process and outcome in order to fully identify what works with whom, where and when (see also Fox, 2005). Similarly, more needs to be discovered about the social construction of offending behaviour and notions of what constitutes family and the relationship of these variables to FGC interventions (Haralambos & Holborn, 2004; Cree, 2005). Other variables that will also impact upon FGC as an effective intervention include age ranges, gender, culture, cognitive ability and multiple social factors such as schooling exclusion, lack of employment opportunities, peer pressure and familial support, along with broader social issues such as poverty and related disadvantages (Social Exclusion Task Force, 2008). Thus, it is suggested by some authors that multiple variables in the deployment of FGC, need to be considered as a "second determinant that may have an effect on the strength of the evidence" (Zeira *et al.*, 2008, p.59).

In addition, concerns have been raised regarding the role of the professional in

making referrals and power sharing within the FGC process itself (Morris & Shepherd, 2000; van Pagee, 2003). Also, the legislation that underpins both welfare and youth justice interventions only allows for FGC to complement rather than act as an alternative to current practices and interventions. This is seen by many practitioners and managers as a duplication of services (Brown, 2003; Connolly, 2006). These issues can be compounded by the most compelling challenge to FGC, that is where families are potentially unable to restrict or protect a child. In such circumstances, FGCs are unlikely to be appropriate (Morris & Shepherd, 2000). Furthermore, some authors are concerned that restorative justice interventions, such as via FGC, will become blanket responses to issues such as youth offending regardless of the unique circumstances of each situation (Gelsthorpe & Morris, 2002).

The Essex Family Group Conference project is often presented as a beacon of good practice in terms of the implementation of FGC across a number of social work and allied care fields (Mirsky, 2003). We can note here that much of the evidence-base stems from local research informing local practice rather than the importation of a whole process from 'outside', nationally or beyond (Nutley & Homel, 2006).

A key aspect of the evidence-base for FGC is cost effectiveness. In local authorities that initially implemented FGC these interventions continue to thrive. However, these schemes have not expanded as widely as might be expected (Brown, 2003). A number of reasons for this have been offered such as competing financial demands, the time required to set up services that parallel existing statutory duties and the lack of substantive evidence regarding *long term* benefits (Brown, 2003; Merkel-Holguin *et al.*, 2003). That said, a cost-benefit analysis of FGC could potentially highlight that this intervention is

more effective in financial terms compared to social service involvement regarding the care of a child or the incarceration of a young person. Both of these are notoriously costly and, in the case of incarceration, mostly ineffective (Cavadino & Dignan, 2005; Soloman, 2008). However, establishing and maintaining FGC practice is a time consuming process and thereby an expensive proposition (Merkel-Holguin *et al.*, 2003). Financial constraints, statutory requirements and an absence of longer term research into its lasting effectiveness means that FGC remains a relatively under-used intervention on the periphery of both welfare and justice systems (Brown, 2003). There are also broader structural and political issues regarding the use of what might be seen as a 'softer' option such as FGC and whether this is compatible with the control agenda in youth justice and the protectionist agenda in UK welfare (see Hugman, 1991; Lundy, 2004; Muncie & Goldson, 2006).

In summary, the range of evidence on FGC, albeit sparse, appears broadly positive. Yet, the undertaking of FGC both nationally and globally occurs despite this dearth of extensive research and raises the question of how much evidence is required to inform practice (Glasby *et al.*, 2007). We may concur with Coote *et al.* (2004, p.xi) that human service programmes (such as FGC) are sometimes based less on proof of what works and as much "on the basis of informed guesswork and expert hunches, enriched by some evidence and driven by political and other imperatives".

Reflections and conclusion

While not in abundance, there is good qualitative and quantitative research that has identified some very positive outcomes for FGC (Baker, 1994; Sarantakos, 2005). FGC appears to be an empowering, holistic intervention that requires partnership and collaborative working between statutory agencies, families and individuals to achieve

procedural and statutory outcomes in the best interest of the child or young person. Families and young people feel listened to within the process and victims have an opportunity to voice their experiences. However, some contradictory messages have emerged from Sherman and Strang's research regarding FGC and young offenders which observes that "preliminary indications [are] that restorative justice, which in its initial development tended to be used more for youths than adults, may actually be more effective in dealing with adult crime" (Wachtel, 2007, p.1).

Concerns do remain regarding the intermediate and longer term effects of FGC. Here, much depends upon which indicators of success are to be applied. Merkel-Holguin *et al.* (2003) note a diverse collection of potential outcome measures that, for example, could include reductions in re-offending, levels of family engagement in problem-solving plans, permanency in children's placements, the child's psychosocial development and well-being and so forth. However, these are at best short to medium-term outcomes. We might note therefore the results of a Swedish 3-year study that failed to discover longer term positive effects and, indeed, claimed a negative impact on re-referral rates over protection issues and that FGC did not appear to assist in the resettlement of children within familial settings (Sundell & Vinnerljung, 2004).

An endemic difficulty with longitudinal studies is the issue of variables and how numerous external factors can influence the research data at various times throughout the period of study. In their study in Sweden, Sundell and Vinnerljung (2004) acknowledge that many young people and their families referred to the FGC project had more initial, serious difficulties than standard child protection cases and that this would have had an impact on the success of the FGC. Furthermore, while the authors used multivariate statistical methods to

assist with data collection and analysis they observed that “there are no robust theoretical models of what background factors to control” (Sundell & Vinnerljung, 2004, p.281). It is perhaps this inability to establish a direct correlation between FGC, its initial perceived successful impact and longer term outcomes for participants that leave it somewhat a marginal, or complementary, intervention rather than a convincing alternative to current approaches in child welfare and youth justice. Nonetheless, the lack of substantial empirical research evidence has not impeded the development of FGC across numerous professional fields in the UK and abroad. Whether the lack of a coherent and convincing knowledge base should curtail the expansion of a service (such as FGC) remains something of a contentious issue within the evidence-based practice debate (see Trinder & Reynolds, 2000; Glasby *et al.*, 2007). The short and intermediate outcomes for FGC have yielded promising results. However, the Swedish study raises concerns over long term outcomes. Overall, the evidence appears to be sparse, sometimes contradictory, relying more on practice wisdom, individual practitioner motivation and agency priorities than on a substantial body of research that has been effectively disseminated to both front line workers and policy elites (see Weiss, 1998; Brown, 2003; Mullaly, 2007).

If we are serious about implementing ‘what works’ then we must take the evidence already established about FGC and ensure that its application is directed at the most appropriate user and provider groups. It can be an empowering process which engages all participants in a dialogue that seeks to rectify social or familial issues or problems regarding the individual, family and, potentially, the community. It can also help establish good professional practice at the local level. However, it is a time consuming and potentially costly approach that requires practitioners and agencies to incorporate a power sharing process that may not always

reside comfortably with statutory aims and objectives. To conclude, we may agree with Mutter *et al.* (2008) who argue for further development and incorporation of conferences into the youth justice system. However, the case for the expansion of FGC in justice and welfare systems rests currently on a compelling, but not yet convincing, knowledge-base of its capacity to deliver. This paper has set out many of the ongoing challenges to a persuasive evidence-base. As is so often the case in our public services, we must continue working in the absence of good quality empirical research. This is especially so in the case of Family Group Conferencing where much more needs to be learned about the experience of the participants, the impact of multiple variables such as gender, ethnicity and power issues and, especially, the long term outcomes of FGC intervention.

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Notes on Contributor

Darrell is currently employed by London Metropolitan University as a Senior Lecturer in Social Work. His employment experience in International Youth Offending, Child Welfare and Child Protection includes over six years as a fulltime social worker in a variety of settings and locations. Most recently his experience includes lecturing and tutoring for the University of East London and De Montfort University and working as an independent Social Work Consultant in the Youth Justice sector. His research interests include restorative justice and youth justice.

Address for Correspondence

Darrell Fox
Senior Lecturer
Department of Applied Social Sciences
London Metropolitan University
Ladbroke House
62-66 Highbury Grove
London
N5 2AD

E-mail: d.fox@londonmet.ac.uk

Telephone: 0207 71335013