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Regulating safe school communities: being responsive and restorative

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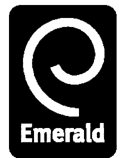
Abstract *This paper will introduce a whole-school approach to regulating safe school communities, based on principles of restorative justice. The idea is to move beyond regulatory formalism to a stance of response regulation, whereby the needs of the school community can be better met. The approach will incorporate a continuum of practices across three levels of regulation. The primary level of intervention targets all students, with an aim to develop students' social and emotional competencies, particularly in the area of conflict resolution. This first stage aims to enable students to resolve their differences in caring and respectful ways. The secondary level of practices involves a larger number of participants in the resolution of the conflict or concern, as the problem has become protracted or has involved (and affected) a larger number of people. The tertiary level of intervention involves the participation of an even wider cross-section of the school community, including parents, guardians, social workers, and others who have been affected. This intervention is typically used for serious incidents within the school, such as acts of serious violence. At each level, the processes involved are based on principles of restorative justice, such as inclusive and respectful dialogue. The aim is to build safe school communities through being more responsive and more restorative.*

Internationally, there are heightened concerns about the level and intensity of violence across all school levels (Debarbieux and Blaya, 2002). The tragic deaths of students and school personnel in countries around the world have captured our attention. The media has helped increase our awareness; but with this, it has also raised overall levels of fear, prompting overreaction and short-term vision in responding to the problem. Security and safety is the common call but the response across school systems has been highly variable. Administrations remain unclear as to what is the best response. This is not surprising as there is poor evidence of what is most effective in addressing school violence, short and long term. The task ahead is not an easy one. There are many questions to pursue? For example, how do schools respond to the largely unpredictable nature of some of these acts of violence; school communities live daily with the ominous fear that these same events could happen again. Indeed, it is not uncommon for concerns over school violence to take precedence over academic achievement. At the same time, for many young people today, schools are the safest place for them to be. For example, in the USA less than 1 percent of all youth killed by guns since 1992 have been in school or at school related functions (see United States Department of Justice, 2001).



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While schools are relatively safe places with regard to lethal school violence, schools are also the home to some of the highest levels of insidious types of violence, such as bullying, aggression, intimidation, and exclusion. This type of violence is not only harmful in itself, it also feeds the wider cycle of violence and alienation (Morrison, in press-a). This was a clear finding in the United States Secret Service's investigations into 37 incidents of school shooting, involving 41 perpetrators (Reddy *et al.*, 2001). They looked at the standard predictors of violent behavior: family background: some perpetrators came from intact cohesive families; some from broken homes or lived with foster parents; academic achievement: some were excellent students; others were failing; peer support: some were loners; while some had a close circle of friends. None of these standard predictors were helpful in unraveling the puzzle of "why". Was there a common theme beyond these predictors? Yes, depression. Three out of four had tried or talked about suicide. Why were they depressed? More than 2/3 felt victimized through ongoing bullying. The Secret Service asked Luke Woodham, who killed his mother and two students in 1997, what would it have taken for a grown-up to know what you felt? Woodham replied: "Pay attention. Just sit down and talk with me". The secret service then asked: "What advice do you have for adults?". Woodham's advice was "... they should try to bond more with their students ... Talk to them ... It doesn't have to be about anything. Just have some kind of relationship with them".

Relationships, and their repair, lies at the heart of restorative justice. In responding to acts of violence in schools, we must look at the web of relationships in which the violent act takes place, and respond to the act in the context of the harm caused to those relationships. It is about addressing the needs of those most affected: the victims, and their community of care; the offender, and their community of care; as well as the wider community. Violence casts a web of harm. Restorative justice seeks to repair that harm through re-weaving the relationships, that sustain individual well-being, back into the fabric of their communities. Through this process resilience and responsibility is fostered. This paper seeks to:

- explain the restorative justice approach to violence in schools;
- highlight the theory underlying the practice of restorative justice; and
- develop a responsive regulatory framework of restorative justice for schools.

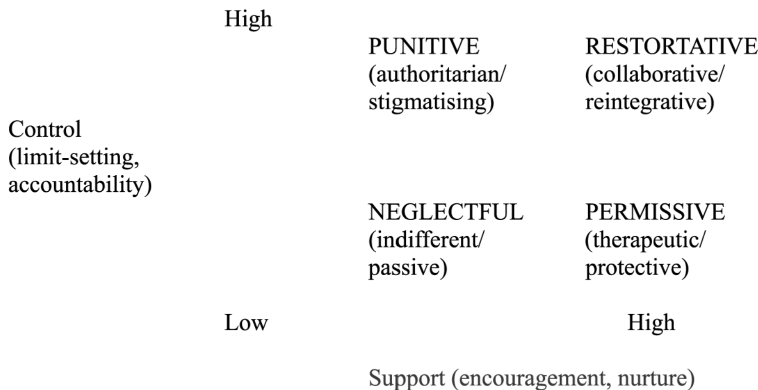
Restorative justice: defining the approach to violence in schools?

In addressing school violence two broad outcomes are sought: safe school communities; and behavioral change for individuals. These two outcomes can be at odds with each other. Sometimes our interventions focus on the welfare of the individual, while putting the community at greater risk; other times, our interventions focus on the welfare of the community, putting the individual at greater risk. And, at times, we do nothing, hoping the problem will resolve

itself. When we focus on the welfare of the community, this approach is typically driven by conservative ideals that promote social control through limit setting, and endorse punishment as the response. When we focus on the welfare of the individual, this approach is typically driven by libertarian ideals that promote compassion, and endorse rehabilitation as the response. In other words, the former values accountability, while the later values social support. Restorative justice values both.

The social discipline window (Wachtel and McCold, 2001) is a useful model in differentiating restorative justice from other forms of social regulation (see Figure 1). As outlined, a punitive approach is typically high on accountability but low on support; while a permissive therapeutic approach is high on support but low on accountability. When the approach is low on both, it can be neglectful; when the approach is high on both accountability and support, the approach it can be restorative.

Another way of thinking about this is that punitive approaches value the community over the individual, with the community handing down punishment to the individual. The permissive therapeutic approach values the individual over the community, with the community focusing on doing something for the individual. The neglectful approach values neither the community nor the individual; it is about not doing anything. The restorative approach values both the individual and the community; the focus is on the individuals affected within the community working with each other to address the needs of those most affected. Typically, each of these four responses does not stand alone. Often, as school communities struggle with ongoing behavioral problems in schools, the response flips from one of these four approaches quickly to another, sometimes in a haphazard manner. It is not uncommon for schools to first respond through support and then quickly flip to punishment. Increasingly, many school administrations are adopting punitive



Source: Wachtel and McCold (2001)

Figure 1.
Social discipline window

approaches in line with "zero tolerance" policies for violent incidents. Typically, the zero tolerance policy requires that for violent incident cases the offenders are suspended, or expelled, from school. Overall, the approach to violence in schools is no different than the approach to violence in other jurisdictions. It is the approach that defines our judicial system.

Violence, within this system, is most often addressed in moral and legal terms, asking: how evil is this action, and how much punishment does it deserve (Gilligan, 2001)? This approach has become the normative paradigm across a range of institutions. It has formally structured our bureaucracies' responses to violence leaving us with little understanding of its causes and effects. We need to build understanding about these causes and effects, so that we can better understand and meet the needs of individuals and communities; thus, enabling all affected to move on from the injustice surrounding the violence.

Restorative justice offers such an approach. It provides us with the building blocks to be more responsive and more restorative. Restorative justice empowers us to be more responsive to both the needs of the individual and the community, through taking participants through a process that values both accountability and support. It is the process by which we marry accountability and support that is key to processes that restore individuals to communities.

This approach enables us to move beyond the predominant paradigm of regulatory formalism, where institutional representatives make a moral judgement about how evil the action, and a legal judgment about the appropriate punishment. Regulatory formalism requires us to define the rules and the response in advance. The aim is to maximize consistency. Restorative justice allows us to be more responsive because it entails giving back the harm, or wrongdoing, to the community most affected and creates a process for the community to address the harm, through restitution, resolution and reconciliation. Through restitution the harm is repaired; through resolution the community reduces the risk of the harm reoccurring; and through reconciliation comes emotional healing.

Howard Zehr (2002), often cited as the grandfather of restorative justice, summarizes the restorative justice approach to harm and wrongdoing as follows:

- violence is a violation of people and of interpersonal relationships;
- violations create obligations; and
- the central obligation is to put right the wrongs.

While restorative justice has been defined in many ways, two definitions have captured more support than others. In terms of process, restorative justice has been defined as "a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implication for the future" (McCold, 1997). In terms of values, restorative justice is "about healing rather than hurting, moral learning,

community participation and community caring, respectful dialogue, forgiveness, responsibility, apology, and making amends" (Nicholl, 1998). It has been conceived as a third model, or new "lens" (Zehr, 1990, p. 95): a way of getting off the seesaw between welfare and punishment, incorporating virtues of both. Like the welfare model, restorative justice is strong on support; like the punishment model, restorative justice is strong on accountability. It is the process of marrying support with accountability, along with the values underpinning the process, which differentiates restorative justice from the other models. Non-domination and respect typifies the process and the values, which bring the affected parties together.

Restorative justice seeks to bring these bring these parties together in respectful dialogue to talk through what happened, who was affected and how, and what needs to be done to right the harm done. In other words, it is a participatory approach to harm and wrongdoing that allows those most affected by the wrongdoing to respond in ways that help them to rebuild the web of relationships that have been damaged by the act. While there are many models of restorative justice, Howard Zehr (2002) offers six key questions that help to analyze the effectiveness of the model adopted:

(1) Does the model address harms, needs, and causes?

(2) Is it adequately victim-oriented?

(3) Are offenders encouraged to take responsibility?

(4) Are all relevant stakeholders involved?

(5) Is there an opportunity for dialogue and participatory decision-making?

(6) Is the model respectful to all parties?

Regardless of the model, the process aims to be emotionally engaging for participants. Hence, Sherman (2002) defines restorative justice as an "emotionally intelligent" justice. He outlines a number of core elements to the process:

- *Purpose*. To repair the harm of the wrongdoing under discussion, and prevent further wrongdoing by the offenders, victims, or supporters.
- *Method*. Any means that can produce reconciliation between victims, offenders and their supporters, minimize anger and leave all satisfied that they have been treated fairly while justice has been done.
- *Decisions*. To the extent possible, decisions about what should happen next to the wrongdoer are made collectively and consensually by all individual participants in the process who were closest to the harm done.
- *Engine*. The success of the process depends on the power of emotional engagement, in contrast to suppression of emotions, to work through the emotions of remorse, guilt, shame, empathy and hope and to release and deflect emotions of anger, humiliation, fear and disgust.

- *Outcome*. Wrongdoers repair the harm as feasible, given the nature of the wrongdoing. Victims, and others affected, become more emotionally resilient to past wrongs.

In summary, the practice of restorative justice, at a community level, is about reducing crime and harmful behavior. Restorative justice, at the personal level, is about enabling mechanisms that discharge negative feelings, such as shame and anger, and building positive feelings, such as interest and excitement. It is through this process that conflict is transformed into cooperation (McDonald and Moore, 2001), thereby facilitating behavioral change for the individual, while meeting the community needs for safety and security. A face-to-face restorative justice meeting among stakeholders, led by a third party, is the most widely tested model. This model can now be found operating in a range of jurisdictions: family welfare, juvenile justice, criminal justice, workplaces, and schools (see Strang and Braithwaite, 2001).

Approach to the problem: theoretical framework

There is no causal theory that describes the exact mechanisms by which restorative justice meetings are intended to work. However, there are strong theoretical connections to Braithwaite's reintegrative shaming theory (Braithwaite, 1989; Ahmed *et al.*, 2001); Tyler's procedural justice theory (see Tyler and Blader, 2000), Sherman's (1993) defiance theory, and Turner *et al.*'s (1987) self-categorization theory. These theories, and others, form the broad theoretical basis of support for restorative justice. All cannot be reviewed here, but have been reviewed elsewhere (see Braithwaite, 2002). This paper will focus on only two of this group of theories: reintegrative shaming theory and procedural justice theory.

Tyler's work on procedural justice shows that individuals care about justice because of concern over social status, in that justice communicates a message about status. Building on his model, high levels of cooperative relations within institutions have been found when individuals feel a high level of pride in being a member of the collective and a high level of respect within the collective. Thus, status is important to understanding the social dynamics of conflict and cooperation within schools. These findings resonate with the National Research Council's report (Moore *et al.*, 2002), *Deadly Lessons*, which concludes that concerns over social status are central to understanding, and preventing, deadly school violence. The Council recommends that:

> Young people need some places where they feel valued and powerful and needed – this is part of the journey from childhood to adulthood . . . Holding spaces and pathways open for them may be an important way of preventing violence (Moore *et al.*, 2002, p. 336).

Restorative justice is about creating spaces where the pathway that defines a young person's life can be re-opened, through addressing the power and status imbalances that affect young people's lives, particularly in the aftermath of

violence. This resonates with Zehr's (2000) understanding of restorative justice as a journey to belonging.

It is here that work by Braithwaite (2002) on reintegrative shaming theory becomes important. Their work shows that internalized shame over wrongdoing can act as a psychological barrier to an individual's journey to belonging within a community. Indeed a number of researchers have argued that shame lies at the root of violence: past, present and future (see Gilligan, 2001; Scheff and Retzinger, 1991). For Gilligan (2001, p. 29), his years of psychotherapeutic work with violent criminals has convinced him "that the basic psychological motive, or cause, of violent behavior is the wish to ward off or eliminate the feeling of shame and humiliation . . .". The aim of restorative justice is to enable participants to discharge their shame over wrongdoing; thereby, reopening the pathway to reintegration within the community. Thus, restorative justice may prevent crime and wrongdoing by facilitating the movement from law-neutralizing identities, captured by the internalized shame, to law-supportive identities, wherein the shame has been discharged. It is argued that through the process of discharging the shame over the wrongdoing, participants internal sanctioning system is realigned with their community of care, such that they become self-regulating within this community. Reintegrative shaming, within a community of care offers respect to the individual, while not condoning the behavior. It should not be confused with stigmatized shaming that confounds the behavior with the person.

Bringing these two theoretical perspectives together, Tyler's work on procedural justice emphasizes the need for building pride and respect within communities, while Braithwiate's work on reintegrative shaming theory emphasizes the need for discharging shame in respectful ways, following wrongdoing. The evidence seems to be that in building safe school communities, the focus must be first be on discharging shame, and then on building pride (see Morrison, in press-b). For the internalized shame over wrongdoing, can act as a barrier to building communities that foster pride and respect for all members. As Braithwaite (2001, p. 17) argue:

> . . . once we have reached the point where a major act of bullying has occurred or a serious crime is being processed by the justice system, it may be that shame management is more important than pride management to building a safer community . . . Our conclusion is that the key issue with shame management is helping wrongdoers to acknowledge and discharge shame rather than displace it into anger . . . Part of the idea of [restorative] undominated dialogue is that the defendant will jump from the emotionally destructive state of unresolved shame to a sense of moral clarity that what she has done is either right or wrong.

Given this analysis, the key question now is: how would schools structure restorative processes, so to maximize the acknowledging and discharging of shame in respectful ways, while responding to the needs of both individuals and the community as a whole?

Developing a framework of responsive and restorative regulation in schools

Given this theoretical background, the framework proposed recommends that restorative justice in schools be introduced across three levels of regulatory intervention: primary, secondary and tertiary. This is consistent with the National Research Council's (Moore *et al.*, 2002) report, *Deadly Lessons*, Braithwaite's (2002) vision for responsive regulation, and Gilligan's (2001) model of violence prevention. The recommendation is that school safety should be regulated in line with public health regulation; that is, along three different levels of preventative efforts that form a continuum of responses based on common principles:

1. The primary level entails targeting all students in an 'immunization' strategy; that is, developing the school community's defense mechanisms, such that conflict does not escalate into violence when differences first arises. The aim is to develop students' social and emotional competencies, particularly in the area of conflict resolution, such that students are enabled to resolve differences in respectful and caring ways. While there are many programs that provide this for schools, the Responsible Citizenship Program (RCP) (Morrison, 2002; in press-a) is described in this paper, as it has been evaluated in reference to the core theory of this paper.
2. The secondary level involves the participation of a larger number of the school community, as the conflict has become more protracted or involves (and affects) a larger number of people. The use of restorative justice circles, as a regular practice within classrooms, is proposed (see Morrison and Martinez, 2001).
3. The tertiary level involves the participation of an even wider cross section of the school community, including parents, guardians, social workers, and others who have been affected, when serious offences occur within the school. A restorative justice conference is proposed at this level (see Cameron and Thorsborne, 2000).

Taken together, these practices move from proactive to reactive, along a continuum of responses. Movement from one end of the continuum to the other also involves widening the circle of care around participants. The emphasis is on early intervention through building a strong base at the primary level, which grounds a continuum of responsive regulation across the school community (see Morrison, in press-a). Across all levels, restorative practices aim to develop inclusive and respectful dialogue that focuses on the health and safety of the whole school community. This is consistent with the conclusion of the National Research Council's (Moore *et al.*, 2002) report which states: "Specifically, there is a need to develop a strategy for drawing adults and youth

closer together in constructing a normative social climate that is committed to keeping the schools safe from lethal incidents" (Moore *et al.*, 2002, p. 8).

These three levels of intervention are sustained through three mechanisms that support the ongoing development of responsive regulation within the school community. These support mechanisms define what is called a 'regulatory pyramid' of response (see Braithwaite, 2002; Morrison, in press-a). One of the three faces of the 'pyramid' outlines the programs and practices that support students in developing the skills of responsible citizenship. The second face of the 'pyramid' outlines the professional development and training that supports teachers, and other school personnel, in developing and maintaining the programs and practices. The third face of the 'pyramid' outlines how these three levels of response are evaluated, such that the data collected informs and supports responsive decision making in the further development of the programs and practices. Thus, the pyramid sustains a research and development program that becomes self-regulating, responding to the ongoing needs of the school community.

Primary intervention: RCP

This program (Morrison, 2002, in press-a) targets all students in the classroom/school and seeks to develop social and emotional skills that underpin healthy relationships. There is particular emphasis on resolving conflict, as conflict results in harm to relationships. The program aims to incorporate a range of related processes that support the maintenance of healthy relationships: community building; conflict resolution; and emotional intelligence.

The RCP curriculum was developed for grade 5 students and is adaptable to other year levels. The ideas and concepts are introduced through the use of poster making and role-plays, working towards the development and production of a short video that tells the story of a conflict within the school and how the students used the REACT keys (outlined below), to resolve the harm. Parents are invited by the students and staff to attend the final workshop to view and discuss the students' videos. This becomes an opportunity for parents to engage with the school community, in the context of responsible citizenship and effective conflict resolution.

The program is based on a number of principles of restorative justice. One set of principles grounds the community building process; a second set grounds the conflict resolution process. Playing on the program acronym (RCP), respect (R), consideration (C), and participation (P) become the core program principals: restorative justice being a participatory process that addresses wrongdoing, which offers respect to the parties involved, through consideration of the story each person tells of how they were affected by the harmful incident. While these core principles remain relevant throughout the program, a second set of principles is used to develop students' strategies on how to resolve conflicts productively (a further play on RCP). These are:

- Reparation for the harm done is essential (Retzinger and Scheff, 1996).
- Harmful behavior concerns actions and should not involve the denigration of the whole person. Expect the best from the person, without condoning the behavior (Moore and O'Connell, 1994).
- The emotional harm done must be acknowledged (Retzinger and Scheff, 1996).
- Both offenders and victims are valued members of the school community whose supportive ties with others should be strengthened through participation in communities of care (Bazemore and Umbreit, 1994).
- Resolution involves each individual taking responsibility for their behavior (Bovens, 1998).

These principles are introduced to the students as the REACT keys: "Repair" the harm done; "Expect" the best; "Acknowledge" feelings; "Care" for others; "Take" responsibility for behavior.

The program combines serious, focused reflection with energetic, fun activities, creating a balance that engages the school community. It starts with participants' own experiences, and teaches skills in the context of real life experiences in schools and communities. It aims to build a heightened awareness among participants of the need to reduce harm and build understanding among members of the school community. Classroom teachers, counselors, or other professional staff, initially facilitate the program. Over time this can be extended to students and parents as well. The program aims to increase empathy, caring and responsible citizenship, through developing students skills in managing healthy relationships.

Empirical evidence. All year 5 students in an Australian elementary school (age: 10-11 years; $n = 30$) participated in a pilot study of this program. The program was evaluated using a number of quantitative and qualitative methods. Quantitative data was collected using the Life at School Survey (see Ahmed *et al.*, 2001), which was administered at the beginning and the end of the school year (pre and post-intervention). Further quantitative measures were taken at the end of each session through questionnaires completed by students and facilitators. Qualitative data was also collected through post-program responses from the students, teacher, principal and facilitators.

Two particular measures within the survey are noteworthy here: students' feeling of safety within the school community and students' use of adaptive and maladaptive shame management strategies. Students' feeling of safety within the school increased significantly over the course of the year, from 2.9 to 3.8, on a four-point scale. This is an encouraging shift but, with only pre/post measures, it is hard to know what accounts for this change. The shame management data offers clearer insights. Students were presented with four hypothetical scenarios, in which they perpetrate an incident of harm. The shame management strategies are then presented and students indicate what

they would do. The results showed that post(intervention the students' use of strategies became less characteristic of victims, who typically feel they would be rejected by others following wrongdoing, and less characteristic of offenders, who typically displace their shame and anger onto others. At the end of each program session students completed self-report measures of respect, consideration and participation, the core principles of the program. The average ratings for all three measures increased significantly from the start of the program to the finish of the program, indicating the core principles of the program had a significant impact on the students (see Morrison, 2002).

Secondary intervention: restorative justice circles

Building on the RCP workshops, that support the development of social and emotional skills, this next level of intervention builds students' capacity for collective problem solving through a process that addresses everyday concerns within the classroom and school. The program aims to foster the further development of responsibility and empathy. The skills fostered in the workshops are used to develop a classroom process, called circle time, to address problems and concerns within the classroom and school. The five workshops include discussions about: feelings; different kinds of justice; concepts of restoration, conflict resolution and mediation; role-plays that takes participants through the three stages of a restorative justice conference; discussion of the role-play and workshops as a whole. Once the students feel confident with the process developed through the role-plays, they are encouraged to bring their problems and concerns within the school community to the circle. Circles can then become a regular feature of the classroom and school curriculum, typically convening about twice a week, or as deemed necessary by the school staff. There are many to develop this process within a classroom. In terms of bringing the concern forward, the students can place their concerns in a special box within the classroom, or let the teacher know that they would like to bring a concern to the circle. A parent can also bring a problem to the circle.

Empirical evidence. This program was evaluated in an Australian elementary school (Morrison and Martinez, 2001). All students in three mixed classes (grades of 4, 5 and 6) took part in the study. The intervention was tested in one classroom ($n = 12$), while the other two classrooms acted as control groups. Problems brought to the circle included annoying behavior, teasing, feeling left out, aggressive behavior and stealing. The teacher reported a number of benefits to the classroom: "Gave us a safe place to share problems face to face; modeled effective conflict resolution; encouraged the open expression of emotion; allowed us to move beyond niggling behaviors; contributed to a 'way of being' based on respect, communication and support". She also reported an number of significant breakthroughs: Ken, a boy who would shut down during conflict at the start of the year, was asking for open

communication by the end of the year; Brent evolved naturally from the role of aggressor to supporter; Josh, a boy with extreme learning difficulties, found a voice for his strength in providing positive solutions; Adam's modeling of open expression broke the taboo on shedding tears; Monique, a strong learner, convened two of the circles independently; Jake, a boy integrated from the behavior support unit, willingly contributed and found another tool for managing his relationships.

This program was also evaluated using an adaptation of the Life at School Survey (see Ahmed *et al.*, 2001). Compared to the control group, a number of significant differences were found: students in the intervention class showed greater emotional intelligence, reported greater use of productive conflict resolution techniques, felt that the teacher was more interested in stopping bullying, felt that the teacher held bullies and victims more accountable for behavior, reported less use of maladaptive shame management strategies and reported less involvement in bullying (Morrison and Martinez, 2001).

Tertiary intervention: restorative justice conferencing

Restorative justice conferencing is used to address serious incidents of harm in the school community by gathering the people most affected by the harm or wrongdoing together, to talk about what happened, how the incident has affected them and the best strategy to move ahead. Besides the "offender/s" and the "victim/s", these individuals also invite a community of support, which typically includes parents, brothers, sisters, and grandparents, but can also include aunts, uncles, peers, school personnel, and personnel from community agencies. A conference facilitator talks with each of these people, determining who needs to attend, and readies the participants for the conferencing process. Once the conference is convened, all participants sit in a circle to listen to the consequences of the incident and what needs to be done to right the wrongs and to get the "offender's" and "victim's" lives back on track. Empowering participants often means developing the level of responsibility (and accountability) for behavior of the "offender" and the level of resilience of the "victim". The immediate result of the conference, which is typically an emotionally powerful event, is a written agreement about what the offenders will do to repair the harm, signed by the offender and the conference facilitator. A follow-up conference several months later can be held to celebrate the offender's completion of the agreement, or to discuss any repeat offending or failure to complete the agreement.

Empirical evidence. Evidence for the effectiveness of restorative justice conferences comes from two jurisdictions: juvenile justice and education. Within juvenile justice, randomized controlled trials in Indianapolis (McGarrell *et al.*, 2000) and Canberra, Australia (Sherman *et al.*, 2000) show that restorative justice conferences for youth violence reduced repeat

offending by as much as 38 percent when compared to cases prosecuted in court.

Within education, there have been no randomized trials to date. The evidence comes from a number of trials that interview conference participants, post conference only. The first of these trials was carried out in Queensland, Australia (Cameron and Thorsborne, 2000). A total of 89 school-based conferences were convened, in response to serious assaults (43), serious victimization (25), property damage and theft (12), truanting, class disruption, damage to school reputation, and bullying (18), drugs (two) and bomb threat (one). Overall, outcomes for participants were positive. They included: had a say in the process (96 percent); satisfaction with the way the agreement was reached (87 percent); treated with respect (95 percent); feeling understood by others (99 percent); felt agreement terms were fair (91 percent). Victims reported that they got what they needed out of the conference (89 percent); and felt safer (94 percent). Offenders felt cared about during conference (98 percent); loved by those closest to them (95 percent); able to make a fresh start (80 percent); forgiven (70 percent); closer to those involved (87 percent). Further, offenders complied with most or all of the agreement (84 percent) and did not re-offend within the trial period (83 percent). School personnel reported they felt the process reinforced school values (100 percent) and felt they had changed their thinking about managing behavior from a punitive to a more restorative approach (92 percent). As for family members who participated, they expressed positive perceptions of the school and comfort in approaching the school on other matters (94 percent). These results have, to a large degree, been replicated in a number of other studies in Australia, the USA, and elsewhere (Hudson and Pring, 2000; Ierley and Ivker, 2002).

The Minnesota Department of Children, Family and Learning (2002) supports one of the longest standing projects using restorative justice in schools in the USA. Their aim was to develop more effective alternatives to suspensions and expulsions through developing a whole school approach based on restorative justice. Their evaluation across a number of sites found significant reductions in the levels of violence in the schools. One elementary school witnessed a 27 percent reduction in the number of suspensions and expulsions in the first year. Another elementary school reduced referrals for violent behavior by more than one half in the first year; and after 2 years, reports of violence had dropped from seven per day, to less than two.

Restorative justice and responsive regulation

Responsive regulation challenges us to get beyond regulatory formalism and restorative justice gives us the building blocks to begin that process. Through placing the problem in the hands of those most affected by violence in schools, restorative practices can respond more effectively to the needs of members of the schools community, promoting resilience and responsibility. Restorative

justice requires us to change our questioning when responding to wrongdoing. Conventional practice in schools today asks the questions: What rule or code of conduct has been broken? Who did it? What do they deserve? Restorative justice asks: What happened? Who has been affected and how? How do we need to response to this harm to best meet the needs and obligations created by the harm. A further question we must continue to ask ourselves in responding to school violence is: When they get it wrong; do we get it right? What is the right response? While a formalized regulatory system would hand down a prescribed response; responsive and restorative regulatory system would ask those most affected what would be 'right' for them.

Restorative justice is an opportunity for all involved to learn and grow together. It is about harnessing a conflict as a point of growth, for individuals and communities. This fits with the core business of schools, building effective skills to promote responsible citizenship. The best learning emerges from supportive and challenging relationships. Many different types of problem behaviors can be addressed by this same protective factor (McNeely *et al.*, 2002). Restorative justice promotes resilience and accountability through building and strengthening strong and healthy relationships. It enables school communities to be more responsive, restorative, and responsible in addressing harmful behavior. Further, restorative justice increases schools' capacity to build human and social capital – the fabric of civil society. The social and emotional wellbeing of the school community is the foundation schools require for effective learning, academic or otherwise. Thus, restorative justice advances the academic mission of schools in important ways. Through satisfying the social and emotional needs of the school community, restorative justice not only reduces the risk of violence in schools, it harnesses the capacity for the building of civil society (Morrison, 2001). It increases the school community's capacity to learn and grow together, through fostering responsible citizenship. Restorative justice and responsive regulation challenge us to develop schools based on emotionally intelligent justice. With the growing costs and failures of conventional punitive approaches, this is an important challenge to take up.

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