

Section 4 Integrated Impact Assessment

Summary Report Template

Each of the numbered sections below must be completed

Interim report		Final report	✓	(Tick as appropriate)
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1. Title of plan, policy or strategy being assessed

Criminal Justice – Restorative Justice Interventions for the City of Edinburgh Council.

2. What will change as a result of this proposal?

Restorative Justice (RJ) offers the opportunity for a person who has been harmed ('the victim') to meet the person responsible for the harm ('the offender') in a safe and positive environment, facilitated by a trained Restorative Justice facilitator. The RJ process seeks to empower the victim to express the impact that the offence has had on them and to receive answers to any questions they may have. For the offender, understanding the human impact of their offending could have a bearing on future desistance. This new process seeks to bring together people who have been convicted of hate offences with the victims of the offences (or representatives). The ultimate aim is to empower victims and reduce fear/anger, and potentially reduce re-offending.

3. Briefly describe public involvement in this proposal to date and planned

The lead for this proposal, Rania Hamad, has been involved in consultation events on RJ in conjunction with the Scottish Government and the Scottish Restorative Justice Forum and Network.

It has not been possible to consult directly with victims of hate crime due to a pending Information-Sharing Protocol awaiting sign-off which will allow for victims to be contacted; however, Rania Hamad has consulted with Victim Support Scotland, Police Scotland, and the Scottish Alliance Against Prejudice and Hate Crime (who comprise several organisations representing the needs and rights of victims of hate crime), at various stages throughout the process.

4. Date of IIA

27 February 2019

5. Who was present at the IIA? Identify facilitator, Lead Officer, report writer and any partnership representative present and main stakeholder (e.g. NHS, Council)

Name	Job Title	Date of IIA training	Email
Rania Hamad	Senior Practitioner – Hate Crime & Restorative Justice (facilitator/lead officer/report writer)	31/01/19	rania.hamad@edinburgh.gov.uk
Stephen Laird	Team Leader, Community Intervention Team North		stephen.laird@edinburgh.gov.uk
Nic Middlemiss	Senior Social Worker – Community In Motion		nic.middlemiss@edinburgh.gov.uk
Suzan Ross	Community Justice Development Officer		suzan.ross@edinburgh.gov.uk
Philippa Boyd	Sergeant		Philippa.Boyd@scotland.pnn.police.uk
David Clark	Police Constable		David.Clark@scotland.pnn.police.uk
Jackie Massie	Young People Against Hate Youth Development Officer		Jackie.Massie@elrec.org.uk
Gael Cochrane	Learning, Development, & Innovation Lead		Gael.Cochrane@communityjustice.scot

6. Evidence available at the time of the IIA

Evidence	Available?	Comments: what does the evidence tell you?
Data on populations in need		<p>Crown Office & Procurator Fiscal Service, Hate Crime Statistics report for Scotland 2017-18 -</p> <p>http://www.copfs.gov.uk/publications/equality-and-diversity#accordion-1431752114-84</p> <p>This demonstrates that over 5,000 hate crimes were reported in Scotland from 2017-18; 994 of which were reported in Edinburgh.</p> <p>The Criminal Proceedings in Scotland 2017-18 report demonstrates that there were 1,323 convictions for hate crime (not broken down by area or sentencing outcome) –</p> <p>https://www.gov.scot/publications/criminal-proceedings-scotland-2017-18/pages/1/</p> <p>Data gathered via the SWIFT system (report run by Catherine Stewart) in relation to Criminal Justice Social Work Reports for the 12-month period September 2017-September 2018 indicates that there were 216 reports completed on aggravated offences (hate crime) in total, and data from 2016-2017 indicates that there were around 30 offenders subject to community orders for a hate offence.</p>
Data on service uptake/access		<p>No such data exists as yet for the current service as RJ has not been available to people convicted of hate crimes subject to statutory supervision in Edinburgh.</p> <p>Data on uptake/access for similar services can be found here –</p> <p>https://why-me.org/wp-content/uploads/2018/09/Access-to-Justice-Hate-Crime-and-Restorative-Justice-Interim-</p>

Evidence	Available?	Comments: what does the evidence tell you?
		<p>Report.pdf</p> <p>https://www.sacro.org.uk/services/criminal-justice/stop-anti-sectarianism-hate-crime-services</p> <p>https://www.sacro.org.uk/services/criminal-justice/adult-restorative-justice</p>
Data on equality outcomes		Please see above; equality outcomes will also need to be monitored via CEC's Equality and Diversity Framework.
Research/literature evidence		<p>Research evidence indicates that victims who participate in RJ obtain greater satisfaction than the 'traditional' criminal justice process (to which they will have already undergone); they have the opportunity to have their voices heard and the impact of the offence(s) taken into account; potentially an explanation and/or apology for the offence(s), and/or some form of reparation; experience a reduction in fear/anxiety/anger; and potentially receive an assurance that no further victimisation will occur. For offenders, it can increase victim empathy and understanding of different groups; allow them to take responsibility for their behaviour and make amends; reduce the shame and guilt associated with offending; and promote desistance from offending.</p> <p>Please see –</p> <p>Hate Crime – Causes, Motivations, and Effective Interventions https://cycj.org.uk/wp-content/uploads/2017/06/Hate-Crime-causes-and-motivations.pdf</p> <p>https://why-me.org/2018/restorative-justice-smart-response-hate-crime/</p> <p>Ministry of Justice Evaluation of RJ - https://restorativejustice.org.uk/resources/moj-</p>

Evidence	Available?	Comments: what does the evidence tell you?
		evaluation-restorative-justice
Public/patient/client experience information		Please see above.
Evidence of inclusive engagement of service users and involvement findings		<p>Direct engagement of service users has not yet been possible due to data sharing protocols.</p> <p>Consultation has been sought with various groups representing service user perspectives during ongoing Senior Practitioner role.</p> <p>Service user feedback forms will be used to gather feedback on the RJ process, for both the victim and the offender.</p> <p>Police Scotland's PIP department, our partner agency, continually consult with a range of focus groups comprising people with protected characteristics on hate crime. Consultation will continue to be sought with relevant focus groups via Police Scotland during the process and as part of the evaluation.</p>
Evidence of unmet need		<p>Despite the research evidence indicating the positive impact of RJ, it is not widely available in Scotland and there are no services for adults or for hate crime in Edinburgh.</p> <p>In light of this, the Scottish Government have outlined a commitment in their Programme for Government 2018-19 to have restorative justice services widely available across Scotland by 2023 with the interests of victims at their heart, and to publish a Restorative Justice Action Plan by spring 2019 that will set out how they will deliver this aim –</p> <p>https://www.gov.scot/programme-for-government/</p>

Evidence	Available?	Comments: what does the evidence tell you?
		<p>Please also see –</p> <p>Report of Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion (2017) – “the Scottish Government and partners should explore the use of restorative justice methods with victims and perpetrators of hate crime”.</p> <p>https://www.gov.scot/publications/report-independent-advisory-group-hate-crime-prejudice-community-cohesion/pages/4/</p>
Good practice guidelines		<p>The service will utilise the Scottish Government’s Guidance for the Delivery of Restorative Justice:</p> <p>https://www.gov.scot/publications/guidance-delivery-restorative-justice-scotland/</p> <p>The project lead has received 7 days’ RJ training and will use the ‘Foundation Skills in Restorative Practices Handbook’ provided by Tim Chapman as part of the accredited training.</p> <p>The project lead has created both a Local Procedure for the intervention, and Guidance on Identifying and Managing Risk in Restorative Justice Interventions for the City of Edinburgh Council (both pending upload to the Orb).</p> <p>An Information-Sharing Protocol between CEC and Police Scotland has been created and governs the process, including new GDPR processes.</p> <p>Regarding working with victims of hate crime, the following good practice guidance will be utilised –</p> <p>Victim Support Scotland – Fostering a Victim Centred Approach to Hate Crime in Scotland – http://www.victimsupportsco.org.uk/wp-</p>

Evidence	Available?	Comments: what does the evidence tell you?
		<p>content/uploads/2017/09/VSS-Hate-Crime-Report-September-2017.pdf</p> <p>Why Me's evidence on their existing RJ/Hate Crime service - Access to Justice: Hate Crime and Restorative Justice service interim report published by Why Me: https://why-me.org/wp-content/uploads/2018/09/Access-to-Justice-Hate-Crime-and-Restorative-Justice-Interim-Report.pdf</p> <p>and 'Supporting Victims of Hate Crime: A practitioner guide' (book purchased by CEC Community Justice service).</p>
Environmental data		N/A
Risk from cumulative impacts		N/A
Other (please specify)		N/A
Additional evidence required		N/A

7. In summary, what impacts were identified and which groups will they affect?

<u>Equality, Health and Wellbeing and Human Rights</u>	Affected populations
<p>Positive</p> <p>The positive impacts that may occur for people across all of the protected characteristics should they participate in this service are – for victims, greater satisfaction than the 'traditional' criminal justice process (to which they will have already undergone); the opportunity to have their voices heard and the impact of the offence(s) taken into account; potentially an explanation and/or apology for the offence(s), and/or some form of reparation; a reduction in</p>	<p>People with protected characteristics – general</p>

attitudes and assumptions of staff, which may affect their participation in RJ. Particular attention will also need to be paid to the impact of hate crime on transgender people. Any issues relating to domestic abuse, mental health, pathways into offending behaviour and the differential ways in which these can impact men, women, transgender, intersex, and non-binary people will need to be taken into account.

People with a disability may either be the person responsible or the person harmed within the RJ service. Mobility, access, communication and any other support needs will need to be taken into account in each individual's case, particularly in relation to information leaflets, building access, BSL interpreters, mental health needs. This group should also include people with eg autistic spectrum disorder.

Again, this could encompass both the person responsible or person harmed. Communication needs will be taken into account eg leaflets, use of interpreters. The differential needs of/impacts on different ethnic groups must be considered, rather than making assumptions. This is also the same with refugees and asylum seekers, but there may be additional barriers to them wishing to engage in a restorative process, such as reluctance to engage with authorities or a criminal justice agency such as the police. Cultural impacts in relation to gender must be considered (eg gender of interpreter/facilitator when working with women).

It could be that either the person harmed or person responsible belong to a particular religious group (which staff may be unfamiliar with), or have no religion. Any particular needs in relation to this must be taken into account, and the impact of intersectionality in relation to the subsuming of race/religion in certain hate crimes, especially Islamophobia and sectarianism.

women) and Non-binary people (Include issues relating to pregnancy and maternity including same sex parents).

Disabled people (includes physical disability, learning disability, sensory impairment, long-term medical conditions, mental health problems).

Minority ethnic people (includes Gypsy/Travellers, migrant workers, non-English speakers).

Refugees and asylum seekers.

People with different religions or beliefs (includes people with no religion or belief).

LGB people often experience significant mental and physical health difficulties related to homophobia, heterosexism, and social exclusion, and could be further impacted by heteronormative attitudes and practices within our service.

People in a civil partnership may be disproportionately affected by hate crime and fall under the other protected groups mentioned.

Unemployed people and those in receipt of benefits may come into contact with the service. It may be that they are required to travel to take part in an RJ intervention, and may find this difficult financially in terms of travel.

Single parents may also be affected financially with the cost of travel, as well as having to find childcare for any meetings they attend.

Someone who has an illness and is leaving a care setting may not feel able to participate in RJ at a particular point in time, but may wish to do so in the future.

Homeless people may not have a permanent address or telephone number by which to be contacted for participation in the RJ service, therefore potentially excluding them from this opportunity. They may also not feel able to take part in the process due to their accommodation and other complex needs, but this may change over time.

Carers may be impacted due to their caring responsibilities and not being able to attend meetings.

The service will be offered to people currently subject to supervision by a Criminal Justice Social Worker, and will be led by them (i.e. their willingness to participate), before contacting the victim). They may experience certain barriers to wishing to participate such as anxiety and uncertainty.

Lesbian, gay, bisexual and heterosexual people.

People who are unmarried, married or in a civil partnership.

Those vulnerable to falling into poverty.

Offenders currently serving custodial sentences may experience barriers to their participation in RJ as it is not (yet) offered within the custodial estate.

Offenders subject to Diversion from Prosecution will be required to wait until this process is completed before engaging in RJ due to the complexities arising from undertaking this pre-conviction.

Victims may also be currently or previously involved in the criminal justice system and as such feel there are barriers to their participation.

People living in deprived communities may have greater health needs and complex health/social difficulties, as well as financial and social barriers to accessing services.

People with low literacy/numeracy may find it difficult to understand written communications and as such may face barriers engaging with the service.

People with substance use difficulties may find it challenging to participate in an RJ process but this could change over time.

Veterans may be experiencing complex health and social issues.

Students may face financial and social barriers to participating in RJ (they may also not be in the country all of the time and therefore unable to participate at certain times).

The RJ service will operate largely within the city of Edinburgh area. However, victims of the offences may not reside in Edinburgh and may reside in other local authorities/rural communities, therefore will be required to travel to participate which has time and resource implications.

Staff (both with or without protected characteristics) who facilitate the RJ process may be affected by the work as it involves hate crime and knowledge of the expressions of

Geographical communities

Staff

prejudice and impact(s) on the victim. This may differentially affect staff who have protected characteristics.

The RJ service ultimately aims to **eliminate the discrimination and harassment** experienced by victims of hate crime, and allows victims to have their voices heard. The potential for any further discrimination and harassment, particularly in cases where the victim knows the perpetrator, will be risk assessed.

Although not the primary aim, the process may serve to **advance equality of opportunity eg improve access/quality of services** in that victims will be signposted to any relevant follow-up support services if required, whereas they might not have otherwise had the opportunity to do so.

Fostering good relations within and between people with protected characteristics may arise when both the victim and the perpetrator have one or more protected characteristic (as can be the case with hate crime).

A positive impact of RJ can involve victims feeling more 'in control' and reduce isolation, particularly where they know the offender (eg a neighbour) thereby **enabling people to have more control of their social/work environment.**

RJ for hate crime may serve to **reduce differences in status between different groups of people** by allowing the offender to reconsider their perceived status differences between them and the victim (reducing the 'them and us'/ingroup-outgroup perspective). However, if the process does not go forward or is not successful, this may still be present.

In relation to being able to **promote participation, inclusion, dignity and control over decisions**, RJ allows both victims and offenders to participate in and

<p>'own' the process in a way that the traditional criminal justice system does not allow them to do (including making decisions), thereby potentially increasing their feelings of inclusion, dignity, and control.</p> <p>RJ contributes to the capacities of communities by building individual capacity and resilience thereby potentially helping to build family support networks, resilience and community capacity.</p> <p>In terms of reducing crime and fear of crime including hate crime, RJ directly seeks to reduce the fear caused by hate crime, and the risk of further hate crime occurring.</p> <p>In being able to protect vulnerable children and adults, RJ potentially contributes to vulnerable adults feeling more safe and secure, particularly if addressing disability hate crime, and may indirectly have positive impacts for the children of both victims and offenders involved in the process.</p>	
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<p>Environment and Sustainability –</p> <p>Positive</p> <p>Where possible, venues utilised for the purposes of RJ will be accessible by public transport, and the use of public transport will be promoted by the provision of bus tickets to participants.</p> <p>Negative</p>	<p>Affected populations</p> <p>All</p>
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<p>Economic – N/A</p> <p>Positive</p> <p>Negative</p>	<p>Affected populations</p>
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8. Is any part of this policy/ service to be carried out wholly or partly by contractors and how will equality, human rights including children’s rights , environmental and sustainability issues be addressed?

The service is in partnership with Police Scotland’s Preventions, Interventions, and Partnerships department (E-Division) and they have been involved in shaping this IIA as well as associated guidance such as the Information-Sharing Protocol. The identified impacts will therefore continue to be monitored and evaluated by all partners involved.

9. Consider how you will communicate information about this policy/ service change to children and young people and those affected by sensory impairment, speech impairment, low level literacy or numeracy, learning difficulties or English as a second language? Please provide a summary of the communications plan.

The service will not be promoted to or ‘advertised’ for victims of crime due to it being offender-led and the specificities of Criminal Justice Social Work funding. Leaflets have been created for offenders (and agreed by Information Governance), which specifically refer to the option for them to be translated into different languages, Braille, large print, and various computer formats (reference number 18-4527), and a BSL interpreter will be sought if necessary. Offenders will also have the support of their Supervising Officer and the RJ Facilitator in explaining the service.

Police Scotland have created the leaflet for victims and have similar arrangements in place.

10. Does the policy concern agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use? If yes, an SEA should be completed, and the impacts identified in the IIA should be included in this.

N/A

11. Additional Information and Evidence Required

If further evidence is required, please note how it will be gathered. If appropriate, mark this report as interim and submit updated final report once further evidence has been gathered.

IIA Consultation Group agreed that no further evidence appears to be required.

12. Recommendations (these should be drawn from 6 – 11 above)

- Staff involved in the service will be required to have undergone RJ training, and training on the causes and impact of hate crime on victims/communities;
- Staff should also have a good working knowledge of the issues affecting groups with different protected characteristics and the appropriate language/terminology;
- The service must be trauma-informed at all stages of the process by taking account of the impact of trauma on both the offender and victim (whether as direct result of the offending behaviour, or current/previous adverse experiences);
- Each assessment for the suitability to participate in RJ must be individualised to the particular people involved, needs-led, and continue throughout the process in order to respond to any changes or risks arising;
- Communication needs must be taken into account at all stages of the process and tailored accordingly, including avoiding the use of jargon;
- Financial recompense should be offered for travel costs for the groups identified above where this may be an issue in order to remove a potential barrier to participation, as well as choosing venues that are as accessible as possible (not only geographically, but for those with physical disabilities);
- For people with caring responsibilities, the process must have due regard to this and fit around these responsibilities;
- Partnership working will be required at all stages of the assessment process, including helping to remove barriers to participation eg for people who are homeless, utilising Streetwork colleagues for communication and correspondence;
- Staff should provide leaflets and contact details for appropriate services if signposting is required for follow-up support to victims (Supervising Officers will do so for offenders);

- Efforts should be made to offer RJ to offenders in custody and subject to Diversion from Prosecution, if appropriate and subject to availability;
- Staff involved in the process should receive adequate supervision to ensure they are not adversely affected, and be offered de-briefing with RJ colleagues;
- Consultation with relevant groups should be ongoing;
- An evaluation of the service should take place in 12 months to monitor impacts and progress, utilising victim/offender feedback (particularly victim satisfaction rates) and re-offending rates (where possible).

13. Specific to this IIA only, what actions have been, or will be, undertaken and by when? Please complete:

Specific actions (as a result of the IIA which may include financial implications, mitigating actions and risks of cumulative impacts)	Who will take them forward (name and contact details)	Deadline for progressing	Review date
Staff training – ADAPT hate crime training has been delivered to 50+ CJSW staff. RJ training has been delivered to 10 staff; Community Justice Scotland are now creating free training for CJSWs in Edinburgh (co-created by Rania Hamad and Police Scotland also) for June 2019 which will serve as refresher training for existing staff, and full training for appropriate staff taking RJ forward. Appropriate staff will include those who are trained in hate crime and trauma-informed practice.	Rania Hamad (see page 2) Sergeant Philippa Boyd (see page 2)	June 2019	June 2019
Creation of robust needs-led assessment process for suitability of RJ – Rania Hamad has created a Local Procedure and guidance for the management of risk for the RJ process	Rania Hamad	By end of April 2019	Ongoing/formal evaluation April/May 2020.

Specific actions (as a result of the IIA which may include financial implications, mitigating actions and risks of cumulative impacts)	Who will take them forward (name and contact details)	Deadline for progressing	Review date
which will be adhered to at all times throughout the assessment process and RJ contact.			
Financial recompense for RJ participants – bus tickets provided for offenders under Section 27 funds; Police Scotland will provide bus tickets/travel assistance for victims.	Rania Hamad Sergeant Philippa Boyd	Ongoing	April/May 2020
Contact made with SPS and private prisons to explore use of RJ – Rania Hamad has been in touch with SPS and Community Justice Scotland have approached HMP Addiewell, who are interested in facilitating RJ. Rania Hamad will also have further dialogue with CEC’s Diversion from Prosecution team regarding how RJ might fit with the service.	Rania Hamad/Gael Cochrane Community Justice Scotland.	Ongoing	Ongoing
Evaluation – Rania Hamad will consult with Community Justice CJSW managers as to how best to proceed with the evaluation process at the 12-month stage; however, feedback will be gathered from participants during the process.	Rania Hamad	Ongoing	April/May 2020

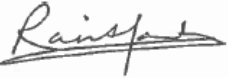
14. How will you monitor how this policy, plan or strategy affects different groups, including people with protected characteristics?

- Feedback will be gathered from all parties after each RJ process on their experience of the process and outcomes, and taken into account.
- Data on re-offending will be obtained from Supervising Officers and Police Scotland.

- Consultation will be sought (in partnership with Police Scotland) with relevant groups on an ongoing basis.
- An overall evaluation of the RJ service will take place 12 months after commencing service delivery.

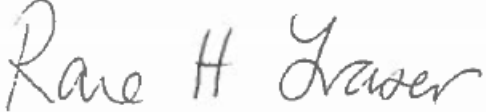
15. Sign off by Head of Service/ Project Lead

Name: Rania Hamad, Senior Practitioner for Hate Crime and Restorative Justice, Community Justice, City of Edinburgh Council



Date: 31 May 2019

Name: Rona Fraser, Senior Manager, Community Justice, City of Edinburgh Council



Date: 31 May 2019

16. Publication

Send completed IIA for publication on the relevant website for your organisation. [See Section 5](#) for contacts.

Section 5 Contacts

- **East Lothian Council**

Please send a completed copy of the IIA to equalities@eastlothian.gov.uk and it will be published on the Council website shortly afterwards. Copies of previous assessments are available via http://www.eastlothian.gov.uk/info/751/equality_diversity_and_citizenship/835/equality_and_diversity

- **Midlothian Council**

Please send a completed copy of the IIA to zoe.graham@midlothian.gov.uk and it will be published on the Council website shortly afterwards. Copies of previous assessments are available via http://www.midlothian.gov.uk/downloads/751/equality_and_diversity

- **NHS Lothian**

Completed IIAs should be forwarded to impactassessments@nhslothian.scot.nhs.uk to be published on the NHS Lothian website and available for auditing purposes. Copies of previous impact assessments are available on the NHS Lothian website under Equality and Diversity.

- **The City of Edinburgh Council**

Completed impact assessments should be forwarded to Strategyandbusinessplanning@edinburgh.gov.uk to be published on the Council website.

- **City of Edinburgh Health and Social Care**

Completed and signed IIAs should be sent to Sarah Bryson at sarah.bryson@edinburgh.gov.uk

- **Edinburgh Integration Joint Board**

Completed and signed IIAs should be sent to Sarah Bryson at sarah.bryson@edinburgh.gov.uk

- **West Lothian Council**

Complete impact assessments should be forwarded to the Equalities Officer.