Written evidence submitted by the Restorative Justice Council

1.1 Executive summary
• Restorative justice is one of the main approaches that should be used for dealing with hate crime.
• Restorative justice, with its focus on repairing the harm of crime and bringing awareness to offenders of the harm they have caused, is particularly well-suited to dealing with hate crime incidents, if it is carried out safely and effectively.
• Hate crime has a particularly harmful emotional effect on victims, and participating in restorative justice has been shown to reduce post-traumatic stress and other adverse psychological symptoms for victims of crime.
• Restorative justice is proven to reduce the frequency of reoffending by 14% and could therefore help to reduce repeat instances of hate crime.
• Academic research supports the effectiveness of restorative justice in cases of hate crime.
• Victims of hate crime are much less likely to report being satisfied with police handling of an incident than for other crimes. Restorative justice, which has been shown to have very high victim satisfaction rates across a range of different offences, can improve this.
• Every victim of hate crime should be offered restorative justice, wherever there is a known offender who is willing to participate.

1.2 About us
The Restorative Justice Council (RJC) promotes quality restorative practice for everyone.

The RJC is the independent third sector membership body for the field of restorative practice. It provides quality assurance and a national voice advocating the widespread use of all forms of restorative practice, including restorative justice. The RJC’s vision is of a society where high quality restorative practice is available to all.

The RJC’s role is to set and champion clear standards for restorative practice. It ensures quality and supports those in the field to build on their capacity and accessibility. At the same time, the RJC raises public awareness and confidence in restorative processes. The ultimate aim of the RJC is to drive take-up and to enable safe, high quality restorative practice to develop and thrive.

1.3 What is restorative justice?
Restorative justice brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward.

Restorative justice gives victims the chance to meet or communicate with their offenders in a controlled environment in order to explain the real impact of the crime. Victims are
empowered in the process by being given a voice. Meeting the person who has harmed them can be a huge step in moving forward and recovering from the crime.

Offenders are held to account for what they have done, which helps them to take responsibility and make amends. The experience can be incredibly challenging for offenders as it confronts them with the personal impact of their crime.

Restorative justice conferences, where a victim meets their offender, are led by a facilitator who supports and prepares the people taking part and makes sure that the process is safe. Sometimes, when a face to face meeting is not the best way forward, the facilitator will arrange for the victim and offender to communicate via letters, recorded interviews or video.

For any kind of communication to take place, the offender must have admitted to the crime, and both victim and offender must be willing to participate. Restorative justice can be used for any type of crime and at any stage of the criminal justice system, including alongside a prison sentence.

Government research demonstrates that restorative justice provides an 85% victim satisfaction rate and a 14% reduction in the frequency of reoffending. The RJC advocates the use of safe, high quality restorative justice wherever and whenever it is needed.

1.4 Reasons for submitting evidence

The increase in hate crime since the EU referendum has rightly received a great deal of attention in recent months. Although this is a worrying trend, the prevalence of hate crime was growing before the referendum, with more cases coming to the attention of the police. In 2014-15, for example, there were 52,528 hate crimes recorded by the police, an increase of 18% on the previous year. Furthermore, the Crime Survey for England and Wales suggests that many more go unreported, with an estimated 222,000 hate crimes taking place annually. Given the scale of the problem, getting the response right is essential. A key part of this can and should be restorative justice, as this can make a real difference for both victims and offenders.

The RJC is also concerned that despite previous Government support contained in its 2012 hate crime action plan, ‘Challenge it, Report it, Stop it’², there is regrettably no mention of restorative justice in the Home Office’s latest hate crime action plan, ‘Action Against Hate’³. This is a missed opportunity and this submission is intended to highlight the benefits of incorporating restorative justice into the response to hate crime.

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2.1 The effectiveness of current legislation and law enforcement policies for preventing and prosecuting hate crime and its associated violence.

The experience of hate crime victims could be significantly improved through the greater use of restorative justice, which should be one of the main approaches that is employed by the police and the justice system in tackling hate crime. Where it is carried out safely and effectively, restorative justice, with its focus on repairing the harm of crime and bringing awareness to offenders of the harm they have caused, is particularly well-suited to dealing with hate crime incidents.

Currently, just 53% of victims of hate crime report being very or fairly satisfied with the police handling of their incident. The use of restorative justice, which has been shown to have very high victim satisfaction rates across a range of different offences, could help to improve this. A seven-year government-funded study into the use of restorative justice found that face to face conferences had victim satisfaction rates of 85%, which is far higher than the levels of satisfaction reported for incidents dealt with solely through traditional criminal justice routes.

Through meeting their offenders in a face to face conference (or otherwise communicating with them), restorative justice can empower victims of hate crime and give them a voice. It helps to demonstrate to them that the justice system is taking what happened to them seriously, particularly where the offence is dealt with out of court, when it can otherwise seem to the victim like little has been done.

Given that hate crimes are known to have a greater impact on victims than other crimes and are more likely to cause fear, anxiety and depression, giving victims an active role in how the offence is dealt with is vital. Participating in restorative justice has also been shown to reduce post-traumatic stress and other adverse psychological symptoms for victims of crime. This is particularly important in cases of hate crime in which victims are more likely to be emotionally affected.

Restorative justice can also hold perpetrators of hate crime to account by making them recognise the harm they have caused by coming face to face with their victims and being made to see them as individuals. Restorative justice can therefore help to prevent further offending, with evidence showing that its use reduces the frequency of reoffending by 14%.

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5 Ministry of Justice (2007), ‘Restorative Justice: the views of victims and offenders’
6 Angel, C.M. et al. (2014), ‘Short-term effects of restorative justice conferences on post-traumatic stress symptoms among robbery and burglary victims: a randomized controlled trial’
7 Ministry of Justice (2008), ‘Does restorative justice affect reconviction?’
An anti-Semitic hate crime case, which occurred in Prestwich earlier this year, perfectly demonstrates the power of restorative justice. In this instance, a mother, who was subjected to highly-offensive anti-Semitic abuse as she was walking to school one day, underwent a restorative justice conference with the two men who had carried out the attack, a local rabbi who had witnessed similar abuse by the same men later that day, three police officers and a trained restorative justice facilitator who oversaw the conference. The victim, the rabbi and two of the police officers involved all spoke to the RJC afterwards and were universally positive about their experience and reported that by the end of the process the offenders were genuinely sorry and apologised for the harm that they had caused. The victim in this case also said of the experience: “My experience of restorative justice was wholly positive and everything I said was listened to. I feel like restorative justice injects a freshness into the system. I would definitely encourage it.”

The use of restorative justice in cases of hate crime already has support. The Government’s previous hate crime action plan, ‘Challenge it, Report it, Stop it’ promised to ‘assess scope for alternative disposals, including restorative justice, to offer an alternative response to less serious hate crimes’ (although there was, regrettably, no mention of restorative justice in the recent update ‘Action Against Hate’, published this year), while MOPAC’s ‘Hate Crime Reduction Strategy for London’ also supports its use.

Academic research also supports the use of restorative justice in instances of hate crime. Most prominently, research conducted by Dr Mark Walters and reported in his book ‘Hate Crime and Restorative Justice: Exploring Causes, Repairing Harms’ shows that when done well, restorative justice can be an effective response to hate crime. In particular, the research found that it directly improved the emotional wellbeing of the majority of the victims interviewed. Where proper training in facilitation had been undertaken, and formal planned conferences had taken place, the effect on dealing with conflict and victim satisfaction was dramatic.

The study found that the majority of victims who took part in formal restorative justice actions felt that the process had directly improved their wellbeing and their levels of anger, anxiety and fear were reduced. It also found that 11 of 19 ongoing cases of hate crime stopped directly after the restorative justice action had taken place and a further six stopped after the restorative justice facilitator included other agencies in the process. Furthermore, victims felt empowered by the opportunity to explain to their offenders the effects of their crime, and felt supported by facilitators who listened to their version of events.

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8 This case study is due to be published shortly in the RJC’s members’ magazine Resolution.
The same study, however, highlights the importance of restorative justice facilitators having the right training, knowledge and expertise and working to national standards. In Devon and Cornwall, the study found that the local police’s use of restorative disposals failed to provide victims with the time or opportunity to communicate properly with their offender, resulting in an unsatisfying experience. So while restorative justice can be of great benefit in hate crime cases, it is essential that facilitators are properly trained and supported. As the national standards body for the restorative justice field, the RJC therefore recommends that all organisations conducting restorative justice in cases involving hate crime should work towards achieving the RJC’s quality mark, the Restorative Service Quality Mark (RSQM).\textsuperscript{11}

There is a strong case for the use of restorative justice in response to hate crime. It is important that progress is made on this now, when there is a pressing need to reassure victims and communities at large that there is a safe and effective response to the worrying patterns of behaviour witnessed recently.

2.2 The barriers that prevent individuals from reporting hate crime, and measures to improve reporting rates.

60% of hate crime incidents do not come to the attention of the police, with 43% of those who did not report incidents believing that the police could not, or would not, do much about it.\textsuperscript{12} The use of restorative justice can help to address this concern. Even where a case is not serious enough to go to court, and is therefore dealt with through an out of court disposal, the use of restorative justice as part of this (through a community resolution or conditional caution) can reassure the victim that action is being taken to prevent the offender committing further offences and to repair the harm caused. This can help to improve confidence that reporting a hate crime will lead to action, which in turn will increase reporting rates.

Restorative justice, as part of an out-of-court disposal, offers victims the opportunity to get effective and meaningful justice in a safe environment. Offering it as a standard response to hate crime, therefore, should be part of the government’s plan if it wants to improve reporting rates.

2.3 The role of the voluntary sector, community representatives, and other frontline organisations in challenging attitudes that underpin hate crime.

By putting the offender in direct contact with the victim, restorative justice provides an effective way to challenge the attitudes that underpin hate crime, therefore preventing the perpetrator from reoffending. The routine use of restorative justice in response to incidents of hate crime would therefore help to prevent hate crime occurring in the future. The voluntary sector has a great deal to offer in delivering restorative justice, as do other frontline organisations, particularly the police.

\textsuperscript{11} For information on the RSQM, see https://www.restorativejustice.org.uk/restorative-service-quality-mark.
\textsuperscript{12} Home Office, Office for National Statistics and Ministry of Justice (2013), ‘An Overview of Hate Crime in England and Wales’
2.4 The type, extent and effectiveness of the support that is available to victims and their families and how it might be improved.

Restorative justice can offer victims of hate crime effective support and help them to put the crime behind them and move on.

For it to be effective, though, restorative justice must be high quality. Before it can take place, both the victim and the offender have to agree to the process, and the offender needs to admit their guilt. Victims should then be thoroughly prepared by trained facilitators before the restorative justice intervention takes place, in order to ensure that the environment is safe and that they have a positive experience. Support after the restorative justice intervention is also essential, with links into mainstream support services.

Restorative justice may also offer families of victims the opportunity to participate in the process. During face to face conferences, for instance, victims are often allowed to bring family members along for support.

Crucially, victims of hate crime should always have the right to restorative justice where their offenders are found guilty and agree to participate in the process. This has public support. Earlier this year, the RJC commissioned Ipsos MORI to conduct polling on public awareness and attitudes towards restorative justice. Among other findings supporting the greater use of restorative justice, the polling showed that 80% of respondents believed that victims should have the right to meet their offender and tell them the impact of their crime. The figure was even higher when the question was asked to victims of crime. Amongst these respondents, 85% believed that victims should have this right.13

Every victim of hate crime, where there is a known offender who is willing to participate, should be offered an opportunity to take part in restorative justice. Evidence shows that this will help them to recover from the impact of the crime, put it behind them and move on.

13 Ipsos MORI and Restorative Justice Council (2016) '2016 poll summary'