SAFEGUARDING STUDENTS AGAINST HATE AND PREJUDICE ON UNIVERSITY CAMPUSES

DEVELOPING A RESTORATIVE PRACTICE

UNIVERSITY OF SUSSEX

University of Brighton

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PART A: SAFEGUARDING AGAINST HATE AND PREJUDICE AT UNIVERSITY

BACKGROUND

The number of hate crimes has risen dramatically over the past five years, with the police recording over 94,000 cases during 2017-18. The university sector has by no means been immune to the problem. Numerous cases have made the headlines, with students experiencing racist taunts, online abuse, and violent physical attacks. Research by the National Union of Students (NUS) based on a survey of 9,000 students in higher or further education found that 16% of all respondents had experienced at least one form of hate incident during their time at their current period of study. Research also shows that hate-motivated incidents can have particularly harmful impacts on victims, inevitably damaging students' studies as well as their physical and mental health.

It is incumbent upon universities to create safe and secure environments for students to study without the fear of being targeted for being "different". The Universities UK (UUK) Harassment Taskforce's report *Changing the Culture*[1] considered targeted harassment and hate crime[2] within the higher education (HE) sector. The UUK found that HE institutions should "… *be more systematic in their approaches"*, and that *"not every university had all of the necessary building blocks in place for effective prevention and response"*. In supporting this obligation, we have established a new initiative (called Restore Respect) at the University of Sussex and the University of Brighton which was funded by the HEFCE (now the Office for Students and Research England) Catalyst Fund to safeguard against hate crime.

The purpose of Restore Respect is to empower universities and students alike to address both the causes and consequences of prejudice and hate, by doing what universities do best: engaging in dialogue that is focused on learning. The initiative is based on restorative justice theory and practice, which aims to use an inclusive dialogical process that focuses on the harm and how these harms can best be repaired.

Based on research[3] conducted by a leading criminologist at the University of Sussex on the use of restorative justice for hate crime, Restore Respect aims to provide students with a space:

1. In which they can use their voices to describe the impacts of hate and prejudice on university campuses.
2. Where others in the university community can listen to their experiences.
3. Where they feel supported by the institution and professionals who are tasked with responding to hate incidents.
4. Where collectively they have a role in determining how their experience can be best resolved.

[1] Universities UK (2016), *Changing the Culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students*. Available at: http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Pages/changing-the-culture-final-report.aspx.

[2] This refers to any incident or crime motivated by hate based on an individual or group's identity. This can include their race, religion, sex, gender identity, sexual orientation, disability or transgender identity.

[3] Walters, M.A. (2014), *Hate Crime and Restorative Justice: Repairing Harms, Exploring Causes*, OUP.

This toolkit outlines how other universities interested in using a restorative approach can establish similar programmes of their own. All universities have a responsibility to safeguard students against physical and online hate by ensuring that they develop proactive - rather than reactive - reporting and support measures. The restorative approach to tackling prejudice and hate offers universities a new way of understanding and responding to hate incidents that moves beyond the conventional focus on punishing individual wrongdoing. We believe that this innovative reparative response to hate and prejudice will enable universities to more effectively address its causes and consequences.

INTRODUCTION

This toolkit is designed to help anyone working in or associated with university services that support students who have experienced harm, or those thinking of exploring an alternative to disciplinary or standard procedures in cases where identity based prejudice or hate is the motivation for harm – be that physical, emotional or psychological. Such cases are nearly always going to be sensitive and complex, requiring a high level of skills, knowledge, appropriate caution, and sensitivity. A restorative approach incorporates a wide range of specific restorative practices (RP) that can aid staff in facilitating student interactions and communications to enable good outcomes for all.

Why use this toolkit?

It should be noted that this is not a handbook of best practice, as it has yet to be fully evaluated in a university setting or campus context. Nonetheless, this toolkit gives an overview of what might be worth considering when planning a restorative service. It can be read in conjunction with the Service Standards outlined by the Restorative Justice Council (RJC) and the RJC Ethical Framework. The ideas, suggestions, and recommendations outlined in the toolkit emerged out of the first year of a pilot project (including initial evaluation of services and student experiences) during which a "restorative pathway" was established, staff were trained, and several cases were referred to the new restorative practitioners. While restorative practices have been developed for other sectors and contexts, the experience of undertaking the pilot project demonstrated that establishing a restorative programme at a university is considerably different to establishing something similar in a school, college, or criminal justice context. The toolkit therefore provides a valuable guide to other institutions of higher or further education which are likely to encounter similar issues and challenges.

Legal and statutory responsibilities relating to restorative justice (RJ)

The Code of Practice for Victims (2015) is a statutory document that sets out the standards for the types of services and information victims of crime are entitled to from criminal justice agencies — like the police and courts — from the moment they report a crime until the end of the trial. Although this does not directly apply to schools, colleges and HE institutions, it is worth noting that restorative justice is now a recognised justice mechanism for crime; one which the government has recommended should be used by all criminal justice agencies across the country.

Legal and statutory responsibilities for universities: duty of care for students

AMOSSHE, the Student Services Organisation, states the following regarding universities' duty of care to students:

> *A university has a general duty of care at common law: to deliver its educational and pastoral services to the standard of the ordinarily competent institution, and, in carrying out*

its services and functions, to act reasonably to protect the health, safety and welfare of its students…

Institutions also have a duty under the Health and Safety at Work Act 1974 to do everything reasonably practicable to ensure the health and safety of their students.

In order to assist it to discharge its duty of care, a university needs to ensure that it has in place effective and robust systems, policies and procedures for supporting and managing students, and that training and awareness-raising is provided for staff.[4]

University policies

Any new service or programme will sit alongside and in relation to pre-existing pathways. For example, a university may have a bullying and harassment procedure. Cross-referencing the new pathway with existing pathways and being clear about where and how it fits will be essential in clarifying the aims and objectives of the new service. In many if not most cases restorative practice begins as a discrete service but soon infiltrates other pathways - becoming a useful tool across a wide range of processes.

How to use this toolkit

This toolkit includes ideas and experiences gleaned from a 12 month project; the objective being to set up a new restorative pathway for students who have been affected by prejudice or hate at two universities in the U.K. Textboxes placed throughout each section of the toolkit feature excerpts from the project's progress notes in order to provide practical insights and instructive examples from its design and implementation.

This toolkit can be used in conjunction with the detailed and substantial training resources (available at http://www.sussex.ac.uk/studentlifecentre/issues/restore_respect) which were used during the pilot to train 11 staff members in restorative practices. It can also be used to inspire new research, and may provide a talking point for teams looking for different ways to address sensitive or complex cases. It may also be of interest to non-university observers who are working in the field of restorative justice in schools, colleges, youth justice or community settings.

WHO DO STUDENTS TELL THEY HAVE BEEN HARMED?

Key to the establishment of any restorative programme in higher or further education is an appreciation of the unique constellation of challenges and advantages that exists in each institutional context. Of particular concern is the nature of existing patterns of reporting among students at an institution. That is, when students experience harm, who do they tell, and why? Finding answers to these questions will help to identify such things as who an institution's first responders tend to be (and therefore who to train in restorative first responses), what barriers may be preventing reporting, and how current reporting processes can be improved upon.

[4] AMOSSHE (2015), *Where's the line? How far should universities go in providing duty of care for their students?* Available at: https://www.amosshe.org.uk/futures-duty-of-care-2015#complex

Pilot study

A 2018-19 study conducted at the University of Sussex and the University of Brighton as part of the project used focus groups and interviews with students in order to understand how they navigated university services and processes after experiencing a hate crime, a hate incident, or hate speech.

Having the study take place across two universities allowed researchers to gain an appreciation for the ways that different institutions – encompassing varying compositions of students, staff and faculty, as well as different structures, policies, practices, and organisational cultures – will feature differing sets of student experiences and needs, in addition to differing modes and patterns of engagement with staff and faculty.

Reporting

NUS research has previously shown that hate incidents that occur at universities go widely unreported. For instance, its survey on anti-LGBT hate incidents found that just 8–13% of incidents involving prejudice against the victim's sexual orientation were reported to the victim's institution.[5] Those individuals who did report most frequently chose to do so to academic staff (42%) or student officers (29%), while only 12% reported to non-teaching staff.[6]

The research that we conducted replicated these earlier findings by the NUS. Of the types of hate incidents that research participants described themselves or others as having experienced, the majority were not reported to the university. A small number of incidents were reported to academic staff, a smaller number to student support services, and one to campus security.

These reporting patterns were also reflected in the results of a 2010 study of student mental health and wellbeing at the University of Brighton, which found that students prefer to seek support from those with whom they have already formed relationships. These included friends (29%); family members (21%); academic staff (16%); partners (5%); self-management (5%); peers (4%) and student services (4%).[7]

NUS research found that the main reasons given by LGBT victims of hate for not reporting incidents to their institution included shame and embarrassment, fear of reprisals and retribution, and concern over having to disclose personal details.[8] In the pilot study, students' reasons for not reporting incidents to their university fell into a number of key themes, characterised by the following responses: **"I don't know where I should go"**, **"It's not serious enough", "It won't be taken seriously"** and, **"I don't know what the process is like or what will happen to my information"** (see a full analysis in our accompanying report "Prejudice and Hate on University Campuses").[9] Commonly, students perceived standard institutional responses as overly bureaucratic, slow, impersonal, or lacking in understanding.

[5] National Union of Students (2011). *No Place for Hate: Hate crimes and incidents in further and higher education: sexual orientation and gender identity*, London: NUS, p. 41.
[6] Ibid., p. 4.
[7] Morris, C. (2011). "Open Minds: towards a 'mentally well' university", in L. Marshall and C. Morris (eds.), *Taking Wellbeing Forward in Higher Education: Reflections on Theory and Practice*, Brighton: University of Brighton Press, p. 16.
[8] National Union of Students (2011). *No Place for Hate*, p. 4.
[9] Kayali, L. and Walters, M. (2018) "Prejudice and Hate on University Campuses", University of Sussex. Available at: http://sro.sussex.ac.uk/id/eprint/81958/.

These results demonstrate a need across universities to identify new measures that are easily accessible to students, that take their experiences of hate and prejudice seriously, and that respect and protect their personal information.

COMMUNICATIONS AND MARKETING

HE/FE institutions often encounter ambivalence when promoting programmes addressing a particular issue affecting students. The challenge, in most cases, is to craft a message that clearly and effectively communicates the central themes of a programme or campaign while also demonstrating genuine commitment on the part of the institution.

In addition to generating interest among students, communicating a meaningful message around a restorative programme will also encourage staff to feel empowered in the use of restorative practices. A key challenge is to enhance understanding around what restorative justice is without overloading audiences with information (more detailed guidance on language is provided in Part B), or alienating students with official-sounding jargon. Remembering that many of the students affected by hate come from minority groups, staff and students who have participated in restorative practices and/or who identify with the protected characteristics of certain student groups would be well placed to promote the potential benefits of restorative approaches.

Promotional efforts may include:

- Induction events for new and returning students
    - Information stalls
    - Information sessions for staff
    - Information sessions for students
- Meetings/information sessions with student societies
- A poster and leaflet campaign (plus additional promotional items, where possible)
- Drop-in sessions
- A short video screened shortly before lectures
- Brief presentations delivered during lectures
- Other events such as film screenings, panel discussions, etc.

Of course, each university will have its own style of marketing and preferred way to communicate with students. Increasingly it is only via social media platforms that students are engaging with universal communications or even targeted messages. Utilising the university's own marketing department is crucial, as is timing and message management, as mentioned elsewhere. Students need easy access, and the identification of key words rather than lengthy text will provide an open door to any student who wants to report or seek help for an incident of hate. Beta testing any pathway is crucial as a student may only make a report once, which if lost could be harmful for the student and detrimental to the whole programme. Some universities are using apps, so planning to get the new service included in the app is worth any technical challenges.

Identifying the problem for which restorative practice is a potential solution

When engaging with the university's marketing department, be clear in identifying a site and context-specific problem. If possible (and appropriate), give examples of incidents that have taken place at the university where staff or students were not satisfied with the response. Explore examples from the media (e.g. the Nottingham University racism in halls of residence case in

2018[10]), invite people to imagine how their university might respond in similar circumstances, and outline how a restorative approach could have been deployed with potentially better outcomes for all.

Meeting an unmet need

Students are regularly surveyed by universities in terms of their satisfaction with their student experience. Data analysis can show if these scores are lower for certain vulnerable groups or for groups with protected characteristics, and whether an RP approach to any particular type of issue might indeed provide a higher level of satisfaction as a result of feeling appropriately heard.

Building a meaningful message for students and staff

When talking about restorative justice or restorative practice to university audiences the language and tone can be informed by the core principles, values, and beliefs of a restorative mind-set. Throughout all communications, both verbal and written, the message should be one of respect, equality, and empowerment. While a focus on the needs of the victim should be paramount, the needs of the person held responsible for an incident also deserve our attention, as RP offers opportunities for transformation, change, and improved social citizenship (see the definition of restorative justice provided in Part B).

[10] Busby, E. (2018), "Nottingham Trent University: Two men arrested after video allegedly showing racial abuse shared online", *The Independent*, 8 March.

Have you experienced identity hate or prejudice at university?

We recognise that identity hate and prejudice can have very negative impacts on students' wellbeing.

Restore Respect is a new restorative programme that offers support to anyone who has been involved in an incident on campus that is perceived to be motivated by identity-based prejudice.

For more information or to report an incident, visit
www.sussex.ac.uk/studentlifecentre/restorerespect
Or contact the following university services:

STUDENT LIFE CENTRE
T 01273 876767
E restore.respect@sussex.ac.uk

STUDENT UNION
T 01273 678152
E advice@sussexstudent.com

CAMPUS SECURITY
Ext 3333
T 01273 873333

RESTORE RESPECT

An example of a poster developed for use at the University of Sussex

A leaflet developed for use at the University of Sussex (front and back)

ENGAGING STAKEHOLDERS

In a university environment, who are the key stakeholders?

- Students
- Faculty
- Professional services
- Campus/residential
- Estates
- The Students' Union
- Student societies
- Local community police

While focus groups have helped us to understand what students might want when they have experienced a hate incident, what is less clear is what those who are being held to be partly or fully responsible might need when they are named.

The Students' Union (SU) at each university is there to advocate for student needs, and many students would prefer to find a solution or support via this route over the more official university route. There are many reasons for why this might be, but the SU is a key stakeholder in any RP project and it is therefore important to engage with them from an early stage.

Many university staff will have at one time or another been involved in utilising the disciplinary procedures, and are likely to have experienced how time-consuming and frustrating the process can often be for all concerned. RP approaches are less formal approaches to dealing with harm, and they are typically less time-consuming, less costly, and generally more satisfying for those who participate.

Some universities fund a local police presence on campus to provide support for staff and students alike. Many police are now trained in restorative justice principles and will understand how this approach is used in the community and in youth justice (in fact entire cities are now becoming "restorative cities", e.g. Brighton and Hove, Bristol, Hull etc.). They may already be using RP in their daily dealings with students. Engaging the police and security staff makes sense in providing a unified response to incidents of hate.

Some student societies will have an in-depth and detailed knowledge about what students are talking about, what the current issues are that matter to a cohort of students in a particular time, place and context, as well as current events and incidents that have been publicised on social media platforms. These issues may never come to the attention of the university unless there is a pathway through which students feel safe to report and engage without fear of losing control over their own story. A restorative pathway offers this opportunity.

A Senior Student Services Manager attended a 1:1 face-to-face meeting with the Restore Respect project coordinator. This lasted only 20 minutes, but, due to the manager's pre-existing knowledge of how RJ worked, it was easy to begin to explore what both the opportunities and challenges might be in a university context. Following this meeting the coordinator was invited to address a senior leadership team meeting for 45 minutes, chaired by this manager. One of the people from the meeting was subsequently trained as a restorative practitioner, and started to promote the approach to others.

STAKEHOLDER MANAGEMENT

Universities are highly complex institutions, with the academic calendar impacting on all communications and attempts to schedule events and meetings. Student union and society officers are mostly only available during term time, and will often simultaneously be juggling assignments and exams. University staff, both academic and pastoral, will tend to have similarly demanding workloads and priorities. Meetings with key stakeholders can be difficult to arrange in a timely fashion. It is unlikely that all stakeholders will be able to come together at the same time, however hard the coordinator tries. A rolling programme of meetings (with 1:1 face-to-face meetings being the most effective) in the first instance often leads to invitations to speak to groups.

Timing is everything when introducing any new approach, as well as managing misinformation, misrepresentation, and fear around change. The RP approach is particularly vulnerable to this. There is a tendency to misunderstand RP as simply "getting away with something by saying sorry". It is important to steer people away from the notion that RP is equivalent to apologising, or is just another form of mediation. Managing the message is crucial, which is why 1:1 meetings are so important in the early stages of any project.

The Restore Respect project coordinator was invited to address a regular breakfast meeting held in the Students' Union for officers and staff. A 30 minute presentation was delivered with ample time allowed for questions afterwards. 25 people arrived at 9am, ate the fresh fruit and drank the coffee provided, and were fully engaged with a presentation of real stories about how a restorative approach had assisted victims move forward after a harmful incident. Many practical questions were asked.

This invitation followed on from several 1:1 meetings with a SU officer over several months. After the breakfast meeting more requests came from individuals who had attended, asking for more information and offering invitations to speak or attend other staff meetings.

It is sometimes wise to prepare the groundwork for a restorative approach by developing the pathway, establishing referral routes, creating referral templates, and training staff, before then waiting until a case comes along that clearly demonstrates the benefits and opportunities offered by this approach. Having a case that has been worked through to a satisfying outcome provides a good place from which to start. This will bring RP to life, making it easier to comprehend how it works and to envisage how it might work in future cases. It will also further encourage stakeholders to invest time and resources in expanding the approach.

RESOURCES AND COSTS

Two universities shared the cost of a part-time (0.2 FTE) coordinator on a 12 month contract who was tasked with establishing a restorative programme. Other project costs included marketing and training resources, which totalled £2000 in 2018. Costs beyond the initial budget for setting up the programme could be very low if there is a legacy of trained staff who are able to incorporate the new skills and approach into their current role. Other wider hidden costs included the time assigned to the project by staff already employed and already accounted for by salaries. HEFCE (now the Office for Students and Research England) funded Restore Respect on a match funding basis.

Setting up a project might involve the following people and resources:

- A project team (formed from university staff plus a coordinator)
- An advisory group (governance)
- A small marketing budget (can usually be covered internally)
- A website budget (can usually be covered internally)
- A training budget (to cover room hire, catering, additional trainers/actors etc.)
- Travel expenses budget
- Refreshments budget (for drop in sessions/meetings/workshops)

A university division might feel that although they would like to be a part of the project they are unable to contribute to the overall costs of running it. What is important to establish in that case is how much time resource they can contribute. In other words, will staff be given sufficient time within their current contract/work schedule to attend training and to facilitate/manage cases?

When one university-based team came to fully understand what might be involved in managing a student case in a restorative way, they withdrew from training after assessing that their team lacked the capacity to take on cases. While the team was happy to work with the project team in making referrals and developing a pathway into the project, they came to realise that upcoming budget and staffing cuts would make it difficult to deliver this approach themselves.

IDENTIFYING THE RIGHT SERVICE IN WHICH TO SITUATE THE PROGRAMME

When establishing a new practice in a university it is important to have an overview of how all the different academic, pastoral, and student wellbeing teams liaise and work together to support students. It is helpful to begin with the student experience. A "learning walk" involves venturing out across the university to find services, ask questions at front desks, and see what is currently being offered. This can help one gain a clearer understanding of what exactly is being offered to students who present themselves at various entry points to report an incident or seek support. A learning walk may highlight any differences between policy and practice or opportunities for new practices. It may also illuminate any duplication of services, or restorative practices that are already operating under another name. For example, restorative approaches may be found hidden away in amongst a list of sanctions within a disciplinary procedures manual, or they may be being practised by a member of staff who was trained in RJ in a previous role and is now utilising these "un-named" skills in their new role. Other examples may be an International Student Welfare team advocating using the local community's restorative approaches, or a Global Development Department may have a monthly drop-in day that offers listening circles for students experiencing racism. Individual academics or pastoral staff across the university may already be knowledgeable or skilled in restorative practice, and their insights can be very helpful for a new project.

Wherever the new service is located it will need the following:

- Visibility to students
- Viability in terms of resources
- Staff capacity
- Reliability in terms of service standards
- Validity in terms of delivering good outcomes

Locating a new service on the basis of the above will help ensure its sustainability.

Who might be involved?

- ***Academic staff***

Each university will arrange its academic support in unique ways. One university may have a system of academic support tutors, another of mentors in learning hubs. These staff members will get to know their cohort of students well, and may be the first port of call for student complaints. They will be experienced in signposting various pathways for referrals. It is important that they are kept informed about the opportunities offered by a restorative approach. Ideally, each school/faculty should have someone on its team who is trained in restorative listening skills.

- ***Professional services staff***

Wellbeing, student support, and all professional student services are interested in supporting students to achieve academic success and personal development during their time at university. Different teams will be experienced in supporting students with accommodation, finances, health, relationships, and other matters, respectively. RP can be used in many different contexts and is a tool that enables solution finding, with students at the centre of the process.

- ***Students' union staff and student officers***

Students often prefer to take an issue to the students' union to keep it informal, rather than report it to the university. If the relevant students' union has the capacity, then establishing a RP within the union will provide an alternative avenue for students who wish to report an incident and/or to seek support without formally involving the university. One thing to be mindful of is that there tends to be a regular changeover of student officers in students' union teams, and so a rolling programme of training may be required to maintain practitioner capacity. This requires resources and commitment, and so it may be that in many cases the students' union will only be able to provide a referral pathway into the university's professional student services.

SPECIFIC ROLES

In any university-based restorative programme the following roles may exist:

- First responders
- Triage administrators
- Trained restorative facilitators/practitioners
- Managers
- An advisory group/governance
- Trained case supervisors of practice
- Continuing professional development trainers
- Researchers

First responders are members of staff at the university to whom a student turns for support or guidance when they have experienced a harmful incident. This can range from security staff, to librarians, to professional student services, the chaplaincy, academic tutors, accommodation or residential services, or students' union officers. Wellbeing and health service staff may also be the first to respond to students who have experienced an incident of hate. First responders who are

restorative in their listening skills will enable students to tell their story and to feel heard and acknowledged (see our training slides for first responders: “Responding to Hate and Prejudice Restoratively”).

First responders may signpost the student into a restorative programme via a **triage administrator** who will determine the broad nature of the case and assign a trained **restorative practitioner/facilitator** who will then contact the student and take the case forward. **Managers** of a restorative service will be mindful of the RJC service standards in planning and managing differing priorities and issues of capacity, resources, and outcomes.

All practitioners should have regular access to experienced practitioners who can act as case **supervisors.** These case supervisors function to maintain the ethical framework as outlined by the RJC and aim to protect the rights and safety of victims. Beyond initial practitioner training and peer supervision, peer professional development can be augmented by **accredited trainers** to develop specialist *in situ* best practice.

An **advisory group** made up of a cross-section of university staff and student representatives may be appropriate during the pilot of the scheme to provide support and advice during the first stages of its establishment.

Though not pivotal to establishing the new practice, it is recommended that practitioners seek additional support from university **researchers** who can evaluate the practice and its impacts, thereby assisting in the identification of best practice as well as verifiable outcomes for victims and those held responsible for harm.

PART B: UNDERSTANDING HATE AND RESTORATIVE JUSTICE

WHAT IS HATE CRIME?

"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice." (College of Policing, 2014)

- Criminal offences with an element of hate or prejudice that is directed towards the victim's identity or personal characteristics

Example of a hate crime:
Jack and Sam have been out drinking at the student union bar. On their way home they come across Amelia, a second year student who is transgender. Sam wolf whistles at Amelia and they both laugh. Amelia turns to them and tells them to "f**k off". Sam says to Jack, "Don't let her get away with that" and so Jack walks up to Amelia and spits on her face during which he calls her an "ugly tr*nny fagg*t".

Jack has committed a criminal assault on Amelia, which is aggravated by transgender and/or sexual orientation aggravation (making the incident a "hate crime"). In law Jack will be a principal offender, while his friend Sam may be guilty as a secondary offender, or he may be guilty of encouraging and assisting Jack.

WHAT ARE HATE INCIDENTS?

"any non-crime perceived by the victim or any other person, as being motivated by prejudice or hate" (College of Policing)

- Spoken words that are not deemed abusive or threatening
- Spoken words that are abusive but not said in public
- Mocking and humiliation
- Spreading rumours

Example of a hate incident:
Ben and Emily are studying for a degree in social policy. Ben has autistic spectrum disorder and sometimes finds certain social situations difficult to navigate. Emily knows that Ben is autistic but finds his behavior peculiar, often remarking to others that "he can't look you in the eye". During one seminar on youth social policy Ben says that he prefers the company of younger people. Emily laughs out loud in response and whispers to her friend "what a nonce". That evening she tells a group of friends that she thinks Ben is a paedophile. The rumour quickly spreads and other students begin to avoid Ben, while others start to give him "filthy looks". Emily may have committed a civil wrong against Ben (known as defamation) but it is unlikely that she has committed any criminal offences. If Ben, or any other student, perceives her actions to be motivated by prejudice because of his autism the police must record this incident as a "disability hate incident".

WHAT IS HATE SPEECH?

Spoken or written words with an element of hate or prejudice that is directed towards someone's identity or personal characteristics.

- Hate speech may or may not amount to a crime

Example of hate speech:
Fatima is in the university library studying for her final exams. She is Muslim and she wears a hijab (veil). She notices that another student, Alex, keeps looking at her while she is reading her books. After a while Alex walks past Fatima and points his phone at Fatima and starts laughing. She ignores him. Later that evening Fatima's friend calls her to say that a student has posted a picture of what looks like her on Facebook with the caption "terrorist invasion at Sussex lol". Fatima and her friend believe that this is an anti-Muslim statement against her. Alex has engaged in hate speech against Fatima by posting her photo online and referring to her as a terrorist.

Were Fatima to decide to report this to the police, the incident should be investigated as a hate speech offence as it may be deemed a "grossly offensive" electronic communication. If there is evidence that Alex specifically intended to stir up religious hatred by posting the image he may also be guilty of a stirring up of religious hatred offence. However, freedom of expression is also protected in law and there is not always sufficient evidence to prosecute. In which case, the police should still record this incident as a "hate incident".

These case examples are provided to assist practitioners in understanding the types of incidents that may be reported in to a restorative programme. It is important to note that restorative facilitators are not tasked with making determinations of whether the law has been broken or not. It should always be an option for someone who has been harmed by hate or prejudice to report the incident to the police (see "suitability of cases", pp. 38-39). The restorative option should only be available to individuals harmed by hate who want to participate.

WHAT ARE THE IMPACTS OF HATE?

Research has shown that hate crimes and hate incidents are likely to have greater impacts on victims than similar non-hate motivated incidents. These impacts may include:

- An altered sense of safety making them feel more vulnerable and anxious
- Increased feelings of anger and injustice
- Increased suspicion and social withdrawal
- Feelings of shame
- Longer periods of depression
- An inclination to be more "proactive" in the community to fight hate
- Security consciousness
- Avoidance of certain places and locations
- Increased levels of suicidal ideation

Research has also shown that these impacts will likely affect other university students who share the same or similar characteristics as the victim directly targeted. It is important for practitioners to understand that the enhanced impacts of hate and prejudice are the result of victims feeling that their identity as an individual has been attacked, which can have significant implications for their sense of safety and security on campus. For many victims, their experience may also be compounded by the fact that they have experienced many past incidents of prejudice and hate (including microaggressions and discrimination).

WORKING WITH INDIVIDUALS HARMED BY HATE AND PREJUDICE

When working with victims of hate and prejudice staff members should be aware that the student may have additional needs due to their wider experiences of prejudice and hate. Most universities will have policies and guidance for working with vulnerable students. In addition to these, restorative practitioners should be aware that victims of hate crimes and incidents are likely to have experienced past incidents of prejudice and discrimination which, over time, produce unique challenges for individuals' emotional wellbeing. Research shows that victims of hate crime have needs that extend well beyond that of an isolated incident of hate or prejudice as they likely will have had to deal with experiences of ongoing forms of victimisation (including microaggressions) from others inside and outside the university. The restorative process may involve talking about these experiences in order to provide a more holistic response to the student's needs (see further, "communication support principles", p. 20).

HOW DO I COMMUNICATE RESTORATIVE JUSTICE TO NEW AUDIENCES?

When introducing the concept of RJ or RP to a new audience, it is prudent to take into account who the listeners are. The listener or your audience may or may not already have thoughts and feelings about RJ. Unfortunately, the practice of RJ from time to time is represented in the popular press or on social media as equivalent to simply saying "sorry", which to many observers appears to be an inadequately weak response to an incident, especially where someone has been seriously harmed. There is the risk, then, that where the aims and objectives of RJ are not clearly articulated, people may view it as inappropriate or lacking sufficient seriousness. What is most important when initially engaging with a listener is to ascertain what they know and what they feel about the words "restorative justice" or "restorative practices". Some will know nothing at all and will need to begin from basic principles, some will know what they have read in the press, others may have studied the theory of restorative justice but have no experience of it in practice, and a rare few in a university setting will have both knowledge and experience.

Defining restorative justice

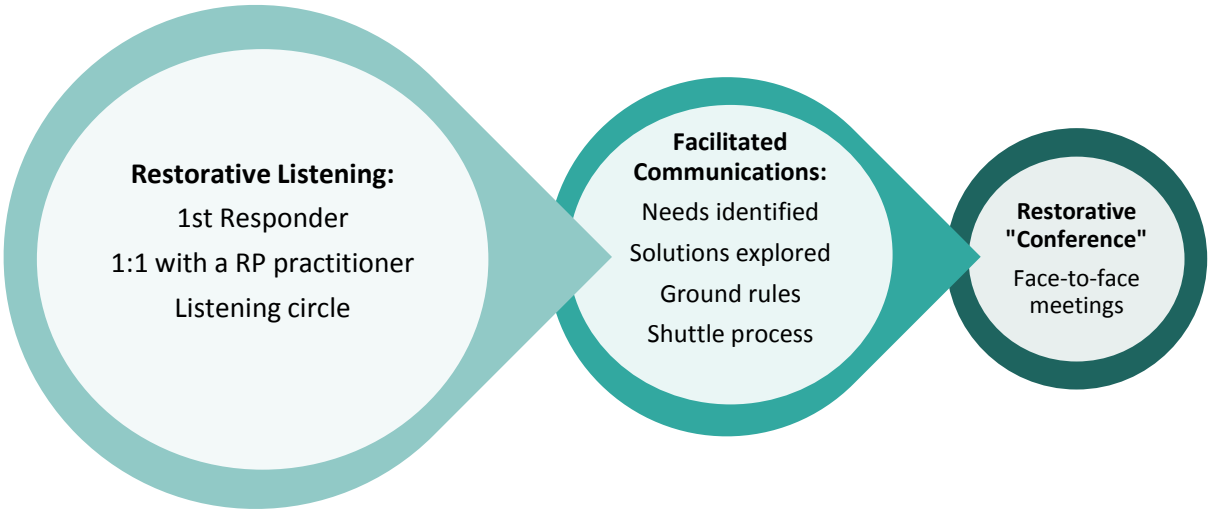
When speaking about RJ, rather than writing about it, simple explanations are important. Core principles and values need to be repeated often. These principles are often articulated as:

- **Repair**
- **Encounter**
- **Transformation**

The idea of RJ is to focus on harm and how it can be repaired or resolved. This will entail discussion with the person who has been harmed and, where possible, the person who is being held responsible for harming. This dialogue can be expanded to include other "supporters" of each of the

participants. The aim is to provide a safe space where individuals can talk about what has happened, why it happened, and what can be done to resolve the harm caused by the incident. All participants should be treated as equals and no one person should be silenced during the process.

Clarification on how these principles and values are applied in practice can be provided through the telling of appropriate stories that illustrate different aspects of the practices in different contexts. It is sometimes believed that a restorative process will always consist of a face-to-face meeting between the victim and the person being held responsible, but this is not the case. A useful graduated triangle can be used to explain the whole process as being a way in which satisfaction and good outcomes can be achieved at all points along the continuum of practices. At the lowest level of resource and skilled input, the practice of **"restorative listening"** by a first responder can achieve much for the victim. If a victim feels no need to go any further then the restorative approach has been successful. If they decide to communicate using a shuttle system (discussing the incident separately with a facilitator conveying information to each party), then this may also deliver satisfaction. In some cases, a face-to-face meeting can be conducted and an agreement made that both parties have contributed to and signed. This agreement should then be followed up approximately one month later (as deemed appropriate) by the facilitator to check compliance. Failure to comply brings both parties back into the process again to problem-solve any breakdown. In a graduated process there is no imperative to get to the end point; indeed, very few cases will require the full power of the whole process. It can be seen, then, that against this backdrop of the range of practices in various models available to us to use in a HE setting, definitions and descriptions of RJ can be tricky.



The "continuum" of restorative practice

What are "restorative practices"?

When explaining what restorative practices are, it is usual to start by explaining that the umbrella term of RJ is often used to describe a very wide range of restorative practices: from the Truth and Reconciliation programme in South Africa to restorative approaches that are being used in schools to address bullying and to avoid exclusions. What is central to all of these practices is that they embody the key values and principles of restorative justice. For a practice to be "restorative" it should encompass all (or at least most) of the following:

- It must be relatively informal and aim to engage the person harmed, the person being held responsible, and others closely connected to them (or the incident) in dialogue (either direct or indirect) about what happened, why it happened, what harms resulted from it and what should be done to repair those harms
- The process should emphasise empowering individuals who have been affected by the incident
- Facilitators must promote a response to the incident that focuses on responsibility and repairing harms, rather than on labelling, punishing or stigmatising the person being held responsible
- Decisions made during meetings should be based on set values such as equality, respect and inclusion, thereby resisting domination by any of the participants
- Time should be devoted to talking about harm, the needs of victims, and what is required to help them recover from their experience of victimisation
- Emphasis should be placed on strengthening or renewing relationships and resolving interpersonal conflict

When speaking about RJ within the university setting it is also helpful to be able to describe the types of reparation that can be facilitated via a restorative process. This helps to move listeners beyond the belief that RJ is simply about "saying sorry". Below we list some of these as examples.

Table 1: Types of reparation in restorative justice practices[11]

Types of reparation	Examples
Material	Provision of material goods/property - Financial restitution to the victim/s - Replacement of damaged goods - Fixing of damaged property (e.g. repainting a fence)
Emotional	Apology - Verbal - Written - By physical gestures (hand shake/embrace)
Relational	Renewal of interpersonal relations - Proactive: agreement made regarding future interaction, e.g. "to say hello" when walking past each other in the street - Restrictive: agreement made to desist from certain future action (not to use certain words or language/not to play music at certain times)
Community	Unpaid work in the local community - Volunteering at a charity - Removing graffiti from university property - Tidying/ picking up litter in communal spaces
Moral learning	Studying/research projects, attendance at workshops/courses - Carrying out a short research project supervised by a (restorative) justice practitioner - Providing a short report on a topic relating to the harm caused - Presenting a reflections document to the victim/family/local community about what has been learnt/new understandings
Multi-agency support	Provision of additional social support - Social services support (social worker) - Educational support (lecturers) - Housing advice (housing officers) - Medical (psychiatric) referral (doctors) - Emotional support (counsellor) - Alcohol or drug awareness (rehabilitation centres)

[11] Table is adapted from Walters, M.A. (2019), *Repairing the harms of hate crime: towards a restorative justice approach?*, UNAFEI 171st International Seminar Series, Resource Material Series.

What are the challenges when talking about restorative justice/restorative practices?

While RJ can be understood as a set of **key values** and **principles**, RP can be understood as a **tool** that can be used in a wide range of contexts to respond to harm. In each case the tool needs to be specifically designed to meet the unique needs of that context. For example, a community-based restorative model initially developed in New Zealand was taken across to Wagga Wagga in Australia to be used by the police in a youth justice setting. In doing so it needed considerable amendment in order to fit this new purpose. The "Wagga Wagga Model", as it is known, was then taken to England in the 1990s and introduced to the Thames Valley Police; again it needed redesigning before being used by them (initially to address shoplifting in a large shopping centre). Being aware that RP is flexible for new contexts and locations is important so that it can be adapted to the needs of different universities. This message to listeners can be important so that individuals do not hold onto fixed ideas about what RJ is or what it delivers.

In a peer support RJ network the topic of the challenges of introducing RP into schools and colleges was considered. Of the 50+ people in the network, several explored the challenges of buy-in from senior leaders, of staff motivation in the face of multiple pressing priorities, and the issue of lack of time. Participants who worked in schools wrote about recent large cuts in pastoral staff, of having no time or insufficient colleague support to implement an RJ approach, of zero tolerance by the SLT to drugs and violent incidents, and of being under huge pressure to focus on achieving academic results. An experienced RJ education consultant wrote about the importance of starting with focus groups and listening circles to determine the needs of the organisation before embarking on training staff. (HEFCE RJ hate project 2018)

Barriers to communication in a university setting

The biggest barriers to communication in a university setting are time and the complexity and size of the organisation. Most meetings are based on the calendar hour, and meetings tend to occur between 9am and 4 pm and may only be possible during term time. Assignment deadline weeks and exam pinch points need to be respected if staff and student officers are to be fully engaged in any new project. Each university has its own way of organising things with different titles and roles that need to be understood; student services may be different to student wellbeing, and support for mental health well-being may or may not overlap with the counselling service. Academic tutoring may be a powerful and connected network or fragmented across a range of services. Universities like all large and unwieldly organisations will have silos, and students may fall between the gaps. The project lead for any RP service will need to understand the university's architecture and internal structures in order to position RP within and across schools/ departments and other academic and pastoral structures.

Communication support principles that underpin good practice for all

Good attention is at the heart of all communication. This might be achieved through listening, looking, or other means. Good attention and understanding can be supported through the use of visual images and diagrams (such as those presented throughout this toolkit), many of which are well documented as being useful in restorative practices. Restorative practices should be inclusive, with any identified barriers being part of any risk assessment carried out by the facilitator who works with all parties to mitigate any barriers to participation and engagement.

Within the restorative process itself the following may be helpful:

- A translation service
- Process diagrams indicating what might happen
- Cartoon depictions of what might happen
- Photographic depictions of what might happen
- Hearing loops
- Personal assistant support for participants
- Physical access assessment and adjustments

HOW DO I MAKE INFORMATION ABOUT RESTORATIVE JUSTICE EASIER TO READ AND UNDERSTAND?

Overcoming language barriers

In a multicultural university context it is important to plan access arrangements for all students where language might be a barrier to a RJ process. Professional student services will already have experience in providing academic or pastoral support to students where language might be a barrier, and key personnel may benefit at the start of any project from exploratory meetings and possibly also first responder training.

Overcoming barriers in understanding

Where there is any difficulty with understanding the process, a university's disability team may be able to provide support to a student. In a few cases a member of staff may accompany a victim or person being held responsible to all their meetings in an RJ process to aid understanding.

Facilitators should also be aware of differences in paralanguage, especially where international students are involved in dialogue. These are vocal features that accompany speech and contribute to communication, such as intonation, tone and timbre of voice. The way in which a student speaks can be distinctive to their ethnic or cultural background. To other students, subtle differences in language can cause misunderstandings, potentially offending those unfamiliar with certain tones and inflections. Where differences in paralanguage are most stark, points of common understanding will be more difficult to form, leading to potential disagreement. For example, in some cultures, individuals are discouraged from showing physical emotions publicly or from maintaining eye contact with those deemed to be in a position of authority. These individuals may be perplexed when faced with other students who exhibit high levels of physical emotion, especially towards older members of the university community. On the other hand, a student who is used to physical displays of emotion may find a person who maintains minimum facial expression and/or who lacks eye contact to be reticent or even cold.

The restorative process can overcome these cross-cultural differences in communication by taking a flexible and inclusive approach to dialogue that is focused on experiences of emotional harm and inequality. This will sometimes require the inclusion of interpreters to aid communication. Most important, though, is for the facilitator to provide a safe space for all students to articulate their experiences of hate and for participants to listen to each other's stories. Research suggests that when facilitators provide participants with the space to talk, and where commonalities between individuals are highlighted, the cultural and identity differences that can be barriers to effective communication are easily surmounted.

How to use images to represent ideas

Visual flowcharts and images can be very helpful in RJ processes. During preparation meetings, drawings, time lines, concentric circle impact charts and other diagrammatic templates can be utilised to enhance awareness in either party (see, for example, the impact chart template provided in Part D, p. 40). When ground rules are being agreed upon for any face-to-face meetings it is important to agree on what additional support materials might be used during the meeting - for example, a talking piece (an object held by the individual who is speaking) to aid listening.

Restorative justice words and inappropriate language

Key words in a process can be listed and worked with in preparation meetings, which when linked to diagrams or images support communication between both parties. A common language enhances and promotes empathy. Language that is used by either party should be noted by the facilitator and, if appropriate, used during meetings.

On the subject of swearing, this is for the parties involved to agree upon (with the help of the facilitator) and is part of the ground rules. Frequent swearing is acceptable when not directed towards the other person and simply part of a person's normal way of speaking or expressing strong feelings. What is important here is that all parties have agreed upon such issues in the ground rules and have expressed what they need to feel respected and safe in the meetings.

Ground rules around identity prejudice-based language need to be clearly set and adhered to. Non-compliance can be managed by the facilitator refocussing all parties on the ground rules and using time-outs if needed.

WHAT RESOURCES AND INFORMATION ARE AVAILABLE?

Some useful national organisations:

- Restorative Justice Council
https://restorativejustice.org.uk/
- Why me?
https://why-me.org/
- Stop Hate UK
https://www.stophateuk.org/
- True Vision
http://www.report-it.org.uk/home

Some useful publications:

- **Guidance for restorative practice**

Restorative Justice Council, *Principles of Restorative Practice*
https://restorativejustice.org.uk/sites/default/files/resources/files/Principles%20of%20restorative%20practice%20-%20FINAL%2012.11.15.pdf

International Institute for Restorative Practices, *Defining Restorative*
https://www.iirp.edu/images/pdf/Defining-Restorative_Nov-2016.pdf

Restorative Justice Council, *Best Practice Guidance for Restorative Practice* https://restorativejustice.org.uk/sites/default/files/resources/files/Best%20practice%20guidance%20for%20restorative%20practice%202011.pdf

Restorative Justice Council, *Practitioner Competency Framework* https://restorativejustice.org.uk/sites/default/files/resources/files/rjc-cf-low.pdf

Restorative Justice Council, *National Occupational Standards (NOS)* https://restorativejustice.org.uk/sites/default/files/resources/files/NOS%20guidance.pdf

- **General reading:**

Braithwaite, J. (1999), "Restorative Justice: Assessing Optimistic and Pessimistic Accounts", *Crime & Justice*, 25: 1-127.

Johnstone, G. (ed.) (2013), *A Restorative Justice Reader* (2nd edn), Abingdon: Routledge.

Sullivan, D., and Tifft, L. (eds) (2008), *Handbook of Restorative Justice: A Global Perspective*, Abingdon: Routledge.

Walters, M.A. (2014), *Hate Crime and Restorative Justice: Exploring Causes, Repairing Harms*, Oxford: OUP.

Zehr, H. (2002), *The Little Book of Restorative Justice*, Intercourse, PA: Good Books.

What to include in a database of local resources:

- Local police
- Local restorative practitioners and trainers (a list can be found at https://restorativejustice.org.uk/pcc-contacts)
- Local restorative justice organisations
- Organisations that provide support for survivors of abuse, violence, and crime
- Specialist workers or organisations who provide advocacy, support, or advice for specific identity groups
- Local peer support networks for restorative practitioners which university practitioners can join

PART C: DEVELOPING INSTITUTIONAL CAPACITY TO RESPOND RESTORATIVELY

TRAINING MODELS

When taking a strategic approach to restorative justice training at a university there are a number of steps and issues to consider. These include:

1. **Identifying a need for training**
2. **Assessing training needs**
3. **Determining who to train**
4. **The type of training**
5. **Timings of training days**
6. **Training resources**
7. **Training approaches for a university**
8. **Post training continuing professional development and support networks**
9. **Assessment**

1. Identifying a need for training

If the first phase of the project has gone well, then key stakeholders and decision makers will naturally be asking about next steps and training. Be clear about what training will be able to deliver and what type of training might be useful. This will all be dependent on the vision of RP that programme coordinators have for the university and what they might be able to achieve in the short or medium term. Early on in a project it might be challenging for the university to imagine how RP will sit alongside well established procedures; what is important is to be always highlighting the level of resource required for disciplinary or other standard procedures, alongside the types of outcomes that can be expected from them as compared with RP. It is important at the early stages of any project to present RP as a useful approach that can sit alongside current procedures, rather than as a replacement.

Longer term aims might include a wholescale transformation of the university response to student incidents, but this could potentially take 5-10 years of positive experience using RP.

When the concept of RP was presented to the Acting Head of Student Services at University X she immediately expressed interest, as a recent review of the university's response to hate speech and hate incidents had found that it could only really offer students a formal disciplinary process, which many students did not want to use. Mediation, being another option, did not feel suited to most victims of hate who wanted their harm acknowledged in some way. (HEFCE funded RJ Hate Pilot 2018)

A need for training should become apparent once decision makers are made aware of a shortfall in the skills and knowledge necessary to offer RP as an option for students. It may be that there are already personnel trained in restorative practices, so it is important to find this out. Universities will have many staff trained in mediation and, as previously mentioned, it is important to be clear throughout about the difference in the current mediation practices being used by the university and what RP offers - particularly in terms of outcomes.

The Student Services Lead for Equality and Diversity at University Y, when being referred hate incidents, had the university's Disciplinary Procedures or the Harassment and Bullying Procedure to offer students. Mediation and counselling were also available, but victims of hate can inadvertently feel re-victimised by either of these approaches. When a victim of hate is offered counselling without their identifying this as something that they want, it can risk implying that it is their responsibility to deal with, or "get over", what has happened to them. This can inadvertently re-victimise students if it is not offered at a later stage, when a need for counselling has been identified. This highlights the importance of timing in a restorative process: in particular, of not offering solutions before exploring needs. (HEFCE funded RJ Hate Pilot 2018)

2. Assessing training needs

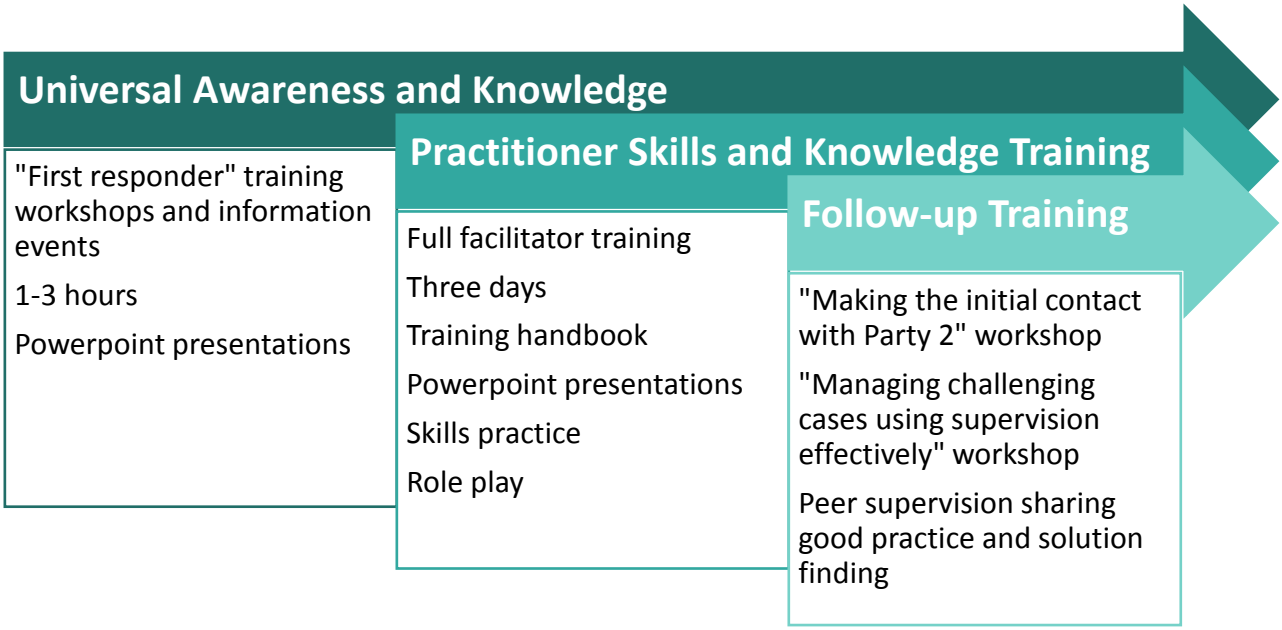
Determining the appropriate type of training for any new RP is crucial. In the past, educational organisations (such as schools and colleges) have too quickly arranged to train everyone in the advanced skills of RP. This is not necessary, however. It is more important to instead identify the most appropriate people to be trained at each level of skill and knowledge.

As a rough guide, it is desirable that all frontline staff have some idea of what RP is, what it might involve, and who to refer a student to at the university in order for them to find out more. These frontline staff members are called "first responders": they need a base level of awareness so that when a student reports an incident they can identify when it might benefit from a restorative approach, and so that right from the beginning they can respond in a restorative manner. Using a restorative language and listening approach at an early stage will be validating for students who have experienced harm. At this early stage the student may not know what they want to do, and so by first responders referring a student to a staff member trained in RP, they are guiding them to a person who will listen to them and present them with options. Any RP staff member, having listened to the student, should be trained to signpost a range of options including RP, disciplinary and other procedures, or indeed a police report.

With respect to assessing training needs, a clear idea of project objectives needs to be developed. Training linked directly to project objectives delivers the best outcomes.

Training schedule of needs

Project objectives	Training needs	Outcomes
For all frontline staff ("first responders") to know that RP is a referral option, and to be able to explain what this is to students who report incidents of hate.	• **A restorative style of listening with which to respond to students in the first instance** • **Knowledge of what RP is and the benefits of this approach** • **Skill in explaining RP to students** • **The referral process**	Students reporting incidents are provided with a range of options - one of which is RP. Students are clear about the difference between the options they are offered and the opportunities of each, including RP.
For a specific group of staff to be able to use RP in their work with students.	• **One day training in RP skills** • **Follow up workshops**	Staff use RP to resolve incidents to the satisfaction of the parties involved in most cases.
For a group of staff to be able to use RP in their work with students in sensitive or complex cases.	• **Three day training in RP skills** • **Follow up workshops** • **Using case supervision effectively**	Staff use RP to resolve sensitive and complex cases, to the degree that victims express their satisfaction, and the future likelihood of those responsible initiating similar incidents is significantly reduced.



3. Determining who to train

When determining who to train, the key question is who in the organisation has the capacity to do the work, and who is already doing the work (because it falls within their remit) and can therefore be upskilled to ensure improved outcomes for students. Some staff will have a natural affinity with the RP approach, easily integrating the core beliefs and values into their work. However, RP could be challenging for a few staff as it questions the notion that an investigation by an authority followed by the application of a sanction or punishment is the only way to go about resolving student incidents.

"Staff attend a lot of training on de-escalation, managing difficult situations, mediation skills, active listening and solution finding. Mostly these are short courses or workshops. There are regular staff meetings and updates about the sorts of incidents that come up and the best way to resolve these. Many staff are very skilled at helping students find a way of resolving disputes or incidents in an informal way. Some cases do however end up taking the formal disciplinary route and we support students on an individual basis guiding them through the process." (University staff member - HEFCE project 2018)

University staff who are student-facing may feel under pressure to find solutions themselves or refer students into formal procedures where other staff members find solutions. This is where RP is different. With RP, the central idea is that the students who were involved in the incident are considered the "experts" in that they were the only ones there and know all that there is to know about the incident. With RP, respect is given to the fact that the students closest to the harm will know the most about it, and are also those most likely to be able to come up with a solution that best fits their unique needs. With RP there is no investigation, but there is listening; there is no judgement of the facts, but there is a process of being held accountable and responsible for one's actions; and there is no giving of a sanction or punishment, but there is usually an agreement co-produced by the students involved. This all takes place with the skilled facilitation of the RP practitioner.

In standard, more formal processes it is important to consider where the power to formally respond to an incident lies (P), as this is generally not with the students but with the members of staff assigned to the case. In RP, the person facilitating the process is there by the agreement of both parties, and so the power lies with the students themselves. This is a fundamental shift which staff may find very challenging, but which many will welcome.

Formal process	**RP process**
Student reports an incident	Student reports an incident
Incident is investigated by staff (P)	Students (P) who are involved are listened to
Evidence is presented and judged by staff (P)	Participating students (P) meet to discuss the incident
A judgement and sanction is given by staff (P)	An agreement is decided upon by the students (P)

The groups of university-based personnel who most frequently respond to student hate incidents are likely to be the following:

- Professional student services
- Life skills services
- Accommodation/residential staff
- Academic tutors
- Counselling and wellbeing services
- Students' Union officers
- Student societies
- Welfare staff
- International student support staff
- Disability support staff
- Chaplaincy staff
- University police
- Security staff

Choosing the most suitable staff members to train at each level of training is critical in establishing a viable RP service for students. Getting the marketing and timings right for this training will determine who attends. For example, in many cases in the pilot project, staff who were very keen to attend training were not able to attend the dates offered. Therefore, it will be important to offer a rolling programme of dates throughout the year and provide first responder induction materials for staff who are new to the university and who might have missed the original workshops.

In Universities X and Y a three hour first responder workshop was offered on two different dates to accommodate numbers. 65 staff attended the training at University X and 42 members of staff attended at University Y. (HEFCE project 2018)

4. The type of training

The Restorative Justice Council (RJC) recommends different levels of training for different types of cases, with the highest level of training recommended for sensitive or complex cases. Arguably, hate incidents are both sensitive *and* complex. There are a wide range of training packages and trainers available nowadays, as well as a recently developed training accreditation scheme run by the RJC. Most accredited or experienced trainers will deliver RP skills training using a mix of methods, but all the best courses use realistic scenarios and role play to develop the skills required by the RP facilitator/practitioner. Most training packages are designed for use with young people, mainly due to the funding that was put into RP for youth justice. This training is very much geared towards working with young offenders and their victims within a youth justice framework. Other training is primarily designed for the police or for community programmes that work with adults, but is again very much framed in the world of justice. There is associated RP training aimed at housing association contexts, housing estates, workplace environments and other adult contexts. Restorative approaches training, as opposed to restorative justice, is designed for use in schools and colleges and is generally used by teaching or pastoral staff with school students and parents.

The training designed for the 2018 HEFCE university-based project was very much based on the restorative approaches style, in recognition of the fact that in university cases there will be no formally proven "offender" who has been through a formal justice system. Instead, there will be an

individual (i.e. a student) held as likely to be responsible for an incident. Language is very important here. In an education setting like a university or school, we speak of a *victim* and a *person being held to be responsible*, or we speak of *Party 1* and *Party 2*. A university-based training package needs to reflect an education-based context rather than a justice-based context.

The highest level of initial RP skill training takes a minimum of three full days. It is intensive and challenging but delivers a high level of skills and knowledge to participants. Participants often benefit from a follow-up workshop a few months after the initial training to embed skills and provide opportunities to explore any particular challenges that have arisen.

University X and University Y both requested a follow-up workshop for the staff who had attended a three day training course. The workshop focussed on managing the difficult first contact and conversation with the student being held responsible for harm. All participants found it very useful to explore different ways of approaching this and what best practice might look and sound like. (HEFCE hate project 2018)

5. Timings of training days and other matters

Finding the right dates and times for staff training events can be a very difficult task at a university. This difficulty is partly due to highly complex timetables and calendars, with some staff working term time only, some staff being largely unavailable during term time when students are *in situ*, some staff working part time, and some staff operating across multiple university sites. The start of the academic year is particularly to be avoided, as are periods when the bulk of exams or assignments are being marked by staff (at these times pastoral staff are also very busy supporting students to meet deadlines), and indeed during examination periods. The pilot project team found that a few weeks before the start of the academic year was the most suitable period for the three day training to take place.

When **booking a venue** for a three day training event the following is recommended:

1. A main teaching room with projection screen, wall space, and tables to work at
2. Chairs set in a circle
3. Break out rooms (at least 2)

It is recommended that the trainer visit the venue before the training event to ensure that it is a suitable space.

6. Training resources

Depending on the specific training package being delivered, trainers can use a wide range of resources. However, each training participant should be provided with a training handbook in either hard copy or electronic format.

Handbooks may include the following:

- PowerPoint slides
- Additional research or articles supporting the learning
- Resources downloaded from the RJC website reflecting current good practice
- Scenarios to be used in role play

- Practice templates for use during training e.g. a risk assessment schedule
- Any specific referral pathways to be used

7. Training approaches for a university

For some staff who have experienced training involving role play, a few will report not having had a good experience. Accredited RP trainers are experienced in making the necessary arrangements to ensure that role play is a positive experience and delivers the skills training in a low stress and safe manner. Role play assists in bringing restorative dialogue to life and allows training participants to observe first-hand how restorative dialogue can be facilitated. It also allows participants to practice different scenarios and to observe and feedback on each other's restorative questioning and listening skills. However, it is worth taking into account that some staff have reticence around role play when planning training, and it is often advisable for the trainer to demonstrate the first role play scenario to allay any performance fears and to set out expectations.

Important things to consider:

- Are the participants all part of the same team or from different teams from across the university?
- If participants are from the same team, role play might be very familiar or it may be particularly challenging with team dynamics unknown to the trainer
- Will the quality of the learning be significantly impacted by the participants' capacity to role play a student victim or student being held responsible?
- Will the scenarios be sufficiently familiar to the participants (realistic university-based cases) to make the learning relevant?

At Universities X and Y a mixed group of staff attended a three day training course consisting of two consecutive days followed by a third day a week later. Theory and practice were combined with core skills on days 1 and 2. On day 3, theory and skills were brought together in a day of role play using a complex scenario that played out in real time throughout the day. The roles of the "victim" and the person being held responsible were played by actors who had been prepared to work in an improvisational/training style to enhance participant learning. Participants were placed in groups of four and encouraged to work as a team, with just one person at a time role playing the facilitator position but able to take "time out" from the scenario to consult with their team. Throughout the day each person was encouraged to take the "facilitator chair" and practise their skills with support from their peers. Feedback after the course indicated that this role play approach made a significant difference to participant satisfaction and learning. (HEFCE RJ Hate project 2018)

8. Post-training, continuing professional development, and support networks

A full range of training will need to be available on a rolling basis across the academic year in order to build a broad and deep level of awareness of the benefits of RP across the various student-facing teams. It is desirable that if any student reports an incident of hate, whoever they approach to make an initial report has at least some awareness of what RP might offer the victim. Beyond the initial reporting, a referral system would need to be in place that feeds into a small team of trained RP

practitioners or someone who acts as the lead triage person who then assigns cases to the trained team. These procedures and arrangements may necessitate further training of staff.

All practitioners should have access to a support network. This is best arranged in the university context with local input or combined with a local network (police, education, community and youth justice RJ networks). It is advised that a university-based Lead for RP subscribe to the National RJC website and receive regular updates on best practice and continuing professional development and national conferences.

9. Assessment

Once practitioners are trained, it is advised that during their first cases they seek experienced supervision. This is often available locally via local RJ support and peer networks.

"It is recommended that the first case is written up as a formal case study and presented for assessment. The supervisor will be able to recommend someone suitable in the local network to assess the case study. Guidance is provided on the RJC website on writing up an RJ case study. After successfully completing this first case the 'trainee' is now considered to have passed their training and can be issued with a suitable Certificate of Competence to practise RP in a university setting." (HEFCE RJ Hate Project Advisory Board agreement 2018)

SUPERVISION MODELS

The RJC in 2018 recommended that practitioners consult with an experienced supervisor a minimum of once every three months. However, it is wise that if a practitioner is dealing with a particularly sensitive or complex case that they seek supervision with someone who has particular expertise in the area to consult on any ethical or practical issues. In education settings the idea of supervision, as opposed to line management, may be unfamiliar, while it is a familiar professional arrangement in social work and in counselling.

In a university setting with very few trained practitioners, it may be necessary to seek supervision with a local experienced practitioner - for example, someone working in a community restorative justice team. If the university has trained at least four practitioners they could meet on a regular basis for peer supervision; however the input of an experienced practitioner is advised initially to build best practice within the group.

Two universities had 11 newly trained practitioners; the offer was made by the local police youth justice and community RJ Champions Network for any of the practitioners to attend their monthly peer supervision and development events. It was felt that if one person attended from each university group they could feed back to the others. (HEFCE-funded RJ hate project 2018)

CONFIDENTIALITY

There are many levels of confidentiality in a case and not always a great deal of transparency about who will know what. A visual chart can be very helpful in such situations. By placing the names of all participants on post it notes and placing these around the circles of an impact chart, a dialogue

about confidentiality can be opened. (See, for this purpose, the template provided in Part D, p. 40. The people most impacted by an incident should be placed in the inner circle - these are the people who will most want a high level of confidentiality.)

With many students preferring not to deal with an incident in a formal manner, the issue of confidentiality is very important. The restorative practitioner should make the offer of their facilitation on the understanding that it is an informal, mutually respectful process that aims to meet everyone's needs without recourse to formal university procedures.

During the preparation stage of the process participants may share very personal information. As such, the facilitator should refrain from taking any formal notes at this stage, as the story belongs to the participants, not the university. It is important to remember that facilitation is not about gathering evidence or investigating in any way. Facilitators listen to a participant's story in order to help the participant get a clearer understanding of what their experience meant to them, what they feel about it, and how these feelings translate into current needs. An agreement about confidentiality will allow each participant to share their thoughts and feelings freely. In the case of a face-to-face meeting (should it result from the preparation meetings), it is not the role of the facilitator to decide what to disclose, but the determination of each participant to share what feels right in the moment.

The restorative practitioner will share some aspects of a case with a supervisor who is more experienced than they are. This is in order to maintain high standards in the practice of a restorative approach. Participants' details will usually be anonymised, as it is the process and practice that the supervisor and practitioner should focus on.

Most universities have a counselling or wellbeing service for students, and these services will normally have a confidentiality statement used by staff. Generally, this will include information about who may see any case notes as well as how these will be stored and for how long. Also commonly included is a safeguarding statement that aims to protect vulnerable adults or children from potential harm. Given that some students may be under the age of 18, they may need a different level of confidentiality applied to their case.

Because of the nature of the restorative process, it is important that there be no external commentary from people who have no direct involvement in the case. The only commentary in terms of keeping managers informed should be that a case has begun, any dates and venues for meetings, and the resulting agreement. The case practitioner manages the whole process (consulting a supervisor if required) and completes the risk assessment. It may be that the case is referred to a more experienced practitioner, or that the case ends fairly quickly with no face-to-face meeting. The resolution or agreement is the conclusion of the case.

Overall, it is important to be transparent with participants about who will know what, what will be recorded, and what will be saved as a formal record of any process. Universities may be nervous of a process where formal notes are not made or collected by the facilitator. However, for restorative justice to work, all participants need to have confidence in the facilitator and their integrity. As such, the university also needs to feel confident in the facilitator's skills, knowledge, and safety and risk management. It can be agreed that as few people as possible be permitted to know about a case, based on a general policy of "a need to know". The safety of practitioners can be secured through the recording of meeting venues, times and dates, and by someone knowing the names of the students involved. An agreement may be linked to these records. This then might be the formal record that is made available to the university, excluding any case notes or other materials. Any

other arrangements should be clearly outlined to all participants at the first meeting and included in the ground rules for any process.

Two colleagues who had been trained as practitioners asked about the first cases that they were taking on as RP facilitators, and whether they could discuss these cases with each other. Best practice would say that until each of them had successfully completed a few cases the answer would likely have to be no, as they would be unable to provide each other with "informed" good practice peer supervision. They were instead advised to consult the RJ Project Coordinator at their university on their early cases, and were offered access to a local RJ practitioners peer supervision group with clear ground rules around anonymised cases and confidentiality. (HEFCE RJ Hate Project 2018)

TYPICAL CASE NOTES

Student report contact details:

Case code: 31/5/18/b12

Date of referral: 31st May 2018

Referrer: University wellbeing RP triage (name: X. Smith)

First meeting date:

Consent form completed and signed:

Risk assessment completed:

Person Responsible contacted:

Consent form completed and signed:

Party 1 prep meeting dates:

Party 2 prep meeting dates:

Any other meetings (supporters):

Date and venue for f2f meeting:

Agreement signed:

Follow-up?

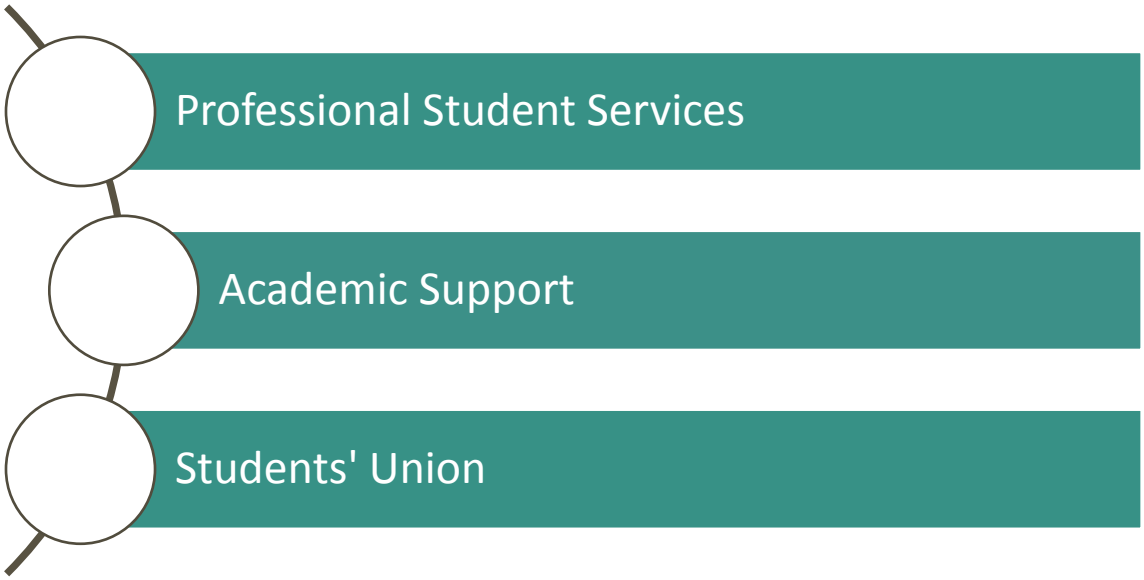
Case outcomes: Yes/partially/No

1. ***RP was successful in addressing needs***
2. ***Party 1 was satisfied with the agreement***
3. ***Party 2 was satisfied with the agreement***
4. ***The Case is over and no further actions are required***

Party 1: Survey satisfaction score

Party 2: Survey satisfaction score

PATHWAY MODELS



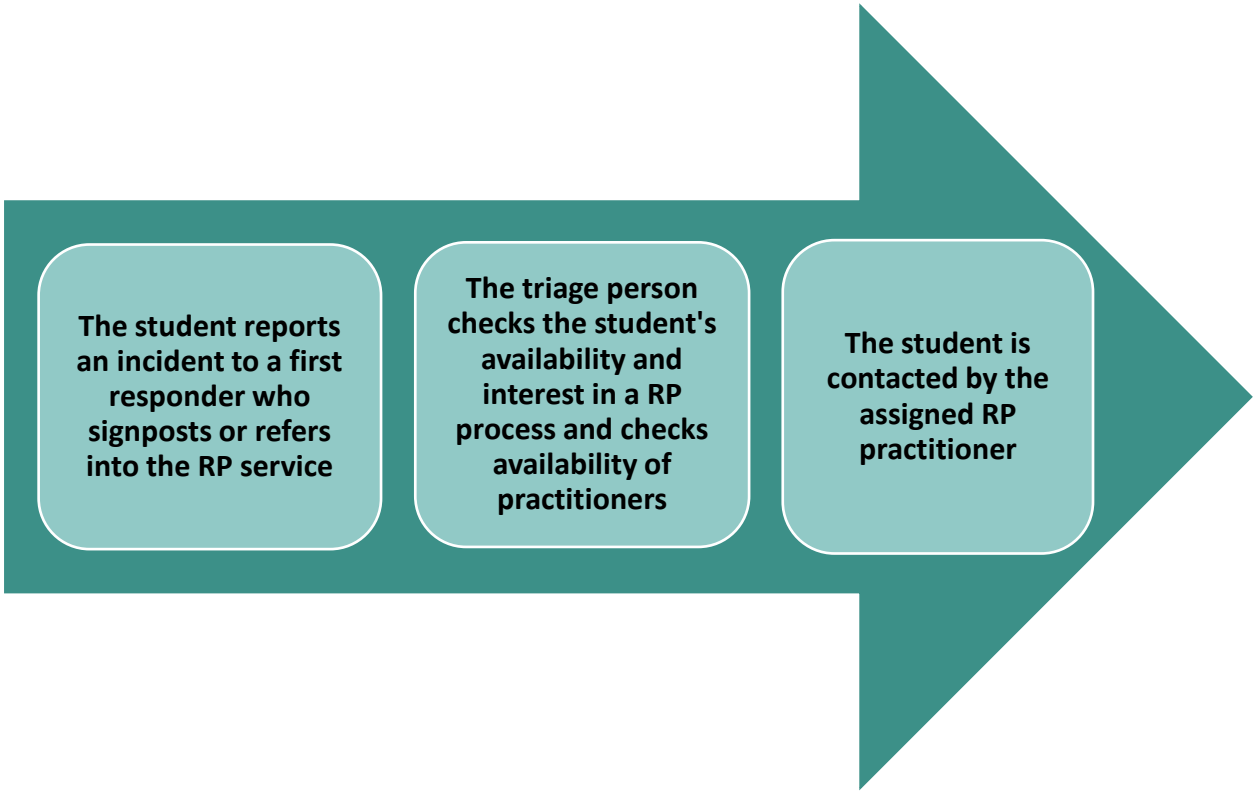
There are a variety of pathways available at most universities for students who seek support following an incident that has caused harm. Students may prefer to approach one team rather than another for a range of reasons (mentioned elsewhere), and so it is useful to have **first responders** know about restorative practices in each of the main pathways. It may not be possible for each of these areas to be able to have trained restorative practitioners available to take referrals, however signposting by all first responders and clear referral pathways are the preferred arrangement to aim for. This is why the careful locating of the service and the team of practitioners who will take on cases is important at the earliest stages of planning for any university-based project.

A single entry gateway via a webpage or an app is ideal, with any reports being directed towards a member of staff acting as a triage person. This person should then check that the case is suitable for an RP approach (using some basic suitability criteria) and then assign the most appropriate and available practitioner to the case. If this is not possible then student reports that have gone through a dedicated webpage or app can be forwarded into a team email, with practitioners taking on each case as it comes up and only referring to another practitioner if there is a conflict of interest, an ethical issue, or lack of capacity or availability.

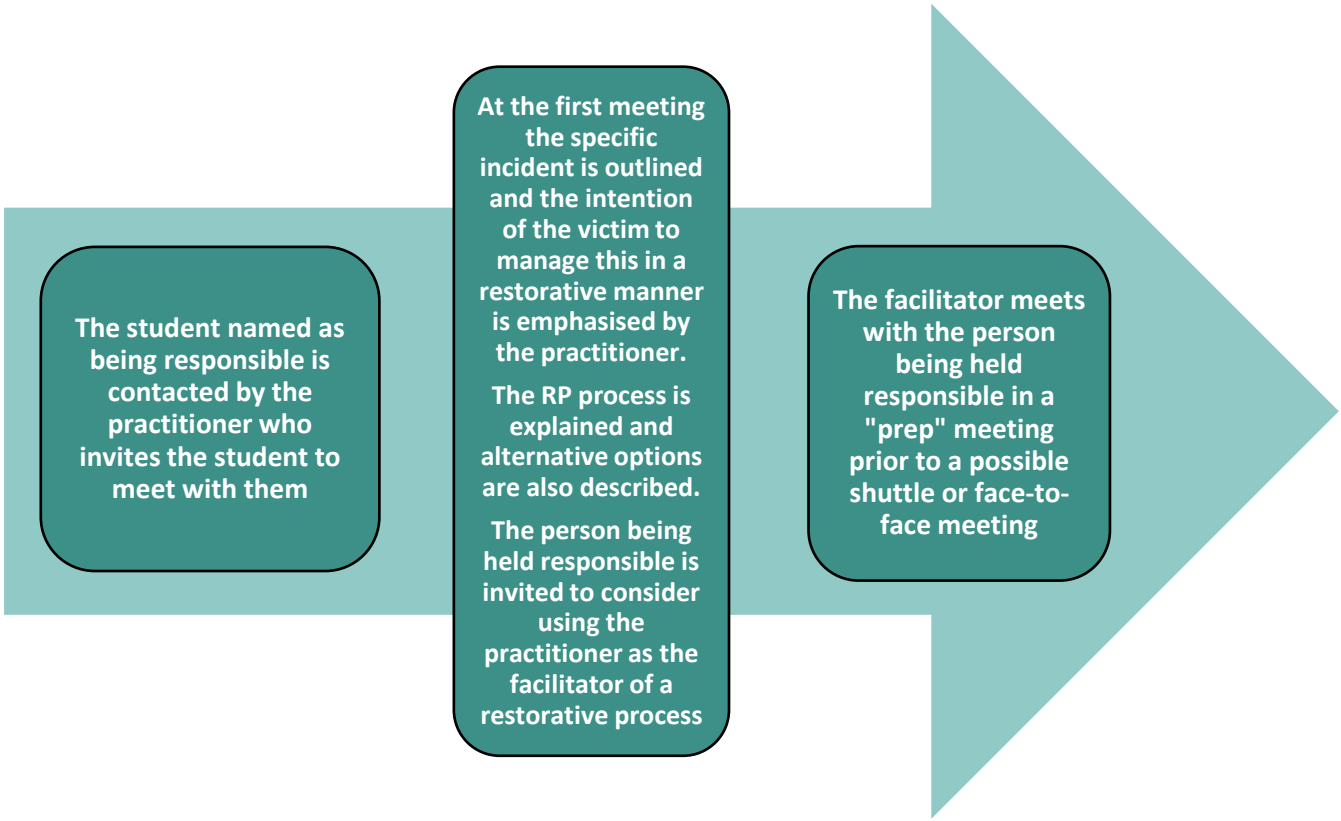
It is important to listen restoratively to the student from the first contact. This involves inviting them to describe **what has happened**, followed by asking them **what they thought at the time** of the incident, **how they felt** about it, and **what they think and feel now**. It is important to maintain confidentiality along the way while being clear about the process and leaving all possible options open to the student. These options include:

- Reporting the incident to the police
- Initiating a formal disciplinary process
- Following a bullying and harassment procedure or other procedure
- A restorative practices approach
- An informal listening circle populated by students
- Counselling
- Specialist service outside of the university

It is tempting to ask the student what they "want". In true restorative style, however, it is better to invite them to explore what they might **currently "need"**. It is hard for many students who have been harmed to immediately be able to identify what they might want or need, but trained practitioners will be skilled in exploring this aspect. Practitioners should also be explicit in their support for the student to map their current needs onto possible next steps or actions. Clarity in identifying needs, and then exploring what actions might partially meet those needs, is all part of the restorative journey that a practitioner facilitates on behalf of the victim and also the person being held responsible.



The next step is more challenging in a university setting than a justice setting: that of contacting the person or persons named by the victim as being responsible for their experience of harm. The university will need to decide how this is best addressed. A restorative practitioner is unlike the role of investigator in a disciplinary process, as they do not interview participants or gather evidence. Their role is entirely to be supportive to both parties in enabling them to find a satisfying and acceptable solution and agreement. The participants "own" their story or incident, the facilitator makes themselves equally available to each of them, and without judgement facilitates the restorative process. A successful outcome is one that satisfies each of the parties and meets the unique needs created by the incident. The agreement is a record of what each party has agreed to at the conclusion of a facilitated process.



If all goes well at the prep meetings, ground rules are agreed upon and a time and place are set for a further direct or indirect meeting. Each party may have also identified a supporter to attend the next meeting alongside them. At this stage the practitioner will carry out a risk assessment for the next part of the process, and they may decide to meet with supporters individually to outline what their role will be in any face-to-face meeting and the ground rules that apply to them. Confirmation is sent to all parties attending a face-to-face meeting regarding time and place, and most importantly arrival arrangements and where to wait.

A note on arrivals and exits

Students who are possibly anxious about a meeting or feeling angry should not be seated with their supporters in a waiting area prior to a face-to-face facilitated meeting together with the person being held responsible and their supporters. Ideally, the practitioner will have arranged two separate waiting areas, with the suggestion that no communications should begin without the facilitator being present.

Arrivals, waiting areas, use of toilets, and entries into a room that has been booked for a meeting should all be carefully managed and coordinated by the practitioner, as should the ending of the meeting and participants' exits from the building. These aspects all form parts of a restorative process and should not be delegated to receptionists or administrative staff.

Suitability of cases

A student or another member of staff asks about making a report into student services and the first responder considers or is asked about the option of using the restorative pathway.

1. *Is this a **hate incident?***
    a. Before the person shares details of the incident they wish to report, make a Confidentiality Statement being very clear about how their information will be treated. You may wish to utilise a visual image showing concentric circles of confidentiality and populated by who might have access to their reported story.
    b. Is the incident motivated by identity prejudice, in that this is the **perception** of the person reporting? Remember that you are not there to judge whether you think the incident is a hate incident or not, and this must be placed in the hands of the person who has been harmed. If YES go to C. if NO refer to another more suitable pathway.
    c. Did the person (a student) reporting this incident experience the harm themselves? If YES go to D. If NO try to find out what they would like to achieve and then refer to another more suitable pathway. In some circumstances witnessing a hate-based incident might be just as distressing as experiencing it, so explore the specific goals of the reporting student. The restorative programme does not investigate incidents; it provides facilitators for a confidential dialogue-based process that is restorative.
    d. Is there an identifiable person (a student) who can be held to have some responsibility for the harm caused? If YES go to 2. If NO go to 2. However, if NO the facilitator should also note at this stage that they can listen to the reporting student but **cannot** investigate to find the person/s who could be held responsible.
2. *Is the person reporting already aware of the various **options** available to them? If YES go to 3, if NO describe the following list of options*
    a. Report the incident to the police
    b. Make a formal complaint using the university disciplinary procedures
    c. Seek counselling
    d. Utilise the restorative programme
3. *Has the reporting person signed the **consent form**?* If YES go to 4, if NO explain what the restorative programme offers, allowing the student time to reflect on the options available to them.
4. Make a **referral** into the **restorative programme**.

Managing referred cases

1. Ascertain some basic information about the case from the referrer
    a. Where is the reporting student located i.e. which campus/location?
    b. What is their availability to meet with a restorative facilitator?
    c. Have they actively expressed a preference to not speak with a facilitator of a particular identity?
    d. If they have a disability do they need access arrangements or a PA present?
    e. Has the consent form been forwarded to the assigned TRIAGE person?
2. Send an alert to the practitioner group
    a. Identify that there is a new case, give it a CODE and referral date.

b. Identify an appropriate campus/location and specific availability requirements i.e. if the reporting student wants to meet someone in the next three days be specific so that anyone planning to be on leave can hold back from offering themselves for the case. Also, if required, specify any particular requests made by the reporting student.

c. The TRIAGE person receives offers to take on the CODED CASE, and selects one facilitator who now becomes the CASE HOLDER. The other facilitators are informed that the CODED CASE IS NOW ASSIGNED.

3. The CASE HOLDER now manages all aspects of the case until an agreement has been made between participants, at which point they let the TRIAGE person know the case is closed and that there was an acceptable agreement made. The CASE HOLDER makes a one month (or other suitable time frame agreed on by all parties) follow-up call to check that the agreement has been adhered to. The CASE is now closed.

4. Data and records

a. A record is kept of the initial referral and consent form.

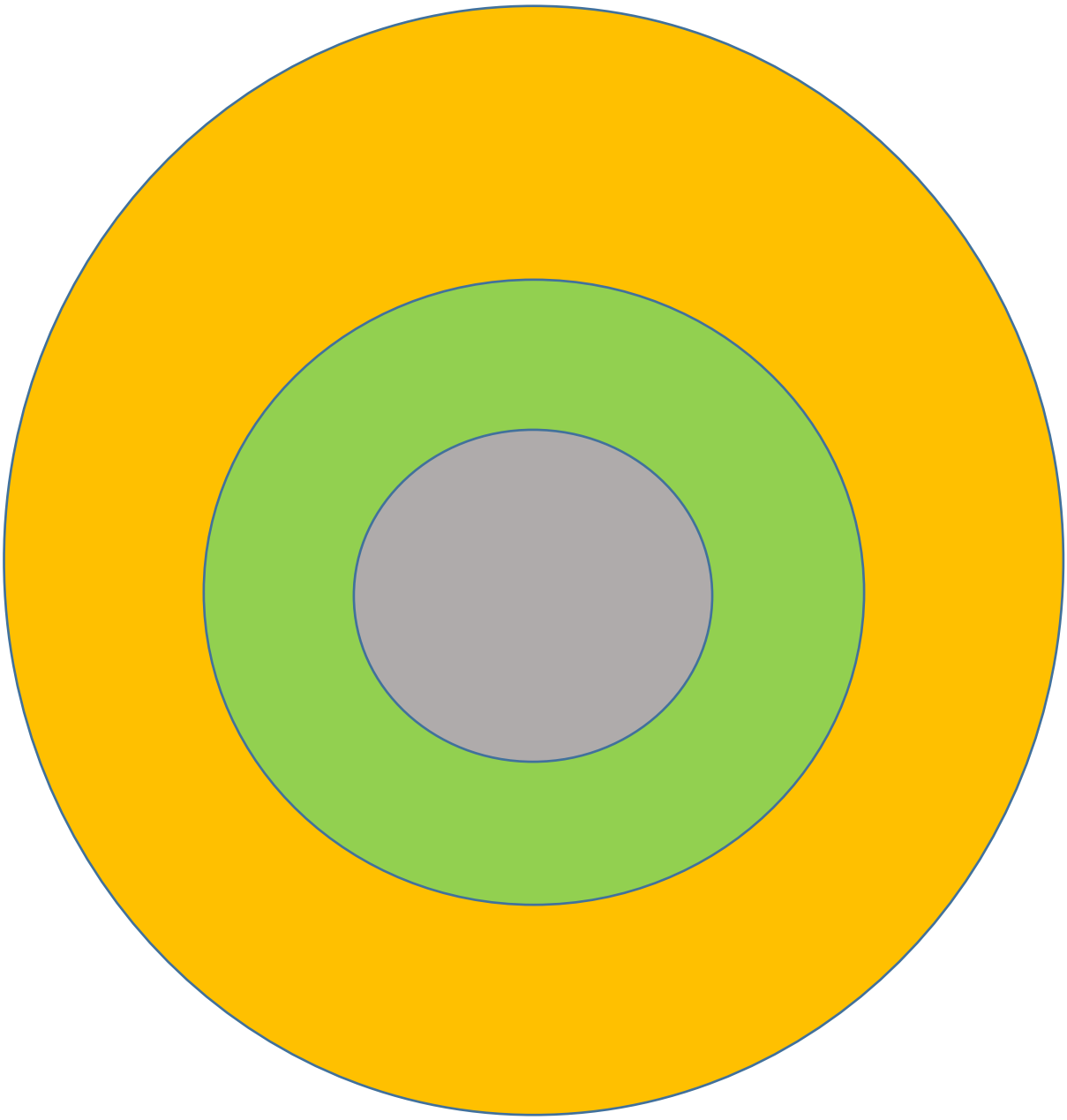
b. A basic record is kept of the dates and attendees at any meetings that were held.

c. A copy of the agreement is held until such time as seems appropriate (usually when all parties have left the university).

PART D: TEMPLATES

CONFIDENTIALITY CHART

Use a white board or laminated A4 sheet and post it notes. Write down and place the names of who will know about the incident in the circles. In the grey circle will be the facilitator and the participants and possibly any supporters. In the green circle will be a named supervisor for the facilitator (e.g. Sue) who will not know the names of the participants as the case will be anonymised for any discussions with them. The orange circle might contain other people at the university who have access to any agreement that the participants might make but will not know the details of the content of the meetings.



RESTORATIVE APPROACH STUDENT REFERRAL FORM

Please confirm the status of the person reporting: please tick

Student ☐

Person reporting		
Person taking report		
Date and time		
Email and telephone		
Address		
Preferred contact method		
RP consent form signed		

Person(s) named as being held to be in some way responsible		
Date and time of incident being reported		
Place of incident		
Any other people involved (names)		
Contact details		
Date and time first contact made		
RP consent form signed		

Vulnerability chart: please tick if the descriptor applies to a significant degree, where adjustments to the process may be needed in order to offer a more inclusive and safe process**.**

Person reporting the incident

Alcohol habit	*Homelessness*	*Age*
Recent bereavement	*Health*	*Pregnancy*
Drug habit	*Learning difficulty*	*Race/Ethnicity/Religion*
Financial difficulty	*Mental health*	*Relationship problems*
Gender identity	*Physical disability*	*Sexual orientation*

Other:

Additional Comments:

Person(s) held to be responsible for an incident

Alcohol habit	*Homelessness*	*Age*
Recent bereavement	*Health*	*Pregnancy*
Drug habit	*Learning difficulty*	*Race/ethnicity/religion*
Financial difficulty	*Mental health*	*Relationship problems*
Gender identity	*Physical disability*	*Sexual orientation*

Other:

Additional Comments:

DRAFT CONSENT FORM FOR A RESTORATIVE PROCESS

Name of student:

Do you identify as the person harmed or the person being named by the reporter as responsible for some aspect of a reported incident?

Person harmed Yes/No	Person being named as being responsible for a reported incident of harm Yes/No

Any Comments:

I understand that the restorative process is entirely voluntary and is a confidential process facilitated by a trained practitioner, who will keep minimal notes that will be destroyed once the process is complete. If any record is to be kept it will be of the Joint Agreement co-created by both parties.

I agree that anonymised case notes may be kept for training and supervision purposes, and may contribute to ongoing research into the effectiveness of this process. Yes/No

I prefer to be contacted via

Email Yes/No Email address:

Mobile Yes/No Phone number:

Letter Yes/No Postal address:

Other (please specify)…..

I agree that the contact details that I have shared here can be utilised by the restorative team to make contact with me regarding this specific matter (and for no other purposes). Yes/No

You may be contacted after the case is over to offer feedback to the team about your experience of the process. This is in order to improve the service that we offer students.

I agree that my specified details can be shared for the purposes of a referral with a trained restorative practitioner

Yes/No

GDPR statement: your details in regard to this incident will be stored in a secure manner by this organisation and will be deleted once you are happy that the case is resolved (except for a record of the agreement).

It is important that all participants acknowledge the statements below before proceeding further with the restorative process.

The restorative process based on the principles and values of restorative justice has been explained to me, my involvement is voluntary and I understand that I can withdraw at any time.

I understand that apart from the facilitator an independent observer may also sit in on meetings and that this is for training and development purposes (development of the process and of the facilitator, as well as the training of new facilitators).

Please mention any concerns you may have so that these can be addressed by the practitioner/facilitator assigned to your case.

Participant signature Date:

Facilitator/practitioner signature Date:

FACILITATOR PROCESS JOURNAL

A facilitator usually takes some notes during the first meeting with the participant. These may be in the form of timelines, diagrams, key moment quotes, and any specific ground rules requested by participants. These are **working notes** to aid the process. Other **process notes** may be made during the case to aid the facilitator in their own process, considering any ethical issues, or any imbalance of power in their relationships with either party. Participants also need to sign an RP **consent form** (see above). The aim of the facilitator is to be seen as **impartial** by all parties (in terms of making judgments or attributing blame) but to be **partial** to the process in delivering good outcomes for both parties. The university's student support service will be informed of dates and times of meetings, who is to be involved, and about the final agreement. So what happens to the working notes or process notes?

- **Working notes**: these may be used throughout the process to enable the facilitator to keep track of important matters. They are not evidence notes, and facilitators need to be mindful not to take copious factual or detailed story notes. A ***risk assessment*** chart may form part of these working notes with mitigations outlined. The agreed ground rules are useful to have in printed hard copy to hand out at any face-to-face meetings. It is good practice to shred the working notes taken by the facilitator at the time of the agreement being made, as symbolic of the process being "finished business" and a way of drawing a line under the incident. In some cases shredding happens at the end of the face-to-face meeting. The consent forms and the agreement may be retained as a record of the process.

- **Process notes:** these are used by the facilitator to work through any ethical issues or professional concerns with the supervisor. These are anonymised notes kept separately from working notes and separate from participant contact details. These may also be destroyed once used, with any professional learning statements kept in a ***learning journal***.

- **Consent form:** participants are invited to give their formal consent to having an incident they have been involved in being dealt with via a restorative process. Signing this form does not mean that at some point in the future they will not be able to pursue other pathways if they are not satisfied at the end of a process - it simply makes it clear that they are actively willing to engage with the restorative process.

- **Risk assessment chart:** the facilitator is wise to complete a risk assessment chart (an example can be seen in the training handbook). This will include planned mitigations. After a process is complete, it is good practice to make a note of any mitigations that were successful or, alternatively, that were unsuccessful, and the reasons why. Any learning can be recorded in a learning journal.

- **Learning journal:** newly qualified practitioners are wise to keep a learning journal for the first five cases. In order to achieve accredited practitioner status via the Restorative Justice Council five detailed case studies are presented as evidence that all the standards have been met, and so a professional learning journal can support a practitioner when they come to write up their chosen cases. It should include any discussions with a supervisor, any practical adjustments that were made to overcome access difficulties, ethical considerations, managed risk, any professional learning brought about through raised awareness as a result of a case, and anonymised outcomes and agreements. It is suggested that prior to being

recognised by the university as a restorative practitioner that as well as attending and successfully completing three day practitioner training that their first case be written up and presented for assessment. An assessor can be sought via the local network of experienced RJC accredited practitioners.

Newly trained practitioners who have completed the three day training programme (22 hours) are invited to write up their first case in the following format (the format is based on the RJC model) and present this for assessment against criteria for good practice.

Unit 1: Assessment - Assess the circumstances of an incident towards identifying a restorative response

Element 1: Obtain and review information relating to incidents
What did you do, how did you do it and why did you do it that way? You may have received a referral - how did you respond to the information you received? Were you clear that this was a suitable case for RP? Describe the referral pathway and your role.
Explain any outcomes/results from your obtaining and reviewing of information. What was your first step, and what were your next steps? What was your plan of action? How did you maintain confidentiality at this stage of the process?
What, if anything, would you have done differently or have you done differently? Were there any practical issues, e.g. your availability or conflicts of interest or ethical issues?

Element 2: Assess the potential benefits and risks associated with progressing a restorative response
What did you do, how did you do it, and why did you do it that way? Describe your role in the RP pathway. Describe your thoughts and feelings about the case. What were you most concerned about? How did you address your concerns at this stage? Did you perhaps consult with a more experienced practitioner? Were there any special circumstances in this case e.g. identity prejudice-based hate crime?
Explain any outcomes/results from your risk/safety and benefits assessment. Reference your risk assessment chart, highlight any mitigation arrangements and any post case thoughts. What were the benefits for each party of engaging with an RP process?

What, if anything, would you have done differently or have you done differently?

Use your learning journal or supervision notes to complete this section. It is good to reflect on your decision making, skills and practice.

Example: In retrospect I should have included the participant supporters in the risk assessment, and the mitigation would have been to speak to them on the phone before the meeting to outline their roles as supporters and the ground rules.

Element 3: Explore situations where there are sensitive and complex issues

For example: identity prejudice-based hate incidents where the victim has a protected characteristic.

What did you do, how did you do it and why did you do it that way?

Describe your awareness of any power imbalance or particular issues, taking into consideration facilitator characteristics of race, gender, age, sexual orientation, disability, or religion or culture. Describe any concerns about your capacity or level of skill. It is valuable and constructive for facilitators to have an awareness of any vulnerabilities.

Explain any outcomes/results from your assessment of a situation where there are complex and sensitive issues.

Describe mitigation arrangements and whether they worked e.g. physical arrangements for arrivals, waiting areas, seating plans, supporters, time out areas, special ground rules, shuttle arrangements.

What, if anything, would you have done differently or have you done differently?

Be honest. This is in hindsight, so any learning from unique sets of circumstances builds layers of experience and expertise. Be clear about the types of cases that you might not take on in the future and would perhaps refer to someone else at this stage in your professional development.

Unit 2: Preparation - Engage with and prepare participants for a restorative process

Element 1: Identify and engage with participants
What did you do, how did you do it, and why did you do it that way? This is about establishing a rapport, showing good mirroring and listening, and creating a safe place to talk. Describe how you explained the process. Also, what did you say about confidentiality and note taking and records? What did you say about GDPR? Where did you meet, and how did you arrange the meeting? What did you say when you contacted the person being held to be responsible? What were you concerned about before you made the phone call or sent an email?
Explain any outcomes/results from your engagement with all participants during the preparation phase. How did participants respond? Did anything surprise you or take you unawares? What happened, and what did you think and feel about the interaction? How do you know that participants felt comfortable with you? Did you check how they were feeling? Were there any practical issues at this stage?
What, if anything, would you have done differently or have you done differently? In hindsight, could you have arranged things differently or managed the meetings in a different way? How would this have made things better or different?
Element 2: Agree on a choice of restorative process
What did you do, how did you do it, and why did you do it that way? Was the first meeting sufficient as a restorative listening intervention? Was the participant made aware of options and how did you do this? What was used in the end and why? (Listening circle with peers, shuttle process, face-to-face meeting.)
Explain any outcomes/results from your work agreeing with all participants a choice of restorative process. What skills did you use to help participants choose which process might suit their incident and needs? What were the key drivers and constraints?

What, if anything, would you have done differently or have you done differently? If you had additional resources might you have dome things differently? What impact might a different approach have had?

Element 3: Prepare participants for a restorative process
What did you do, how did you do it and why did you do it that way? Describe the venue, timing, and key stages in the prep meetings for each participant.
Explain any outcomes/results from your preparation of all participants for the restorative process. Describe the risk assessment updates, also the agreed ground rules and mitigations.
What, if anything, would you have done differently or have you done differently? Describe any challenges, surprises, or practical issues.

Unit 3: Facilitation - Facilitate participants' interaction within a restorative process

Element 1: Relay and share information as part of the indirect process
What did you do, how did you do it and why did you do it that way? Describe your plan and approach and how this was a) Confidential b) Restorative c) Safe d) Fit for purpose

Explain any outcomes/results from your facilitation of the indirect restorative process. Describe the responses of each participant and the agreement that was co-developed. What was your role in this?
What, if anything, would you have done differently or have you done differently? Was an indirect process in hindsight the correct decision and why? If you could have made different mitigations for identified risks might a face-to-face have been possible?

Element 2: Facilitate face-to-face meetings
What did you do, how did you do it, and why did you do it that way? Describe how people arrived, waited and entered the room, their seating, early exchanges and any body language. How did your role change throughout the meeting? What did you contribute towards the agreement?
Explain any outcomes/results from your facilitation of the face-to-face meeting. Describe the co-creation process of the agreement and how this was to be monitored after the meeting.
What, if anything, would you have done differently or have you done differently? Reflecting on your contribution what would you do differently and what might have been the impact? What was the likelihood of the agreement being successful? What might have improved it?

Element 3: Oversee the process and agree on the way forward
What did you do, how did you do it and why did you do it that way? Once the agreement was made, how was it agreed that compliance would be monitored, if at all? What was your role in this aspect of the process?

Explain any outcomes/results from your oversight of the restorative process and all participants agreeing a way forward. What were the initial outcomes for each participant and supporter? What was the initial outcome for you? Facilitators are affected by each case, so what was the lasting impact on you? Were there any later outcomes?
What, if anything, would you have done differently or have you done differently? Looking back over the whole process from initial referral to completion do you have a sense of what was good practice, best practice, and practice that could be even better as the result of this case?

Unit 4: Evaluation - Evaluate the outcomes from a restorative process

Element 1: Evaluate the outcomes from a restorative process
What did you do, how did you do it, and why did you do it that way? Regarding the outcomes, did these meet the needs of the participants and were they appropriate in terms of being restorative? How did you evaluate the outcomes in terms of value for money, appropriate use of resources, and service standards? Using criteria set out by the RJC as a guide, what is your critical analysis of the case outcomes?
Explain any outcomes/results from your evaluation of the restorative process. Would it be good if a similar case was referred to you? Is this a case that demonstrates that the service is well used and needed? What are the wider implications of this case in terms of your role and the service you are a part of?
What, if anything, would you have done differently or have you done differently? On reflection have the outcomes justified the level of resource used, and was this a case that benefited from being dealt with in a restorative way? What other interventions could have been used and why?

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