

Restorative Justice and School Discipline: Mutually Exclusive?

A practitioner's view of the impact of Community Conferencing in Queensland schools

Lisa Cameron
Education Queensland

and

Margaret Thorsborne
Transformative Justice Australia (Queensland)

Presented to the Reshaping Australian Institutions Conference "Restorative Justice and Civil Society", Australian National University, Canberra, February, 1999

RESTORATIVE JUSTICE AND SCHOOL DISCIPLINE : MUTUALLY EXCLUSIVE?

A practitioner's view of the impact of Community Conferencing in Queensland schools.

Lisa Cameron - Education Queensland
Margaret Thorsborne - Transformative Justice Australia (Queensland)

ABSTRACT

In April 1994, the first school-based Community Conference in Queensland was conducted at Maroochydore State High School in an attempt to repair the harm of a serious assault after a school dance. The demand for conference facilitator training which emerged as word spread in the education community, clearly indicated that this process answered some urgent need within schools for an entirely different approach for dealing with such harmful incidents.

This paper will outline briefly the results of two separate studies conducted by Education Queensland involving the introduction of Community Conferencing into schools to deal with incidents of serious harm, as an additional tool in a broad spectrum of strategies which also included suspension and exclusion.

Experiences during the two years in which these studies were conducted have highlighted a range of implementation issues which have exposed tensions between existing philosophies and practices in managing behaviour and restorative interventions such as conferencing. The incorporation of the restorative justice approach via conferencing while in itself a very useful addition, had limited potential because of these tensions.

The theory, philosophy and practice of conferencing has demonstrated to practitioners the value of and necessity for a restorative philosophy in all aspects of school discipline by a) providing opportunities for insight and learning when behaviour is deemed unacceptable, b) providing opportunities for dialogue and reflection when behaviour threatens the social cohesion of the school community and c) identifying issues of harm to relationships and how to "make things right" through strengthening relationships. Education theory clearly articulates the importance of healthy relationships between all members of the school community to discipline and pedagogy. Restorative justice has much to offer in this respect.

This paper will argue that the language and discourse around discipline needs to change and begin to embrace a behavioural framework in which wholesome

behaviours are actively promoted and that compliance is an outcome of understanding and sense of community, and is not an end in itself.

Finally, this paper will explore ways in which a restorative philosophy can be implemented, and perhaps more importantly, sustained in our schools, by shifting mindsets of those delivering our educational services both at policy level and in practice, away from punishment to an approach which is clearly focused on building and sustaining positive relationships in our school communities.

Restorative Justice and School Discipline - Mutually Exclusive?

A practitioner's view of the impact of Community Conferencing in Queensland Schools¹

Lisa Cameron - Education Queensland

Margaret Thorsborne - Transformative Justice Australia (Queensland)

Introduction

The introduction of Community Conferencing in to Queensland schools in 1994 was the first significant variation in Australia of the police-based justice conferencing program in NSW, which had been adapted from the New Zealand model of Family Group Conferencing. The early history of conferencing in Australia is well documented (Moore, 1995). This paper will outline the progress of Community Conferencing in Queensland schools since that time, from the early and enthusiastic reception of the process to the widespread implementation which has continued since. Two year-long studies of school-based conferencing have been conducted by the Queensland education department (now known as Education Queensland). Despite extremely positive outcomes, the experiences during these two years have highlighted a number of tensions which have resulted in difficulties in implementing and sustaining this major reform to the way schools deal with incidents of serious misconduct.

The paper will explore briefly the results of both studies, and the successes and frustrations which have been experienced during implementation. The potential that a restorative process such as conferencing and its philosophy represents to the way behaviour is managed in Queensland schools will be examined. The tensions experienced along the way will be explained by an examination of current policy and practice in behaviour management, exposing fundamental differences in philosophy between an essentially punitive paradigm and this restorative, indeed transformative approach.

The paper will make a case that restorative practices in schools are likely to improve school effectiveness in areas of minimising disruption and improving student outcomes, especially if these practices are adopted to deal with *all* matters, and the lessons learned can be used proactively to build more positive relationships between all members of the school community. Finally, we will outline, based on the conclusions we have drawn from these experiences, some guidelines for implementation which will increase the likelihood that restorative practices and philosophy will be sustained in our schools.

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 Maroochy 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 the ultimate 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.

On the completion of this trial in 1996, and with approval from the (then) Senior Management Committee at Central Office, recommendations for expansion of this reform to five other regions were adopted, with continued supervision and evaluations conducted by regional personnel who added this responsibility to a range of their other duties. This was completed in 1997 (Education Queensland, 1998) It is worth noting here, that in the Sunshine Coast region, where the first conferences were conducted and demand for training was highest, that senior regional officers refused to allocate funding and to dedicate project personnel required for the region to participate in this second study. As a result of this decision, all supervision, tracking of conferences and evaluations ceased in the region, although a number of schools continue to conference difficult incidents, and have, with increasing funding authority under school-based management, funded the training of school staff independently. The failure of regional officers to realise the potential of this process to solve long-term, deeply entrenched problems, was, to say the least, both disappointing and frustrating, but in the end, a useful situation from which to develop learnings for the future.

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. 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. A significant number of incidents (similar to those outlined above) were *not* conferenced by these same schools, being dealt with by traditional approaches which included suspensions, parent interviews, counselling and detentions. Reasons given by schools for choosing not to conference, in order, were:

- incidents not considered appropriate
- perception of poor attitude on the part of the offender and/or offender supporters
- too time consuming
- not considered as an option (reasons for this view were not offered)
- positive outcomes were not guaranteed

These reasons certainly contradicted some schools’ assertions that their experiencing of conferencing changed the way they thought about and managed wrongdoing. Experiences during the two years and beyond in which these studies were conducted have highlighted a range of implementation issues, some of which have exposed tensions between existing philosophies and practices in

managing behaviour and restorative interventions such as conferencing. The incorporation of the restorative justice approach via conferencing while in itself a very useful addition to behaviour management practices, has limited potential unless these tensions are addressed. In an attempt to understand the nature of these tensions, it is important to explore the potential that restorative practices such as conferencing offer school communities.

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 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.

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.

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. The following summary is adapted from his analysis of how misconduct is dealt with in Japanese schools and he makes that point that these approaches have some close similarities to the restorative philosophy and practices such as conferencing:

- there is a great deal of contact and dialogue with all those affected (including parents) by an incident in the school with emphasis placed on the impact of the behaviour on others
- when suspensions are invoked as punishment for serious offences, multiple visits by the student’s teachers at his/her home seek to re-establish positive relationships between them, to continue the dialogue which encourages reflection about the offending behaviour and the student’s obligations to the school community, and to discover the reasons in the life of the student that may be influencing their behaviour
- there is emphasis on apology and making amends as an important part of the expected response from students in the event of offending behaviour
- there is a mindset among teachers to ‘never give up’ on a student, with troublemakers consistently and repeatedly labelled as ‘having the potential to achieve anything’ and given many chances to learn from their mistakes

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.

Thomas Sergiovanni in his book, *Building Community in Schools* (1994), echoes these sentiments in emphasising the importance of shifting the focus from schools as organisations based on contracts and rewards to schools as communities bound by moral commitment, trust and a sense of purpose:

'values, beliefs, norms and other dimensions of community may be more important than the relationships themselves. But it is the web of relationships that stands out and it is through the quality and character of relationships that values, beliefs and norms are felt (p. 18)

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. Furthermore, they have revealed what is required for the development and maintenance of healthy relationships. While it is beyond the scope of this paper to explore how this happens, perhaps the greatest gift restorative justice has given schools is this knowledge. Imagine if teachers and school administrators had a working knowledge of these "relationship" theories. Imagine if they were able to translate this body of knowledge by modelling and teaching, what impact this might have on school governance, on decisions regarding policy and practice across curriculum, pedagogy, school organisation

and behaviour management. One might even dream that this knowledge could be put to good use to uncover and minimise the chance of Furlong's 'hidden injuries'.

It is of little wonder then, that schools which had some vision of a better future and an instinct for the fresh opportunities the restorative philosophy represented, embraced conferencing with such enthusiasm. So, why the tensions? And why have the department (as represented by central and district office bureaucracy) and schools been so slow to take up this process when it is clear from the available research that positive relationships are fundamental to the health of the school community?

Exploring the tensions

To make sense of the tensions, it is necessary here to take a moment to explore the recent history of behaviour management in Australia. Roger Slee (1995) in his wide ranging review of theories, policies and practices of managing behaviour in Australian schools suggests that the abolition of corporal punishment did not lead to a reevaluation of the nature and exercise of power and authority in schools. Suspensions and exclusions simply became the substitute for the more extreme tool of punishment, the cane, and so began the search for new forms of control in the wake of the cane's demise.

He explores the subsequent expansion of a 'behaviour industry' - the professionals who became allies in this search for new forms of control and concludes in his chapter titled *Australian Discipline Policies: The Politics of Crisis Management*, that policy makers:

'who moved beyond traditional technologies of control such as corporal punishment, suspension and exclusion, found allies in the processes of reclassification of students according to pathologies of emotional behavioural disturbance and the mobilization of counselling and special education support as surveillance and containment instrumentalities' (p. 150).

Slee (1995) also concludes

'Policy has predominantly been framed within a control paradigm which limits the potential for addressing the culture, curriculum, organization and pedagogies of schooling which contribute to indiscipline. Education authorities' concern tends to revolve around questions of after-the-fact responses to disruption and is beholden to political dynamics of competing professional cultures within the education organization and to electoral politics which shape governments and, in turn bureaucratic agendas' (p. 167).

This control paradigm has become embedded in Queensland's state behaviour management policy, despite its emphasis on securing a supportive school environment. The policy definition is as follows:

2.1 The supportive school environment is one where:

- *all members feel safe and are valued;*
- *social and academic learning outcomes are maximised for all through quality curriculum, interpersonal relationships and school organisation;*
- *these school practices involve a continuum of action from the proactive to the reactive; and*
- *non-violent and non-discriminatory language and practices are defined, modelled and reinforced*

2.2 The philosophy of a supportive school environment is embedded within the school culture. It is reflected in a code of behaviour based on a set of principles that are understood, accepted and practised by all members of the school community. (Queensland Department of Education, 1993)

Our contention is, that, despite the intentions of this policy, there remains in many Queensland schools, district offices and Central Office, a set of principles and practices guided by a policy which still has a control paradigm as its central theme. Our efforts to graft restorative practices on to a system which is basically punitive, have proved, in the least, frustrating. Commendation is due, here, to those schools which, despite these overwhelming pressures to suspend and exclude difficult students, have grasped the nettle and recognised the contributions that restorative practices can make in the pursuit of a supportive school environment.

The apparent slowness of Central Office support of the conference process for statewide adoption may have been a result of the bottleneck created by such central 'approving' bodies as the Board of Management likely to have an impact across the department. Two changes of government occurred in the period spanning the studies, putting conferencing further down the agenda while other political imperatives in education (such as the Anti-Bullying / Anti-Violence Initiative, and the Child Protection Strategy) took precedence.

To prove the point that this control paradigm is still vigorously pursued, in the 12 months from July 1997 to June 1998, the number of School Disciplinary Absences (SDA's)² in Queensland government schools reached 25,692 for a student population exceeding 300,000, a not inconsiderable statistic (Sunday Mail, October 18th, 1998, p. 4)! While the reduction in school exclusions by a factor of 5% has become a performance indicator for 1999 set by the Behaviour Management Unit in Central Office of Education Queensland, schools and districts are yet to be made accountable by the system for reducing the numbers and length of SDA's. As Slee (1995) suggests, SDA's are being used in many instances as a tools for organisational efficiency, outweighing considerations of student learning and social improvement.

The increase in SDA's is a matter of some concern, given the identified links between school suspension and exclusion and the drift to juvenile crime, homelessness and long-term dependency on welfare agencies (Burdekin Report, 1989). Policy and practice which focuses largely on rules and responses to rule infraction, fails to take into account those complex factors which impact on the

life of a school student, namely: the labour market, familial change, cultural diversity, gender relations, socio-economic status, changing patterns of authority and the impact of new technologies on the way students receive and process information (Slee, 1995, p. 172). Policy and practice which seeks to exclude those very students who are in greatest need of social support and an education could be considered to be counterproductive at the very least! Judge Fred McElrea (1996), of the New Zealand Youth Court, contends that there are parallels between youth justice and the way behaviour is managed in education:

' By taking the culprit out of the neighbourhood or school community (by imprisonment or expulsion/suspension) we think we have removed the problem. In fact it has usually been simply relocated in time and place - and, in the process, it is often exacerbated.

' I am sure there are some schools where these criticisms have little or no application - where the student, the family, the school community and the wider community work together to find a way to solve the problem constructively and not destructively, inclusively and not by making outcasts. But my point is that such happy places are not the product of the (New Zealand) Education Act; they occur in spite of it, haphazardly and only because some individuals resolve to do it differently' (p.4)

Elsewhere, McElrea (1998) advocates the use of conferencing as a conflict resolution mechanism in schools, and to reverse the rising incidence of suspensions and expulsions in dealing with serious misbehaviour.

Implementation for sustainability

Much needs to be taken into account if restorative justice practices such as conferencing are to be implemented successfully and, more importantly, sustained across schools in Queensland. The following guidelines are suggestions which are cognisant of some of the factors which have worked against the process of reform and those we know already have produced a paradigm shift towards the restorative justice philosophy.

Guidelines 1-3 represent the possibility for grassroots reform and will probably require some visionary leadership from a principal or energetic other who has influence in the school community. Guidelines 4-6 represent a greater challenge for reform because they require intellectual and organisational leadership and political will at state level. Our hope is that, over time, a critical mass of knowledge and skills firmly grounded in an understanding of what is required to develop healthy relationships and healthy communities will eventuate in a top-down, bottom-up reform process which will produce the kinds of outcomes that improve the life chances of our young people.

Guidelines:

1. Professional development in restorative justice philosophy and practices for all staff including those with a non-teaching role

The responsibility for managing student behaviour is not the sole turf of classroom teachers or administrators. As well, teacher aides, tuckshop convenors, office administrators, janitor-groundsmen all have contact with students, and attempt, whether or not they are aware of it, to influence behaviour. It is critical that all adult members of the school community, including school councils and parent bodies are introduced to the philosophy and practice of restorative justice with its emphasis on building a sense of community through enhancing and restoring relationships; that they are given a structured opportunity to reflect on current practices, on notions of compliance, of justice, of democratic approaches to problem solving, and what is important to them in relationships. Staff also need opportunities to broaden their discourse around the nature of disruption and conflict in the school, to be able to take into account those factors which impact on a young person's life and life chances. It is essential that this discourse places issues of behaviour management in an educational context rather than behaviourism or welfarism. It is important to share the knowledge and understanding of what works and doesn't work (Braithwaite, Tomkins, Nathanson and Kelly) in the development and maintenance of healthy relationships. Skill acquisition in a planned program of professional development needs to be supported by adequate allocation of school funds, and a supportive learning environment.

This would form a sound a basis for a critical review of policy and practice in the school including classroom management and whole-of-school packages, and offer staff insights into their own behaviour. It has already been established that modelling of appropriate wholesome behaviours, and relationship-centred approaches to problem solving which are not grounded in punishment, are important factors in delivering improved outcomes for students.

2. Development and maintenance of a cohort of highly skilled conference facilitators:

Schools preparing to adopt conferencing, need to make careful decisions about who should be trained. In our experience, staff who have good process skills, who have already demonstrated some experience in problem-solving, and who are party to decisions about how an incident should be dealt with make good candidates. This group includes, in particular, principals, deputy principals, year coordinators, guidance officers, community education counsellors, heads of department. These people, with appropriate high quality training, are more likely to be able to translate the microskills of conference facilitation to deal with other (all) matters. It is helpful if the entire administration team is trained, and joint decision making about what should happen in serious cases encouraged to minimise the chance of knee-jerk, punitive responses.

While a critical mass of facilitators in a cluster or district is still developing, networking becomes an essential process for the sharing of stories, reflection on practice, peer support and supervision. Technical aspects of the conference process, whilst addressed during training workshops, need constant attention,

and could form the basis of ongoing dialogue within these networks. These aspects include:

- how the decision is reached to convene a conference
- inviting the “right” combination of people to a conference
- making sure participants understand the purpose of the conference
- comprehensive preparation by the facilitator
- writing the agreement in a way that quantifies and qualifies behaviour change in specific, realistic and measurable ways
- planning for comprehensive agreement monitoring and follow-up
- the ability of conference facilitators to handle the sometimes high levels of emotion which arise in conferences

Stories can also be shared about the creative ways schools are using the conference microskills and philosophy to resolve both smaller and larger scale situations. Someone with energy and commitment might assemble a collection of these restorative practices which can be published and distributed to schools.

3. Use of restorative processes for dealing with incidents of inappropriate behaviour and high level conflict for staff

Not surprisingly, the practices for dealing with difficult staff situations are no less punitive than those used for students. While it is rare for staff to be “suspended” or “excluded” (except for criminal matters), experience in a wide range of school settings has led to our conclusions that current formal procedures for resolving diminished work-performance issues, and grievance processes, for example, if not wholly punitive, are extremely punishing emotionally, with the system paying the price through absenteeism, sick leave and resignations.

While there are no statistics or formal research yet available, it is clear from our direct experience of facilitating conferences to deal with a range of extremely challenging staff situations (diminished work performance, harassment, staff assaults on students, difficult workplace behaviours, conflicts around roles and responsibilities), that the practice and philosophy of restorative justice is equally applicable to adults in schools. Indeed, why should it not be so, given the need to practice what we preach, and that relationships ‘work’ in the same way, independent of age! The processes of restorative justice need to be applied at *all* levels within the school community.

4. Provision of restorative justice philosophy and practice within pre-service teacher education

Beginning teachers and those in training need to experience the same opportunities for discourse around notions of compliance, justice and democracy as it applies in the school. The curriculum of teacher education needs to focus on the range of factors which influence student outcomes, so that they may develop a broader view of behaviour management. They need to be equipped to analyse

the agendas underlying the development of state and school policy and how it impacts on schools, particularly students. They need, at the very beginning of their professional lives (and before they acquire bad habits) to develop an understanding of how important relationships are to pedagogy, and to look for mentors among teaching staff in schools who can model appropriate behaviours and guide them supportively. They need to be exposed to restorative practices, and to have the acquisition of these skills built into their courses.

5. State policy development

Slee (1995) suggests that the first priority of discipline policy making at state level should be to focus on the overall goal of providing successful learning programs for all students, and must take into account the articulation between secondary schooling and higher education, training and the labour market. Advantages could be derived from a consideration of issues across teacher-student relationships, school governance and decision making, uniforms, curriculum matters, treatment of youth concerns and teaching and evaluation methods; in short, curriculum, pedagogy and school organisation.

Slee (p.170) also recommends '.....*the alignment of our conception of discipline with educational principles distinguishable from the control oriented paradigms of behaviourism and welfarism.*' Policy making at state level needs to be participatory and democratic, with emphasis on the inclusion of those (teachers in particular) who must implement the policy. We also suggest that those recruited for the policy making representation undergo the same sort of professional development as suggested in Guideline 1, so that old paradigms of control and punishment are not embedded in new policy.

Education Queensland needs to set targets for schools that allow them to move beyond the traditional approach of developing codes of behaviour, and reflect on matters of curriculum, pedagogy and school organisation. Performance indicators at school level for example, could be linked to reducing the number and length of school disciplinary absences, and the encouragement of restorative practices in achieving those outcomes.

6. School policy development

With appropriate broadening of views about school discipline which acknowledge the political economy and the cultural dimensions of schooling, the range of factors which impinge on students lives, an educational rather than behaviourist or welfarist perspective, schools will be better able to generate disciplinary processes which reflect a more democratic, restorative approach. Healthy relationships must be considered a high priority in the achievement of the educational goals of the school. This approach will place an analysis of any 'pathology' firmly within the school itself rather than within the student body.

Attention also must be paid to the processes of policy development in the school community. Participative democracy needs to be authentic. Dialogue and debate by all stakeholders (students especially) in the translation of state policy at the school site must include issues of philosophy, implementation and evaluation, and have a focus beyond how to handle episodes of disruption. School policy should also be tied to measurable outcomes eg reducing the number of SDA's. These democratic processes should also provide a mechanism for managing upward to state policy makers.

Conclusion

It is clear that there is a both an identified need and the desire for restorative processes such as conferencing in schools. The philosophy underpinning this and similar processes, offers schools a new perspective on the way in which we address behaviour issues. 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 which 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 school environment.

The challenge of sustaining such a paradigm shift in the way schools 'do business' lies in addressing, in a most fundamental way, beliefs and practices which have a central theme of control, and use punishment and other disguised practices to achieve compliance. This paradigm shift requires intellectual and organisational leadership, commitment and energy, and must be focused at all levels within education, from policy making in Central Office, to district offices which provide support to schools, and in classrooms, administrators' offices and school playgrounds.

References

Braithwaite, J. 1989 *Crime, Shame and Reintegration*, Cambridge: Cambridge University Press

Braithwaite, J. 1996 *Restorative Justice and a Better Future*, Dorothy J. Killam Memorial Lecture, Australian National University.

Education Queensland 1998 1997 *Pilot of Community Accountability Conferencing Report*

Brisbane, Education Queensland, forthcoming

Furlong, V.J. 1991 '*Disaffected Pupils: Reconstructing the Sociological Perspective*'
British Journal of Sociology of Education, Vol.12, No.3, 293-307

Human Rights and Equal Opportunity Commission (1989) *Our Homeless Children: Report of the National Inquiry into Homeless Children*
(Burdekin Report Canberra, Human Rights and Equal Opportunities Commission, Australian Government Publishing Service

Hyndman, M., and Thorsborne, M. 1993 *Bullying: A School Focus*. In D. Evans, M. Myhill, and J. Izard (eds) *Proceedings of the 1993 National Conference on Student Behaviour Problems*

Hyndman, M., and Thorsborne, M. 1994 *Taking Action on Bullying: Whole school and multi-stage approach to intervention and prevention in Proceedings of First International Conference on Peer relations: Conflict and Cooperation*. Adelaide, Institute of Social Research, University of South Australia

Kelly, V.C. Jr. 1996 "Affect and the Redefinition of Intimacy" in Nathanson

Masters, G. 1998 *Reintegrative shaming in theory and practice: thinking about feeling in criminology*. Lancaster University: Department of Applied Social Science.

McElrea, F. 1996 Paper for Legal Research Foundation on Education, Discipline and Restorative Justice

McElrea, F. 1998 *The New Zealand Model of family Group Conferences* Awhi newsletter, Vol.5 No.3

Moore, D.B. 1995 *A New Initiative in Juvenile Justice*, Wagga Wagga: Centre for Rural Social Research (with L.Forsythe)

Mortimore, P., Sammons, P., Ecob, R. and Stol, L. 1998 *School Matters: The Junior Years*, Salisbury, Open Books

Nathanson, D.L. 1992 *Shame and Pride: Affect, sex, and the birth of self*, New York: W.W. Norton

Nathanson, D.L. (Ed) 1996 *Knowing Feeling*, New York: W.W. Norton

Olweus, D. 1993 *Bullying at school: What we know and what we can do*. Oxford, UK: Blackwell

Pink, W.T.1998 'School Climate and Effective School Programmes in America' in
Slee, R.(ed), *Discipline and Schools: A Curriculum Perspective*
.Melbourne, Macmillan

Queensland Department of Education 1993 *School Discipline:Managing Student
Behaviour in a Supportive School Environment*, Brisbane

Queensland Department of Education 1996 *Community Accountability
Conferencing: Trial Report*, Brisbane Doe

Reynolds,D., and Cuttance,P. (eds) 1992 *School Effectiveness:Research, Policy and
Practice*, London, Cassell.

Rutter,M., Maughan, B., Mortimore,P.,and Ouston,J. (1979) *Fifteen Thousand
Hours:Secondary Schools and Their Effects on Children*,
London, Open Books

Sergiovanni, T.J. 1994 *Building Community in Schools*: Jossey Bass Inc.: USA

Slee, R.(ed), 1988a *Discipline and Schools: A Curriculum Perspective* .Melbourne,
Macmillan

Slee, R. 1995 *Changing Theories and Practices of Discipline*, London,The Falmer
Press

Sunday Mail, October 18th p.4 Article titled "Classroom Crimes"

Tattum, D.P. (ed) 1993. *Understanding and managing bullying*. London.Heinemann
Books

Tomkins, S.S. 1962 *Affect/Imagery/Consciousness, vol. 1:The positive affects* New
York: Springer

Tomkins, S.S. 1963 *Affect/Imagery/Consciousness, vol. 2: The negative affects* New
York: Springer

Tomkins, S.S. 1987 "Script Theory" in Aronoff, J., Rabin, A.I. and Zucker, R.A.
(eds)*the Emergence of Personality*, New York: Springer

Tomkins, S.S. 1991 *Affect/Imagery/Consciousness, vol. 3.: The negative affects- anger
and fear*, New York: Springer

Tomkins, S.S. 1992 *Affect/Imagery/Consciousness, vol. 4: Cognition - Duplication
and transmission of information*, New York: Springer

