

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

Inquiry into Restorative Justice

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Introduction

This submission is provided to the Legislative Assembly Standing Committee on Education, Training and Young People by Peta Blood, Director of Circle Speak and consultant to the ACT Department of Education on the Implementation of Restorative Practices in Schools.

Peta Blood is the Director of Circle Speak and an internationally regarded practitioner in Restorative Justice. She is a former founding member of the NSW Police Service Restorative Justice Group working alongside Terry O'Connell, who developed what is widely known as the scripted model of conferencing. This group pioneered the use of Conferencing in workplace disputes, complaints against police and for adult offending for a range of offences such as domestic violence, sexual assault, motor vehicle accidents involving death and for murder.

The Terms of Reference for the Inquiry are:

Inquire into and report on practice of restorative justice principles in youth settings, with particular reference to:

- (i) *the development and implementation of programs in schools, youth services and youth justice settings*
- (ii) *allocation of Government resourcing and its impact on the development and implementation of restorative justice programs*
- (iii) *strategies for involving young people in the development of programs*
- (iv) *programs to support young people and their families*
- (v) *related matters*

The submission provides a profile of the implementation of restorative practices as it currently stands in the ACT with reference to worldwide initiatives.

Restorative Justice and the Range of Practices

Definitions

Restorative Justice as a movement was initiated in the 1970's in North America as a response to the perceived limitations of the judicial system. Groups such as the Mennonites were concerned that the judicial system not only failed to address the needs of victims, but it also failed offenders and the community. In most instances offenders returned to their community angrier and more disconnected than before they committed their crime. Restorative justice is a broad term that describes a range of interventions that seek to have offenders take responsibility for their crime, the impact it has had on others, to explore that harm and together with the people they have harmed and their significant others decide what needs to happen to repair the harm. Victim offender mediation, circles (peace making, sentencing, healing, pre-release etc) and conferencing are the better known restorative processes. There are two models of conferencing: Family Group Conferencing which originated in New Zealand and the scripted model of conferencing often referred to as the Wagga Wagga model or the Community Accountability Conference.

Whilst there are variations between all models, they are all based on the same principle of bringing together those that are harmed, responsible or who are significant in the lives of those involved to repair the harm and restore community. Howard Zehr (2002) describes these three pillars of Restorative Justice as:

1. Restorative justice focuses on harm
2. Wrongs or harms result in obligations
3. Restorative justice promotes engagement or participation

Restorative Practices describes the broad range of practices that are restorative in nature. These range from the formal to the informal range of practices to deal with conflict and disruptions in schools and other settings involving young people. The same principles apply, except the focus shifts much more towards strengthening relationships and repairing harm at the lower level.

Attachment 2 outlines the levels of intervention which align with Morrison's (2005) regulatory pyramid that refers to the need for targeted and formal interventions to deal with significant issues of harm;

Restorative conferencing is a process used to bring together those involved, harmed and or who are significant in the lives of those involved and harmed to: take responsibility; acknowledge the harm they have caused; hear how that harm has affected others; and in some way for that community to repair that harm. The scripted model of conferencing is the preferred model for use in schools, as the structured process enables a trained facilitator to guide participants through the

process. This is the same model that was used by ACT Police in the RISE Project¹.

Corridor questioning – is a process, which uses the above questions in a less formal manner to manage conflict of a lesser degree as well as other, challenging behaviour. The questions focus on repairing harm caused to relationships.

Social/emotional growth programs – These are programs which develop emotional literacy. Emotional literacy is about developing our understanding of ourselves and our relationships with others to promote mutual well-being and healthy, compassionate societies.

Circle Time – is a process that was developed in the United Kingdom that focuses on developing social and emotional skills in the classroom. Circle Time is facilitated once a week for between 30 minutes and an hour.

Help Increase the Peace – is an intensive social skills development program for students that has three levels: basic, advanced and facilitator training. A number of ACT schools have used this process or are in the process of training in this area.

Classroom Management Practices – is a term used to describe the range of practices that are available to teachers to assist them to work relationally and deal with matters restoratively in their classroom. A combined training or Circle Time and Classroom Management Practices is currently being offered to schools working restoratively.

¹ Re-integrative Shaming Experiment

SUMMARY

Blood & Thorsborne (2005) and Morrison, Blood & Thorsborne (forthcoming) have significantly contributed to the implementation of restorative practices in schools and are presently challenging practitioners to think more broadly about the implications of introducing this concept to schools. It is simply not enough to take a model from the justice system and to overlay on schools or for that matter, in any setting. It is incumbent on those implementing and supporting the implementation that they understand that this is about cultural change. Working restoratively requires a shift from an authoritarian/ punitive way of dealing with inappropriate behaviour to the authoritative/relational. It also links to two other main bodies of effective school practice: the elements that lead to students feeling connected to their school (Blum et. al., 2002) and productive pedagogy or the art of teaching and learning (Lingard et al. 2003).

Many schools in the ACT have commenced the implementation of restorative practices. However, sustainability and maintaining integrity of practice are high priorities, with implementation hinging on securing additional funding. Successful implementation takes three to five years and needs to be supported long term, otherwise the ACT risks schools implementing poorly, or seeing this as another tool in the toolbox.

It is my belief that the ACT currently leads the way internationally in the implementation of Restorative Practices in schools, evident by recent visits and inquiries from international practitioners and referrals from colleagues. It is hoped that this inquiry will help build on what has already been achieved and that this can contribute to the overall debate.

Terms of Reference

1 The development and implementation of programs in schools, youth services and youth justice settings

Australia has led the way and continues to do so in the implementation of restorative practices in schools². Practice has developed substantially since the first school based conference was conducted in 1994 by Margaret Thorsborne, then a Guidance Officer with the Queensland Department of Education (Cameron and Thorsborne, 2001). Prior to this, Terry O'Connell had successfully used conferencing for school related matters that had been referred to police ie. assault, stealing, vandalism etc.

Since then practice has developed significantly around the world and continues to do so (see Morrison, in press for a comprehensive review of international schools based restorative practice). Researchers such as Morrison, Ahmed, Masters, Braithwaite and Strang have all contributed significantly to aspects of this debate, with a body of expertise existing within the Australian National University (ANU) Restorative Justice Group and Regulatory Institutions Network.

To date there have been three evaluated pilots of restorative justice in school settings; Queensland Education Dept, 1996, New South Wales (McKenzie, 1999: in Strang, 2001) and Victoria (Shaw & Wierenga, 2002). Each study demonstrated that Conferencing was a highly effective process for responding to inappropriate behaviour of a serious nature in schools. However, not one of these pilots survived the test of time, although the practice still exists informally within all three states.

Developments in the ACT

Approximately 40 government schools have personnel who are trained in Restorative Practices and who use the practice in some way. A number of Catholic and Independent schools were exposed to the principles of restorative practices at the end of 2004, with Radford College starting to work restoratively.

The first schools in the ACT were trained 5 years ago, when Caroline Chisholm High School saw the model of conferencing as an effective option for managing challenging behaviours in schools. In the first 12 months, the school halved suspension rates, reduced the number of students coming under notice and

² See attachment 1, Blood and Thorsborne (2005)

started to deescalate the violence in the school. They still practice restoratively to an extent, but have not been involved in the existing developmental work – largely because it was seen as a behaviour management tool, rather than as cultural change. Whilst this remains a risk in the implementation (that schools see restorative practice as a tool to put in the kit bag) it was also indicative of the timing and limitation in what could be achieved without departmental support.

Until the end of 2003 all practice and training that occurred in the ACT was with individual schools who bought training and professional development from organisations such as Circle Speak. In 2003, Student Support Services chose to sponsor restorative practices as a major cultural change initiative in the ACT. They were clear that this needed to be about sustainability and quality practice and if schools wanted to proceed this way, they would support the initiative. This partnership continues today – largely funded through the National Safe Schools Funding (NSSF) and the Australian Government Quality Teaching Program (AGQTP).

What has been achieved so far?

Approximately 40 schools have personnel who are trained in restorative practices, with about 20 who have adopted the practices across the school community. These include:

- Calwell cluster of schools led by Calwell High and Primary school
- Chisholm Primary School
- The Woden School
- Wanniasa School (Senior and Junior Campus)
- Urambi Primary School
- Weston Creek School
- Kambah High School
- Alfred Deakin High School
- Caroline Chisholm High School
- North Ainslie Primary School
- Charnwood Primary School
- Ginninderra District High School

Other schools considering whole school implementation are the Stromlo Cluster, Belconnen High School, Kaleen High School, Lanyon High School, Mount Neighbour Community School, Campbell and Dickson clusters.

Whilst this list of schools is not exhaustive it does represent schools that have a level of commitment to restorative practices. It should also be noted that each school is in differing stages of implementation and may be more successful than others. Schools that are leading the way are Calwell High, Calwell Primary, Charnwood Primary and North Ainslie Primary.

Successful implementation

Successful implementation is dependent on ongoing support, professional development, mentoring from within the Department and the commitment of school staff. A five stage process to embed restorative practices in schools and a timeline for cultural change is outlined in Blood and Thorsborne, (2005) and expanded on in the forthcoming article by Morrison, Blood and Thorsborne.

Key elements of the implementation so far are:

- Working with the schools that are volunteers and express commitment – schools that have had to fund themselves in most instances, or seek out training have had a higher level of commitment than those that were offered funded places.
- Training a core number of staff in Conferencing – is critical to ensure that there are a number of staff who are trained to handle the high end incidents and support the implementation process.
- Exposing whole staff to the principles and practice of restorative practices – ensures that all staff engage in the concept and start to use the language of restorative practices.
- Support for schools to continue the dialogue around restorative practices – the Department has purchased resources to loan to schools and now has a number of practitioners who feel confident to deliver training to other schools.
- Parent, student and teacher forums – enable the development of a shared vision and understanding about restorative practices.
- Ongoing professional development forums – have exposed staff to other leading practitioners and researchers internationally and have continued to up skill them.
- Working Party to guide the implementation – formed in February 2005 and consisting of key primary and high school practitioners, as well as Departmental personnel and consultants.
- Implementation teams in schools or across schools (as within a Cluster or neighbouring schools) – are assisting in the quantum leap in schools, as practitioners develop a strategic approach to the implementation in their schools.
- Training and development for Student Support Services, Student Management Consultants in restorative practices – as leading practitioners, mentors and change agents to support best practice
- Working with a small number of schools and continuing to support them – so that effective practice is developed, rather than spreading resources too far and too thin.
- Ongoing training and development in Restorative Practices, One Day Introductory Forums and training in Circle Time and Classroom Management Practices – all based on restorative practices.

2 Allocation of Government resourcing and its impact on the development and implementation of restorative justice programs

The implementation of restorative practices in educational settings can substantially reduce suspension rates, violence, inappropriate behaviour and detentions³. Anecdotal evidence⁴ suggests that this can lead to increased staff, student and parent satisfaction, well being and morale with the school. This is supported in terms of feedback from a number of ACT schools and leads to the important point that this needs to be validated through a rigorous and longitudinal research project.

Sustainability

Where pilot restorative practice programs have been undertaken and evaluated in Australian schools, there are issues around sustainability (Morrison 2001). There is a tendency to see restorative practices as another tool in the tool bag or just an intervention for serious incidents. All three pilot programs focused only on conferencing and have shown limitations in the extent and quality of practice. In most cases, school practitioners were trained and provided with little ongoing support. We have been able to alter this in the ACT, but continuation is completely dependent on securing ongoing funding. Sustainability requires that government understand this is about cultural change in schools and that resourcing supports this.

Quality Practice

The development of quality practice requires ongoing professional development, support, mentoring and dedicated resources to provide this. The ACT Department of Education in their submission refer to the successful Lewisham Primary School (NSW) restorative practices project and the factors that contributed to successful implementation. The learning from this model has largely informed implementation in the ACT. Successful elements of the Lewisham project where involving and training up Department support people, 20 hours of professional development to staff and regular sessions to revisit commitment and skill development over a three year period. Critical to this, was the mentoring and support that took place one day a week for 18 months within the school. Through modelling, dialogue, challenging practice and developing strategies to address strategies with the school (Blood, 2001) cultural change was achieved. This kind of financial and time investment is what is needed in order for the implementation of restorative practices. , which means that school leaders need to be able to manage a strategic approach over a substantial period of time and deal with the emotional impact that this will bring.

³ Internal school documentation, Caroline Chisholm High, Calwell High, Charnwood Primary, ACT Department of Education.

⁴ Lewisham School Community (1998) internal survey results.

Evaluation

Long term qualitative evaluation is essential to validate the implementation of restorative practices. Whilst it is my belief that the ACT is currently leading developments in this area, there is a lack of evaluation to support this proposition. There are several levels of evaluation:

- Evaluation of the conference process itself in terms of participant satisfaction and compliance of conference agreement
- The extent to which violence, school referrals, bullying, suspension rates, and absenteeism can be reduced
- Measuring student connectedness and well being
- Staff wellbeing and morale
- Evidence on community attitudes towards restorative measures rather than punitive or permissive

Training and Support

There are a number of outstanding practitioners within the ACT who are developing the capacity to support and mentor schools in the implementation phase. Without dedicated positions (ACT teachers must move every 3 years) the risk at present is that these practitioners will move on to other positions. Whilst this is likely to be into positions of leadership, they are more likely to benefit one school, rather than to be of benefit to the system in the crucial implementation stage.

3 Strategies for involving young people in the development of programs

It should be emphasised that successful implementation of restorative practices in educational settings is first about changing the behaviour of the adults interacting with young people. To introduce the concept to children prior to impacting how the adults interact with them is to make the mistake of many good initiatives. The downfall with most bullying programs is that they skill the students on bullying, what it is, how to report it, to build resilience, but they in no way address teacher behaviour in the process. Peer mediation has also fallen into this trap, where it is something that the students do. As Hopkins (2004) suggests it is about being congruent: is everything we do around here consistent with what we say we do.

The successful implementation of restorative practices is reliant on involving the key stakeholders in the process. Several schools in the ACT and NSW have facilitated combined groups involving students, teachers, parents and community in designing their ideal school community and the how they want to treat each other within this community. Processes such as these are insightful, when schools see that what they want is the same as what students, parents and community want. When we have a common vision, then we are starting to work together as partners in achieving our vision. North Ainslie Primary School, Kambah and Melba High Schools have embarked on efforts such as this. Many others have combined sessions between parents, staff and students.

However, in my experience it is through the modelling and discussion around the principles of restorative practices that makes the most difference in schools. Peer mediation already exists and is a successful initiative when combined with the range of restorative practices in schools that work restoratively. A number of schools successfully integrate the concepts – with children who are trained mediators. Charnwood Primary School is a school that has led the way in working with their students. From the outset, they recognised that they needed to educate the students in the terms associated with restorative justice. Teachers brainstormed and discussed terms such as restoration, fairness, justice, harm, responsibility and role modelled conferences with the children. As a result, the terms and process were familiar to them. They did not explicitly train them in how to use the process, just raised their awareness. Through role modelling and involvement, the students have picked up the process and are regular seen and heard to use it highly effectively in the playground. A new teacher reported that on her first day in the school she had to handle something on the playground and wasn't doing to well with it, when a year 3 student walked up and asked if he could assist. The student ran a corridor conference which effectively dealt with the matter and the teacher opted for the next training.

4 Programs to support young people and their families

There are several levels of support required for young people and their families, particularly when issues come to light in the school setting. Whilst many services already exist to support families, there is a belief that there are limited services available and schools have a sense that they are unsupported. In reality few schools understand the range of services available to work with them and fail to develop or nurture partnerships with their local community services.

The schools as community initiative in the ACT, likens schools as the hub of their community: a place that not only draws community together, but involves them, works with them and that supports each other. The Lewisham Primary School in NSW was one of the best examples of a school working with their community to support the needs of a diverse school population. The school dealt with a 70% transition rate largely drawing from two feeder domestic violence shelters, Gateway temporary accommodation for children removed from their families and new immigrants to the country and a large Aboriginal population which saw children transitioning between their country and rural families. The school was subjected to repeat vandalism and high turnover of staff prior to the implementation of restorative practices. Academic outcomes were poor and the school was classified as a disadvantaged school.

The Principal engaged various community groups (business, Aboriginal & Torres Strait Islander, Portuguese, Chinese) and agencies who could support the school to engage parents as the school could not do this in isolation. Many parents could not speak the language (with 60 different language groups in the school), did not trust authority figures or did not feel confident to be involved. Initially focus groups were held with community and then spread to staff, parents and students (not necessarily the best order). These focus groups developed the picture of what Lewisham School Community would look like. They successfully gained numerous government and community grants to re-develop their school grounds (previously all bitumen), to paint murals that reflected their diversity, to plant trees and create a place for community to meet. The school was hired out to the local community college to use outside school hours. Good Beginnings occupied unused school space and ran their inner west program out of their, in return for developing the Transition to School Program (Blood, 2000). To involve parents from diverse backgrounds, Good Beginnings and Lewisham School sponsored a playgroup that now operates three times a week. Picking parents and their children up so that they could attend was a key strategy. Many of the children went on to enrol in the school and it was a way that other supports could be put in place for the families.

The Lewisham School community typifies the notion of schools as community and how the successful involvement of community assists the school to deliver

education at a much broader level. The school also formed partnerships with Health Promoting Schools, the Catholic High School across the road and other initiatives to become a much stronger school and community.

Initiatives such as this and many that are emerging within the ACT: partnerships with Mind Matters, schools as community and Men's Link (to name a few) are crucial to developing the social and emotional capacity within a school. Circle Time has been introduced into classrooms to assist teachers strengthen the relationships within the class.

Parent forums have been held in many schools throughout the ACT; among these include Melba, Kambah High Schools, and North Ainslie, Turner, Calwell, and Charnwood primary schools. Parents report back that restorative practices provide them with strategies that work with their children outside of school. It also provides them with a framework for understanding effective behaviour management and the parenting style that will assist them develop positive behaviours in their children.

Recommendations

- 1 That the standing committee support an evaluation of the implementation of restorative practices in schools.
- 2 That dedicated positions be created within the Department of Education to assist with developing sustainable practice.
- 3 That sufficient resources are provided to assist in the implementation of restorative practices and to ensure that what has been developed isn't lost.
- 4 That cross funding be considered for initiatives that bring all ACT schools together (that are working restoratively) to develop and support practice.
- 5 That the Standing Committee consider funding a restorative practices forum annually for schools to showcase best practice in their schools.

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Attachments

Attachment 1:

Blood, P. & Thorsborne, M. (2005). *The Challenge of Cultural Change: Embedding Restorative Practices in Schools. Paper presented at the Sixth International Conference on Conferencing, Circles and other Restorative Practices: "Building a Global Alliance for Restorative Practices and Family Empowerment". Sydney, Australia, March 3-5, 2005.*

Attachment 2:

Regulatory Pyramid - Building Social Capital