Restorative Practices: Implications
For Educational Institutions

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This paper explores the central role played by schools in introducing students to a positive experience of justice and community. Issues in the current educational context that impact on the introduction of restorative practices into schools are discussed. A pilot project to assess the value of the process of Community Conferencing into schools within the State of Victoria, Australia is placed within the context of educational developments in Victoria and the development of restorative processes in education in Australia. Emerging themes from the pilot project are presented. The paper includes a framework for conceptualising the place of restorative justice within the broader efforts of schools to develop safe and supportive environments that promote student wellbeing and connectedness to school. The need for a multi-level response from systemic and school levels to meet the challenge of developing sustainability in restorative practice in education is highlighted.

The Role of Education

It is not the purpose of this paper to engage in the debate about the role played by education in the lives of young people. At the risk of over-simplifying the debate, we are taking as given the role of education in developing the student's intellectual (or cognitive), social, and social-emotional (affective) capabilities.

To fulfil this broad educational role, there is a further role for the school community: to cater for the student's wellbeing by acting in ways that are:

- inclusive, not isolating
- impartial, not discriminatory
- fair, not perpetuating inequities

Educational institutions are pivotal not only in developing students' role identity (Elliott, 1972, in Polk, 1988, p. 110) but also in providing the first formalised contact with justice or injustice. Families, of course, are informal organisations in which rewards and punishments are dispensed, and these encounters are of immense importance. The school, however, also takes on a formal role of *teaching* the student about what is acceptable, or not, what is harmful to others, or helpful, what boundaries are safe to cross, and what are not. The student thus learns cognitively, socially, morally and affectively about justice. And this learning occurs through interactions with the school community.

In the 1977 study among Queensland truanting students by Wilson and Braithwaite the "most frequent single cause of bitterness was being wrongly accused of something that the student did not do" (p. 83). In 1989, Braithwaite concluded that the link between "attachment and commitment to the school, and its teachers, and delinquency is even stronger than with the family" (p. 28). We extrapolate from these findings the importance of that first *formal* meeting with justice.

However, the "duty of care" of the school extends not only to the misbehaving student meeting justice for the first time but also to all members of its community. In managing the offence committed, the school must continue its cognitive, social, affective role not only for the wrongdoer but also for every member of its community; this is its "raison d'etre". Indeed, the school has the dual responsibility of government and community as distinguished by Van Ness (1997): "In promoting justice, government is responsible for preserving a just order, and the community for establishing peace." (pp. 8-9).

The "republican" view of criminal justice as "protector and promoter of the dominion of all citizens" (Braithwaite & Pettit, 1990, cited in Walgrave, 1999, p. 145) is a fitting measure of the constraints on educational institutions. First, they must guard against taking actions that increase the likelihood of youth to engage in delinquent behaviour; if they do not do this, they disadvantage the wider society. Second, and simultaneously, they must continue to educate all their citizens (including the wrongdoer), and provide a local community that is safe and promotive of wellbeing.

Van Ness's duality is echoed by Sergiovanni (1994) who develops Tonnies' gesellschalt/gemeinschaft dichotomy to argue for a balance between the contractual arrangements between individuals and the strategies which are "designed to teach, to encourage students to respond for intrinsic and moral reasons, to let students know that they are cared for and that they must learn to care for others" (p. 124). He describes his model as a "social and moral constitution".

Many Australian schools have adopted models for dealing with conflict and offending behaviour which are akin to the Sergiovanni's "social and moral constitution", in that they attempt to establish social connections with students and to develop moral sensibility as to the consequences of behaviour. There are, however, still some traditional models prevailing. These models, rather than social and moral, are political and economic:

- political because they involve power balance, or imbalance, and unilateral decision making as to punishments and ways of rectifying human errors,
- economic because they are seen as efficient in terms of energy and time.

Political

Marshall has argued in a previous paper (2001) that there are four variables which constrain educational institutions in their attempts to handle dispute resolution:

- the nature of the client
- the nature of the service
- the nature of the culture and
- the nature of the task.

These variables are also relevant to the present discussion on the implications for educational institutions in the move to restorative practices.

Traditionally the relationship between teacher and student, lecturer and student has been one of power. It is obvious that the source of this power is largely in reward terms; teachers and lecturers are required to dispense grades, make judgments about appropriate behaviour, referee sports meetings, and judge other competitive events. In other words, the professional task of the educator is frequently an adjudicative one. Entry into most Australian universities depends on these judgments, thus adding weight and import to the task.

The task has been made harder in recent decades by student readiness to challenge these decisions. Ritchie and O'Connell (2001) have concluded from their own research that it was "obvious that most teachers viewed

compliance as an important end in itself" (p. 157) - hardly surprising when one considers the nature of the task and the nature of the client. Indeed, many teachers in trying not to perpetuate power imbalance have ended up avoiding dealing with conflicting situations and offending behaviours, so that "peace at any cost" is sought (Marshall, 2001). This situation shows the complexity of the problem for schools. By avoiding a political power play in order to build social relationships, not confronting a situation may create a new power - one that is in the hands of the student, yet ultimately rendering the student powerless because a more effective way of handling conflict and relationships has not been modelled (Marshall, 2001).

Economic

Ritchie and O'Connell (2001) report that teachers, in responding to a behavioural incident "immediately resorted to a "quick fix" which did not draw into application their professional training about the provision of the best possible learning and developmental opportunities for students. The demand to respond within a pressured work environment overwhelmed the capacity to respond in the professionally appropriate manner" (p. 157 our italics).

As we have already demonstrated, "professional appropriateness" involves finding a balance between making judgments and building relationships - to lose sight of this dual task does teachers a disservice.

That said, however, the point about time pressure is real. It is not easy to manage simultaneously a class of students with varying abilities, varying backgrounds (socio-economic and cultural) and varying levels of hormonal chaos. Relationship management takes time and patience. The costs to teacher energy are high. The following quotation is salient:

"If a doctor, lawyer or dentist had 40 people in his office at one time, all of whom had different needs, and some who didn't want to be there and were causing trouble, and the doctor, lawyer or dentist, without assistance, had to treat them all with professional excellence for nine months, then he might have some conception of the classroom teacher's job." (Quinn, 1984)

While the numbers may be slightly reduced from 40, the rest of the details remain the same.

Concomitant to the demand on teacher and school resources is the diminishing contribution of the family and neighbourhood to providing stable, supportive networks. The importance of such networks surfaces in all the literature on restorative practices.

The "quick fix" may also be attractive because frequently the school does not get to see the success which may eventuate from considerable effort. Bazemore (1999) relates the story of Johnny who "aged out" of crime, or experienced "maturational reform" (p. 170). The author attributes this "metamorphosis" to the community – "in this case, clearly defined as a small group of neighbourhood adults and key institutions, especially work and family" (p. 170).

There is no mention here of the school, perhaps justifiably. Perhaps Johnny had a bad experience at school, experiencing injustice rather than justice. Perhaps, however, Johnny did learn something from the school - learning whose fruition the school was denied the pleasure of seeing because Johnny's maturation had not yet occurred. Further, it may be argued that the cognitive, social and affective learning which takes place through schooling (admittedly sometimes by osmosis) would presumably have gone some way to preparing Johnny for work, and family relationships. We will never know what factors contributed to Johnny's maturational reform. And that lack of obvious outcome is what schools have to contend with in their management of many students. Whereas other professionals see more immediate results from their interventions, the educator, in some cases, sees no results. Hence, the attraction of the "quick fix", whose results are reassuring.

Despite the lack of resources, many schools in Australia are adopting strategies to ensure that young people find a place in their communities. They are effectively using students in not only educating their peers, but also parents and teachers in programs such as conflict resolution. Cross-age tutoring, peer mediation, work experience are all sufficiently established to be regarded as successful interventions to enable young people to find their roles in the community while still at school.

Some schools are very conscious of the importance of finding what students are good at, of providing opportunities for contribution not only to the academic and sporting life of the community, but to the arts, to service, to the fun side of school life. Perhaps the greatest challenge is to value students not only for the roles they fill but for the fact that they belong to us. As one teacher said of a recalcitrant child, "He may be a little sh–, but he's our little sh–." [1]

Bazemore (1999) suggests a paradigm shift from the professional as "expert" to the professional as "catalyst for building connections between young people and adults and adult institutions" so changing the role of youth from "liability to resource" (p. 179-181). The desirability of this redefinition of role is recognised in many Australian schools, but the resources have been lacking. Programs have often depended on the goodwill and energy of individual teachers.

The challenge then is to provide for students contacts with justice that enhance their learning and their relationships, whilst recognising the constraints that apply in educational settings: shortages of time and energy, the adjudicative aspect of the professional task, and diminishing social networks.

Structural responses at systemic and school level are necessary if a truly restorative paradigm is to be achieved in schools. The following brief history of restorative practices in Australia and description of an initiative to pilot restorative practices in the State of Victoria highlight the need for such a multi-level response to create sustainability for restorative practices in education.

Variations of restorative practice including Community Conferencing have been operating in Australia since the late 1980s with the introduction of a police-based justice conferencing program in Wagga Wagga (Daly & Hayes, 2001).

Although Community Conferencing has not been widely adopted in the Australian education system trials have been conducted in schools in two Australian states, Queensland and New South Wales, with some promising results. Evaluations of Community Conferencing in Australian schools over the past eight years have in most cases reported very positive outcomes. This includes high levels of satisfaction with the process, high compliance rate with the terms of agreement and low rates of reoffending.

A pilot conducted by the Queensland Education Department in 1997 confirmed that conferencing was a highly effective strategy for dealing with incidents of serious harm in schools (Cameron & Thorsborne, 2001).

The most consistent finding across all the research studies to date is that the conferences are perceived to be fair and participants are satisfied with the process and outcomes. One year later the majority said the conference was worthwhile, they were satisfied with how their case was handled and that they had fully recovered from the incident (Daly & Hayes, 2001).

Despite this evident success tensions were reported in the application of the approach. Schools experienced conferencing in different ways raising further questions about both applicability and sustainability. A number of researchers and writers in the area have suggested that central school policies for the management of student behaviour are essentially framed around control paradigms therefore making restorative practices difficult to use which supports the earlier contention in this paper.

Victorian Community Conferencing Pilot 2002

In April 2002 the Victorian Department of Education and Training (DE&T) in collaboration with the Catholic Education Commission of Victoria (CECV) initiated an investigation into Community Conferencing in schools in the State of Victoria.

Restorative justice had not been formalised in Victorian schools before the introduction of this pilot project although some training had occurred in recent years designed to give participants a philosophical framework for restorative practices in school settings and skills in the practical application of Community Conferencing.

The current investigation in Victoria constitutes a pilot of Community Conferencing in schools from the Government, Catholic and Independent sectors. The pilot commenced in April and will continue until December 2002. Teachers, principals, Year Level Co-ordinators and Student Welfare Co-ordinators have been trained in restorative practices in clusters of schools in designated regions. The Pilot has been designed to support and evaluate application of restorative practices as a strategy to assist in the management of young people who are at risk of being alienated from mainstream education.

In broad terms the Pilot will also assess the climate of change required for effective implementation of restorative practices and provide evidence of changes if they have occurred i.e.

- How are things different in comparison to situations before the project?
- Has the capacity of schools to plan appropriate pathways and management regimes for young people altered as a result of the introduction of Community Conferencing?

Methodology

This trial involves a cohort of 53 participants from 23 schools; 14 secondary schools, 8 primary and one alternative school setting. A total of 16 support staff; Senior Program Officers and Student Welfare Support Staff from both Catholic and government sectors also participated in the training bringing the total cohort to 69. Schools were selected from four regional clusters, one in a regional centre, one rural, one metropolitan and one outer suburban.

Two forms of training were incorporated into the trial. Three clusters undertook Training Mode 1, delivered by *Transformative Justice Australia* (TJA). This training consisted of a three day program providing accreditation for use of restorative practice/community conferencing in school settings.

The other group, the metropolitan cluster, undertook Training Mode 2 delivered by Department Learning Education and Development (LED) of Education Faculty at The University of Melbourne as an accredited unit, *Managing Conflict in Educational Settings* from the Master of Education course. Restorative practices constituted one and half days of the six day unit, equipping participants to use conferencing as one of a range of tools to manage conflict in schools.

Over the trial period all schools in the pilot will self report on the management of incidents, inclusive of restorative strategies. In addition four schools, one from each cluster, have volunteered as case studies. The evaluation team has visited each case study school for up to one and half days to collect qualitative data, primarily through interviews. The evaluation is designed to assess the impact of community conferencing and to make some comparisons with other forms of incident management.

Victorian Educational Context

To make sense of the introduction and progress of the restorative paradigm in the Victorian educational

context one must take account of recent educational reform.

In 1994 the then Liberal Government developed Guidelines for the Student Code Of Conduct (Directorate of Education, 1994). These guidelines provided a model for schools to develop their own responses to manage student welfare and discipline. Ministerial Order Number 1, a key feature of the Guidelines, gave principals legislative authority to suspend or expel students on a range of violations including "threatening the good order of the school's program or facility" or the possession, use or deliberate assistance of others to use illegal drugs (p. 14). While the Guidelines specifically promoted the need to explore all options for retaining students in school there was a clear mandate for some schools to adopt a more severe interpretation of the Guidelines, and some did.

Over recent years Victorian schools have looked positively at the work of researchers in the resilience field. The idea that protective factors which build resilience could be incorporated into school programs resonated with many schools i.e. caring relationships, high and positive expectations and youth participation and contribution. Enhancing connectedness with peers, family, school and community has been accepted as a way of reducing high-risk behaviours or increasing protective behaviours.

"The Victorian Suicide Prevention Taskforce Report" (1997) and the Premier's Drug Advisory Report, "Drugs in Our Community" (1996) both expressed concern about high levels of drug misuse, self harm, depression, eating disorders and high youth unemployment among young people.

"The Framework for Student Support Services" (1998) was developed as part of a government response to these reports. It was also influenced by significant research evidence, in the areas of resilience, coping skills, social skills and mental health, of the benefits linking welfare to curriculum. The Framework represented both policy and implementation advice to schools in terms of four levels of activity: primary prevention, early intervention, intervention and postvention (restoring wellbeing). This document still frames the current welfare responses for Victorian government schools.

Since 1999 the Catholic Education Commission of Victoria (CECV) has been pursuing an innovative systemic professional development strategy to support the school and the teacher's role in promoting the social and emotional health of students. As part of its Youth Services Strategy, focusing on mental health promotion and suicide prevention, the CECV has sponsored over 500 teachers in leadership positions in the Catholic system to undertake two years of part-time, tertiary study in the University of Melbourne's Postgraduate Diploma in Educational Studies (Student Welfare). This strategic professional development initiative was seen to have the potential to make a systemic impact on the way that schools build a preventative and mental health promotion focus and manage student welfare (Freeman & Strong, 2002; Freeman, Strong, Cahill, Wyn & Shaw. 2002; Huggins, 2002).

The W.H.O. "Health Promoting Schools Framework" (1996) has also influenced policy development. It identifies three overlapping areas that need to be addressed to achieve a whole school approach to health promotion: classroom teaching and learning, school ethos and environment and community partnerships and links.

"The Framework for Student Support Services", "The Health Promoting Schools Framework", the CECV "Youth Services Strategy" and the findings from other Australian research all highlight the importance of linking curriculum and community to promote student wellbeing. Victorian schools have also indicated widespread uptake of mental health promotion curriculum resources, such as MindMatters (1999), which build on health promotion, resilience and pastoral care. It would appear that restorative practices complement these efforts by providing a way of managing incidents in terms of community building, a process which is at the core of mental health promotion.

The notion of restorative practice reflected in the current pilot has sprung from a desire to match the rhetoric of "The Framework for Student Support Services" with a means of providing alternate ways of managing difficult behaviours. Comments from teachers and principals involved in a recent trial of restorative practices in Victoria have been characterised by such comments as this one taken from a recent conference for harassment: "Much more positive process than heavy handling by managers using threats and punishments."

Systemic responses

The current efforts of schools in terms of student support have often been characterised by reactive responses. Structural responses at a system level are necessary if a truly restorative paradigm is to be embedded within school culture and ethos. Without systemic support and integration with other key educational initiatives such as "The Framework for Student Support Services", and other curriculum initiatives restorative justice could quickly become another example of "projectitis" i.e. another ad hoc response. Cameron and Thorsborne (2001) concluded in their review of the 1997 Queensland pilot that Community Conferencing did not receive the systemic validation to make it a more sustainable feature of school programs in Queensland.

As an example of a potential systemic response, restorative practices could be linked in policy to the four levels of the current "Framework for Student Support" used by the Victorian state education system, as follows:

- Primary prevention – the development of social competencies in all children that empower them to sustain positive relationships and negotiate differences (We would describe this as **proactive justice**.)
- Early intervention – the use of restorative language by the teacher in managing relationship issues and conflicts; the use of "mini conferences" in the classroom and playground
- Intervention – the use of Community Conferences for serious incidents
- Postvention (restoring wellbeing) – the consolidation of community through the enactment of agreements and the ongoing empowerment of members of the school community as a result of restorative processes.

The value of such a systemically endorsed framework would be the guidance it provides to schools about the range of ways that restorative practices might be incorporated into school policy and practice. It would signal to schools the wider implications and value of a restorative philosophy which is essential if the focus of restorative practice is to move beyond the use of the Community Conference for serious incidents. Without a broader framework the Community Conferencing runs the risk of becoming described as a "boutique" activity (Ritchie and O'Connell, 2001) or an "add-on" grafted onto a range of punitive and contradictory practices for the management of behaviour.

Cameron and Thorsborne (2001) developed six guidelines for sustainability based on the evaluation of the Queensland Community Conferencing project. The guidelines listed mention both the systemic support described above and school responses:

1. "Professional development in restorative philosophy and practices for all staff including those with a non-teaching role…
2. Development and maintenance of a cohort of highly skilled conference facilitators…
3. Use of restorative processes for dealing with incidents of inappropriate behaviour and high level conflict for staff…
4. Provision of restorative philosophy and practice within pre-service teacher education…
5. State policy development…
6. School policy development." (pp. 189-193)

School Responses

Given the nature of the role and task of schools described earlier, and the emerging data from our study and others, what responses can schools take to achieve **proactive justice**?

The Consolidation of Community

What distinguishes an aggregation of people from a community? A community:

- does things together
- is inter-dependent
- cares about its members who, in turn, know their own value
- has differences and therefore conflicts, but knows how to resolve them.

The recent National Longitudinal Study of Adolescent Health (2002) in the United States has indicated the importance of school community size in establishing student connectedness. Some strategies for achieving community have been taken in Australian schools, such as linking students with a home group tutor, and even creating "off campus, schools within schools". The study has also confirmed the importance of strong teacher/student relationships and of accepting students as "valuable contributors".

Inter-dependence is a "key element that defines negotiating situations" (Lax and Sebenius, 1986, p. 7). If we do not see ourselves as inter-dependent, we have no need to negotiate because we can accomplish what we want unilaterally. In our experience, behaving unilaterally is a traditional model of teacher/student relationships. In former days, "negotiation" meant that I told you what to do, and you did it.

The Development and Implementation of a Dispute Resolution System

Students and teachers need to accept the inevitability of conflict and the ways in which it can be resolved. The original Ury, Brett and Goldberg model (1998) of moving from informal problem-solving to mediation, before seeking a ruling, has been adopted by many organisations but is not used extensively in schools. Marshall (2001), as previously indicated, attributes some of this hesitancy to the nature of the culture with its emphasis on the self sufficiency of the teacher as professional to handle "difficult" clients, as well as the nature of the task which is frequently adjudicative.

Consequently, the temptation is to move from the biologically intuitive avoidance to the professionally intuitive adjudication without employing the interest-based processes such as mediation and negotiation that lie between, and which do not rely on an intuitive response but a rational and strategic choice.

The Determination of Proportionality

We use this term not in its legal sense as in, for example, Feld (1999, pp. 38-39) but in the "scale of offences" with which students are familiar. In the "Code of Conduct" prevailing in many schools, infringement of clothing regulations is equated with offences against people and relationships. It is as if the "Cleanliness is next to Godliness" belief still pervades our thinking.

"Restorative justice in the school setting views misconduct not as school-rule-breaking, and therefore as a violation of the institution, but as a violation against people and relationships in the school and wider community." (Cameron and Thorsborne, 2001, p. 183)

We suggest that proactive justice encourages students, parents and staff to develop together a relationship code whose inherent logic is obvious because the criterion is the consolidation and maintenance of

relationships and community.

Paradigm Shift

The shift from "behaviour management to relationship management" (Cameron and Thorsborne, 2001, p. 184) emphasises the "communitarian bonds" to which Braithwaite referred (1989, p. 139), and de-emphasises the criterion of *control* within the school, **while not relinquishing the boundaries that must be set to safeguard relationships.**

Morrison (2001) has referred to the mistaken beliefs held by teachers regarding parents' attitudes to punitive versus restorative methods (p. 207). We believe that a useful question for administrators to pose to parents is, "What do you think would be lost if the school adopted strategies such as conferencing?" Our own hypothesis is that fear of a chaotic school without boundaries informs the thinking of parents who resist this paradigm shift. Our hypothesis is strengthened, we believe, by the data that suggests parent satisfaction with the process when their own children are involved. The fears of chaos unleashed are calmed by the authority vested in the conferencing process, and by parent satisfaction that their own children have been treated fairly and with compassion.

"By the way, I've told quite a few people (parents and non-parents) about the successful conference I witnessed and contributed to last Thursday. The parents I told all said they wished their child's school could adopt the same principles. Thank you again for that." (Parent of a grade 3 bullying victim from a pilot school.)

The Professional Development of Teachers – New Models, New Skills

If, as has been argued, restorative practices require teachers to redefine their role in behaviour management to "relationship management" teachers will need time and support to grapple with questions about the impact of punishment and potential alternatives based on a restorative philosophy. These are not small shifts in thinking as we have found in our work with teachers and Ritchie and O'Connell (2001) also discovered in their work in schools. Alongside philosophical issues sit the suite of skills that teachers need to possess to be able to comfortably engage in restorative approaches. The development of such skills requires time for teachers to practice and refine new skills and to reflect upon one's own style in a challenging yet supportive context. The onus is also on school systems to ensure that teachers have access to substantial professional development that allows for progressive skill development with the aim that teachers will be able to confidently apply and model effective relationship management skills.

"For it to be implemented properly there needs to be broadening of the knowledge. The staff, parents and students need to be made more aware." (Principal - Case study school)

Label the behaviour, not the person

One significant concept that underlies the effective use of restorative approach by teachers is the idea of labelling the behaviour not the person. This strategy is central to any process which respects personhood. In mediation, for example, issues that are in dispute are often visually presented on a whiteboard to separate the problems that must be faced from the people who are feeling their effects. Ahmed, Harris, Braithwaite & Braithwaite (2001) draw a useful distinction between the disapproval shown to an act of cheating and shaming persons as cheats (p. 316). The boundary is still in place; cheating is seen as an infringement against *justice* to others. Wilson and Braithwaite (1977) provide an example of the language which may be used to differentiate: "That was a despicable act. I'm surprised that a person like you would do such a thing" (p. 94).

The finesse associated with these nuances again emphasises the complexity of the teacher's role, to which we

referred earlier. Katz (1999) captures this duality:

"To be a fair judge as a teacher involves making judgements of students' conduct and academic performance without prejudice or partiality; most of the time, it involves an impartial application of appropriate standards to this conduct. In contrast, to be a caring person, one must accept the unique "otherness" of a student in a receptive, supportive, open and essentially nonjudgmental way…Unlike the unequal power relationship of judging, the caring relationship between teacher and student often operates on a level of moral equality, with at least one of the two struggling to understand and support the other in her humanness." (p. 61)

We take this a step further. A fair adjudication involves a set of standards which have been either maintained or flouted. Relationships involve "appreciating moral complexity" (Katz, p. 73) or, to use a phrase well known to mediators, "a tolerance of ambiguity" (source unknown).

Finding Ways to Recognise and Value

Much could be said about motivating unwilling students, and that group, like any other in society, is not homogeneous. There is, however, an obvious nexus between "rewards" and human needs. Although his thesis is about self-esteem, Kunc (1992) gives a timely warning that is relevant to proactive justice:

"It is not uncommon for educators to work from the premise that achievement and mastery rather than belonging are the primary, if not sole, precursors of self esteem….The current education system, in fact, has dissected and inverted Maslow's hierarchy of needs so that belonging has been transformed from an unconditional need and right of all people into something that must be earned, something that can be achieved only by the "best" of us."(p. 381)

Apart from the family there is no institution which contributes more to the integrity of the self as profoundly as does the school. We maintain that no student in a school should be in doubt about the things they are "good at". This self knowledge will be reinforced and validated through the behaviour and skills we recognise and value. If a school features rewards for sporting or academic prowess, and students do not possess these abilities, two things are likely to happen:

- the self will be diminished
- the sense of belonging will be diminished.

As the researchers to whom we have referred have clearly indicated, these are the students who are most likely to end up in trouble and who will have to, from a public perspective, 'excise a bad part of self' (Ahmed et al, 2001, p. 10). Ironically, is the strength of the self of these students sufficiently robust to bear the process of excision? Even participation in a reintegrative conference presupposes a modicum of self belief and confidence, if shame is not to result in humiliation.

Specific Training of Students

It is to the point of our departure that we return: the role of the school in developing the cognitive, social and social-emotional capabilities of its students. It is essential to the success of restorative practices in schools that opportunities are provided for students to acquire specific social competencies that will allow them to engage in a community of constructive and empowering relationships. These opportunities may be provided formally within the school curriculum or informally in co-curricular and other experiences. A range of social competencies is seen to be the key to successful engagement in problem solving and conflict management by students (and, as indicated earlier, by teachers).

Honest listening

We often ask people in our courses how many of their acquaintances they would regard as "good listeners". When the question is first asked, the class looks optimistic, then the realisation dawns that the "list" is remarkably small. Most of us are not trained to listen; some are prepared to go rather perfunctorily through the process of "reflective listening", but this does not necessarily equate with honest listening to "the other". Nathan Miller's saying is apt, and applies to more nations than the US. "Conversation in the US is a competitive exercise in which the first person to draw breath is declared the listener" (cited in Bolton, 1979, p. 4).

Perspective Taking

The work of Morton Deutsch and the Johnsons on conflict resolution in general and on perspective taking in particular, is relevant to proactive justice and to reintegrative conferencing. The strategy of constructive controversy (Johnson, Johnson & Tjosvold, 2000) may be applied in any discipline area. Understanding the perspective of the other, even if not agreeing with it, is essential to relationships and to facilitate empathy.

"I feel privileged to have been part of this. My respect for these kids has multiplied hugely. Their handling of things was sincere and showed a strongly developing maturity. The positive outcomes would have been damaged by the application of more punitive sanctions. They would not have been appropriate." (Teacher involved in a conference as a result of brawl between two girls at a pilot school)

Appropriate Questioning

Dag Hammarkjold's famous phrase, 'Not knowing the question, it was very easy for him to give the answer' still applies. As professionals, we are paid to give advice, and our advice is mainly in the form of statements. In mediation, however, discussion is moved forward by the use of questions, and this technique has been applied as well in 'mini conferences' where restorative language avoids confrontational situations. As well as modeling the approach, we need to train our students that the use of questions, in order to find out what the other wants and needs, is as assertive as making statements.

We would also suggest that because the school is a learning institution, one of the questions at the beginning of a reintegrative conference could be framed, 'What can all of us present at this conference learn about ourselves and about this community that will help us move forward?' This sort of question accomplishes two things:

- It fulfils the role of the school as the place of learning.
- It puts the "offender" and the school on a common footing – we are all in the position of learners. Indeed, our research shows that schools have the opportunity to learn about the inadequacies of their own structures from such conferences.

We have shown that negotiation is the outcome of an inter-dependent community; in turn, perspective taking (or empathy) and the use of questions are essential elements in the negotiation tool kit. When integrative solutions cannot be found, the dispute resolution system can be accessed to provide other means of settling disputes.

Expressing Emotions

Some of the respondents in our research referred to their inability to express themselves clearly, or to do so without becoming emotional. As adults, we may reassure adolescents that emotionality is legitimate. However, emotionality which results in disadvantage to the young person is humiliation. If used without sensitivity to socio-economic and cultural differences and the potential vulnerability of participants the

Community Conference could become a negative experience for participants.

Being able to articulate feelings is one essential skill for participants in a conference that can reduce a sense of disadvantage. Giving students the *vocabulary* to describe their feelings is empowering.

"I feel the conference went well although I couldn't say all that I wanted to say because I didn't want to get upset in front of them." (Year 11 victim of sexual harassment at a pilot school)

Interim Themes and Issues from Pilot

Up to August 2002 data has been collected from nine schools reporting on 12 community conferences and 15 other incidents in which restorative practices were applied. While the sample is relatively small (and should be judged accordingly) some preliminary themes and issues have been identified.

High regard for training – A majority of the cohort reported a high degree of satisfaction with both the teaching and content in the two different training modes.

Confidence and experience of facilitators – Many facilitators have reported that they are more confident practising 'mini-conferences' using restorative language and principles. They are less confident about running a formal community conference at this stage of the pilot.

Collegiate and regional support – The emergence of an ongoing network of trained facilitators in each of the pilot clusters was seen as a highly positive development and an important forum for debriefing.

Involvement of school leadership – Where school principals and/or their assistant principals have been trained there appears to be a more successful uptake of restorative practices and indications of relevant organisational reform in the short term.

High levels of satisfaction with process – Participants have generally reported positively about the process and initial outcomes of community conferences.

High level of satisfaction with outcomes – Facilitators report favourably on the benefits of restorative practice compared to other means available to them. (Whether conference participants concur will be assessed as the evaluation continues)

High level of satisfaction by parents – Parents were generally positive about their participation in community conferences. (The longer term impact will be assessed as the evaluation continues.)

Mandate for use of restorative justice – Restorative measures remain subordinate to more established (punitive) measures.

Time constraints – Formal conferences require a significant amount of time to organise, facilitate and monitor.

"Projectitis" –A small pilot project with limited resources inevitably competes with many other school initiatives making it difficult to achieve widespread acceptance.

Student involvement – Student awareness and understanding of restorative practices coupled with appropriate skill development may enhance outcomes.

Selective use of community conferencing – Community Conferencing doesn't suit all incidents or all members of the school community

Statewide student management and wellbeing strategies – The current statewide guidelines for student management/wellbeing do not appear to be consistently applied in individual school responses.

Conclusion

"Restorative or reintegrative" justice presumes either that some aspect of justice was once present, but has since been lost, or that an erstwhile member of our community is in danger of slipping away.

Schools are in a unique situation to ensure that justice is recognisably present and that the members of its community are valued. These aims can be achieved through a true communal spirit, with the operational strategies in place to achieve this, a curriculum that incorporates the skills of conflict resolution and intellectual debate, and a clear and consistent system of dispute resolution. Clearly, there must also be committed resourcing by government and operating boards. Only then will there be a dynamic between what the individual learns cognitively, socially and affectively and how the community fulfils its role. One result of this dynamic will be a more positive experience of justice and community.

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