

Revisiting Restorative Justice: Exploring Restorative Justice as a Means of Conflict Resolution in Colleges

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LITERATURE



Crime & Conflicts in Education

- Schools regularly deal with crime and conflicts (Porteous, 1998; 2014), which include:
 - Name calling in general
 - Racist name calling
 - Threats with violence
 - Assaults
 - Sexual harassment
 - Students carrying weapons
 - Things taken off students
 - Drugs related offences
 - Tension from the streets are brought in school
- *'...provided quite graphic and convincing evidence of the high levels of anti-social behaviour and violence which children and young people experience'* (Porteous, 2014: 50).

Restorative Approaches (RA) in Practice

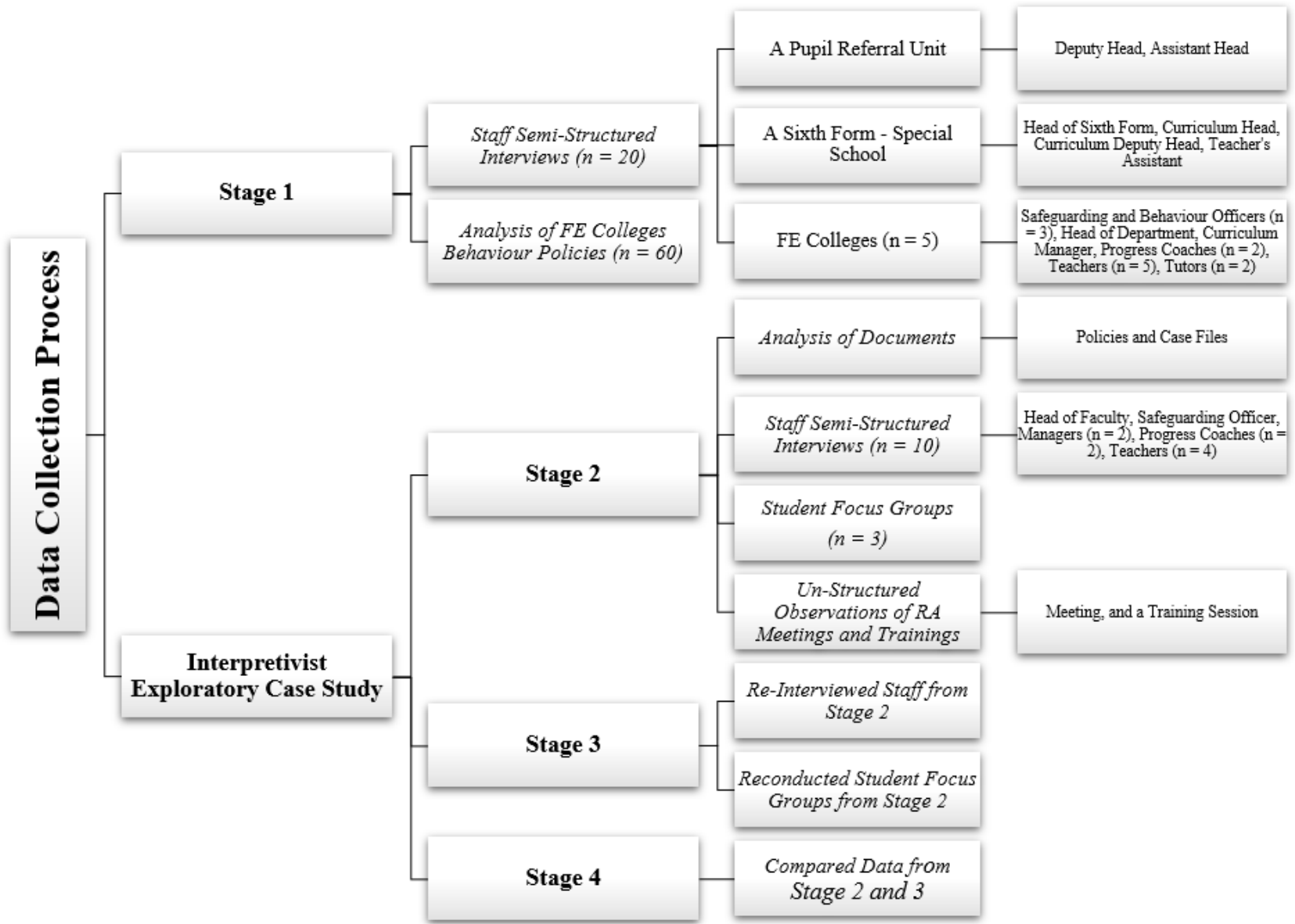
- **The ‘National Evaluation of the Restorative Justice in Schools Programme’ (Bitel, 2005):**
 - Minor impact on exclusion
 - No impact on student attitude (except for a small number of schools who adopted RJ as a whole school approach)
 - 19% of conferences included parents
 - 92% of conferences reached successful agreements
 - Running conferences is time consuming

- **Scottish Executive Funded Project (see: Kane et al., 2007; Kane et al., 2008; McCluskey et al., 2008a):**
 - **Primary Schools:**
 - Impact was positive
 - RA implementation had different starting points, aims and strategies
 - RA helped to create a calm and positive atmosphere; and, helped students to develop conflict resolutions skills
 - Improved school ethos and creating positive relationship
 - **Secondary Schools:**
 - Impact of RA varied
 - Slow implementation
 - Difficulty in changing culture
 - Continued use of punitive measures
 - Time in implementing RA

- McCluskey et al. (2011) – Systematic Review
 - Whole School Approach
 - Partial School Approach
 - Reactive School Approach
- Research on RA in education predominantly focuses on primary and secondary schools
- Research on RA in education is limited in UK, especially in specific sectors: *Pupil Referral Units (PRU)*, *Special Schools* and the *Further Education (FE)* sector.

Data Collection Process





Challenges Faced in Further Education



- Daily Altercations
- Physical Assaults (student on student & student on staff)
- Verbal Assaults (student on student & student on staff)
- Family Feuds
- Drugs
- Possessing a Knife
- Possessing a Fire arm
- Attendance & Punctuality
- **Social Media**
- Staff Feeling Vulnerable and Threatened

Staff are feeling more threatened this year than any other year. There...seems to be a bit of a...menacing shift in some of the students...We had an incident at one of our other sites where somebody had come in with a gun...there is just a whole change in the country really, isn't there? I think staff feel a bit vulnerable when they're having to deal with...challenging behaviour...staff are really reluctant to challenge now because they're frightened of what the repercussions are. Staff are saying that openly to me...A couple of staff have said, "It's only a matter of time before somebody is killed." **[Bethany, Teacher, FE College (Case Study)]**

Behaviour Policies



OUTCOMES OF STAGE 2

Final written warning

A copy is sent to parents/carers of under 18 year olds and employers where appropriate.

A copy is kept on your file and college records until the end of your course.

A further PEP is set up as well as a restorative, re-integration meeting.

There may also be sanctions as appropriate to the misconduct.

Re-integration meeting

The re-integration meeting is a short meeting which gives you and the person most impacted by your behaviour an opportunity to talk to each other.

Exclusion

A final decision will be made by the Deputy Chief Executive.

Formal Behaviour Management

The behavioural policy is made up of four stages in which clear steps are identified. When managing behaviour in the classroom staff should ensure that their instructions, discussions and sanctions are guided by and explained using the agreed stepped system. Students need to know the boundaries of acceptable behaviour and the type of sanctions applicable if a boundary is crossed. Informed use of this framework, to provide a commonly understood format for restorative practice and sanctions, is a key element of our behaviour management practice.

9. Other sanctions/conditions to be met

The College will seek to use restorative justice measures when possible and appropriate to help address conflict, build a student's understanding of the real impact of their actions and to take responsibility and make amends. In all cases a single option or combination of options can be imposed as appropriate.

The following may be appropriate to use within the above disciplinary framework stages 1 to 4:

9.1 Compensation - the student is required to pay a reasonable sum to the College or 3rd party by way of compensation for identified and quantified loss or damage.

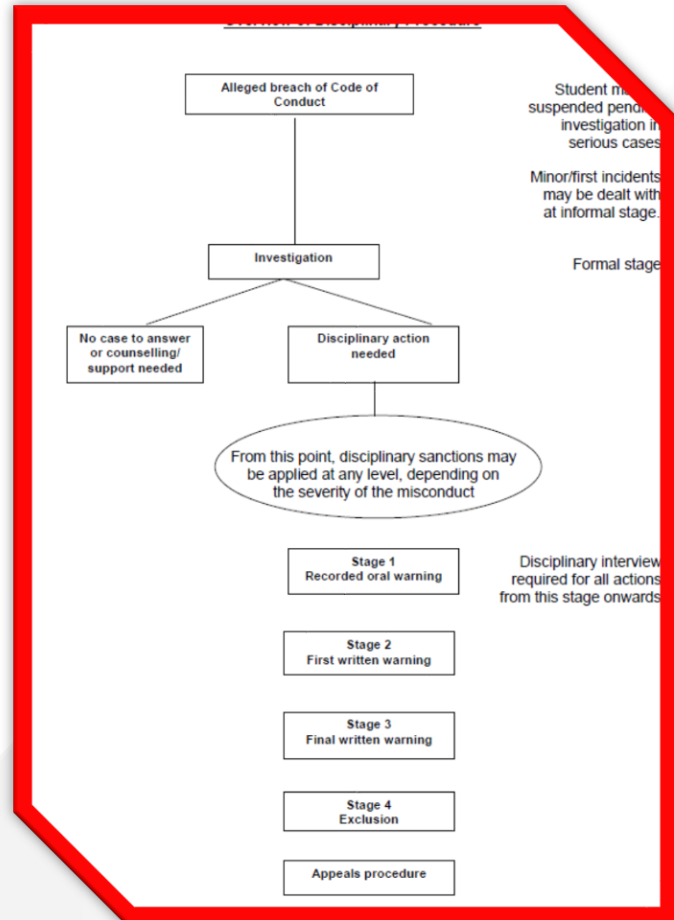
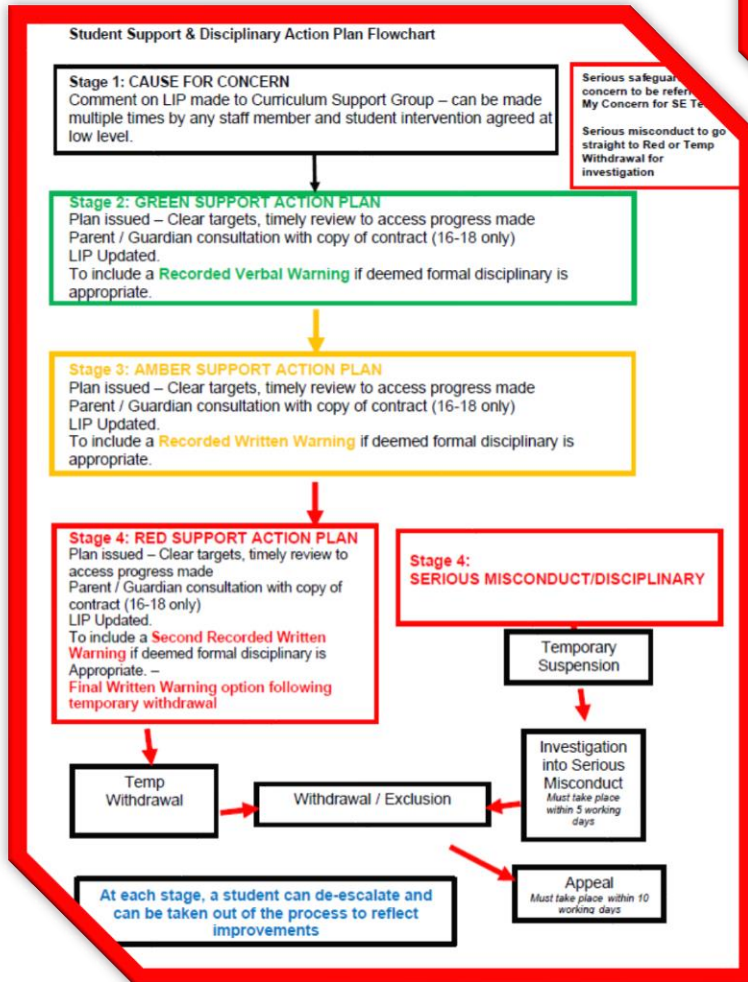
9.2 A Requirement to perform Unpaid Services: the student is required to perform unpaid services for the College up to a maximum of 30 hours.

9.3 Restorative justice – if appropriate, the student will have one or more mediated sessions with any individuals who have experienced negative consequences as a result of the student's misconduct. This will provide the student with an opportunity to make amends and reparation for harm caused. Mediated sessions will be arranged through the Student Support Services and Tutorial Manager.

2. Policy

The College will support students' development whilst at College and will take action to ensure students comply with the College Code of Conduct and policies to make academic progress.

The College will set targets at each stage of the Student Conduct and Disciplinary Procedure. These will be targets for improvement and will be SMART, (Specific, measurable, achievable, realistic and time-constrained).



Outcome and action

The following outcomes of the disciplinary investigation are possible:

- no case to answer
- student offered counselling/support
- allegations appear to be substantiated and there is a case to answer

Where there is a case to answer, disciplinary action will be taken within the following **disciplinary framework**. The College does not use sanctions as a form of restorative justice, eg litter picking.

Further Findings - Understanding



- Repair/Restore
- Remorse
- Closure/Moving on
- Voice
- Understanding (Impact and consequences)
- Responsibility
- Reflection
- Make Amends
- Empower
- Healing Process
- Story Telling
- Empathy
- Opportunity
- Inclusive
- Supportive
- Student Needs
- Building Relationships, Equality, Trust & Confidence
- Developing Problem Solving Skills
- Learning (Diffusing/Life Skills)

I know that with RJ sometimes, you know, shame has a greater impact, and one of the things about shame is that you teach, and you instil people about humility and about, obviously, the impact that it has. How would they feel if they were in that position, would they face up to their victim?...[Musa, Safeguarding and Behaviour Officer, FE College]

- *Re-Integrative Shaming* (Braithwaite, 1989)
- Shame has no place in RA (Ruggiero, 2010; 2011)
- British Asian girls are shamed twice, first in the Criminal Justice System and then in their own community (Toor, 2009)

CASE STUDY: Students Understanding of the Behaviour Policy

Experience of Behaviour and Behaviour Policy	Understanding of Behaviour Policy (New Policy – Positives) – LIMITED TO FG1 @ Stage 2	Understanding of Behaviour Policy (New Policy – Negatives) – LIMITED TO FG1 @ Stage 2	Understanding of Behaviour Policy (Old Policy – Positives)	Understanding of Behaviour Policy (Old Policy – Negatives)
<ol style="list-style-type: none"> 1. Fights 2. Social media 3. Unaware of the new policy 4. Uncertainty on information received 	<ol style="list-style-type: none"> 1. Cooling off period (24 hours) 2. Inclusive 3. Understand 4. Continue with education 5. Solution 6. Repair 7. Problem solving 8. Responsibility 9. Closure 10. Listening to all parties 	<ol style="list-style-type: none"> 1. Not appropriate for all behaviours 2. Soft approach 3. Parties may not agree to a meeting 	<ol style="list-style-type: none"> 1. Fair 2. Rules are certain 3. Creates boundaries 	<ol style="list-style-type: none"> 1. Exclusions are not granted fast enough 2. More exclusions 3. No updates 4. Not explained 5. Not shared by teachers 6. Not present 7. Confusing 8. Transparency needed 9. Tutorials should be used to explain the policy

Implementation – Successes



- Local government initiative
- Top down & bottoms up approach
- Working collectively
- Staff development days
- Training small teams
- Low cost/budget (in-house training)
- Support from a qualified team (Progress Coaches)

Implementation – Constraints/Limitations



- Culture change
- Funding cuts
- Cost
- Timetabling (facilitation)
- Lack of confidence
- Confusion on Role and Responsibility
- Space
- Mergers & Restructure
- Training (size of institution & logistics)
- Staff turnover
- Time (implementation and culture change)

Experiences



POSITIVES

- Process very powerful
- Repaired relationships
- Enhanced teachers own practices in teaching and managing classroom behaviour
- Help develop students' skills to solve problems
- Reduced exclusions
- Retained students
- More staff buy-in
- Improve behaviour (evidenced by Ofsted)

NEGATIVES

- Should be organic/natural process
- RA forced for retention reasons
- RA removing staff power/autonomy
- Time (Admin)
- Time (Facilitation)
- Dehumanisation
- Application of restorative practice is restrictive to different types of behaviour
- Not "One size fits all"
- Poor emotional language

Inspection dates

14–17 February 2017

Overall effectiveness	Requires improvement		
Effectiveness of leadership and management	Requires improvement	16 to 19 study programmes	Requires improvement
Quality of teaching, learning and assessment	Requires improvement	Adult learning programmes	Requires improvement
Personal development, behaviour and welfare	Requires improvement	Apprenticeships	Good
Outcomes for learners	Requires improvement	Provision for learners with high needs	Good

**Inspection dates**

16–19 October 2018

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“Dehumanisation Process”

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