Exploring Restorative Justice as a Means of Conflict Resolution in Further Education

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1. Understand how staff from Further Education institution comprehend RJ

2. Explain how staff experience RJ in Further Education institution

3. Identify constraints, limitations and opportunities of successful implementation of RJ policy in Further Education institution.
LITERATURE REVIEW
Behaviour Policy

• Behaviour policy sets out expectations of behaviour from students, and the sanctions that will be imposed for misbehaviour (Department of Education (DfE), 2016)

• DfE’s White Paper (2010), expanded teachers powers, which resembles police and other security agencies powers (Cremin & Bevington, 2017), some of these powers include:
  • Greater authority to discipline students
  • Expansion of search powers
  • New powers to maintain discipline beyond the school gates
  • Office for Standards in Education (Ofsted) inspection will focus more on behaviour, safety and bullying
  • The removal of 24 hours’ notice for detentions and clearer instructions on the use of force

• To help schools develop effective strategies, the Government produced a document advising schools in what should be included in the behaviour policy (see DfE, 2016).
Crime, Conflicts and Exclusions in Education

• Schools regularly deal with crime and conflicts (Porteous, 1998), such as:
  • Name calling in general
  • Racist name calling
  • Threats with violence
  • Assaults
  • Sexual harassment
  • Students carrying weapons
  • Things taken off students
  • Drugs related offences
  • Also, Tension from the streets are brought in school.

• Considerable time is invested by teachers to deal with such incidents (Porteous, 1998)

• ‘provided quite graphic and convincing evidence of the high levels of anti-social behaviour and violence which children and young people experience’ (Porteous, 2014: 50).
• Fear of crime in schools is an issue (Barrett et al., 2012)
• One in five students feared weapons associated victimisation (Brown & Benedict, 2004)
• Students are concerned of violence or victimisation in school, which results in either not attending or changing schools (Everett & Price, 1995)
• Fear of crime hinders students learning and school experience (Barrett et al., 2012)
• Exclusion from schools and youth crime has attracted much attention (Brodie, 1998; Berridge et al., 2001)
• Permanently excluded students are likely to face the criminal justice system and make poor choices in life which leads to criminality (OFSTED, 1996; Berridge et al., 2001; McAra and McVie, 2010)
• Out of 263 cases: 117 had no recorded offences prior to exclusion but offended post exclusion, and 47 recorded offences before and after exclusion. Of those 263 cases, 13 commenced their criminal career in the same month of exclusion, and for some it intensified (Berridge et al., 2001).
Restorative Justice (RJ) in Education

- Many models of RJ practices available (see Hopkins, 2009; Daniels, 2013)
- RJ relies on restorative questioning asked by a facilitator during RJ mediation or conference, and focuses on past, present and future events (Hopkins, 2004; Walgrave, 1995)

<table>
<thead>
<tr>
<th>Restorative Question</th>
<th>Past, Present and Future Events</th>
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</thead>
<tbody>
<tr>
<td>Can you explain what happened?</td>
<td>Past</td>
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<tr>
<td>What were you thinking at the time?</td>
<td>Present</td>
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<tr>
<td>How were you feeling at the time?</td>
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<td>What have been your thoughts since?</td>
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<td>What are they now?</td>
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<tr>
<td>How are you feeling now?</td>
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<tr>
<td>Who else do you think has been affected by this?</td>
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<tr>
<td>What do you need to do to put things right / repair the harm / to move on?</td>
<td>Future</td>
</tr>
</tbody>
</table>

- *Reintegrative shaming* theory (Braithwaite, 1989).
Figure 1: Social Discipline Window (McCold & Wachtel, 2003)
Restorative Justice (RJ) in Practice

• Participants of conferences are satisfied with the process and outcomes achieved, also reduced recidivism and most would choose RJ conferencing again (Cameron & Thorsborne, 1999; Burssens & Vettenburg, 2006)

• Implementation of RJ practices was slow caused by a lack of co-ordination and clarity (Morrison, 2001; Edgar et al., 2002)

• Conferences showed positive impact on dealing with serious conflicts in schools through resolving disputes, achieving closure and repairing harm (Morrison, 2001; Mirsky, 2007)

• The ‘National Evaluation of the Restorative Justice in Schools Programme’ (Bitel, 2005):
  • Minor impact on exclusion, no impact on student attitude (except for a small number of schools who adopted RJ as a whole school approach)
  • 19% of conferences included parents
  • 92% of conferences reached successful agreements
  • 2 Schools had follow up procedures
  • Running conferences is time consuming
• Reduced numbers of exclusion by half, compared to schools who did not adopt RJ (Barnet Youth Service, 2008; also see Karp & Breslin, 2001; Stinchcomb et al., 2006; Mirskey, 2007; Reimer, 2011; Wearmouth & Berryman, 2012)

• Scottish Executive Funded Project (see: Kane et al., 2007; Kane et al., 2008; McCluskey et al., 2008a):
  • Primary Schools:
    – Impact was positive
    – RJ implementation had different starting points, aims and strategies
    – RJ helped to create a calm and positive atmosphere; and, helped students to develop conflict resolutions skills
    – Improved school ethos and creating positive relationship
  • Secondary Schools:
    – Impact of RJ varied
    – Slow implementation
    — Difficulty in changing culture
    — Continued use of punitive measures
    — Time in implementing RJ
• McCluskey et al. (2011)
  • Whole School Approach
  • Partial School Approach
  • Reactive School Approach

• Skinns et al. (2009)
  • Whole School Approach
  • Tentative on RJ impacting exclusions
  • Improved Learning environment
  • Need for punishment

• Research on RJ in education predominantly focuses on primary and secondary schools

• Empirical research on RJ effectiveness in education (Mayworm et al., 2016)

• Research on RJ & education is limited in UK, especially in specific sectors: Pupil Referral Units (PRU), Special Schools and the Further Education (FE) sector.
RESEARCH AIMS AND OBJECTIVES
• **Aim**

This research explored how RJ is understood, experienced and implemented in a FE College

- To achieve this, three research questions have been adapted from Stockdale’s (2015b) research who explored formal and informal understanding of RJ and how it is defined by staff in a police force in England and Wales. This study built on Stockdale’s research, but within the FE sector.

• **Research Questions:**

1. What are the organisational and individual understandings of restorative justice: how is ‘restorative justice’ defined by a Further Education college and understood by its staff?

2. What are the constraints and limitations when implementing restorative justice policy across the Further Education college?

3. What were the key opportunities with regards to successful restorative justice policy implementation?
Data Collection Process

Stage 1
- Staff Semi-Structured Interviews
  - A Pupil Referral Unit
  - Deputy Head, Assistant Head
  - A Sixth Form - Special School
  - Head of Sixth Form, Curriculum Head, Curriculum Deputy Head, Teacher's Assistant
- Analysis of FE Colleges
  - Behaviour Policies (n = 60)
- FE Colleges (n = 5)
  - Safeguarding and Behaviour Officers (n = 3), Head of Department, Curriculum Manager, Progress Coaches (n = 2), Teachers (n = 5), Tutors (n = 2)

Stage 2
- Analysis of Documents
  - Policies and Case Files
- Staff Semi-Structured Interviews (n = 10)
  - Head of Faculty, Safeguarding Officer, Managers (n = 2), Progress Coaches (n = 2), Teachers (n = 4)
- Student Focus Groups
  - (n = 3)
- Un-Structured Observations of RJ Meetings and Trainings
  - Meeting, and a Training Session

Stage 3
- Re-Interviewed Staff from Stage 2
- Re-conducted Student Focus Groups from Stage 2

Stage 4
- Compared Data from Stage 2 and 3
CRIME, CONFLICTS AND RESTORATIVE APPROACHES IN FURTHER EDUCATION

This symposium will explore crime, conflicts and other behavioural challenges faced by institutions in Further Education (FE) and how Restorative Approaches are understood, experienced and implemented in this sector. The symposium will also draw upon research from other disciplines to provide a holistic insight into Restorative Approaches. Speakers include Professor Vincenzo Ruggiero (Middlesex University), Dr David Porteous (Middlesex University) and Dr Kelly J. Stockdale (York St John University).

This event will also mark the launch of this new networking initiative 'Restorative Approaches in Further Education' (RAFE), which endeavours to bring FE institutions, other interested bodies and individuals together to share good practice and disseminate knowledge on dealing with crime, conflicts and other challenging behaviour in FE settings.

To attend this event please submit your interest and dietary requirements for catering purposes by following the link below.

https://rafesymposiummdx.eventbrite.co.uk
FINDINGS
## Further Education Colleges

<table>
<thead>
<tr>
<th>Understanding of RJ</th>
<th>Experience of Behaviour &amp; Importance of RJ</th>
<th>Implementation of RJ – Constraints &amp; Limitation</th>
<th>Implementation of RJ – Success</th>
<th>Experience of RJ</th>
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<tbody>
<tr>
<td>1. Repairing</td>
<td>1. High exclusion rate</td>
<td>1. Time (facilitation)</td>
<td>1. Getting to know students better</td>
<td>1. A name to what is already practiced</td>
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<td>2. Restoring</td>
<td>2. Daily conflicts</td>
<td>2. Other responsibilities</td>
<td>2. Employing staff to facilitate RJ</td>
<td>2. Enhances teachers own practices in teaching and managing classroom behaviour</td>
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<td>6. Developing problem solving skills</td>
<td>6. Old policy did not deal with victim nor help parties to resolve their situation and undermined their staff</td>
<td>6. Budget/Resources</td>
<td>(evidenced by Ofsted)</td>
<td>6. Conflict resolution when both parties are victims as well as perpetrators</td>
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<td>7. Consequences to their actions</td>
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<td>7. Culture change</td>
<td></td>
<td>7. Avoid exclusions</td>
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<td>9. Community</td>
<td></td>
<td>9. Lack Training – refresher courses</td>
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<td>9. Diverse students from different cultures, important to respect and understand everyone – demographic of students</td>
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<td>11. Putting it right</td>
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<td>11. Not implemented top down</td>
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<td>11. Support students to complete course</td>
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<tr>
<td>13. Acknowledgement</td>
<td></td>
<td>13. Difficult to facilitate between staff ad student</td>
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<td>13. Support students to reflect</td>
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<td>14. Moving on</td>
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<td>14. Colleges are not a homogenous community</td>
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<td>14. Teach students empathy</td>
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<td>15. Being held accountable</td>
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<td>15. Size of the institution</td>
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<td>15. Teach students to be understanding</td>
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<td>16. Justice</td>
<td></td>
<td>16. RJ practiced discretely</td>
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<td>16. Avoid teachers from kicking students out of the class</td>
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<td>17. Manage behaviour</td>
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<td>17. Cascading training</td>
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<td>17. Show students they are respected</td>
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<td>18. Promoting positive behaviour</td>
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<td>18. Lack of cross college plan or agenda</td>
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<td>18. College to be an inclusive environment</td>
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<td>20. Finding a solution</td>
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<td>20. RJ practices are not monitored</td>
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<td>21. Listened to</td>
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<td>21. Inconsistency in using strategies to manage behaviour</td>
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<td>22. Equality</td>
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<td>22. Issue with ownership of who should manage behaviour when it occurs</td>
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<td>23. Involving all parties</td>
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<td>23. Space</td>
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<td>24. Healing process</td>
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<td>24. Lack of experience</td>
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<td>25. Not punishment</td>
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<td>26. Feelings</td>
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<td>27. Shame</td>
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<td>28. Changing mind-set</td>
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<td>29. Explore</td>
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<td>30. Opportunity</td>
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<td>31. Conversations</td>
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CONCLUSION
• RJ is employed in other sectors in education to deal with crime, conflicts and other challenging behaviour
• Training
• Sound understating of RJ
• Reoccurring themes of implementation:
  • Logistics
  • Cost
  • Time
  • Top Down Approach
  • Culture Change
  • Funding Cuts


