

Restorative Justice in Scottish Schools - a response to Brookes and McDonough

1.0 Introduction

An invitation to review what our work in schools is about, and whether we are getting it right, is always welcome – especially from practitioners who share a commitment to developing restorative justice philosophy and practice more widely. The paper by Derek Brookes and Ian McDonough raises some very interesting and important issues points. However many of the suggestions they make are, in my view, at odds with the way the field is developing both in Scotland and internationally. I hope that my response will help to clarify how and why the work in schools has developed in the way that is has in the past seven years or so, and why I think that the direction this work has taken is the right one.

Brookes and McDonough's paper focuses on three main issues – firstly the difference between 'restorative justice/practice' and mediation; secondly the confusion and risks of using the adjective 'restorative' to describe strategies and programmes that reduce or pre-empt conflict and wrongdoing, and thirdly, the use of the words 'restorative approaches' or 'practices' to describe the work in schools instead of their preferred umbrella term 'restorative justice'.

In this paper these three issues are addressed in a slightly different order. I begin by considering why there may be some fundamental disagreements about which models of practice are being included under the umbrella concept of 'restorative' and about the sort of language being used to describe what is happening. This explanation helps to explain how both proactive and reactive practices and approaches are described by educationalists as 'restorative'. The issue about the difference between mediation and conferencing is in part addressed by these discussions. However I will also include some of my doctoral research and my professional work that developed in parallel with the research to illustrate how I, for one, arrived at a single flexible model for a restorative meeting that my own organisation offers to schools – a model that has developed in response to teachers' needs. I conclude, like Brookes and McDonough, by considering what terminology is used to refer to the whole field in the school context.

2.0 Restorative justice – criminal justice or social justice ?

It is my suggestion that those people introducing restorative justice into school contexts may be doing so for different reasons depending on whether the starting

point is criminal justice or social justice, and whether the focus is on - and limited to - the outcomes of a restorative process, or whether the focus is on the wider issue of educational reform. In this debate it is also important to differentiate between the phrase 'restorative justice' used to describe a philosophy which is underpinned by certain values and principles, and the same phrase used as a synonym for a specific process.

I have observed that there has been, in the past at least, a tendency for those who come from a criminal justice perspective - youth justice and crime reduction professionals, for example, - to offer restorative justice as a new tool for dealing with serious misbehaviours that might otherwise lead to exclusions. The focus is on one specific form of restorative intervention – the restorative conference – which is predicated on there being a clearly identified 'wrongdoer' and 'wronged' (I am fiercely opposed to the use of the labels 'offender' and 'victim' in school contexts). Evaluations conducted from this perspective are focussed largely on the outcomes of these conferences (PiE 2005). The performance indicators tend to include: reduction in exclusions; reduction in offending and re-offending behaviours and raised satisfaction from those people whom participate in a conference. For these people the words 'restorative justice' are almost synonymous with the process of conferencing. In the early part of Brookes and McDonough's paper I had the impression that when they used the phrase 'restorative justice/practice' they were indeed referring to 'restorative conferencing'.

In contrast many of those who come from an educational background see restorative justice not so much as a tool, but as a completely new approach to managing relationships and behaviour, and it is the philosophy and principles that are their starting point. The intention of such people is not simply to change individuals' behaviour or provide closure for individual victims and their families, but to effect whole school culture change, involving (but not limited to) the reform of an outmoded behaviour management policy based on sanctions and rewards. Whilst reduction in exclusion, improved behaviour and the satisfaction of those engaging in restorative meetings are important indicators of success, these are only part of the picture. For the reformers qualitative data such as an increased sense of safety, enhanced wellbeing and feeling of belonging; feeling listened to and respected; improved self-esteem and resilience – and all of these changes observed not only in students but the whole

school community – would be the important measures of success when measured over at least five years.

3.0 Restorative justice as a philosophy

The distinction between criminal justice professionals and educationalists is not clear cut, and some of the former are also school reformers, whilst some of the latter are drawn to restorative justice - in the first instance at least - in order to simply reduce their exclusion figures. To set these reflections in context I would like to give some historical background to the approach that has developed over the past ten years amongst educational trainers and consultants in the restorative field, from as diverse places as Europe, USA, Canada, Australia, New Zealand. I do not believe it is a coincidence that we have all come to similar conclusions about the direction school-based restorative practices need to go. Our conclusions are predicated on evidence-based practice - empirical research as well as personal experience from working in the field, listening to educationalists and responding to their needs in the way we improve and develop what we offer.

3.1 A paradigm shift

Howard Zehr has been accredited with the title of ‘grandfather of restorative justice’ and certainly his articulation of the differences between a restorative approach and a more traditional retributive approach has informed what he described as the ‘paradigm shift’ in people’s thinking. When he first wrote ‘Changing Lenses’ (Zehr 1990), and developed the notion of a paradigm shift, he was not specifying what model of practice should be used. His speculations were about the general principles:

- considering crime primarily as a violation of people rather than of laws
- recognising that the harm caused is not simply to those directly affected but also to the victim’s community of friends, family and colleagues
- defining accountability not in terms of punishment but in terms of taking responsibility for the impact of ones actions on another and acknowledging one’s obligation to repair that harm
- identifying the need of both wrongdoer and wronged (in criminal justice arena the offender and the victim) to tell their story and be listened to
- championing the need of those affected by an incident to be given the opportunity to find ways forward to repair the harm amongst themselves

These basic principles inform a wide variety of practices, some of which have been developed in recent years and some of which have been part of indigenous people's practice for centuries – including family group conferencing, restorative conferencing, community problem-solving circles, victim-offender mediation and circle sentencing.

In the late 90's I adapted Zehr's paradigm, with his permission and endorsement, for this context. It is important to acknowledge that his sharply drawn differentiation between a retributive and a restorative approach have been criticised by others (Daly 2000) and indeed now qualified by Zehr himself. However educationalists find the contrast a useful insight and a starting point for change.

| OLD PARADIGM RETRIBUTIVE JUSTICE | | NEW PARADIGM RESTORATIVE JUSTICE | |
|---|---|---|--|
| Wrongdoing often defined as breaking the school rules/letting the school down. | 1 | Wrongdoing defined as harm done to well being of one person or a group by another or others. | |
| Focus on establishing blame or guilt, on the past –what happened? who did it? | 2 | Focus on problem solving by expressing feelings and needs and exploring how to meet them in the future. | |
| Adversarial relationship and process – wrongdoer in conflict with a person in authority, who decides on penalty | 3 | Dialogue and negotiation – everyone involved in communicating and cooperating with each other | |
| Imposition of pain or unpleasantness to punish and deter/prevent | 4 | Restitution as a means of restoring both/all parties, the goal being reconciliation and future responsibility. | |
| Wrongdoing represented as impersonal and abstract: individual versus school | 5 | Wrongdoing recognised as interpersonal conflicts with opportunities for learning | |
| One social injury replaced by another | 6 | Focus on repair of social injury/damage | |
| People affected by wrongdoing not necessarily involved; victims' needs often ignored; they can feel powerless. The matter dealt with by those in authority. | 7 | Encouragement of all concerned to be involved and empowered | |
| Accountability of wrongdoer defined in terms of receiving punishment | 8 | Accountability of wrongdoer defined as: <ul style="list-style-type: none"> - understanding the impact of their actions, - seeing the impact as a consequence of choices - taking responsibility - helping to decide how to put things right | |

In recent years the paradigm shift from a retributive and an authoritarian mindset¹ to a restorative mindset has been characterised by three main questions. Traditionally, by their own admission, in responding to a discipline incident teachers have first asked themselves:

- What happened? (the intention being to get to the bottom of the matter and establish ‘the truth’, and if necessary using interrogation techniques and witness statements)
- Who started it? (the intention being to identify the culprit, attribute guilt and assign blame)
- What needs to happen to deter and punish? (with the assumption that the threat of punishment acts as a deterrent and that the punishment itself ensures that the behaviour will not be repeated)

This contrasts very strongly with the way a restoratively-minded teacher would begin – which would be by asking themselves:

- I wonder what each person involved has experienced – in other words, what has happened from each of their perspectives?
- I wonder who has been affected by what has happened and how each person has been affected?
- I wonder how those affected can be supported in finding a way forward for themselves and repairing the harm.

Zehr’s contribution helps to clarify what educationalists mean when they use the word ‘restorative’. Whilst the specific form of the restorative intervention is not specified by Zehr’s paradigm, the intention is clear. To respond ‘restoratively’ towards wrongdoing is to have the harm caused in mind rather than the rule broken, and to seek to empower those involved to put things right.

3.2 Restorative Values

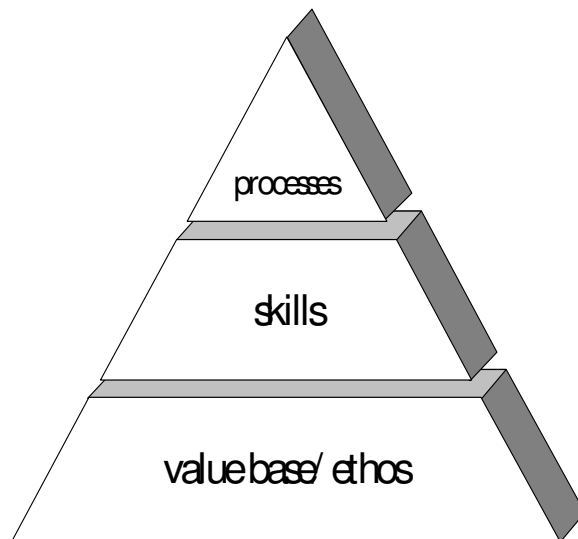
In more recent years Zehr and others have been exhorting restorative practitioners to keep in mind the value base of their practice, and various countries have developed a set of principles informed by such values. In the UK, in anticipation of the recent update of the Restorative Justice Consortium’s Principles of Restorative

¹ The paradigm shift is often regarded as changing from retributive to restorative but in my research I discovered that for teachers the far more challenging shift in mindset and behaviour is one involving letting go power and control, however benevolent the intention.

Processes (RJC 2004) I was tasked with identifying what leading practitioners believed were the key values and these were included in the document: Empowerment; Honesty; Respect; Engagement; Voluntarism; Healing; Restoration; Personal accountability; Inclusiveness; Collaboration; and Problem-solving.

It has been pointed out that restorative justice does not have the monopoly on these values and that they have much in common with those of liberal humanism and indeed social justice. They also overlap with the core values of many world religions (Cremin 2002; Sawatsky 2001).

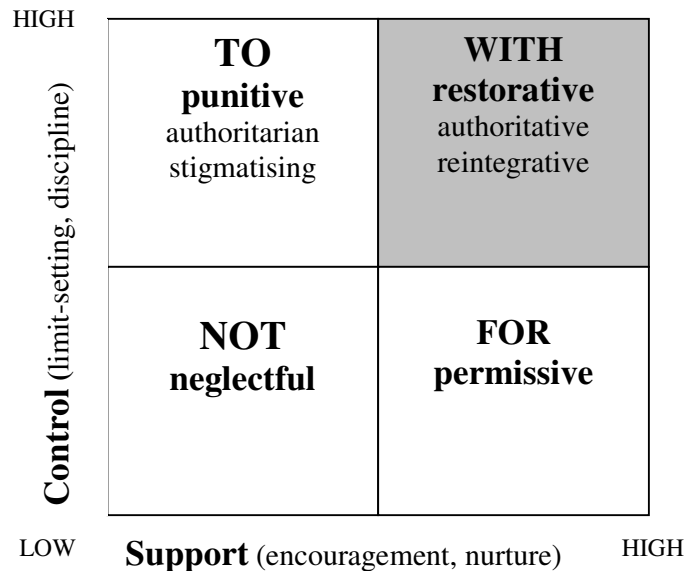
Zehr's work and the identification by practitioners around the world of the core values and principles of restorative justice have shaped the development of the conceptualisation of restorative justice in the school context. My own contribution to this was to develop a model which many have found useful – a pyramid which illustrates that a restorative ethos and value base must inform the restorative skills used, and these skills need to inform a variety of restorative interventions or processes.



3.3 The Social Control window

The other significant contribution to the development of an educational restorative philosophy came from McCold and Wachtel in the US as they considered how such an approach has relevance in a wide variety of settings. They identified that the essence of a restorative approach was one that involved creating a balance between care and support on the one hand and discipline (in the sense of structure and

boundaries) and control on the other. They defined this as working WITH people rather than doing things FOR them or TO them (such as imposing one's own will on them and dictating outcomes).(Wachtel and McCold 2001)



3.4 The meaning of the adjective ‘restorative’

These various elements of restorative justice philosophy inform educational practice but they do not dictate models of intervention. When educational practitioners use the word ‘restorative’ they are generally referring to behaviours that are underpinned by the core restorative values and a mindset that is geared towards respect for individuals, repairing or minimising harm to relationships, and empowering those involved to find ways forward for themselves. This approach can inform behaviour and relationship development and management, leadership at various managerial levels within the school and even pedagogy. My sense is that this is the way that the word is being used by all the major theorists (who are by and large also practitioners, trainers and consultants) in the ‘restorative justice in schools’ field – Morrison in Canada (Morrison 2001a; Morrison 2001b; Morrison 2001c; Morrison 2002; Morrison 2005a; Morrison 2005b; Morrison forthcoming 2007), Hopkins in the UK (Hopkins 1999a; Hopkins 1999b; Hopkins 2002; Hopkins 2003a; Hopkins 2003b; Hopkins 2004; Hopkins 2005; Hopkins 2006) Blood and Thorsborne in Australia

(Blood 2005; Blood and Thorsborne 2005), Riestenberg in Minnesota (Riestenberg 2000; Riestenberg 2001; Riestenberg 2005; Riestenberg unpublished) and Wachtel and McCold in Pennsylvania (McCold and Wachtel 2002).

4.0 Relationship-building practices and approaches – should we describe these as ‘restorative’?

The previous section illustrates how the development of an educational restorative philosophy in part explains how the adjective ‘restorative’ is used by educationalists. However there is another very important reason why both pro-active relationship building strategies as well as reactive ones are included in the whole-school restorative approach.

Brookes and McDonough express concern about this usage. I first want to discount the example they give in support of their argument (tragic as it is) since there is no evidence to suggest that the teacher concerned had been trained in restorative approaches in the first place and if this had been the case it would have been indicative of very poor training. Surely we can all agree that high quality training would include identifying which process was appropriate for which case, would distinguish between pro-active and reactive strategies, and would observe at all times the Practice Standards and Risk Assessment guidelines.

Which is to say that just because bananas, apples, oranges and lemons are all called fruit does not mean that an experienced cook would use any of these interchangeably to make a lemon sorbet!

So why do practitioners like myself believe that it is so important to include pro-active as well as reactive strategies in our whole school model?

Despite the introduction in the past few years of Citizenship and relationship - building programmes, and despite the widespread use of techniques like Circle Time to promote emotional literacy, communication skills and self-esteem, not all educationalists working in schools have made the connection between the values that these approaches are trying to promote and encourage, and the way that they deal with discipline issues. A discipline system based on doing things TO people (laying down the rules and then using a system of sanctions and rewards to impose these rules) is diametrically opposed to the philosophy and principles underpinning their pro-active programmes and yet this type of behaviour management system is the norm in the majority of schools.

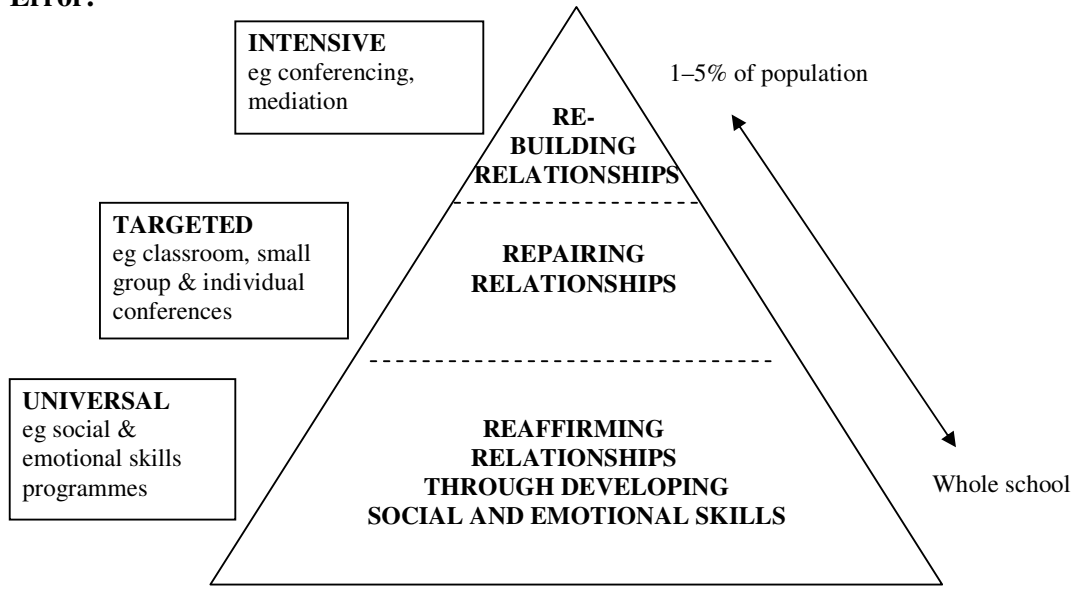
What restorative educational practitioners have been trying to do is to make the necessary links so that schools can see the importance of congruence between the pro-active programmes and strategies and the reactive measures taken when there are problems. This is why they have chosen to use the phrase ‘restorative practices or approaches’ to describe both strategies – not because the pro-active strategies necessarily ‘restore’ broken relationships’ but because they are underpinned by restorative values and principles. (However Wachtel recently described all restorative practices as those that are aimed at ‘restoring community in a disconnected world’ – which suggests that community –building and pro-active initiatives are indeed restorative in the ‘repair’ sense of the word).

Educational restorative theorists around the world have come to the same conclusion based on their individual personal experiences working in schools and on empirical research – that for the reactive aspect of restorative practice to be successful it needs to be embedded in a ‘restorative milieu’ and that what is required is a ‘whole school restorative approach’. (Blood 2005; Hopkins 2004; Maxwell and Buckley forthcoming 2007; McCold and Wachtel 2002; Morrison 2001c; Morrison 2002; Morrison 2005b; Morrison forthcoming 2007; Riestenberg 2001; Thorsborne and Vinegrad 2002; Thorsborne and Vinegrad 2004).

Many of us have found Morrison’s (Morrison 2005a) conceptualisation, informed by Braithwaite’s (Braithwaite 2002) work on responsive regulation, to be useful.

Morrison’s model posits three levels of restorative intervention. The first involves programmes and approaches relevant for the whole school community – those which build capacity in the field of relationships and problem solving. The second is applicable to those who become involved in conflicts and low-level disruption. The third and most serious level is for those whose behaviour risks seriously disconnecting them from the school community and from those who have been adversely affected by this behaviour.

Error!



5.0 Restorative conferencing and mediation

It is not uncommon to hear people say that mediation is different from restorative justice. Such a statement is confusing in itself until one clarifies what is meant by the words ‘restorative justice’. If this phrase is taken to mean ‘restorative conferencing’ then at least it is possible to compare the two processes. If ‘restorative justice’ is considered as a philosophy, then to compare it with a process such as mediation becomes, to my mind, meaningless – a bit like comparing a banana with a bowl of fruit. As I will argue, I believe that mediation is a restorative process, just as restorative conferencing is a restorative process. Both processes fall under the umbrella of restorative justice and in fact they are, in essence, very similar. My observation is that many people with a background in both mediation and restorative conferencing, like myself, would agree with this view.

The model of mediation in the UK is generally much closer to the ‘Transformative Mediation’ model (Bush and Folger 1994) with its emphasis on the empowerment of the individuals in the process and the encouragement of recognition by each part of their shared humanity. This is an important observation since the most vociferous rejections of the links between mediation and conferencing have come

from countries where the mediation models they are positing are much more directive and derived from the business model (Moore and McDonald 2000; Zehr 2002). This model, as Brookes and McDonough point out, has less to do with affect and relationship and more to do with a functional focus on a mutually agreed contract.

I would argue that face to face mediation, between two or more people in conflict, with no clear-cut acknowledgment of harm on one side or the other, is restorative both in the sense that it is a process underpinned by restorative values and skills, and also in the sense that it uses the same basic elements as a conference. Both are processes that involve the hearing of individual stakeholders' perspectives, feelings and needs; privately at first; then the sharing of these perspectives, feelings and needs in the round; then joint problem-solving to reach a consensus wherever possible, about how things can be put right; and finally a mutually agreed contract.

What is perhaps more important than individual views on this matter is the fact that the demand for a flexible model that would allow teachers to respond to whatever situation they face on a day to day basis *has come from teachers themselves*. To explain this I would like to draw on my recent doctoral research, which for the past six years has paralleled the development of my own training organisation and the resources I have developed for teachers.

5.1 A teacher-driven development

In 2000 a school in the South East of England became a pioneer by training a team of its staff in restorative conferencing - the first time that a group of school staff in a state school had received this training. Several years later I was fortunate enough to have the opportunity to evaluate this project as part of my doctoral research. What I found was that whilst staff had enjoyed the training, and found the paradigm shift from punitive to restorative eye opening, they were frustrated by the fact that the model they had been given was too time-consuming and unwieldy for day to day use in schools (Hopkins 2006). What they needed was a set of far more flexible skills that could be used informally, more often than not between two students with no supporters, and sometimes even when dealing with a single student.

What was also important was that the teachers themselves were not differentiating between situations where there was a clear cut, self-acknowledged 'wrongdoer' and situations which were essentially interpersonal conflicts. In the wider community there is a distinction between civil cases and criminal cases –

generally speaking unless violence is involved - the criminal justice system, and the police, do not get involved in interpersonal conflicts (neighbourhood disputes for example ²). They are referred, if at all, to civil courts. However in schools there is only one system - and one that takes its cues from the criminal justice system as Zehr's paradigm and my adaptation indicates. This system punishes young people for using inappropriate ways to resolve their conflicts even though many schools do not teach effective conflict resolution skills in the first place. In other words situations requiring conflict mediation, and situations requiring conferencing, are both dealt with punitively unless a school has decided to embrace a restorative philosophy. Once they have done this they require an approach that they can use in both circumstances – or run the risk of being inconsistent and unfair.

So in my research I found that teachers themselves began to adapt what they had learnt, finding some of the questions from the scripted model they had been taught useful in a wide range of contexts. They also found the emphasis on the affective domain novel but useful, and it changed the way they related to students. Many of them had never thought to ask how the young people were feeling, or sharing their own feelings in difficult situations. The exchanges enhanced the authenticity for their relationships with the young people and developed mutual empathy and respect. Little by little students were coming to them spontaneously for help in sorting out their disputes – even when there was no clear cut wrongdoer. The teachers I spoke to on this first course commented that their training would have been more useful if it had given them these more flexible approaches at the outset and the trainer of the course himself remarked how much easier it would have been if the course had been adapted for school contexts before he had started. (Incidentally these same requests are now coming from the Looked - After sector where training in restorative conferencing is being offered, as opposed to the more flexible model that care staff need for the same reasons as teachers)

This school's experience informed the work I had been commissioned to do at the time, which was to adapt the existing Thames Valley Police Restorative Conference Training Course for educational contexts. Listening to what educationalists were telling me they needed, and drawing on the seven years I had

² Although interestingly now that many police officers have been trained in restorative conferencing they have been adapting their skills to use in neighbourhood conflicts and community conflicts, in a comparable way to teachers)

spent as an associate lecturer at Reading University training teachers in conflict management and mediation, I developed a training course that gave much greater flexibility than the original scripted conferencing model. The result was an earlier version of what has been widely disseminated since 2002 and has been welcomed, in Scotland, as elsewhere, as a flexible approach that can be adapted to fit the needs of the school community.

I found that it was not necessary to distinguish between mediation and conferencing – a simple model could be adapted to fit any situation a teacher came across – and this was vital since the ‘complex cases’ referred to by Brookes and McDonough are in fact the norm in schools – most cases of harm in school involve disputed responsibility. The point is that so often in school the so-called ‘perpetrator’ is either the one who was caught (and those unseen get away scot-free), the one who was instigating the wrongdoing on that day (whereas the previous day it may have been the so-called ‘victim’) or the one who caused the most harm (so that a physical blow, for example, is deemed to be the wrongdoing, whereas the insult that occasioned the blow is often ignored) Arguments over who is to blame are the bane of teachers’ lives, but the process we have given them has allowed them to begin a process of listening and clarifying a situation without the need to ‘get to the bottom of it’ and assign blame. The ultimate intention behind the restorative intervention is to encourage accountability on all sides if appropriate, and to repair the harm. The process is not predicated on the condition that there is an identified ‘offender’ who must have taken responsibility for their actions and acknowledged the harm done. More often than not this is almost impossible for someone to do if they believe that the other person or people also contributed to the situation.

We simply applied the restorative maxim that all rule breaking and misbehaviour can be considered as acts that cause harm to relationships and people and as such can be considered as interpersonal conflicts – at least one person has done something that has negatively affected at least one other person. This becomes the starting point from which to try and repair the harm and re-connect those involved as far as possible so that teaching and learning can continue.

What is critical in our training is gaining a deep understanding of the issues involved at every stage of the process, so that participants appreciate that every case is different, that facilitators need to be alert, sensitive and flexible, and that the needs of the individuals coming to a restorative meeting are paramount. In some cases the risk

of re-victimising a genuine victim – of bullying or assault, for example – must be a consideration of course. Indeed in all but the simplest of cases (such as minor tiffs in the dinner queue, which can usually be dealt with on the spot) careful preparation beforehand, and strict adherence to national practice guidelines, must inform restorative practice.

5.3 Practice issues

Brookes and McDonough mention three practical differences that they believe to be important in distinguishing between mediation and conferencing – a) who speaks first, b) whether the focus of the meeting is on reaching an agreement or on expressing feelings and having someone take genuine responsibility for their actions, and c) whether the focus is on reparation. To be honest, in my personal experience of running restorative meetings in schools over several years, I would say, in relation to b) and c), that all of these things are important, regardless of whether one is dealing with acknowledged responsibility for harm or whether those involved disagree on this. As to who speaks first – common sense and a deep knowledge of the young people involved (which educationalists will usually have to a much greater degree than those working with victims and offenders in youth justice) will, and indeed should, dictate best practice in every individual case

All of the issues become lively ones for debate during training and teachers themselves develop their own understanding of the issues and their own personal strategies for ensuring these issues are addressed. In our training we do not insist on one formula – I believe that it is respectful to allow educationalists to develop their own approach based on their understanding of basic values, principles and skills, and a basic structure that they know has been tried and tested by their colleagues around the world.

6.0 Restorative conversations

I agree with many of the points Brookes and McDonough make in their section on restorative conversations. I certainly agree that there is much, much more to these conversations than memorising certain ‘scripted questions’. This is why, in my organisation (Transforming Conflict) we have resisted producing the ‘credit card’ format to be distributed to all staff regardless of whether they have been trained in the full range of restorative approaches or not. It was with regret that we dropped a day of

specific conflict management techniques from our training recently because of pressure of time. Restorative practice includes conflict management, in my view. To facilitate the repairing of harm between others and not to apply these strategies in face to face situations oneself is inconsistent, in my view, and many teachers have taken to heart the maxim:

‘If you are not modelling what you teach then you are teaching something else’

Perhaps this section of Brookes and McDonough’s paper should be required reading by all teachers before they try to use restorative conversations with their students?

Nevertheless the reason why I still like the phrase ‘restorative conversation’ in relation to these questions in whatever context they are used, is that the *intention* behind them is restorative. When someone ASKS a student for their perspective on a situation, their feelings about it and their ideas for a way forward, as opposed to TELLING them what to do and not listening. In other words, any kind of conflict harms the connection between those involved and this disconnection can be exacerbated if the teacher does not respect the students’ viewpoint in the way they engage in dialogue with them about it. So whether the harm being addressed has occurred between the teacher and the student, or whether it has involved others, by asking the student for their perspective, feelings, needs and ideas the teacher is signalling a willingness to remain in dialogue, to work WITH the student, and to restore harmony between the two of them and possibly others.

7.0 Do we need the phrase ‘restorative approaches / practices’?

Brookes and McDonough make a well-argued case for retaining the phrase ‘restorative justice’ and there may well be merit on some of the points they make. Indeed I would add another – and suggest that rather than be perturbed about the use of ‘justice’ in school because of its associations with ‘criminal justice’ we think instead of the word ‘justice’ in terms of ‘social justice’. The kind of culture changes restorative change agents are envisaging in schools (Blood and Thorsborne 2005; Hopkins 2004) and in the wider community (Sullivan and Tifft 2001) have much in common with the aspirations of those working in the field of social justice.

However the point is that educationalists the world over have chosen the term they prefer. As Nancy Riesterberg put it, ‘the cat is out of the bag’ and I do not think that it would be fruitful to insist they revert to a phrase that they clearly found unhelpful.

Most of Brookes and McDonough's recommendations relate to changes in terminology and I would simply say that I believe we should allow educationalists to develop their own discourse, with its own underpinning theories, its links to existing educational initiatives and its own terminology. The field is an exciting and dynamic one – and one evolving more rapidly and with greater success than in other sectors. Indeed in my view the development of whole school restorative approaches is creating a discourse about organisational change along restorative lines which puts educationalists ahead of the field.

5.0 Obstacles to development

Brookes and McDonough believe that the confusion over terms 'presents a formidable obstacle to the development of restorative work in Scotland'. It would be interesting to know whether the evaluation of the three pilot projects in Scotland comes to the same conclusion. Certainly my own doctoral research, one of the case studies of which was based on the North Lanarkshire project, detected no sense that terminology is presenting a hurdle. However if Brookes and McDonough have compelling evidence for confusion then it would be useful to invite Scottish teachers to decide what terminology they prefer. It may be that they choose to come to a consensus on usage that is different from usage elsewhere – time will tell.

My own belief is that a far more serious hurdle to development would be the failure to learn the lesson from independent evaluation in Scotland and elsewhere, and from my own doctoral research, that projects will fail unless they are nurtured – and this means adequate, ongoing funding and enthusiastic commitment from national government and local authorities. Schools where training has already taken place need continuing support in terms of refresher training for those already trained, ongoing training to bring whole staff teams on board, constant monitoring and evaluation of practice, and gradual integration of restorative values and principles into all school policies. Furthermore schools cannot successfully take the lead on a restorative approach in isolation – other services involved with children and young people need to understand restorative philosophy and work in similar ways, working WITH families and children and not doing things FOR them or TO them (Wachtel and McCold 2001).

In conclusion I would like to say that what matters in Scotland, as elsewhere, is that young people and school staff are able to go to school feeling safe and engage

in teaching and learning to the best of their ability without feeling threatened or intimidated. Furthermore it is important that the young people receive, not only an academic education, but also training in skills that will serve them for life as productive and responsible citizens – including those of building, maintaining and repairing relationships. They also need to know that when things go wrong they will be treated with respect whether they have caused harm or been harmed, (however that is defined), that they will be listened to and be supported in finding ways forward that leave everyone feeling better. I trust that Brookes and McDonough share this belief and it would be a shame if disagreements over terminology divided us when we are pursuing similar goals.

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Bibliography

- Blood, P. (2005). *The Australian Context – Restorative Practices as a Platform for Cultural Change in Schools, XIV World Congress of Criminology: Preventing Crime & Promoting Justice: Voices for Change*. Philadelphia, Pennsylvania, USA.
- Blood, P., & Thorsborne, M. (2005). *The Challenge of Culture Change - Embedding Restorative Practices in Schools, 6th International Conference on Conferencing, Circles, and other practices*. Sydney, Australia.
- Braithwaite, J. (2002). *Restorative Justice and Responsive Regulation*. Oxford: Oxford University Press.
- Bush, R. A. B., & Folger, J. B. (1994). *The Promise of Mediation - Responding to conflict through empowerment and recognition*. San Francisco: Jossey Bass Wiley.
- Cremin, H. (2002). (pp. personal conversation).
- Daly, K. (2000). Revisiting the relationship between Retributive and Restorative Justice. In H. Strang & J. Braithwaite (Eds.), *Restorative Justice. Philosophy to Practice* (pp. 33-54). Dartmouth: Ashgate.
- Hopkins, B. (1999a). Restorative Approaches in the Community. *Mediation*, 15, 3-4.
- (1999b). Restorative Justice in Schools. In T. V. Partnership (Ed.), *Restoring the Balance – a handbook of Restorative Approaches in Community Safety*: Thames Valley Partnership.
- (2002). Restorative Justice in Schools. *Support for Learning*, 17, 144-149.
- (2003a). Restorative Justice in Schools. *Mediation in Practice*, 1, 4 -9.
- (2003b). Restorative Justice: meeting the needs of the whole school community. *ACE Bulletin*, 114, 7.
- (2004). *Just Schools*. London: Jessica Kingsley Publishers.

- (2005). Are schools modelling what they are teaching? *Mediation Matters*, 78, 14-16.
- (2006). *Implementing a restorative approach to behaviour and relationship in schools - the narrated experiences of educationalists*. Unpublished thesis, University of Reading.
- Maxwell, G., & Buckley, S. (forthcoming 2007). Respectful Schools: Beyond Punishment and Exclusion in New Zealand. In B. Morrison (Ed.), *Restoring Safe School Communities: International perspectives*. Cullompton, Devon: Willan Publishing.
- McCold, P., & Wachtel, T. (2002). The Worst School I've Ever Been To: Empirical Evaluations of a Restorative School and Treatment Milieu, *Dreaming of a New Reality," the Third International Conference on Conferencing, Circles and other Restorative Practices*. Minneapolis, Minnesota.
- Moore, D. B., & McDonald, J. M. (2000). *Transforming Conflict*. Sydney: Transformative Justice Australia.
- Morrison, B. (2001a). Restorative Justice and School Violence, *International Conference on Violence in Schools*. Paris: The European Observatory of Violence in Schools.
- (2001b). Restorative justice and school violence: Building theory and practice, *International Conference on Violence in Schools and Public Policies*. Paris.
- (2001c). The School System: developing its capacity in the Regulation of a Civil Society. In H. Strang & J. Braithwaite (Eds.), *Restorative Justice and Civil Society*. Cambridge: Cambridge University Press.
- (2002). Bullying and Victimization. *Trends and Issues in crime and criminal justice*, 1-6.
- (2005a). Building Safe and Healthy School Communities: Restorative Justice and Responsive Regulation, *Building a Global Alliance for Restorative Practices and Family Empowerment, Part 3', the IIRP's Sixth International Conference on Conferencing, Circles and other Restorative Practices*, (pp. 97-111). Penrith, New South Wales, Australia.
- (2005b). Restorative Justice in Schools. In E. Elliott & R. M. Gordon (Eds.), *New Directions in Restorative Justice* (pp. 26-52). Cullompton, Devon: Willan.
- (Ed.) (forthcoming 2007). *Restoring Safe School Communities: International perspectives*. Cullompton, Devon: Willan Publishing.
- PiE (2005). Restorative Justice in Schools. London: Youth Justice Board.
- Riestenberg, N. (2000). Restorative Schools. *Conciliation Quarterly*, 19, 6-7.
- (2001). In-School Behavior Intervention Grants- Final Report 1999-2001 (pp. 1-18). Minnesota: Minnesota Department of Children, Families and Learning.
- (2005). *PEASE Academy: The Restorative Recovery School*.
<http://www.safersanschools.org/library/peaseacademy.html>
- (unpublished). Applying the Framework: Positive Youth Development and Restorative Practices.
- RJC (2004). *Principles of Restorative Processes*.
http://www.restorativejustice.org.uk/resources/pdf/Principles_final_doc_2004.pdf
- Sawatsky, J. (2001). A Shared JustPeace Ethic: Uncovering Restorative Values.
- Sullivan, D., & Tift, L. (2001). *Restorative Justice - Healing the Foundations of our Everyday lives*. Monsey NY: Willow Tree Press.
- Thorsborne, M., & Vinegrad, D. (2002). *Restorative Practices in Schools*. Buderim: Marg Thorsborne.

- (2004). *Restorative Practices in Classrooms*. Buderim, Queensland: Marg Thorsborne.
- Wachtel, T., & McCold, P. (2001). Restorative Justice in Everyday Life. In H. Strang & J. Braithwaite (Eds.), *Restorative Justice and Civil Society* (pp. 114-129). Cambridge: Cambridge University Press.
- Zehr, H. (1990). *Changing Lenses*. Scottsdale, PA: Herald Press.
- (2002). *The Little Book of Restorative Justice*. Intercourse: GoodBooks.