

Legislative Assembly for the Australian Capital Territory
Standing Committee on Education, Training and Young People

Inquiry into Restorative Justice Principles in Youth Settings
Expanded Scope

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Submission by:

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Dear Dr. Lilburn and Committee Members,

It is an honour and a pleasure for me to submit the following evidence for your consideration as you expand the scope of your inquiry into Restorative Justice Principles in Youth Settings. In doing so, I would like to draw the following resources to the Committee's attention:

- Restoring Safe School Communities: A Whole School Response to Bullying, Violence and Alienation (Morrison, 2007, Federation Press, Sydney)

This book is, by in large, based on my work in the Australian Capital Territory over a number of years. Theoretically, it expands on the evidence base of the Life at School Survey carried out in the ACT; in practice, it describes and evaluates two programs developed in the ACT: The Responsible Citizenship Program and Problem Solving Circles. The book also reviews the evidence base elsewhere in Australia and around the world, as well as establishes a framework for sustainability and development. I have attached the introduction to this book for your information, along with a theoretical paper (based on data from the Life at School Survey) I have written on school bullying.

- Schools and Restorative Justice (Morrison, 2007, Willan Publishing, England)

This chapter, in the inaugural Handbook of Restorative Justice (Johnstone and Van Ness, 2007) is the first international review of the practice of restorative justice in schools. Since writing this chapter, further research and development has been carried out across a number of countries. This work is now being consolidated in the forthcoming book: Restoring Safe School Communities: International Perspectives (Willan Publishing).

- Restorative Justice: The Evidence (The Smith Institute, England)

This paper, written by Drs. Sherman and Strang, is the first comprehensive review of the evidence base for restorative justice. It can be downloaded on-line at: <http://www.smith-institute.org.uk/publications.htm>.

The paper establishes, based on research in Australia and abroad, that across 36 direct comparisons to conventional criminal justice, RJ has, in at least two tests each:

- substantially reduced repeat offending for some offenders, but not all;
- doubled (or more) the offences brought to justice as diversion from criminal justice;
- reduced crime victims' post-traumatic stress symptoms and related costs;
- provided both victims and offenders with more satisfaction with justice than criminal justice;
- reduced crime victims' desire for violent revenge against their offenders;
- reduced the costs of criminal justice, when used as diversion from criminal justice;

- reduced recidivism more than prison (adults) or as well as prison (youths).

This report notes that the evidence base on the practice of restorative justice in schools is the least rigorous, across the jurisdictions reviewed. I would agree and would encourage the Committee to establish an evidence base for the range of practices that have emerged within the ACT. I would be happy to discuss the potential and possibilities that could be achieved through such an endeavour.

- Respectful Schools: Restorative Practices in Education (2007, Office of the Children's Commissioner, New Zealand).

This recently published New Zealand report outlines a number of case studies of schools practicing restorative justice and makes a number of recommendations. I would encourage the ACT to produce a similar report, highlighting the developments of "beacon" schools in the ACT. Again, I would be happy to discuss possible content and structure of such a report with the Committee. This report is available on-line at: www.occ.org.nz/.../download/1096/6048/file/07%20respectful%20schools.pdf?eZSESSIDchildcomm=ef1ebe88bcf40.

- Weissberg, R. P. (2004). Statement to the Subcommittee on Substance Abuse and Mental Health Services, United States Senate Committee on Health, Education, Labor, and Pensions, hearing on *Providing Substance Abuse Prevention and Treatment Services to Adolescents*, June 15, Washington D.C.

In June 2004, Professor Roger Weissberg of the Collaborative for Academic, Social and Emotional Learning (CASEL) provided evidence before the United States Subcommittee on Substance Abuse and Mental Health Services for adolescents. The concerns he raised not only included substance abuse but also violence, sexual behavior, depression, and suicide. Weissberg's (2004) testimony emphasized the importance of social and emotional learning (SEL), making a strong argument that "SEL is fundamental to children's social and emotional development, health, and mental well-being, ethical development, citizenship, motivation to achieve, and academic learning" (p 6). His evidence suggests that SEL not only acts as a protective factor against harmful behavior, it enhances academic outcomes.

Advocates of restorative justice would add that the enhancement of social and emotional learning should be an educational priority for the whole school community, through the institutionalization of emotionally intelligent practices and processes that seek to deliver emotionally intelligent justice. Larry Sherman (2003), in his presidential address to the American Society of Criminology, argued that there is 'reason for emotion' and that the delivery of emotionally intelligent justice within institutions should include (1) increasing awareness of emotions; (2) recognizing emotions in victims and offenders; (3) managing emotions. The practice of restorative justice in schools seeks each of these ends through embedding a system of emotionally intelligent practices in the regulation of school life.

I am attaching the evidence presented by Dr. Weissberg for your information.

- Enhancing the Practice of Restorative Justice in Schools: On-line Research and Development (Grant Application, Simon Fraser University)

I currently have a grant application being reviewed for funding at Simon Fraser University, wherein I outline a research and development plan to establish a range of on-line resources for schools implementing the practice of restorative justice. As part of this project, I would consult with two school districts to assist in scoping the direction of this research and development project. If successful, I would like to include a range of ACT schools in this research, as the ACT has widely implemented, in a range of diverse settings, the practice of restorative justice in schools. A great benefit is that I am also highly familiar with this school system. Further, the ACT has implemented the practice of restorative justice across a range of jurisdictions beyond the school context. Thus, the ACT provides a rich base of research and development.

I hope that this information will be useful to the Committee and will be taken into consideration in making its recommendations. I would be delighted to answer any queries that the Committee may have.

Yours sincerely,

Brenda Morrison

