

## **Sabbatical Report**

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### **Purpose**

To look at restorative justice strategies that are most effective in a primary school setting.

### **Acknowledgements**

- Marg Thorsborne
- Myra Payton, Principal Vardon School Hamilton
- Kelly McGowen, Manager RTLB cluster North Canterbury
- Sharon Marsh, Principal Liethfield School
- Jenny Fraser, Deputy Principal Kaiapoi Borough School
- Joss O'Connor, Guidance Counsellor, Kaiapoi High School
- Anne Bell, Ministry of Education
- Saga Manu, Oranga Tamariki.

### **Background and Rationale**

Gracefield School has been using restorative justice now for a good number of years, to teach and motivate students to behave appropriately. The journey started for us during professional development courses put on by a local RTLB cluster. Marg Thorsborne was the facilitator of these. I found her to be one of the most inspirational speakers I've ever had the pleasure of hearing. What she said made complete sense and brought together all I had learnt about behaviour management. I am extremely grateful to her for inspiring me to take Gracefield School in a direction that has served us very well.

While I'm utterly convinced that restorative justice is the most effective way of changing unwanted behaviour in the highest number of children, there were still a number of questions that I wanted to investigate. These were:

1. What do successful schools do (or not do) with regard to restorative justice that less successful schools don't?
2. What strategies are most effective for students who show minimal empathy for others? (empathy is a key factor in successful restorative work)
3. What strategies work best for students with special needs?
4. What strategies work best for various age groups i.e. new entrants?

During this report I expand on what I have learned, particularly with regard to the above questions, but I also speak generally about strengths and weaknesses of restorative justice in schools.

## History of Restorative Justice

According to John Braithwaite, restorative justice is:

*The process where all stakeholders affected by an injustice have an opportunity to discuss how they have been affected by the injustice and decide what should be done to repair the harm. With crime, restorative justice is about the idea that because crime hurts, justice should heal. It follows that conversations with those who have been hurt and with those who have inflicted the harm must be central to the process.*

In restorative justice, the citizens who have been affected by a crime, must take an active role in addressing that crime. Although law professionals may have secondary roles in facilitating the restorative justice process, **it is the citizens who must take up the majority of the responsibility in healing the pains caused by crime.**

The term “restorative justice” was likely coined by Albert Eglash in 1977. Eglash distinguished between three approaches to justice:

1. “retributive justice”, based on punishment
2. “distributive justice”, involving therapeutic treatment of offenders
3. “restorative justice”, based on restitution with input from victims and offenders

Interestingly Maori (along with the first nation peoples of Canada and the US) have been credited with being one of the first groups of people to use a form of restorative justice.

## Youth Justice In NZ

In New Zealand restorative justice has been integrated into our justice system. Possibly the most significant impact has been on youth offenders. The 1989 Children, Young Persons, and Families Act incorporate restorative justice at the heart of what they are about. During my sabbatical I visited two sessions in Porirua associated with youth justice. One was a monitoring session at the court and the other was a family group conference. My thanks to Anne Bell from the Ministry of Education for organising these visits and to Saga Manu from Oranga Tamariki for allowing me to witness her skill as a facilitator.

I knew nothing of our youth justice system, but after my visits to the court and watching Saga in action it was clear that restorative justice is integral in what we do here in New Zealand with our youth offenders. From the sessions I learnt:

- everyone is working to make sure that these young people don't get to adulthood with a conviction. This includes the judge, the lawyers for the

children, the lawyers for the Crown and all the support agencies. It was such a great experience to watch the care these people showed for these very troubled young people. The tone of the conversation was supportive and encouraging of the good in these young people.

- Small steps were celebrated, but mistakes were also acknowledged.
- There is agreement among everyone in the courtroom that the best way forward for these young people is to make sure they repair the harm they have done, so they can move on with their lives. Because the various groups in the court were not contradicting/battling each other, resolutions were able to be found and agreed on quickly.
- The family group conference was about getting the family to support the offender by helping them put right the harm they had caused. It really was fascinating to watch Saga facilitate the conference. She kept what was potentially an explosive situation moving forward positively. There was a lot of tension in the room, but somehow she held it all together and the final outcome was positive for the perpetrator and the victim. A plan was written that both sides supported.

What is of interest is how relevant the youth court processes are for us in schools, but also it is a salutary reminder that if we can apply this approach when students are young, we may well prevent youth offending further down the line.

## **Restorative Justice in Schools**

### **School Visits**

I had the privilege of visiting a number of quality schools. These are detailed in my acknowledgements. While I saw and met some wonderful principals/teachers I do want to acknowledge how fortunate I was to spend the day with Kelly McGowen who is the manager of the RTLB cluster in North Canterbury. Her knowledge and commitment to restorative justice was inspirational for me and made for a rewarding day.

There is no particular order to these observations, but in their entirety they highlight what I have learnt.

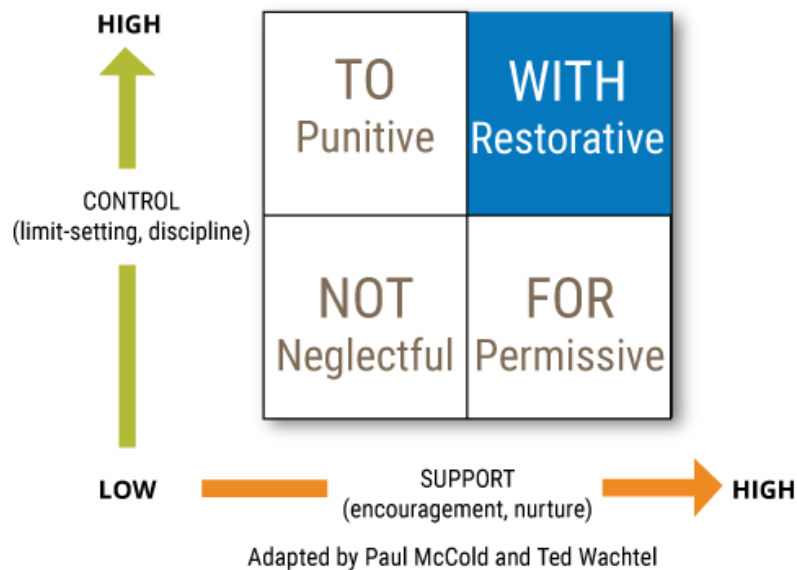
#### *How does it work?*

The overriding hypothesis of restorative practices is that human beings are happier, more cooperative and productive, and more likely to make positive behaviour changes when others do things with them (via collaboration), rather than to them (via coercion) or for them (via independent action). (Quote from Wikipedia)

A good way to demonstrate how this works with regard to restorative justice is to use a Johari window. *See below:*

- **The top left box is** where we have punitive/punishment. This is the box where a child is punished for what they do. There is no effort to teach the child ways to behave properly. The child makes no connection between what they do and the impact it has on others.

- **The bottom right box** is where we have parents/teachers who do everything for their children. These are the parents who excuse their child's behaviour, or even cover for them. This child can do no wrong.
- **The bottom left box** is where no child should be. No consequence, no punishment, no interest by the parent/teacher. This is the neglect box.
- **The top right box** is where we should want to be. When a child makes a mistake they are helped to realise the effect the action has on others. They are also taught why what they did won't serve them well in the future. Finally they are taught what they could have done instead. This is the box that builds empathy and long term behaviour change.



### *Everyone Benefits*

Restorative justice offers a way forward for everyone. Victim, perpetrator, parents and teachers. Done properly restorative justice offers a positive outcome for the most number of people involved.

*For the perpetrator:* if the child (or adult) is in a position to acknowledge they've done wrong, then they generally feel good about putting right the harm. When this happens they are far less likely to repeat what they've done or to seek vengeance on the person they harmed. This can't be said for the child who is punitively punished.

*For the victim:* more often than not the victim just wants the undesirable behaviour to stop. Because restorative justice seeks to repair rather than punish it means the perpetrator generally holds no anger towards the victim.

*For the school:* Although time consuming at first, once students get to know and expect what's involved in the process, the school is rewarded with improved behaviour. There is a high level of respect developed between teachers and pupils, pupils and pupils and teachers and parents.

### *Restorative Justice Takes Time to Implement*

It can take up to two years for a young child to change their behaviour. The moral here is not to give up on a child or restorative justice in changing that child. I can unequivocally say that the tone of Gracefield School significantly changed for the better within the first 12 months of adopting restorative practices. Everything I was looking to achieve was starting to happen. Conversations between students were more respectful, as were the conversations between staff and students. This carried over into the way children were learning in the classroom. i.e the conversations around learning were respectful and calmer.

### *The Apology is So Important*

Most restorative conferences finish with an apology of some sort. A genuine apology is an extremely powerful thing. If the victim senses that the perpetrator is genuinely sorry, they know that the chances of the event happening again are minimal. For a victim this is usually the outcome above all others, that they want the most.

A meaningful apology is a healing thing for both the perpetrator and the victim. We usually think that an apology is for the victim, however as the perpetrator comes to the realisation that they've done harm, the apology can help them to move forward and feel good about it.

If the student hasn't acknowledged they've made a mistake, then there's really no point in eliciting an apology. It becomes worthless to the victim and will do nothing to help them move forward with confidence.

If the victim doesn't accept the apology, then something has gone wrong in the process. Either there is still harm that hasn't been resolved, or they sense that the perpetrator is not genuinely sorry. If this happens then more work needs to be done by the teacher/facilitator.

It's always good for the victim to accept the perpetrators apology at the end. Eye contact is important at this point too. If the victim's eyes are low it may mean they are still uneasy (although some cultures are not so comfortable with eye contact).

It's also always good to remind the perpetrator that an "apology" is a promise not to do what they've done again.

### *Who is responsible for Making the Process work?*

The underlying premise of restorative justice is that all three parties (school, perpetrator, victim) have a responsibility to help address the issue and move forward.

*The perpetrator* is obviously responsible for their actions and should be looking to repair the harm they have done.

*The school* is responsible to the victim and needs to ensure that the process is done in a respectful, productive and safe way. The school also needs to ensure any

reparations are carried through. The perpetrator can also expect that the representatives of the school listen to them and treat them fairly. One of the most profound changes we noticed in the early stages at Gracefield School was in the attitude of the perpetrator. If they know they are being listened to and supported, they are far more likely to tell the truth. They learn that fixing things up and moving on feels good.

The victim's role is often to take part in the conference and to express their feelings/hurt openly. This obviously has limitations for some children because of the stress it may cause for them and also depends on the level of harm they have endured.

### *Timing, Tone and Preparation are Everything*

A significant advantage restorative justice has over other methods of behaviour management is that it has a structure to it. The scripts that teachers use when interviewing students mean the children know there is consistency in the process. This leads to a level of trust and an expectation of a positive outcome for the children. This in turn leads them to be more honest which helps the teacher get to the root of the problem quickly

If a child is not ready to listen, or doesn't accept they have made a mistake, then a conference is going to be of little use. Either the teacher has got it wrong, or the child has. Either way, more investigation needs to happen.

If the teacher/principal is not calm, then the conference should not proceed. This is because the tone of the questioning must be non-judgemental. This is difficult if the adult is still emotional/angry. The body language needs to say that I'm listening and ready to believe you.

Before going into a conference with parents, it is vital that everyone is prepared. The single biggest reason for a conference failure is that the parties involved are not prepared before the meeting. Everyone needs to know why they are there and what their role is. They also need to know that there is an expected level of conduct and respectfulness that needs to happen. Reminding those involved that they are there to support, not punish the child, is a good place to start.

### *The Outcome*

As previously mentioned, an apology is a regular and powerful (when done properly) outcome at the end of a conference. However, there may be other ways that the damage can be repaired. These need to be negotiated and agreed by all parties. They should also be relevant to the incident. An example of this would be if the child has stolen some food, perhaps part of the reparation would be that they bring some food to school for the other child the next day

### *Restorative Justice Works for Young and Old*

The concept of repairing harm is one that almost all can grasp. Even new entrants students are able to (with the support of teachers) get a sense of the harm they've

done to others. This is an extremely powerful emotional motivator to do good. Children with special needs are (given the right support) also able to benefit.

Getting the story out is often the difficult part for some children, particularly those who are less able to express themselves comfortably. A counsellor I met at a secondary school (Joss O'Connor) often gets the students who struggle in this way, to draw cartoons of what happened. After they've drawn the pictures, they tell the story. This could be used with younger children who don't have a particularly well-developed vocabulary. Sometimes Joss says she draws the pictures, if the children don't feel comfortable doing it, while they tell the story.

### *If Restorative is Not Working?*

Restorative justice does not work for every child all the time. Sometimes they just don't have the level of understanding or empathy needed to see someone else's point of view. Sometimes they are just too angry or damaged by what has happened to them in the past. While we can and should hold the expectation that in the future things will improve for a particular child, as teachers we sometimes just have to accept that the only way forward is to be more directive and spend less time negotiating outcomes. Obviously this is not the ideal, but sometimes you just have to be realistic.

### Summary

Restorative justice is now well embedded across New Zealand society. It is evident in the justice system and throughout many schools in New Zealand. It is a fair and respectful way to teach children how to behave, both in the short and long-term.

It is my belief and experience that when done properly all parties benefit. It's for the above reasons that I wholeheartedly believe in the process and would be more than happy to support anyone who has read this report and would like to discuss any aspect of it.

Finally I'd like to thank the Board of Trustees at Gracefield School and the Ministry of Education for supporting me during my sabbatical. I certainly have come back excited by what I saw and motivated for the future.

Simon Edmonds

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