

Restorative justice in schools

BELINDA HOPKINS

In this article Belinda Hopkins provides a welcome introduction to the use of restorative justice (RJ) principles in addressing challenging or disruptive behaviour. As an initiative, it shares much in common with the thinking outlined in the previous article on peer mediation. The underlying principles of the restorative approach suggest its worth as an expression of a school's commitment to, for example, Active Citizenship and the Healthy Schools Programme.

This article explores the potential of a restorative approach in school in addressing challenging or disruptive behaviour and conflict wherever that may occur in the school community. It suggests some steps for introducing restorative philosophy, skills and interventions into a whole school initiative. It describes the initiatives that are already being piloted in certain schools around the UK and some of the issues that are arising from these projects. Finally it highlights current challenges to development and possible solutions and ways forward.

Restorative justice in schools – the potential

In broad terms restorative justice constitutes an innovative approach to both offending or challenging behaviour which puts repairing harm done to relationships and people over and above the need for assigning blame and dispensing punishment (Wright, 1999). Restorative justice is defined not in terms of those who are to blame 'getting their just desserts' but as 'all those affected by an "offence" or incident being involved in finding a mutually acceptable way forward'. In this context the 'offenders' or wrongdoers are also recognised as having been affected and therefore involved in finding the way forward. This approach to justice challenges many notions deeply embedded in western society at least, and enacted in many homes, schools and institutions. These notions include the idea that misbehaviour (however that is defined by those in

authority) should be punished, and that the threat of punishment is required to ensure that potential wrongdoers comply with society's rules. Howard Zehr (1995) refers to the shift from retributive justice to restorative justice in the arena of criminal justice as a paradigm shift. It may be that a similar paradigm shift is needed in a school setting if relationship and behaviour management are to be developed along restorative lines.

Restorative justice is considered here in three distinct ways: as a set of processes and approaches; as a set of skills; and as a distinctive ethos and philosophy (see Figure 1).

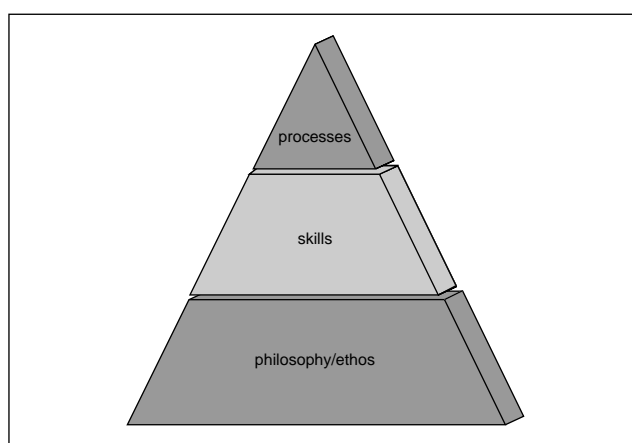


Figure 1: Restorative justice

The processes and approaches are the most public face of restorative justice and include all formal or informal interventions which have as their aim to put things right, to 'repair the harm' as it is often phrased, after some behaviour or event which has adversely affected people. In this context 'to put things right' means that the needs of as many of the people involved as possible have been addressed. These interventions, including mediation, conferencing and healing circles, share certain essential steps. Everyone affected by a behaviour, a conflict situation or a problem, has the opportunity to talk about what has happened, explain how they have been affected by it, describe how they are currently feeling about the situation and what they want to do to repair the harm caused. An important element

in this intervention is that it is voluntary. The success of the processes depends in large measure on the willingness of people to take part and engage.

These interventions require certain skills on the part of the facilitators or mediators and, it could be argued, will be helped considerably if these same skills are being developed in all members of the community likely to be involved in an intervention. These skills include remaining impartial and non-judgemental, respecting the perspective of all involved; actively and empathically listening; developing rapport amongst participants; empowering participants to come up with solutions rather than suggesting or imposing ideas; creative questioning; warmth; compassion and patience.

These skills are informed by an intention, namely the importance of the underlying ethos that encompasses the values of respect, openness, empowerment, inclusion, tolerance, integrity and congruence. This last is crucial in developing a whole school approach to restorative justice for it is saying, in simple terms, 'walk the talk'. In other words the key question becomes 'Is everything we do here at this school informed by this ethos, these values and a philosophy which gives central importance to building, maintaining, and, when necessary, repairing relationships and community?'

Restorative justice does not have the monopoly on such an approach in schools. Those educationalists who espouse a humanitarian, liberal child-centred approach will recognise much of what has been said about ethos and skills (Porter, 2000). However, in the application of these skills and ethos, restorative justice may be offering something new, especially in developing a behaviour management policy. It may be stereotyping slightly the traditional approach to behaviour management but the paradigm in Figure 2, adapted from Zehr (1995), highlights possible differences in approach:

OLD PARADIGM - RETRIBUTIVE JUSTICE		NEW PARADIGM - RESTORATIVE JUSTICE
Misbehaviour defined as breaking school rules or letting the school down	1	Misbehaviour defined as harm (emotional/mental/physical) done to one person/group by another
Focus on establishing blame or guilt, on the past (what happened? did he/she do it?)	2	Focus on problem-solving by expressing feelings and needs and exploring how to meet them in the future
Adversarial relationship and process – an authority figure, with the power to decide on penalty, in conflict with wrongdoer	3	Dialogue and negotiation - everyone involved in communicating and cooperating with each other
Imposition of pain or unpleasantness to punish and deter/prevent	4	Restitution as a means of restoring both parties, the goal being reconciliation and acknowledging responsibility for choices
Attention to rules, and adherence to due process – 'we must be consistent and observe the rules'	5	Attention to relationships and achievement of the mutually desired outcome
Conflict/wrongdoing represented as impersonal and abstract: individual versus school	6	Conflict/wrongdoing recognised as interpersonal conflicts with opportunity for learning
One social injury replaced by another	7	Focus on repair of social injury/damage
School community as spectators, represented by member of staff dealing with the situation; those affected not involved and feeling powerless	8	School community involved in facilitating restoration; those affected taken into consideration; empowerment
Accountability defined in terms of receiving punishment	9	Accountability defined as understanding impact of actions, taking responsibility for choices and suggesting ways to repair harm

Figure 2: Retributive and restorative justice in schools

Claesen (2001) refers to the first of a set of principles of 'Restorative Discipline' (*sic*) which he has developed with his wife Roxanne and which have been incorporated into the behaviour management policy of the school in which she works. This first principle elaborates on the first point in the paradigm:

Misbehavior is viewed primarily as an offense against human relationships and secondarily as a violation of a school rule (since school rules are written to protect safety and fairness in human relationships).

Claesen acknowledges the importance of rules but suggest that sometimes the real purpose of rules is ignored and the focus becomes the fact of rule breaking rather than the human factors beneath the rule breaking.

In the community when someone violates a law, we call it a crime. In schools, when someone violates a rule, we call it a misbehavior (*sic*). If a misbehavior is observed that isn't covered by a rule yet, we usually write a new rule. Rules are very important and helpful since they help everyone to know what behavior is not acceptable in that school community. Rules also prevent, or at least reduce, arbitrary punishment because the rules are published for everyone to know and members of the school community can appeal to the rules if it seems that they are being punished arbitrarily.

Where this becomes a problem is when the primary focus of a discipline program is on the rule violation and because of that, the human violation is ignored or minimized. Since the purpose of establishing rules is to provide for a safe, fair, just, and orderly community, it is important that this underlying reason is not lost in our effort to be sure we follow the rules.

The second point in the paradigm emphasises the difference between a common approach to dealing with conflicts between young people and one that tries to use mediation principles. The intention of the former is to 'get to the bottom of the matter', to sort out who did what and who is to blame. Once the person to blame has been identified this person can be 'dealt with' according to the sanctions policy of the school. This is not to say that such a sanction may not also include attempts at conciliation between the youngsters in conflict, but often this might mean an enforced and insincere apology.

A more restorative approach would be to use the principles of mediation in which both or all sides of a dispute are invited to explain what happened from their perspective, to express how they are currently feeling about the incident and then to be invited to explore a mutually acceptable way forward. Many teachers will say that they use this approach and there are certainly many natural mediators in schools. However the approach is undermined if people are less than impartial in their body language, tone, phrasing of questions, or summing up of the events, or when someone is unable to resist the temptation to offer suggestions or

express an opinion about the nature of the behaviour. These are all issues that can be identified in training, when people are encouraged to try mediating in practice scenarios, with feedback from colleagues on their mediation skills.

Introducing restorative justice into a school

The emphasis on involving the school community in resolving conflicts is predicated on the notion that those in the community want to repair harm and that they have the skills and the opportunities to do so. It is useful to think of a whole school approach as one that not only repairs harm in the event of conflict and inappropriate behaviour but also one that builds and nurtures relationship and community in the first place (Johnston, 2002, p. 14). This is a useful starting point when introducing restorative justice into schools, perhaps at a staff training day. I have found it useful to invite participants, in four groups, to consider what is already happening in their own schools to:

- build and nurture relationships
- develop relational skills in themselves and their students
- repair the harm done to relationship in the event of conflict or inappropriate behaviour
- develop their own and their students' skills to engage in these repair processes.

Figure 3, in its blank form, is used to initiate debate, and the four groups report their findings. The results of group discussion highlight what is already happening in the school and also where the gaps are. The filled-in version can be used to compare what is already happening in a school with what might be possible if a whole school approach is sought.

Often restorative practices build on the initiatives already in place in a school and can be seen as a natural development of where many schools are already or are moving towards. The approach dovetails nicely with developments in Active Citizenship and the commitment by many schools to the Healthy Schools Programme, which emphasise creative conflict management as part of a healthy school. The concern to reduce exclusion and tackle bullying can also be addressed by such an approach, and this is where some initiatives are already being successful.

Current initiatives in the UK

In the last few years there have been several initiatives in the UK involving some aspects of a restorative approach. Most of these have involved outside facilitators offering restorative conferencing to schools in the event of a bullying incident or when exclusion is being considered. Conferencing is the name given to a process involving as many people as possible who feel directly affected by an

incident of conflict or by inappropriate or even offending behaviour. It resembles mediation in that the same steps are followed in which everyone has a chance to say how they have been affected by the incident, how they were feeling, how they feel currently and what can be done to repair the harm and make things as right as possible. Some conference practitioners will differentiate the process, which takes place with all involved sitting in a circle, from mediation. The debates about whether the processes are similar and what the underlying theories are which underpin the approach will continue for a long time to come. The debates are not directly relevant to this article but it is important and sad to acknowledge that in a field which promotes conflict management and mutual respect there is conflict about what restorative justice is and how it should be developed (Johnston, 2002).

	RESTORING (repairing harm done to relationships and community)	RELATING (developing/nurturing relationships and creating community)
P R O C E S S E S	A) undisputed responsibility: <ul style="list-style-type: none"> • restorative conferencing • family group conferencing • victim/offender mediation • sentencing circles 	including: <ul style="list-style-type: none"> • Circle Time for staff (for planning, review, support and team building) • Circle Time for students • school council • circle of friends • peer counselling and mentoring • whole school development of relationship management policy (cf. behaviour management, which tends to be student-focused)
	B) disputed responsibility, conflict, mutual recrimination: <ul style="list-style-type: none"> • mediation • peer mediation • healing circles • no-blame approach to bullying 	
RELATIONSHIPS		
S K I L L S	skills include: <ul style="list-style-type: none"> • non-violent communication • active non-judgemental listening • conflict transformation • developing empathy and rapport • having difficult conversations • restorative debriefing after critical incidents • understanding and managing anger 	skills include: <ul style="list-style-type: none"> • emotional literacy • developing and maintaining self-esteem • valuing others explicitly • assertiveness • acknowledging and appreciating diversity • constructively challenging oppression and prejudice • connecting across differences

Figure 3: Restorative and relational process skills

A project in Nottingham, a partnership between Nottingham Education Authority and Nottingham Police, began with offering conferencing in school settings with cases of bullying and harassment and has now been extended to peer buddying. Anecdotal evidence suggests that the people directly involved have benefited from the process, the inappropriate behaviour has been reduced and all sides have been able to move forward more positively.

Comments from education professionals, following training in restorative conferencing, include remarks such as:

The techniques can be used for major and minor issues: it should be used in *all* schools.

I have seen nothing as relevant in years.

A deputy head involved in using conferencing and restorative principles in her primary school comments:

The conferences that we've held have been a very positive experience. Children now ask if they can have a conference to sort out problems.

Interestingly this school now trains the young people themselves to run conferences, in the same way that an increasing number of primary and secondary schools are using peer mediators to help resolve conflicts in the playground – another element of the restorative jigsaw in itself.

By far the most important voice, however, is that of the young people themselves. Reflections from the Nottingham project include remarks such as:

Thanks for organising the conference. Amy sits next to me now and we've sorted it out.

(Girl aged 10)

It was good because we talked about it.

(Boy aged 5)

Comments from one of the six secondary schools involved in the project include:

I thought that the Restorative Justice Conference was good and it made me make friends with K ... It was good how we had our parents there, and it made me think how I should behave. The agreement was a good idea and I have still got it.

(Year 10 girl who had been bullying someone else)

There is great enthusiasm for using restorative approaches in schools in the Thames Valley where the Thames Valley Police have been in the forefront of promoting restorative measures for dealing with youth offending. In Oxfordshire the local education authority, in partnership with the Youth Offending Team and the Thames Valley Police, are sponsoring a two-year project aimed at promoting a whole school restorative approach to conflict and inappropriate behaviour. Many police school liaison officers throughout the Thames Valley are using restorative conferencing regularly to deal not only with offending behaviour but also with conflict and bullying in schools.

In January of this year a new project began in Devon, instigated by the Devon and Cornwall Police. This project is using Youth Affairs Officers in six secondary schools to run conferences when needed in the school to which each officer is attached. I have been involved as a consultant in this project and have produced guidelines for enabling the Youth Affairs Officers and the teaching staff to further develop the restorative ethos in the school. My recommendation has been that there needs to be congruence between the way the Youth Affairs Officers deal with serious cases of disruption and the way more minor incidents are dealt with by teaching staff on a day-to-day basis. Initial feedback from this project is positive and encouraging.

Other initiatives include one in Brixton in which non-teaching representatives from several schools were trained in the conferencing process by police officers with a view to developing a restorative approach in their respective schools. The impact of this training on their schools is currently being evaluated. It will be interesting to compare the impact of this project with one in Berkshire where twelve teachers from one secondary school have been trained in the conferencing process. This project is also currently being evaluated.

Interest in the potential of restorative practices in schools is growing and more and more initiatives are being started. For example, the National Association for the Care and Resettlement of Offenders (NACRO) has advertised for a project worker and the Youth Justice Board is offering large sums of money for innovative projects in this field. A partnership of several police authorities (Thames Valley, Nottingham, Surrey, Devon and Cornwall (combined), and possibly Northern Ireland) together with Crime Concern, Mediation UK and Transforming Conflict, is organising a series of 'Restorative Practices In Schools' Travelling Road shows around the country over the next 18 months. A training package for teachers in restorative skills is in the pipeline and being piloted this summer. It will provide experiential practical training in one-to-one challenging situations as well as mediation and conferencing skills.

There is a general appreciation that developing restorative practices in a school is not simply about offering conferences in situations where harm has been caused. The more holistic approach and the potential to enhance the whole school community by relating in a different way is recognised by most people who are familiar with restorative justice (Quill and Wynne, 1993; Johnston, 2002).

Challenges

Effecting change in a school culture is not without its challenges. Interestingly, in both the Thames Valley and in Nottingham a similar story is emerging – that whilst there is undoubted benefit to the individuals involved in conferences most of the time, the school community as a whole remains largely untouched by the process and the philosophy behind it.

As a practitioner and a consultant working in the field of restorative justice in schools I would suggest that the major factors militating against the development of a whole school restorative approach are shortage of time and pressures from conflicting priorities. The shortage of time is in relation to the time available in the school day for dealing with issues in a restorative manner as well as the time available for training, support and review of practice. There are similar pressures on the Initial Teacher Training programmes, which leave little or no room for preparing new teachers in relational and conflict management skills.

There are also issues of relevance and openness to change. Some projects have begun by using outside facilitators, in some cases police officers, to run conferences in the event of extreme behaviour. Although such facilitators may themselves be aware of the wider potential of the approach they have not found it easy to reach the wider school community. For example, in some cases teachers have been understandably cautious about police officers working in school on behaviour management issues. Conversely, in extreme situations where staff welcome outside support, the risk then is that they feel disempowered and are left thinking that the skills of a mediator or a conference facilitator are too difficult for them to use themselves.

A final challenge is to ensure that the ethos and principles of restorative justice are embraced at every stage of the process. Unfortunately there are already examples of the process being imposed on unwilling participants or facilitated by inexperienced facilitators who try to threaten participants or impose their views. There is a significant risk of re-victimisation of those already badly affected by wrongdoing in such cases. Careful preparation of all parties in a conference or mediation is vital to the success of such interventions.

Ways forward

Shortage of time and pressure from other priorities are not to be dismissed. However in my experience these obstacles tend to dissolve once a school community is convinced a restorative approach can make a difference. Dealing with conflict and inappropriate behaviour restoratively takes time initially but greatly reduces the total time that such situations usually take. One part of a whole school approach – peer mediation – greatly reduces the time teachers need to spend on playground conflict for example. In fact, in time such a project, in conjunction with active citizenship and conflict management skills being developed during Circle Time, can greatly reduce playground and classroom conflict anyway. Challenging and distressing incidents have a tendency to send ripples far beyond those immediately involved and bad feeling and bitterness can fester. A restorative approach can bring all of these feelings out in the open and hopefully everyone can move on in a positive frame of mind.

Shortage of time for training, ongoing support and review are real issues, but again I have found that, once convinced, a school finds time and funds for the initiative and can be creative in finding time for training. It is fair to say that most projects are still in their infancy so the question of the necessary ongoing support and review remains an open one.

The question of how to effect behavioural change within a school is complex and the key, to my mind, is in finding common ground and using restorative principles from the beginning. If those affected do not want to take part then the issue needs to be dealt with in a different way. However enthusiastic senior management or governors might be in

restorative justice – and as news spreads many such people want information and in-service training – the project will not be successful unless the majority of the school community is on board. By the community I would include teaching staff, support staff, students, governors, parents, administrative staff, lunchtime staff and caretakers, and this list is not exhaustive. It would seem crucial to consult as many people as possible before embarking on a project and use as many channels as possible to communicate what the project is about. Ideally a steering group comprised of representatives from at least the above mentioned groups would oversee the whole project. A second ideal would be to develop training capacity from amongst these groups so that there is not continued reliance on outside training and support. Whole school involvement is at the heart of effective school improvement (Brighouse and Woods, 2000). This is congruent with the restorative values of respect, inclusion and empowerment and the belief that those with the problems are those most likely to find and embrace the solutions.

It is early days to report on how restorative approaches have impacted on school communities. However, elements of the restorative jigsaw are already well known and highly regarded. Circle Time is gaining popularity in the primary school and beginning to be used at secondary level as a way of increasing students' social and emotional awareness and confidence. Peer mediation is becoming better known and both primary and secondary schools are recognising the value of this process. The next step is for the ethos and values of these two processes to imbue every aspect of school life, and for mediation to be a natural part of every adult's repertoire when dealing with conflict or inappropriate behaviour at school.

Enthusiasts of the approach, and I am clearly one, believe that restorative practices in schools can transform existing approaches to relationship and behaviour management. We believe that building and nurturing relationships is at the heart of a successful and happy school. Repairing the harm done to relationships in the event of conflict and inappropriate behaviour is the next priority. In such an environment people are more likely to want to work, more likely to achieve and less likely to be or feel excluded. The vision is an optimistic one. For real change to occur there will need to be time and resources allocated to restorative projects and, however willing a school is to commit itself to change, it may be that support at a higher level is needed.

It is true that there are often too many conflicting pressures for teachers to see how they can embrace restorative practice effectively. Restorative justice is being advocated enthusiastically by many in the criminal justice world, including the Youth Justice Board and the police. It is to be hoped that soon the links that restorative practitioners are making in school and community settings will be made at government level. If there were support from the Department for Education and Skills (DfES) and the Teacher Training Agency (TTA), initial and ongoing training in restorative and relational skills could become more widely available and seen as fundamental in creating an

effective learning environment. Time in the school day for such an approach could be made and scope given for reconsidering existing behaviour management policies which currently constrain restorative approaches. In time it would be wonderful to think that every child in the country would grow up in a school where they feel safe and where they learn to resolve their own conflicts. It would be a place where their views are heard and appreciated and where inappropriate behaviour or conflict is considered an issue for the school community to address in an inclusive compassionate manner using a healing circle, mediation or conferencing. There is hope however. These are exciting times for restorative justice: an idea whose time has come.

I would like to give the last word to a Year 7 girl who took part in a restorative conference I facilitated earlier this year. She had been on the receiving end of some bullying behaviour since starting secondary school this year. Present at the conference was the girl, her mother, the girl who had been causing her distress, this girl's father, the police officer to whom the matter had been reported and myself. The conference went well. It became clear to the so-called 'victim' and her mother that their own loving, supportive relatively affluent family situation was what both the so-called bully and her father did not have. Apologies and plans for future friendship and support were made. In the final closing 'go-round' I asked if anyone had anything else they wanted to say and the jubilant original 'victim', clearly

visibly relieved and elated, said 'Whooppee!' I think that just about sums it up.

References

- BRIGHOUSE, T. and WOODS, T. (2000) *How to Improve your School*. London: Routledge Falmer.
- CLAASEN, R. (2001) *Whether crime or misbehavior, restorative justice principles provide guidance on how to respond*. Fresno, CA: Center for Peacemaking and Conflict Studies, Fresno Pacific University. Available online at: www.fresno.edu/dept/pacs
- JOHNSTON, G. (2002) *Restorative Justice – Ideas, Values, Debates*. Cullompton: Willan Publishing.
- PORTER, L. (2000) *Behaviour Management in Schools*. Buckingham: Open University Press.
- QUILL, D. and WYNNE, J. (1993) *Victim and Offender Mediation Handbook*. London: Save the Children/West Yorkshire Probation Service.
- WRIGHT, M. (1999) *Restoring Respect for Justice*. Winchester: Waterside Press.
- ZEHR, H. (1995) *Changing Lenses*. Scottsdale: Herald Press.

Correspondence

Belinda Hopkins
Transforming Conflict
Centre for Restorative Justice in Education
Mortimer Hill
Mortimer
Berkshire RG7 3PW
Email: belinda@transformingconflict.org
Web site: www.transformingconflict.org

How do we measure what we value? NASEN Annual Study Conference 2002 27th, 28th, 29th September 2002 Stone, Staffordshire

This year's NASEN annual study conference will provide a stimulating and thought-provoking weekend for everyone involved in primary, secondary and special school education. The conference brings together a wide range of speakers who will examine assessment from a variety of perspectives.

Opening Address: Anne Gross, Head of SEN Division, DfES

Keynote speakers:

Professor Paul Black - Assessment- can it help learning?

Jim Forrest - Recognising and rewarding Key Skills

Closing address: David Taylor, HMI Director of Inspection

Saturday workshops cover topics as diverse as target setting, valuing pupil's views, managing assessment, the foundation stage profile, profiling pupils to support inclusion, nurture groups, assessing mathematics for pupils with SEN and the contribution of parents.

Sunday is dedicated to schools presenting their own examples of good practice.

The weekend will provide practical support, inspiration and some challenging ideas. And all set in 80 acres of beautiful Staffordshire countryside, minutes from the M6, with a full programme of entertainment and leisure facilities on site.

Full resident price for NASEN members: £380, non-members £430.

To book your place or find out more, send your name and address to Annual Study Conference, NASEN House, 4-5 Amber Business Village, Amber Close, Amington, Tamworth B77 4RP, OR send a fax to 01827 313005 OR email to welcome@nasen.org.uk OR visit our website www.nasen.org.uk