

STANDING COMMITTEE ON EDUCATION, TRAINING
AND YOUNG PEOPLE

Restorative Justice Principles in Youth Settings – final report

APRIL 2008

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Resolution of Appointment

On the 7 December 2004 the Legislative Assembly for the Australian Capital Territory resolved to establish the Standing Committee on Education, Training and Young People to examine matters related to early childhood education and care, primary, secondary, post secondary and tertiary education and vocational training, non-government education, youth and family services, technology, arts and culture, sport and recreation.

Terms of Reference

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

- the development and implementation of programs in schools, youth services and youth justice settings;
- allocation of Government resourcing and its impact on the development and implementation of restorative justice programs;
- strategies for involving young people in the development of programs;
- programs to support young people and their families; and
- any other related matter.

Extended terms of reference:

On the 16 November 2006, the Standing Committee on Education, Training and Young People advised the Legislative Assembly that the scope of the Restorative Justice Inquiry would be extended to consider the management of bullying, harassment and violence in ACT government and non-government schools.

The Inquiry will investigate the impact of the National Safe Schools Framework (NSSF) on the development of restorative practices and other student management practices in the ACT. The Committee will consider the effectiveness of these practices in dealing with experiences of bullying, harassment and violence in educational settings.

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Acronyms

ACT	Australian Capital Territory
AEU	Australian Education Union
AFP	Australian Federal Police
DET	Department of Education and Training
JACS	Department of Justice and Community Safety
MACER	Ministerial Advisory Committee for Education Review
MCEETYA	Ministerial Council on Education, Employment, Training and Youth Affairs
NSSF	National Safe Schools Framework
RISE	Reintegrative Shaming Experiment
PCYC	Police Citizens Youth Clubs
P&C	Parents and Citizens (Associations)
PPO	Personal Protection Order
RJ	Restorative Justice
RP	Restorative Practice
SEL	Social and Emotional Learning

Legislation

Restorative Justice Act	<i>Crimes (Restorative Justice) Act 2004</i>
C&YP Bill	<i>Children and Young People Bill 2008</i>
Education Act	<i>Education Act 2004</i>
Sentencing Act	<i>Crimes (Sentencing) Act 2005</i>
Human Rights Act	<i>Human Rights Act 2004</i>

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STANDING COMMITTEE ON EDUCATION, TRAINING AND YOUNG
PEOPLE

RECOMMENDATIONS

RECOMMENDATION 1

2.40 The Committee recommends that the ACT Government support the development and implementation of behaviour management programmes for all ACT Schools that are consistent with restorative practice principles.

RECOMMENDATION 2

2.41 The Committee recommends that the ACT Government make explicit the restorative justice principles and values (such as respect, reparation, accountability, reconciliation, voluntariness, and empowerment) that already underpin the social policy frameworks, legislation and service delivery programmes in the ACT.

RECOMMENDATION 3

2.42 The Committee recommends that the ACT Government promote the relevance and effectiveness of restorative justice principles (such as respect, reparation, accountability, reconciliation, voluntariness, and empowerment) to the objective of relationship building in the community and to the delivery of social services that support this community objective.

RECOMMENDATION 4

2.43 The Committee recommends that the ACT Government ensure that restorative justice principles (such as respect, reparation, accountability, reconciliation, voluntariness, and empowerment) are clearly articulated in the *Children and Young People Bill 2008*.

RECOMMENDATION 5

3.44 The Committee recommends that the Department of Education and Training further support the implementation needs of restorative practice schools by providing assistance to develop an effective data collection strategy for schools; enhancing the external support provided to executive teaching staff; and providing professional development opportunities to school support staff.

RECOMMENDATION 6

4.25 The Committee recommends that the ACT Government provide funds to the Department of Education and Training to host an annual restorative

practice forum to share knowledge, facilitate collaboration and develop high quality restorative practice approaches within educational settings.

RECOMMENDATION 7

6.41 The Committee recommends that the Department of Education and Training make prominent on the departmental web site links to community information and support services such as the *Kids Help Line* and *Bullying. No Way!*

RECOMMENDATION 8

6.42 The Committee recommends that links to information and support service websites, such as *Kids Help Line* and *Bullying. No Way!*, be incorporated into the template for all ACT government school websites.

RECOMMENDATION 9

6.43 The Committee recommends that the Human Rights Commission consider expanding the web-based resources available to vulnerable children and young people seeking guidance and support.

RECOMMENDATION 10

7.31 The Committee recommends that the ACT Government establish a coded alert system to ensure that general levels of risk present in school environments can be clearly communicated to all members of the school community.

RECOMMENDATION 11

7.33 The Committee recommends that the Department of Education and Training assess the general level of awareness within the broader school community of the policies and practices that support safe school environments.

RECOMMENDATION 12

7.36 The Committee recommends that the ACT Safe Schools Taskforce consider the establishment of inter-agency protocols, professional development priorities for school staff and plan an effective communication strategy for school communities.

RECOMMENDATION 13

7.54 The Committee recommends that the Department of Education and Training make public (in annual reports and other relevant publications) the interagency partnerships which collaboratively uphold safe school

communities and make clear the guidelines which give practical operation to these relationships.

RECOMMENDATION 14

7.96 The Committee strongly recommends that the ACT Government consider funding a classroom-based skills development programme for ACT teachers.

RECOMMENDATION 15

7.107 The Committee recommends that the ACT Government commission a review of the mobility policy to assess the effectiveness of this policy in achieving the outcomes intended and to determine the impact on other professional objectives in the education sector.

RECOMMENDATION 16

7.115 The Committee recommends that the Department of Education and Training sustain a high-level restorative practice mentoring capacity amongst Departmental staff and professional teachers employed in the ACT.

RECOMMENDATION 17

7.120 The Committee recommends that Department of Education and Training facilitate cross-sector discussions about teacher training and ensure these discussions address the behaviour management skills required for classroom teaching.

RECOMMENDATION 18

8.17 The Committee recommends that the Restorative Justice Unit continues to review and monitor the experience of participants in restorative justice conferences and undertake qualitative evaluation of consistently identified trends which may indicate less than optimal or other (potentially positive) restorative outcomes.

RECOMMENDATION 19

8.18 The Committee recommends that the referral process at various stages of the criminal justice process be reviewed for any unnecessary process delays and the legislation be amended accordingly.

RECOMMENDATION 20

8.23 The Committee recommends that the Restorative Justice Unit be adequately resourced for phase two implementation and with a view to a potential expansion in the demand for restorative justice services and support in other sectors of the ACT community.

RECOMMENDATION 21

8.47 The Committee recommends that legislation confirming the principles and objectives of the Ngambra circle sentencing court be enacted.

RECOMMENDATION 22

8.56 The Committee recommends that the jurisdiction of the Ngambra Circle Sentencing Court be extended to include juvenile matters.

RECOMMENDATION 23

8.74 The Committee recommends that the ACT Government investigate ways to ensure that restorative justice principles are applied in all aspects of the Alexander Maconochie Centre's functioning and that the Restorative Justice Unit be authorised to provide post-sentencing restorative justice conferencing.

1 INTRODUCTION

Restorative justice is essentially a set of ‘guiding questions’ to inform the real-world search for just solutions.¹

Progress of the Inquiry

- 1.1 On 22 February 2005, the Standing Committee on Education, Training and Young People determined that it would inquire into the practice of restorative justice principles in youth settings.
- 1.2 Submissions were invited from a wide range of stakeholders via letter and public notice advertisements appeared in *The Canberra Times* on Saturday 12 March 2005 and in *The Chronicle* on Tuesday 15 March 2005. Details of the Inquiry were also advertised on the Legislative Assembly website.
- 1.3 On 16 November 2006, the Chair advised the Legislative Assembly that the scope of the Inquiry would be expanded to consider the management of bullying, harassment and violence in ACT government and non-government schools.
- 1.4 The Committee re-advertised the Inquiry in *The Canberra Times* and *The Chronicle* and sought further input from relevant agencies and organisations to ensure that the views of the community on these matters might be heard.
- 1.5 The Committee received 19 submissions. A list of submissions received appears at Appendix A.
- 1.6 Seven public hearings were held and the Committee heard from 38 witnesses. Details of the public hearings appear at Appendix B.
- 1.7 During the course of the inquiry the Committee travelled to South Australia and Queensland.

¹ Jennifer Larson Sawin and Howard Zehr (2007) “The idea of engagement and empowerment” in Johnstone & Van Ness (eds) *The Handbook of Restorative Justice*, Willan Publishing, UK, p. 55.

- 1.8 While in South Australia in September 2005, the Committee heard about the *Restorative Practices in Schools Trial* being conducted in Adelaide and visited Salisbury High School, Hackham West Primary School, Lonsdale Heights School. The Committee also met with officers from the South Australian Department of Education and Children's Services as well as personnel from the Centre for Restorative Justice in South Australia.
- 1.9 A visit to Queensland in May 2007 provided the Committee with the opportunity to investigate the integration of restorative practices within another departmental framework administering student support services.
- 1.10 The Committee also had the opportunity to visit a number of schools that use a range of behaviour management strategies, including restorative principles, in their everyday practices. Visits were made to Queanbeyan South Public School in NSW, Charnwood Primary School, Melrose High School, Melba High School, Fraser Primary School and Ainslie Primary School in the ACT. Details of the Committee's visits appear at Appendix C.
- 1.11 Towards the end of the Inquiry, the Committee also had the opportunity to meet with the Magistrate of the Childrens Court, Mr Dingwall, and the Ngambra Circle Sentencing Court Magistrate, Mr Madden.
- 1.12 The Committee has also conducted research into the state of knowledge and current application of restorative justice principles in national and international contexts. In these efforts, the ACT Legislative Assembly Library has provided valuable support to the Committee during the Inquiry.
- 1.13 The Committee is also grateful for the contribution that has been made by those who provided submissions and appeared as witnesses.

Interim report – June 2006

- 1.14 An interim report tabled in the Legislative Assembly on 8 June 2006 detailed the progress and findings for the Inquiry to that date.
- 1.15 The report noted that there had been considerable innovation in the practice of restorative justice principles in youth justice and educational settings in the ACT. Developments were also evident in the application of these principles in the family support and child protection area, although still at the preliminary

stage.

- 1.16 Recommendations from the report primarily concerned the coordination and the evaluation of restorative justice processes used in school settings (or *restorative practices* as they are known in these settings).
- 1.17 The Committee also made recommendations regarding the review of the Restorative Justice programme which was a legislative requirement stipulated in the *Crimes (Restorative Justice) Act 2004*. The Committee was concerned that the programme should be as inclusive as possible and should provide constructive and cost-effective outcomes for participants.
- 1.18 Since the interim report was tabled, this first phase review of the Restorative Justice Unit became available and is discussed in *chapter 8*.²
- 1.19 The Government responded to the interim report from the Inquiry on 21 September 2006.³
- 1.20 Of a total of ten recommendations, the Government agreed with five recommendations (2, 4, 5, 7 and 10), noted four (1, 3, 6 and 9), and agreed in principle with recommendation 8.
- 1.21 In agreeing to recommendation 2, the Government advised that an evaluation of the Calwell School Cluster (involving Calwell High School, Calwell Primary School, Isabella Plains Primary School, Theodore Primary School and Richardson Primary School) and of Chisholm Primary School was to be conducted in 2007. Subsequent to this evaluation, survey tools would be developed and tested.⁴

Expanded terms of reference

- 1.22 The Select Committee on Estimates tabled its report on the Appropriation Bill

² ACT Department of Justice and Community Safety (2006) *First Phase Review of Restorative Justice*, October 2006: accessible at <http://www.jcs.act.gov.au/eLibrary/OtherReports/Review%20of%20Restorative%20Justice.pdf> (accessed 18 October 2007).

³ Government Response to the Standing Committee on Education, Training and Young People Inquiry into Restorative Justice Principles in Youth Settings – Interim Report June 2006, Legislative Assembly for the Australian Capital Territory, Canberra, 2006.

⁴ *Ibid*, p. 3.

2006-2007 on 15 August 2006 and recommended that the Standing Committee on Education, Training and Young People 'should review the adequacy of the strategies and resources provided to deal with bullying in all school systems, both public and private.'⁵

- 1.23 When noting this recommendation in its response to the Estimates Committee Report, the Government observed that 'all ACT government and non government schools are required to comply with the National Safe Schools Framework'.⁶
- 1.24 In the course of conducting the Inquiry, the Committee has also noted the significance of the National Safe Schools Framework (NSSF) to the implementation of restorative practices in ACT schools. NSSF provides both funding and a national reporting guideline for schools.⁷
- 1.25 As a consequence of this overlap in the policy and regulative frameworks at issue, the Committee resolved to examine the issue of bullying (and comparable behaviour such as harassment and violence) as a part of the Restorative Justice Inquiry. In particular, the Committee considered how the NSSF has impacted on the development of restorative practices and alternative student management practices in the ACT and the effectiveness of these practices in dealing with issues of bullying, harassment and violence.
- 1.26 On this matter, the Committee has assessed that the introduction of the NSSF has occurred at a parallel time to the implementation of restorative practices in the ACT. The Committee also notes that government strategies designed to ensure safe school environments have occurred at a time when the community expects solutions to anti-social behaviour in schools which is perceived as a growing social problem.
- 1.27 This report contains eight chapters which detail the implementation of

⁵ Select Committee on Estimates 2006-2007, *Appropriation Bill 2006-2007*, August 2006, Recommendation 66, p. 95, accessible at <<http://www.parliament.act.gov.au/committees/index1.asp?committee=75>>

⁶ ACT Government, *Government Response to the Report of the Select Committee on Estimates 2006-2007 Report on the Inquiry into the Appropriation Bill 2006-2007*, August 2006, p. 26.

⁷ *Transcript of Evidence* 7 December 2005, pp. 3-8; *Transcript of Evidence*, 9 December 2005, p. 61; *Transcript of Evidence* 24 February 2006, p. 115.

restorative justice principles in the ACT educational and justice settings. The report makes a number of recommendations which the Committee considers will help sustain restorative approaches into the future.

2 KEY FINDINGS

Restorative justice...capitalises on the conflict and harnesses it to enable growth and development, both at an individual level and a community level.⁸

- 2.1 The ACT is internationally recognised for innovation in the identification, implementation and promotion of restorative approaches to situations of conflict or wrong-doing. These achievements are particularly recognised in the application of restorative principles, such as respect, reparation, reconciliation, voluntariness, empowerment, inclusion, renewal, reintegration, self-determination, non-domination, democracy, accountability and solidarity, in youth settings.
- 2.2 Following the passage of the *Crimes (Restorative Justice) Act 2004* (Restorative Justice Act), the Restorative Justice Unit has built on the success of a previous research pilot scheme (the RISE project)⁹ and been coordinating restorative conferences for young people as a parallel approach to traditional juvenile justice options.
- 2.3 Furthermore, a growing number of ACT government schools are embracing restorative principles in their student behaviour management approaches. The Committee is also aware that many schools from the Catholic and independent schools systems are embracing restorative principles to refine and develop their student management strategies.
- 2.4 The Committee considers that restorative practices are being adopted because they:
 - Offer a more effective alternative to punitive measures in most cases;
 - Facilitate a whole-of-school approach by building relationships;
 - Achieve positive outcomes at a number of educational levels, including improved learning and general behaviour;

⁸ Brenda Morrison (2007) *Restoring safe school communities*, Federation Press: Sydney, p. 102.

⁹ ACT Government, *Submission no. 8*, p. 2. The Reintegrative Shaming Experiment (RISE) project commenced in 1995. The recidivism rates continue to be monitored by the researchers. See Dr Heather Strang, *Submission no. 1*.

- Provide a means to engage all those affected by acts of wrong-doing;
 - Focus on repairing harm rather than retribution; and
 - Emphasise the importance of preserving relationships.
- 2.5 The Committee considers there to be some way to go, however, if restorative principles are to truly infuse the institutions and cultures of the community and establish the conditions where restorative outcomes are the normal experiences of children, young people and adults affected by the breach of social or regulative expectations.
- 2.6 The implementation of restorative principles requires sophisticated strategies and the commitment of dedicated people who are well versed in the practices and rationale of restorative approaches. What seems to occur following implementation is the general acceptance and support of the approach by those in the affected community because they have a sense of empowerment in the solutions to wrong-doing. Furthermore, individuals generally seem willing to support measures that affirm relationships in the community.
- 2.7 Given the outcomes at stake, the Committee concludes that further government support is needed if the ACT's status as a world leader in the practice of restorative principles is to be confirmed and consolidated.
- 2.8 The Government has already demonstrated considerable commitment to the principles of restorative justice through the development of several programmes and initiatives.
- 2.9 For example, the model used to establish a restorative justice option within the criminal justice arena reflects an extensive consultation and investigation process conducted over several years prior to the establishment of the Restorative Justice Unit. The work of the Unit continues to be supported by the Restorative Justice Scheme Reference Group.¹⁰
- 2.10 While it is acknowledged that government support can only go so far in bringing effective ideas to the fore-front of practice, the Committee is of the view that further good outcomes can be achieved with the ACT Government's active support of the leadership and innovation that already exists in the

¹⁰ ACT Government, *Submission no. 8*. pp. 8 – 9.

community.

- 2.11 The Committee believes that the general success of restorative justice processes and the rapid increase in the uptake of restorative programmes inspired by the principles of restorative justice at the community and school levels warrants comparable affirmation from the ACT Government. There are also broader social considerations to further endorse this proposition.

Restorative justice and relationship building

- 2.12 Tolerance, non-violence and mutual respect are foundation principles for a harmonious community. However, expectations of tolerance and social harmony are not always met in the interchanges between people.
- 2.13 Restorative justice practices provide a way to focus social policy frameworks on healthy civil relationships.
- 2.14 Furthermore, families and local communities cannot always provide the support needed for the development of healthy and well-adjusted children who have the skills to build, retain and repair the civil relationships that sustain the community. Governments are often called on to intervene in finding solutions to familial and community breakdown.
- 2.15 An important message heard during the Inquiry has been the potential for restorative justice practices to provide children and young people with effective relationship skills and the courage to make efforts to repair rather than abandon relationships that have been harmed by the hurtful, or more grievous, behaviours of other.
- 2.16 Some witnesses even proposed that restorative justice approaches can provide individuals with an emotional “compass” to assess their own behaviours within a broad range of social relationships.¹¹ As Brenda Morrison advised the Committee, one of the most significant outcomes of restorative justice approaches is the opportunity for social and emotional learning (SEL).¹² She advocated,

¹¹ See for example, Mr Casey, *Submission no. 7*; and *Transcript of evidence*, 24 February 2006, pp. 124-131.

¹² Dr Brenda Morrison, *Submission no. 18*, p. 2.

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.¹³

- 2.17 Dr Morrison pointed to international evidence of the potential social benefits of SEL which extend beyond the regulation of behaviours within schools to improve potential, consequential outcomes in areas such as substance abuse, violence, sexual behaviour, mental health and suicide.¹⁴
- 2.18 The Committee also heard that the resource intensive strategy of restorative conferencing which is often associated with restorative practices can diminish in schools that adopt a strong, whole-of-school restorative approach as children and young people learn restorative questioning and trust the strategy to provide reparation.¹⁵ In this sense, restorative practices are a self-regulating behaviour management model with potential whole-of-life benefits for the children currently learning these skills.
- 2.19 The Committee recognises that restorative principles and a focus on relationship skills will not resolve all conflict. Concerns about problematic behaviours are addressed in more details in *chapters 6 and 7*.

The need for restorative approaches

- 2.20 In extending the terms of reference to this Inquiry, the Committee was responding to broader community concerns about incidents of bullying and violence in schools.
- 2.21 A 1996 Legislative Assembly report by the Standing Committee on Social Policy on the prevention of violence in schools has already noted the high level of community concern about these issues, even though these behaviours are often attributed to a relatively small number of students.¹⁶ This report also

¹³ *Ibid*, p. 2.

¹⁴ *Ibid*. p. 2. In particular Dr Morrison highlighted the work of Professor Roger Weissberg from the Collaboration for Academic, Social and Emotional Learning (CASEL). See < <http://www.casel.org/>>

¹⁵ Mr Peter Ross, *Transcript of evidence*, 9 December 2005, p. 39.

¹⁶ Standing Committee on Social Policy (1996) *Report on the inquiry into prevention of violence in schools*, Legislative Assembly for the ACT; Canberra, p. 5.

noted that violent behaviours in school settings must be understood in a much broader social context.¹⁷ The Committee concurs with this interpretation of the broader social issues which influence behaviour within our educational institutions.

- 2.22 Nonetheless, in these circumstances communities look to government to provide guidance on the evidence-based strategies and programmes that will supplement, reinforce and extend the community-based supports available.
- 2.23 The Committee agrees that governments should support community capacity and seek to reinforce positive community values within public policy frameworks.
- 2.24 In this context, the Committee believes that there is ample impetus for the extensive promotion of restorative approaches through Government policy and services.
- 2.25 Restorative principles would find greater traction in the community if a whole-of-government commitment to these principles was articulated across the service delivery programme. Furthermore, the promotion of such principles can only enliven government processes.
- 2.26 The Committee notes, for instance, that the ACT Government has already linked restorative initiatives such as the Ngambra Circle Sentencing Court to the goals set out in the *ACT Social Plan*.¹⁸ This initiative supports the goal of a 'strong, safe and cohesive community.' The Committee believes that restorative justice processes generally support this and other goals outlined in the *Canberra Social Plan*, the *ACT Young People's Plan 2004-2008* and the *ACT Children's Plan*.¹⁹ As the Social Plan explains,

¹⁷ *Ibid*, p. 9.

¹⁸ ACT Government (2007) *The Canberra Social Plan: Progress Report*, June 2007, p. 28 accessible at <http://www.cmd.act.gov.au/communityinclusion/downloads/social_plan_progress_report2007.pdf> (accessed 5 November 2007)

¹⁹ *The Canberra Social Plan* is accessible at <<http://www.cmd.act.gov.au/socialplan/>> (accessed 9 November 2007); The *ACT Young People's Plan 2004-2008* is accessible at <<http://www.youth.act.gov.au/StrengtheningOpportunities.htm>> (accessed 12 November 2007); and the *ACT Children's Plan 2004-2014* is accessible at <<http://www.children.act.gov.au/publications.htm>> (accessed 9 November 2007).

Stronger communities are places with fewer problems. They are not only enjoyable and rewarding, but also more secure and safe.²⁰

- 2.27 An open commitment to restorative justice principles in the delivery of services would provide greater coherence to those restorative justice programmes that are already established and extend the workability of inter-agency service delivery in achieving many of the goals set out in the various plans that make up the *Canberra Plan*.
- 2.28 It would also support efforts to include children and young people in the building of their communities by raising public awareness of the strategies being used by young people to negotiate and resolve conflict within a growing number of ACT schools.²¹
- 2.29 In this, the Committee believes that reinforcing the principles and practices of restorative justice would advance the key directions of *participation, access, transitions and support* which frame the strategies set out in the *ACT Young People's Plan*.²²
- 2.30 Louise Bywaters noted in a recent external validation report of twenty-nine ACT Government schools that restorative practices provide,
- an intelligent and effective way of empowering young people and giving them the tools for positive personal relationships and community citizenship in the future.²³
- 2.31 The Committee commends this view and believes that restorative justice

²⁰ *The Canberra Social Plan* quoted in the *ACT Children's Plan 2004-2014*, p. 7.

²¹ The report from the Youth Interact Conference 2007 indicated that young people are generally unaware of the purpose and use of restorative justice in the ACT p. 16;
<<http://www.youth.act.gov.au/pubs/The%205th%20Annual%20Youth%20InterACT%20Conference%20-%202013-8-07.pdf>> (accessed 17 November 2007).

²² Office of Children, Youth and Family Support, *ACT Young People's Plan 2004-2008*, accessible at <http://www.youth.act.gov.au/downloads/ACT_YPP_p1_p6.pdf>(accessed 12 November 2007), p. 7. See also, the *ACT Young People's Plan 2004-2008 Progress Report* tabled in the Legislative Assembly in May 2007 and accessible at <<http://www.youth.act.gov.au/downloads/Final%20%20Progress%20Report%20Young%20People%20s%20Plan%202004-2008.pdf>> (accessed 12 November 2007)

²³ Louise Bywaters (2007) *External validation of ACT Government Schools 2006: A report for ACT Government school principals and school boards*, ACT Government: Canberra, p. 13: accessible at <http://www.decs.act.gov.au/publicat/pdf/emm_ExternalValidation.pdf> (accessed 9 November 2007).

processes enhance social and emotional learning and thus support the development of life-long relationship skills that will assist young people through the transition from childhood to adult citizen.

- 2.32 As Ms Rockliff from the ACT Council of Parents and Citizens Associations told the Committee, the use of restorative practices in schools, empowered children who otherwise may not feel very empowered; their home background in some cases is one in which they're not encouraged to verbalise, and this process at the school had encouraged these children to be more confident in talking to adults and more able in a sense to accept responsibility for their actions but also feel that they could express their views about things in a safe way...Basically, if they learn the skills well, it does provide them with a strategy to continue to work on all relationships in their lives. It gives them strategies and tools to set about healing their own damaged relationships.²⁴
- 2.33 The Committee concludes that uniform restorative justice principles should set a framework for the ACT education sector and this framework should be supported through the provision of adequate resources and the development of integrated training modules for teachers at pre-service and professional development stages.
- 2.34 The Committee also identifies the need to provide appropriate information for all members of the school community and promote these principles broadly. The need for the consistent application of the true principles of restorative justice is essential if they are to be effectively implemented in any youth setting.
- 2.35 Furthermore, the promotion of restorative justice principles could complement the legislative and administrative support for human rights principles already established in the ACT.
- 2.36 While human rights principles make clear the political and civic entitlements of individuals, restorative justice principles highlight the importance of preserving and repairing the relationships that sustain individuals within the

²⁴ Ms Rockliffe, *Transcript of evidence*, 24 February 2006, pp. 80–81.

community. The Committee considers that these are important skills for effective citizenship.

- 2.37 Major administrative programmes should be viewed through a lens of restorative principles in acknowledgement of the need to build, sustain and repair relationships between individuals within the community.
- 2.38 With this perspective in mind, the objective of this report is to highlight and support the efforts that have already been achieved and to identify some areas where Government action is warranted and, indeed, where inaction might be to the detriment of restorative processes and the positive outcomes that will potentially accrue to the ACT community.
- 2.39 A number of areas where restorative justice processes could be better developed within a public policy framework are detailed in this report. These include:
- Promoting common understandings of restorative justice principles and processes;
 - Assessing the various ways in which restorative justice principles are conceived in the context of implementation;
 - Supporting leadership and the sharing of knowledge;
 - Establishing the frameworks required for government support;
 - Ensuring sustainability through adequate resourcing;
 - Identifying new arenas where restorative principles would encourage positive outcomes; and
 - Incorporating restorative principles in the implementation of significant legislative programmes, including the *Children and Young People Bill* 2008.

RECOMMENDATION 1

- 2.40 **The Committee recommends that the ACT Government support the development and implementation of behaviour management programmes for all ACT Schools that are consistent with restorative practice principles.**

RECOMMENDATION 2

- 2.41 **The Committee recommends that the ACT Government make explicit**

the restorative justice principles and values (such as respect, reparation, accountability, reconciliation, voluntariness, and empowerment) that already underpin the social policy frameworks, legislation and service delivery programmes in the ACT.

RECOMMENDATION 3

- 2.42 **The Committee recommends that the ACT Government promote the relevance and effectiveness of restorative justice principles (such as respect, reparation, accountability, reconciliation, voluntariness, and empowerment) to the objective of relationship building in the community and to the delivery of social services that support this community objective.**

RECOMMENDATION 4

- 2.43 **The Committee recommends that the ACT Government ensure that restorative justice principles (such as respect, reparation, accountability, reconciliation, voluntariness, and empowerment) are clearly articulated in the *Children and Young People Bill 2008*.**

3 RESTORATIVE JUSTICE PRINCIPLES

*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.*²⁵

Common understandings of restorative processes

- 3.1 In the interim report, the Committee noted some variations in the way that restorative justice or restorative practices are understood in the community.
- 3.2 In responding to the interim report, the Government commented that the term restorative justice and restorative practice had been used ‘interchangeably’ in the report and observed that ‘these terms relate to specific settings and the Government’s response makes a clear distinction between the terms’.²⁶
- 3.3 It is worth clarifying that the Committee’s focus during the Inquiry, as expressed in the interim report, has been on the restorative justice *principles* which underpin implementation in various settings regardless of whether the strategies used are termed restorative justice or restorative practices.
- 3.4 As Brenda Morrison explains, the terminology associated with different contexts reflects a discomfort with the use of the term *justice* in school settings. School practitioners prefer,

terms such as restorative practices, restorative approaches, restorative measures, restorative discipline and restorative action. Schools also struggled with the terms ‘victims’ and ‘offenders’, preferring phrases like ‘students who have caused harm’ and ‘students who have been harmed’

²⁵ Ms Blood, Circle Speak *Submission no. 4*, p. 4.

²⁶ ACT Government (2006) Government response to the Standing Committee on Education, Training and Young People *Inquiry into restorative justice principles in youth settings – interim report June 2006*, 21 September 2007, p. 2.

or 'students who bully' and 'students who have been bullied'.²⁷

- 3.5 Schools using restorative practices are nonetheless embracing the principles espoused by restorative justice advocates and practitioners.
- 3.6 In other words, the Committee believes that a meaningful policy definition is not determined by settings alone but also by the principles that inform implementation.
- 3.7 While the Committee is ultimately concerned with the success of these principles within specific settings, it is equally important to identify the common understandings that underpin implementation strategies. Identifying these commonalities will better support open public discussion and understanding and effective evaluations by helping to distinguish between contextual and conceptual differences.
- 3.8 In the *Restorative Justice Handbook*, Johnstone and Van Ness observe that,
- Increasingly, restorative justice proponents are referring to values as a key means of distinguishing restorative justice from other approaches to crime and wrongdoing.²⁸

Conceiving restorative processes

- 3.9 One of the most difficult issues to arise during the Inquiry has been to ascertain whether there are specific criteria, or an application of key values, that determine restorative justice processes. The Committee found considerable variation in the nature of the processes described as restorative but, as has already been noted, these variations often reflect the context in which they are conducted and not substantive disagreements about the underlying principles.
- 3.10 Nonetheless, it can be difficult to determine the range of processes that might be conceived as restorative and what criteria might be used to distinguish restorative from other types of practice models.

²⁷ Brenda Morrison (2007) "Schools and restorative justice" in Johnstone & Van Ness (eds) *The Handbook of Restorative Justice*, Willan Publishing, UK, p. 326.

²⁸ Gerry Johnstone and Daniel W. Van Ness (2007) "The idea of restorative justice" in Johnstone & Van Ness (eds) *The Handbook of Restorative Justice*, Willan Publishing, UK, p. 2.

- 3.11 Discussing what they describe as ‘a deeply contested concept’²⁹, Johnstone and Van Ness have offered the following categories of restorative justice processes:
- *Encounter* conceptions: understood as a better way to deal with a conflict event and providing those involved with a say in what needs to be done (also referred to as the *process* model);
 - *Reparative* conceptions: An alternative conception of how justice should be administered with the focus being on repairing the harm (also referred to that the *outcome* model); and
 - *Transformative* conceptions: ‘a cooperative and respectful way to resolve conflict’ and potentially enhance the way we understand our everyday relationships.³⁰

Process, outcome and transformation

- 3.12 All three conceptions of restorative justice are evident in the practices adopted in the ACT.
- 3.13 For instance, the Restorative Justice Unit facilitates conferences that incorporate both *encounter* and *reparative* components.
- 3.14 During the Inquiry, the Committee heard some details of the experiences some people have of restorative justice conferences. In one instance, the conference process provided a victim’s family with an opportunity to make sure the offender was aware of the extensive impact of their wrong-doing. The family did not find it could repair the harm caused, but they were able to contribute to a restorative agreement. This would be defined as an encounter process.
- 3.15 In another instance, the offender’s family found they that the conference provided an environment in which the offender had to hear about their experience and the harm caused to them by the wrong-doing. The conference was both a diversion from the traditional justice system and provided an opportunity for the offender to repair some of the harm caused. This would be defined as a reparative process.

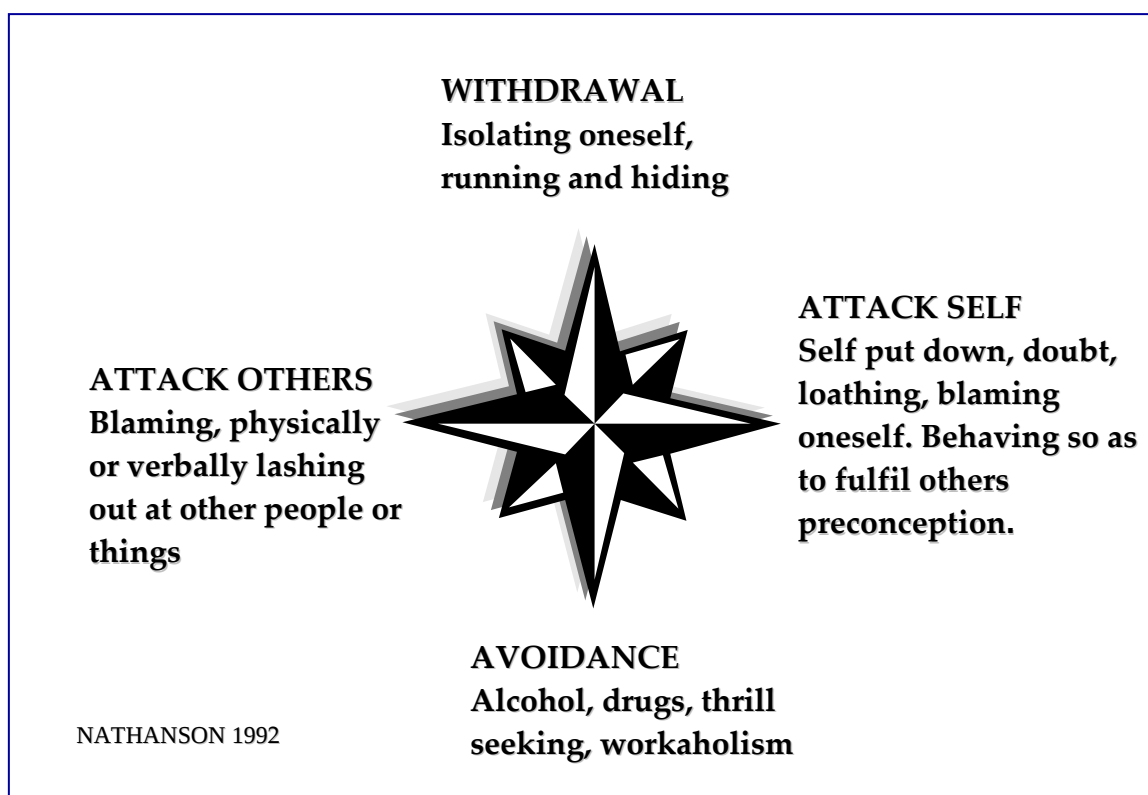
²⁹ Gerry Johnstone and Daniel W. Van Ness (2007) “The meaning of restorative justice” in Johnstone & Van Ness (eds) *The Handbook of Restorative Justice*, Willan Publishing, UK, p. 19.

³⁰ Margarita Zernova and Martin Wright(2007) “Alternative visions of restorative justice” in Johnstone & Van Ness (eds) *The Handbook of Restorative Justice*, Willan Publishing, UK, pp. 91–108.

- 3.16 The practices used in educational settings can include *encounter* and *reparative* conceptions in the use of circle time activities or corridor conferencing, for example. Equally, the whole-of-school approaches adopted in some settings (such as the Calwell Cluster discussed below) reflect a *transformative* conception of restorative justice where the objective is to enhance the relational foundation of the entire school community.
- 3.17 *Transformative* conceptions of restorative justice have their origin in process conceptions. As Mr O'Connell informed the Committee,
- I realised a long time ago when I first started training teachers in Queensland and New South Wales, that the idea of developing restorative conferences in schools would generate a lot of excitement, but it hit me that that really was not the issue – it was not about how you dealt with critical issues – the issue for me was how we develop an environment, a way of relating, that incorporates the elements of restorative practice and, as we call it, a way of being.³¹
- 3.18 Equally, the transformative potential of restorative principles was highlighted by Mr Casey, who explained to the Committee the rehabilitative success he has achieved using restorative processes in youth, family and community counselling contexts. The important part of this practice is to provide participants with the resources they need to understand and reflect upon their own behaviour within their significant relationships. For instance, the compass of shame (reproduced as Figure 1 below) offers a straight-forward tool for individuals to gauge their behaviour and the affect it may have on close relationships.

³¹ Mr O'Connell, *Transcript of evidence*, 24 February 2006, p. 105.

Figure 1: The compass of shame³²



3.19 Mr Casey explained the importance of this tool in terms of transformation, not only reparation,

I've seen clients who can't really read a newspaper but can talk to you about the compass of shame. I know clients that my colleagues have worked with who have got the compass of shame stuck on the fridge and every time they start getting into an argument they go out and look at it and try to work out where they are. So we need to start by giving people the tools to be able to change their lives.³³

3.20 Conceived on this level, restorative justice principles are understood to provide a framework for self-regulation, potentially reducing the need for the formal regulative measures of enforcement agencies, the legal system or family

³² Reproduced from *Submission no 7*. The compass of shame is based on the psychological theory detailed by Donald S. Nathanson (1992) in *Shame and Pride: Affect, Sex and the birth of the self*, W. H. Norton & Co, New York.

³³ Mr Casey, *Transcript of evidence*, 24 February 2006, p. 129.

and welfare services.

Restorative values and key principles

- 3.21 During the Inquiry, various conceptions of restorative justice processes were emphasised or advocated by submitters and witnesses. The Committee observes that *transformative* conceptions are more broad-ranging in their approach and are concerned to promote within a community a range of underlying principles (or values) that can support effective relationships. In other words, these conceptions seek to reveal, enhance or transform the “regulative frameworks” that shape the relationships between members of the community.
- 3.22 Adding an additional level of definition to our understanding restorative justice, Kay Pranis distinguishes between *process* values and *individual* values in the concepts used to explain and define restorative justice practices, noting that:
- *Process* values refer to those values which are used to characterise restorative events or activities – such as; inclusion, safety, affirmation, reconciliation, renewal, reintegration, empowerment, self-determination, non-domination, democracy, accountability and solidarity.³⁴
 - *Individual* values are those which restorative processes will endeavour to appeal to in the individuals involved – respect, honesty, responsibility, compassion, patience, empathy, humility, listening and understanding.³⁵
- 3.23 Pranis describes such values as ‘the foundation of restorative justice, the touchstone to which we return when in doubt about what to do or how to do it, the yardstick, for assessing action’.³⁶ In other words, these values provide a reflective dimension to assess the effectiveness of all restorative justice inspired activity in terms of its effectiveness as an activity or in connecting with individuals own sense of what is right.

- 3.24 The Committee considers that clearly defined principles offer a measure for

³⁴ Kay Pranis (2007) “Restorative values” in Johnstone & Van Ness (eds) *The Handbook of Restorative Justice*, Willan Publishing, UK, pp. 61 – 62.

³⁵ *Ibid*, p. 63.

³⁶ *Ibid*, p. 72.

evaluating the effectiveness of all programmes based on restorative principles. Importantly, it also provides a language for common understanding, dialogue and negotiation in the establishment of priority values for the community.

3.25 The Committee has identified the following key principles from the research materials and the evidence collected during the Inquiry:

- *Respect* – all involved in a restorative process support the dignity and value of others;
- *Reparation or restitution* – those who have offended actively seek to repair the harm caused;
- *Engagement, inclusion or reconciliation* – all those affected by the event are able to be included in a dialogue about the impact of the event;
- *Voluntariness* – individuals are well informed and voluntarily make their decision to be involved; and
- *Empowerment* – a sense of being valued is restored to those who have been affected.

3.26 These values are not exclusive to restorative justice processes, however, but are the basis upon which restorative justice processes are conceived, implemented and assessed.

Restorative justice principles and evaluation

3.27 It is clear that these different conceptions about the breadth and potential of restorative justice practices influences implementation and the outcomes anticipated. Subsequently, different conceptions should give rise to different evaluations of the effectiveness of particular strategies. In other words, the conception of restorative justice used to establish any particular restorative process should influence the criteria and methods used to conduct any evaluation.

3.28 For instance, those who consider that restorative justice is done when the principle of repair (rather than retribution or vengeance) is followed may assess a restorative justice conference as failing if the offender does not actively seek to repair the harm caused. On the other hand, those who consider the key attribute of restorative justice to be the facilitation of a formal conference may be more interested in the technical capacity of the process to

develop an agreement which accommodates the input of all affected.

- 3.29 The evaluation conducted by the Restorative Justice Unit as a part of the review of the First Phase of the Restorative Justice programme provides a good example of an evaluation method that emphasises participants' experience. Conceived primarily as a programme to respect victims' experiences in a justice process, the Review established that the level of meaningful participation, sense of empowerment, and reparation achieved are important indicators of the effectiveness of the programme.
- 3.30 A cluster of ACT Government schools using restorative practices provides another example of how the underlying values which established the programme have provided a clear focus for implementation and evaluation.

Case Study: Calwell Cluster

- 3.31 The Calwell Cluster is comprised of the following five schools:
- Calwell Primary School;
 - Isabella Plains Primary School;
 - Richardson Primary School;
 - Theodore Primary School; and
 - Calwell High School.
- 3.32 During 2006, the Cluster undertook a project as a part of the *National Framework for Values Education in Australian Schools* with the objective of integrating restorative values in the curriculum through the development of an emotional literacy curriculum for years K to Year 10.
- 3.33 Importantly the project began from an understanding that 'the restorative practices approach requires the support of the entire school community to succeed' and commenced with a values audit which was able to 'draw parallels between those the community holds dear and the values restorative practices promote.'³⁷

³⁷ Commonwealth of Australia (2006) *Implementing the National Framework for Values Education in Australian Schools Report of the Values Education Good Practice Schools Project – Stage 1 Final Report September 2006*, pp. 122–123: accessible at

- 3.34 The Cluster's project team were able to develop 'a total of 40 lessons per cohort or 240 lessons across the span from K-10.' Lessons, which are delivered using a circle time format, 'cover social skills, recognition and regulation of emotions, and empathy' and become increasingly sophisticated to match developmental capacity.³⁸
- 3.35 Each lesson addresses a topic which is linked to key values demonstrated during the class. For instance, a Year 9 and 10 lesson on 'Positive and negative social behaviours' demonstrates the values of 'fair go, respect, responsibility, understanding, tolerance and inclusion, and integrity.'³⁹
- 3.36 Feedback from teachers, students and parents has been positive. Clarity in the principles shared by the school community provided a positive loop between implementation and evaluation approaches.
- 3.37 The final report on the project identified the following key messages:
1. Focusing on developing school values that reflect the community's values, and involving all stakeholders in the process, can help to overcome some of the cynicism that may exist among staff.
 2. When school community input has been gained, and an understanding of the meaning of different values agreed between the stakeholders, it is important to share this regularly through newsletters, meetings, Circle Time, professional development, team building and other means of communication used by the school.
 3. The quality of emotional literacy curriculum lessons developed was, in this cluster, an important facet of gaining teacher and subsequently community support. Success in this context depended, however, on work at the outset to gain school community support for the overall approach.
 4. This cluster benefited from developing their own emotional literacy units of work as opposed to trying to find a ready-made package to

<http://www.valueseducation.edu.au/verve/_resources/VEGPS1_FINAL_REPORT_081106.pdf>
(accessed 4 December 2007).

³⁸ *Ibid*, p. 125.

³⁹ *Ibid*, p. 126.

adopt. Locally developed units of work can support the development of agreed school community values and address real community concerns. The success of units in this case reflected the professional development that accompanied unit development and subsequent trialling by teachers.

5. Building students' emotional literacy can generate calmer classes and an increased focus on learning in class.⁴⁰

- 3.38 The Calwell Cluster has clearly adopted a transformative conception of restorative justice principles in their implementation approach. A clear objective has been to cultivate restorative values within individual members of the community and promote an ethos of self-regulation within the school. The students' learning environment has benefited from the overall integrity of the approach.
- 3.39 The Committee commends the leadership demonstrated by the Calwell Cluster of schools in developing implementation strategies that integrate a whole-of-school restorative approach into the curriculum across all learning stages and reflects the shared values of the school community.

Evaluation of the Calwell Cluster

- 3.40 In June and July 2007 the Student Services Branch of the Department of Education and Training, undertook an evaluation of the Calwell cluster of schools and the Charnwood-Dunlop Primary School following a recommendation in the Committee's Interim Report. The evaluation report is attached at Appendix E.
- 3.41 The evaluation involved a survey of all school communities (involving a total of 150 teaching staff and 1811 students) and noted that restorative practices is, just one element of a school's approach aimed at assisting student to develop positive relationships and building social capital within the school community. This case study of six schools indicates that RP is a powerful tool. Schools are experiencing a great deal of success in

⁴⁰ *Ibid*, pp. 128 – 129.

changing school culture and developing strong emotional literacy skills in students.⁴¹

3.42 The evaluation report confirms many of the issues that have arisen during the course of this Inquiry, including:

- Some students require additional support or alternative behaviour management measures;
- Parental awareness and involvement has yet to be fully achieved;
- Whole-of-school embedding of restorative justice principles can improve student learning outcomes;
- Restorative practices improve student behaviour overall.

3.43 Barriers to implementation include: staff mobility, resources, and the time needed for adequate professional development and small scale evaluation. These matters are discussed throughout this report. The Committee found the following considerations particularly pertinent:

- An effective data collection strategy needs to be developed in consultation with school communities;
- Enhanced external support for executive teaching staff in schools is needed; and
- Training for office and other support staff would enhance a whole-of-school approach.

RECOMMENDATION 5

3.44 **The Committee recommends that the Department of Education and Training further support the implementation needs of restorative practice schools by providing assistance to develop an effective data collection strategy for schools; enhancing the external support provided to executive teaching staff; and providing professional development opportunities to school support staff.**

⁴¹ Pam Nicolson for Student Support Services (2007) *Restorative Practices in Six ACT Public Schools*, p. 5.

Assessing restorative justice processes

- 3.45 The Committee believes that it is only by conducting evaluations which assess practices against the clearly defined restorative principles being implemented that a strong evidence base can be developed.
- 3.46 Johnstone and Van Ness confirm the importance of conducting evaluations that link practice to principles, suggesting that ‘the principle-based approach anchors practice in core restorative values.’⁴² They suggest that the principle-based approach to evaluation ensures that evaluators are not testing non-restorative practices and incorrectly claiming the success or failure of the restorative process.
- 3.47 Furthermore, they suggest that a principle-based approach will facilitate comparison between differently focused restorative processes. That is, they suggest an approach which can measure relative commitment to one core principle (for instance, reparation) versus another (for instance, inclusion of all those affected by the harm). In the context of formal restorative justice processes, they note,

While not mutually exclusive, there are times when two or more principles emphasize different process priorities, as well as push the conference towards some intermediate outcomes rather than others. We provided illustrations which could be interpreted as conflicts between the principle of stakeholder involvement and the principle of repairing the harm, when the mandate to maximize time for dialogue and stakeholder expression of emotion appeared to compete with the need to develop a follow-up plan to make amends or rebuild relationships...Rather than simply describe this conflict, however, it is more important to measure variation in commitment to each principle in a given conference.⁴³

- 3.48 The Committee suggests that further discussion and analysis of the specific principles that underpin restorative inspired practices, in a range of settings,

⁴² Gerry Johnstone and Daniel W. Van Ness (2007) “Evaluation and Restorative Justice” in Johnstone & Van Ness (eds) *The Handbook of Restorative Justice*, Willan Publishing, UK, p. 418.

⁴³ *Ibid.*

should be encouraged. Through evaluating the level of effectiveness of various strategies in meeting identified restorative principles, the reasons why some principles work in particular settings could be ascertained.

- 3.49 For instance, *process values* require that a restorative justice event should involve the stakeholders effected by the crime in a discussion about how to deal with the wrong-doing. However, this criterion only specifies a core action to be taken, not what reparative outcomes might be expected or what outcomes might best satisfy each particular participants.
- 3.50 If we focus on the *individual value* of respect, the success of a restorative justice process can best be judged by the participants rather than an external standard.⁴⁴ The important evaluative consideration is to match the principle to the evaluative method.
- 3.51 For example, having given priority to the inclusion of victims of crimes in establishing the restorative justice programme in the ACT, the First Phase Review from the Restorative Justice Unit provided considerable evaluative detail about participant satisfaction as an indicator of success.⁴⁵ From these participant accounts, the programme is clearly a success.
- 3.52 The Committee notes that while data about the impact on juvenile justice figures is collected by the Restorative Justice Unit, the enactment of the programme is clearly focused on outcomes for victims of crime.⁴⁶ It is appropriate that the success of the programme be based primarily on these legislated objectives – the enhancement of victims’ rights and interests in a safe, non-judicial, environment.
- 3.53 Nonetheless, there are other indicators that are provided in the review report which suggest that diverting young people from the criminal justice system over the long term is potentially a secondary outcome. Early indications are

⁴⁴ Johnstone and Van Ness, *op.cit.* p. 399.

⁴⁵ ACT Department of Justice and Community Safety (2006) *First Phase Review of Restorative Justice*, October 2006: accessible at <http://www.jcs.act.gov.au/eLibrary/OtherReports/Review%20of%20Restorative%20Justice.pdf> (accessed 18 October 2007).

⁴⁶ *Crimes (Restorative Justice) Act 2004* <<http://www.legislation.act.gov.au/a/2004-65/current/pdf/2004-65.pdf>> See s 6, Objects of Act.

positive, but causality remains unclear.

- 3.54 The Committee acknowledges that such secondary indicators may never provide a clear assessment of restorative justice processes because the goal is not defined or contingent on the successful implementation of restorative principles alone. For instance, the reasons for a young offender's redemption may be the result of restorative justice (that is, shame following efforts to make reparation), or it may equally be the experience of procedural justice (that is, experience of fair treatment for an acknowledged offence). Clearly, the actual experience of restorative processes is complex and there are a range of other individual and external factors which can potentially influence outcomes.⁴⁷ These variables pose significant difficulties for evaluators in all implementation contexts.

Evaluative difficulties in educational settings

- 3.55 Evaluative difficulties have been experienced in education settings in particular, and consequently a clear, sustained evidence-base has proved difficult to establish. As Ms Melsom, Director of Student Services, explained for the Committee,
- it always is a challenge for us to try to identify what elements are contributing to change within a school environment. We know that a change of principal might influence a school, a change of staff, a particular teacher. It might be a cohort of students that move on from the school. So it is always very difficult to base all of an outcome or a result in terms of initiatives in one quarter because it won't ever be one particular factor.⁴⁸
- 3.56 The Committee agrees that variables of the kind identified make it difficult to isolate specific indicators to evaluate the impact of restorative approaches in educational and other settings.

- 3.57 A report of a restorative practices forum attended by twelve schools in the

⁴⁷ See for instance, Ted Wachtel, (1997). *Real Justice. How we can revolutionize our response to wrongdoing*, The Piper's Press. Pipersville, PA.

⁴⁸ Ms Melsom, *Transcript of evidence*, 8 May 2007, p. 154.

ACT noted the following collective outcomes:

- o A reduction of 70 per cent and higher in reoffending rates for students dealt with by a restorative approach;
- o Emerging cultural change in the student body;
- o Increased reporting of incidents as students felt safer to self-disclose or raise other matters out of concern for what was happening in their school;
- o A change from a culture of “dobbing” to one of seeking assistance;
- o Improved problem-solving and conflict-resolution skills amongst students;
- o A gradual shift from a punitive to a relational approach;
- o A reduction in the need to use the formal conference process as interventions were occurring before problems escalated; and
- o A reduction in suspension rates.⁴⁹

- 3.58 Some of the case studies detailed in the report confirm that multiple variables may change when a school reviews and reforms its behaviour management approach (for example, see the Queanbeyan South Primary School case study in this report in *chapter 5*).
- 3.59 The Calwell Cluster example demonstrates the value of linking stakeholder satisfaction levels to evaluate a programme which has been designed to support and reinforce the values held by the school community. This approach provides cohesion and certainty for the relationships within the community.
- 3.60 As a whole-of-school implementation strategy, levels of satisfaction with the process amongst teachers, students and their carers appear to be a more effective measure of the success of restorative practices. Changes in detention rates or other disciplinary measures can not reflect the whole-of-school experience anticipated in the application of a restorative approach except at an indicative level.

⁴⁹ Margaret Armstrong and Margaret Thorsborne (2006) “Restorative responses to bullying” in Helen McGrath and Toni Noble (eds) *Bullying solutions: evidence-based approaches to bullying in Australian schools*, Pearson Education, Frenchs Forest, p. 185.

- 3.61 Another school using restorative practices to deal with conflict between students reported that students (particularly those who are aggrieved by the behaviour of another student) value the feedback they receive on the follow-up action taken (see Melrose High School case study in this report in *chapter 7*). These students felt that their experience was being respected by the staff, even when a formal restorative justice process (conference or similar) was not the solution followed.⁵⁰
- 3.62 Using this example, the most effective evaluative yardstick for a restorative programme may be to assess the level of involvement of students and the degree to which they understand and support the restorative culture of the school. Process level measurement can assess the 'relative intensity of victim involvement' ranging from indirect (for instance, written victim statement) to more intensive (for instance, face to face discussion).⁵¹ Similarly, the relative intensity of offender involvement can be assessed along such a continuum.
- 3.63 From a school's perspective, these indicators can be used to prompt further development of a restorative programme through, for instance, engagement of stakeholders' views. An evidence base accrues to a school using an engaged evaluative model whereas disciplinary measures may only reveal a changing cohort of students.
- 3.64 Johnstone and Van Ness point out that evaluations of restorative processes need to also be goal-focused allowing for an outcome that will in some way repair harm and/or transform the relationship between key agents. They propose, therefore, three core principles which have both process and outcomes dimensions:
- The principle of *repair* - justice require that we work to heal victims, offenders and communities that have been injured by crime;
 - The principle of *stakeholder involvement* - victims, offenders and communities should have the opportunity for active involvement in the justice process as early and as fully as possible; and
 - The principle of *transformation in community and government roles and*

⁵⁰ Visit to Melrose High School, 11 September 2007.

⁵¹ Johnstone and Van Ness, *op.cit*, p. 400.

relationships - we must rethink the relative roles and responsibilities of government and community.⁵²

- 3.65 Measurement of these principles can be set against particular indicators such as the extent to which:
- Appropriate justice values are affirmed between participants,
 - Collective ownership of the process is achieved, and
 - Participants develop new skills, capacities and understandings.
- 3.66 The significant point to be considered is whether evaluations are conducted in terms of the restorative justice principles that underpin the particular programme or in terms of other external factors. For instance, in the educational context, non-restorative measures might include school attendance data, improvements in students' academic achievements, reduced number of classroom disruptions, measures of staff satisfaction levels, or number of disciplinary suspensions.
- 3.67 The Committee considers it important to focus on indicators that best reflect restorative principles and the objectives and outcomes valued by restorative approaches. These may include relational indicators such as:
- Perceptions of the relationships between members of the relevant community;
 - Experiences of inclusion in the responses to harmful events;
 - Clarity of guidelines for regulating relationships;
 - Satisfaction with the outcomes;
 - Knowledge and awareness of the principles and processes involved;
 - Commitment to practices which sustain or restore relationships rather than punish wrong-doers;
 - Extent to which restorative language and processes are utilised in day-to-day activities; and
 - Level of integration of restorative approaches.

⁵² *Ibid*, p. 404.

- 3.68 It may be the case that measures of attendance or academic performance may improve with the application of restorative practices in schools settings. However, the Committee has found during the Inquiry that it is the relational health of the school which most people identify as the significant transformation when they reflect on the implementation of restorative practices in their school settings.

4 TRANSFORMING SCHOOLS

*The mechanisms through which safety and behaviour are regulated within schools are closely tied to the behaviours that schools seek to foster in restoring and maintaining safe communities.*⁵³

- 4.1 As a non-punitive student behaviour management strategy, restorative practices have become increasingly popular in educational settings.
- 4.2 At present, the Committee understands that approximately 47 ACT government schools are using restorative programmes of one sort or another.⁵⁴ This is an increase on the 29 schools that were reported to be using restorative practices when the Inquiry commenced.⁵⁵ Schools in the Catholic⁵⁶ and independent⁵⁷ education sector are also adopting restorative programmes.
- 4.3 At hearing Ms Blood (Director of Circle Speak, a restorative justice training organisation) informed the Committee that Circle Speak had dealt directly with around 63 government schools (around two-thirds of the total number) and about 20 non-government schools. There has been extensive exposure within the system to restorative practices.
- 4.4 With this level of implementation, the ACT is considered to be at the forefront of an international trend.

Relationships rather than rules

Restorative justice is about creating safe spaces where the pathway that defines a young person's life can be strengthened, through re-affirming,

⁵³ Brenda Morrison (2007) *Restoring Safe School Communities*, The Federation Press: Sydney, p. 96.

⁵⁴ This figure is calculated from NSSF documents provided by the Department of Education and Training.

⁵⁵ Ms Melsom, *Transcript of evidence*, 7 December 2005, p. 2. These figures should not be considered as precise as they are based on self-reported programme use data provided by individual schools to the Department.

⁵⁶ Mr Marsh, *Transcript of evidence*, pp. 50 – 58.

⁵⁷ Ms Blood, Circle Speak, *Submission no. 4*, p. 7.

re-pairing and re-building relationships.⁵⁸

- 4.5 Drawing on early experiences in Queensland, Lisa Cameron and Margaret Thorsborne argue that,

the language and discourse around discipline needs to change and begin to embrace a behavioural framework in which wholesome behaviours are actively promoted and that compliance is an outcome of understanding and sense of community, and is not an end in itself.⁵⁹

- 4.6 Brenda Morrison identifies a model for gauging restorative practices which she argues makes it 'possible to define when schools, in theory and in practice, are being restorative to members of the school community, and when they are not'.⁶⁰ The model contains the following elements:

1. **Encounter**, where those affected have the opportunity to meet, participate in a dialogue and reach an agreement;
2. **Making of amends**, where an opportunity is created for repartition, apology and change;
3. **Maximizing reintegration**, through a system that provides mechanisms to support behavioural change, while showing respect to the person;
4. **Maximizing involvement**, through opportunities for the whole school community to learn about restorative process.

- 4.7 Morrison describes a 'continuum of restorative practices' which range from restorative inquiry to restorative conferences. Importantly, she suggests distinguishing between proactive and reactive processes which enhance teaching and learning or respond to wrongdoing respectively. For instance, a proactive conference will 'enhance teaching and learning outcomes while being explicit about limits and boundaries and emphasizing the importance of

⁵⁸ *Ibid*, p. 346.

⁵⁹ Lisa Cameron and Margaret Thorsborne (undated) "Restorative Justice and School Discipline: Mutually Exclusive? A practitioner's view of the impact of Community Conferencing in Queensland schools," p. 1: accessible at <www.restorativepractices.org/library/schooldisc.html> (accessed 27 March 2006)

⁶⁰ Brenda Morrison (2007) "Schools and restorative justice" in Johnstone & Van Ness (eds) *The Handbook of Restorative Justice*, Willan Publishing, UK, p. 328.

relationships'.⁶¹

- 4.8 The committee heard from Charnwood Primary School (see case study below) of the success that had been achieved by moving from a reactive to a proactive implementation approach. As proactive processes became the dominant restorative activity at the school, the culture of the school has increasingly adapted to restorative methods.
- 4.9 This view accords with the model used in training by Peta Blood⁶² to ensure that a whole-of-school culture supports the use of restorative interventions at times of conflict when members of the school community may experience serious harm. While restorative conferences may rarely be used or needed in a fully functioning restorative school, it is the day to day familiarity with restorative principles that can facilitate successful outcomes.
- 4.10 The restorative pyramid devised by Blood (reproduced as Figure 2 below) illustrates the whole-of-school foundation that supports the more intensive behaviour management needs of a small number of students in the overall school population.

Figure 2: Restorative practices model



⁶¹ *Ibid*, p. 329.

⁶² Peta Blood, *Submission no. 4 Circle Speak attachment 2*, accessible at <http://www.parliament.act.gov.au/committees/index1.asp?committee=53&inquiry=155&category=14>

- 4.11 Morrison argues that Blood has established an effective regulatory framework or system for the school environment. This form of regulation can be responsive to the different needs and contingencies that emerge in the school setting. In this sense, responsive regulation is contrasted with regulatory formalism ‘where the problem and the response are predetermined and mandated through codes of conduct, laws and other rules of engagement’.⁶³
- 4.12 Morrison believes that the value of a responsive regulative model is that the members of the community become self-regulating by learning and implementing the principles and practices according to the circumstances in their everyday interactions.
- 4.13 During the Inquiry, this model was most often characterised as a “whole-of-school approach”, suggesting the need for integrated implementation processes which, in the words of one witness, form an articulated vision that is shared amongst staff and also includes students, parents and even the broader community...[and is] embedded in the curriculum so that they are not seen as separate [and offers] a K to 12 or K to 6 approach so that the students revisit the key concepts, the key strategies and the key skills again and again in developmentally appropriate ways.⁶⁴
- 4.14 The ACT Council of Parents and Citizens Associations considers that ‘restorative justice is not just another behaviour management tool, but a foundation for a learning community based on relationships.’⁶⁵

Case study – Charnwood Primary School

- 4.15 Charnwood Primary School is often cited as the ACT’s success story having used restorative practices to restore the foundations of the relationships within the school and improve the culture of the whole school community.

⁶³ Morrison (2007) *op. cit.*, p. 331.

⁶⁴ Dr Noble, *Transcript of evidence*, 9 December 2005, p. 73.

⁶⁵ ACT Council of P&C Associations, *Submission no. 16*, p. 1.

- 4.16 Charnwood Primary School (which became Charnwood-Dunlop Primary School during 2007) is located in the outer northern suburbs of Canberra, an area with the highest number of households in the lowest quintile of earnings.⁶⁶ The Committee visited the school on 13 September 2005 and the principal, Mr Peter Ross, appeared before the Committee on 9 December 2005.
- 4.17 Mr Ross was not a practitioner of restorative practices prior to commencing in his position at the school. On commencement he was confronted with some serious behaviour management issues. Research persuaded him of the value of a restorative approach and, following training, a programme appropriate for the school was successfully implemented.
- 4.18 Training, originally for Mr Ross and two staff was been funded through the school's professional development budget. Subsequently all staff, including two regular relief teachers, have been trained through courses provided through the Department, primarily with Ms Blood from Circle Speak. Staff have primarily been trained in the use of restorative questioning and corridor conferencing. The school's website provides details of the strategies and programmes that are currently used in a whole-of-school approach.⁶⁷ Restorative practices are supported by social skills programmes which reinforce emotional learning and capacity.
- 4.19 At one hearing Mr Ross advised the Committee that restorative practices had provided consistency in the school's response to dysfunctions in the relationships within the school community which would, particularly in the playground, manifest as conflict between the students.⁶⁸
- 4.20 Mr Ross reported that a consistent approach from all teaching staff, including the use of standard restorative questions, to situations of conflict has had a significant impact on the behaviour of students. He noted that

⁶⁶ NATSEM (2007), *Characteristics of low income ACT households*, accessible at <http://actcoss.org.au/publications/Publications_2007/2407REP.pdf> (accessed 22 November 2007).

⁶⁷ Charnwood-Dunlop Primary School website accessible at <<http://www.charnwoodps.act.edu.au/home>> (accessed 22 November 2007).

⁶⁸ Mr Ross, *Transcript of evidence*, 9 December 2007, p. 39.

the children feel very, very safe within that. They know that they can go to any member of staff at any time and ask for a conference to have something resolved.⁶⁹

- 4.21 Charnwood Primary School's experience following the implementation of restorative practices had been a quick reduction in the incidences of conflict. With time and persistence, the students have also adopted restorative rather than punitive expectations for the resolution of conflict. Students express the view that a restorative approach means that they are listened to.
- 4.22 Restorative practices are promoted through the School Board and Parents and Citizen's Association meetings. The restorative script informs all the interaction within the school including staff interactions with parents. Mr Ross emphasises the value of the restorative script for achieving consistency in expectations and approach. School efforts can now be concentrated on teaching and learning rather than behaviour management.
- 4.23 After three years of implementation, some evidence of academic improvement is evident in the literacy and numeracy data for the school. According to Mr Ross,
- Our statistics show us quite clearly that for our year 3s, who are now year 5 - and making comparisons about whether they were children in the lower 20 per cent, middle 60 per cent or upper 20 per cent - we have had a 16 per cent move of those children out of the lower 20 per cent into the middle 60 per cent and a flow-on into the higher end, the upper 20 per cent. We see it as alleviating that conflict in the class room and improving relationships with teachers... There have been more positive relationships, more productive classroom time and better academic results.⁷⁰
- 4.24 Mr Ross has suggested that an annual restorative practices forum should be held to share best practices between ACT schools and more broadly. Ms Blood, also made this suggestion.⁷¹ The Committee concurs, noting that with the ACT

⁶⁹ *Ibid*, p. 40.

⁷⁰ Mr Ross, *Transcript of evidence*, 9 December 2005, pp. 38 – 39.

⁷¹ Ms Blood, *Circle Speak*, *Submission no. 4*, p. 15.

being recognised as being at the fore-front of implementation, an annual, best practice forum would confirm this status within educational circles. It would also provide a forum for practitioners to consolidate their own practices.

RECOMMENDATION 6

- 4.25 **The Committee recommends that the ACT Government provide funds to the Department of Education and Training to host an annual restorative practice forum to share knowledge, facilitate collaboration and develop high quality restorative practice approaches within educational settings.**
- 4.26 The ACT Council of Parents and Citizens Associations also noted the potential value for all members of the school community, including parents to be involved in such information sharing opportunities.⁷²

Systemic supports for restorative practices

DET support framework

- 4.27 Given the popularity of restorative practices, the efforts of individual schools have been well supported by the Department of Education and Training (DET) through training, coordination and the expertise of Student Services. Organisations such as Circle Speak, Real Justice and ProActive Resolutions deliver restorative justice training in Government education settings, as well as independent and Catholic system schools, in the ACT.⁷³
- 4.28 Student Services coordinate training and professional development opportunities for teaching staff, support the development of resources and materials for teachers and provide student management consultation services for individual students. The consultancy service is,
- a pro-active intervention approach aimed at providing support to students, teachers and the school.⁷⁴

⁷² Ms Gorrie, *Transcript of evidence*, 24 February 2006, p. 84.

⁷³ Government Response – Interim Report June 2006, *op.cit*, p. 3.

⁷⁴ Student Management Consultation Services (SMCS) website accessible at <<http://www.det.act.gov.au/services/Consultants.htm>> (accessed 11 November 2008).

4.29 While the Government does recognise the growing popularity of restorative practices and perceives “whole-of-school cultural change” as an important objective for the education system, it does not consider that there are systemic behaviour management issues to be addressed specifically and that the current support framework is appropriate in meeting the current level of need.

4.30 As currently conducted in ACT schools, restorative practices provide one strategic means towards the achievement of safe school environments. The Government notes that,

Restorative practice is just one of a range of strategies used by schools to create whole school cultural change in student management and student well being. Schools assess the effectiveness of these strategies in a number of ways including:

- number and types of incidents;
- staff, parent and student surveys;
- anecdotal records; and
- suspension data.⁷⁵

4.31 In the interim report the Committee made a number of observations about the implementation of restorative practices in ACT public and private schools thus far.

4.32 Of particular note was the lack of adequate evaluative data to determine the effectiveness of restorative practice programmes. Since this time, there has been some progress with the development of a survey tool and an evaluation of the Calwell cluster of schools being undertaken last year. The evaluation report is discussed in *chapter 3*.

4.33 The Committee also notes the evaluative capacity being developed within the ACT Government system through the Annual Review cycle. The external validation conducted in 2006 suggests that schools have quickly adapted to an evidence-based performance reporting process. The Department has also released a discussion paper *Teachers and school leaders: making a difference through evidence-based practices* which promotes the view that ‘effective use of

⁷⁵ Government Response – Interim Report June 2006, *op.cit*, pp. 3 – 4.

data supports good decision-making in the classroom or the school as a whole.⁷⁶

- 4.34 DET has also agreed to recommend that schools newly embarking on a restorative practice implementation strategy consider establishing base-line data from student management records for future comparative purposes.
- 4.35 Collectively, these developments will improve the capacity of the system to undertake evaluations of restorative practice programmes as well as other school based initiatives.
- 4.36 The Committee welcomes these commitments as it believes that effective and sustained evaluation of restorative practices provides a crucial foundation for future policy planning as well as contributing much needed evidence to our general understanding of these processes. It will also extend the research base and sustain the reputation of the ACT as an international leader in this area.
- 4.37 However, as the Government and many witnesses to the inquiry have consistently pointed out, there are limitations to what any evaluation may reveal about restorative practices as it is difficult to isolate causal factors that have lead to the change or improvement (see also the discussion in *chapter 3*). For instance, strong and effective leadership may be a factor that improves school culture regardless of the effectiveness of the restorative programme in place.
- 4.38 Research in another jurisdiction suggests that any or all of the following practices will work to enhance student well-being and promote a safe school:
- Effective leadership;
 - Effective whole-school behaviour management system;
 - Wellbeing as a school priority;
 - Whole school approach;
 - Positive student-student relations;
 - Anti-bullying components;

⁷⁶ DET (2007) *Teachers and school leaders: making a difference through evidence based practices*, accessible at <http://www.det.act.gov.au/publicat/pdf/emm_EvidenceBased_DiscussionPaper.pdf> (accessed 30 November 2007), p. 22.

- Embedded social skills;
- Positive involvement with parents;
- Positive student-teacher relationships
- Strong staff collaborations;
- Structured lunchtime activities;
- Values education;
- Effective house system;
- Effective transition programmes;
- Peer support structures;
- Student leadership and ownership;
- Strong extracurricular programmes or electives;
- School chaplain;
- Community service opportunities;
- Fun and humour;
- School pride and high expectations;
- Specific programmes such as Friendly Kids Friendly Classrooms; Bounce Back!; Youth Can Do It!; M-Power; and Mindmatters.⁷⁷

4.39 The conditions under which students experience school-based supports and are safe in their learning experience will vary from school to school. Each school will make choices which will best suit the particular characteristics and needs of the school community.

4.40 Within the current educational structure, the ACT Government notes the following:

ACT government schools operate within a school-based management and decision-making model. Schools have a level of autonomy that enables them to determine, in consultation with their community, programs that best suit the individual school dynamics and environment. Educational research has provided no evidence to suggest that any one

⁷⁷ Victorian Department of Education and Training (2006) *Safe Schools are Effective Schools: A resource for developing safe and supportive school environments*, p. 2. accessible at <http://www.sofweb.vic.edu.au/wellbeing/safeschools/bullying/> (accessed 17 August 2007)

particular program can be applied successfully across all schools to effectively manage and prevent bullying, harassment and violence.⁷⁸

- 4.41 Accordingly, the Government has suggested that restorative practices should be understood as a component strategy towards the broad objective of ensuring safe school environments. Restorative practices are a component in a suite of behaviour management programmes used within ACT schools and which conform to the national policy framework - the National Safe Schools Framework (NSSF).
- 4.42 Ms Rockliff from the ACT Council of Parents and Citizens Associations also highlighted for the Committee that restorative justice principles are consistent with the national framework for values education in schools – specifically the values of *respect* and *responsibility*.⁷⁹

National Safe Schools Framework (NSSF)

- 4.43 Following agreement by the Ministerial Council for Education, Employment, Training and Youth Affairs (MCEETYA) in July 2003, the National Safe Schools Framework (NSSF) sets out a plan to ensure that ‘all Australian schools are safe and supportive environments.’⁸⁰ In particular, the NSSF seeks to reduce the level of bullying experienced by children in educational settings.
- 4.44 The NSSF is guided by eleven principles which state that all schools:
1. Affirm the right of all school community members to feel safe at school;
 2. Promote care, respect, and cooperation and value diversity;
 3. Implement policies, programmes and processes to nurture a safe and supportive school environment;
 4. Recognise that quality leadership is an essential element that

⁷⁸ ACT Government, *Inquiry into Restorative Justice: Supplementary Submission Extended Terms of Reference*, p. 6.

⁷⁹ Mr Rockliff, *Transcript of evidence*, 24 February 2007, p. 81.

⁸⁰ Helen McGrath (2007) *Making Australian Schools Safer: A summary report of the outcomes from the National Safe Schools Framework Best Practice Grants Programme (2004-2005)*, p. 5: assessable at <www.dest.gov.au/sectors/school_education/publications_resources/profiles/national_safe_schools_framework_best_practice.htm> (accessed 29 November 2007).

underpins the creation of a safe and supportive school environment;

5. Develop and implement policies and programmes through processes that engage the whole school community;

6. Ensure that the roles and responsibilities of all members of the school community in promoting safe and supportive environment are explicit, clearly understood and disseminated;

7. Recognise the critical importance of pre-service and ongoing professional development in creating a safe and supportive school environment;

8. Have a responsibility to provide opportunities for students to learn through the formal curriculum the knowledge, skills and dispositions needed for positive relationships;

9. Focus on policies that are proactive and orientated towards prevention and intervention;

10. Regularly monitor and evaluate their policies and programmes so that evidence-based practice supports decisions and improvements; and

11. Take action to protect children from all form of abuse and neglect.⁸¹

4.45 To achieve this outcome, all Australian schools funded by the Australian Government are required to provide annual NSSF reports via their State or Territory departments.⁸² The NSSF has also provided discrete grants to schools to support the implementation of safe schools strategies. The Committee is aware that through the Best Practice Grants Programme (2004-2005), NSSF funding has supported the development of restorative practice activity at two ACT Government schools, Charnwood Primary School and North Ainslie Primary School.

4.46 At one hearing, Dr Bruniges observed that that while it was important to allow 'flexibility within a framework' the NSSF sets a 'minimum standard that all

⁸¹ Department of Education, Science and Training (2003) *Implementation manual for the National Safe Schools Framework*, Australian Government, Canberra, p. 2.

⁸² The requirement is set out in the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004* (Cth), s 14: accessible at <http://www.comlaw.gov.au/ComLaw/legislation/actcompilation1.nsf/current/bytitle/B42223A296758099CA257314001D59DD?OpenDocument&mostrecent=1> (accessed 30 November 2007).

schools need to apply and adhere to.’⁸³

4.47 The Government notes that as a consequence of these funding arrangements, ‘schools have been required to conduct, and report the outcomes of, an evaluation of the effectiveness of their practices and programs.’⁸⁴

4.48 So long as schools can report on their efforts within the broad guidelines, the Government considers that individual school communities should determine their preferred responses to student management issues and to the requirements set out by the NSSF. The Government notes that,

while the use of restorative practices in schools is increasing, schools will continue to use a range of strategies to create safe school environments that suit their individual communities.⁸⁵

Reporting against the NSSF

4.49 From 2005, all Australian schools are required to report on efforts made to ensure that the school environment is safe for all students:

4.50 The NSSF reporting framework states that:

The *National Safe Schools Framework*’s six ‘Key Elements’ will be the organizing framework for jurisdictions’ reports, as these are the nationally agreed key areas across which all planning and interventions should occur.⁸⁶ The Framework’s Key Elements of good practice are:

1. School values, ethos, culture, structures and student welfare
2. Policies, programmes and procedures
3. Education/training for school staff, students and parents
4. Managing incidents of abuse/victimisation
5. Providing support for students
6. Working closely with parents.

⁸³ Dr Michelle Bruniges, *Transcript of evidence*, 7 December 2005, p. 3.

⁸⁴ Government Response to the Standing Committee on Education, Training and Young People Inquiry into Restorative Justice Principles in Youth Settings – Interim Report June 2006, *op.cit.*, p. 2.

⁸⁵ *Ibid*, p. 2.

⁸⁶ Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) *National Safe Schools Framework – A Reporting Framework*, accessed 5 September 2006 at <http://www.mceetya.edu.au/mceetya/default.asp?id=11582>

ACT Report 2006

- 4.51 On the 24 October 2006, the Committee wrote to the Minister for Education and Training requesting copies of the reports made under the requirements of the NSSF. The Minister provided the requested documents for eighty-five ACT Government schools and the overall report produced by the Department of Education and Training for the year 2005 (see Appendix E).
- 4.52 The Committee observes from these reports that the use of restorative practices does not noticeably influence the rankings made by individual schools against the six key elements of the NSSF. Most schools rank themselves in the top two (of five) indicators (that is, excelling and achieving). The behaviour management strategies being used by individual schools appears to have no discernable influence on these rankings.
- 4.53 Overall, a slightly higher than average number of schools ranked themselves highly against key element one (school values, ethos, culture, structures and student welfare) while a slightly higher than average number of schools ranked themselves lower against key element six (working closely with parents).
- 4.54 According to the reports provided by schools as a part of the NSSF process, about 50 per cent of all ACT schools consider that they are using restorative practices in one form or another.

Effectiveness of NSSF

- 4.55 In evaluating the NSSF Best Practice Grants Programme (2004-2005), Dr Helen McGrath has noted that a range of positive outcomes occurred at schools which implemented an NSSF-funded project including improvements in the general environment, greater awareness of the issues within the school community, enhanced policy and procedures, greater confidence amongst staff of their ability to respond to bullying behaviour, and positive changes in student behaviour.⁸⁷
- 4.56 McGrath's evaluation does not compare the different sorts of approaches

⁸⁷ Helen McGrath (2007) *op. cit.*, pp. 10 – 11.

adopted by programme participants pursuing the safe school goal but notes that restorative approaches were the most commonly used technique for the management of bullying incidents. Generally these schools were satisfied with the outcomes achieved, but difficulties encountered included:

- teacher uncertainty with restorative techniques;
- reliance on small numbers of trained staff;
- considerable time required to effectively implement the approach;
- small numbers of students who declined to participate; and
- resistance from parents to the approach proposed.

4.57 However, her analysis confirms the view that,

there is some support for aspects of the restorative approach, but the variety of strategies that have been the focus of evaluation studies make it difficult to come up with firm conclusions about the effectiveness of the approach.⁸⁸

4.58 Again, there are broad lessons that can be drawn from the NSSF Best Practice Grants Programme. McGrath identifies six themes that should inform all anti-bullying implementation strategies. These include:

- Theme 1: Take a whole-school approach;
- Theme 2: Plan for and create a caring, respectful, inclusive and supportive school culture;
- Theme 3: Use evidence-based practice;
- Theme 4: Use a risk management approach;
- Theme 5: Focus on skill development; and
- Theme 6: Plan for sustainability.

4.59 The Committee believes that these themes provide a useful guide for all behaviour management strategies adopted by schools including restorative strategies.

⁸⁸ *Ibid*, p. 39.

5 APPROACHES TO BEHAVIOUR MANAGEMENT

Restorative practice, with its emphasis on relationships, demands that schools attend to all aspects of the school culture and organisation and that they develop a range of relational practices that help prevent incidents of inappropriate behaviour from arising in the first place.⁸⁹

- 5.1 Flexibility is seen as an important component in the funding and policy framework established by Department of Education and Training (DET). Flexibility enables the Department to listen to teachers and respond with the best resources available to meet the need identified.
- 5.2 The Committee notes that the Department works hard to support the independent management structure of school boards. However, without knowledge of the resource capacity of each school or the actual need within the school environment, the Committee is not fully able to assess how well placed the Department is to ensure good outcomes for all students in the context of this administrative arrangement.
- 5.3 Obvious indicators include reported incidents of bullying, violence or harassment at schools and stakeholder perceptions of institutional responses to conflict. This chapter deals with these, more serious, manifestations of school behaviour.
- 5.4 One of the key concerns raised during the Inquiry, in broader public debates as well as with the Committee via the referral from the Select Committee on Estimates (as discussed in *chapter 1*), was the management of bullying, violence and harassment by individual schools and the policy frameworks and services provided by DET. Concerns about current practices raised included:
 - Guidelines for reporting of incidents;

⁸⁹ Peta Blood and Margaret Thorsborne (2005) “The Challenge of Cultural Change: Embedding Restorative Practice in Schools” a paper presented to the Sixth International Conference on Conferencing, Circles and other Restorative Practices, Sydney Australian 3 – 5 March 2005. p. 2.

- Coordinated collection of data about serious incidents;
 - Clarity of protocols within the system and with other agencies dealing with incidents;
 - Lack of transparency in the strategies used to manage incidents; and
 - Teachers' and principals' preparedness to manage disruptive behaviours.
- 5.5 The Inquiry provided the Committee with evidence that restorative justice principles offer a firm foundation for systemic or school-wide approaches to behaviour management.

Restorative practices as a foundation

- 5.6 Dr Brenda Morrison has observed that the,
- evidence suggests that conflict resolution programs must fit within the ethos of a wider safe school framework... This could be why whole school approaches to bullying have been found to be effective, while those who merely target the bully, and not the web of relationships sustaining the behaviour, by and large, fail.⁹⁰
- 5.7 Morrison's work consistently confirms that restorative practices are effective because they appeal to and extend the emotional intelligence of those involved – 'addressing the obligations raised by the harm caused'.⁹¹
- From a prevention point of view, the idea is that bystanders have preventative capabilities within the school, yet are softer targets than the offenders themselves. The sanctions that can be most effectively harnessed are the social and emotional sanctions of disapproval directed at and harnessed by the soft targets.⁹²
- 5.8 During the Inquiry, the Committee heard that restorative practices are implemented in response to school dysfunction as a means of achieving cultural change within the school and "healing" relationships which have been under strain.

⁹⁰ Brenda Morrison (2007) *Restoring Safe School Communities*, Federation Press, Sydney, p. 102.

⁹¹ *Ibid*, p. 103.

⁹² *Ibid*, p. 102.

- 5.9 As the Charnwood Primary School case study illustrated (discussed in this report at 4.15 and see also the Calwell Cluster case study in *chapter 3*), the implementation of restorative practices can make a remarkable difference to the capacity of a school to respond to conflict by changing the expectations of the school community, or by changing the school's culture.

Case Study – North Ainslie Primary School

- 5.10 Schools such as North Ainslie Primary School note on their website that,
- Our experiences have demonstrated to us that punishment and exclusion are ineffective strategies for addressing harm in schools. The implementation of restorative practices has provided us with a framework, which improves the effectiveness of conflict resolution strategies being used by students and teachers, and empowers victims and offenders to restore relationships and establish new, supportive alliances with others.⁹³
- 5.11 North Ainslie has a strong commitment to restorative practices which is clearly articulated in their behaviour management rationale.
- At North Ainslie we operate in the “firm but fair” mode, encouraging all members of our community to denounce unacceptable behaviour, to clarify values, and to seek just resolution of conflict which will meet the needs of the victim, offender and others involved in the conflict.⁹⁴
- 5.12 This commitment is also integrated into the day to day practices of the school.
- School keys are posted around the school to guide thought and behavioural action. Teachers ask students in the classroom and the playground: “Is there a key that would have helped you in that situation?” The keys demand that children and adults:
- Respect themselves
 - Care for others
 - Think before reacting

⁹³ North Ainslie Primary School, Student Management at NAPS,
<http://www.nthainslieps.act.edu.au/about_us/student_management> (accessed 20 December 2007)

⁹⁴ *Ibid.*

- Work together
- Expect the best.⁹⁵

- 5.13 During the Inquiry, the Committee visited a number of schools in the ACT and other jurisdictions. These visits confirmed the Committee's view that restorative practice programmes provide an underlying values framework which is compatible with the six key themes identified by Dr Helen McGrath as successful National Safe Schools Framework implementation strategies (see *chapter 4*).
- 5.14 The remainder of this chapter provides case studies of some of the implementation approaches being adopted in other jurisdictions, including;
- Queanbeyan South Primary School, New South Wales;
 - Beaudesert District, Queensland;
 - South Australian pilot in 11 schools;
 - Victorian pilot in 23 schools;
 - The Scottish pilot in 18 schools.
- 5.15 The experiences of a number of ACT schools **not** using restorative approaches (Ainslie Primary School, Fraser Primary School, and Melba High School) are also detailed for comparative purposes.

Case Study - Queanbeyan South Primary School⁹⁶

- 5.16 Queanbeyan South Primary School in New South Wales has a large student population comprised of children from a diverse range of cultural backgrounds including a significant number from Aboriginal and Macedonian communities.
- 5.17 Restorative practices were first introduced at Queanbeyan South in 2003 as way to improve staff and student welfare following a major review. With the support of Matt Casey (Australian Institute of Affective Practice), staff undertook training in restorative practices. The process was very much driven by the staff and the training gave structure and credibility to the strategies

⁹⁵ *Ibid.*

⁹⁶ The Committee visited the school on 9 September 2005.

developed.

- 5.18 The school has experienced a remarkable transformation since this time. Previously a large number of students were regularly placed on detention, to the point where they ‘began to treat it as a bit of a joke.’ During the first two years of implementation, the use of detention and suspension fell dramatically.⁹⁷
- 5.19 Restorative practices have changed many of the general processes used at the school. For instance, to ensure that there are plenty of positive options for lunchtime activity, equipment is provided and changed regularly to accommodate the current preferences of the students. Staff became a lot more flexible about the options that they provide for students in the playground.
- 5.20 Subsequent to implanting restorative practices, staff have been able to focus on teaching rather than behaviour management and develop programmes to improve literacy and other learning skills.⁹⁸
- 5.21 As has been noted in the previous chapter, these sorts of flow-on changes in processes used across the school make it difficult to isolate restorative practices alone as the causal factor in any subsequent improvement in the behaviour of students or in the reduction in the use of sanctions to manage behaviour. This change might be best understood and measured in terms of an improvement in the relationships within the school.
- 5.22 Restorative practices have transformed the morale at the school with students and staff feeling more supported and there being a common basis for communication established. The relationships within the school community have been enhanced and the general “comfort zone” in which day to day interaction occurs, has been expanded. Not only do staff value the restorative framework, but students perceive restorative practices to be a fair system.

⁹⁷ Abbey Porter (2005) “Restorative practices at Queanbeyan South, an Australian primary school” in *Restorative Practices EForum*, International Institute for Restorative Practices, accessible at <www.iirp.org>

⁹⁸ As noted in the Charnwood Primary School case study in *chapter 4*, some schools report that once implemented, restorative practices see an improvement in overall literacy and numeracy outcomes.

- 5.23 The staff at the school reported that they engage students in restorative conversation constantly using circle speak techniques and ensuring that time is set aside after recess and after lunch to enable children to talk things through.⁹⁹ Children complain if circle time is overlooked.
- 5.24 Queanbeyan South Public School uses the standard restorative script to respond to school-based conflict:
- What happened?
 - What were you thinking at the time?
 - What have you thought about since?
 - Who has been affected by what you did?
 - In what way?
 - What do you think you need to do to make things right?¹⁰⁰
- 5.25 When initially developing restorative practices meetings were held with the families of student to inform them of the approach and copies of the script were provided. There was general support for the idea with some parents even employing the questions at home with success.
- 5.26 Regardless of parental views, however, the school emphasises to students that they must know and respect the rules of the school. Students are given clear indications of what is unacceptable in the school environment. Surveys undertaken by the school as a part of the National Safe Schools Framework reporting 'show that parent and student satisfaction with the school social environment is very high.'¹⁰¹
- 5.27 Strong support of the staff in the introduction and ongoing management to restorative practices is seen as the foundation of this school's success.

Case Study - Beaudesert District, Queensland

- 5.28 While visiting Queensland, the Committee had the opportunity to meet and

⁹⁹ Student wellbeing page < http://www.queanbeyas-schools.nsw.edu.au/sp_student_wellbeing.html > (accessed 20 December 2007).

¹⁰⁰ This standard script is used at a number of ACT schools such as Charnwood Primary School and Melrose High School as well as schools in other jurisdictions.

¹⁰¹ *Ibid.*

discuss the experiences of teaching and departmental support staff working at the Beaudesert Primary School & Beaudesert District.

- 5.29 Beaudesert Primary School trialled the use of the circle-time (called “magic circle” in this jurisdiction) model following a needs assessment conducted by the teacher and advice from the Beaudesert District Behaviour Advisory Team. The strategy was developed by an early career teacher with the support of the school’s principal in response to the disruptive classroom behaviour of one particularly unresponsive student.
- 5.30 Using a formal text¹⁰² the classroom conference process required approximately three to four days preparation and was conducted over a series of sessions lasting approximately four or five hours.
- 5.31 The Committee was advised by the teacher and the principal that the results had been highly successful with all students, including the original student, being able to explain their feelings and motivations in a non-judgemental way. Subsequently, students demonstrated greater understanding of the relationship dynamics at work in the classroom and displayed empathy for each other. The event had a profound impact on the classroom community with a flow on to the rest of the school. The whole school is now considering how restorative practices might be further integrated.
- 5.32 In achieving this outcome, the school was given strong support by the Beaudesert District Senior Guidance Officer. Behaviour management support offered at the district level also includes advice, class room auditing and teacher training (the Queensland system is discussed in more detail in *chapter 7*).
- 5.33 The Senior Guidance Officer advised the Committee that experience in the field highlights the importance of early interventions. When school responses are left to a “clinical deficit model,” the costs of interventions may ultimately be far greater.
- 5.34 Alongside the work being undertaken at the school district level, a

¹⁰² Text used was from Margaret Thorburne and David Vinegrad’s book, *Restorative Practices in Classrooms: Rethinking Behaviour Management*. See <www.inyahead.com.au>

longitudinal intervention project commenced in 1999. The project liaises with disadvantaged children and their families and community institutions including primary and secondary schools.

- 5.35 As a part of this broader intervention, the *Pathways to Prevention Project*¹⁰³ is being undertaken in seven schools using restorative practice inspired behaviour management strategies. The researchers from the Pathways project have concluded that:

The success of efforts to promote the positive development of all Australian children (and particularly the one in seven who live in relative poverty: UNICEF, 2005) will, in the end, depend on the willingness of the community services sector, together with major institutions such as schools, to modify structures, culture and practices in the light of children's needs, promoting strong connections between developmental settings for the enrichment of children's lives and their social environments.¹⁰⁴

The South Australian pilot

- 5.36 In 2005, the South Australian Department of Education and Children's Services (DECS) conducted a pilot project to assess the use of restorative practices in 11 primary and high schools. The pilot confirmed many of the key themes that have already been identified in this report – the need for leadership; the importance of effective training to extend the skills base of staff and students; and, the centrality of building relationships within the community to establish a framework which encourages self-regulation.¹⁰⁵
- 5.37 Despite constraints in the scope of the evaluation, the report concluded that:
- Restorative practices are consistent with DECS policy;
 - Restorative practices are supported by significant proportions of school staff

¹⁰³ See: <<http://www.griffith.edu.au/arts-languages-criminology/key-centre-ethics-law-justice-governance/publications/prevention-developmental-pathways>> (accessed 12 December 2007).

¹⁰⁴ http://www.griffith.edu.au/__data/assets/pdf_file/0008/15101/better-quality.pdf

¹⁰⁵ Restorative programmes in South Australia are firmly supported by the training, advice and networking capacity of the Centre for Restorative Justice. See <<http://www.restorativejustice.com.au/>>

after exposure to training in restorative practices;

- Restorative practices support the development of positive relationships between students and staff, thus providing a context for effective learning for students, and potentially reducing stress for staff;
- Restorative practices support the development of partnerships between schools and parents of students, particularly where those students have been involved (either as wrong-doers or ‘victims’) in behavioural incidents;
- Restorative practices support the development of positive social skills, reflection on own behaviour, and personal responsibility by students. This is consistent with a range of intended learning outcomes across the curriculum, and not just with changed student behaviours;
- Restorative practices support the sharing of responsibility for student behaviour management across staff teams, and between staff, parents, and students.¹⁰⁶

The Victorian pilot

- 5.38 In 2002, the Victorian Department of Education and Training and the Catholic Education Commission of Victoria commenced a restorative justice pilot project in 23 schools which was evaluated in 2004 and 2005 by Helen Stokes and Gary Shaw.
- 5.39 The pilot deployed a continuum of restorative strategies ranging from formal (conferences) to informal (restorative questions and affective statements) in four regional clusters with government and Catholic system primary and secondary schools. The evaluation found that formal processes were more of a time burden than ‘informal strategies such as affective statements and questions.’¹⁰⁷
- 5.40 Reasons given by schools for implementing restorative practices included prevention, early intervention, and specific behaviour management interventions. Over time, these latter schools ‘began to see the benefits of a

¹⁰⁶ Department of Education and Children’s Services (2006) *Developing Restorative Practices in South Australian Schools: A Pilot Project – Evaluation Report*, Adelaide, p. 58 – 59.

¹⁰⁷ *Ibid*, p. 7.

whole school approach...underpinned by a shift in emphasis from managing behaviour toward the building, nurturing and repair of relationships across the whole school.’¹⁰⁸

5.41 In the evaluation, Stoke and Shaw noted that:

All respondents reported examples of improved student behaviour, and changes in staff response to student behaviours. Schools that had been using Restorative Practices for some time were able to report changes in the numbers of discipline incidents and reductions in suspensions.¹⁰⁹

5.42 The evaluation report concluded that at least three years was ‘required to establish widespread support and relevant structural reform.’¹¹⁰ Sustainability was best achieved by schools which were a part of a cluster with network meetings and regional facilitators playing an important role linking schools to each other and to resources as well as helping schools to keep focused in their implementation.¹¹¹ In the absence of a fully developed evidence base at this stage, the need for a professional learning community using restorative practices was highly recommended.¹¹²

5.43 Another strategy for sustainability identified was to ensure that current school improvement and review frameworks ‘link the goals of Restorative Practices to outcomes.’¹¹³

The Scottish pilot

5.44 In 2004, the Scottish Government provided for a 30 month long trial evaluation project of restorative practices in 18 schools. Key findings include:

- Different implementation strategies are used at primary and secondary school levels;
- Few formal conferences were used but a continuum of practice was evident

¹⁰⁸ Helen Stokes & Gary Shaw, *op.cit*, p. 4.

¹⁰⁹ *Ibid*, p. 6.

¹¹⁰ *Ibid*, p. 5.

¹¹¹ *Ibid*, p. 7.

¹¹² *Ibid*, p. 9.

¹¹³ *Ibid*.

in most schools with the use of informal conferences and restorative meetings;

- Mediation strategies, including peer mediation, were widely used;
- Implementation takes time, and subsequently resourcing for the pilot was extended;
- Funding was important but some no-cost restorative practices were evident;
- Over half the schools involved demonstrated improved relationships within school communities;
- Successful schools are willing to reflect on their practices;
- Staff enthusiasm, commitment and leadership are crucial; and
- When restorative practices were successfully implemented, there were measurable reductions in playground incidents, discipline referrals, exclusions and the use of external behaviour management services.

5.45 Primary schools found that restorative practices could provide a useful “glue” to integrate existing practices. There was a strong focus on restorative language and values in primary school settings with students noticing that teachers listen to “both sides of the story.” These schools reported favourable improvements in school culture and noted that children developed conflict resolution skills.

5.46 Secondary schools tended to establish more formal implementation mechanisms with restorative meetings between teachers and students to deal with issues of conflict and some use of restorative conferences which involved families. These schools tended to focus implementation towards students with more challenging behaviours and, in some cases, this made it difficult to challenge beliefs about traditional discipline models.

5.47 Overall, the Scottish pilot supports the positive experiences of other jurisdictions implementing restorative practices in educational settings.

Non-restorative schools

5.48 The Committee also visited some ACT Government schools which did not use a restorative practice approach but which had well developed behaviour management strategies. The Committee noted some commonalities with restorative practices approaches in the relational focus adopted.

Ainslie Primary School

- 5.49 Ainslie Primary School does not use restorative practices directly but has a behaviour management strategy and various programmes which the school considers to be consistent with the general intent of that approach. The school has established a strong values base, emphasises relationship building and seeks to empower students in self-regulation of behaviour.
- 5.50 The School believes that:
- Core belief documents that are a dynamic resource and should be regularly reviewed. National Framework for Values Education in Australian Schools has provided a focus for this review process in recent years and been used to reinforce those values;
 - Student ownership of rules and values is considered very important. Weekly assemblies provide opportunities to reinforce the school values, the uniform code, and positive behaviours through an individual merit award system. A class rewards programme encourages positive behaviours in the classroom. Peer support training harnesses positive peer pressure and Year 6 students act as playground mediators with the skills to de-escalate minor disputes;
 - Consistency across the school is important, so student management policies are articulated and easily accessible. Policies (including supporting documentation and proformas) are included in the teachers' handbook. The website includes details on policies for the general information of the school community.¹¹⁴ However, the approach must also be flexible enough to adapt to the school's needs and be consistent with the school community's expectations;
 - Behaviour management strategies adopt a positive, rather than punitive approach, with the understanding that this builds positive relationships between students, teachers, and the whole school community. Leadership roles for Year 6 students are encouraged and an outreach music programme

¹¹⁴ Accessible at < http://www.ainslieps.act.edu.au/student_welfare > (accessed 17 December 2007)

means that students as a group perform before the broader community.

- 5.51 Unacceptable behaviour is managed with a timeout procedure. Response to physical behaviours includes a removal and reflection (R&R) process. Removal and reflection is not a detention strategy but rather the objective is to resolve behaviour and return students to the classroom/playground as soon as possible.
- 5.52 Encouraging students to reflect on their behaviour has seen a gradual decline in incidents of re-offending of students. The school keeps records of any incidents and parents will be contacted after two or three incidents of serious non-compliance.
- 5.53 Executive staff at the school have been trained in Life Space Crisis Intervention, a five day intensive professional development course designed to address difficult or challenging behaviour. An executive teacher is always available to support classroom teachers if needed.

Fraser Primary School

- 5.54 Fraser Primary School does not use restorative practices but uses a strategy and programmes that are consistent with such an approach. The school has a clearly articulated values base, affirms the importance of relationships and encourages the development of skills in students to manage their own behaviour. The behaviour management approach adopted by the school incorporates an expectation that individuals should accept ownership of their behaviour. Semi-structured class meetings are held regularly and in this forum, each class negotiates and establishes “classroom rules and logical consequences” which all are expected to uphold.
- 5.55 Language and behaviour are shared concerns for all of the school community with students often explaining to new students that “we don’t do that here.” Common questions such as “are you managing this behaviour?” are used by staff and sometimes students.
- 5.56 The school uses a values education framework (SCARF – support; cooperation; acceptance; respect, friendliness) based on reciprocal respect within the school and founded on a strong sense of community. The school uses the motto, “quality feels good.” Success is celebrated in the regular assemblies and

newsletters.

- 5.57 The development of emotional intelligence is embedded in the learning experience. Each child has an individual learning plan with a “learning to learn” focus. For example, the inclusion into the school of a new student who had experienced considerable trauma in the past was carefully planned prior to commencement. In consultation with the student, the family and relevant support services, an integration model was used and accommodated a differentiated curriculum, regular lesson breaks and the application of consistent behaviour boundaries.
- 5.58 Current practices have been embedded for about four years and prior to that there were considerable behavioural difficulties within the school community. An external validation team recently assessed the school as innovative with a happy staff. The school receives good feed-back from the parents and the size of the school has grown considerably over recent years.

Melba High School

- 5.59 Melba is a large high school with about 640 students and 46 (full-time equivalent) teaching staff. Melba High School has an adviser & a coordinator for each year group. They also have contact groups. Each provides a point of contact and pastoral care for students.
- 5.60 Melba High School does not use restorative practices but uses strategies and programmes which are consistent with such an approach. The key focus for Melba is to “build relationships” and the school draws on a range of other social or support programmes to achieve this goal.
- 5.61 The key focus for the approach is the consistent management of interactions. Like restorative practice, maintaining and restoring relationships is a primary goal. A clear structure of support for students has been developed with an adviser and coordinator provided for each year level. Where an incident of harm has occurred, the year coordinator will work with affected students to help them develop resilience. Like restorative practices, this requires a lot of fact finding which can be time consuming for staff. A lot of time is also required for coordination and communication between teachers and year coordinators.

- 5.62 Where disciplinary action is assessed as needed, the school has a four-step reflective re-entry process. The school considers it important for the system to be flexible and adaptable to the specific needs of each child. The year coordinator liaises with parents as necessary.
- 5.63 Good attendance figures are taken as an indication that the strategy is successful.
- 5.64 While the school does not use formalised restorative practice questioning processes or formal conferences, they do employ strategies to support, redeem and repair the relationships that make up the school community. That is, the school supports restorative values.

Building relationships within school communities

- 5.65 Programmes, policies and practices that build relationships are common in contemporary education settings. Not only are these understood as the foundation for behaviour management strategies within schools, but they are also seen as ‘a foundation for a learning community based on relationships.’¹¹⁵
- 5.66 The Committee notes that the development and maintenance of effective student management strategies can be time intensive. While this is often a criticism made of formal restorative processes such as conferences, the Committee believes that schools that are effective in their efforts to promote a safe school will devote considerable resources to achieving this outcome.
- 5.67 The Committee notes that while the non-restorative schools visited do not employ restorative practice programmes *per se*; they have developed effective behaviour management strategies which focus on relationship building, personal responsibility, shared values and clear behaviour guidelines. These are fully consistent with restorative justice principles. With appropriate systemic support and encouragement, the Committee believes that these measures provide the foundation to develop fully restorative programmes with encouragement.

¹¹⁵ ACT Council of P&C Associations, *Submission no. 16*, p. 1.

6 BULLYING IN SCHOOLS

The notions of relationship repair and accountability have particular appeal in schools where issues of order, justice and punishment are closely linked to social relationships and educational inclusion.¹¹⁶

- 6.1 Conflict within schools can take a variety of forms but will be most problematic when it constitutes bullying, violence or harassment.
- 6.2 The Committee determined during the course of the Inquiry to consider the experiences of bullying and associated behaviours and the potential of restorative practices to support efforts to ensure safe schools. In this context, bullying behaviour is understood in terms of dysfunctional social relationships and a risk that needs to be carefully managed within schools and across the system.

Facts about bullying, harassment and violence

- 6.3 In its supplementary submission to the Inquiry, the Government proposed the following definitions of these terms:
- *Bullying and harassment* are products of social dynamics and can be defined as the repeated negative actions by individuals or groups against a target individual or group, which involves an imbalance of power. These forms of abuse can take different forms – verbal, physical, social or psychological. Actions can be observable and hidden.
 - *Violence* involves incidents where a person is intimidated, abused, threatened, physically assaulted or where property is deliberately damaged by another person. It is an extreme use of force often resulting in injury or destruction. Violence does not necessarily involve an imbalance of power.¹¹⁷

¹¹⁶ Helen Stokes and Gary Shaw (2005) *Restorative Practices Pilot in Victorian Schools*, The Youth Research Centre, University of Melbourne, p. 3.

¹¹⁷ Minister for Education and Training (2007) Submission no. 19, pp. 1 – 2.

- 6.4 Elsewhere, the Minister for Education and Training has also pointed out that bullying and violence is a social problem not limited to the school environment but can occur in the workplace, the home or the sporting field.¹¹⁸
- 6.5 Bullying researcher and consultant, Dr Ken Rigby has proposed the bullying “formula” as,
- a desire to hurt + a power imbalance + (typically) repetition + an unjust use of power + evident enjoyment by the aggressor and a sense of being oppressed on the part of the victim.¹¹⁹
- 6.6 Rigby suggests that this formula avoids a simplistic definition of bullying and makes us ‘less inclined to think that to counter bullying we must believe in the perfectibility of the human race.’¹²⁰ Rather, bullying is behaviour to be managed and discouraged in the school community and the harm caused minimised.
- 6.7 As a social issue, bullying has risen in public prominence over recent years. It is not clear whether the level of bullying within schools has increased over this time or whether community awareness and concern has simply grown. Regardless, educationalists and communities have for some time considered effective strategies to deal with bullying, harassment and violence in the school environment to be a priority.
- 6.8 The negative and potentially long-term impact on those who experience bullying and those who bully is widely recognised. It is also understood that bullying behaviour can have a contaminating effect on the whole school culture and the relationships within the community.¹²¹
- 6.9 The Committee is also aware of the changing profile of school-based violence

¹¹⁸ Mr Barr, “Minister opens bullying forum” *Media Release* 25 October 2006.

¹¹⁹ Ken Rigby “What is bullying?” accessible at <
<http://www.education.unisa.edu.au/bullying/define.html>> (accessed 26 October 2007).

¹²⁰ *Ibid.*

¹²¹ Brenda Morrison (2007) *Restoring Safe School Communities: A whole school response to bullying, violence and alienation*, The Federation Press: Annandale.

and bullying with access to weapons¹²² and information communication technology (ICT) changing the nature and context of conflict.

- 6.10 In the ACT, and elsewhere in Australia, particular attention has been given to the use of mobile phones to film violent incidents in school grounds which are later posted on popular websites such as YouTube.¹²³
- 6.11 Public discussion on the issue has highlighted the way that broad cultural influences such as reality television may mean that some young people see distribution of footage as a way to gain kudos within their peer groups and may not appreciate this action can exacerbate a bullying incident or assault.¹²⁴
- 6.12 Following discussions with two groups of young people, the Commissioner for Children and Young People, Ms Linda Crebbin, has noted that:

Those who have been involved in violence have a more realistic experience and don't think it is right for it to be filmed: the ones who are one step removed from the action and watching from a safe distance see it as entertainment.¹²⁵
- 6.13 The significance of bystander behaviour in deterring or supporting bullying behaviour has been highlighted by researchers and anti-bullying strategies now seek to mobilise peer pressure against bullies.¹²⁶
- 6.14 Although there is considerable concern about bullying and related behaviours, data about the actual level in Australian schools is less clear. In part, this reflects the nature of this behaviour. Bullying behaviour is often hidden from view, is about power, and occurs in all social institutions, not just educational settings.

¹²² Victor Violante (2007) "Court told of sword kill threat" in *The Canberra Times*, Sunday 22 July 2007, accessible at <http://canberra.yourguide.com.au/detail.asp?story_id=1025177> (accessed 23 October 2007).

¹²³ See Emma MacDonald (2007) "Defying the schoolyard bullies" in *The Canberra Times*, Saturday 2 June 2007, Saturday Forum p. 3.

¹²⁴ *Ibid.*

¹²⁵ Ms Linda Crebbin quoted in Emma Macdonald, "Defying the schoolyard bullies" in *The Canberra Times*, Saturday 2 June 2007, Saturday Forum p. 3.

¹²⁶ Ken Rigby and Bruce Johnson (2006), "Expressed Readiness of Australian Schoolchildren to Act as Bystanders in Support of Children who are Being Bullied" accessible at <<http://www.education.unisa.edu.au/bullying/Bystander-Educational-Psychology.pdf>> (accessed 30 October 2007). See also <<http://www.education.unisa.edu.au/bullying/>> (accessed 30 October 2007).

- 6.15 In the ACT, individual schools hold data relating to most incidents of bullying, violence and harassment. The Department does not collect data on the number of incidents at individual schools highlighting privacy issues that must be considered about notification of specific incidents to the Department.¹²⁷
- 6.16 DET does consider that the National Safe Schools Framework (NSSF) data, which was collected nationally from 2005, will provide system-level indicators that might identify trends at the local and national levels and build a significant comparative profile over time.¹²⁸
- 6.17 This profile will also be supplemented by the extensive ACT review processes which are undertaken on a three-year cycle. The *Schools Excellence Programme* requires schools to undertake a self-assessment and review performance indicators such as parent satisfaction, student and staff safety issues. Using this evidence base, schools are able to develop strategic responses as required. If gaps in performance are discerned, DET provides a range of resources including student management consultants who can give advice and support to individual schools on best practice approaches.¹²⁹
- 6.18 As suggested in *chapter 3*, a recent evaluation of restorative schools in the ACT provides a clear indication of areas for improvement in the collection of data and other systemic supports. The Committee has recommended that the Department develop a data collection process.¹³⁰
- 6.19 Despite the lack of collated data across the education system, other research indicates the significance of the problem. In a 1997 national survey, Ken Rigby found that that one in six school children between seven and seventeen are bullied by peers each week. In secondary schools, incidents of bullying are most frequent in Years 8 & 9.¹³¹
- 6.20 In 2006 in the ACT, bullying represented the ninth most common reason

¹²⁷ Dr Bruniges, *Transcript of Evidence*, 28 June 2006, p. 819. See also DET's policy *Providing Safe Schools P-12*, accessible at <<http://www.det.act.gov.au/policies/policies.htm>>

¹²⁸ Dr Bruniges, *Transcript of Evidence*, 28 June 2006, p. 816.

¹²⁹ Mr Curry, *Transcript of Evidence*, 28 June 2006, p. 818.

¹³⁰ Note Recommendation 5.

¹³¹ Ken Rigby (1997) "What children tell us about bullying in schools" accessible at <<http://www.education.unisa.edu.au/bullying/>> (accessed 30 October 2007).

children made contact with the Kids Help Line (a telephone and online counselling support service for children and young people) representing 3.8 per cent of the recorded calls.¹³²

- 6.21 The 2006 national overview of this service indicates that bullying was the sixth most common reason for children and young people to seek help and a total of 3014 bullying related counselling sessions were recorded. This represents a decrease in numbers since 2002, when 6,000 bullying related calls to the help line were made.
- 6.22 Mission Australia's 2007 survey of young Australians indicated that bullying and emotional abuse was the major concern for young people in the 11 to 14 year old age group. In the ACT, 30.3 per cent cited this as their major concern. The figure declines for young adults (15.4 per cent) with stress becoming the principle concern.¹³³
- 6.23 In May 2007, it was reported by local media that 58 applications for personal protection orders (PPO) were made in 2006-2007 financial year in relation to students aged between eight and seventeen at government schools (49), non-government schools (6) and universities (3). Most related to allegations of bullying. According to the report, this figure represents about six per cent of the total number of applications for PPOs.¹³⁴
- 6.24 Both the Public Advocate of the ACT and the Commissioner for Children and Young People have voiced concern about 'an increasing number of applications and interim orders for PPOs which were made in relation to young people as a result of incidents occurring within schools'.¹³⁵
- 6.25 Instances of violent conflict between school-aged children have also been reported in the media during 2007. One report suggested that around 100 such

¹³² <<http://www.kidshelp.com.au/upload/18572.pdf>> (accessed 30 October 2007).

¹³³ Mission Australia, *National Survey of Young Australian 2007: Australian Capital Territory summary* accessible at <<http://www.missionpromotion.com/youth/NYS%202007%20ACT%20summary.pdf>> (accessed 30 January 2008).

¹³⁴ Emma Macdonald (2007) "Call to arms on school bullies" in *The Canberra Times*, 5 May 2007 accessible at <http://canberra.yourguide.com.au/detail.asp?story_id=581963> (accessed 31 October 2007).

¹³⁵ Public Advocate of the ACT (2007) *Annual Report 2006-2007*, accessible at <<http://www.oca.act.gov.au/category.php?id=8>> (accessed 9 November 2007).

assaults are reported to police each year and around 36 per cent of these reports progress through investigation to charges being laid. The report indicated that approximately 12 per cent of these reports are sexual assaults.¹³⁶

6.26 As the ACT Victims of Crime Coordinator reminded the Committee:

Schools, especially colleges, maintain a delicate balance within their immediate environment in managing student behaviour, and behaviour between students and teachers. However a clear differentiation must be made between what should be reported to police as possible criminal conduct and what is within the scope of community-based resolution.¹³⁷

Policy context

6.27 As a backdrop to the issues addressed in this Inquiry there is a public debate about how anti-social behaviours should be dealt with by governments. A part of this debate is the capacity of schools to provide the level of pastoral care required to curb anti-social behaviours such as bullying and harassment. As a key institution in the development of children and young people, there is a strong expectation that schools should play a role in their socialisation. The extent to which this expectation can be accommodated is the subject of regular policy negotiation between stakeholders.

6.28 In the public policy context, any social support offered by schools must be balanced against the educational objectives of the school system.

6.29 In part, the capacity of education institutions to respond to social deficit is a resource factor with teachers already experiencing pressure to cover the requirements of the curriculum and incorporate other social components such as health promotion activities and mandatory reporting requirements in their professional duties.

6.30 There is the view, however, that the future of the community – ideally comprised of well adjusted, engaged citizens – is too important to leave to

¹³⁶ Emma Macdonald (2007) "Police move on schools violence" in *The Canberra Times*, 24 May 2007 accessible at <http://canberra.yourguide.com.au/detail.asp?story_id=588179> (accessed 31 October 2007).

¹³⁷ Robyn Holder, Submission no. 17, p. 3.

chance despite the fact that schools alone can not compensate when parenting skills or other social support systems fail. Schools have some role to play as a supporter and facilitator of better social skills for both children and their parents.

6.31 There are also a range of social welfare factors that can impact on the way that children engage with schooling and the behaviours that are estimated within education institutions. These include health and housing issues, the composition of families, and the broad-ranging social implications that accompany disparities between high and low income households. The educational outcomes achieved in schools are strongly influenced by these social factors.

6.32 A study of 2,616 year 8 and 9 students undertaken in New South Wales in 2005 concluded that:

Although schools clearly had a strong influence on violence, individual and family related factors were also significantly associated with violence perpetrated on school premises. The probability of a student reporting attacking another student was higher for students who:

- Were male.
- Lived in a sole parent family or with neither parent.
- Had experienced a punitive parenting style.
- Often had problems with their family in the past six months.
- Often acted impulsively.
- Had problems with reading and/or writing.

Students were less likely to report attacking another student if:

- their behaviour/whereabouts was closely monitored by his/her parents;
- Their mother was aged older than 40 years.¹³⁸

¹³⁸ Anne C Grunseit, Don Weatherburn and Neil Donnelly (2005) *School violence and its antecedents: interviews with high school students*, New South Wales Bureau of Crime Statistics and Research, p. viii, accessible at [http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/R56.pdf/\\$file/R56.pdf](http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/R56.pdf/$file/R56.pdf) (accessed 29 January 2008).

- 6.33 Also of relevance in this debate is the culture of competition that an emphasis on scholastic performance can introduce into the school environment. Schools are highly social institutions where children learn to interact with others. Some commentators highlight the importance of finding a balance within the school environment between competitive, individual activities (favoured in a performance culture) and cooperative, collective capacities needed for social capital building and harmony. In the words of Brenda Morrison, schools should be 'a place that fosters collective pride as well as respect for individuals.'¹³⁹
- 6.34 Other societal changes can effect social relationships and be particularly pronounced for young people. For instance, the increased use and capabilities of information and communication technologies can change the foundation of social relationships and the manner in which people relate to one another. While ICT can have a positive impact on learning and general communication, it may also facilitate more subtle forms of bullying. Increased community awareness of cyber-bullying illustrates how anti-social behaviour can be adaptive and require different responses because of different forms of social interaction.
- 6.35 A recent study in Queensland indicates that the incidents of technology based bullying may be underestimated. Preliminary data from a Queensland study involving 218 participants indicated that 93.6 per cent had experienced some form of mobile phone bullying which included use of a mobile phone to 'harass, menace, or offend someone and can include such action as sending obscene or pornographic images, threats to sabotage a person's reputation, or inappropriate messages of affection.'¹⁴⁰
- 6.36 The Committee is of the view that members of the community primarily require reassurance that adequate measures and protocols are in place to deal with the full range of behaviours experienced in school environments. This includes reassurance that violent behaviour will be referred to the police for

¹³⁹ Brenda Morrison (2007) *Restoring Safe School Communities*, Federation Press, Sydney, p. 105.

¹⁴⁰ Judy Drennan, "Almost all teens face mobile phone bullying: Study" Queensland University of Technology Media Release 23 January 2008; accessible at <http://www.bus.qut.edu.au/news/news-event.jsp?news-event-id=15358> (accessed 29 January 2008).

appropriate action. (See *recommendations 10, 11 and 12*).

- 6.37 Given the scope and intensity of the debate and that factors at stake, the Committee believes information about the (sometimes changing) nature of conflict in school settings, the strategies being used to combat conflict and preventative measures being implemented should be readily accessible to school communities in the ACT.
- 6.38 There are ample information and support services available to assist people experiencing bullying or harassment and the Committee recommends that an information page on the DET website be developed to improve access to these resources. The Committee considers the website established by the Victorian Department of Education and Early Childhood Education to be exemplary.¹⁴¹
- 6.39 Similarly, prominent and easily access links to other relevant websites, such as the Kids Help Line¹⁴² and Bullying. No Way!,¹⁴³ would offer easy access to information and support services for children, young people and their parents. The Committee believes that the Government should consider including links to these sites on the government schools' website template (in the same way it currently provides a link to the service *Parentlink*). These websites are specifically designed as a first point of contact for students or their families who are uncertain about what action they can take.
- 6.40 The Committee also notes that other sites of community information, such as the Human Rights Commission, could include material and links that are accessible and useful to children, young people, parents or friends seeking support or advice on bullying or harassment. The Committee considers the

¹⁴¹ See the Student Welfare website, Victorian Department of Education and Early Childhood Education, accessible at <<http://www.sofweb.vic.edu.au/wellbeing/safeschools/bullying/index.htm>> (accessed 30 October 2007) See also the South Australian Department of Education and Children's Services website, accessible at <<http://www.decs.sa.gov.au/portal/students.asp?group=wellbeing&id=healthwellbeing>> (accessed 30 October 2007).

¹⁴² Kids Help Line is a free 24-hour telephone and on-line counselling services for children and young people aged between 5 and 25 years of age: see <http://www.kidshelp.com.au/home_KHL.aspx?s=6> (accessed 30 October 2007).

¹⁴³ Bullying. No Way! is an initiative of government, Catholic and independent educational communities which provides resources and information for people experiencing or concerned about bullying in schools: see <<http://www.bullyingnoway.com.au/>> (accessed 27 October 2007).

NSW Commission for Children and Young People website to be exemplary in this regard.¹⁴⁴

RECOMMENDATION 7

- 6.41 **The Committee recommends that the Department of Education and Training make prominent on the departmental web site links to community information and support services such as the *Kids Help Line* and *Bullying. No Way!***

RECOMMENDATION 8

- 6.42 **The Committee recommends that links to information and support service websites, such as *Kids Help Line* and *Bullying. No Way!*, be incorporated into the template for all ACT government school websites.**

RECOMMENDATION 9

- 6.43 **The Committee recommends that the Human Rights Commission consider expanding the web-based resources available to vulnerable children and young people seeking guidance and support.**
- 6.44 The Committee considers that restorative justice principles underpin the rationale and coherence of these recommendations. As discussed in *chapter 2*, restorative principles affirm the importance of preserving and repairing the relationships that sustain individuals within the community as well as communicating to victims of bullying that reparation rather than retribution can be an effective solution.

¹⁴⁴ See for instance, the resource page and links provided by the NSW Commission for Children and Young People <<http://www.kids.nsw.gov.au/kids/thezone/resources.cfm>>

7 RESPONSES TO BULLYING

In summary, for interventions to be effective, they need to move beyond mere information campaigns that address the deed over the doer; they need to respond to individuals, as well as the relational dynamics between individuals; moreover, they need to seek out reason while navigating emotions.¹⁴⁵

- 7.1 In the ACT, the Department of Education and Training (DET) and the Catholic Education Office provide guidelines for school personnel on how they should deal with incidents of bullying, harassment or violence.
- 7.2 DET has developed the following policies to guide school level policy development and implementation:
- Countering bullying, harassment and violence in ACT public schools;
 - Countering racism in ACT public schools;
 - Countering sexual harassment in ACT public schools;
 - Appropriate use of mobile phones;
 - Playground supervision of students;
 - Suspension, exclusion and transfers in ACT public schools; and
 - Providing Safe Schools.
- 7.3 The Catholic Education Office also provides guidance and training for schools and, as is the case with the public system, each school determines the specific policy and strategic approach to be adopted. The National Safe Schools Framework (NSSF) supports these efforts and establishes a reporting obligation on each school through each jurisdiction (see *chapter 4* for more details).
- 7.4 Dr Bruniges advised the Committee that it is ‘about flexibility within a framework...allowing professional judgment of teachers and school communities about how best to approach some of those circumstances.’¹⁴⁶

¹⁴⁵ Brenda Morrison (2007) *Restoring Safe School Communities*, op.cit. p. 6.

¹⁴⁶ Dr Bruniges, *Transcript of evidence*, 7 December 2005, p. 3.

- 7.5 Given the system of school-based management in ACT public school system, the effective management of conflict within schools will reflect the effectiveness of the student behaviour management framework developed by the school.
- 7.6 School communities develop suitable strategies in response to bullying and associated behaviours. These may include the development of:
- Restorative justice processes;
 - Mediation strategies;
 - Social skills programmes;¹⁴⁷ and
 - Rules and sanctions.
- 7.7 For instance, at hearing Mr Marsh from the Catholic Education Office described one school which has had:
- significant success using circle talk in dealing with complaints of bullying. The school reports that circle talk has had a marked rehabilitative effect on bullies and given confidence and resilience to those who have been bullied.¹⁴⁸
- 7.8 A number of schools use mediation strategies which might include peer mediation training for students or the teaching of problem solving techniques to build resilience and encourage reparative discussion and negotiation between students.
- 7.9 Many schools develop a combination of these options to suit the school's particular circumstances. For instance, the Committee heard that Charnwood Primary School (now Charnwood-Dunlop Primary School) uses a program called "You Can Do It" which seeks to develop and affirm the necessary social skills within children and reinforces the restorative values already practiced in the school.¹⁴⁹
- 7.10 In its supplementary submission to the inquiry, the Government provided the

¹⁴⁷ A list of the programmes being used in ACT Government schools is reproduced at Appendix D.

¹⁴⁸ Mr Marsh, *Transcript of evidence*, 9 December 2005, p. 52.

¹⁴⁹ Mr Ross, *Transcript of Evidence*, 9 December 2005, p. 6. More information about this program can be found at <<http://www.youcandoit.com.au/>>

Committee with a comprehensive list of the social skills programmes used within the public school system to respond to bullying behaviours by promoting the development of effective social skills amongst the students. The list is included at Appendix D.

- 7.11 As was noted in *chapter 4*, the Committee visited a number of schools which did not use restorative practices. These schools were managing any incidents through a combination of strategies that best suited the resources and circumstances of the particular school community.¹⁵⁰
- 7.12 Many schools maintain traditional methods of disciplinary sanctions such as time-out, suspension and expulsion. These sanctions are generally well defined and described in school policy documents and use of long suspension or expulsions is monitored by the Department. The authority to transfer, suspend or expel students is circumscribed by section 36 of the *Education Act 2004*. The Department of Education and Training provides an extensive policy on the delegation and use of this authority.¹⁵¹
- 7.13 The Committee considers that a mix of different options is warranted to deal with the broad range of behaviours exhibited in “the real world” of schools. However, non-punitive approaches reflect an ideal that should inspire adaptation and regular review of practices.
- 7.14 As was suggested in *chapter 6*, however, school communities need to have clear information about the scope and purpose of the options available. The Committee believes that the directives, such as those released in 2007 concerning reporting requirements for violence within schools, can provide greater clarity for school-based decision-making.¹⁵²

¹⁵⁰ The Committee also notes that a number of external community based initiatives interact with schools for the purpose of supporting broader social relationships and objectives. For instance, the Walking School Bus is a volunteer programme administered by the YWCA of Canberra.

¹⁵¹ See *Suspension, exclusion or transfer of students in ACT public schools* (2007) accessible at <<http://www.det.act.gov.au/policies/pdf/SuspensionExclusionTransfer.pdf>> (accessed 8 January 2007).

¹⁵² This policy can be accessed via the Department of Education and Training website at http://www.det.act.gov.au/_data/assets/pdf_file/0005/19499/SafeSchoolsP-12.pdf (accessed 19 March 2008).

- 7.15 There are a number of factors that will influence the adequacy of responses to incidents of bullying, harassment or violence, however. These include:
- school culture;
 - leadership;
 - socio-demographic factors;
 - variations in values and attitudes across the whole school community;
 - external factors that may require coordination (other agencies, media);
 - resources available at the time of the incident and afterwards;
 - scope of guidelines to cover a complex range of behaviours;
 - clarity within the school community about the types of responses that are appropriate in educational settings versus the type of responses that require external and/or legal interventions.
- 7.16 Although the National Safe Schools Framework (NSSF) provides an underlying consistency between jurisdictions and DET's policy framework establishes some expectations and protocols, the Department has advised the Committee that they are not able to monitor school-based measures directly.
- 7.17 While the Committee acknowledges the principle and practice of school-based management, concern persists as to whether the guidelines are adequate to maximise the safety and wellbeing of individual children in the ACT.

Guidelines for schools

- 7.18 There are guidelines for reporting particular occurrences in public school settings. For instance:
- Departmental incident reports are required following harm or damage to person or property¹⁵³;
 - Parents will be contacted if a child is taken to the sick bay following an incident;¹⁵⁴ and
 - Police will usually be contacted 'if the child is over 10 years of age and there is an incident of violence.'¹⁵⁵

¹⁵³ Ms Kathy Melsom, *Transcript of evidence*, 8 May 2007, p. 164.

¹⁵⁴ *Ibid.*

- 7.19 During 2007, several violent incidents at ACT schools prompted a Ministerial review and a strengthening of the reporting guidelines for these incidents.¹⁵⁶ The Minister informed the Legislative Assembly that the,
- measures that have been put in place that require reporting to directors of schools immediately a written report within 24 hours are appropriate. My concern—and this is something I will be taking up with the non-government school education council—is that similar approaches are taken in every school in the ACT. It is an absolute fallacy to suggest that these issues are unique to the government system. They are not. They occur in both sectors, and it is appropriate that, as minister for education, I am satisfied that both sectors deal with them accordingly.¹⁵⁷
- 7.20 Government schools must report incidents that pose an immediate threat to the safety of students and staff as critical incidents to the Director Schools immediately by telephone and in writing within 24 hours.¹⁵⁸
- 7.21 Discussions with the non-government sector are also underway to ensure consistency with this approach. A review of school level implementation was to be conducted during 2007 and relevant professional development offered for teaching staff.
- 7.22 A forum for educationalist called “Countering Bullying” was hosted by DET on the 27 July 2007 and included details of current research being undertaken on:
- cyberbullying;
 - pathways to aggression and bullying behaviour;
 - bystander behaviour; and
 - whole-school prevention and management strategies.
- Attendees at the forum also heard about some of the social skills resource materials (the *Friendly Schools and Families* programme) available from the

¹⁵⁵ *Ibid*, pp. 162-163.

¹⁵⁶ See Emma Macdonald, “Schools forced to report violence” in *The Canberra Times*, 1 June 2007, p. 1.

¹⁵⁷ Mr Barr, *Legislative Assembly for the ACT: 2007 Week 6 Hansard*, 7 June 2007, p. 1572.

¹⁵⁸ Department of Education and Training, *Providing Safe Schools P-12*, (SSP200704) accessible at <<http://www.det.act.gov.au/policies/policies.htm>> (accessed 9 January 2008).

Child Health Promotion Research Unit at Edith Cowan University designed to counter bullying.

- 7.23 The development of training materials, including a DVD entitled *Restorative practices: creating a school culture that builds positive relationships*, has also extended the resources available for the professional development of teachers in recent years. The Department of Education and Training's public education showcase seminar series 2007 provided information on a range of important issues and responses being pursued in the ACT education system, including restorative practices, to a broader audience, including parents.¹⁵⁹
- 7.24 The Committee believes that access to current research and programmes based on this research provide a crucial touch point for ACT teachers concerned to ensure safety in their school environment and commends DET on the measures taken to extend awareness to current research and practices.

Victorian measures to counter bullying

- 7.25 Given the community concern about bullying and violence in schools, sustained and consistent communication strategies should be established as a priority. The Committee notes the strategy developed in Victoria in this regard.
- 7.26 Victoria has developed guidelines and resources to promote safe school environments under the slogan, "Safe schools are effective schools" and includes:
- A definition of bullying;
 - An anti-bullying policy;
 - The key characteristics of safe and effective schools;
 - Strategies for schools including summaries and case studies of good practice schools, and strategies on the prevention, intervention and management of bullying incidents;
 - Strategies for parents, such as the best way to manage bullying incidents when their child is being bullied, is bullying others, or when they observe

¹⁵⁹ Restorative practices were discussed at the seminar held on 31 May 2007.

bullying behaviour.¹⁶⁰

- 7.27 The guidelines identify restorative strategies such as conferences and bystander training as important interventions towards eliminating bullying in the school environment. They are supported by a dedicated website which provides detailed advice and links to resources.
- 7.28 In keeping with these innovations, although in a broader context than inter-school violence or bullying, the Victorian Government has also introduced a colour-coded alert system for schools as a means of informing the school community of possible risks and response required. The Victorian Minister for Education considered that the system will improve the information provided to parents.
- 7.29 The Committee considers that the model adopted by Victorian is highly communicative and provides easy access to information and resources for all stakeholders including students and their families. The Committee would urge the Government to improve the quality and scope of information available to all stakeholders involved in securing the safety of children in the school environment using such a model. This model should include clear indicators about the nature of any risks that affect the school environment, even those that are not within the control of DET.
- 7.30 Cyber-bullying provides a good example of an external factor creating a potential risk to school children and would warrant a general level alert level advising schools and parents about the nature of the risk and any steps that should be taken to protect individual children. On the other hand, a “red” or “high” alert level might indicate an incident at school which had or might involve an immediate risk to individual students. Communicated to the general school community, the alert code would provide reassurance that appropriate protocols and risk assessment processes had been followed. It would also encourage discussion at home about the impact of the incident on individual students.

¹⁶⁰ Department of Education and Training (2006) *Safe Schools are Effective Schools: A resource for developing safe and supportive school environments*, p. 2. accessible at <http://www.sofweb.vic.edu.au/wellbeing/safeschools/bullying/> (accessed 17 August 2007)

RECOMMENDATION 10

- 7.31 **The Committee recommends that the ACT Government establish a coded alert system to ensure that general levels of risk present in school environments can be clearly communicated to all members of the school community.**
- 7.32 Public anxiety about the safety of students needs to be proactively addressed by DET and reassurance provided that consistent, evidence-based strategies are being deployed across the system. In many circumstances it will not be reassuring to parents to hear that schools exercise flexibility in the way they respond to bullying or other risks in the school environment.

RECOMMENDATION 11

- 7.33 **The Committee recommends that the Department of Education and Training assess the general level of awareness within the broader school community of the policies and practices that support safe school environments.**
- 7.34 The Committee notes that the ACT Government has established a Safe Schools Taskforce to improve the policies and practices which protect children in the school environment. The Taskforce is comprised of representatives of the ACT Department of Education and Training, the ACT branch of the Australian Education Union, the ACT Council of Parents and Citizens Associations, the ACT Principals' Association and, recently, ACT Policing.
- 7.35 The Taskforce is currently focused on improving the policies and guidelines that support safe schools. The Committee believes that there is considerable scope for this group to provide leadership in the public, Catholic and independent school sector on these difficult issues. Inter-agency protocols, professional development for school staff and effective communication strategies for school communities might also be considered by this Taskforce in the future.

RECOMMENDATION 12

- 7.36 **The Committee recommends that the ACT Safe Schools Taskforce consider the establishment of inter-agency protocols, professional**

development priorities for school staff and plan an effective communication strategy for school communities.

Consistency through restorative approaches

- 7.37 Although the Department has established a policy framework for schools and some key guidelines, the Committee believes that non-punitive, reparative principles should be more clearly articulated in these guidelines.
- 7.38 Some consideration of this approach was evident in the Government submission which observed,
- Research evidence suggests that the best approach for countering bullying, harassment and violence is a whole school approach that addresses whole school cultural change. Punitive approaches have proven to be ineffective. Rather than using a punitive approach, it is necessary to provide children and young people with explicit scaffolding and teaching in order for them to understand the impact of their actions. Schools require guidelines and procedure that deal with the issue in a more positive and proactive manner.¹⁶¹
- 7.39 These sorts of messages inspire confidence that a consistent approach is being pursued. Consequently, the Committee considers that formal DET guidelines about the values and processes that are most likely to achieve positive outcomes are now warranted.
- 7.40 The focus on building relationship skills has clearly been embraced by many schools in the ACT education system – even in schools not overtly using restorative practices. Values such as respect, inclusion, empowerment, voluntariness and restitution are common themes in the strategies used. The view that non-punitive measures provide the foundation for effective learning is also widely acknowledged.
- 7.41 The Committee recognises that restorative practices have become a significant component of the overall response to bullying, harassment and violence in ACT school. It also understands that these practices are a component of a

¹⁶¹ ACT Government, *Submission no. 19*, (supplementary submission), p. 3.

strategy rather than a “magic bullet.” However, the principles that underpin restorative approaches provide an aspirational focus for practice models.

7.42 Examples like Melrose High School and the Calwell Cluster as well as the whole-of-system approaches taken in other jurisdictions (discussed below) indicate a move towards integrated values in the curriculum and the system support services provided.

7.43 While the Committee appreciates that the management structure of the ACT education system requires flexibility, there are standards that should be met by all schools to reduce the experiences and anxiety about safety in the school environment.

7.44 In addition, there are three specific areas of concern that have arisen during the Inquiry which might be constructively addressed, including:

- Interagency protocols
- Additional supports for the “five per cent”; and
- Sustainability provisions.

Interagency protocols

7.45 The 1996 Legislative Assembly inquiry on the prevention of violence in schools recommended that the,

Department of Education and Training and Children’s, Youth and Family Services Bureau and the Australian Federal Police work together to develop guidelines for the reporting of incidents to the police.¹⁶²

7.46 It is not clear to the Committee that these guidelines were developed or whether they have been updated subsequently. The Committee is of view that clear guidelines are required at all levels within the system to ensure, as Ms Crebbin notes, ‘that correct decisions are made.’¹⁶³

7.47 The police consider that involvement with schools (particularly secondary

¹⁶² Standing Committee on Social Policy (1996) *Report on the inquiry into prevention of violence in schools*, ACT Legislative Assembly, p. 27. The response from the Government at the time indicated support for this recommendation.

¹⁶³ Ms Linda Crebbin, *Transcript of evidence*, 25 October 2007, p. 168.

schools and colleges) to be an important component of their “suburban policing strategy” which produces ‘more open communication between police and students, teachers and parents.’¹⁶⁴ In March 2008, the Government announced that ACT Policing had become a formal member of the Safe Schools Taskforce.¹⁶⁵ The Committee is pleased to note an increase in the formal cooperation between agencies and would hope that these important linkages would be further complimented by clear public guidelines for the reporting of criminal incidents on school grounds.

- 7.48 The Committee also heard from Mr Hinchey, the Manager of the Restorative Justice Unit, that the Unit was working collaboratively with ACT schools where possible, including through the facilitation of restorative justice conferences.¹⁶⁶ The Committee believes that the Restorative Justice Unit might also play a useful role on the Safe Schools Taskforce although additional resources may be required to support the effective involvement of this busy unit.
- 7.49 The Committee believes that the Department of Education and Training should identify and publicise the interagency partnerships forged to uphold safe school communities, the areas in which these partnerships operate, and the contribution that these partnerships make to achieving positive (especially restorative) outcomes.
- 7.50 Where appropriate, details about these partnerships should be clarified by memoranda of understanding or detailed guidelines. The policy and guidelines relating to Child Abuse and Neglect provide a useful example of a protocol developed to inform and support decision-making within school and preschool communities.¹⁶⁷
- 7.51 At hearing, the ACT Commission for Children and Young People confirmed

¹⁶⁴ ACT Policing (2007) *ACT Policing Annual Report 2006-2007*, p. 13. Accessible at <http://www.afp.gov.au/about/publications/annual_reports/actpol> (accessed 5 November 2007)

¹⁶⁵ Minister for Education and Training, *ACT Policing Joins Safe School Taskforce*, Media Release 11 March 2008.

¹⁶⁶ Mr John Hinchey, *Transcript of evidence*, 25 October 2007, p.

¹⁶⁷ See Child Abuse and Neglect – Guidelines for Schools and Preschools – Protocol between Family Services, Schools and Preschools, accessible at <<http://www.det.act.gov.au/policies/pdf/CHILDA BG.pdf>> (accessed 21 November 2007)

the importance of the guidance provided for school leaders required to make often difficult decisions about occurrences at schools.

The other thing that needs to be carefully worked out is clear guidance on how to identify those cases that should be referred to police and those that are okay to keep in-house. In many matters they will be obvious, but there are always grey areas, and I think particularly in primary school and lower high school settings there are more grey areas. The age of criminal responsibility is 10 to 14 here. There is a rebuttable presumption that a child does not know and understand what they are doing sufficiently for the purposes of criminal justice charges. I think we need to ensure that those grey cases where teachers or schools might be struggling with this is something that should go to the police, or do we really want to get police involved with this? Can we handle it in-house? There needs to be clear guidance to enable teachers to make those decisions because it is important that correct decisions are made.¹⁶⁸

- 7.52 On this point, the Victorian Ombudsman reported on the adequacy of responses to allegations of sexual assault. In the context of schools, the Ombudsman noted limitations to the capacity of individual principals to investigate sexual assaults in their schools, observing that a potential conflict of interest existed between their investigative role and their responsibility for the welfare of all members of the school community. The Ombudsman was provided with a number of examples where principals had provided unsatisfactory responses to allegations. The report advocates specialist training for principals about how to identify and respond to reports of sexual assault by students against other students. The report also suggests that an independent or neutral investigator might be appointed to overcome the conflict of interest.¹⁶⁹
- 7.53 Conflicts of interest of this nature are equally possible in the ACT and require systemic measures to support professional school leaders in effective decision-making regarding the management of highly sensitive incidents within the

¹⁶⁸ Ms Linda Crebbin, *Transcript of evidence*, 25 October 2007, p. 168.

¹⁶⁹ Victoria Ombudsman, *Improving responses to allegations involving sexual assault*, March 2006 pp. 19 – 20.

school community.

RECOMMENDATION 13

- 7.54 **The Committee recommends that the Department of Education and Training make public (in annual reports and other relevant publications) the interagency partnerships which collaboratively uphold safe school communities and make clear the guidelines which give practical operation to these relationships.**

Resources to support the “five per cent”

- 7.55 The Committee notes general consistency between experts in their view that approximately five per cent of students may require support or supervision in addition to what might be expected for the majority of students. It may be the case that restorative measures improve overall morale and resilience in the school community, but may not necessarily curb the harmful behaviours of some, particularly troubled students. During a visit by the Committee, Melrose High School staff alerted the Committee to the high level needs of some members of the student body.

Case Study - Melrose High School

- 7.56 Melrose High School has a student body of approximately 810 students from a range of cultural backgrounds. Across this large group of students, a full range of expected behaviours are exhibited. The school considers that the complexity of the social issues experienced by students has increased and notes that many parents do not feel well equipped to deal with the behaviour exhibited by their children.
- 7.57 The school is particularly aware that contemporary media representations can fuel sexual harassment and this is not always recognised as wrong-doing. Clear policies and structures to deal with sexual, and other forms of harassment, have been established.
- 7.58 The school has also responded to the increased levels of cyber-bullying that have become apparent in school environments. Clear communication with students about the issues has been an important strategy. In the playground context, peer or bystander behaviour is considered to be a critical means of

- detering the incitement of fights for the purpose of recording on mobile phones. Student leadership is encouraged in all areas of school life.
- 7.59 Restorative practices were first introduced four to five years ago and have been implemented progressively to transform the school's behaviour management approach from a more authoritarian approach to one underpinned by the principles of respect and dialogue.
- 7.60 To support this transformation, the school established a student services section with the leadership of a deputy principal and executive teacher. The executive teacher undertook training with Circle Speak. The student services section provides good support mechanisms for teaching staff dealing with specific behaviours. In general, the level of respect among students and between students and teachers has increased.
- 7.61 The school also has established an Indigenous Studies Centre which provides individual support in all areas of schooling and encourages strong family involvement. In the future, it is anticipated that a learning support centre will complement the capacity for targeted pastoral care in the school.
- 7.62 Within the school's behaviour management approach there is recognition of the impact of wrong-doing on all those involved. Restorative practices have provided an effective means of including all those affected. This approach also satisfies the value questions that are important to young people - "what is fair?" and "what is just?" The provision of feedback to students (particularly victims) on the progress of their complaints or in the resolution of adverse school experiences is considered to be particularly important. A restorative approach is considered to be an effective accountability mechanism.
- 7.63 All students are used to, and now anticipate, a face to face meeting (conference) to sort things out and see this approach as a way of resolving issues rather than allowing a situation to escalate. Written agreements follow these meetings and parents are generally informed about the outcomes agreed and the intent behind the language used. In implementing this system, training for parents, including the Parents and Citizens Association and the School Board, was provided.
- 7.64 Apart from the conference model, restorative practices inform the peer mediation process as well with mediation cards provided to thirty, trained

year 10 mediators who help younger students, in particular, deal with playground issues. The restorative script is an important feature of the overall approach taken by individual teachers in the school. All documents prompt the question – “what do you think needs to happen to make things right?”

- 7.65 However, in the school’s experience, restorative approaches do not work for all students. The school has had experiences with particularly students who have established patterns of disruptive behaviour, where the harm they cause is unrecognised and their behaviour easily escalates. These students require, at the very least, constant monitoring and potentially a more suitable, alternative educational setting.
- 7.66 The Committee was concerned about the disruption and distraction that may be caused to all students across the education system by the difficult behaviour of a few. It is not apparent that schools have the resources or the skills to respond effectively to high level needs. For students under 15 years of age (year 8) there are no exit options from a compulsory education system, so appropriate strategies must be managed at the systemic level.
- 7.67 This experience was confirmed by several sources during the Inquiry including the ACT Council of Parents and Citizens Associations which provided the Committee with the following example,
- An executive teacher stated that sometimes restorative justice alone is not enough to stop poor behaviour from recurring; for example, she notes that restorative justice doesn’t work with the small number of students with mental health issues or asocial students. With these students, a conference may be held, but it is mainly for the benefit of the complainant, because there are some students who are not sufficiently socialised to feel empathy...She estimates that 5% of the school population are not socialised enough to benefit from these processes, and another form of intervention is more suitable (such as Life Space Crisis Intervention).¹⁷⁰
- 7.68 At one hearing, representatives from the Australian Education Union (AEU) also noted that teachers are reporting difficulties with behaviour management

¹⁷⁰ ACT Council of P & C Associations, *Submission no. 16*, pp. 7 – 8.

and in some instance struggling to meet the ‘needs of an increasingly challenging and demanding clientele.’¹⁷¹ The Committee understands that the AEU has made specific recommendations about alternative educational settings in response to this situation.

7.69 In 2003 Dr Robert Conway reporting on the provision of alternative education settings made the following observations,

Management of behaviours across the school requires staff development on coordinated strategies to address three broad groups of students in the school: those who comply with the discipline and management strategies of the school (about 80%), those who have some behaviour problems and are at-risk of more serious behaviour problems and hence need targeted behaviour support (about 15%), and those with serious behaviour problems who require specific management strategies to maintain their presence in the school (about 5%). Research and practice have shown that addressing these three categories, rather than seeing all students as being the same, enhances management of behaviour.

Importantly the combination of management of behaviour with the development of appropriate social skills for each group of students (preventive for the 80%, targeted for the 15% and specific for the 5%) has been shown to be effective. These strategies, combined with addressing learning and teaching in classrooms, as well as transition and playground behaviours, provides a supportive, cohesive approach to management of most behaviours provided that there is appropriate staff development to support the process.¹⁷²

7.70 Again, the Committee is of the view that a coordinated systemic response to the “five per cent” is required which can support schools to prepare gradated behaviour management strategies.

7.71 The allocation of additional funding for school counsellors and pastoral care in

¹⁷¹ Australian Education Union – ACT Branch (2007) *Many Ways to Learn: supporting the needs of all school age students in the ACT*, p. 3.

¹⁷² Dr Robert Conway (2003) *Report of a review of the provision of alternate settings in the ACT Government Education System*, accessible at <<http://www.det.act.gov.au/publicat/pdf/conway.pdf>> (accessed 23 November 2007), p. 19.

late 2007 will support these efforts. However, the Committee believes that an integrated response is required to ensure consistency between schools in the management of student behaviour and a high standard of safety for all students and teaching staff.

- 7.72 The importance of addressing issues effectively is demonstrated by recent litigation in New South Wales. In a 2007 case, the courts found that a victim experienced severe, long-term debilitating effects from the bullying he experienced at primary school nearly a decade before. As a result, approximately \$1 million in compensation was awarded against the NSW Department of Education and Training because of the inadequate systemic response at the time when the behaviour was occurring.¹⁷³
- 7.73 A consistent, systemic response to bullying, harassment and violence should be a component of the risk management plan established by DET.
- 7.74 The Committee was interested in some of the different approaches adopted in other jurisdictions, particularly the integrated responses to bullying in Victoria (previously discussed) and to behaviour management in Queensland. Also of interest was a classroom teaching programme in Queensland and a Western Australian model being piloted in the ACT with support from the ACT Branch of the Australian Education Union (AEU).

Systemic approaches

- 7.75 During the Inquiry, the Committee has looked to other jurisdictions as a point of comparison. The Committee visited South Australia and Queensland to discuss approaches to restorative practice and behaviour management used in those jurisdictions. Some of these measures are briefly outlined below.

Queensland's behaviour management framework

- 7.76 During a visit to Queensland, the Committee was able to investigate the behaviour management system adopted by the Queensland Department of Education, Training and the Arts in recent years. Queensland has 1270 schools

¹⁷³ David King "Court orders \$1m payout for young life ruined" in *The Australian*, 15 May 2007.

with approximately 500,000 students grouped into 10 regions. A region is roughly comparable to the ACT education system.

- 7.77 The Centre for Behaviour Support was established as a part of strategic response to a Ministerial commissioned report on behaviour management in Queensland schools. The report, entitled *Smart Schools, Smart Behaviour* by the Ministerial Advisory Committee for Education Review (MACER), advocated the development of a behaviour management strategy that focused on student achievement and learning outcomes rather than 'negative behaviour and its amelioration'.¹⁷⁴
- 7.78 In part, the report was a response to concerns raised by the Queensland Teacher's Union about the increasing disruption to teaching which arises from misbehaviour in classroom settings.¹⁷⁵ The MACER report followed consultation with representatives from the Teacher's Union & Education Union, Principals' Association, P&C Associations and the public at open meetings.
- 7.79 Following the release of the report, the Government responded with a major review of the core policy framework including the development of new legislation¹⁷⁶ which, amongst other things, requires all public school communities (including preschools) to adopt the *Code of School Behaviour* which 'defines the responsibilities that all members of the school community are expected to uphold and recognises the significance of appropriate and meaningful relationships.'¹⁷⁷
- 7.80 To support the implementation of the framework, the Department provides

¹⁷⁴ Ministerial Advisory Committee for Educational Renewal (MACER) (2005) *Smart Schools, Smart Behaviour: Advice to the Minister on behaviour management in Queensland schools*, Department of Education and the Arts, Queensland Government, p. 2. Accessible at <http://education.qld.gov.au/publication/production/reports/pdfs/2005/macer_report.pdf> (accessed 27 November 2007).

¹⁷⁵ *Ibid*, p. 2.

¹⁷⁶ *Education (General Provisions) Act 2006*

¹⁷⁷ Education Queensland, *The Code of School Behaviour*, p. 1. Accessible at <<http://education.qld.gov.au/publication/production/reports/pdfs/code-school-behaviour-a4.pdf>> (accessed 27 November 2007) The Committee notes that the ACT Government released a code of conduct in March 2008 entitled *Our School: a Safe and Happy Place for Everyone* which details these expectations in ACT Schools. Accessible at <http://www.det.act.gov.au/whats_new/conduct-cyberspace> (accessed 4 April 2008).

training and some enhanced funding for schools and funds the Centre for Behaviour Support which complements the work of schools with the provision of specialist guidance officers, positive learning centres and behaviour management guidance officers. The Centre hosts an annual conference to share information about good practice in the field.¹⁷⁸

- 7.81 The Code of School Behaviour responds to perceived inconsistencies in the practices between schools. Each school is now required to develop *Responsible Behaviour Plans for Students* which outline the strategies used by the school to promote appropriate behaviour and the consequences of transgressions by individual students.
- 7.82 One of the guidance officers noted that a consistent set of principles or advocated practices across the system is understood to improve the capacity of schools to accommodate changes in the school environment or staff changes.
- 7.83 *Responsible Behaviour Plans for Students* are based on a template developed by the Department with the specific content determined by the individual school. Each parent discusses and signs the plan when enrolling their child. A key advantage is seen to be the establishment of a formal relationship between parents and the school.
- 7.84 School level implementation is based on an improvement and accountability framework which promotes regular reviews of individual school practices.
- 7.85 The *School Wide Positive Behaviour Support* (SWPBS) programme has been developed to support schools to review and improve their behaviour management practices. SWPBS emphasises the connection between behaviour support and academic support to ensure that that strategies adopted by the school can meet the needs of all students.
- 7.86 A growing number of schools are opting to engage in this structured evaluation process which involves a school-wide review using a suite of sophisticated survey tools including the *Schoolwide Evaluation Tool* (SET) and

¹⁷⁸ The MACER report also recommended that bus drivers and others with connections to school communities be trained in the Code.

Effective Behaviour Support survey.¹⁷⁹

- 7.87 Some individual schools have collected comparative data on numbers of students on learning support plans and on behaviour support plans. The numbers of these students generally declines following the implementation of SWPBS
- 7.88 The Committee has noted a parallel with the ACT *School Excellence* initiative¹⁸⁰ developed by the ACT Department of Education and Training. However, the Committee also notes that the Queensland framework offers a more developed resource with sophisticated professional development and intervention strategies readily packaged to support implementation at the school level.
- 7.89 For instance, Education Queensland has developed an on-line professional development course for individual teachers. It has also developed a professional development kit that can be implemented in-house at the school level called *Essential Skills in Classroom Management*. In keeping with the “better behaviour, better learning” focus adopted in this jurisdiction, the kit provides an guided overview of ten essential skills for classroom teaching including:
- establishing expectations;
 - giving instructions;
 - waiting and scanning;
 - cueing with parallel acknowledgment;
 - body language encouraging;
 - descriptive encouraging;
 - selective attending;
 - redirecting to the learning;
 - giving a choice; and
 - following through.

- 7.90 The Committee considered this to be an excellent resource which

¹⁷⁹ Further details are available at < <http://www.learningplace.com.au/deliver/content.asp?pid=34188> > (accessed 28 November 2007)

¹⁸⁰ Details available on the DET website at <<http://www.det.act.gov.au/publicat/sei.htm>> (accessed 28 November 2007).

complemented an impressive breadth of support materials prepared and opportunities provided for the professional development and basic skills improvement of teaching staff. The value of this resource is the focus on relationships within the classroom and the role that teachers can play in establishing effective relationships for learning.

- 7.91 At hearing, the AEU advised the Committee of a similar programme that it is currently funding for its members called *Classroom Management and Instructional Strategies*.

Classroom teaching skills – WA programme

- 7.92 The programme currently operating in Western Australia with government funding involves five days of training followed by classroom coaching sessions. Ms Ballantyne advised the Committee that,

Every evaluation from every teacher who has had any exposure to this program has said that this ought to be compulsory pre-service or first-year professional development for every teacher in the system. It is not rocket science; it is a commonsense approach. But it specifically teaches techniques and skills to teachers in terms of observing their behaviour and themselves and trying to control what they do in the context.¹⁸¹

- 7.93 The value of this programme is the direct feedback teachers receive on their classroom teaching techniques. For new teachers, this can help them develop strategies for de-escalating bad behaviour in the classroom and to realise that, students will misbehave – not all of them all the time, but some of them, at least, at any time. Really you are doing a balancing act, just keeping that within acceptable levels. That is a breakthrough for some new teachers when they realise that this is the nature of teaching – that is not going to go away; kids are not going to suddenly behave. I would say that they are also unschooled about dealing with even low-level naughtiness, and this program helps them to address that.¹⁸²

- 7.94 Ms Blood noted the significance of teaching skills when implementing

¹⁸¹ Ms Ballantyne, *Transcript of evidence*, 12 June 2007, p. 170.

¹⁸² *Ibid*, p. 172.

restorative practices, advising the Committee that,

Successful implementation of restorative practices in educational settings is first about changing the behaviour of the adults interacting with your 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.¹⁸³

- 7.95 The Committee believes there would be considerable value in making programme supports such as *Classroom Management and Instructional Strategies* or *Essential Skills in Classroom Management* accessible to all ACT teachers particularly as it could establish valuable relationship management skills in the classroom.

RECOMMENDATION 14

- 7.96 **The Committee strongly recommends that the ACT Government consider funding a classroom-based skills development programme for ACT teachers.**

Sustainability

- 7.97 A major concern expressed by a number of witnesses and submitters to the Inquiry was the issue of sustainability of effective programmes, particularly restorative practice programmes. There are a number of components to this concern, including:

- Mobility of teaching staff;
- Systemic consistency;
- Teacher training; and
- Managing student transitions.

Mobility of teaching staff

- 7.98 In the interim report, the Committee noted the difficulties posed by the

¹⁸³ Ms Blood, Circle Speak, *Submission no. 4*, p. 12.

mobility requirements of the current teachers' employment agreement.

- 7.99 The Government response noted the recommendation and advised that these conditions of employment cannot be changed without negotiation with the Australian Education Union (AEU). The policy is intended to provide experience and career opportunities for teaching staff.¹⁸⁴
- 7.100 At this stage of implementation of restorative practices within the ACT education system, this policy has, in the words of Ms Blood, been,
- both a hindrance and something that has helped spread practice throughout the ACT. At the same time as we start to develop quality experience within the schools, those practitioners move on and ignite a fire in another place. So it is a balance... [but what] happens to the school that they've left?¹⁸⁵
- 7.101 During the Inquiry, the Committee heard concerns from teachers about the impact of mobility on the internal capacity within schools, for example, in the case of executive teachers who are providing mentoring and support for other teachers in their professional development objectives. Movement of executive teaching staff can leave a gap in the school's capacity to meet these objectives.
- 7.102 For high schools implementing restorative practices in particular, this can be difficult as it is estimated that establishment time frames may be as much as eight years in these settings compared to three to five years in primary schools.¹⁸⁶
- 7.103 Similarly, the influx of large numbers of new staff can place pressure on existing teaching staff supporting new colleagues as they familiarise themselves with school culture and procedures including, potentially learning how to implement the non-punitive behaviour management strategies required in restorative practice schools.
- 7.104 Mobility of teaching staff can also be a resource issue for individual schools which have invested heavily in training of teaching staff to build up a team. If

¹⁸⁴ ACT Government, Government response to the Standing Committee on Education, Training and Young People *Inquiry into restorative justice principles in youth settings – interim report June 2006*, p. 5.

¹⁸⁵ Ms Blood, *Transcript of evidence*, 24 February 2006, p. 116.

¹⁸⁶ *Ibid*, p. 118.

this investment is a component of a whole-of-school implementation process, such as is required for the establishment of restorative practice schools, the sustainability of the project may be compromised.

7.105 The Committee understands that successful implementation of a restorative practice program at the whole-of-school level requires three to five years. In this context, Ms Blood noted the potential impact on evaluative processes currently underway if school personnel change during a period of data collection.¹⁸⁷ When leadership is changed at crucial stages of implementation, outcomes may also be affected negatively.

7.106 The Committee believes that more information about the impact of the mobility policy, including its effectiveness in achieving the stated outcomes is required to inform future planning. The Committee considers that this information would be of value to all stakeholders.

RECOMMENDATION 15

7.107 **The Committee recommends that the ACT Government commission a review of the mobility policy to assess the effectiveness of this policy in achieving the outcomes intended and to determine the impact on other professional objectives in the education sector.**

7.108 The Committee believes that the mobility policy may significantly impede the development of restorative practice programmes in individual schools. While these employment arrangements continue the need for systemic consistency is even greater.

Systemic consistency

7.109 Even without the potential transfer of key teaching staff between schools, systemic supports are crucial for the success of restorative practices in the ACT. At hearing, Ms Blood expressed concern about capacity building within the education system believing that sustained commitment at the departmental level is required if restorative principles are to be firmly

¹⁸⁷ Ms Blood, Circle Speak, *Submission no. 4*, p. 11.

established.¹⁸⁸

- 7.110 In part, this is a concern about resource expertise within Student Services, as this service is a crucial connection for individual schools potentially seeking strategies to deal with specific difficulties within the school or to review their behaviour management approach in general. Guidance about the advantages of restorative approaches requires a sustained level of expertise at the departmental level.
- 7.111 While the Committee believes that the Department has been well served to date by existing staff members, it may be the case that the growth in numbers of schools interested in restorative practices warrants additional staff training in that area. Furthermore, the Committee would hope that the capacity of existing staff to provide advice on restorative practices will not be diluted by departmental decisions to pursue other behaviour management issues.
- 7.112 Ms Blood also suggested that there may be cases where schools ‘need to be challenged and supported on how to raise their standards’¹⁸⁹ and such encouragement is obviously best guided by DET.
- 7.113 Furthermore, those practitioners who have been a part of a successful implementation at the school level can provide invaluable support and advice to others considering the best approach for their own school. As is often noted, and is obvious from the case studies outlined in this report, each school will develop an implementation model that best suits their community’s needs, but the sharing information and expertise about the processes used – what worked, what did not work – can be invaluable for those embarking on an implementation project.
- 7.114 The Committee would encourage DET to resource the mentoring capacity amongst ACT practitioners so that restorative practice capacity might be expanded.

¹⁸⁸ Ms Blood, *Transcript of evidence*, 24 February 2007, pp. 116 – 118.

¹⁸⁹ *Ibid*, p. 117.

RECOMMENDATION 16

- 7.115 **The Committee recommends that the Department of Education and Training sustain a high-level restorative practice mentoring capacity amongst Departmental staff and professional teachers employed in the ACT.**

Teacher training

- 7.116 To extend the coordination role within the educational sector, the Government agreed to the Committee's recommendation from the Interim Report to facilitate discussions between restorative practice trainers and educationalists regarding the pre-service training curriculum.
- 7.117 The Committee was advised by the ACT Branch of the Australian Education Union (AEU) that a cross-sector committee concerned with these issues had disbanded several years ago.¹⁹⁰
- 7.118 The Committee considers that a cross-sector committee would have a positive impact on the provision of teacher training and future planning of workforce requirements in the Territory. The Committee considers that there is an important workforce sustainability component to this planning.
- 7.119 The results from a recent national survey of over 13,000 teaching staff indicated that student management was a factor in job satisfaction. Over ninety per cent of primary and high school teachers surveyed indicated that fewer student management issues would help to retain staff in the teaching profession. This response, raising concerns about student management, was second only to smaller class sizes.¹⁹¹

RECOMMENDATION 17

- 7.120 **The Committee recommends that Department of Education and Training facilitate cross-sector discussions about teacher training and**

¹⁹⁰ Ms Smith, *Transcript of evidence*, 12 June, 2007, p. 171.

¹⁹¹ McKenzi, Kos, Walker and Hong (2008) *Staff in Australia's Schools 2007*, ACER, pp. 98 – 99, accessible at <http://www.acer.edu.au/documents/SiAS_SurveyDataReport2007.pdf> (accessed 29 January 2008),

ensure these discussions address the behaviour management skills required for classroom teaching.

Managing student transitions

- 7.121 Another systemic approach that can help sustain restorative practices is in the development and facilitation of school clusters.
- 7.122 One of the reasons that clusters are particularly successful is the capacity to manage the usual transitions students make from primary to high school. Given the relational model that underpins restorative practices, and the values that inform restorative school cultures, the certainty that is often described by students in restorative schools can be lost if they transfer to a non-restorative school.
- 7.123 Ultimately, the Committee believes that it is only through achieving a whole of system awareness of restorative principles that any confusion that students might experience during transitions phases, whether from one school stage to the next or geographical movement to other school areas, would be mitigated.

8 RESTORATIVE APPROACHES TO JUSTICE

*Restorative justice is doing things with people rather than to them or for them.*¹⁹²

- 8.1 The idea of restorative justice emerged from a commitment to an alternative to the criminal justice system. Applications of these principles in this setting are most frequently understood in terms of diversion from the traditional criminal justice system, but broader applications are now being contemplated. For instance, the application of restorative justice approaches in the context of environmental prosecutions has been raised as a possibility in New Zealand.¹⁹³
- 8.2 Since 2005, the ACT has offered a restorative justice alternative (operating in parallel to the current justice system) to deal with a range of offences. In the first phase, access to the programme has been limited to juvenile offenders. The second phase of the programme will extend this approach to adult offenders.

Review of the ACT restorative justice programme

- 8.3 On 17 October 2006, the first phase review of Restorative Justice Unit's activities (the Review) was tabled in the Legislative Assembly.¹⁹⁴ The review was conducted to meet the requirements of the *Crimes (Restorative Justice) Act* which stipulated that a review should be conducted within 18 months of the commencement of the Act. The Review describes and evaluates the activities of the Restorative Justice Unit for the first 12 months of operation.
- 8.4 Evaluative review findings are based on a survey of participants set against

¹⁹² Ted Wachtel quoted in Jennifer Larson Sawin & Howard Zehr (2007) "The ideas of engagement and empowerment" in Johnstone & Van Ness (eds) *The Handbook of Restorative Justice*, Willan Publishing, UK, p. 46.

¹⁹³ John Verry, Felicity Heffernan and Richard Fisher (2005) "Restorative justice approaches in the context of environmental prosecution, Conference Paper delivered to the *Safety, crime and justice: from data to policy conference*, Australian Institute of Criminology 6-7 June 2005: accessible at <<http://www.aic.gov.au/conferences/2005-abs/verry.html>> (accessed 9 November 2007).

¹⁹⁴ ACT Department of Justice and Community Safety (2006) *First Phase Review of Restorative Justice*, op. cit.

the following indicators:

- Victim satisfaction and opportunities for meaningful participation by victims;
- Rehabilitation of offenders who have taken part in restorative justice, including any reduction in recidivism;
- Community satisfaction;
- Reintegration of victims and offenders into the community;
- Respect for the rights of everyone directly involved in restorative justice, and the rights of others in the community; and
- Recognition of fairness of process and outcome by victims and offenders.

8.5 The Committee recognises the important focus on victims' experiences and needs in the conception and actualisation of the restorative justice programme. However, the rights and interests of offenders, and the best outcomes for the community, are also evident objectives of the processes.

8.6 The Review observes that;

while the objects of the Act speak to the needs of victims, the indicators in the Act, against which restorative justice is reviewed, protects the rights and interests of people who are responsible for offences.

Restorative justice processes must be balanced and must pay due respect to the rights and needs of victims and offenders if the community is to gain any benefit from its application.¹⁹⁵

8.7 The Committee's interim report raised some issues which have been partially answered by the Review. For instance, the survey results indicate that the majority of participants believe that restorative justice processes support their rights.¹⁹⁶

8.8 During the course of the Inquiry, the Committee also had the opportunity to meet with participants (family or friends of offenders or victims) who had first hand experiences of restorative justice conferences facilitated by the Restorative Justice Unit and positive outcomes were confirmed by these

¹⁹⁵ *Ibid*, p. 5.

¹⁹⁶ *Ibid*, pp. 30 – 32.

discussions.

- 8.9 However, the survey results also indicated that ten per cent of participants (nine offenders and nine victims) reported feeling some form of pressure to participate in the conference process. The Committee believes that this response rate requires further clarification as this may indicate a process barrier. Qualitative evaluation could help refine the processes and improve the outcomes.
- 8.10 The Review did not address the demographic profiles of those who are included or excluded from the process but, as noted in the Government response to the Committee's interim report, it is not clear that this sort of data can be collected. Under these circumstances, the Committee appreciates that it may not be possible to definitively assess the inclusiveness of the restorative justice programme.
- 8.11 Neither does the review provide any details about the cost effectiveness of delivering this alternative justice process. However, the Committee is content with the logic expressed by Mr Hinchey who noted that the intensive time requirements for success restorative justice conferences has to be balanced against the multiple allocations of resources to criminal proceedings by police, prosecutors, courts and corrective services in the traditional criminal justice system.¹⁹⁷
- 8.12 The Committee considers, however, that this sort of broad comparative analysis would be of value as time required to conduct a conference is often raised as a concern about restorative approaches. The Committee would encourage the Department of Justice and Community Safety to undertake such an analysis.
- 8.13 The Review offers some limited indications on recidivism but notes that it is too early to accurately gauge the impact of restorative justice conferencing in reducing or otherwise affecting criminal behaviour. Indications are favourable, however, indicating that the rates of offending and arrest are reduced by

¹⁹⁷ Mr Hinchey, *Transcript of evidence*, 25 October 2007, p. 179.

restorative justice processes.¹⁹⁸ A study of recidivism in NSW after the introduction of conferencing indicated a 15 to 20 per cent reduction.¹⁹⁹ The Committee looks forward to seeing the ACT data on this indicator as the programme continues and expands into Phase Two.²⁰⁰

- 8.14 The Committee concludes from the evidence provided by the Review, and at hearings, that the Restorative Justice Unit provides an important and welcome adjunct to the criminal justice system.
- 8.15 The Committee also understands that the restorative justice process is viewed positively by the Childrens Court Magistrate, Mr Dingwall, as it extends capacity for victims' involvement in the process and most offenders demonstrate willingness to complete obligations under their restorative agreements. During a discussion with Magistrate Dingwall, the Committee heard that restorative justice processes can be a cathartic experience for victims and in this regard can be of more benefit to the victims of crime than the offenders.²⁰¹
- 8.16 Magistrate Dingwall indicated to the Committee that the statutory discretion of magistrates to refer could be streamlined in his view. In particular, he identified delays that can occur in court process as a consequence of the requirement to provide information to all participants. Mr Dingwall noted that it should be possible for participants to be given information and for a referral to be initiated concurrently, notwithstanding the possibility that a party may decide not to proceed. The delay in the referral can result in an unnecessary delay to the initiation of a restorative process which may diminish the benefits to both offenders and victims.

RECOMMENDATION 18

- 8.17 **The Committee recommends that the Restorative Justice Unit**

¹⁹⁸ ACT Department of Justice and Community Safety (2006) *First Phase Review of Restorative Justice*, *op. cit.* pp. 43-44.

¹⁹⁹ Garth Luke and Bronwyn Lind (2002) "Reducing Juvenile Crime: Conferencing versus Court" in *Crime and Justice Bulletin*, no. 69, April 2002.

²⁰⁰ Mr Hinchey, *Transcript of evidence*, 25 October 2007, p. 176. Phase Two involves the expansion of the programme to include offences committed by adults.

²⁰¹ Discussion with Magistrates Dingwall and Madden, ACT Magistrates Chambers, 31 March 2008.

continues to review and monitor the experience of participants in restorative justice conferences and undertake qualitative evaluation of consistently identified trends which may indicate less than optimal or other (potentially positive) restorative outcomes.

RECOMMENDATION 19

- 8.18 **The Committee recommends that the referral process at various stages of the criminal justice process be reviewed for any unnecessary process delays and the legislation be amended accordingly.**

Restorative justice – Phase Two

- 8.19 At hearing, Mr Hinchey advised of a postponement to the implementation of the second phase of the Restorative Justice Unit's operation. Phase two will extend the capacity of the Unit to provide a conference option to offences committed by adults and to include domestic violence and sexual assault offences. According to Mr Hinchey

We have found that the initial estimate of what the business would be for the unit was a little underestimated when the scheme was constructed and what we thought at the time we would be experiencing in phase 2 as far as workload goes we are experiencing that level of work now.²⁰²

- 8.20 The Committee was advised that the level of referrals are consistently high with around 20 per cent of all eligible offences from both the Childrens Court and from the Australian Federal Police (AFP) being referred.²⁰³ This broad endorsement confirms the acceptance of the restorative programme within the justice system.
- 8.21 However, it also places a considerable strain on the capacity of the Unit to offer this alternative process to those affected by wrong-doing which is a concern. The Committee understands that additional resources have been sought by the Department of Justice and Community Safety (JACS) and would strongly support this allocation.

²⁰² *Ibid*, p. 177.

²⁰³ *Ibid*.

- 8.22 The Committee anticipates that there may be need over the coming years to expand the capacity of the Restorative Justice Unit as familiarity with restorative approaches grows and gains acceptance with the community. The Committee would also like to see capacity of the Unit to support other agencies in using restorative approaches resourced. The unit has developed the expertise to provide conference processes in a range of areas where conflict occurs, such as schools. The capacity to provide this service and other forms of support should be cultivated.

RECOMMENDATION 20

- 8.23 **The Committee recommends that the Restorative Justice Unit be adequately resourced for phase two implementation and with a view to a potential expansion in the demand for restorative justice services and support in other sectors of the ACT community.**

Victim-focused justice

- 8.24 Restorative justice is often described as victim-focused approach to justice providing an opportunity for the harm caused to the victims of crime to be addressed in some way and for the offender to comprehend the harm done. In the words of Simon Green, ‘no longer are crimes committed against a remote and impartial state but against individuals, specific victims in specific contexts.’²⁰⁴
- 8.25 In general, the outcomes for victims are favourable and satisfaction levels with restorative justice conferences are relatively high. As has already been discussed in this report (see also *chapter 3*) this view is borne out in *the Review* of the first year of operation of the ACT Restorative Justice Unit.
- 8.26 The Victim of Crime Co-ordinator submitted that there was ‘much promise for victims of crime’ in a restorative justice approach in comparison to traditional criminal justice approaches, including:
- a greater level of participation

²⁰⁴ Simon Green (2007) “‘The victims’ movement and restorative justice” in Johnstone & Van Ness (eds) *The Handbook of Restorative Justice*, Willan Publishing, UK, p. 176.

- more involvement in and influence over decision-making
- greater access to information, and
- an opportunity to have questions answered.²⁰⁵

- 8.27 There are some obvious limitations to the capacity of a restorative justice system to offer satisfaction to all victims of crime. Offenders have the option not to participate. Furthermore, the vast number of offences committed in any one jurisdiction includes a level of crime that goes unreported to, or can not be solved by, authorities.²⁰⁶
- 8.28 It is also possible that the expectations of victims will not be met by offenders' conference representations.²⁰⁷ To put this in perspective, however, Green notes that other factors such as the support of family and friends, the passage of time and personal resilience can be as significant in the experience of the victim as can the reparation offered by the offender.²⁰⁸
- 8.29 The Committee notes from *the Review* that many victims 'consistently expressed concern for the welfare of the young person who had harmed them.'²⁰⁹ This suggests that victim satisfaction might be more broadly conceived by participants than only experiencing a direct sense of reparation.
- 8.30 During the Inquiry, the Committee heard of at least one ACT restorative justice conference following a serious crime where those affected by the crime were satisfied by the process but did not consider it to have repaired the harm caused by the criminal act. Their participation in the conference was based on a view that the young offender, and potentially the community, might benefit from a restorative intervention in their life. While they were satisfied with the outcome of the conference, from their perspective the harm done was not remedied by the process.
- 8.31 In this case, their involvement was a community-focused rather than a victim-focused act. *The Review* also provides comments from participants to this

²⁰⁵ Robyn Holder, *Submission no. 17*, p. 2.

²⁰⁶ Simon Green (2007) *op. cit.*

²⁰⁷ Robyn Holder, *op.cit.*

²⁰⁸ *Ibid.*

²⁰⁹ JACS (2006) First Phase Review, *op. cit.* p. 33.

effect:

- o It was important to do everything we could to help him turn from a life of crime to avoid further depredations on other community members.
- o I thought the outcome would be better for everyone concerned.²¹⁰

8.32 The Committee notes a broad concern for the wellbeing of the community, and the relationships that sustain community, which underscore these reflections. Still, as occurs in the traditional criminal justice system, individuals will not always agree that the process has delivered the outcomes they expected.

Indigenous forms of reparation

8.33 Restorative justice principles are often linked to justice practice found in pre-modern cultures. However, Chris Cuneen has made the point that restorative justice approaches do not always provide good outcomes for Indigenous people, often because the approaches are attached to the criminal justice system.

While the creation of restorative programmes within a legal framework and through centralized government agencies may be seen as an achievement by some restorative justice advocates, it may create specific problems for marginalized indigenous communities who seek to maintain and develop their own justice initiatives.²¹¹

8.34 Cuneen advises that success is more likely if the programme is understood as a way of empowering Indigenous communities, through for instance, establishing a central role for the elders of the community.²¹²

8.35 In Australian, circle sentencing courts have reshaped many of the justice processes as they relate to Indigenous offenders. Elena Marchetti and Kathleen Daly note that the aims have been

to make court processes more culturally appropriate, to engender greater trust between Indigenous communities and judicial officers, and to

²¹⁰ *Ibid.*

²¹¹ Chris Cuneen (2007) "Reviving restorative justice traditions?" in Johnstone & Van Ness (eds) *The Handbook of Restorative Justice*, Willan Publishing, UK, p. 117.

²¹² Chris Cuneen (2007), *op. cit.*, p. 126.

permit a more informal and open exchange of information about defendants and their cases.²¹³

- 8.36 In the ACT, the Ngambra Circle Sentencing Court provides a culturally appropriate option for some adult Indigenous offenders.

Ngambra Circle Sentencing Court

- 8.37 The Ngambra Circle Sentencing Court commenced operation in May 2004 as a division of the ACT Magistrates Court (currently overseen by Magistrate Madden) with the aims of achieving Indigenous community, involvement in the sentencing process and to broaden the sentencing process so that the Circle can examine the underlying factors and issues of offending behaviour and consider the needs not only of the offender but also the victim.²¹⁴
- 8.38 While a magistrate oversees the judicial process, an Indigenous coordinator liaises with the Magistrates Court and provides administrative support for the Community Elders Panel. The Elders Panel will make recommendations on the suitability of an offender referred to the circle court. The Elders Panel is comprised of at least four members (two male and two female).
- 8.39 The willingness of the offender to participate in the circle court process is recognised in the sentence determination. The court is conducted without excessive formality and ‘all participants, including the victim, ... have a chance to be heard about the offending behaviour.’²¹⁵
- 8.40 The presence and involvement of elders and other respected community members can have a significant effect on offenders. In Marchetti and Daly’s words,

²¹³ Elena Marchetti and Kathleen Daly (2004) “Indigenous Courts and Justice Practices in Australia” in *Trends and Issues in Crime and Criminal Justice* No. 277, Australian Institute of Criminology, Canberra, May 2004, p. 1.

²¹⁴ Magistrate Shane Madden, “The Circle Court in the ACT – An Overview and its Future” a paper presented at the *AIIA Indigenous Courts Conference*, Mildura, 5 September 2007, pp. 11 – 12: accessible at <<http://www.aija.org.au/Ind%20Courts%20Conf%2007/Papers/Madden.pdf>> (accessed 16 January 2008)

²¹⁵ Madden, *op.cit.*

The presence of elders or respected persons in court can be effective in imparting a positive and constructive notion of shame, which comes from Indigenous people speaking to and supporting an offender, rather than from a more distant legal authority, who may make offender feel afraid and bad about themselves.²¹⁶

- 8.41 During a court process, the Elders will have the opportunity to question those present to determine the circumstances of the offence and the sentencing options available. Once this part of the process has been complete, the Elders will meet in private and agree on a sentencing recommendation which, if accepted by the offender and the magistrate, will be finalised at a later date in the Magistrates Court. The sentence proposal must comply with the *Crimes (Sentencing) Act 2005*.²¹⁷
- 8.42 The Panel of Elders must also act within other legislative requirements. For instance, a decision by the Panel of Elders not to accept a referral was assessed by the Magistrate as not according 'procedural fairness' to the applicant and thus transgressing the *Human Rights Act 2004*. A reassessment was subsequently required.²¹⁸
- 8.43 Between 2004 and late 2007, the Ngambra Circle Sentencing Court has sat on fifty occasions and accepted forty offenders and finalised thirty-two cases. Eight cases were removed for a range of reasons including,
- abusive, insulting and offensive behaviour towards the Elders, unaddressed heroin or other substance addiction other than cannabis, failure to comply with or attempting to comply with recommendations made by the Elders, committing further serious offences whilst on remand or simply no longer consenting to be part of the Circle process.²¹⁹
- 8.44 While the court has yet to be formally evaluated and a longitudinal study will be required to assess the effectiveness of the court, a 75 per cent prevention

²¹⁶ Marchetti and Daly, *op. cit.*, p. 5.

²¹⁷ Accessible at <<http://www.legislation.act.gov.au/a/2005-58/default.asp>>

²¹⁸ Police v Helmhout CC 06/5513 summary prepared by Magistrate Madden; accessible at <<http://acthra.anu.edu.au/cases/case.php?id=70>> (accessed 24 September 2007)

²¹⁹ *Ibid*, p. 22.

rate has been estimated in terms of recidivism.²²⁰

- 8.45 Discussing the development of the circle sentencing process, Magistrate Madden informed the Committee that the operation of the court is currently based on a practice direction rather than formalised by legislation.²²¹ Other jurisdictions, including New South Wales and Victoria have a statutory basis for their Indigenous courts.²²²
- 8.46 The Committee believes that greater certainty about criminal justice processes would be achieved by establishing a legislative foundation for the court. Furthermore, the positive role that the Indigenous community can play in justice processes would also be formally confirmed.

RECOMMENDATION 21

- 8.47 **The Committee recommends that legislation confirming the principles and objectives of the Ngambra circle sentencing court be enacted.**

Young Indigenous people and restorative justice

- 8.48 At present, the Ngambra Circle Sentencing Court is only available to adult offenders.
- 8.49 Magistrate Madden confirmed comments he has made elsewhere that he believed earlier interventions with young offenders through a juvenile circle court would have positive outcomes, including the potential to reduce in the number of Indigenous young people in custody.²²³
- 8.50 Magistrate Madden advised the Committee that 55 per cent of young people

²²⁰ Department of Justice and Community Safety (2007) *Annual Report 2006-2007* accessible at <http://www.jcs.act.gov.au/eLibrary/annual_reports.html> p. 117.

²²¹ Discussion with Magistrates Dingwall and Madden, ACT Magistrates Chambers, 31 March 2008

²²² See the *Magistrates' Court (Koori Court) Act 2002*. in Victoria and in NSW the *Criminal Procedure Amendment (Circle Sentencing Program) Regulation 2005*.

²²³ Mr Madden, *op. cit.*, p. 26. Also noted at the seminar "Success and challenges of the Ngambra Circle of Sentencing", 1 June 2007, Yarramundi Reach

detained in the Youth Detention Centre (Quamby) are Aboriginal.²²⁴

8.51 At hearing Mr Hinchey advised the Committee that although some people perceive the Ngambra Circle Sentencing Court as providing the best restorative justice option for the Indigenous community, about 12 per cent of the young people referred to the RJ Unit are Indigenous.²²⁵

8.52 The RJ Unit recognises the difficulties for Indigenous young people and strives to improve outcomes, but nonetheless, Indigenous offenders

have a higher rate of declining to participate than non-Indigenous, but they do participate. They also have a higher rate of noncompliance with their agreements than non-Indigenous...So we try to take into account that the capacity to repair that harm at that certain level, depending on where the harm is, might be diminished for Indigenous youth, depending on their background.²²⁶

Having said that, we are getting results. We are getting young Aboriginal people complying with their agreements, undertaking courses, doing volunteer work, working at the PCYC [Police Citizens Youth Clubs]—so we do get results, but there is a difference between Aboriginal and Torres Strait Islander participation and non-Aboriginal and Torres Strait Islander participation.²²⁷

8.53 Regarding the expansion of the Circle Sentencing Court to juvenile matters, Mr Hinchey proposed to the Committee that it would be

a great idea for young Aboriginal people to have access to a circle court where the elders are seen to be given the authority by the court to speak within a justice setting. I think that would be quite powerful...as long as the young person has some respect still for their elders. It comes down to that with every young person, whether they are Aboriginal or non-

²²⁴ Discussion with Magistrates Dingwall and Madden, ACT Magistrates Chambers, 31 March 2008. Of the Indigenous young people in Quamby, one is female.

²²⁵ Mr Hinchey, *Transcript of evidence*, 25 October 2007, p. 181.

²²⁶ *Ibid.*

²²⁷ *Ibid.*

Aboriginal: you have got to have respect.²²⁸

- 8.54 Discussions with Magistrates Madden and Dingwall alerted the Committee to the difficulties that can arise for Indigenous offenders in the ACT when their cultural links are with another region and the level of familial or kinship support available is reduced. For those family members residing in the ACT, efforts to provide support and guidance to a persistent offender can be a strain as they may be expected to take time off work or make alternative arrangements for other children in their care to attend court or other justice processes. Some flexibility in the court system is warranted.²²⁹
- 8.55 The Committee believes that as far as possible, a range of justice options for Indigenous young offenders should be available and would encourage the extension of the jurisdiction of the Ngambra circle sentencing court to juvenile matters. The extension of this court's jurisdiction is consistent with the restorative approach already used in the restorative justice programme and increases the options available to the courts to respond to the particular circumstances of young Indigenous offenders.²³⁰

RECOMMENDATION 22

- 8.56 **The Committee recommends that the jurisdiction of the Ngambra Circle Sentencing Court be extended to include juvenile matters.**

Family and sexual violence and restorative justice

- 8.57 Another area of divergence in the relatively straight-forward application of restorative justice principles is in the area of family violence.²³¹ Analyses of this area of justice are usefully focused on gender and the evident outcomes for women who may rely on the existing justice system for protection.

²²⁸ *Ibid*, pp. 181 – 182.

²²⁹ Discussion with Magistrates Dingwall and Madden, ACT Magistrates Chambers, 31 March 2008.

²³⁰ Both Magistrates noted that a broader range of justice options, including diversionary options, would be of value in dealing with all young offenders. The Committee considers this view beyond the scope of the current Inquiry, but noted its relevance to the administration of youth justice in general.

²³¹ Julie Stubbs (2006) "Proposals to Extend Restorative Justice to Domestic Violence and Sexual Offences: A Cautionary Note" Presentation for the Women's Legal Centre, ACT, Wednesday 17th May 2006. Canberra.

- 8.58 Kathleen Daly and Julie Stubbs raise some necessary cautions about the capacity of restorative justice practices to deliver outcomes that are not prejudiced by gendered social relationships. As they observe, available data indicates that the **minority** of offenders are female but the **majority** of offenders' and victims' supporters are female. Furthermore, they point out that discriminatory gender practices may distort the conduct of a restorative justice event.²³²
- 8.59 The potential for gender discrimination to influence behaviour makes some commentators sceptical about the use of restorative justice principles to address complex criminal areas such as domestic and sexual violence. However, building on the capacity of restorative justice approaches to respond sensitively to the social context of crime, some advocates are optimistic that better outcomes than those offered by the traditional criminal justice system alone may be achieved.²³³
- 8.60 Developments in the application of restorative approaches are still in the earlier stages and the Committee notes with interest that the Restorative Justice Unit has been negotiating with stakeholder groups on the best way to proceed in this difficult area of justice.
- 8.61 Mr Hinchey advised the Committee that the Unit is developing guidelines to specifically 'address gender-based harms because we think they are different to other forms of offending.'²³⁴
- 8.62 The assessment process for sexual assault and domestic violence offenders will be more intensive, recognising that 'there is a lot more manipulation involved in those types of offences, and denial and distorted beliefs, that we need to be comfortable about before we run a process.'²³⁵

²³² Kathleen Daly and Julie Stubbs (2007) "Feminist theory, feminist and anti-racist politics, and restorative justice" in Johnstone & Van Ness (eds) *The Handbook of Restorative Justice*, Willan Publishing, UK, pp. 149 – 170.

²³³ Centre for Restorative Justice *Newsletter No. 26*, September 2007.

²³⁴ Hinchey, *Transcript of evidence*, 25 October 2007, p. 183.

²³⁵ *Ibid.*

Additional policy considerations

Early intervention

- 8.63 The Committee considers that there are some important policy considerations arising from the Inquiry that flow on into to other administrative areas affecting young people.
- 8.64 The committee notes that the Office for Children, Youth and Family Services (OCYFS) uses family conferencing as a strategy to support children at risk.
- 8.65 In July 2006, the ACT Government announced a partnership between the Department of Disability, Housing and Community Services and the Australian National University, the Australian Centre of Child Protection (University of South Australia) and the Institute of Child Protection Studies (Australian Catholic University).²³⁶ The objective of the report is to test whether Professor John Braithwaite's theory of responsive regulation, can be used to reduce the incidence and harm caused by child abuse and neglect, by enhancing the capacity of families and local communities to care for children. By focusing on building community capacity, this approach can make more efficient use of existing resources through earlier intervention and improved cooperation with families.
- 8.66 The Committee looks forward to learning more about the outcomes of this important research.
- 8.67 As suggested in *chapter 2* of this report, the Committee observes that restorative justice principles provide a firm foundation for many of the social policy interventions undertaken in the ACT as they encourage individuals to focus on social relationships and, in some instances, reflect on how damaged relationships can be restored. Individuals can be empowered by restorative strategies, such as effective conferencing, in their efforts to repair precarious relationships.

²³⁶ Minister for Disability and Community Services, "Valuable funding for child abuse research", Media Release 20 July 2006. See also <<http://demgov.anu.edu.au/childprotection/>> (accessed 8 April 2008).

- 8.68 It is for this reason that the Committee believes that the explicit articulation of restorative principles and the value of social relationships is warranted in social policy documents and, potentially, in enabling legislation such as the *Children and Young People Bill 2008* (see recommendations 2 and 4).²³⁷

Other applications

- 8.69 During the Inquiry, the Committee obtained and viewed a copy of the film *Facing the Demons* which depicts a restorative conference between the family and friends of a young man murdered during a failed robbery and two of the convicted young men responsible for the death. The conference, lead by Terry O'Connell, provides an opportunity for

all those traumatised by the event to hear, for the first time ever, the other's side of the story...to find answers to unresolved questions and perhaps find a way to move ahead in their lives which have been indelibly affected by a horrific and senseless crime.²³⁸

- 8.70 The film demonstrates the potential for restorative justice principles to help repair harm even after criminal trial and sentencing is complete.
- 8.71 The application of restorative justice principles in the correctional context will soon be extended in the ACT following the completion of the Alexander Maconochie Centre in 2008.²³⁹ A number of implementation models are available including:
- Victims of crime meet with offenders not involved with their case to discuss the impact of crime;
 - Staff training in restorative approaches to conflict resolution; and
 - Restorative justice coordinators within the prison system to support staff and inmates to adopt restorative approaches.²⁴⁰

²³⁷ See also recommendations 1, 3 and 4.

²³⁸ *Facing the Demons*, (1999) Ronin Films. For details see <http://www.roninfilms.com.au/video/0/80/1832135.html> (accessed 30 January 2008)

²³⁹ The Committee notes that based on current statistics around 18 per cent of the prison's population will be under 25 years of age. See Australian Bureau of Statistics, *Prisoners in Australia 2007*, Data Set 45170DO021 – Table 18 Prisoners, age.

²⁴⁰ Daniel Van Ness (2007) "Prisons and restorative justice" in Johnstone & Van Ness (eds) *The Handbook of Restorative Justice*, Willan Publishing, UK, p. 313.

8.72 The outcomes sought by these programmes can vary but as Daniel Van Ness describes, the objectives can include

- Raising awareness and empathy for victims of crime and may or may not include some form of contact with victims of crime;
- Providing opportunities for offenders to earn “redress” funds undertaking community service and which can then be released to the victims of crime;
- Facilitating victim access to offenders for reparative dialogues either directly or through “go-betweens”;
- Establishing whole-of-organisation conflict resolution strategies;
- Creating the “virtuous prison” where restorative justice and rehabilitation practices are merged towards transformative objectives.²⁴¹

8.73 The Committee would encourage the application of restorative justice programmes in the soon to be commissioned correctional facility as a way of confirming the progressive approach to correctional management and rehabilitation being pursued in the ACT.

RECOMMENDATION 23

8.74 **The Committee recommends that the ACT Government investigate ways to ensure that restorative justice principles are applied in all aspects of the Alexander Maconochie Centre’s functioning and that the Restorative Justice Unit be authorised to provide post-sentencing restorative justice conferencing.**

Mary Porter AM MLA

Chair

8 April 2008

²⁴¹ *Ibid*, pp. 314 – 318.

APPENDIX A: List of submissions

No 1	Dr Heather Strang, Director	Centre for Restorative Justice, Australian National University
No 2	Mr Richard Shanahan, Chief Executive Officer	Menslink
No 3	Ms Robyn Porter, President	Weston Creek Primary School Parent & Citizens Association
No 4	Ms Peta Blood, Director	Circle Speak
No 5	Ms Lorraine Higgins, Chief Executive Officer	Volunteering ACT
No 6		Youth Coalition of the ACT
No 7	Mr Matt Casey	Australian Institute of Affective Practice
No 8	Ms Katy Gallagher MLA Minister for Children, Youth and Family Support	ACT Government
No 9	Mr Neil Roberts MP Parliamentary Secretary to the Minister for Communities, Disability Services and Seniors	Queensland Government
No 10	Ms Anna Bligh MP Minister for Education	Queensland Government
No 11	Ms Jacinta Allan MP Minister for Employment and Youth Affairs	Victorian Government
No 12	Hon Stephanie Key MP Minister for Youth	South Australian Government
No 13	Hon Dr Jane Lomax-Smith MP Minister for Education and Children's Services	South Australian Government

No 14	Hon Sherryl Garbutt MP Minister for Children and Minister for Community Services	Government of Victoria
No. 15	Mr David Llewellyn MHA Deputy Premier	Government of Tasmania
No 16		ACT Council of P & C Associations
No 17	Ms Robyn Holder Coordinator	ACT Victims of Crime
No. 18	Dr Brenda Morrison	Centre for Restorative Justice, Simon Fraser University
No. 19	Mr Andrew Barr MLA Minister for Education and Training	ACT Government

APPENDIX B: Witnesses

Public Hearing of 7 December 2005

Dr Michele Bruniges, Chief Executive, Department of Education and Training
Mr Craig Curry, Executive Director, Education, Department of Education and Training
Ms Kathy Melsom, Director, Student Services & Equity, Department of Education and Training
Ms Fiona MacGregor, Manager, Student Support, Department of Education and Training
Ms Lou Denley, Executive Officer, Office of Children, Youth and Family Support
Mr Paul Wyles, Director, Client and Adolescent Services, Office of Children, Youth and Family Support
Mr Neil Harwood, Director, Aboriginal & Torres Strait Islander Services, Office of Children, Youth and Family Support
Mr Matthew Kennedy, Manager, Quamby Youth Detention Centre
Mr Brett Phillips, Deputy Chief Executive, Department of Justice and Community Safety
Mr John Hinchey, Manager, Restorative Justice Unit, Department of Justice and Community Safety
Dr Nova Inkpen, Senior Convenor, Restorative Justice Unit, Department of Justice and Community Safety
Mr Derek Jory, Director, Justice Planning & Programs, Department of Justice and Community Safety

Public Hearing of 9 December 2005

Ms Robin Ballantyne, Assistant Secretary, Australian Education Union
Mr Peter Ross, Principal, Charnwood Primary School
Ms Annamaria Zuffo, Deputy Principal, Southern Cross Primary School
Mr Phil Marsh, Catholic Education Office
Professor Denis Goodrum, Head, School of Education, University of Canberra
Dr Katja Milhailovich, Head, Community Studies, University of Canberra
Dr Thomas Nielsen, Lecturer, University of Canberra
Dr Toni Nobel, School of Education, Australian Catholic University (Sydney Campus)
Ms Cathy Davis, School of Education, Australian Catholic University (Canberra Campus)

Public Hearing of 24 February 2006

Ms Susan Rockliff, Executive Officer, ACT Council of Parents and Citizens Associations

Ms Jane Gorrie, President, ACT Council of Parents and Citizens Associations

Ms Meredith Hunter, Executive Officer, Youth Coalition of the ACT

Ms Carrie Fowlie, Deputy Executive Officer, Youth Coalition of the ACT

Mr Richard Shanahan, Chief Executive Officer, Menslink

Mr Terry O'Connell AOM, Real Justice Australia

Ms Peta Blood, Director, Circle Speak

Mr Matthew Casey, Australian Institute of Affective Practice

Public Hearing of 14 March 2006

Dr Heather Strang, Director, Centre for Restorative Justice, Australian National University

Ms Robyn Holder, Coordinator, ACT Victims of Crime

Public Hearing of 8 May 2007

Ms Kathy Melsom, Director, Student Services, Department of Education and Training

Ms Fiona Macgregor, Manager, Student Support, Department of Education and Training

Public Hearing of 12 June 2007

Ms Robin Ballantyne, Assistant to the Secretary (Professional) Australian Education Union

Ms Cathy Smith, School Organiser, Australian Education Union

Public Hearing of 25 October 2007

Ms Linda Crebbin, Commissioner for Children & Young People

Ms Roslyn Dundas, Children & Young People Adviser, Human Rights Commission

Mr John Hinchey, Manager, ACT Restorative Justice Unit

APPENDIX C: Inquiry visits and study tours

Visit to Adelaide, South Australia: 1 - 2 September 2005

The Committee met with the following representatives:

Mr John Schluter, Policy Advisor, Interagency, Attendance and Crime Prevention, SA Department of Education and Children's Services
Ms Janine Harvey, Assistant Director, Child and Student Wellbeing, SA Department of Education and Children's Services
Mr Greg Cox, Policy Advisor, Student Behaviour Management, SA Department of Education and Children's Services
Mr Leigh Garret, Chief Executive Officer, Centre for Restorative Justice
Ms Debbie Laycock, Restorative Services Coordinator, Centre for Restorative Justice
Ms Denise Lane, Principal, Lonsdale Heights School
Mr Bill Hansberry, School Counsellor, Lonsdale Heights School
Ms Yannoula Michael, Principal, Hackham West Primary School
Ms Vicki Clamatianos, School Counsellor, Hackham West Primary School
Ms Helen Paphitis, Principal, Salisbury High School
Mr Adrian Flynn, Deputy Principal Salisbury High School
Mr Peter Ditty, Year 8 Year Level Manager, Salisbury High School
Mr Terry Jarrad, Student counsellor, Salisbury High School
Ms Helen Somerville, Year 9 Year Level Manager, Salisbury High School
Jessie, Salisbury High School Student
Ms Lesley Oliver, Student Inclusion and Wellbeing Coordinator, South West Metro District

Visit to Queanbeyan South Public School, NSW: 9 September 2005

The Committee met with the following representatives:

Mr Paul Kenworthy, Principal, Queanbeyan South Public School
Ms Liz Hurley, Acting Assistant Principal, Queanbeyan South Public School
Ms Sue Beacraft, Teacher, Queanbeyan South Public School

Visit to Charnwood Primary School: 13 September 2005

The Committee met the following representative:

Mr Peter Ross, Principal, Charnwood Primary School

Visit to Brisbane, Queensland: 23 May 2007

The Committee met with the following representatives:

Mr Ray Ashford, Director, Centre for Behaviour Support, Education
Queensland with:
Ms Angela Kitzelman; Senior Advisor, Centre for Behaviour Support;
Ms Jo Calvert; Senior Guidance Officer, Logan-Albert Beaudesert District;
Ms Chris Henderson; Anti-bullying project officer
Ms Wendy Caldwell, Senior Guidance Officer, Moreton Region;
Mrs Gerry Gimblett, Principal, Beaudesert State School;
Ms Elice Grandfils, Teacher, Beaudesert State School.

Visit to Melba High School: 4 September 2007

The Committee met with the following representatives:

Mr Bob Ross, Principal
Ms Kate Marshall
Ms Victoria Margrain

Visit to Fraser Primary School, 4 September 2007

The Committee met with the following representatives:

Ms Cherie Lutton, Principal
Ms Joy Arblaster

Visit to Melrose High School: 11 September 2007

The Committee met with the following representatives:

Mr Rob Emanuel, Principal
Ms Robin Morrell, Deputy Principal, Student Services
Ms Ellen Picard, Executive Teacher, Student Services

Visit to Ainslie Primary School: 11 September 2007

The Committee met with the following representatives:

Ms Carol Wilson, Acting Principal
Mr Jason Borton, Acting Deputy Principal

Visit to ACT Magistrates Court: 31 March 2008

The Committee met with:

Magistrate Peter Dingwall, Childrens Court Magistrate
Magistrate Shane Madden, Ngambra Circle Sentencing Court

APPENDIX D: Social skills programmes in ACT Government schools

Attachment A to

ACT Government Submission

(supplementary submission)

March 2007

Attachment A

SOCIAL SKILLS PROGRAMS USED IN ACT GOVERNMENT SCHOOLS IN 2006

Note: This table is not intended to be a comprehensive list but rather examples of schools and the programs they offer. The Department continues to explore evidence-based programs to enable schools to address issues of bullying, harassment and violence.

Programme	Description	Assessment of Outcomes
PATHS (Promoting Alternative Thinking Strategies) Pilot Project schools: <i>Primary:</i> Charnwood, Taylor, Charles Conder, Torrens	The Promoting Alternative Thinking Strategies (PATHS) curriculum is a comprehensive whole school program that promotes emotional and social competencies and reduces aggression and behaviour problems in primary school-aged children, while simultaneously enhancing the educational process in the classroom.	The PATHS program has been extensively evaluated in the United States and has been accorded Model Program status by Substance Abuse and Mental Health Services Administration (SAMHSA) and the Blueprints Project for the Study and Prevention of Violence at the University of Colorado (http://www.colorado.edu/cspv/blueprints/model/programs/PATHS.html). Select Program status by the Collaborative for Academic, Social and Emotional Learning (CASEL), Best Practices Program status by the Centers for Disease Control and Prevention, and Promising Program status by the US Dept of Education (Safe and Drug-Free Schools Program). It has been evaluated in Perth with similar results to the US.
Second Step Pilot schools: Gold Creek School and Palmerston Primary	Second Step is comprehensive whole school program (K - 10) that is designed to reduce impulsive and aggressive behaviour in children by increasing their social competency skills.	Numerous studies in the US and Europe have found that Second Steps reduces aggressive and anti-social behaviours along with reductions in depression and anxiety in students and improvements in learning. It is rated highly by numerous US government agencies.
You Can Do It: Schools: <i>Primary:</i> Aranda, Arawang, Bonython, Fadden, Florey, Gilmore, Kaleen, Southern Cross, Theodore, Turner, Urambi, Village Creek, Weetangera, Weston Creek, Yarralumla	This program provides an insight into under-achievement and offers ways of addressing and breaking down the barriers that are the underlying causes of underachievement. You Can Do It! Education Mentoring Program aims to provide structure and tools for teaching students how to be the success they can be.	The background conceptual framework of YCDI seems to be fairly solid. What is interesting is that the model targets academic achievement only and the unpublished masters research and case studies show an improvement in academic outcomes. However, only one study looked at a Social Emotional Learning dimension (self esteem) and this showed no difference between treatment and control.

Programme	Description	Assessment of Outcomes
M and M Pathways Pathways to Positive Peer Relations. <i>Primary:</i> Gowrie, Narrabundah, Isabella Plains, Lyons, Richardson and The Woden School	A social skills programme to assist with social skills teaching. Aims to develop students' confidence to make choices and the awareness to recognise the consequences of those choices.	No formal evaluation has been completed (according to the developers)
Friendly Schools Friendly Classrooms + Friendly Schools and Families	An Australian whole school approach to bullying.	Extensive evaluation (using control groups) indicated that when the program is implemented with the whole school approach there is a reduction in the amount of bullying being experienced.
Why Try <i>High Schools</i> Stromlo High, Kaleen High	The WhyTry Program helps youth (Y 7-10) answer the question "WhyTry?" when they are frustrated, confused or angry with life's pressures and challenges. Youth learn not to give up easily and to be resilient to everyday pressures. The WhyTry Program encourages youth not to lash out at society or to act out their anger and blame others for adverse life circumstances. They learn instead to channel their energy into constructive behavior and options which will lead to more self-respect, more opportunity in life and more personal freedom of choice.	A relatively new program that has one outcome study, which found that students who participated in a program called WhyTry were more likely to have less attendance problems, a lower negative attitude toward teachers and school, and a higher locus of control. They indicated that they were more personally responsible for their behaviour. The students also had higher grades than the control group. Teachers rated a significant improvement in motivational attributes.

Programme	Description	Assessment of Outcomes
Bully Busters: Amelia Suckling and Carla Temple References: Bullying – A Whole School Approach (ACER) Schools: Gowrie Primary	Bullying: A Whole-School Approach <i>or Bully Busters</i> suggests that bullying should be dealt with as a 'whole school' issue. Bully-Busters is a three-pronged program to deal with bullying quickly, effectively and set long term bully management strategies for teachers, parents and children.	MindMatters Plus: No formal evaluation is available. One U.S. study was found that indicated a reduction in bullying behaviour.
Restorative Practices <i>Primary:</i> Charnwood, Southern Cross, North Ainslie, Forrest, Girralang, Lyons, Mt Neighbour, Tharwa, Urambi, Village Creek, Bonython, Calwell, Chisholm, Gilmore, Gordon, Isabella, Richardson, Theodore, <i>High:</i> Calwell, Caroline Chisholm, Lanyon, Gold Creek, Telopea Park, Alfred Deakin, Belconnen Woden School and Wanniasa School	Restorative Practices is defined as restoring and developing social capital, social discipline, emotional well-being and civic participation through participatory learning and decision-making. Popular processes are: restorative conferencing, mediation, corridor conferencing, problem solving circles. These can be supplemented by: using circle time teaching learning framework and adopting a strong focus on Social Emotional Learning. Restorative Approach is based on a set of principles relating to the repair of harm at a relational level. Restorative Practices is essentially about relationships and interactions, aimed at promoting a sense of connectedness within schools and their communities this means there is expected to be a great deal of variability in the application of the principles and processes. This makes it difficult to evaluate across settings. However, if implemented correctly, it may... improve the school environment and enhance the learning and development of young people (Youth Justice Board for England & Wales, 2004, p 65). There is Australian data that indicates there is a decrease in suspension rates through the application of restorative conferencing in schools, along with high rates of participant satisfaction (eg person harmed, parents and wrongdoer) and high rates of compliance with agreement (above 90%).	

Programme	Description	Assessment of Outcomes
Aussie Optimism	The Aim of the Aussie Optimism program is to promote optimistic thinking and life skills in young people to assist them in meeting the challenges and stresses of adolescence. It can be used for adolescents making their transition to secondary school or for those attending middle school.	This program has shown effectiveness in reducing depressive symptoms, changing pessimistic attributional style and improving classroom behaviour, compared to control groups up to six months after treatment (Jaycox, Reivich, Gillham, & Seligman, 1994). Follow up studies two years after the completion of the program have found that the effects are sustained and depression prevented in children at risk (Gillham, Reivich, Jaycox & Seligman, 1995).
Bounce Back! Resiliency Program: Schools: <i>Primary:</i> Calwell, Chapman, Giralang, Hall, Macquarie, Maribyrnong, Monash, Fraser	This is a classroom resiliency program based on curriculum units on Core Values, The Bright Side, Courage, Emotions, Bullying, Relationships, Humour and Being Successful.	In September 2003 the Bounce Back! Resiliency Program was awarded the Robin Winkler Award for Excellence in Applied Research in Community Psychology by the Australian Psychological Society.
Resourceful Adolescent Program (RAP)	The aim of RAP is to reduce the incidence of depression and associated problems in young people. It is an experiential, resilience-building program that has been designed to promote positive coping abilities and the maintenance of a sense of self in the face of stressful and difficult circumstances. It is a universal program that targets all teenagers in a particular grade.	Efficacy and effectiveness of RAP-A have been supported through several randomised controlled trials. The trials support RAP-A's efficacy in the short and medium term.
Mind Matters Schools: <i>High:</i> Caroline Chisholm, Kaleen, Stromlo,	A whole school program to promote and protect the social and emotional wellbeing of all members of the school community.	Improvements in help seeking behaviours, mental health literacy and empathy have been found. Reductions in bullying, aggressive behaviours and substance abuse are less uniform and may depend on implementation processes within schools.
Stop Think Do Schools - <i>Primary:</i> Amaroo, Chisholm, Gilmore, Higgins, Latham Rivett, Wanniasa Hills	A program designed to help students stop and think about situations before responding in an emotional manner.	No outcomes research has been found.

Programme	Description	Assessment of Outcomes
Heart Masters Schools: <i>Primary:</i> Flynn, Holt	Heart Masters is based on Australian research and can be viewed as more of a resource than a program. It provides schools with a way to build resilience and emotional intelligence in students by utilising a number of activities to engage and instruct students whilst promoting resilience and well-being. It is a flexible resource that can also compliment other interventions.	No outcomes research has been found. The program is based on well-established theories of behavioural change including social learning theory and a cognitive/rational approach.
Habits of the Mind Schools: <i>Primary:</i> Wanniasa Hills <i>High:</i> Alfred Deakin	Habits of the Mind aid students in school and adults in everyday life as they are challenged by problems, dilemmas, paradoxes, and enigmas for which the solutions are not immediately apparent. Drawing on the Habits of Mind means knowing how to behave intelligently when you don't know the answers. It means not only having information, but also knowing how to act on it.	No outcomes research has been found.
Rock and Water Schools: <i>Primary:</i> Turner, Farrer <i>High:</i> Melrose, Melba, Lynchem	The Rock and Water Program aims to apply a physical/social approach to assist boys in their development to adulthood by increasing their self-realisation, self-confidence, self-respect, boundary awareness, self-awareness, and intuition. A specific goal of the course is teaching boys to deal with power, strength and powerlessness.	No outcomes research has been found.
Friendly Kids Friendly Classrooms Schools: Co-op School, <i>Primary:</i> Hawker, Miles Franklin, Tharwa, <i>High:</i> Telopea Park	The four parts to this book offer a complete program of classroom and playground skills that will help children get along with their classmates.	Recommended by the Department of Education Tasmania as a literacy resource and further recommended by the Western Australia Curriculum Board as a resource for developing self-esteem and interpersonal skills. No outcomes research has been found.

PALS (Playing and Learning to Socialise) (Pre-school – Kindergarten)	The Playing and Learning to Socialise (PALS) Program is a preventative program designed to support children in developing the key skills that they need in order to play and socialise with their peers effectively.	Two studies (Australian and UK) indicate that the PALS Program is an effective early intervention tool to reduce problem behaviour in preschool children.
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APPENDIX E: ACT National Safe Schools Annual Report 2005

Implementation report of core elements

prepared by the

ACT Department of Education and Training, 2006

NATIONAL SAFE SCHOOLS FRAMEWORK (NSSF) IMPLEMENTATION OF THE CORE ELEMENTS- ANNUAL REPORT 2005
DEPARTMENT OF EDUCATION AND TRAINING – AUSTRALIAN CAPITAL TERRITORY

Key Element 1 School values, ethos, structure, culture and student welfare – to what extent: • Are programmes and strategies in place to participate in a positive school culture?	ACT schools use a range of policies and programmes which create a positive school culture. These include Social Skills programmes, Values Education, Restorative Practices, Playground Mediators, Buddy Programmes, Pastoral Care and Leadership programmes and Enterprise Education opportunities.
Key Element 2 Policies, programmes and procedures – to what extent: • Are procedures in place to screen all paid school staff? • Are procedures in place to screen others working or assisting in schools without pay (such as volunteers)? • Are procedures in place for reporting by staff of abuse? • Is there a current agreed statement of expected or unacceptable behaviour in relation to bullying, harassment and violence, including consequences?	<i>The ACT Children and Young People Act 1999</i> requires all staff working with children to be screened. All teachers employed by the ACT DET have a full police check and their employment status is checked with all other states. Procedures are detailed in the ACT DET <i>Working with Children and Young People: volunteering – Policies and Procedures</i>. Currently schools manage their own procedures and ensure that volunteers are in direct supervision of a teacher. When duty of care is required an application is made to the Department's Human Resources section, police checks are obtained and an authorisation card issued to the school. <i>The ACT Children and Young People Act 1999</i> informs ACT DET policy and procedures: <i>Child Abuse and Neglect Guidelines for Schools and Pre Schools, Protocols between Family Services, Schools and Preschools</i>, were revised 2004. All teachers are required to be mandated reporters and an amendment which came into effect on August 1, 2006 required all public servants who work with students to be mandated. In 2006 the ACT DET revised Safe Schools Policy and related policies: <i>Countering Bullying and Harassment, Countering Racism, Countering Sexual Harassment and Student Management Policy</i> make explicit expected behaviour requirements.
Key Element 3 Provision of education/training – to what extent: • Have teachers received training in relation to countering bullying, harassment and violence?	ACT DET supports schools to implement a range of whole school approaches and provides professional learning opportunities through the Professional Learning Fund. These have included restorative practices training, advanced skill training for teachers managing difficult behaviour, classroom student management training and social skills training – currently two new evidence-based programs are being trailed in secondary and primary schools.

• Have teachers received training in relation to child protection? • Have students received explicit training in relation to countering bullying, harassment and violence, in strategies to keep themselves safe (e.g. child protection programmes)? • Are parents provided with information on countering bullying, harassment and violence, and on programs to educate students to keep themselves safe (e.g. child protection programmes)?	All teachers and office staff receive training in mandatory reporting. Students receive training in protective behaviours. This child abuse prevention program is widely taught in ACT DET schools and school counsellors from the Student Counselling and Welfare Section carry out all training for teachers. Parents are provided with information at a school level through parent information evenings and newsletter articles and are involved in school policy making through the school board. ACT DET supports the Bullying No Way (Safe and Supportive School Environments) website and provides parenting programmes such as Triple P – (Positive Parenting Programme) and Parenting with Love and Limits.
Key Element 4 Managing incidents of abuse/victimisation – to what extent: • Have proactive responses been applied to signs and symptoms of bullying, harassment and violence? • Are both staff and students involved in identifying where bullying occurs? • Are strategies to support and monitor child protection, both immediate and long term, in place?	ACT schools respond under the guidelines of countering bullying/harassment and student management policies to address signs of violence, bullying and harassment. ACT schools carry out surveys, which may include maps of the school to identify where bullying occurs. This is done at a school level through the work of special needs teams, which include the school counsellor. Schools liaise with the Office of Children, Youth and Family Services, (OCYFS). ACT DET works closely with OCYFS and is guided by the Memorandum of Understanding. The Department has provided training in Risk Assessment.
Key element 5 Providing support for students – to what extent: • Are social supports and counselling available to students involved with or affected by abuse and victimisation?	ACT Schools manage incidents of abuse and victimisation according to their student management and wellbeing policies. ACT DET provides support for students who are seriously affected by abuse and victimisation through the employment of youth support workers, student management consultants, special teachers assistants, counsellors and make referrals to agencies for assistance.
Key Element 6 Working closely with parents – to what extent: • Are parents informed and consulted on relevant issues?	ACT schools inform parents on relevant issues through direct communication and meetings. When a parent contacts the Department issues are followed through with meetings arranged between the Schools Directorate, parents and teachers.

APPENDIX F: Restorative practice evaluation

Report on the implementation of restorative practices

in six ACT Schools

prepared for the

Department of Education and Training, August 2007

Restorative Practices In Six ACT Public Schools

*Report on the implementation of Restorative Practices in:
Calwell High, Calwell Primary, Isabella Plains Primary
Theodore Primary, Chisholm Primary and
Charnwood-Dunlop Primary*

Prepared by
Pam Nicolson for Student Support Services

August 2007

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Introduction

Throughout June and July 2007, the Student Services Branch (SSB) of the ACT Department of Education and Training undertook to survey a number of ACT schools with the aim of gathering data about their implementation of Restorative Practices (RP). Schools included in the project were; the Calwell Cluster – Calwell High School; Calwell, Isabella Plains, Theodore and Richardson Primary Schools – and the Charnwood-Dunlop School. A questionnaire was developed by SSB in collaboration with Peta Blood, Consultant, Circle Speak Sydney to assist this survey (see attachment). The survey was undertaken as a result of a recommendation from the Legislative Assembly Inquiry into Restorative Practices and sought to obtain information regarding strengths, areas for development and identify any barriers for implementation.

Background

In ACT public schools the initiative and responsibility for student management and welfare lies with the individual school. As a result there are a number of methodologies in existence across the jurisdiction. The schools surveyed had a range of diverse approaches and programs for cultural, social and emotional learning, student welfare and personal development. The shared factor for all schools is the use of Restorative Practices in their student management processes.

Restorative Practices is a school-based conflict-cycle intervention adapted from the criminal justice system's Restorative Justice. The aim is to restore damaged relationships, engender empathy, increase social literacy and support the values of tolerance and respect throughout a school community within a firm, clearly understood and powerful framework. Schools receive support and direction in the implementation of Restorative Practices from the SSB of the ACT Department of Education, which organises professional development training and ongoing evaluation for key staff as well as facilitating the process where appropriate.

This study of six schools indicates that Restorative Practices can be a powerful tool in creating a climate for positive change in school cultures. The impact and effectiveness of Restorative Practices across the territory will increase as it is more widely understood and exercised. In her 2006 *External Validation Report*, Louise Bywaters said that "ACT public education is to be acknowledged for the innovative and effective application of the principles and practices associated with Restorative Practice and should be recognised nationally for this lighthouse work."

The ACT partnership with Ms Peta Blood and the ACT Department of Education and Training in 2003 has been critical. "Since 2003 the SSB has sponsored, the implementation of restorative practices on the basis that this was not seen as something which replaced everything; that it needed to sit along side a range of very successful initiatives and identified work".

(Peta Blood, in evidence given to Legislative Assembly Standing Committee on Education, Training and Young People, February, 2006)

Questionnaire results:

The questionnaire sought to gather information about school and staff size, number of staff trained in aspects of restorative practice and also sought to gather qualitative information regarding the effectiveness of Restorative Practices.

Cluster schools began implementation in 2004 (Calwell High and Calwell Primary) followed by Isabella, Richardson and Theodore Primaries in 2005, as result of a cluster initiative. Chisholm Primary and Charnwood-Dunlop began implementation in 2003. A total of 150 teaching staff and 1811 students were involved in the study.

Training

Number of Staff Trained	Name of Trainer	Total % staff trained
		%
One day introductory (system provided)	Peta Blood	75
Whole School Introductory (one day)	Peta Blood	70
Whole school introductory session (short)	Peta Blood/cluster/school	49
Conference Facilitation	Peta Blood	21
Circle Time training –2 day course	Peta Blood/Faye Bormann/cluster	17
Circle Time introduction - (short)		90
Classroom Problem Solving	Margaret Thorsborne/Faye Bormann/Sonja Marmont	28
Other tailored workshop	School/Cluster	74

No school had every staff member trained in all areas. As some schools had experienced change in the leadership team, figures relating to training in first three years of implementation were not available on a year by year basis in every school. The above table illustrates the percentages of staff from across all schools. From schools that did have data relating to the three years, it is evident that training in the second and third years of implementation was needed to cater for new staff. Staff changes occurred because of mobility and other movement such as promotions and leave.

In some schools staff changes and difficulty motivating a small number who did not engage in professional learning in RP, or did not value it as a program were identified as ongoing challenges. It was also recognised that complacency can be a factor when things are going well and that it is important to regularly revisit both RP philosophy and the school's

approach to implementation. This is done at staff meetings and dedicated cluster group meetings.

All schools view RP as just one element of a school's approach aimed at assisting students to develop positive relationships and building social capital within the school community. This case study of six schools indicates that RP is a powerful tool. Schools are experiencing a great deal of success in changing school culture and developing strong emotional literacy skills in students. Studies done in other jurisdictions have noted similar outcomes.

'We know that the sense of belonging and pride in school are related to academic performanceThe more involvement in school and positive peer groups, the less likely students are to engage in risky behaviour'

(FORUM April 27, 2007-*"Restorative practice in schools –Research Reveals Power of Restorative Approach"*, part 1, Abbey J Porter)

It must be recognised that cultural change takes time. In her evidence to the Legislative Assembly in February 2006, enquiry Peta Blood suggested three to five years; high school staff said that thought it would be eight for them. At the Inquiry in 2006, Blood suggested that the ACT was probably 12 to 18 months away from actually achieving sustainable practice. It is evident that despite the barriers, sustainability is a reality for the schools surveyed.

The Principal at Calwell High School reported that the 2007 Year 7 cohort came to high school with well developed understanding of RP. This has been of great benefit to the students in the transition to high school and the school is dealing with less behavior issues and incidents than in previous years. As all schools in the cluster have been practising RP for three or four years it appears that there is now evidence that students have embedded understandings and skills that enhance their ability to develop positive relationships and that there are benefits in a cluster approach to RP.

Whilst reporting very positive outcomes through RP for most students, all principals raised their concern for the very small number of students (1-2%) for whom RP did not seem to work. These students experienced disconnection from the school and were experiencing perhaps mental health concerns or extreme personal issues.

Additional support and funding for a multi disciplinary approach is being provided for these students. Without exception principals indicated a willingness and commitment to work with and for the students. The issue seems to be that resources, time and personal, are stretched with these few students. The rights and safety of other students were of concern also and teachers and parents often raised this.

Range and embeddedness of practice

As evident in the school breakdowns, schools vary in their training background and approach to implementation of all elements of the RP pyramid.

Universal Level: Preventative / Proactive strategies

In four of the six schools surveyed circle time, relational teaching practices class meetings and social skills programs, are used across the whole the whole school. One school reported these practices used in the majority of the school and the sixth school's report indicated this level is embedded in classrooms.

Targeted Level: Solving minor day to day disruptions and disputes

Relational Questions, Class Problem Solving, Circles and Small Group Conferences are used in all schools surveyed.

Playground Mediators are used in two of the six schools, with one school indicating plans to introduce mediators in Semester Two, 2007.

Intensive Level: Solving major issues where harm has been caused

At this level schools report 'some to high' levels of confidence amongst staff and a general willingness by most to give it a go.

Conferences upon return from suspension are used in five of the six schools.

Conferences to determine action required are used in all schools as are classroom or large group conferences and problem solving circles.

Life Space Crisis Intervention (LSCI) is used in three of the six schools. In one school only the principal is trained.

Working Relationally with Staff

Conferences for staff matters are used in four of the six schools.

Three of six schools use team problem solving circles and four run staff meetings in circles some of the time.

Working Relationally with Parents

Parents participate in restorative processes in four of six schools.

Parent training in restorative practice has not taken place in any of the schools.

Some schools run some parent meetings in circles.

All schools report some parents requesting the restorative process.

In what ways has this made a difference to whole school culture?

The questionnaire asked respondents to use a 1-5 ranking: 1 = to a small extent: 2 = to a great extent.

All schools reported enhanced student learning outcomes in the range 3-5. Higher rankings appeared to directly correlate to schools where more staff members were trained and where the RP philosophy is more fully embedded. Strengthened relationships in the classroom were evident in all schools but not necessarily with all teachers and students.

For the following items schools indicated rankings within the 3 to 5 range:

- students more engaged in learning
- enhanced social/emotion skills
- students more able to problem solve
- students readily request assistance with problems with other students
- reduced need for time out detention
- reduced incidents of violence and bullying
- students more readily integrated back into classroom
- teachers more willing to give a student a fresh start on return from suspension
- teachers more likely to seek assistance for difficulties in their class
- staff are more willing to raise issues that concern them.

All schools responded in the 4 to 5 range that they now have a range of strategies to deal with challenging behaviours.

The remainder of responses ranged from two to five with the exception of the last item, which had a range of one to four:

- staff meetings now run more smoothly and everyone has a voice
- we now have a culture of solving problems versus complaining about them
- parents support strategies
- parents more inclined to work with us than against us
- teachers no longer blame parents, but seek to work with them.

Despite the areas that ranked lower all schools indicated responses in the 3 to 5 range for the item 'this is the way we do things around here'.

No school has as yet undertaken major work in the area of parent training or in working with parents in circles, but there was strong support for RP in all schools with some parents asking to be involved in the process with their children. Schools use parent meetings and newsletters to inform their communities. Some sample newsletter items can be found in the attachments to this report

Chisholm Primary is one school that has kept individual student data over a period of time. It is important to recognize that the school indicates that there is a challenge in actually getting the data entered due to time and other constraints. Sharing of ways of collecting and using data was seen as useful. For example at Chisholm, examination of student data clearly showed that some students came to school with outside issues that disrupted their start to the day. The school was then able to put in place 'home to school transition plans' to enable the child/ren to have quiet time before they entered their classrooms for the day. Chisholm also reported that initially, as they experienced a drop in physical abuse after RP implementation, there was a rise in verbal abuse. Circle time was used to address this. This is a good example of the usefulness of data collection at a school level.

Summary

In discussion with principals it is evident that:

- schools undertook RP because their current practices were not working well enough
- schools recognise the initiative and support of SSB in supporting professional development and implementation within schools
- RP is effective and makes a significant impact in
 - reducing the number of playground incidents
 - reducing attendance at 'timeout'
 - enhancing positive outcomes for both victim and perpetrator
 - improved educational outcomes for some students who had been experiencing difficulty in relating positively to others.
- they perceived the strength of the program is its' psychological framework
- all spoke of the time involved in running conferences but were unanimous in agreeing that it was time well spent
- Life Space Crisis Intervention is valued as a strong program that links well with restorative practice
- staff stress is diminished when RP is working well. This appears to be because of the use of the relational questions which depersonalise the situation
- schools used a variety of social skilling programs and wish to maintain school based decision-making about their approach to values education, within the guidelines of the Safe Schools Framework.

In each school there were a small number of students who require a range of other responses. Principals did not usually attempt the full RP process with these students.

In discussion with principals there was a shared belief within the cluster that whilst everyone was committed to RP, it was not something that a system should impose upon all schools. The belief being, that not all schools had such a high need to change what they were doing because it wasn't working, as was the case in the cluster. On the other hand the principal who had introduced RP into Charnwood-Dunlop, indicated that RP would benefit all schools providing they were resourced and trained properly.

Evidence collection

Schools use a variety of tools including:

- student, parent and staff surveys
- data – statistics on playground and class behaviour
- data from MAZE
- feedback from students and parents, critical friend observations
- RISC
- bullying audit
- thinking room referrals
- student behaviour records.

Evidence relating to ways in which individual students have benefited is clearly documented with the story of Miguel which can be found on the DVD *“Restorative Practices-Creating School Culture that Builds Positive Relations”*, a project funded by Australian Quality Teacher Program.

Barriers to implementation

Schools identified the following as barriers to implementation:

- turnover and mobility of staff
- resources (time and money) to undertake training of new staff and further up-skilling of existing staff
- teachers falling back into old habits in times of stress
- more human resources: the model requires sustained and committed input from the staff combined with PD and appropriate resources
- time needed for informal evaluation in small teams and possibly across the cluster to look at questions such as – How is it going? What is working? This time would also be used to share information and other activities such as writing newsletter items for sharing and planning shared parent forums.

Considerations

There is significant evidence that RP is working well for the schools surveyed. The following considerations became apparent:

1. The cluster is very keen on being resourced/supported to have a School Leader B position, similar to the Lanyon cluster literacy support model, to support staff training, parent programs and students' needs.
2. Life Space Crisis Intervention training for all school leaders is highly desirable.
3. The system requires schools to report annually in the National Safe Schools Framework. Data may be included in this report but generally this is in the form of qualitative data. Whilst all schools surveyed had behaviour/timeout records and suspension data there was no common approach to data collection. There is a question in schools about what to collect and what it will be used for, particularly by the "system." Principals suggested time was needed to create a database. The database would need to be easily accessed and user friendly.

Discussion focused around the perceived benefits of a database developed centrally in consultation with schools and provided to schools to use/modify for their own use. Should/could this become part of the annual Safe Schools Framework report? If this were to be the case it is vital that all schools are given adequate information about what is required, the time frame for the data collection and what the information will be used for. Principals did not want to be placed in the position of collecting data for data sake or in having to implement initiatives as an outcome of data results with out being properly resourced.

4. Case management and a full service model to support schools in their work are seen as desirable in schools.
5. More external support for executive staff in schools is needed. The role can be draining and exhausting, particularly when working with totally disengaged or mentally ill students. Principals were unanimous in this but did not articulate what form that it should take, other than refer to the need for adequate staffing to support students with challenging behaviours.
6. Further discussion and action is required to identify ways of moving forward in addressing the needs of, and improving learning outcomes for the small number of students currently unable to participate safely and successfully in school life.
7. The DVD *"Restorative Practices-Creating School Culture that Builds Positive Relationships"* has positive messages. How will it be used? It may be useful for schools to use in parent forums.
8. Publication of a small brochure outlining the philosophy and elements of RP (similar to school information brochures) would assist schools and ensure consistency of the general information provided to school communities.
9. Training for office and support staff would enhance the whole school approach.