

Good practice when working with English as an Additional Language speakers

A guide for Restorative Justice practitioners working across cultural difference

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Why me?

Transforming lives through
Restorative Justice



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About Why me?

Why me? is a national charity that promotes and delivers Restorative Justice. Restorative Justice empowers people affected by crime and other harmful behaviour to communicate with the person responsible. This is facilitated by trained professionals who speak to both parties in advance to prepare them for the meeting. Restorative Justice can be used to address any crime or conflict, as long as both parties consent, and the facilitators agree it is safe to go ahead. It is not used as a substitute for other measures and can take place while people are serving time in prison.

Restorative Justice gives people who have been harmed the chance to talk about the impact of the incident and seek answers about why it happened. Victims of crime often feel excluded, confused and revictimized by the criminal justice process. Restorative Justice brings them back to the heart of the discussion, and allows them to have their voices heard. It is also one of the most powerful ways to allow people who have committed crime to appreciate the consequences of their actions. This is why it has been shown to reduce repeat offending by 14%. Restorative practice can also be used for other harmful behaviour outside the Criminal Justice System, such as to address conflict in schools or in the workplace.

Why me? runs campaigns and research, lobbies the Government, and helps organisations which deliver Restorative Justice. We also run our own Restorative Justice service. Why me? was formed after Peter Woolf met Will Riley in a Restorative Justice meeting in prison. Peter had burgled and assaulted Will in his home. The meeting transformed both their lives leading to healing and recovery. Will set up Why me? with Peter's help, to enable other people affected by crime to experience the benefits of Restorative Justice. You can hear Will and Peter's story in full [here](#).

Find out more about the work of Why me? on [our website](#).

Key Definitions

Restorative Justice (RJ)

Why me? defines Restorative Justice as “a transformative tool that empowers everyone affected by crime to communicate and move forwards”. Restorative Justice gives people who have been harmed the chance to talk about the impact of the incident and seek answers about why it happened in a face-to-face meeting, via video, or through letters.

Victims of crime often feel excluded, confused, and revictimised by the criminal justice process. Restorative Justice brings them back to the heart of the discussion and allows them to have their voices heard – to detail the impact the crime had on them, and to seek answers to questions they have. It also helps the person responsible for the harm to understand the impact of their actions and can encourage them to make amends and to change their behaviour.¹

This definition is based upon the assumption that communication has the potential to transform by empowering people and changing behaviour. This assumption, for which there is a substantial body of evidence, is at the core of the value of Restorative Justice.

Unlike the criminal justice process in which professionals speak for others, the Restorative Justice process enables those affected by crime, including victims, perpetrators, and others, to speak on their own behalf. It follows that the opportunity to communicate and the ability to take that opportunity is critical to realising the value of Restorative Justice for individuals and society. This is clearly a problem if people have difficulties in understanding another person or making themselves understood.

See our [Frequently Asked Questions](#) or our [Easy Read 'What is Restorative Justice?'](#) document to find out more about Restorative Justice.

English as an Additional Language (EAL)

Refers to people who speak English as an Additional Language. Also known as ESL, English as a second language. We choose this term in recognition

¹ <https://why-me.org/what-is-restorative-justice/>

that many people speak more than one additional language and English may not be their second language.

Community organisations

Refers to organisations aimed at supporting and making desired improvements to a community's social health, well-being, and overall functioning. These can include but are not limited to leisure centres, community support groups, schools, faith groups, youth clubs, and health care agencies.

Community groups

Refers to people from specific cultural or ethnic groups who may speak the same language or share a similar culture. E.g. Muslim Women, Eastern European migrants. The use of this term acknowledges that Muslim Women and Eastern European migrants come from many different backgrounds, speak a plethora of languages, and may have very different histories and cultural differences.

Community advocates

Members of the community that advise, represent or speak on behalf of those who may be marginalised from power and excluded from the resources that they need.

Police and Crime Commissioners (PCCs)

PCCs are elected in areas of England and Wales to make sure that local police meet the needs of the community. They are responsible for:

- how your area is policed
- the police budget
- the amount of Council Tax charged for the police
- the information you get about what the local police are doing
- appointing and dismissing the chief constable (the most senior police officer for the area)

They have a duty under the Victims Code of Practice to deliver entitlements including information about RJ and how to access it. The code also stipulates entitlements for victims of crime about their right to understand and be understood which statutory authorities have a duty to comply with.

Practitioner/facilitator

In this guide, when we use practitioner, we mean those that are experienced in / qualified to support RJ processes. These are people trained to the appropriate level to engage people in restorative processes, to prepare potential participants to take part actively and safely, and to facilitate processes which support connection, understanding and healing to participants. Restorative practitioners will not allow a case to proceed if they consider it unsafe for any participant.

Professionals

Refers to those people employed by organisations such as the police, probation, prisons, social services and other public services who have a stake in the well-being of victims and their communities and the reintegration and rehabilitation of offenders.

EAL professionals

People who work with people who speak English as an Additional Language. These include but are not limited to: EAL specialist teachers, learner support workers, community engagement coordinators, interpreters, and translators.

Victim and perpetrator

These terms refer to an individual's relationship to a specific act of harm. They should not be used as an identity with which to label a person. Participants of Restorative Justice should be known by the name that they choose.

Trauma-informed practice

Trauma-informed practice is an approach which is grounded in the understanding that trauma exposure can impact an individual's neurological, biological, psychological and social development. Being trauma-informed requires professionals to adopt a person-centred approach, focussing on 'what happened to you?' rather than 'what's wrong with you?'

Policymakers

Politicians and staff in parliament, government, and other elected and statutory bodies that have the ability to adjust policy or legislation.

About Project Articulate

Why including EAL speakers matters

One of the key premises of Restorative Justice is that dialogue enables people to address and resolve matters that arise from harmful actions. Participants use words to tell their stories, ask their questions and make their requests. Once agreements and commitments have been made, people give their word to keep them.

For Restorative Justice to work effectively, people must believe that words matter. Words need to be heard and understood. People must also believe that words have power to lead to meaningful actions.

Why me? believes and works to ensure that Restorative Justice is inclusive and participative for all. Project Articulate seeks to ensure that Restorative Justice is accessible to EAL speakers, and that practitioners can access support and guidance to do this well.

Why me?'s work on Restorative Justice for hate crime revealed that those with protected characteristics are not being well served. Those from minoritised ethnicities and faiths in the UK make up a significant proportion of speakers of English as an Additional Language. People affected by crime who don't speak English as a first language often face cultural and language barriers to accessing the Criminal Justice System. This impacts negatively on their access to and willingness to choose to take part in a restorative process. To ensure inclusive Restorative Justice services, we need to improve access for speakers of English as an Additional Language.

According to the 2021 Census of England and Wales, 5.1 million people (8.9% of the population) do not speak English (or Welsh in Wales) as their main language. Of those 5.1 million people, 43.9% (2.3 million) could speak English very well, 35.8% (1.8 million) could speak English well, 17.1% (880,000) could not speak English well, and 3.1% (161,000) could not speak English at all.² 6 in 10 of those who reported that they could not speak English "well" were female, and across most ethnic groups, women were more likely than men to be

² <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/language/bulletins/languageenglandandwales/census2021#english-language-proficiency> accessed on 20 August 2023.

unable to speak English, with the likelihood of this increasing with age (ONS 2013; GOV.UK 2020).

English is the most widely spoken language in the UK. There are other native languages, Welsh, Scottish Gaelic, Irish, and Cornish. There is also British Sign Language. Then there are dialects such as Ulster Scots and Doric. Throughout Great Britain and Northern Ireland there are many distinctive accents and ways of speaking using local expressions and slang e.g. Geordie, Scouse, Cockney, etc. There are also subcultures that adopt slang that other English speakers find difficult to understand. Slang is constantly changing and is probably more prevalent among youth subcultures. English can also be quite different depending on how the speaker has been socially classed.

Restorative Justice participants may speak several languages, or they may have a preferred mode of communication that is visual-verbal, such as British Sign Language. Regional variation within English means that a diversity of accent and dialect should be not only expected, but also embraced and supported. The words that people write and say can be influenced by social groups, and their use of language can also be highly individualised. For participants who speak English as an Additional Language, they may have different levels of proficiency. Different people will have differing levels of comfort in English, and if an interpreter is present, not everyone will rely on their support in the same way. It should also be noted that people from the same country may speak different languages or dialects.

The diverse makeup of England and Wales – and the multilingualism that follows – underlines the need to increase meaningful access and to widen participation in restorative projects. Consideration of language, culture and community, and what this means in terms of the shape and nature of a restorative response, also intersects with other aspects of people's identities, such as gender, sex, class etc. Added to this, research has shown that learners of English and people with limited proficiency in English already face challenges both in terms of reporting crime, and in terms of accessing support.

Project Objectives

Why me? recognised that this area of Restorative Justice practice was important and challenging and had not been given the attention it requires. So, in 2020 it set up Project Articulate to understand the difficulties that people who speak EAL faced and how these difficulties restricted their access to Restorative Justice and inhibited them from participating in restorative processes. Like all good innovative projects, Project Articulate took on this challenging task so that others would not need to.

Project Articulate focused on:

1. Building the capacity of community organisations working with people who speak EAL and demonstrating the power and potential of restorative practices.
2. Improving the knowledge and understanding of RJ professionals about the needs of people who speak EAL and developing the service design and delivery of RJ services to meet their needs.
3. Recruiting lived-experience ambassadors to talk about their experience of using Restorative Justice within a multilingual setting.
4. Influencing policymakers and inspiring them to commission restorative and victim services effectively, to better serve the needs of people with EAL.
5. Developing policy recommendations for PCCs and key policymakers.
6. Developing best practice guidance and checklists for RJ and EAL professionals.

Methodology

There were three areas of impact for this project:

1. Collaboration with community groups to build awareness of the importance of supporting EAL speakers to participate in Restorative Justice.
2. Develop a Good Practice Guide and training on good practice.
3. Promotion of policy which supports this area of Restorative Justice.

This document addresses one of the outcomes in area 2 – the Good Practice Guide. This was developed through work with a range of practitioners, academics and community groups, through roundtables, interviews, circles and meetings.

Key Barriers

Project Articulate was, in part, an action research project seeking to generate new knowledge that would inform good practice. The findings of Project Articulate from extensive conversations and workshops with Restorative Justice practitioners, interpreters, academics, EAL professionals, community representatives, and community members from different backgrounds have been integrated into this Good Practice Guide. Speaking to people with lived experience and other professionals provided a well-rounded view of the barriers faced and how they affect all those involved in the process.

Understanding the challenges for those who speak EAL is an important first step in ensuring that EAL speakers affected by crime and conflict do not continue to be marginalised, and that language and culture are not a barrier to people accessing, participating in, and taking ownership of the restorative process.

It should be recognised that participation in a restorative process can be challenging even when all participants share a common language. When participants do not share the same language, where the same level of language competence within a given language (such as English) is not shared equally by all, and where there are cultural differences, the challenges faced by participants become compounded.

There are six key barriers to people who speak EAL using RJ that we would like to explore further as context to understanding good practice in this area: language accessibility, cultural competency, discrimination and exclusion, power dynamics, lack of awareness, and inadequate training.

Lack of Language Accessibility

Restorative Justice is essentially a communication process. It relies on the participants' use of words to express often distressing feelings, to articulate complex narratives of harm and accountability, to reach a mutual understanding of what has happened and what needs to be done about it, as well as to agree certain commitments which restore what has been lost, damaged or violated through the harm. This can be challenging even for those who are fluent in the primary language being used. The difficulties are multiplied for a person for whom that language is an additional one.

There can be specific challenges in explaining the purpose, process and benefits of Restorative Justice and how to gain access to it when materials are, by default, provided only in English and/or where practitioners only work in English. While interpreters can be utilised, there are complexities to be considered there too - there is further exploration of this later.

There are often barriers to finding the support of interpreters and translators of certain dialects or rarer languages. It is even less likely that interpreters will have an in-depth understanding of RJ. Where there is a lack of familiarity with RJ, interpreters may be able to share the words that are being used but could miss important underlying meanings that are vital to understanding and participating in Restorative Justice processes.

In addition, it can already be a challenge to do oneself justice at a restorative meeting and to speak of events about which one may feel shame, anger, sadness, fear, or anxiety. If you are also being asked to communicate in a language that is not your primary one, these impacts can be compounded, perhaps even to an extent that causes you to opt out of the process altogether.

This is why it is vital to consider how people who speak EAL might be better equipped to participate in languages that are comfortable for them and in ways that do not make them feel like a burden.

Lack of Cultural Competency

Restorative Justice as practised in the UK exists within a certain liberal, democratic context. One that prioritises values such as individualism, rights and secularism. The Restorative Justice movement here promotes a relational, interdependent, and responsible ethics as situated within an individualistic and materialistic society. In contrast, many people who speak EAL may be accustomed to more communal or collective societies, such as those in South Asia, Africa or Eastern Europe.³

A lack of understanding of this cultural complexity and an imposition of a western model of Restorative Justice may be seen to disregard the

³ For a more in depth understanding of this see Reynol Hsueh-Hung Cheng and Meredith Rossner (2023)

knowledge and expertise that people already hold around concepts of justice, rights, harm, conflict and resolution. There is a risk of upholding an unexamined assumption that this western model is superior. This can be experienced as an example of silencing or undervaluing⁴ people's own expertise, generated by a colonial mentality. This mentality can also be reflected in the language or jargon used in Restorative Justice.

People who speak EAL may have come from cultures very different from the west in which the modern forms of Restorative Justice have emerged. Their languages may not include words that mean the same as restorative or accountability. This can make it challenging to translate these concepts across languages in a way that is meaningful.

Additionally, the use of non-verbal gestures and facial expressions differ from culture to culture and may cause misinterpretation and confusion between cultures: for example, avoiding eye-contact in Western societies can be viewed as a sign of guilt or shame, while in others it shows respect. One expert we interviewed mentioned that, in some communities, values around honour and respect may mean that shame is something that is very difficult to speak about in an open manner. Because of these cultural and communicative challenges, many may not wish to engage with the Criminal Justice System or providers of Restorative Justice. Moreover, many communities may choose to use their own traditional methods of justice and conflict resolution, which may feel more familiar and easier to understand.

Discrimination & Exclusion

In the UK, Restorative Justice is often offered via the police or in the context of a crime. Unfortunately, EAL speakers are often marginalised and treated in discriminatory ways by the criminal legal system. This may cause them to distrust the very people who are offering them the option for Restorative Justice in the first place. This opens up a larger question about whether there are better ways to make Restorative Justice available to EAL speakers, amongst others.

⁴ Kidd, Ian James, José Medina, Gaile Pohlhaus Jr., eds. The Routledge Handbook of Epistemic Injustice (1st ed.). Routledge. p. 1. "Epistemic injustice refers to those forms of unfair treatment that relate to issues of knowledge, understanding, and participation in communicative practices.

As we heard from our partner community groups, people who speak EAL experience interactions with others that are exclusionary, discriminatory and oppressive. Sometimes the fact that they speak English as an Additional Language can exacerbate the hate speech and violence directed at them. This may cause them to feel disconnected and socially isolated from the society in which they live. Such conditions will exacerbate the impact of being a victim of crime in such a way that a relatively minor incident could cause trauma particularly if seen as another example of powerlessness and discrimination.

This could lead to a greater dependence upon their own ethnic group for support and less contact and relationship with people outside it, thus reinforcing social isolation and personal vulnerability. It can also result in people who have been victimised within their own community having to make a difficult choice between the protection of the Criminal Justice System and loyalty to their community.

Moreover, access to public services depends upon being able to communicate in English with officials and to complete forms, often online, without the aid of translators or interpreters. This can lead to exclusion, cause people to withdraw from trying to access these services, and to feel disrespected and excluded. These negative experiences of public authorities can make it difficult to build trust between service providers and marginalised groups. People's strategies to protect themselves from the distress of trauma will often amplify their disconnection from society and distrust of people, including those who offer support. This means that practice with EAL speakers needs to be trauma informed, something that is not widely recognised or available.

In addition, people will understandably fear that the imbalances of power that they experience in society will be replicated in restorative meetings. This fear is accentuated by a lack of cultural and ethnic representation amongst staff within services providing Restorative Justice.

Power Dynamics

Another barrier to think about is how power shows up when using an interpreter in restorative processes. It is clear that having EAL will cause most people to be very aware of their lack of control and power as a victim or perpetrator of harm. In both roles there is a sense of being on the margins, even when there is an interpreter, which does not necessarily solve the issues of control and marginalisation.

When an interpreter is commissioned to support communication between participants in a Restorative Justice process, the way in which language is actually used to transfer information and what that can mean for participants is important to consider. Every Restorative Justice meeting is underpinned by a wish to restore to participants power and control over their lives and to challenge power imbalances. The process places the power to determine how the harm should be addressed with the participants themselves (and their family members, supporters and wider community) rather than with professionals. It is about “victims and offenders communicating within a controlled environment to talk about the harm that has been caused and finding a way to repair that harm”. It gives victims “the chance to meet or communicate with their offenders to explain the real impact of the crime” and empowers them “by giving them a voice”. If an interpreter is involved in the meeting, relations of power and the quality of empowerment will necessarily be impacted as verbal communication between participants becomes indirect, through words chosen by an interpreter.

Participants who can communicate without an interpreter are free to engage in dialogue not only with one another but also with the facilitator. Everyone is free to both listen to a given speaker and to respond to them directly. The facilitator carefully manages this to “keep the focus on participants’ communication with one another”, “encourage everyone to contribute actively and fully”, and “move the process forward at a pace that balances the needs of everyone involved, taking into account the time and resources available”.

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⁵ Restorative Justice Council, 2016, p. 21.

⁶ Restorative Justice Council, 2016, p. 21.

In contrast, where an RJ meeting is mediated by an interpreter, another professional is now involved. They will join the facilitator in co-managing the communication. In consecutively interpreted meetings, participants take turns to speak. At the end of every block of speech, the interpreter translates what has been said. Participants will continue to communicate with one another indirectly through non-verbal signals, such as body movement or facial expression. But, the primary meaning of what is said is driven by the interpreter. Generally, there will be a period of waiting while statements are being translated. One practitioner interviewed as part of this project outlined how she felt this created a barrier between her and the participants, making it more difficult to build trust, something that is vital to restorative processes.

Power requires careful reflection in such meetings because, in a linguistic sense, the interpreter is speaking for and on the behalf of every participant in the room. In this way, the interpreter is actively involved in the storytelling and listening process that takes place. The practitioner and interpreter must co-manage the coordination of talk. The interpreter will necessarily hold some of the power in this case and the way meaning is made may be influenced by that.

Lack of Awareness

There is still a general lack of awareness among the people living in the UK about what Restorative Justice is and how to gain access to it. The awareness and understanding of Restorative Justice among people who speak EAL is also likely to be minimal.

Given the lack of trust and the isolation that people who speak EAL may experience, as outlined above, Restorative Justice services are not doing enough to reach out to minoritised ethnic groups and to build trust so that they can inform them about Restorative Justice and support them to gain access to it.

Inadequate Training

The lack of proactive outreach by Restorative Justice organisations may be due to low levels of confidence among practitioners in this area of practice. The Project found that practitioners were in a 'Catch 22' situation.

Because there have been very few referrals due to the conditions described above, very few practitioners have built expertise through experience of working with EAL speakers.

As an example, in the case study below, the interpreter recognised when participants who speak EAL were understanding the words rather than their meaning. Because he understood Restorative Justice, he was able to explain what people were saying in different ways to ensure they understood. This created a very different response and, in this case, a successful restorative experience. In another case Why me? demonstrated that a person who speaks EAL needed the interpreter to support him to express his emotions and to understand some of the phrases that were being used during his restorative meeting. The person appreciated the respect and support that he received.

There is clearly a need for specialist training based upon good practice and supported by a proactive strategy by the service provider. Training should be extended to interpreters and community organisations who represent minoritised ethnic groups so that they understand the restorative process.

Good Practice

Through Project Articulate, we have identified key barriers to participation in Restorative Justice (RJ) by people with English as an Additional Language (EAL). Based on these learnings, we now set out guidance for restorative services to improve support for those who speak EAL and for those who advocate for their needs and interests.

Any case involving participants who do not share the same language or level of language proficiency should be considered sensitive and complex. Prior to implementing good practices, Restorative Justice service providers and practitioners need to understand the complexity of the practice and the sensitivity required.

The restorative process is structured by three evidence-based principles:

1. Inclusion: the engagement of those affected by an act of harm and the invitation to choose freely to participate in a restorative process.
2. Participation: the preparation to participate and the assurance that the process will be effective and safe.
3. Restoration: the facilitation of a dialogue (often through a meeting) that leads to an agreement on how to address matters arising out of the harm and the assurance that the agreement will be kept.

It is important to be aware of the cultural, social and cultural conditions that create a very specific context for the harm and the restorative process designed to address the harm.

Listening with Sensitivity

Something that affects everyone who participates in a Restorative Justice process – regardless of their preferred means of communication or their proficiency in a given language – is the fact that what has been experienced by one person and how they feel about it now cannot be transferred wholesale to another.

Each participant is asked to articulate their story for the benefit of the other participants, and the other participants, in turn, are asked to listen with respect and sensitivity.

But it is a process that recognises that a 'complete' understanding can never be reached as to what or how the other person thinks, because no two people will interpret the same statement in exactly the same way, and because even terms that one person might consider 'neutral' are always layered with social, cultural, political and personal complexity. Being sensitive to these layers of complexity means being sensitive not just to the transfer of meaning and ideas from one language to another, but also from one *person* to another.

Taking a Cultural Translation Approach

A 'cultural translation' approach starts with a recognition that language is inseparable from lived experience, that is, from culture, because when people speak, they employ language to mean certain things and to express certain ideas and feelings. This means that reaching an 'understanding' between speakers of any language – including those who speak the same language – does not depend upon universal criteria that are shared equally by all.

Restorative justice involves creating an opportunity for thoughtful dialogue around an event that will have had profound consequences for everyone involved. At the heart of this dialogue is a spirit of exploration, to uncover, share and understand, through complex narratives that are often deeply felt. It is through this unique form of communication that participants acquire the power to uncover and explain hurt, to reveal what it is they think and feel about it, and to vocalise what they need to move on.

Some questions for practitioners to consider:

1. Do you have an overall understanding of the meaning that this person's community attaches to this harm?
2. Do you have an overall understanding of how this person's community already deals with this harm (traditional indigenous processes, the leadership of elders) and how the restorative process can accommodate these approaches?
3. To what extent are you familiar with attitudes to those with protected characteristics (e.g. gender, sexuality, disability) and etiquettes in this community?

Prioritising Agency

Given that the interpreter's role in ensuring all participants can communicate with one another places them in a position of power with respect to the others in the room, it is important for the facilitator to consider how the patterns of interpreter-mediated interaction might affect participants' feelings of agency, the ability to experience remorse or shame, or to feel satisfied with the process that results from the distinct form of dialogue and deliberation that takes place. When a participant does not speak the same language as the majority of others in the meeting, or when they do not have the same proficiency in a given language, this can create feelings of isolation, embarrassment or shame. Even with the support of an interpreter, it can be very disconcerting to participate in any process that takes place largely in another language. In turn, this risks heightening participants' anxiety and making an already very challenging situation even more difficult emotionally.

The context in which harm has occurred is conditioned by the complex interactions of culture, power, and trauma in which the ability to communicate and be understood is critical. The skilled facilitator must engage with these dynamics and support and guide EAL speakers through a restorative process if they choose to participate. This requires great sensitivity not only to the context but to the individual's feelings, perspectives and choices.

For people who speak English as an Additional Language who are supported to participate in a Restorative Justice process, it is paramount in crafting a restorative response that their individual language abilities are not viewed as barriers to participation. The aims of accessibility and widening participation may mean the provision of an interpreter not just for the benefit of people who speak EAL but also so that the other participants can receive their messages.

Part of a practitioner's process of preparing participants for a Restorative Justice meeting should also address how power can be restored. When engaging with people who may feel powerless, it is very important to defer to their authority over their lives. This can be done through regularly asking their permission prior to asking a personal or difficult question, and through

emphasising repeatedly that this is their process and that they can withdraw their consent at any stage.

Some questions for practitioners to consider:

1. To what extent does this person's reluctance to participate relate to their insecurity as a citizen of this country or experiences of oppression?
2. To what extent does this person's reluctance to participate relate to issues of loyalties to their community or fears of their community's reaction to their participation?
3. To what extent is the person inhibited by hierarchies in their community?

Sharpening Core Skills

It is important that practitioners are skilled in making a connection as quickly as possible with each participant. Early in the process the aim is that the person thinks: "She gets me." Later it may be; "She has my back." It takes great sensitivity to achieve this through an interpreter. When inviting people to participate in a restorative process, they must be very clear about exactly what they are agreeing or disagreeing to. This requires the interpreter to be aware of what Restorative Justice is and what is expected of participants.

The core skills of Restorative Justice practices, asking open questions, reflective listening and checking understanding by summarising, are very useful and will need to be employed consciously and purposefully within the context of power imbalance, cultural difference, and trauma. Slow down your pace and ask one question at a time. Take care that your questions do not contain insensitive judgements or biases. If they do and you are challenged, apologise and avoid defensiveness.

Sensitive practice is as much based upon awareness of what you do not know as what you do know. The facilitator cannot possibly understand the complexities of another culture. The best course of action is to treat the participant as the expert and ask. Through listening to their explanations of the nuances of relevant cultural issues, you are demonstrating respect for their knowledge and developing a relationship of safety and trust.

When explaining a concept or an aspect of the restorative process, take care to use simple language and be as clear and as concise as possible. Then check the person's understanding.

Some questions for practitioners to consider:

- To what extent does this person's reluctance to engage relate to their strategy to manage trauma?
- How ready and prepared is the person to talk about what happened or is it still too painful?
- To what extent would a restorative process support this person's recovery?
- What are the key power and cultural factors that you must take into consideration to design and facilitate an effective, culturally appropriate and safe restorative process?

Here are some specific guidelines, designed for restorative practitioners who are seeking to work with people who speak EAL. They assume that practitioners will already be competent in Restorative Justice practices at a foundation level. They address what needs to be done and how it can be done in practice.

What you are striving to achieve	How you will practice
Inclusion	
Assess whether the person requires an interpreter – taking into consideration technical language and the impact of stress.	<ul style="list-style-type: none"> • Use an interpreter even if the participant has a reasonable level of English, in order to provide translation of specific/technical words or for reassurance
Prepare the interpreter.	<ul style="list-style-type: none"> • This may be through direct communication with the person or through their family, friends or community supporters.
Prepare the participants to work with the interpreter.	<ul style="list-style-type: none"> • Introduce the interpreter to the person who speaks EAL. Clarify the role and check the interpreter’s understanding of Restorative Justice. • If the understanding is not strong, arrange for a further session with the interpreter to ensure they are clear. • Ensure that participants understand that they will need to speak as clearly as possible and at a slightly slower pace. Prepare for sequential interpreting. They will need to speak for a short time and pause for the interpretation and then continue. • Ensure participants know that they should look at the other party, not the interpreter.

What you are striving to achieve	How you will practice
Gain the trust of the person who speaks EAL.	<ul style="list-style-type: none"> • Do all you can to make the person feel welcome. • Listen with an open mind and without judgement. Your purpose is to understand and offer support not to 'sell' Restorative Justice. If no interpreter is available immediately, use software but be transparent and acknowledge its limitations.
Ensure and demonstrate that you respect their personal dignity and their culture.	<ul style="list-style-type: none"> • Treat the person as an expert in their own community and culture. • When listening to the narrative of the person who has been harmed, distinguish between the harm and the cultural context. The harm is not justified but be sensitive to cultural values.
Prepare the participants to work with the interpreter.	<ul style="list-style-type: none"> • Introduce the interpreter to the person who speaks EAL. Clarify the role and check the interpreter's understanding of Restorative Justice. • If the understanding is not strong, arrange for a further session with the interpreter to ensure they are clear. • Ensure that participants understand that they will need to speak as clearly as possible and at a slightly slower pace. Prepare for sequential interpreting. They will need to speak for a short time and pause for the interpretation and then continue. • Ensure participants know that they should look at the other party, not the interpreter.

What you are striving to achieve	How you will practice
<p>Ensure that the person feels safe in your presence.</p>	<ul style="list-style-type: none"> • Be transparent and confidential in all your interactions. This means being honest, having a non-judgemental approach and a genuine regard for their well-being, explaining each step in the process and seeking their permission to work with them at every stage, and being open with your recording of each session. • Remember you can only move at the “speed of trust” and at a pace that the impact of trauma will allow. • Make it clear in your language and approach that being a person who speaks EAL is not in any way a barrier to equal and fair treatment.
<p>Understand what happened and what matters most to the person and connect this clearly to the offer of Restorative Justice.</p>	<ul style="list-style-type: none"> • Be sensitive to how feelings of shame and guilt are expressed and experienced and how this affects the person’s story. It may be that concepts such as remorse, accountability, apology and reparation need to be clarified. Ensure that the person is clear about what to expect from a restorative process and what their purpose for participating is. • Ensure that the person clearly understands Restorative Justice - what is being offered, what the process entails, and its benefits and risks. Check their understanding by asking them specific questions. • Depending on the case, Restorative Justice might not be a person's number one priority and instead it could be other basic human needs like housing. With this in mind, support people to meet their needs first through referrals or signposting and then providing contact details or making the offer at a different time.

What you are striving to achieve	How you will practice
Participation	
<p>Acknowledge and assess imbalances of power and the risk of domination e.g. hate crime, gender based violence. Acknowledge and assess the impact of trauma.</p>	<ul style="list-style-type: none"> • Review threats and risks to a restorative process that can facilitate the person saying what they wish.
<p>Support the person to prepare to say, ask and request what they want, in the way that they want.</p>	<ul style="list-style-type: none"> • The person is treated as a resource rather than a problem or liability “we need an interpreter because you have important things to say and they need to listen to you and understand.”
<p>Co-design with the person a safe process which takes into consideration the impact of power, culture and trauma.</p>	<ul style="list-style-type: none"> • In addition to an interpreter, what other support people would the person like to be present, family, friend, representative from their community etc? Where to meet? How should the room look? What would make it seem more culturally inclusive – objects, snacks etc? What day and time would suit best? What ground rules should there be? What further support or preparation does the person need to participate effectively? How should the process be structured e.g. who speaks first? What does the person need to trust the facilitator to do?

What you are striving to achieve	How you will practice
Restoration	
<p>Check people’s understanding throughout the meeting or indirect dialogue.</p>	<ul style="list-style-type: none"> • Throughout the process ask the intended recipient of what a person has said: “Could you summarise what you heard X say?” Then; “Is that what you wanted Y to understand or would you like to add something?” • If an agreement is made, ensure that it is written up in all relevant languages. • Ensure that the victim receives reports on progress to complete the agreement.

Case studies

The lack of proactive work with EAL communities has meant that Why me? struggled to find the number and diversity of case studies that we wanted. As a result, we have used two case studies in which the EAL speakers are the harmers. With more choice, we would have presented a range of cases and roles for EAL speakers.

The role of interpreter

Through this project we developed a case study with Diane Gibson and Marian Popovici from Leeds Youth Justice Service. This was based on a case that involved participants who spoke EAL and needed additional language support. A key learning from this case study is that interpreting is not just a matter of translating words from one language to another. The interpreter needs to be aware of cultural differences. In this case the parents of the two young people had no experience or understanding of Restorative Justice and its ideas, principles and practices. The interpreter was able to

explain the conceptual as well as the linguistic meanings. This had a significant impact on the success of the restorative process for all participants.

This case conference involved Lisa and two young people. You can read the full story [here](#).

The two young people were both supported by their families throughout the process. The young people had a good understanding of written and spoken English, but their families did not, which is primarily why an interpreter was involved in the conference. The interpreter, Marian Popovici, was a Youth Justice Worker who not only spoke the same language as the families but also understood the restorative process and its benefits. Therefore he was able to support them through the restorative process and provide translation services when needed. Using the method of consecutive translation, Lisa would say a short sentence then pause whilst it was translated to the family.

Marian shared that, although he was there for the family members, he also helped the young people involved too, when there were words and terminology they were not clear about.

Marian said, in his experience, translating word for word does not always work. His knowledge of the culture of the participants helped him to see that, while people may understand the individual words being spoken, that does not necessarily mean they understand the concept. He has begun to use different ways of explaining terms that are causing confusion, with results he describes as “sensational”. In addition, he highlighted that even when people have a good grasp of English, in stressful situations and when unusual language is being used - such as the explanation of Restorative Justice, or information about the Criminal Justice System - it is important to ensure people have fully understood what has been said. [See his video testimonial here](#).

Marian also talked about the challenges of maintaining momentum, and allowing someone to speak as they naturally would, while also recognising the importance of keeping it short enough for the interpreter to remember and translate what has been said.

Although she recognised it was a different way of communicating, Lisa said the impact of the interpreter in the process was positive.

“I didn’t feel that it was any less of what it needed to be because there was an interpreter there. It didn’t really affect me. The pauses were so brief, in a way it was a good thing to take a breath and a sip of water and then continue. It didn’t feel like it was a problem.”

Lisa’s reflections on the case as a whole, its impact and effectiveness were also positive.

“There’s a connection now between me and them. We’ve met and shared something. I’ve got a vested interest in them. ...I’d like to know how they are doing, good and bad. I want this to not have been for nothing. I just want them to be happy and have a decent life.”

“I would be a massive advocate for Restorative Justice now and if I ever come across anybody else who’d been in a situation where they might get the opportunity to take part, I’d say do it!”

Practitioner preparation

One practitioner was involved in a case in which she worked with an interpreter. She is an EAL speaker herself who is aware that her communication can be subtly different, and has experienced cultural barriers. In spite of this, she said she did not anticipate the consequential lack of connection with the EAL speaker, which made the practitioner feel “lost” because she could not tell how they were feeling. At the end of the session, ‘Jean’ decided not to proceed to a meeting, but wanted it over with, and that the meeting had brought it all back and was upsetting. The practitioner was left wondering if ‘Jean’ had understood what she was being offered.

This case highlights two key lessons: the importance of practitioners being prepared for working through an interpreter, and to have tools to ensure there is still a connection; and the importance of checking they have understood the offer when it is made, and at the start of the meeting.

Cultural difference and barriers

A neighbourhood conflict between an American and German couple and two Kurdish individuals highlights the barriers that cultural differences can create. There was an expectation from the Kurdish participants that the husband would speak for his American wife. The practitioner found the process challenging. She found it difficult to know when to intervene, and to distinguish between cultural difference and a lack of respect.

In retrospect, she thinks that identifying this complexity and bringing it into the discussion would have helped. In spite of the practitioners' reservations, in a follow up conversation, participants said that the meeting was worthwhile, and were happy with the outcome, which had built trust. This example raises questions about how practitioners handle cultural difference, and the importance of cultural interpreters, which would have helped the practitioner understand and given her more confidence, which in turn is likely to have brought greater understanding and connection for all parties.

Flexible interpreting

This was a case in which a Polish interpreter was brought in EAL speaker, 'Filip'. At the start, the interpreter was translating everything, but it quickly became clear that the Filip did not need this, so the interpreter began to only interpret when Filip needed support with specific words and phrases used, and helping him express what he wanted to say. This flexibility helped Filip feel supported in a respectful way which he appreciated. Over the 18 months preparation period, the same interpreter was engaged, allowing a trusting and supportive relationship to develop. Looking back on it, the facilitator said she would have spent more time on understanding Filip's attitude to justice, and ensuring he had understood the concepts behind Restorative Justice. This case did go to a meeting between the parties, and the facilitator described it as "useful and healing".

Supporting Good Practice

To be effective this complex and sensitive practice requires support on different levels.

National and local policy

This refers to the support that national government, Police and Crime Commissioners (PCCs) and local authorities can offer.

Good practice in relation to engaging EAL speakers in Restorative Justice would be greatly enhanced by:

- **Policy statements** recognising the importance of enabling people who speak EAL to gain access to high quality Restorative Justice;
- **Strategic plans** to implement the policy;
- **Adequate funding** to support specialist training and the contracting of specialist interpreters.
- **Evaluation** of pilot projects.

Data collection

Many different communities who speak EAL are subjected to discrimination and hate crimes which are not covered under the equalities legislation. Unfortunately, hate crimes and incidents often go unreported due to a lack of knowledge of what a hate crime is, and a lack of trust in the Criminal Justice System. This means that the data is skewed and adequate attention does not get directed towards solving these issues. The authorities should collect and monitor data on hate crime and victims' access to Restorative Justice.

Organisational support

This refers to steps Restorative Justice providers could take to support good practices:

- **Set standards** for high quality Restorative Justice with people who speak EAL which incorporate the practice of interpreting. Care should be taken to ensure that only professional interpreters who are trained in Restorative Justice are commissioned and that the same interpreter is commissioned for the complete lifecycle of a given Restorative Justice process. Such interpreters should be active in the profession, accredited through their

membership of a relevant interpreting body and formally accountable to a code of conduct maintained by their chosen professional body.

- **Managerial supervision** should be informed by the complexity and sensitivities of Restorative Justice practices in this area. Practitioners should feel supported and be held accountable for good practice.
- **Restorative practice in schools is important** and gaining trust and awareness raising takes time. In the long term, the education of the children of people who speak EAL within schools where restorative values and relationships are the norm will result in a greater take-up of Restorative Justice.
- **Developing partnerships is important** when engaging in outreach with community organisations that represent the needs and interests of people with EAL, in order to develop trust and relationships.
- **Engage in awareness raising.** Many cases involving people who speak EAL are hate crimes. However victims and community groups do not always perceive them as such and therefore do not seek out the appropriate help available. A hate crime is defined as any criminal offence which is perceived by the victim or any other person to be motivated by prejudice towards someone based on a personal characteristic. More hate crime awareness sessions should be delivered within communities, making direct links with how Restorative Justice can be used as a tool to address its wide-reaching harm. Awareness sessions should be co-created, and specific to different groups, allowing for people's needs to be their focus.
- **Co-design community-based restorative processes with community groups**, rather than impose uninformed, culturally irrelevant processes on them. Services should be engaging with communities and listening to what their perception of the services is, their awareness levels of Restorative Justice, what mechanisms they already have in place to deal with harm, and what an ideal restorative or support process would look like for them. When language may be a barrier, then communicating with community members is crucial. This can be achieved by including community advocates in the restorative process, as well as staff from similar backgrounds.

- **Co-design information** and promotional leaflets, posters, videos, and social media messages and produce in easy-read or translated documents. Co-design enables community members to have agency over communicating what Restorative Justice means to others in their community.
- Representation is really important, especially when we think about who is best placed to make the offer of Restorative Justice. Does this person look like you, speak the same language, have the same beliefs? These elements play a big part in how open to the idea of Restorative Justice a person might be. With this in mind, we should start to think about how we can include community representatives more in the process by training them in Restorative Justice so that they can become champions for the process to members of their community and co-facilitators when required. [See examples of how Why me? engaged with community groups](#), including videos made with PBIC following our training with them.

Training

Restorative Justice with people who speak EAL should be undertaken by **experienced, specialist practitioners** who have completed specialist training. The training should be at intermediate level (RJC) and cover complex and sensitive cases. It should address the distinctive nature of working with EAL speakers outlined in this Good Practice Guide.

Training should include cultural mediation, which acknowledges that translating meaning between one person and the other is much more than the terminology used. Cultural mediation is a form of communication that is used to bridge cultural gaps and facilitate understanding between people from different linguistic and cultural backgrounds.

Being restorative is crucial in practices with people who speak EAL. Practitioners need to look inwards to identify their own biases and the ways in which they could compromise elements of the process. To understand the challenges that language learners face, for example, by undertaking language learning as part of their own continuous professional development, facilitators can better identify how these challenges condition not only

participants' readiness for a Restorative Justice process, but also how they may behave during the meeting.

Interpreters should receive specialist training which enables them to understand their role in the restorative process, the principles and practices of Restorative Justice and the importance of respect and sensitivity in interpersonal skills, such as emotional literacy, and non-verbal communication. If an interpreter who understands Restorative Justice is not available, take the time to explain what it is and how it works with them, and what this might mean for their interpreting, including planning how to translate key words and phrases.

With community organisations representing the interests and needs of people with EAL, it is not effective simply to provide them with facilitator skills that they will never use - a key learning from this project. Be clear about learning objectives – to raise awareness of Restorative Justice and its benefits and enable advisors to explain it to members of their community and to support appropriate referrals to Restorative Justice providers.

Options for engagement with community groups:

1. Demonstrate the restorative process in role play or by video and outline a template for explaining the process and making a referral.
2. Offer restorative organisation training so that they can practise it internally and understand its value and principles through experience.
3. Inquire whether the organisation would like to have one or two members of staff or volunteers trained so that they could co-facilitate with experienced facilitators.

Research

This is a relatively new area of practice for the Restorative Justice field. It is important to evaluate practice initiatives to build knowledge, competence and confidence.

Conclusion

Good practice in Restorative Justice with people who speak EAL requires coordination and collaboration between a wide range of partners: policy makers nationally and locally, RJ service providers, RJ practitioners and interpreters, community groups representing people with EAL, specialist trainers and, of course, participants in restorative processes and their supporters. It also requires practitioners who are confident and skilled in working with EAL speakers. As has been demonstrated in this report, this can be complicated and challenging, with cultural as well as language barriers to navigate. The experience and expertise in this guide will support all those involved to increase access to RJ for EAL speakers, and thus to contribute to an inclusive system of justice.

Appendix 1

Practical Checklist

The steps below aim to help professionals (Restorative Justice Practitioners, Translators/interpreters, EAL professionals) to better support people who speak EAL.

Professional	Recommendation	Yes/No
RJ Practitioners	Have you checked for data on languages spoken by the service user and do you know where to go to access language support?	
RJ Practitioners	Have you made adequate attempts at building a rapport with the service user and EAL representative/supporter?	
RJ Practitioners	Do you have easy-read information available in different languages and accessible in different formats/mediums?	
RJ Practitioners	Do you collect demographic data in your area?	
RJ Practitioners	Have you co-produced any training to fit the language and cultural needs of those completing it?	
RJ Practitioners	Have you involved a cultural mediator in the process?	
RJ Practitioners/ EAL Professionals	Have you done an extensive needs assessment to identify immediate needs and long-term needs?	

Professional	Recommendation	Yes/No
RJ Practitioners/ EAL Professionals	Have you repeated offers of support at different stages of the process and by different people?	
RJ Practitioners/ EAL Professionals	Do they know what service users are entitled to under the Victims Code of Practice?	
RJ Practitioners/ EAL Professionals	Have you prepared participants for the presence of an interpreter and what this means for how they communicate and the process overall? E.g. speaking for 10-20 seconds, which is what is manageable for consecutive interpretation.	
Interpreter/Translator	Have you been adequately briefed on the case and the structure of the restorative process?	
Interpreter/Translator	Have you undertaken restorative training or been briefed by the organisation about how RJ works?	
Interpreter/Translator	Do you feel supported throughout the process?	
Interpreter/Translator	Have you been trained in cultural mediation?	
EAL Professionals	Have you been briefed on your role during the restorative process?	
EAL Professionals	Have you briefed the client on the RJ process?	
EAL Professionals	Have you involved people with lived experience into the process?	

Appendix 2

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Why me?

Why me? Project Articulate: Restorative Justice for people with English as an Additional Language (EAL)

Insights into work in the community, and two round tables with academics and practitioners.

Video testimonials from community organisations and practitioners.