

Sabbatical Report

BEYOND THE GATES

Rationale

This sabbatical report is focused around restorative justice. My aim is not to discuss frameworks or practical implementation within schools, but to explore the philosophical basis for restorative justice and to examine implications for school leadership *beyond the gates* in the context of partnerships and collaboration with community groups and agencies.

I write it from the standpoint of a leader in a Catholic context with a focus on social justice and a belief that we need to walk the talk of the radically relational message of the Jesus of the Gospels.

The purpose of my sabbatical was to explore further the following key issues:

- The impact and value of implementing a restorative philosophy and practice in schools and beyond the gates
- The impact of restorative approaches in community projects
- The interface between these two first points ie school and community
- A particular focus on indigenous and marginalised offenders and victims

I chose to look at the impact of restorative justice in a post-conflict society, which is only beginning to come to terms with healing and moving forward from a period of ongoing civil strife i.e. Northern Ireland.

Background

St Thomas of Canterbury College (a Year 7-13 boys' Catholic school) has over the last six years become a fully immersed and sustainable restorative justice school with a reduction in stand-downs (60 in 2002) and suspensions (18 in 2002) to zero in 2010 and a whole school culture shift. This has been a significant leadership challenge for us as a leadership team. I am committed to the restorative philosophy both in schools and wider society, particularly in relation to addressing issues around our most marginalised youth, often male and indigenous.

As a result of our school experience and the confidence sectors of the justice community had in what we were doing, I have become involved in wider community engagement in multi-agency projects and initiatives around restorative justice including the following:

Note: the proprietor of the College is the Christian Brothers whose founder was Edmund Rice. Edmund Rice Network New Zealand and Edmund Rice Justice Aotearoa are activities associated with the ER schools in New Zealand and other ER social justice agencies.

- Te Kaupapa Whakaora – I am part of a project team which has developed this pilot project providing restorative conferencing post-sentencing to offenders and their victims. This is a collaborative project involving Victim Support, Community Law Canterbury, Pathway Trust (reintegrating prisoners post sentence) and Edmund Rice Justice Aotearoa. The project was launched by Judge Dave Carruthers, chief parole court judge.
- Community Justice Panel (CJP)– I am on the steering committee of this initiative between the Christchurch Police, Community Law Canterbury, Ngai Tahu, local marae, the Te Awatea Violence research centre (University of Canterbury), Ministry of Justice, members of the judiciary and community leaders. The purpose of this project is to involve the community in seeking solutions to criminal offending, to base those solutions on restorative principles, and to address drivers of crime. A high proportion of offenders referred to these panels rather than court are adult youth offenders, often marginalised and with problems including school failure or disengagement, fractured families, drug and alcohol addiction, low employability, histories involving sexual or violent abuse. To date 140 cases have been heard.
- Edmund Rice Justice Aotearoa has established a mentoring partnership programme with Pillars (provides support and mentoring to children of prisoners) at St Peter's College Auckland, one of our network of Christian Brother Edmund Rice schools. This will be extended to St Thomas of Canterbury College. (refer *Invisible Children 2009*, the first year research report on a study of the children of prisoners).
- The College presented at the International Restorative Justice Practices Conference in Wellington in November 2011 both from a school and community collaborative project perspective.
- St Thomas of Canterbury College was the official school representative on the advisory group for the restorative schools research project undertaken by Dr Liz Gordon for the Ministry of Education in 2011.
- I also represent the College on the Ministry of Education advisory group for developing a restorative justice best practice model within PB4L (Positive Behaviour for Learning)
- St Thomas' is also part of the MOE He Kakano strategy and the MOE Pasifika achievement strategy – Maori and Pasifika males in particular are over-represented in New Zealand's stand-down, suspension, exclusion and expulsion statistics. In our experience, restorative justice is a highly effective and culturally appropriate avenue for engaging and retaining these young men in our education system.

Current New Zealand research re restorative justice in education

Both Elizabeth Gordon and Mark Corrigan have recently produced research work for the Ministry of Education around restorative justice in New Zealand schools at present.

As a school used in both bodies of research our evidence is very similar to others in the studies. Elizabeth does note that schools who adopt a whole school approach underpinned by a philosophical commitment achieve the most sustainable and wide reaching results. While the statistics in both studies show a correlation between the implementation of restorative justice and the reduction of stand-downs and suspensions and reduction of disparity in these figures for Maori, they also exhibit a tentative link between restorative justice implementation and NCEA achievement rates, which warrants further research.

Some sample statistics from my school

- Maori are 3.4 times more likely to be suspended than non-Maori in NZ
- At St Thomas' pre RJ Maori suspension rate was 40%, European 7%
- At St Thomas' post RJ Maori suspension rate is 4%, European 2.6%
- In other words a Maori suspension disparity rate reduction from 5.8% to 1.5%
- At St Thomas' we have achieved a 78% reduction in suspensions in the baseline period, reductions overall in NZ 0%
- At St Thomas' now we average zero to 1 stand-down or suspension per year
- At St Thomas's we had a pre RJ NCEA L2 average achievement rate of 61%
- At St Thomas's our post RJ NCEA L2 average achievement rate is 72%, an increase of 17.9%.

We are a decile 8 boys' secondary school with a 15% Maori roll and 11% Pasifika roll.

Angus McFarlane also has a body of research on hui whakatika as part of a commentary on diversity and challenging students. He explores the restorative hui as a culturally specific response for at risk Maori students, drawing as it does on traditional and contemporary Maori process. He comments on the alignment of traditional Maori disciplinary concepts (consensus involving the whole community, reconciliation, examination of wider reasons for the offence and restoration of harmony) with the restorative justice approach.

The hui is a protocol laden and structured process. It opens and closes in a certain fashion; there is an order as to who should speak and when. There is a place for talk and debate, laughter and tears, food and song. There is also a wairua, a spirituality, which exudes mana and mana can move people! The voices of te reo maori, the whaikorero of the kaumatua, the presence of whanaungatanga, and the intensity of the take (argument) are the taonga tuku iho, the treasures of history and mythology.

The disparity reduction indicators for Maori students in restorative justice schools in the MOE research support Angus' argument.

Focus of study

Northern Ireland has become a world leader in the use of restorative justice in creating more peaceful communities and in healing conflict and division. New Zealand was once a world leader in introducing restorative justice concepts in youth justice via Family Group Conferences but has not developed a more comprehensive approach beyond this in the multiple sectors who deal in particular with youth (justice, education, health, social welfare, CYFS etc). It would be fair to say the predominant political discourse in New Zealand in recent times has been punitive, short term and non-evidence based, particularly with the advent of the three strikes legislation and an increase in youth in custody, ironically celebrated in the opening of a further youth justice facility in Rotorua recently.

I was interested in looking at learning from a post conflict society both philosophically in a shift to a focus on resolving conflict via healing rather than punishment, and practically in the development of cross agency community initiatives based around a restorative philosophy. Northern Ireland has drawn on early New Zealand advancement in the area of youth restorative justice (family group conferences) but my observation would be that it is now well ahead of us in its use and that we are lagging significantly in this area.

Northern Ireland Restorative Justice Forum

The forum exists to promote the philosophy and practice of restorative justice through the provision of an independent, neutral space in which restorative thinking, practice and developments can be discussed, analysed and explored. Northern Ireland is now a world leader in the restorative field. The forum fosters in particular emerging features of organic and innovative practices and possibilities for partnership and collaboration.

All of the groups I visited contribute to the forum. The forum commissioned a mapping report on the use of restorative justice in Northern Ireland in 2011 and it was researched and delivered by Queen's University.

One of the most striking findings of the mapping report commissioned by the forum is the range of practices being used in a wide range of situations. From serious offenders in prisons to school bullying and from threats of paramilitary violence to children in care, practitioners have found a way to apply restorative principles and values. The other striking feature is that restorative justice is seen as a philosophy which can underpin all work.

Commission for Victims and Survivors

I met Brendan McAllister, currently Commissioner for Victims and Survivors and previously Director of Mediation Northern Ireland from 1992 until 2008. He has also worked as a Neighbourhood Renewal Advisor on community cohesion, racial tension and guns/gang

crime in England. His background was in social work and probation. He is one of three commissioners, the other two coming from an education and public relations/community trust development background.

Brendan discussed the use of the truth and reconciliation concept as a way forward in Northern Ireland. The commission has drawn on advice and knowledge from the South African truth and reconciliation process, from Howard Zehr the influential and foremost academic on restorative justice and on advice from Fr Jim Considine, a long time leading advocate of restorative justice in New Zealand.

Brendan provided a measured, intellectual and insightful overview of the post conflict situation. What was clear from all parties I met was a unified view that the current peace accord is an accommodation or managed peace, and that there remains a real risk of breakdown and return to conflict. Similarly all parties, although from a range of positions, saw a restorative healing approach as the way forward for a deeply divided society.

The other opinion which struck me was that all parties commented that religion was an outward manifestation of a conflict which had its seeds in colonisation, disenfranchisement, poverty, homelessness, lack of employment, loss of self direction, sovereignty and language.

Although situations and histories are complex and different, I could not help but continually see similarities with the outcomes for Maori in New Zealand and wonder how much healing is happening in the numbers in which Maori are suspended and excluded from our educational system and incarcerated in our judicial system.

Prior to meeting Brendan I read a wide ranging media interview with him which touched on the role of the education system in healing divisions in society as well as on restorative philosophy. He makes the following comments among others:

But I agree that it is a huge requirement, and imperative for the education system, getting into peace education for civic formation.

I believe right relationships are fundamental to justice. In a right relationship, people treat each other properly.

All I am saying is, the circle and triangle, what it really refers to is the idea that people live in hierarchical worlds, in organisations and in social structures, and they live in sectoral worlds, they become fragmented. So sometimes what we try to do is join people up to each other by bringing them into a circle of communication where the human being is noticed in each other and not just the issues. And where human interaction happens, where

people engage and meet each other at a deeper level, then respect gets renewed. And people draw energy from that and get excited by it and new ideas emerge.

Brendan presented a paper to the European forum on Restorative Justice in 2006. In it he draws on work by Irish catholic priest and theologian Enda McDonagh, analysing the evolution of the concepts of peace and justice.

The peace of Shalom means to live in a rich reality of wholeness between yourself, the Creator and all of his Creation: to have a sense of wellbeing: a condition in which the human spirit flourishes and releases creativity into the world.

*The justice of Shalom is expressed in the Hebrew word *sedaqah*, meaning righteousness – to live in right relationship with all of Creation.*

*Translations of the word *sedaqah* result in the Latin version *justitia*. The word justice flows from this but in this concept of justice which has evolved in the West the rights of the individual are stressed with much less awareness of the importance of right relationships: of how the individual must live in a balanced relationship with other human beings. We can see then, how in modern western culture peace gets caricatured as the restoration of order and the absence of violence. Justice gets reduced to the rights or entitlements of the individual.*

Human rights are the foundation of justice..... against this background it seems to me that Restorative Justice is a concept which returns more faithfully to the original meaning of peace and justice because in the restorative paradigm the victim and offender are not merely viewed as two individuals but, rather as members of community or society: one to be given support by the community and the other to be held to account by the community and both empowered by the community in the task of restoration. And when justice is restorative the impact of the crime is measured by its effect on relationships rather than simply on contravention of the law.

Restorative justice is concerned with something deeper: with the offender's behaviour understood as an abuse of relationship. The concept of repairing harm refers to the need to restore balance to all the relationships affected by the offender's behaviour.

There also exists in Northern Ireland a tension in the development of community restorative justice projects. While research and academics have applauded the schemes as world leaders in their fields, there is also a reluctance, particularly by republican schemes, to involvement of the newly formed police force and a negative view by critics opposed to the involvement of ex paramilitary in community projects. So some divide exists in some areas between the community approach and the statutory justice system, which hinders the

potential for full civic renewal. This is understandable in terms of the history of the Ulster Constabulary and those areas affected by harshest policing are the very areas in which the restorative schemes have emerged. It is a challenging and complex landscape.

Ulster University

I was privileged to meet and spend a day with Hugh Campbell and Tim Chapman, both senior lecturers at the University of Ulster. Both come out of a practical probation background and then an academic tertiary career in restorative justice. The university delivers undergraduate and post graduate qualifications in restorative justice, including a post graduate diploma and Masters level study.

There is widespread uptake on the post graduate study by corrections, police, probation, government departments, and some private sector groups. The two work closely with the Youth Justice Agency, justice groups and community restorative justice groups, and many of the personnel in these groups have completed training with the university.

The school sector is beginning to have some uptake in this. The provision of a tertiary qualification in this area is a more sophisticated systemic response, provides a theoretical and practical rigour to the practice of restorative justice and provides legitimate advancement for practitioners. Northern Ireland is well ahead of us in this provision and there is learning for New Zealand in this. I am thinking in particular of our university colleges of education as well as wider application in society.

Youth Justice Agency

I spent a half day with the director and senior staff from the Youth Justice Agency Northern Ireland. Young offenders under the age of 18 are referred to the agency which operates totally on a restorative philosophy. Unlike New Zealand where responsibility for family group conferences is held by CYFS and run by social workers, the Youth Justice Agency is independent of the social work agency, is a dedicated justice agency, has a focus on the incident and repair of harm and all practitioners are fully trained restorative justice facilitators. All relevant parties - i.e. police, case worker/social worker, justice, families, schools- are brought into the process.

While schools are integral to the process, it was indicated that the shift of the education system to a restorative approach was tentative and Youth Justice staff were very committed to supporting the school system in undertaking a significant shift in this area.

Two key schools which have made the shift are Dungannon College in Tyrone and Lagan College in Belfast, both set up as integrated schools, attempting to combine both Protestant

and Catholic students as a micro response to the Troubles, and using restorative justice to heal relationships.

Community Restorative Justice Ireland

I enjoyed special hospitality in meeting with Jim McCarthy (Belfast Coordinator Community Restorative Justice) and Harry Maguire (Director Community Restorative Justice Ireland) in Colinglen, a very deprived Catholic area of west Belfast. I was served the Belfast bap with cheese and told the story of the bread.

Both Jim and Harry were active IRA during the Troubles and both spent considerable time in prison. They were quite frank about their history, motivation and move to a different way of resolving conflict in their communities. The conversation was very engaging and quite a privilege. I found this in walking the Falls Road coming out of an Irish Catholic tradition myself. The actions of both sides during the violence can be seen from so many different perspectives but visiting Belfast and meeting real people cannot but evoke an emotional response to the tragedy this community has endured.

CRJI provides a restorative response to conflict within Catholic republican areas across Belfast, Derry and Armagh. As an organisation it trains its personnel at Ulster University, it collaborates with Northern Ireland Alternatives (Protestant), with the Northern Ireland Probation Board, the Northern Ireland Policing Board, with housing and health groups, “traveller” groups and with the education sector. The project deals with violent crime, burglary, drugs, alcohol related incidents, domestic violence, anti community activity, organised crime, extortion and rogue paramilitary activity.

As an example of the effectiveness of CRJI, an independent research evaluation indicates that from 2003 to 2006 CRJI stopped some 82% of potential paramilitary punishments from happening.

The project also provides a youth mentoring/early intervention programme with a multi agency approach – youth justice, schools, health, social work, and police. Each young person has a restorative plan drawing parents and schools into the response along with relevant agencies.

There is a clear and substantiated focus, evidenced in the 2011 audit report, on collaboration with statutory justice agencies and the police.

One particular project of interest to me was the 3 year restorative project CRJI had undertaken with Glen Road Christian Brothers School (secondary). Harry makes the observation:

This initiative has a particular dimension usually not touched upon. It has provided a clear practice-based confirmation of the beneficial impact on both learning and behaviour. This developed as a consequence of the relationship between restorative justice initiatives functioning within spatial communities, which are aligned with the local school system, the association with students and their families and the linkage to a restorative justice environment within the attendant school.

This aspect of the experience of this particular project has major ramifications for an exploration of the connection between our communities, community based restorative justice schemes and an education system. We believe we must re-discover this connection between community and education as a critical factor in the shaping of our children's and young adults' immediate and long term behaviour as much as a tool for teaching "the three Rs".

The project has been highly successful but what struck me was that the challenges faced within the school in introducing the new philosophy and practice were not those specific to the post conflict situation in Belfast as might have been expected, but organisational resistance for very similar and familiar reasons to experience in my own school setting.

The project evaluation succinctly summarises key challenges around implementation of a successful whole school restorative culture.

- Perception that a restorative culture is just about RJ conferences rather than a range of strategies
- An unwillingness to recognise the change a restorative culture requires in all members of the community
- A lack of recognition of the essentially democratic nature of restorative approaches and the implications for school culture
- A lack of recognition regarding the link between principles of restorative culture and the leadership style needed at all levels in the organisation
- A lack of ensuring a sustainable culture regardless of change of personnel, especially the principal.

These are good lessons for implementation in New Zealand schools. Implementing a successful and sustainable restorative approach is the domain of organisational culture shift, a hard journey of a number of years and a significant but worthwhile challenge requiring committed leadership. It is not merely a system change or a new toolbox.

Conclusion

Catholic schools in general and St Thomas' in particular are called by our founding charism to be inclusive, transformational, compassionate, focused on human rights and a more just world, oriented to the marginalised, embracing of diversity, and conscientised to structural causes of injustice. Are we?? Or do we merely pay lip service to this while marginalised, poor and brown are excluded and suspended from our schools. Research indicates that a restorative approach to conflict and relationship management is not highly embedded in our schools or our society. Quite the reverse. The democratic nature of restorative practice and the focus on healing rather than punishment is still a subversive challenge to the predominant way of thinking.

Catholic schools, indeed all schools, are called to be prophetic. Prophecy is not about crystal ball gazing, but rather it is about reading the signs of the times and responding in appropriate ways. Schools are foremost agents of social transformation – we have our future society inside our gates. We transform our society not only by the way we teach our students to nurture relationship and manage conflict but also in the way this experience teaches them to think critically as adult citizens about our society, our judicial system, our marginalised and the way we live together.

There lies a challenge in restorative justice– to our Catholic schools to lead the way in New Zealand in a whole system commitment and to our New Zealand education system to lead the world in a national commitment.

Angus Mcfarlane provides an apt concluding whakatauki in his text on hui whakatika:

Toia te waka matauranga

Ma wai e to? Maku e to, mau e to

Ma te whakaranga

Haul forth the canoe of education

Who should haul it? I should, you should

All within calling distance should haul the canoe

Christine O'Brien

Principal

St Thomas of Canterbury College

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