

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

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*IIRP Europe Conference, Belgium:
Kortrijk*

May 15-17 2019

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SESSION OBJECTIVES



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)

Restorative Question	Past, Present and Future Events
<ul style="list-style-type: none">• Can you explain what happened?• What were you thinking at the time?• How were you feeling at the time?	Past
<ul style="list-style-type: none">• What have been your thoughts since?• What are they now?• How are you feeling now?• Who else do you think has been affected by this?	Present
<ul style="list-style-type: none">• What do you need to do to put things right / repair the harm / to move on?	Future

- *Reintegrative shaming* theory (Braithwaite, 1989).

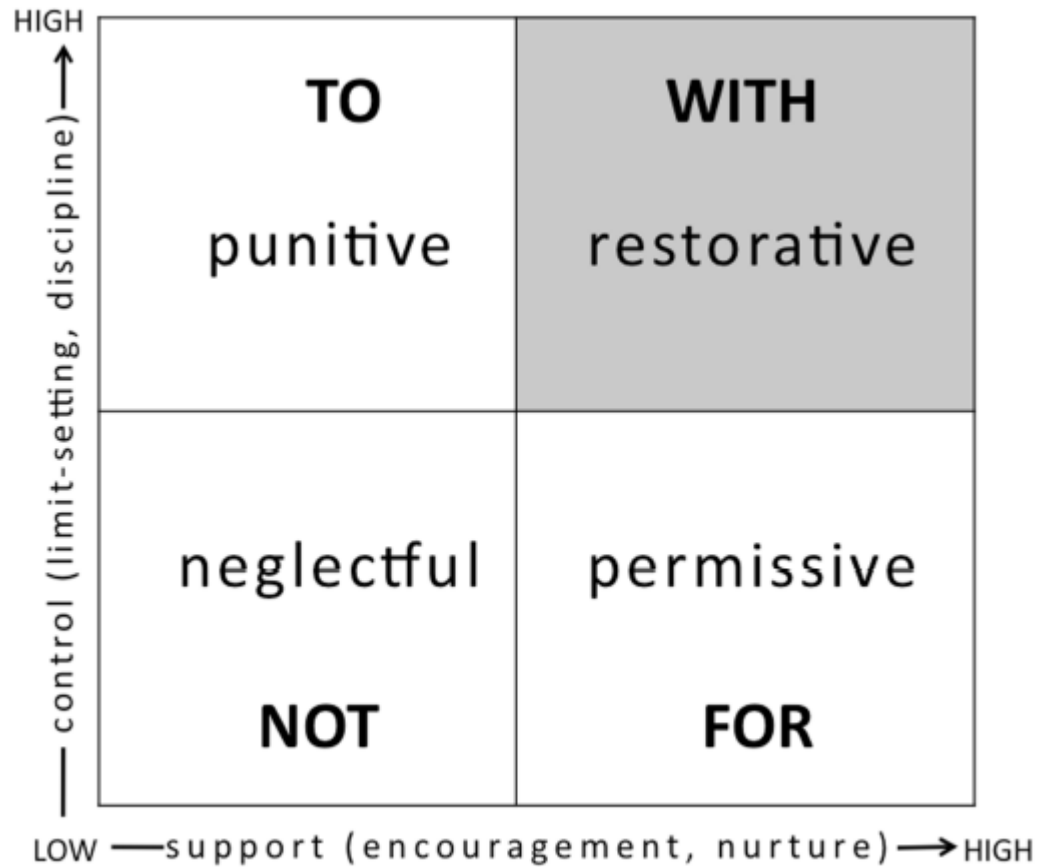


Figure 1: Social Discipline Window (McCold & Wachtel, 2003)

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.

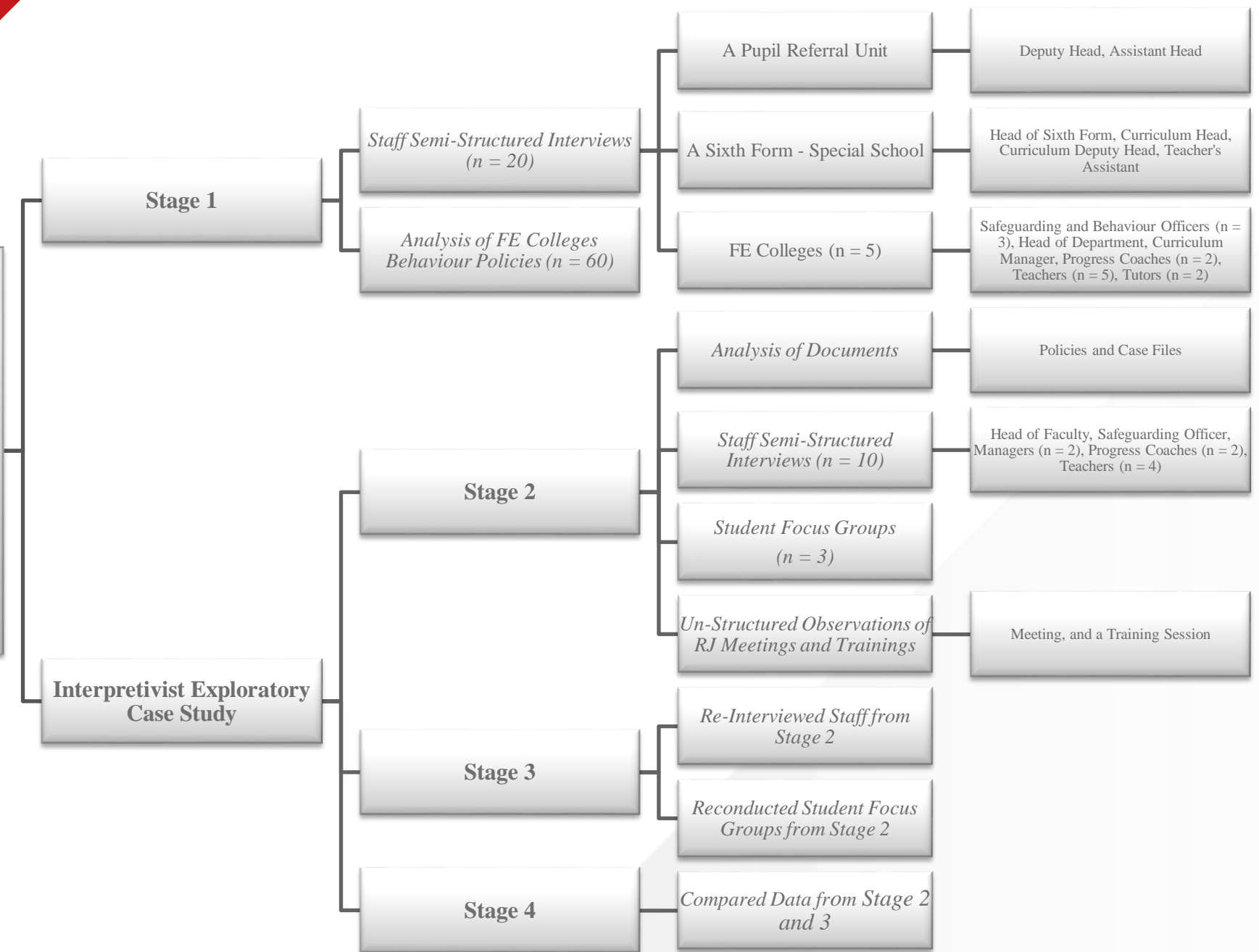
- **Research Questions:**

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?

RESEARCH METHODOLOGY



Data Collection Process





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28 June 2019

CRIME, CONFLICTS AND RESTORATIVE APPROACHES IN FURTHER EDUCATION

10:00 - 16:00

Middlesex University, London.

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

Understanding of RJ	Experience of Behaviour & Importance of RJ	Implementation of RJ – Constraints & Limitation	Implementation of RJ – Success	Experience of RJ
<ol style="list-style-type: none"> 1. Repairing 2. Restoring 3. Voice 4. Understanding others 5. Responsibility 6. Developing problem solving skills 7. Consequences to their actions 8. Reflection 9. Community 10. Learning 11. Putting it right 12. Resolution 13. Acknowledgement 14. Moving on 15. Being held accountable 16. Justice 17. Manage behaviour 18. Promoting positive behaviour 19. Empowerment 20. Finding a solution 21. Listened to 22. Equality 23. Involving all parties 24. Healing process 25. Not punishment 26. Feelings 27. Shame 28. Changing mind-set 29. Explore 30. Opportunity 31. Conversations 	<ol style="list-style-type: none"> 1. High exclusion rate 2. Daily conflicts 3. Physical fights 4. Arguments 5. Social media 6. Old policy did not deal with victim nor help parties to resolve their situation and undermined staff 	<ol style="list-style-type: none"> 1. Time (facilitation) 2. Other responsibilities 3. Not a model that fits everything 4. New staff members, part-time staff, visiting staff 5. Staff – RJ Facilitators 6. Budget/Resources 7. Culture change 8. Mergers 9. Lack Training – refresher courses 10. Not taken seriously 11. Not implemented top down 12. Funding cuts 13. Difficult to facilitate between staff and student 14. Colleges are not a homogenous community 15. Size of the institution 16. RJ practiced discreetly 17. Cascading training 18. Lack of cross college plan or agenda 19. Repeated meetings with student, no change in behaviour 20. RJ practices are not monitored 21. Inconsistency in using strategies to manage behaviour 22. Issue with ownership of who should manage behaviour when it occurs 23. Space 24. Lack of experience 	<ol style="list-style-type: none"> 1. Getting to know students better 2. Employing staff to facilitate RJ 3. A model to rely on 4. Top down approach 5. Improved behaviour (evidenced by Ofsted) 	<ol style="list-style-type: none"> 1. A name to what is already practiced 2. Enhances teachers own practices in teaching and managing classroom behaviour 3. Helped conflicts not to fester 4. Help develop students' skills to solve problems 5. Taking responsibility 6. Conflict resolution when both parties are victims as well as perpetrators 7. Avoid exclusions 8. Improve behaviour 9. Diverse students from different cultures, important to respect and understand everyone – demographic of students 10. Prevent escalation 11. Support students to complete course 12. Retention of students 13. Support students to reflect 14. Teach students empathy 15. Teach students to be understanding 16. Avoid teachers from kicking students out of the class 17. Show students they are respected 18. College to be an inclusive environment 19. Proactive model

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

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