

## **Restorative Justice in the School Setting - a Whole School Approach**

Lyn Harrison

Educational Psychologist, Manager Education Programs

Marist Youth Care, Sydney Australia

Many an educationalist ponders on the rapid changes in schools and the journey from the traditional school in which an authoritarian regime ruled through control and fear. We celebrated the departure of the cane and welcomed the era of self-esteem. More and more, schools began to be seen as the centre for social change that could provide all the social support that our youth was increasingly lacking.

We live in an age of constant change, ever increasing stressors and a disintegration of support structures. Our innate human "fight or flight" response is no longer adequate to deal with modern day stress. Our children are growing up faster with more pressures. Many are alienated through victimization or negative peer culture. There is a breakdown in social structures with more single parent families and young people in care. Within our school system there is the pressure to juggle the academic with the pastoral, greater levels of accountability, more depressed and disruptive students and new challenges around multicultural issues. (Weare, 2001)

It is with great frustration that schools are now declaring, "How much more can we be expected to do?" "How do we find the balance between discipline and support?" "What sort of school culture can best respond to the needs of our youth?"

While faced with ever increasing challenges to meet the sociological needs of our youth, Restorative Practices gives us new hope. This whole school approach builds on the important notion of connectedness in a school community. Connectedness, in terms of building of positive relationships, is one of the most protective factors we can offer our youth. (A Road Beyond the Gatehouse, 2002)

Restorative Justice is a philosophy and a set of practices that embraces the right blend between a high degree of discipline that encompasses clear expectations, limits and consequences and a high degree of support and nurturance. Steinberg (2001) suggests that this blend tends to correlate

with the best psychological and behavioural outcomes for children. This "authoritative" approach is seen as far more effective than the authoritarian. (Hard Wired to Connect, 2003) Simply put, in a Restorative school one works **with** people, rather than doing things **to** them or **for** them.

Restorative Justice programs in schools aim to develop:

- Communities that value the **building of quality relationships** coupled with clear expectations and limits.
- Restorative skills in **the way we interact** with young people - using teachable moments to enhance learning.
- Restorative processes that **resolve conflict** and repair damaged relationships.
- Communities that are **forward looking, optimistic and inclusive**.

### **The Work of Marist Youth Care**

Marist Youth Care is a not for profit welfare agency, based in Sydney, Australia, whose mission is to assist marginalized youth.

For the last four years Marist Youth Care has been developing Restorative Justice Programs for schools across Australia, with the focus being a whole school approach. In many schools one will see daily interactions between teachers and students that reflect Restorative Practices but these will not have the lasting impetus unless the whole school approach is consistent. A Restorative School can articulate the underlying principles and beliefs. There is a commitment to collaborative problem solving, involving students, teachers and parents. While there is consistency in values, there is flexibility in commitment to meet individual needs. This is a school that has transparent processes to resolve conflict, is forward looking, optimistic and committed to inclusiveness.

This whole school approach is based on a set of underlying principles

#### **1. Focus on the relationship and how people are affected.**

In the traditional school the focus is on rules and rule breaking with punishment as the primary intervention. In a Restorative School the focus is on relationships and how people are affected. It is a common

feature in most students with behavioural difficulties that they have an under-developed sense of other. There is little appreciation that at the receiving end of their misbehaviour is another human being. A key focus in this work is to develop in students, greater empathy for others or what is referred to as "relational thinking".

## **2. Restore Damaged Relationships**

Wherever there are relationships there is an inevitability of conflict which creates hurt. In our schools we need to make sure that we have good "healing processes" to restore the relationships. This applies to all relationships, at all levels in the school. In a Restorative school the teacher cannot "hand over" a discipline problem to middle management to "deal with it". When a referral is made the classroom teacher continues to be involved. Serious breaches of discipline in the classroom often result in a breakdown of the relationship between the student and the classroom teacher. The teacher needs to continue to be involved in any intervention so that the relationship can be resolved. Unresolved relationships will inevitably affect the student's ability to learn in that class and may also impact on the teacher's ability to teach.

## **3. Talk about the behaviour without blaming or being personal**

The common responses from students when you scold or lecture them is either to shut down or react aggressively and argue back. In either of these two classic responses the student is distracted from any sense of other. In a Restorative conversation the teacher is absolutely clear about the inappropriateness of the behaviour and the effect that this behaviour has on others but this conversation is respectful and engaging.

## **4. See mistakes and misbehaviour as an opportunity for learning**

How often do we see students in a pattern of misbehaviour and punishment? The student who turns up religiously every week for detention, having lost sight of which teacher or which incident precipitated the detention, has been given no opportunity to learn from their misbehaviour. Restorative Practices promotes understanding, reflection and a sense of other. Consequences are sort that bring about the most learning. Teachers are unanimous in their belief that schools are centers of learning, but it is not just the academic learning. We need to embrace the evidence that,

" social and emotional learning and academic achievement can go hand in hand, and that the same key factors underlie both happy and effective schools." (Weare, 2001)

**5. Accept that sometimes we cannot get to the ultimate truth.**

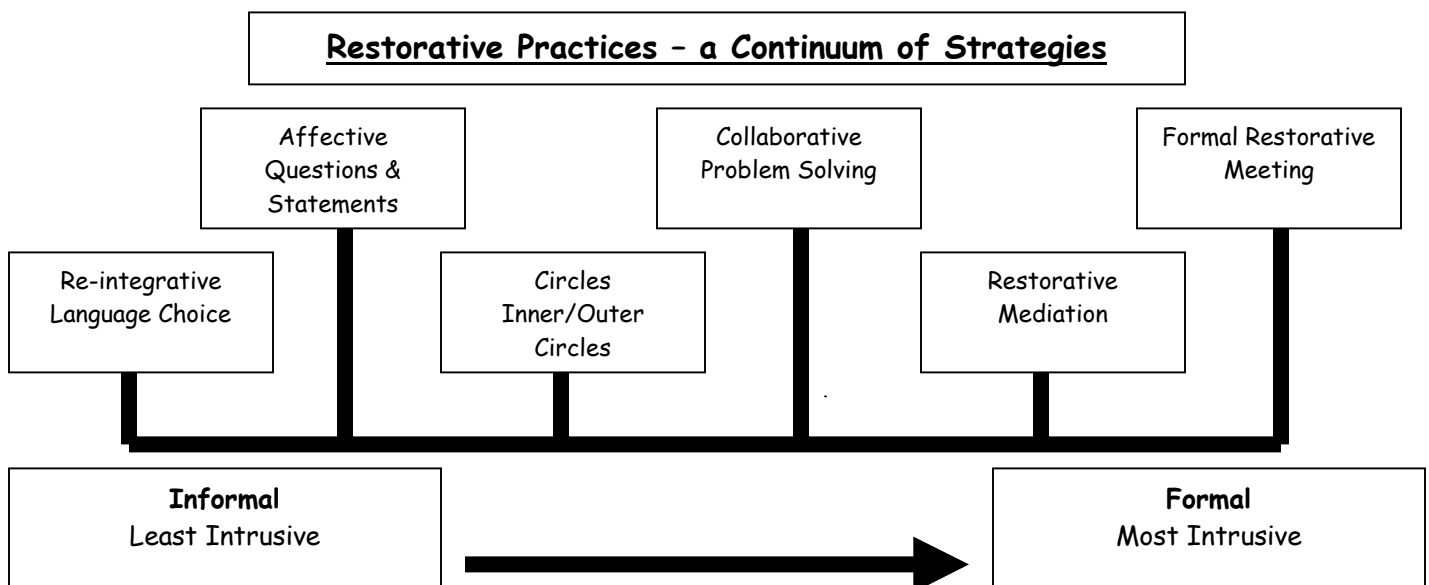
Often fault is unclear and people can agree to accept the ambiguous situation. Too often in schools, there is an inordinate amount of energy spent on hunting out the absolute truth, only to find that we are often left with different perceptions and different versions of the truth. This is not to say that we do not make attempts to find out what happened. But when we are left with ambiguity it is best to accept this and focus on who was affected. It is in this understanding that the potential for learning lies. Does it really matter if the student swore at the teacher or in the presence of? The student needs to understand that the teacher was offended and hence learn the inappropriateness of swearing.

**6. Be future focused and talk about how to make things right**

In Restorative practices we move from talking about the "problem" that has happened in the past to how do we problem solve into the future. We need to let go of the past and forgive and acknowledge the important fact that change takes place in the future.

Students often cycle through change with periods of improvement and then inevitable setbacks. We need to plan for the management of setbacks, while placing our focus on the improvements that are made.

Our model encapsulates a range of strategies along a continuum -



## **The Language of Choice**

At the least intrusive end of the Continuum is the language of choice. Teachers are encouraged to integrate this approach with their classroom management approaches that engage students in problem solving. As Nancy Reistenberg comments,

"If you have a Restorative intervention, that will get you someplace. If you just have classroom management skills that are cognitively based and are about problem solving rather than using power and control over kids, you will get someplace. If you get the two of them together, you will get so much farther in a quicker period of time because the whole school then becomes congruent." (2002, p.3)

As part of their classroom and playground management teachers are encouraged to use the language of choice.

"You can choose to work over there by yourself or work cooperatively with the group."

This type of language engages the student with dignity, de-escalates the behaviour, heightens the young person's responsibility and reintegrates them back into the lesson or desired task.

## **Affective Questions and Statements**

If we are to tell teachers to stop scolding and lecturing students then we need to give them an alternative set of skills. The core skills in this type of dialogue are:

1. Talking about the behaviour or incident without blaming
2. Using relational questions to bring out who was affected and how
3. Discussing what needs to happen to make things right.

Note that the last core skill takes the discussion from the past and problem solves it in the future. Consider the following example of Affective

Questions:

1. What happened?
2. How did it happen?
3. How did you act in this situation?
4. Who do you think was affected?
5. How were they affected?
6. How were you affected?
7. What needs to happen to make things right?
8. If the same situation happens again how could you behave differently?

### **Circles and Inner / Outer Circles**

These strategies are classroom based and clearly demonstrate collaborative problem solving. Both strategies have a high degree of structure, coupled with support.

#### **Description of Circles:**

Everyone sits in an open circle of chairs. A talking piece is used to direct the conversation. The circle keeper passes the talking piece in a clockwise direction. Whoever has the object has the floor and everyone else listens. He or she may speak or pass the talking object to the next person in the circle. The talking piece may be passed around the circle several times. All opinions are respected in the circle and there are no right and wrong answers.

When introducing this strategy it is best to develop discussions from the tangible to the intangible or from the academic to the affective.

Circles can be used to "check in" at the beginning of the week and "check out" at the end of the week.

#### **Description of Inner/Outer Circles:**

This strategy can be used either at a staff meeting or in the classroom to problem solve real life issues. The process works as follows -

1. Select one issue and one spokesperson.
2. The spokesperson sits in an inner circle with five other people. The spokesperson has 2 minutes to describe the issue.
3. People in the inner circle can ask clarifying questions to the spokesperson,
4. For the next 8 minutes those in the inner circle can offer positive suggestions by no statements of criticism or judgment.
5. During this time others in the outer circle can replace someone in the inner circle by tapping them on the shoulder,
6. At the end of the 8 minutes the spokesperson has 1 minute to reflect and prepare their response. The spokesperson can only feedback the positive suggestions that they found helpful.

## **Collaborative Problem Solving**

Teachers are frequently expected to engage students and parents in interview situations with the expectation that problems are solved. With the ever-increasing propensity for what these issues might involve, this can be for teachers, a daunting task. Where do teachers learn these skills? Who supports them in their endeavours? If we do not provide our teachers with the professional skills to equip them in this task we are, at the very least, neglectful in our profession. At worst, we set up our teachers for experiences of high stress in which they may be open to public and litigious criticism.

Our Restorative Practices provide teachers with some core skills in collaborative problem solving. Teachers find that they give them direction, keep them focused on the key issues, and allow them to work toward future problem solving. The key skills are:

1. Separate the deed from the doer - talk about the behaviour without blaming or judging.
2. Talk about the effect of the behaviour on yourself and others - draw out relational thinking.
3. Use "collaborative language" such as "We need to work together to ..."
4. Joint problem solve to enhance responsibility.
5. Use future talk - what can be put in place that will make a difference?
6. Make a realistic and achievable plan and write down the plan.

## **Restorative Mediation**

When an issue arises between a student and a teacher that is unable to be resolved at the classroom level it is referred to middle management. The most significant aspect of this intervention is that the classroom teacher does not "hand over" the issue but continues to be involved by participating in the Restorative Mediation process. Prior to the meeting the teacher and student are briefly interviewed individually to establish the key issues, purpose of the meeting, and to discuss the process. It is helpful at this point for both the teacher and the student to reflect upon what would be a realistic and desirable outcome. At the meeting the Middle Manager uses a Restorative Script to ground them to the process. The script is as follows:

<b>SCRIPT</b>	
<b>STAGE</b>	<b>KEY WORDS</b>
<ul style="list-style-type: none"> <li>• Allow each person to talk about incident</li> <li>• Paraphrase feelings &amp; content; accept some degree of ambiguity due to differing perceptions.</li> <li>• Establish effect on each person.</li> <li>• Paraphrase each person's feelings and content.</li> <li>• Move toward making things "right"</li> <li>• Future Problem Solve</li> </ul>	<p>"Let's talk about what happened. It's important for me to understand."</p> <p>"We don't need to agree on every detail because we need to focus on how people have been affected"</p> <p>"How were you and others affected?"</p> <p>"Try to say what you heard each other say."</p> <p>"What needs to happen to make things right?"</p> <p>"What can you say to help us find a positive way forward?"</p> <p>"If the same situation happened again, how could it be dealt with differently to get a better outcome?"</p> <p>"Let's write down some of our ideas."</p>

This same approach with the same script is used when there is conflict between two teachers. In a Restorative school people acknowledge the inevitability of conflict and the need for processes to bring about resolution. In a whole school approach staff need to model and live out Restorative Practices. There cannot be one set of beliefs for the students and another for the staff.



## **The Restorative Meeting involving all Key Stakeholders**

Often a student's ongoing behaviour or a serious incident is of such severity that it warrants the involvement of the school executive. This particular intervention can be used as part of a process in deciding future action or following a suspension. Like all Restorative practices the paramount concern is that the student learns something out of the misbehaviour and damaged relationships are restored.

"The message is: we recognize that people are going to make mistakes, but that doesn't mean that you have to leave the community. We have this other way to hold you accountable and help you fix the problem that you made."  
(Reistenberg, 2002, p.3)

Participants at such a meeting tend to include:

- the student central to the meeting
- parents
- a peer who acts as a support person for the student
- Teacher(s) who have been directly affected by the behaviour or incident
- a senior student who has been trained in Restorative Problem Solving
- a Middle Management Teacher who has a Pastoral role

The meeting is facilitated by a member of the Executive, frequently, the Principal or Assistant Principal.

The Restorative Meeting is a highly structured, linear model and Executive Staff are trained in the following model:

### **SEVEN LINEAR STEPS:**

#### **1. Keep a high degree of structure - Establish purpose and process.**

**Key words -**

"This is a highly structured process aimed at this young person learning something out of this incident. There are two parts to this meeting -

First we will talk about how people have been affected.

Second we will make a plan for a positive way forward."

#### **2. Introduce each person and explain why they are there.**

Include the student, parents, peers, Year Coordinator and teacher (if there was a specific incident).

3. **Ask student to talk about the behaviour, who was affected and how.**  
**Key words -**  
"This is not about us judging your character. We are here to talk specifically about the behaviour leading to the suspension, who was affected by that behaviour and how they were affected."
4. **Have each person talk about how they were affected. Interject when there is blaming, personal comments or dredging up of the past.**
5. **Talk about the student's strengths.**
6. **Offer the student an opportunity to say something to any of the people at the meeting which will help in seeing a positive way forward.**
7. **Devise a plan for positive change that is realistic and achievable. Incorporate in the plan, support and management of setbacks. The plan is not a contract that if broken, results in expulsion.**

The involvement of a senior student who has been trained in Restorative Problem Solving is seen as being a critical element in the success of this process. They offer not only a positive role model but are in touch with the pressures and issues of students younger than them. Frequently they develop an informal peer mentoring relationship.

This particular intervention is at the more formal end of our intervention continuum. The dynamics of the group and the process frequently lead to some significant outcomes. There are new learnings about other people's perspectives and, out of this, new understandings. The school deepens their understanding of the parents' struggles; the parents begin to understand the frustrations of the teachers; students learn that their behaviour has implications beyond themselves.

### **What Difference Does Restorative Practices Make to Schools?**

Marist Youth Care has been involved in a pilot program with the Catholic Education Office, Sydney to explore whole school strategic planning in

Restorative Practices. At the end of this two year study we note, from quantitative evidence, the following:

- A significant shift in staff, student and parent attitudes reflecting the underlying principles of Restorative Justice, as previously outlined in this article.
- A significant reduction in behavioural referrals and detentions, demonstrating that classroom teachers are dealing with their own management issues rather than using detentions.
- A significant reduction in out of school suspensions and no exclusions, reflecting a commitment to inclusiveness.

From the qualitative evidence we note:

- Teachers are articulating a set of beliefs around how they manage student behaviour and address conflict. A Subject Coordinator commented,  
*"The fostering of openness in the staffroom to us talking about difficulties we are encountering with certain kids, leads to best practice & real restorative attitudes to helping them. It has been great breaking down previous "teacher barriers".*
- Schools are identifying the building of quality relationships as the cornerstone of success in schools, both in a pastoral and academic sense. A teacher in one of our pilot schools commented,  
*"I have developed a stronger rapport with the boys through using the restorative justice practices".*
- Schools are finding other ways to engage people in problem solving that promotes inclusiveness.  
*"We are becoming proactive and using circles when we anticipate a problem".*
- Student Leaders are contributing significantly to the Pastoral Care of younger students.  
*"Students feel they are dealt with more fairly - they have a chance to share their side of the story".*

- Parents are engaged in problem solving processes that are forward looking. As one parent commented, *"No matter how badly my child behaved, the College is always there to help me give lots of support"*.

### **Where is the Future and What are the Challenges?**

There is no doubt that schools are crying out for a cultural change that meaningfully responds to the rapidly changing needs of our youth and the broader community. Schools need to establish "authoritative communities" that embrace a commitment to a partnership between high expectations with consequences and a high degree of support and nurturance. Is this asking too much of schools and their teachers? The challenge is not too great, if the teachers are committed to a common ethos and are well supported in the training and skilling in Restorative Practices. For a new future we need a new vision and the tools to create it.

### **References**

Catholic Education Office (2002) *A Whole School Approach to Pastoral Care A Road Beyond Gatehouse*, Melbourne

Reistenberg, N (2003) *Restorative Practices Impact Public Schools in Minnesota*. Restorative Practices Eforum

Steinberg, L (2001) *We Know some Things: Parent-Adolescent Relationships in Retrospect and Prospect*. *Journal of Research on Adolescence* 11, no 1, 1-19

Watchtell, T (1999) *Restorative Justice in Everyday Life: Beyond the Formal Ritual*. Paper presented at the Reshaping Australian Institutions Conference. Australian National University, Canberra

Weare, K ( 2001 ) *Promoting Mental, Emotional and Social Health, A Whole School Approach*, Routledge, London

YMCA of the USA, Dartmouth Medical School and the Institute for American Values (2003) *Hardwired to Connect, The New Scientific Case for Authoritative Communities*. New York: Institute for American Values