

# RESTORATIVE APPROACHES IN EDUCATION

## SEMINAR 4

### Creating a Restorative School

Shelagh M McCall

Throughout the seminar series so far, there seem to be two recurring issues. The first is the potential for different definitions of “restorative approaches”. Should/are restorative approaches be confined simply to dealing with instances of misbehaviour? Or should/do they refer to something bigger and more fundamental – an ethos or culture? In this presentation, I will suggest that a successful “restorative approach” necessarily encompasses both. They are both necessary parts of a strategy to keep conflict below the level where it might be termed “destructive”, where the use of force becomes the most likely means of resolution. In order to design, implement and sustain a restorative school, there needs to be a system that links them through appropriate and effective feedback mechanisms.

The second, connected, issue was raised by Hilary Cremin in the first seminar - “which concept [(encounter, reparative or transformative)] of restorative justice is to be favoured”? I will suggest that when we recognise the interdependence of the restorative ethos and the behaviour management function, and when we abandon the notion of neutrality, we will naturally move towards realising that the true potential is for transformation.

#### **The different definitions:**

What are the different definitions of “restorative approaches”? During the seminar series, participants have used this expression to refer to two different things.

One reference has been specifically to a conflict resolution process – (broadly) a response to rule breaking that is not based on the ascription of blame and the imposition of sanctions but rather one which places emphasis on a collaborative approach to understanding and repairing the harm caused. This

resolution process can take a number of forms, including for example peer mediation or restorative conferencing.

The other way in which “restorative approaches” has been used is to refer to something broader – which might be described as a value system or ethos, a culture.

In her paper for seminar 2<sup>1</sup>, Wendy Drewery described the difference between the two approaches as one of purpose. She referred to the former as “behaviour management” and the latter as a “process for the production of respectful relationships” creating students who are equipped to be useful citizens of the future.<sup>2</sup>

The purposive analysis is a helpful one as it recognises the potential for a restorative approach to be both remedial and preventative. The interests of the school in the behaviour management approach and those of the developmental approach are obviously interconnected. The school's interest in the success of behaviour management processes is not just about tackling a specific incident of misconduct. The hope is that the student will learn from the experience and the rate of repeated misconduct will reduce. Similarly, the interest of the school in producing students who are capable of creating respectful relationships is not just about the future but about the now. Where students are better equipped to respect diversity and difference and act co-operatively in that context, there should be less need to employ behaviour management processes.

Whether a behaviour management process can, by itself, achieve the broader result of reduced recidivism is, I suggest, unpredictable. It is unpredictable because it depends on the capacity of the particular individuals involved to understand and integrate the lessons contained within the process. It is common sense that it will be harder for an individual to integrate those lessons if they are not reflected and reinforced in the wider school culture.

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<sup>1</sup> Restorative Practices in New Zealand Schools: A Developmental Approach

<sup>2</sup> page 4

By the same token, whether a school can succeed in developing the caring culture necessary to produce useful citizens depends on whether it learns the lessons of its behaviour management system.

Therefore I would suggest extending the developmental model beyond its capacity just to change students, to its recognising its capacity to change the school community as a whole.<sup>3</sup>

What the restorative approaches have in common, whether they are behaviour management or developmental, is their aim of creating an environment where conflict can be managed in a way that does not require the use (or misuse) of power to achieve a desired outcome. That aim is naturally inclined towards the more collaborative, consensus based approach of the “third side”.

**Management of conflict:**

In every community conflict is inevitable. A school is no different. We therefore have to choose how we manage it. The approach we take will determine what kind of community we have and also what sort of resolution processes we use.

For example, we can choose to deal with conflict only when it becomes destructive – that is, when the system of rules has broken down and specific harm has been caused, such as a bloody nose or graffiti on a wall. The way in which we approach that conflict determines the kind of community we have – a disrespectful one in which the minority or marginalised are subject to abuse without reason by those with greater power (obtained through status, or strength etc). It also determines what sort of conflict resolution process we use. So in this example, the most likely process is the use of arbitrary power by the teacher – to exclude the student or exact some other punishment. “Arbitrary” because no inquiry is made into why something has occurred or what the true harm is (other than an egregious violation of rules).

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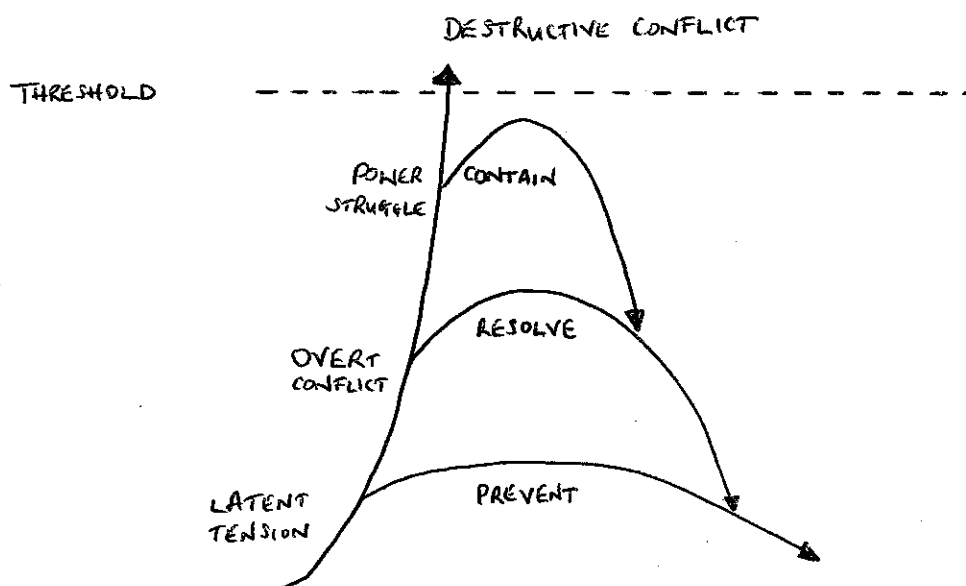
<sup>3</sup> This may be analogous to David Johnson’s description of a “moral community”.

The philosophy lying behind restorative approaches aims at preventing conflict becoming destructive and, where it does, repairing the harm. Unlike in the example above, the reparation is not arbitrary but based on an assessment of the true harm. The purpose of repairing the harm seems to me to be to return the community to a place where the conflict is below the threshold where it becomes destructive. So, in response to the question posed by Cremin, "restoring what?", I would say restoring a community in which conflict is non-destructive; or restoring conflict to a non-destructive level.

### How do we keep conflict below the threshold where it becomes destructive?

William Ury has suggested that there are three major opportunities to channel a conflict's vertical momentum, which leads to destructive struggle, into a horizontal impulse, which leads to constructive change. These three opportunities are:

1. to prevent destructive conflict emerging in the first place by addressing latent tensions;
2. to resolve any overt conflicts which do develop;
3. to contain any escalating power struggle that temporarily escapes resolution.<sup>4</sup>



<sup>4</sup> Ury: The Third Side (2000), 113

In each of these stages “third siders” fulfil different roles. In the “restorative” schools context, the “third siders” are any of those people who take on the role of maintaining conflict below the level where it is destructive. They can be teachers who convene restorative conferences, peer mediators who sort out playground struggles, children who befriend the bullied child etc. They need not be those formally charged with resolving conflict, third siders have the potential to build social capacity to manage conflict in informal as well as formal ways.

Ury describes 10 different third side roles and their use tackling the escalation of conflict.<sup>5</sup>

<i>Why conflict escalates</i>		<i>Ways to transform conflict</i>
	<b>PREVENT</b>	
Frustrated needs	→	The provider
Poor skills	→	The teacher
Weak relationships	→	The bridge-builder
	<b>RESOLVE</b>	
Conflicting interests	→	The mediator
Disputed rights	→	The arbiter
Unequal power	→	The equalizer
Injured relationships	→	The healer
	<b>CONTAIN</b>	
No attention	→	The witness
No limitation	→	The referee
No protection	→	The peacekeeper

One can readily see within these ten roles, the characteristics of the behaviour management models (mediation, conferencing) as well as of the models more associated with the development (co-operative learning, circle of friends).

<sup>5</sup> The Third Side, 190

The behavioural management processes are primarily concerned with resolving and containing. The developmental processes are largely focussed on prevention.

This analysis by Ury is a helpful way to illustrate the interdependence of the two types of approach. But in order to function effectively, there needs to be feedback one to the other.

**Creating a responsive system:**

It has been said that conflict is the sound made by the cracks in the system. What may seem to be a personal conflict between two students arising from their different personalities, may in fact be a by-product of the larger system that is the school community. Rather than just settle the overt conflict, we can use the developmental approach to try to resolve and transform the issue in the wider system. This requires proper feedback systems to be built in.

All conflict occurs in a context. Schools are diverse places made up of people with differing needs, opposing ideas, different personalities. Any system that seeks to combine these diverse elements faces two choices – it can either assume a structure based on control and coercion, exercised through an accumulation of hierarchical power; or it must assume a democratic structure based on consensus and choice, exercised through collaboration between diverse interests. Or some combination of both!

Both the behaviour management and developmental models of restorative approaches seek to combine elements of both hierarchy and democracy. It is important to recognise when the system is operating from hierarchy and when truly from democracy. For example, the concern in the encounter concept that a victim may feel pressurised into co-operating in the rehabilitation of the rule breaker may be grounded in the reality that the school is ultimately hierarchical and operates through the exercise of power, regardless of what may be said in the context of conferencing. If the wider school system is not reflective of the values purporting to apply in the means of resolving a specific

conflict, then that process will not be seen as truly democratic and voluntary. The same can be said of concerns about securing authentic apology rather than teaching children how to talk about emotions to satisfy the others in the restorative conference, without really engendering empathy. If authentic honest communication is not a feature of the school at large, then the process of conferencing will not manifest it in a reliable way. In other words, that particular conflict may be resolved but there is no opportunity for positive transformation – either of the individuals involved, or of the wider system

### **The problem of neutrality:**

The problem of the non-authentic apology may stem from an overemphasis on neutrality in the behavioural management models we have discussed in the seminar series.

Mediation and associated conflict resolution processes place a high value on neutrality or (to describe it more kindly) impartiality. Neutrality has been identified by some as one of the obstacles to greater success of mediation and similar processes.<sup>6</sup>

Neutrality is hard to define and can mean different things in different conflicts. When mediators talk about being neutral, they often mean they are neutrals with a procedural rather than a substantive focus. But parties to a conflict may perceive the “neutrality” of the mediator differently. For example, one can imagine that in the conflict where one student has hit another, the “victim” may far more readily accept the neutrality of the teacher convening the conference than the “perpetrator” will. The teacher may, for him, represent the very system against which he is rebelling by rule breaking and therefore be incapable of “neutrality”. Each perspective is valid.

No-one is truly neutral or impartial. Everyone has experienced conflicts which have shaped their perspectives and priorities and biases. Not only that but in

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<sup>6</sup> See e.g. Mayer: Beyond Neutrality (2004)

intense conflict, many do not believe that anyone can or should be neutral or impartial.

True neutrals (like courts) should be a place of last resort. That is because the danger of a system of neutrality, equality and fairness is that "the harsh reality of bias, inequality and unfairness must be formally disregarded, neutrally rephrased or denied."<sup>7</sup>

Being a "third side" is not the same as being a neutral. Third siders are not people who approach a conflict from a neutral stance or primarily from a procedural point of view.<sup>8</sup>

Cloke posits that parties don't want mediators or third siders who are actually neutral. What they want is only the appearance of neutrality. In fact what they want is a third sider who is honest, empathetic and on everyone's side at the same time - someone who is omnipartial.<sup>9</sup> In Cloke's reasoning:

"Because neutrality implies objectivity and distance from the source of the conflict, it cannot countenance empathy or give the mediator room to acknowledge or experience grief, compassion, love anger, fear or hope. Neutrality can paralyze emotional honesty, intimate communication, vulnerability and self-criticism. It can undermine shared responsibility, prevention, creative problem-solving, and organizational learning. It can ignore the larger systems in which conflict occurs. It can fail to comprehend spirit, forgiveness, transformation, or healing, which are essential in mediation. As a result, it can become a straitjacket and a check on our ability to unravel the sources of conflict."<sup>10</sup>

Cloke's challenge is made to mediators but it applies equally to other third siders. The challenge for establishing and sustaining a restorative approach that not only fulfils a behaviour management function but has the capacity to

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<sup>7</sup> Cloke: *Mediating Dangerously*, 149

<sup>8</sup> Mayer, 83

<sup>9</sup> Cloke, 13

<sup>10</sup> Cloke, 14



transform individuals and the school itself is to move away from viewing restorative approaches as something to teach students to make them behave better or to make them better citizens, towards embracing the possibility of transformation for all involved in the system, staff as well as students, and of the system itself.

How do we go about creating a “restorative” school? By invoking the third side and generating multi-party, collaborative, interests-based, consensus-building dialogue. Where everyone (including the facilitator) is encouraged and allowed to be honest and authentic. Which involves participation of all those affected by the system. Where all voices are heard and respected – even the quiet ones. Where those who are weakest in the hierarchy of school are empowered to express and realise their interests. Which factors in accountability through feedback. In other words, the means to the end and the end itself are one and the same.