

RA in Schools ESRC seminar series: London 04.02.09

Discussion Following Judge David Carruthers' paper

The discussion focused on a range of issues related to the voluntary nature of RJ and RA; and professionalism in RJ, RA.

Questioners included Gwynedd Lloyd, Brenda Morrison, Bridget Allan, Belinda Hopkins, Bill Whyte, Mandy Thomson, Derrick Wilson, Sian Williams.

Q. Thank you ! An amazing journey with many successes. We recognise that mistakes can be good. How can we learn from these mistakes? The voluntary attendance aspect for victims in New Zealand Act 1989 seems vital but victims did not attend as well in New Zealand. The professional status of facilitators also seems vital.

DC. In NZ RJ has been compulsory since 1989. Some would say that the voluntary nature of RJ is crucial. Some would say that it was becoming increasingly professionalised rather than being in the community. The youth justice system is professional because of the funding. Individuals in the system can do wonderful things but professional standards are crucial. Well meaning non-professional involvement can be very dangerous. Kindly community can be disastrous – in cases of sexual abuse and domestic violence it is too delicate - and dangerous if misunderstood The victims right to attend voluntarily is central to restorative justice though there will clearly be some conferences where it is not appropriate for them to be there. As an aside I have some statistics concerning student opinion about punishment in school. Issue of detentions seems arbitrary -91% of students thought that some teachers issued them much more than others. 83% of students thought their relationship was worse with their teacher after a detention. 77% did not think that a detention make them feel any more safe in school.

- It is voluntary - it is the victim's right
- YJ is mandatory – the victim chooses
- They need to be told and to be prepared
- It is embedded in the victim's right.

Q. In Education we have low- level situations and encounters all the time which don't merit this professionalised structure. There is a hierarchy of RA in schools that culminates in a conference. Facilitators are trained but do those at lower levels all need training?

Q. I agree, police officers are an example of those usefully involved in the process that might not have training.

Q. In the youth court conference does the conference decide the consequence for the offender? Could we duplicate in schools?

DC. There are 2 situations – court directed and other - lower level. In the lower level the conference decided the consequence. Court directed conferences recommend certain things but the youth court has the final say. The people involved in the conference tend to make sensible recommendations. If it is court directed the conference decided a consequence but it goes back to the court for approval. If it is – e.g. 'wear a placard' – it will be thrown out.

Q. You kept Police out and brought community into these meetings. What did they learn from this? Should we have community facilitators in school?

DC. Some police were doing a good job but we took this view – to follow this model. No way was this an issue. It did not diminish their role. The police enthusiasm was not diminished by their non attendance. I do not have a view about whether facilitators would be better than teachers. Police are often there as informants and some victims feel have felt more safe *having them there*.

BH. Teachers will do it well – why have others? My personal view is that RJ went down a cul-de-sac with the RJ conference model – using the terms victim and offender were wrong and it didn't work. We need to develop a more informed process. Day to day issues are working. Increasingly, important work is the work with emotional intelligence and community cohesion. Formal conferences are reduced because all the rest is happening at a lower level. It's about social justice. Restorative justice is not criminal justice – it is more like social justice.

Q. Inspirational! There is unease in education about social justice, where there a wider problems external to the event in question (psychiatric illness or drug dependence) that will have a bearing on the situation we are trying to restore the young person to. Issues occur when issues are external and the behaviour manifest within school. We need outside agencies to support. What can be done about this?

DC There is a community youth project in NYC. All the agencies are in the same building so when you have a situation like that, housing/drugs etc, are there to help resolve it. There is a whole network of things that interplay. The court should require them to be there we shouldn't have to wait. Restorative Justice is a multi-disciplinary issue and a wide range of concerns need to be brought to bear on any matter. Our mistake was thinking that facilitators could fix everything. They cannot.

Q. I thought that you would say that – it's a multidisciplinary issue; not simple.

DC We thought that families could fix anything – we were wrong. They can't. We need others in this too.

Q. Restorative justice should involve all agencies working together with a common language and outcomes. However I work in a school on a boundary between areas where two different systems deal with the same family at the same conference. This is clearly not ideal. There is a danger that RJ in school becomes isolated in education. We need to ensure that there is a common language and that outcomes are shared.

(Wide agreement from all).

Q. In this country we sometimes have situations when the government gives 2 different messages - one to the media and the other to the practitioners. How does this compare with NZ?

DC. We're a little country. We have differences when minister's children are involved in issues.... It has to be one message. We suffer from a 3 year political cycles and messages can win or lose an election.