

School violence and Community Conferencing: The benefits of Restorative Justice

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Introduction

The massacre of students at the Columbine High School in Littleton, Colorado, and copycat shootings in other US and Canadian schools have sent waves of alarm through school communities across the globe. While tough gun laws limit accessibility to the type of weapons used in those crimes here in Australia, school violence is increasingly a source of anxiety. There is no argument from this author that there is much to be done beyond the school gates to counter this harmful behaviour, and at the earliest point of intervention in the lives of our young people. Responding to such incidents in schools, though, is always a challenge. School responses to incidents of violence (including bullying), typically range from police involvement, suspension and/or exclusion, detention, to parent interviews, counselling and anger management programs. Community conferencing, first introduced to Queensland schools in 1994, is an extremely effective process for dealing with incidents of violence. Various models of conferencing are currently used in a range of jurisdictions such as police, justice, corrections, education and welfare across Australia, New Zealand, Canada, USA, UK, Europe and South Africa. This paper will briefly review the history of conferencing in Queensland schools and examine the reasons why the process is effective for dealing with such incidents. It will argue that the application of restorative justice processes at all levels in the school community for all matters offers hope for reducing the chance of such horrific trauma as the Littleton massacre happening here.

History of Community Conferencing in Queensland schools

While the first community conference had been used to deal with the aftermath of a serious assault after a school dance at Maroochydore State High School in April 1994, the search for a non-punitive intervention for serious misconduct had been underway for some time (Hyndman and Thorsborne 1993, 1994). In particular, an intervention for serious cases of bullying which did not put the victim at further risk, and also involved parents of both the offender and victim,

was the target of such a search. Research had already established (Olweus 1993, Tattum 1993,) that bullies typically had low levels of empathy, tended to be highly impulsive, and often retaliated if they were punished. It is understandable that conferencing seemed to fit the bill of an intervention which increased empathy and lowered impulsivity on the part of the bully, and improved the outcomes for both victim and offender.

It was also entirely understandable that schools quickly recognised the potential that the process offered for other challenging cases of difficult, disruptive or damaging behaviour. As word spread of early successes of conferences in South East Queensland, demand for training increased. Funding secured through the National Drug Strategy via the Queensland Police Service (the potential for the process to deal with drug incidents had also been recognised) and matched by the Education Department allowed the first study based in the Sunshine Coast and Metropolitan West regions to go ahead, complete with dedicated personnel to oversee development and implementation.

Results of the Queensland studies

During the course of the Queensland studies, a total of 119 schools were involved across a range of regions, districts and settings (Department of Education, 1996, 1998). A total of 379 school and district personnel were trained as conference facilitators, although a significant number of those trained have never conducted a conference, or have become "accredited" according to departmental guidelines. The possible reasons for this are explained elsewhere (Cameron and Thorsborne, 1999). A total of 89 conferences were conducted during the two studies, and schools continue to use conferencing to deal with serious cases of harmful behaviour. The majority of conferences were in response to assaults and serious victimisation, followed by property damage and theft. Conferences were also used to address incidents involving drugs, damaging the reputation of the school, truanting, verbal abuse, persistent disruption in class, and in one case, a bomb threat.

Findings from the first Queensland Education Department trial (Department of Education, 1996) included:

- participants were highly satisfied with the process and its outcomes
- high compliance rate with the terms of the agreement by offenders
- low rates of reoffending

- a majority of offenders felt they were more accepted, cared about and more closely connected to other conference participants following conferencing
- a majority of victims felt safer and more able to manage similar situations than before conferencing
- the majority of conference participants had closer relationships with other conference participants after conferencing
- all school administrators felt that conferencing reinforced school values
- most family members expressed positive perceptions of the school and comfort in approaching the school on other matters
- nearly all schools in the trial reported they had changed their thinking about managing behaviour from a punitive to a more restorative approach

A further pilot by the Queensland Education Department in 1997 (Education Queensland, 1998, forthcoming) has confirmed that conferencing is a highly effective strategy for dealing with incidents of serious harm in schools.

The Community Conference Process

Community Conferencing brings together, in the wake of a serious incident of harm, the offender and his or her victim(s) along with their families, and appropriate school personnel. Conducted by a trained facilitator, a series of scripted questions is directed, in order, to the offender, the victim, the victim's supporters (usually family, and sometimes including friends and teachers), then the offenders supporters (family, friends, teachers). Initially, the offender is asked to describe in his or her own words what he or she has done. By doing so, he/she owns the behaviour and is made accountable for his/her actions. People are then given an opportunity in a safe and structured way to tell their stories, and the group comes to a shared understanding of the harm done. The system is also made accountable in this process. This community of people is now in a position to decide what needs to be done to repair that harm, and how to minimise the chance of it happening again. An agreement is reached which reflects primarily the victim's wishes, but is negotiated until all parties are satisfied it is both fair and it reflects the restorative philosophy, that is, reparation not retribution. The agreement also may outline plans to provide appropriate support for any of the participants, including the offender, and may insist that the system be changed in some way. One or more people present take responsibility for monitoring the agreement. The inclusion of all parties affected by the incident reflects a feature

of restorative justice - its community approach to problem solving, that community being defined by the incident itself. The sequence of questions in the conference allows the transformation of deeply negative emotions such as contempt, anger, fear, disgust, distress, to shame and surprise, and eventually to interest and relief. Relationships, especially between family members and families and the school are repaired. Participants are united by a sense of community and cooperation. For victims of violence and their supporters, the acknowledgement and validation of their trauma by the community of people gathered for a conference, and genuine reassurance that they will be safe in the future, goes some way to healing the damage and allowing them to move on. Offenders are less likely to hit back when the focus of the process is less on punishment and more on reparation.

Restorative Justice in the school setting

The introduction of community conferencing into schools with the associated training of conference facilitators and awareness raising exercises, provides schools with an opportunity for reflection on current philosophies and practices of behaviour management. It allows school personnel, possibly for the first time, an opportunity to discuss notions of compliance and justice - a broader view of justice than that determined by school communities and codified in behaviour management plans ie rules and sanctions for rule infringement. School behaviour management plans have focused largely on what should happen (penalties and tariffs) to offenders when (school) rules are broken, with only limited understanding of the impact on those in the school community of the offending behaviour. Restorative justice in the school setting, views misconduct, not as school-rule-breaking, and therefore a violation of the institution, but as a violation against people and relationships in the school and wider school community. Restorative justice means that the harm done to people and relationships needs to be explored and that harm needs to be repaired. Restorative justice provides an opportunity for schools to practice participatory, deliberative democracy in their attempts to problem solve around those serious incidents of misconduct, particularly interpersonal violence, that they find so challenging. It also provides an opportunity to explore how the life chances of students (either offenders or victims) and their families might be improved, and how the system might be transformed in ways likely to minimise the chance of further harm (Cameron and Thorsborne, 1999).

John Furlong (1991) in his sociological analysis of disruption and the disaffected student, calls for 'a reconstruction of a sociological perspective on deviance

[which] must be at a psychological and particularly at an emotional level (1991, p. 295). In describing his work, Slee (1995) states that Furlong advances a concept of 'hidden injuries' experienced by students:

'As students experience three sets of educational structures - the production of ability; the production of values; and the production of occupational identity - these 'hidden injuries' are inflicted via pedagogy, curriculum, school culture and practices, and the calibration of students on an occupational scale.' (p.114)

By practising a restorative approach to problem-solving, schools are also made accountable for those aspects of structure, policy, organisation, curriculum and pedagogy which have contributed to the harm and injury. Restorative approaches, as such, are generally discouraged by authoritarian, control-oriented style of school management from the principal to the classroom teacher, and rewarded and modelled by district and central office management. On a practical, "consumer" level, restorative justice processes such as community conferencing, generate greater levels of participant satisfaction (procedural, emotional and substantive) including a sense of justice, greater levels of social support for those affected and reduced levels of reoffending, borne out by the evaluations in both studies (Department of Education, 1996, Education Queensland, 1998). While some schools have adopted humane philosophies closely aligned with what we now understand to be a restorative justice philosophy, it would be rare that misconduct is generally viewed from a harm-to-relationships perspective, with decisions about what to do about the incident centering around how to repair the harm. It is more likely that responses to (even low-level) wrongdoing are still driven by a belief that punishment works, and compliance is all about maintenance of control (Cameron and Thorsborne, 1999).

In his extensive study of reintegrative shaming in Japanese elementary and secondary schools Guy Masters (1998) describes the heavy emphasis that schools, in particular teachers, place on the obligations and accountabilities that members of the school community have towards each other. A great deal of time is spent having students reflect on their actions and the impact of their actions on others. Masters concludes that teachers, with their emphasis on reflection and understanding the consequences of their actions, are doing their best to educate students not control them. They believe that punishment makes one think only of oneself rather than the consequences of one's behaviour for another (this corresponds with Braithwaite's view (1989) that rapid escalation to punishment

makes young people more angry than thoughtful); that if the goal of any intervention is to instil a sense of community and relational thinking, then isolating someone (as in suspension and exclusion) is exactly the worst way to achieve it.

These observations of behaviour management in Japanese schools would appear to support Braithwaite's theory of Reintegrative Shaming (1989) which suggests that where there is an emphasis on reintegrating offenders back into their communities by attempts to disapprove of their behaviour within a continuum of respect and support, there will be lower rates of reoffending, and in the case of Japan, low rates of delinquency (Masters describes delinquency as the 'non-existence of a link').

According to Masters (1998), it would appear that the Japanese education system, with its emphasis on relationships and sense of community as a reflection of Japanese identity, effectively operates as 'one grand, institutionalised and effective crime prevention project'. The same cannot be said of education systems within Queensland or indeed Australia, although rhetoric abounds in political circles which espouses efforts at crime prevention as needing to involve education, along with the usual justice, police and welfare sectors.

Other well-known commentators on school effectiveness have made the link between student outcomes and positive school relationships. Rutter, Maughan, Mortimore, and Ouston, (1979), Mortimore, Sammons, Ecob, and Stol (1988), Pink (1988) and Reynolds and Cuttance (1992), have recognised that relationships between all members of the school community are a critical factor in school effectiveness (as measured by student behaviour and achievement). This appears to support the priority that Japanese schools place on relational thinking which is valued, taught, reflected on and modelled as a way of life.

In coming to understand why restorative processes such as conferencing produce such positive outcomes, an exploration of such theories as Reintegrative Shaming (Braithwaite, 1989) and Affect theory (Tomkins, 1962, 1963, 1987, 1991, and 1992, Nathanson, 1992 and Kelly, 1996) have revealed a basis for understanding the sociological, psychological and biological bonds which exist between individuals. Affect theory in particular, offers a perspective on violent behaviour.

In response to the Littleton massacre, Don Nathanson, respected author, psychiatrist and therapist wrote a letter to President Bill Clinton arguing for a very different approach to the problem of school violence. This letter was shared

with members of the Silvan Tomkins Institute (of which I am a member) via the Tomkins -Talk List (email 21st April, 1999). Excerpts follow:

"Panels of experts have presented neither a satisfactory explanation of explosive behaviour nor any plan for its resolution. Save for truisms like "things may get worse before they get better," and "old-fashioned remedies" that haven't worked in decades, those who most need a new marching cry, new ways of conceptualising, and new techniques for the remediation of conflict are left helpless in the face of a steadily worsening situation.

Yet one remark attributed to a Littleton student suggests the answer: In response to her question "Why are you shooting people?" her classmate said "Because we didn't like the way everybody treated us last week." In my field, this killing rage is understood as a response to shame, and unless addressed as such, can lead to a life of estrangement, drug addiction, and crime.

In a series of books and scholarly papers, I have explicated the nature of shame in ways that both explain what is happening in our schools and provide a simple and easily applied remedy. When shamed, we respond in one of only four ways: 1) we can withdraw from the eyes of those before whom we have been exposed; 2) when this withdrawal causes too painful a sense of isolation and abandonment, we can demean ourselves in order to be made safe by otherwise dangerous people; 3) when the feeling of shame is too painful to bear, we can draw attention to something about which we are proud or use drugs like alcohol, cocaine, and the amphetamines to wash the feeling away; and 4) if there is nothing we can do by our own hand or mind to raise our self esteem, we tend to reduce the self-esteem of anybody available. I call these the Withdrawal, Attack Self, Avoidance, and Attack Other poles of the compass of shame. All this is detailed in my 1992 book for WW Norton, *Shame and Pride; Affect, Sex, and the Birth of the Self*.

As a psychiatrist, I deal often with adults who suffer varying degrees of emotional pain from issues at each pole of the compass, and watch their suffering decrease rapidly and dramatically as they come to understand the compass. In my work with the restorative justice movement, I have shown that chronic unidentified shame shears people from their community and makes it easier for them to act against their fellow citizens. Most important for the crisis brought to national attention in Littleton, one member of my Institute (a schoolteacher in upstate Pennsylvania) teaches grade school children about the

compass and has watched them become increasingly immune to the kind of anger that concerns us here.

Sometimes it takes a new language to approach a problem."

The theories (and therefore language) associated with restorative justice processes have also revealed what is required for the development and maintenance of healthy relationships. While it is beyond the scope of this paper to explore in more detail how this happens, perhaps the greatest gift restorative justice has given schools is this knowledge. Imagine that teachers and school administrators had a working knowledge of these "relationship" theories. Imagine that they were able to translate this body of knowledge by modelling and teaching, and what impact this might have on school governance, on decisions regarding policy and practice across curriculum, pedagogy, school organisation and behaviour management. One such experiment is unfolding at Lewisham Primary School in inner city Sydney.

The Restorative Justice Group of the New South Wales Police Service was invited into the school in 1998 to assist with a program to create a safer and more interesting learning and recreational environment. Headed by (then) Senior Sergeant Terry O'Connell, the team provided Community Conference facilitator training for staff and followed up with a series of workshops. It became clear that, despite the rhetoric of state behaviour management policy, teachers still viewed compliance as an end in itself. With continuing help, teachers have begun to experiment with restorative justice approaches in classrooms, playgrounds and the offices of administrators. With the emphasis on relationships and the consequences for others of inappropriate behaviour, teachers have reported that they have become less confrontational and have adopted a common language around behavioural issues. Suspension rates have halved and there have been fewer incidents of misbehaviour requiring a formal response (O'Connell and Ritchie, 1999).

It is clear that the seeds for violent behaviour are planted early in the development of young people and that early intervention is critical to reverse this trend. The comprehensive National Crime Prevention report titled "Pathways to Prevention: developmental and early intervention approaches to crime in Australia " lists a number of factors associated with antisocial and criminal behaviour (1999, page 136). Factors are categorised into groups: child, family factors, school context, life events and community and cultural factors. "School

context" factors list school failure, normative beliefs about aggression, deviant peer group, bullying, peer rejection, poor attachment to school and inadequate behaviour management. Most of these factors have been mentioned in media reports about the boys responsible for the Littleton massacre. In contrast, the report also lists a range of protective factors that mitigate against antisocial and criminal behaviour. The protective "school context" factors (page 138) include positive school climate, prosocial peer group, responsibility and required helpfulness, sense of belonging/bonding, opportunities for some success at school and recognition of achievement and school norms re violence. The report, while stressing the value of early intervention, also emphasises that any intervention is better than nothing!

The lesson for our education system then is to introduce restorative measures as early as preschool, and build on creating a climate where relational values are translated into prosocial behaviour by all members of the school community. The teaching and modelling of emotional competence and relationship skills becomes part of the daily business in classrooms. Children are taught to understand what they are feeling and how to deal with difficult situations. Situations and their consequent emotions, which, when unacknowledged, feed the need for interpersonal violence, are dealt with openly. In such a classroom and school culture, the connections between people are valued and nurtured, creating wholesome, healthy individuals and school communities.

A word of caution here for those who may think this new way of doing business will be easy to implement. The Queensland studies, while demonstrating how effective community conferencing is for dealing with incidents of serious harm, have also revealed difficulties in sustaining this restorative philosophy in a climate where behaviour management is still largely punitive. The reasons for this and guidelines for implementation to overcome these barriers are outlined elsewhere (Cameron and Thorsborne, 1999). It would seem though, that we have little choice if we wish to embrace our responsibilities and reverse the levels of school violence.

Conclusion

It is clear that there is a both an identified need and the desire for restorative processes such as conferencing in schools, especially if schools are to meet their responsibilities in violence prevention. The philosophy underpinning this and similar processes, offers schools a new perspective on the way in which we

address behaviour issues such as violence. Restorative justice views indiscipline as harm to relationships and in doing so, problem-solving can be focused on the present (repairing the harm), and the future (transforming the system in some way to prevent further harm). It focuses our attention on relationships between all members of the school community and teaches us the value of relationships in achieving quality outcomes for students. The theories that explain the success of restorative processes can inform professional development efforts aimed at building healthy relationships. These in turn, underpin issues of pedagogy, curriculum and school organisation, all critical components determining school culture. Restorative justice represents an opportunity to address the complex issues which influence student outcomes and insists that schools become accountable for creating an authentic supportive and safe school environment.

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