

**Regulating Safe School**  
**Communities:**  
**Being Responsive and Restorative**



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# **Acknowledgements**



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## **Restorative Justice and Responsive Regulation in Schools**

“... search for a non-punitive intervention for serious misconduct ... . 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 the victim. ... [C]onferencing seemed to fit the bill of the ultimate intervention which increased empathy and lowered impulsivity on the part of the bully.” (Cameron and Thorseborne, 2001, p. 181).

## **Restorative Justice, Responsive Regulation and School Bullying**



- ⌘ Bullying is defined as the systematic abuse of power.
- ⌘ Restorative Justice aims to restore the power imbalances that affect our relationships with others.


## **Restorative Justice and Responsive Regulation**

“Storytelling is fundamental for healthy social relationships. To feel connected and respected we need to tell our own stories and have others listen. For others to feel respected and connected to us, they need to tell their stories and have us listen. Having others listen to your story is a function of power in our culture. The more power you have, the more people will listen respectfully to your story. Consequently, listening to someone’s story is a way of empowering them, of validating their intrinsic worth as a human being.”

Kay Pranis (1998)



## **Restorative Justice:** **Theory behind the Practice**



- ⌘ Braithwaite's reintegrative shaming theory (1989; Ahmed, Harris, Braithwaite & Braithwaite, 2001)
- ⌘ Tyler's procedural justice theory (see Tyler and Balder, 2000)
- ⌘ Sherman's defiance theory (1993)
- ⌘ Turner's self-categorization theory (1987).

## **Restorative Justice & Procedural Justice**



Tyler's work shows that individuals care about justice because of concern over social status, in that justice communicates a message about status. Building on his model, high levels of cooperative relations within institutions have been found when individuals feel a high level of pride in being a member of the collective and a high level of respect within the collective. Thus, status is important to understanding the social dynamics of conflict and cooperation within schools.

## **Restorative Justice & Procedural Justice**



“One message that come through loud and clear in the [deadly school rampage] cases is that adolescents are intensely concerned about their social standing in their school and among their peers. For some, their concern is so great that threats to their status are treated as threats to their very lives and their status as something to be defended at all costs” (National Research Council, “Deadly Lessons”, p. 336)

## **Restorative Justice & Procedural Justice**



The Council recommends that:

“Young people need some places where they feel valued and powerful and needed – this is part of the journey from childhood to adulthood. .... Holding spaces and pathways open for them may be an important way of preventing violence” (p. 336).

## **Restorative Justice & Procedural Justice**



Restorative justice is about creating spaces where the pathway that defines a young person's life can be re-opened, through addressing the power and status imbalances that affect young people's lives, particularly in the aftermath of violence. This resonates with Zehr's (2000) understanding of restorative justice as a journey to belonging.

## **Restorative Justice and Reintegrative Shaming Theory**

- ⌘ Shame over wrongdoing, and as a victim of wrongdoing, can act as a barrier to individual's sense of belonging.
- ⌘ Discussion of consequences, following from the wrongdoing, structures shame into a restorative justice conference
- ⌘ It is the shame in the eyes of those we respect, and not that of police or judges, that is most able to get through to us.

# Bullying and Shame-Management: Acknowledgement and Displacement

## Family

e.g. harmony



## School

e.g. hassles

## Individual

e.g., empathy/impulsivity



# **Shame-Management:** **Acknowledgement and Displacement**



## **ACKNOWLEDGEMENT**

- Feeling shame
- Taking responsibility
- Making amends

## **DISPLACEMENT**

- Retaliatory anger
- Externalizing blame
- Displaced anger (hitting/kicking object/person)

# Social Discipline Window

(Wachtel & McCold, 2001)

High

**PUNITIVE**

(authoritarian/  
stigmatising)

**RESTORTATIVE**

(collaborative/  
reintegrative)

**Control**  
(limit-setting,  
accountability)

**NEGLECTFUL**

(indifferent/  
passive)

**PERMISSIVE**

(therapeutic/  
protective)

Low

High

**Support** (encouragement, nurture)



# Shame-Management, Bullying & Victimisation



High

**VICTIM**

**NON-BULLY/  
NON-VICTIM**

**Take on  
Responsibility/  
Accountability**

**BULLY/  
VICTIM**

**BULLY**

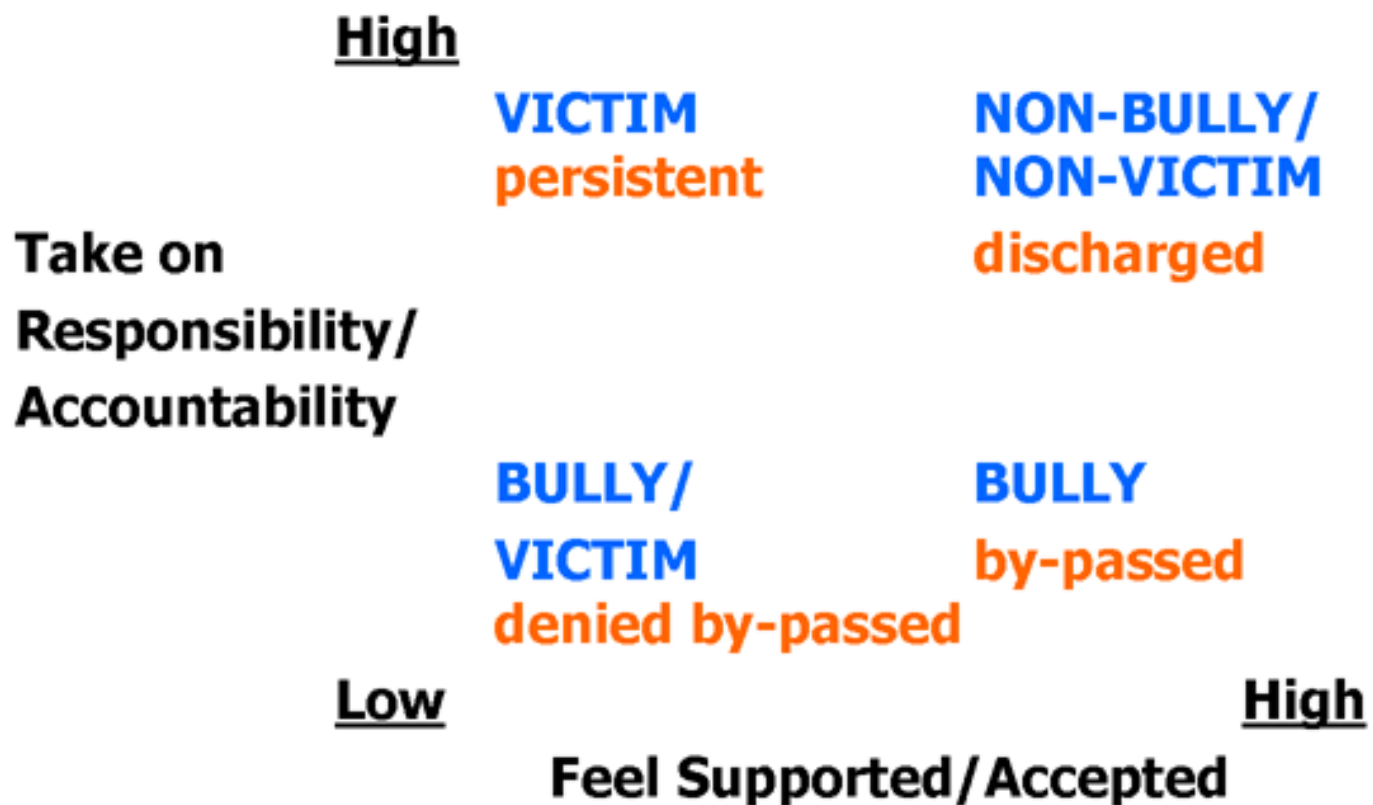
Low

High

**Feel Supported/Accepted**



# Shame-Management, Bullying & Victimization



## Shame, Identity, Bullying & Victimization

	Pride	Resp.	Iden.	S/Ack	S/Disp
N/B N/V	High	High	Highest	High	Low
Victim	High	Low	High	High*	Low
Bully	Low	High	Lower	Low	High
B/V	Low	Low	Lowest	Low	High

## **Shame-Management:** **Acknowledgement and Displacement**

"...once we have reached the point where a major act of bullying has occurred or a serious crime is being processed by the justice system, it may be that shame management is more important than pride management to building a safer community. ... Our conclusion is that the key issue with shame management is helping wrongdoers to acknowledge and discharge shame rather than displace it into anger. ... Part of the idea of [restorative] undominated dialogue is that the defendant will jump from the emotionally destructive state of unresolved shame to a sense of moral clarity that what she has done is either right or wrong" (Ahmed et al., p. 17).

## **Restorative Justice:** **A whole-school approach**

- ☒ National Research Council's (Moore, Petrie, Braga & McLaughlin, 2002) report, *Deadly Lessons*,
- ☒ Braithwaite's (2002) vision for responsive regulation,
- ☒ Gilligan's (2001) model of violence prevention.
- ☒ School safety should be regulated in line with public health regulation
- ☒ Three levels: *primary, secondary, & tertiary*.

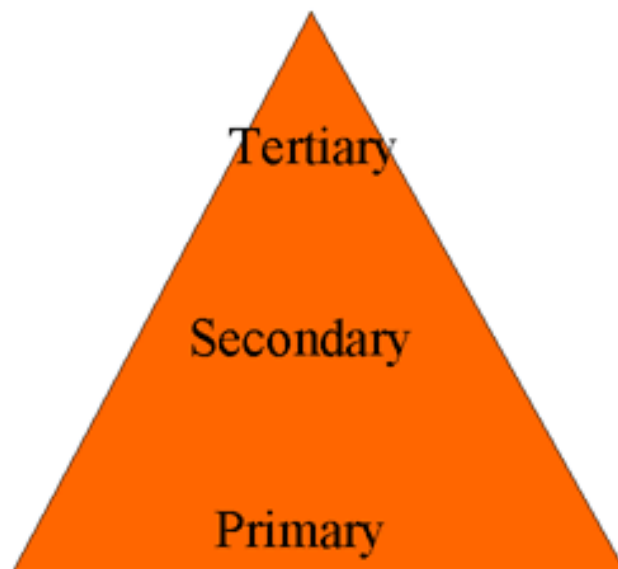
## Regulating Safe School Communities



- ⌘ Tertiary Restorative Practices  
e.g. Restorative Justice Conferences
- ⌘ Secondary Restorative Practices  
e.g. Restorative Circles
- ⌘ Primary Restorative Practices  
e.g. Responsible Citizenship Program

# Regulating Safe School Communities

Regulatory Pyramid:  
(Braithwaite, 2002)



## **Regulating Safe School Communities:** **Primary Intervention**



The *primary* level entails targeting all students in an 'immunization' strategy; that is, developing the school community's defense mechanisms, such that conflict does not escalate into violence when differences first arises. The aim is to develop students' social and emotional competencies, particularly in the area of conflict resolution, such that students are enabled to resolve differences in respectful and caring ways.

## **Regulating Safe School Communities:** **Secondary Intervention**



The *secondary* level involves the participation of a larger number of the school community, as the conflict has become more protracted or involves (and affects) a larger number of people. The use of restorative justice circles is proposed.

## **Regulating Safe School Communities:** **Tertiary Intervention**



The *tertiary* level involves the participation of an even wider cross section of the school community, including parents, guardians, social workers, and others who have been affected, when serious offences occur within the school. A restorative justice conference is proposed at this level.

## **Regulating Safe School Communities: A continuum of responses**



Taken together, these practices move from proactive to reactive, along a continuum of responses. Movement from one end of the continuum to the other also involves widening the circle of care around participants. The emphasis is on early intervention through building a strong base at the primary level, which grounds a continuum of responsive regulation across the school community.

## **Responsible Citizenship Program:** **Primary Intervention**



The program aims to incorporate a range of related processes that support the maintenance of healthy relationships: (a) community building, (b) conflict resolution, and (c) emotional intelligence.

## Responsible Citizenship Program: Primary Intervention



### ⌘ Evaluation:

- ☑ increased respectful dialogue
- ☑ increased emotional intelligence
- ☑ decreased use of shame displacement strategies

## Restorative Justice Circles: Secondary Intervention



⌘ Problems brought to the circle by students:

- ☑ annoying behavior
- ☑ teasing
- ☑ feeling left out
- ☑ aggressive behavior
- ☑ stealing

## **Restorative Justice Circles:** **Aust. Capital Territory study (2001)**

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### ⌘ Benefits to the classroom:

- ☑ Gave us a safe place to share problems face to face
- ☑ Modeled effective conflict resolution
- ☑ Encouraged the open expression of emotion
- ☑ Allowed us to move beyond niggling behaviors
- ☑ Contributed to a “Way of being” based on respect, communication and support

## **Restorative Justice Circles:** **Aust. Capital Territory study (2001)**

### ⌘ Significant breakthroughs

- ☑ Kenn, a boy who would shut down during conflict at the start of the year, was asking for open communication by the year end.
- ☑ Brent evolved naturally from the role of aggressor to supporter.
- ☑ Josh, a boy with extreme learning difficulties, found a voice for his strength in providing positive solutions.

## **Restorative Justice Circles:** **Aust. Capital Territory study (2001)**

### ⌘ Significant breakthroughs (cont.)

- ☒ Adam's modeling of open expression broke the taboo on shedding tears.
- ☒ Monique, a strong learner, convened two of the circles independently.
- ☒ Jake, a boy integrated from the behavior support unit, willingly contributed and found another tool for managing his relationships.

## **Restorative Justice Circles:** **Aust. Capital Territory study (2001)**

### **⌘ Experimental findings for Program group:**

- ☑ Greater emotional intelligence
- ☑ More productive conflict resolution techniques
- ☑ Felt teacher was more interested in stopping bullying
- ☑ Felt teacher held bullies and victims more accountable for behavior
- ☑ Reported less group type bullying

## **Restorative Justice Conference: Queensland Study (1996, 1998)**

⌘ Incidents brought to a conference:

- ☑ Serious Assaults (43)
- ☑ Serious Victimization (25)
- ☑ Property Damage & Theft (12)
- ☑ Truanting, class disruption, damage to school reputation, bullying (18)
- ☑ Drugs (2)
- ☑ Bomb threat (1)

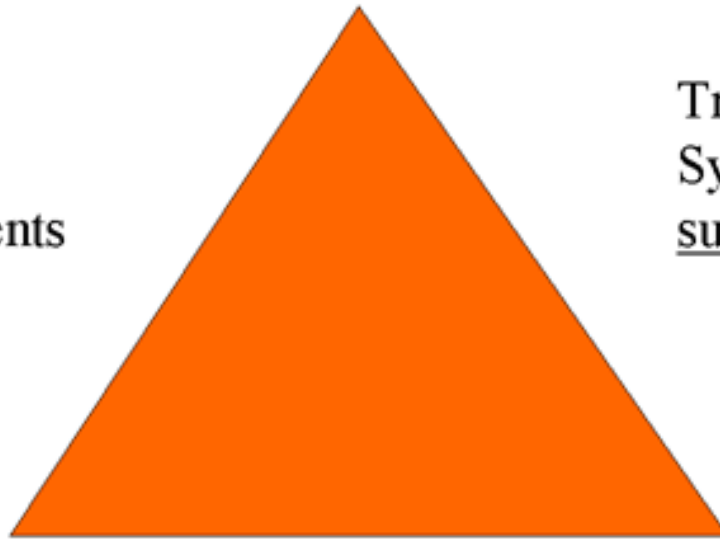
## Restorative Justice Conference: Queensland Study

- ⌘ Outcomes for participants (agreement)
  - ☑ Feeling understood by others 99%
  - ☑ Felt agreement terms were fair 91%
- ⌘ Victims - felt safer 94%
- ⌘ Offenders - closer to those involved 87%
  - ☑ able to make a fresh start 80%
  - ☑ did not re-offend with trial period 83%
- ⌘ Families expressed positive perceptions of the school and comfort in approaching the school on other matters 94%

# Supporting Sustainable Regulation

Programs &  
Practices to  
support students

Training and  
Systems to  
support staff



Data  
to support  
decision making

# **Restorative Justice in schools**



Restorative Justice promotes resilience and accountability through building and strengthening strong and healthy relationships. It enables school communities to be more responsive, restorative, and responsible in addressing harmful behavior, as well as to increase their capacity to build human and social capital -- the fabric of civil society.

# **Restorative Justice in schools**



“Social and emotional competence is the foundation of academic learning. ... It advances the academic mission of schools in important ways. ... Satisfying the social and emotional needs of students does more than prepare them to learn. It actually increases their capacity to learn”

(CASEL, 2002)