

# Restorative Practices for Schools

A Resource



**The Restorative Practices Development Team**

School of Education  
The University of Waikato  
Hamilton  
New Zealand

December, 2003

Developing Restorative Practices in Schools: A Resource.

ISBN 0-9583318-5-5

Published by The School of Education, University of Waikato,  
Hamilton, New Zealand.

Authors: The Restorative Practices Development Team,  
University of Waikato.

Helen Adams, Kathy Cronin-Lampe, Ron Cronin-Lampe, Wendy  
Drewery, Kerry Jenner, Angus Macfarlane, Donald McMenamin,  
Brian Prestidge, John Winslade.

Copyright is asserted by the Restorative Practices Development  
Team, School of Education, University of Waikato, Private Bag  
3105, Hamilton, New Zealand.

December, 2003.

Front Cover: Photo courtesy of Waikato Times.

E ngā waka, e ngā reo, e ngā mana, tēna tātou katoa.

Tēnā koutou, nā te Atua nei i atawhai. He mihi nei hoki ki ngā kura o Tamaki Makaurau, o Te Tai Tokerau hoki, e whakauru ana ki roto i te mahi whakahirahira nei.

Anga mai ā tātou whakaaro ki te pepeha nei,  
“Tēnā te korowai o te aroha”

Te Tāhuhu o te Mātauranga  
Te Whare Wānanga o Waikato

Greetings to each canoe, each district, and each tribe. May you be guided and cared for always. A special mention to all who were involved in the project, particularly the participating schools in the Auckland and Northern regions.

Our thoughts turn toward the maxim which guided the project,  
“Behold the greatness of acceptance”

This Kete of resources is dedicated to the growth and health of our young people through the use of restorative practices in schools. It recognises the efforts that people are already making for this goal and acknowledges the complexity of the task.

As someone told us in our consultation conversations, “Pai rawa atu i nga mea katoa: Really really do your best in everything. This must be true for all – parents, teachers, pupils, whanau, and community.”

*Nāu te rourou, Nāku te rourou, Ka ora te iwi.*

*From my foodbasket and your foodbasket comes the wellspring for all.*

The Restorative Practices Development Team  
School of Education  
University of Waikato

# Contents

A Note about Using this Material.....	vi	<b>CHAPTER FOUR: CONFERENCING PROCESSES .....</b>	<b>17</b>
Our Acknowledgements .....	vi	Restorative Interviewing.....	17
<b>CHAPTER ONE: INTRODUCTION .....</b>	<b>1</b>	Process Outline for a Restorative Interview.....	18
A Background to this Resource Booklet .....	2	Some ideas about questions to use in the conferencing process.....	21
The Philosophy Underpinning this Work .....	2	<b>CHAPTER FIVE: RESTORATIVE CONFERENCES.....</b>	<b>23</b>
Implications of the Treaty of Waitangi .....	3	What is a Restorative Conference?.....	23
The Psychology of Mana.....	4	A Story of a Conference .....	24
Restorative Justice Principles .....	4	Step by Step Description of the Hui Process .....	28
Ways of speaking.....	5	Stage One: Before the Restorative Conference .....	28
<b>CHAPTER TWO: THINKING ABOUT RESTORATIVE PRACTICES. 7</b>		Deciding to run a Restorative Conference .....	28
Structural Aspects of Respectful Relationships in Schools .....	8	Appointing a facilitator.....	29
Times of welcome and greeting .....	8	Decide who needs to be involved in the hui.....	29
Practices of care .....	8	Research the background issues .....	29
Classroom practices that hold relationship as central to academic achievement.....	9	Whānau meetings .....	30
Discipline practices that support and uphold the mana of each person .....	9	Stage Two: Beginning the Restorative Conference.....	30
School management practices that invite belonging and a sense of 'our school' .....	9	Preparation .....	30
Restorative Practices and the School Disciplinary System .....	10	Beginning the hui.....	30
Restorative justice in schools.....	10	Stage Three: Mahi Phase I .....	31
Practising Respect .....	11	Establishing the Take .....	31
Restoring relationship .....	11	Telling the story .....	31
Involve more stakeholders .....	11	Naming the problem.....	31
Focus on needs and obligations.....	11	Mapping the effects of the problem .....	32
<b>CHAPTER THREE: THE ROLE OF LANGUAGE IN CREATING SCHOOL COMMUNITY .....</b>	<b>13</b>	Stage Four: Seeking out the New Shoots.....	34
Spoiled identities.....	13	Mahi Phase II .....	34
Totalising language .....	13	Seeking out new shoots .....	34
Deficit language .....	14	New descriptions.....	34
Internalising language .....	14	Stage Five: Forming the Plan .....	36
Some Alternative Ways of Speaking.....	15	Thinking about the future.....	36
		Forming the plan .....	36
		Ingredients of the plan .....	36
		Reviewing the working of the plan .....	36
		Te Otinga/The Ending .....	36
		Hākari/afternoon tea/supper .....	36
		After the Hui.....	37
		Review Meetings .....	37
		Celebrate achievements .....	37

<b>Classroom Conferencing</b> .....	<b>37</b>	Include the young person's friends .....	42
Key Concepts in the Conferencing Process .....	39	Focus on the actions and not the person: but take care! .....	42
Accountability/Justice .....	39	Spend time developing a plan and recruiting support for it ...	43
Reparation and reconciliation .....	39	End the Conference on a Positive Note .....	43
Group decision-making .....	39	Fishhooks for Facilitators .....	43
Information sharing .....	40	What People Have Said About the Process .....	44
Co-operative approach .....	40	Facilitators .....	44
Community Base .....	40	Management .....	44
Breadth of outcomes .....	40	Teachers .....	44
Flexibility .....	40	Parents .....	44
Reconciliation and Reintegration .....	40	Counsellors .....	44
Culture of the School .....	40	General Positive Comments .....	44
Community of Care .....	40	Research on Restorative Practices in Schools .....	45
Focus On Possibility .....	40	Reflecting on our Two Projects .....	45
Alternative Stories .....	40	What are the issues to consider? .....	45
Thick and Thin Descriptions .....	40	Some Recommendations on Introducing Restorative Conferencing .....	45
<b>CHAPTER SIX: REFLECTING ON USING RESTORATIVE CONFERENCEING</b> .....	<b>41</b>	Implementation .....	46
Some Principles to Keep in Mind .....	41	Who Should Facilitate Conferences? .....	46
The problem is the problem .....	41	Recommendations on Training .....	47
The focus is on making amends .....	41	Resourcing of Restorative Conferencing .....	47
Transform grievances rather than fix problems .....	41	<b>APPENDICES</b> .....	<b>47</b>
The victim's voice must be heard .....	41	Overview of the SRI Northland Project .....	47
Forgiveness takes time .....	42	The University Of Waikato Research Team .....	48
The victim's and young person's communities must be involved .....	42	Useful Print-based Resources .....	49
Tuakana/Teina .....	42	Web Sites and Web-Based Resources for Restorative Justice .....	49
		References cited in this Resource booklet .....	51

# A Note about Using this Material

This booklet has been prepared for the use of a range of educational professionals who are interested in introducing restorative practices in their school. Different parts of it will be of interest to different people, depending on your place in your school's system. Some may want to skip the earlier chapters and go straight to the process, but we would advise you to read the whole before you try it out. Others will be more interested in deciding whether you can put your weight behind such an initiative: the earlier chapters are for you. However you use it, please do note that this is not a recipe book that you can simply follow slavishly and get the desired results.

The materials in this Kete (resource booklet) were originally prepared for the use of schools for the purposes of reducing suspensions. The original two projects were funded by the New Zealand Ministry of Education. The materials presented here have been substantially revised for the purposes of broader dissemination of the practices and the ideas that underpin them.

The Project Team at the School of Education University of Waikato requests acknowledgement on any copying or use of these materials. These materials may not be sold or copied for sale.

We are keen to hear how you get on, how the resources work, and what modifications you would suggest. We are particularly interested in supporting the development of skills in this work, and we have people available to run trainings and ongoing support. We are also interested in supporting the development of a network of skilled practitioners throughout New Zealand and elsewhere, for the purposes of ongoing development of understanding of the processes outlined here, and of related practices.

## Further copies of this booklet can be purchased from:

Restorative Practices in Schools Project,  
Department of Human Development and Counselling,  
School of Education,  
University of Waikato,  
Private Bag 3105,  
Hamilton,  
New Zealand.  
Director: Wendy Drewery  
Email: [w.drewery@waikato.ac.nz](mailto:w.drewery@waikato.ac.nz)  
Fax: 00 64 7 838 4555  
Phone: 00 64 7 838 4500.

# Our Acknowledgements

The University of Waikato Restorative Practices Development Team would like to acknowledge the people from schools and their communities who give so much of their time to the education and development of our young people.

We were overwhelmed by the magnitude and success of the work being done, particularly for young people who are the subjects of rising suspensions and stand downs. We were very subdued by the repeated realization that the antecedents of this problem and the efforts to work it out have been spoken and protested for more than a century, and not only by Maori.

We acknowledge the Principals and other senior managers, counsellors, kaimanaaki, Board of Trustees members, teachers, pastoral care workers and support staff who supported our projects and/or attended the training workshops. Their generosity towards their students was evident in their participation.

We thank John Good, Carla White and John Matheson of the Ministry of Education for their support of this work, and for enabling our input to what is in fact a much broader project, with many different aspects involving many different people.

And we thank the School of Education at the University of Waikato for the environment and resources which reflect its ongoing support for projects such as this.

Tēnā koutou, Tēnā koutou, Tēnā koutou katoa.

# CHAPTER ONE: INTRODUCTION

Aotearoa New Zealand has a long tradition of restorative justice and related practices. Māori have engaged in hui style meetings to resolve conflict for as long as many can recall. More recently, taking a lead from Māori, Family Group Conferences became part of the legal process through the Children, Young Persons and their Families Act 1989. This in effect mandated hui-like processes into law in relation to youth justice and also child welfare. More recently again there has been a huge growth of interest in the use of restorative justice, not only for youth but also in the adult courts (Morris & Maxwell, 2001). In New Zealand a four year pilot is in progress, trialling the use of conferencing for referrals from the adult courts.

Interest in restorative justice has not been confined to this country. In Australia and the United States of America, academics and local authorities have developed and trialled their own processes. Canada has a history of trials and implementation almost as long as ours. Further pilot projects are being mandated in the UK at the time of writing. It is clear that restorative justice is an idea whose time has come.

Rising interest in restorative justice has been fuelled at least in part by the exponential increase in numbers being imprisoned. This has coincided with a growing climate of concern for the victims of crime. Interest in restorative conferencing in schools has to some extent paralleled the trajectory of interest in restorative justice in New Zealand: a huge increase in numbers of suspensions and concern about the fate of young offenders, combined with high rates of truancy and concern about school discipline in general are all part of the mix. However, the precise goals of introducing restorative justice-like processes in schools are to a large extent unclear. To begin with it was hoped that the introduction of conferencing in schools would lead to a reduction of suspensions. And certainly, the schools participating in our Northland project (see below) showed up to a 25% reduction in suspensions in the first months of that project. Nevertheless, it was unclear to what extent this success was the result of putting those schools' practices under such close scrutiny, and to what extent it was due to their commitment to the conferencing process. Participants' satisfaction with our first project was high according to the formal evaluation, but the criteria for this satisfaction were also unclear. As far as we can tell, the ongoing progress of schools who have embraced these ideas has not been systematically researched, though there are plenty of ad hoc stories about stunning outcomes. In spite of the success of our first Ministry funded trial, and the huge interest there has been from schools, there has not been a systematic introduction of restorative conferencing into schools.

Of course, it would be almost impossible to introduce these ideas in a systematic way. There is a wide variety of processes currently on offer, some packaged more attractively than others. Groups of education professionals, such as school counsellors, have registered a strong interest in the "restorative" aspects of the process, and their enthusiasm is not to be stopped. Staff in Senior Management tend to have varying attitudes to it: on the one hand there are

so many ideas around that purport to be the "next best thing" to cure the ills of education that it can be difficult to choose amongst them – or to believe all their claims. On the other hand, because many of the ideas put up for trial require long term evaluation, the research community is (understandably) often a long way behind in evaluating projects. Sometimes, too, the proponents of "solutions" are perceived to have a stake and therefore may be seen as biased – and so there develops a scepticism about the enthusiasm with which new ideas are presented. Schools are complex communities that are constantly shifting and changing: it is impossible therefore to say with any certainty that one or another intervention is the cause of suspension reduction or any other effects. However, this is not a good reason for not doing research or introducing new programmes, but it does call us to new and innovative ways of working. There has never been greater need for collegial collaboration between schools and the education research community, or indeed, for collaboration between the education disciplines, including educational psychology, and our colleagues in the legal profession.

As our first project progressed it became very clear to us that the practices of restorative conferencing called upon the entire school community to examine its relational practices. For example, one of our early conferences ended among other things with the realisation that the school was not offering a safe environment. At the same time the relationships of the school to its Māori community were opened up by the process of the conference. Teachers and Deans ended up understanding more about the young man who was the initial catalyst for the conference, so that they also understood why he was constantly late, and why he often seemed to end up fighting. In other words, the original reason for the conference seemed to fade into a much broader canvas, and the Principal and other Senior Managers, some of whom attended the conference, were astounded at what they learned about their school. With much good will, they then set out to change what they had seen and did not like. (Of course this was not so simple!) Repeated experiences like these led the Team to suggest that the processes offered here are not simply about conferencing – they are about restorative practices, a more inclusive concept altogether.

This resource booklet is a response to the interest shown by colleagues in schools in New Zealand as well as by colleagues internationally in the work we at the University of Waikato School of Education have done to date on restorative conferencing and restorative practices in schools. It is very much a work in progress. We undertook the Pilot Project to Trial Restorative Conferencing in Schools in the form of an action research project. Then in 2000-2001 we offered training to 34 schools on the basis of that previous project. This too was conceived as a process of action research. This means that we have continued to incorporate our learnings from these projects, from doing conferences ourselves and from feedback received from facilitators and schools, into this resource booklet. We continue to work with schools who have invited us to do so, on the basis of collaborative action research principles. We have not

reached the end of this learning process. However, because of the interest shown by schools and others from around the world, we thought it may be useful to reproduce here some of our reflections on those projects – a kind of “The Story So Far”. It is true that although our first project was formally evaluated and came out with high levels of satisfaction among participants, there is a great need for more research into the process of conferences, and restorative features of conversations generally. We hope that if you use the processes outlined here you will also be motivated to communicate some of your experiences to us, at the address given at the front of this Resource booklet.

In the interests of simplicity we have kept the referencing within the text to a minimum. There are some selected references at the end for those who wish to pursue the ideas presented here.

## A Background to this Resource Booklet

During 1999-2000 a team from the University of Waikato worked on a pilot project, funded by the Ministry of Education, to develop a process for using Restorative Justice for Conferencing in schools around the Waikato. We named this project (and that process) Te Hui Whakatika. The intention of the project was to try to keep students in schools, rather than suspending them. The numbers of students being suspended from secondary (and primary) schools had been rising exponentially throughout the country. Māori students, especially Māori boys, were over-represented in numbers suspended. The project was in some ways an outgrowth of the work of Judges M. Brown, McElrea and Carruthers, who had written and spoken publicly about their concern about the numbers of young people coming before the courts (Brown, 1993; McElrea, 1996). The Waikato project picked up on their ideas about the probable value of using restorative justice principles for young people in schools. We melded those ideas with some ideas from Māori hui-making, and also with ideas about narrative therapy and respectful ways of speaking taught in the Counselling Programme in which some of us are teachers. Conferencing had of course been used for some time by the Department of Child Youth and Family Services as the Family Group Conference, and this history too informed our work. In that first project, we worked with five schools with very different characteristics, who implemented the ideas in very different ways. The Project was evaluated by a team from The University of Auckland, who found that there was substantial satisfaction among participants with the outcomes of the process. However it was clear that taking on this process in a formal way could take up a lot of time – one school employed a community worker to do the networking and setting up that conferencing required, with quite a lot of success.

The Suspension Reduction Initiative (SRI) is a nation wide initiative from the New Zealand Government, through the Ministry of Education (MOE), which aims to reduce the numbers of Māori students being suspended from mainstream secondary schools to at least the same levels as those of non-Māori students. As part of the SRI John Good had worked with the 29 schools designated under the SRI in Northern Region, and together those schools had signalled an interest in knowing more about Restorative Conferencing. The Waikato team was successful in tendering to

work with these schools in a 15 week project that ultimately would span three semesters, from August 2001 until April 2002. We were pleased to accept this task because we knew that the work of our first project was nowhere near finished, and that although the conferencing work was certainly powerful, we had not found any definitive answers to how the conferencing process works, and might work better still.

As noted above, we had also recognised that when a school decides to do conferencing there seems to be an inevitable implication for the entire culture of the school. For this reason we proposed that the work of the second project would be about more than conferencing, it would be about restorative practices. So we set about working out more about what these might be, and what they might mean for schools. We relished the possibility of working with people in so many schools to think about the problem of how these practices could be made even more useful in helping reduce suspensions of Māori students.

Central to our commitment to developing Restorative Practices in Schools is the belief that the knowledge as to why this situation with suspensions exists, and the knowledge of what to do about it, is most likely to be found within the schools and their communities. As a university team we have felt privileged to join with schools and their communities in conversations (and ultimately, work) that will promote practices of ‘restoration’ in schools. Restoration is a word that needs to be defined more carefully, but we believe that the centre of the idea of restoration is relationship. In schools, it is about relationships between people associated with schools, whoever they may be, including whānau (extended family), parents, teachers, students, Senior Management, Board of Trustees (BoT) members, kaumātua (elders), the local marae komiti, and all people in the community of care around the school.

The current resource booklet builds on ideas which were initially developed during these two projects. The Developing Restorative Practices Project Team is a growing and changing group of practitioners and researchers based at the School of Education, University of Waikato. We continue to work with, develop and research these ideas.

## The Philosophy Underpinning this Work

The philosophy or kaupapa that informs the work of the Team has evolved over a relatively long period of time, and it is still evolving. During the 1980s some of us in the Counselling Team noted that Māori were not accessing counselling, in spite of our belief at the time that they were an oppressed group who could benefit from it. Since then our own understanding of the colonising effects of much euro-western psychology, including much counselling, has continued to evolve: for example, we see our earlier beliefs as unnecessarily totalising and to an extent disrespectful. As a result of this thinking we sought, and found, a particular style of counselling that we felt might offer the possibility of not doing more harm than good. This approach is called “narrative therapy”, which originated from the work of Michael White in Adelaide and David Epston in Auckland (Monk, Winslade, Crocket, & Epston, 1997; White &



Epston, 1992; Winslade & Monk, 1999), whose motivations included that, like us, they had found that some ways of doing therapy were oppressive, and that aspects of euro-western psychology were also oppressive.

In taking this position of critique of euro-western psychology we find ourselves in the company of many others around the world, including post-colonial theorists, critical psychologists, and postmodern sociologists. Of course this critique extends beyond psychology to address a broad range of colonising disciplines and practices (Burr, 2003). Many such practices are foundational to social services in Aotearoa New Zealand. Since the 1970s this global movement has been gathering momentum, challenging among other things the dominating euro-western thinking about such things as development, ownership, statehood, representation and even the very nature of personhood. This critique has major implications for young people in our current education system. For example, euro-western education is built upon the belief (among others) that we educate individuals to become more independent from one another as they grow up: and at the end of adolescence they are supposed to achieve cognitive and moral maturity (Drewery & Bird, 2004). One of the signs of this maturing is leaving home and separating from the family. In this system of thought, the young adult reaching “maturity” is expected to have developed all the skills and understanding necessary for life in the modern world. Māori commentators such as Mason Durie (M. H. Durie, 1997) and Arohia Durie (A. Durie, 1997) and many others continue to voice their concern that the value underpinnings of euro-western psychology and indeed euro-western education are in fact contrary to many of the fundamental values of Māori culture, such as whanaungatanga (interconnectedness) and manaakitanga (care and hospitality) (Macfarlane, 2000).

At the same time, social changes are taking us toward new horizons. In this new millennium, we are constantly told that (for example) most young people will have to re-train at least once or more during their adult lives (think about what is happening to bank tellers); new jobs are being invented all the time (e.g. web design) and old ones are dying out (such as in freezing works); globalisation (the move to sell local companies and locate them internationally – often in cyberspace) is affecting the way we do business (or not). No-one is so remote that they are not touched by these developments, and many of the schools in the original projects were directly affected by some of these social processes. On top of this we also know that people are living longer, with concomitant concerns for sustaining an ageing population. These issues raise a lot of questions about the future of our young people. We think it is clear that the future is not going to be like the past. It seems possible that the need to learn in order to take up a vocation, or in order to be financially independent, may not be as directly relevant for new generations of young people as they might have been for their parents. We believe that many of our young people understand these things at some level – though perhaps not as explicitly as this.

## Implications of the Treaty of Waitangi

The Restorative Practices Project is closely allied with the relationships between Māori and Pākehā in this country. In Aotearoa New Zealand, we have a history in which two peoples signed a Treaty. It is acknowledged that one partner to the Treaty has not fully upheld their obligations under the Treaty. Since well before the frustrated attempt of Tawhiao to talk with Queen Victoria, one Treaty partner has appealed to have the Treaty honoured. Yet the ravages of disease and unhelpful Education policies have ensured that generations of young Māori have grown up without knowledge of their whakapapa (genealogy) or of tikanga Māori (customs). At the same time, generations of Pākehā have grown up learning a biased history of this country. When they understand the ways in which such injustices are still being perpetuated, many Māori are rightfully angry. Many current Māori education initiatives are aimed at redressing these wrongs and reclaiming a birthright. But such things do not only need to be understood by Māori. If we are to live as Treaty partners in the future, we also need to talk to each other. This calls for a different kind of conversation from the kinds that have dominated the last 200 years of colonization. This Project is, among other things, a contribution to the search for better conversations about these issues.

We believe that sometimes it is not possible to “hear” what someone else is saying because the parties do not have the same understandings or concepts that are being used by the person they are trying to talk with – in other words, they are unable to “listen” adequately. We think that this is the situation between many Māori and many Pākehā. We also think that this is the situation in which many people who are in trouble find themselves. It is the experience of being at the margins of what is normal, of what is “expected”. Sometimes this position is defensible, sometimes it is not. Sometimes people choose to place themselves at the margin, sometimes others, such as those in authority, place them there. When such a situation occurs, the protagonist can find themselves in a situation of disconnection, of not belonging. At such times it is possible to feel as if one’s identity is threatened. Such feelings breed resentment and, potentially, further alienation. From such a position, it is difficult to make constructive changes or to be taken seriously in one’s dreams for life.

This sense of disconnection, of loss, and of disorientation, is one that is becoming more and more common among young people and among the general population, as the world changes and many people find themselves in situations for which they have little or no preparation. This is as true of teachers and parents as it is of the students. It is thus no surprise to us that the numbers of students coming into sometimes bruising contact with the laws of both their schools and of their society is rising. But the answer is not harsher punishments and more police.

# The Psychology of Mana

The “father” of restorative justice, Howard Zehr, speaks of respect as the basic value of restoration. Macfarlane offers us a psychological concept that speaks to a Māori perspective on respect. Macfarlane suggests that the conference holds as its highest value what has been called “the psychology of mana” (Macfarlane, 1998). Mana is a concept that encompasses the idea that every person, no matter who they are or what they have done, has a right to be treated as a person who has personal dignity, and who deserves to be cared for (manaakitanga). He is someone’s son, someone else’s grandchild, and his community of care (whānau) is presumed to want the best for their mokopuna, in spite of everything.

This does not mean that we refrain from addressing behaviours that are wrong. But it does mean something that is crucially important to the Restorative Conference, namely, that every person involved is treated as a sovereign person – as someone who is able to take responsibility for their actions (even if they do not do so). This is a principle that applies to both Māori and Tauīwi participants, on both “sides” of an issue. This approach to problems invites questions about what is preventing a person from acting differently - yet at the same time, it invites all persons present into positions of responsibility. The theory of this is that when people are called into positions of responsibility, and treated as if they are able to take up such an invitation, particularly in relation to those present, they move into a position from which they can respond positively. The antithesis of the psychology of mana is that a person who perceives the people present speak about him disparagingly, or speak about him as if he is not present, or leave him out of the conversation altogether, will take up an oppositional stance in self-defence.

The Project Team recognises the wisdom of King Tawhiao, “Kotahi te kōhau o te ngira” (There is only one eye of the needle). This means that there is room for persons of all races and all backgrounds to come together to weave a multi-coloured thread. It is important to encourage all participants to recognise and where possible come to understand the cultural and family circumstances of each person, and that these must be respected at all times.

## Restorative Justice Principles

The restorative model of justice views crime as an interpersonal conflict between the victim and the offender that needs to be addressed (Zehr, 1990). Where retributive justice defines crime as a violation against the state (or in this case, the school) restorative justice defines crime as the violation of one person by another. Proponents of restorative justice argue that the response to crime must begin where the problem begins, within relationships. Crime is not first an offence against the state or the school; it is an offence against people. It would be possible to suggest that the initial rupture is in the integrity of the person who exhibits such behaviours. Even if there has been no previous contact among those present, a crime brings a community of affected people together, and hence, creates relationships, but it may not be the kind of relationships that are preferred. The central goal of restorative justice is therefore the healing of the relationships damaged by the crime.

The notion of restorative justice challenges, to some extent, the adversarial mode of most legal processes (Zehr, 1990). It begins from a position of respect for those affected, including both the victim and the offender, and their communities of care. The objective of the restorative justice process is to offer an opportunity for the offender to make amends on a variety of levels – victim, community, self - and in the process to restore relationship. It is even thought to be possible to transform relationship through such processes: through dialogue, the skilled facilitation of the emergence of perspectives and the consequent creation of new meanings (Toews & Zehr, 2003). Restorative justice is sometimes contrasted with retributive justice, which is the process whereby the crime is assessed and the offender punished in relation to the nature of the crime. However, it is often the case that punishment or a related consequence is one of the outcomes of a restorative process: the point is that punishment is not the main objective.

Restorative justice defines crime as a conflict between individuals in which their relationship is at the centre stage. Restorative justice focuses on the harmful effects of the actions of the offender on the victim. Accountability is no longer determined by an application of the law. The offender is required to meet the victim of his crime, to hear the full extent of the impact of the offending, and accept responsibility for his actions. Victims are provided with an active role in assisting the offender to understand the effects of the crime on them. The parties themselves (rather than a “third” or non-affected party) determine what should happen to make amends. This represents a radical change to the way in which “justice” is delivered in criminal cases. It is a process that can transform disciplinary processes in schools.

There are many different processes currently being used that purport to be doing restorative justice. Different approaches to restorative justice emphasise different objectives, for example victim restoration, shaming offenders, or community empowerment (White, 2003). The objectives of the process presented in this resource booklet include building peaceful community, where it is possible for people who are very different from one another to live together harmoniously; and to offer an opportunity for the offender to make amends in ways that do not objectify or oppress any of the parties. These objectives are founded on the belief that respectful dialogue is ultimately the only peace-building option we have, and so we (all) need to learn increasingly effective ways of working towards peaceful coexistence. This includes the idea that both victims and offenders should have at least an opportunity to discuss the offence, and to consider ways to make things right. Restorative conferencing encompasses the idea that there could be many different voices in a carefully facilitated conversation about the offending. The conference is not simply an opportunity for the official voice of the community or school authorities to speak and to adjudicate. It offers pathways to restoring the relationships that have been breached by the offence. Persons affected by an offence can benefit from the opportunity to confront the perpetrators of their victimisation, and in so doing both restore themselves to greater strength and offer an opportunity of redress to the offender. We believe that this kind of redress does much more to build a

peaceful community than do punitive actions that succeed only in producing people who feel that they have little shared investment in their community or school.

However we also believe that the current popularity of Restorative Justice in legal arenas risks overlooking the importance of the process aspects of conferencing, including both their relationship to personal psychological change and to the transformation of relationships. This is also true of conversations where someone is aiming to use their power over another to bring about a change in the other's behaviour, such as often happens within a school, but can also happen between police and presumed offenders, or parents and their children, and so on. Whilst legal process is obviously central to the practice of Restorative Justice, recent initiatives have tended to overlook the importance of psychological process, including educational psychology and the psychology of group work, to these new practices. From a psychological perspective, it seems clear that there is a strong link between both the process of the conference, particularly the kinds of relationships that are forged within the process, and the success and longevity of its outcomes. However, although we have some ideas about this (or we would not be presenting the ideas in this booklet), it is less clear what are the precise aspects of process and other relevant conditions that make the difference. At The University of Waikato we are committed to working and researching further these psychological processes, particularly in relation to the ways people speak: on the nature of the dialogue, as much as on what is happening in people's heads. As you will see if you read on, we understand speech as productive of who we are, and that language is not only productive of meaning, it is productive of our very selves. For this reason we think that how we speak matters a lot. These ideas relate directly to the daily lives and work of education professionals, as producers of our students. And the reverse holds also, of course.

Restoration is mostly about restoring connection through increased understanding – it is not necessarily about keeping kids in school or out of prison. While there are some suggestions in the literature that the processes proposed here, together with other similar processes now operating around the country, may in fact achieve these outcomes, we do not support this Project solely because we want to stop kids from being suspended or excluded from schools.

Clearly, we are but one of many teams who are working for similar objectives. Answers to complex situations can be better achieved when people of goodwill work together to come to common understandings. Even individual success must be tempered by consideration for others. Thus, just as the restorative conference is not a solo turn, our project is one that we do not expect will be resolved by any single team, approach, person or school. It is a matter for collaboration, for many voices, and for a lot of goodwill. As the original project progressed, it became clear that there is a huge range of ideas and actions taking place in schools that are examples of restorative practices. Many of these were noted in our original report. In this booklet however we will present only the processes that we have developed. Of course, these practices owe a great deal to other areas of endeavour and we make no claim to own these ideas. It is however important to us as a University team that we embrace and continue to research and to develop useful theory to underpin these practices.

## Ways of speaking

**Social constructionist theory (Burr, 2003) is built on two central pillars:**

1. The idea that knowledge can be claimed on many different grounds. Thus we expect that different people will see the world differently – they will have different 'realities'. Every person at the conference will see the situation differently, and each perspective is valued. No-one has "the".
2. A personal/political commitment that all people have the necessary capacities, strengths and wisdom to take charge of their own lives. This means that facilitators approach the conference with an unshakeable belief in the young person's capacity to understand and improve their situations themselves. But it does not mean that the young person never needs support.

**The implications of these ideas are far-reaching:**

3. The stories told by different participants could well contradict one another. This is not seen as an issue, as it is not the job of the conference to establish "the truth".
4. Some stories in a person's life are rehearsed a lot and some are less often heard. Those which are often heard come to be taken as dominant and may even be thought of as the only possible story or way of speaking about certain things. So for example the young person may come to the conference with a strong history of wrong-doing, and this will be very hard to shake. However, these stories are never all there is to know about this person. There will always be other stories that contradict the dominating bad story. The facilitator may have to work hard to bring such stories to light, but these "alternative stories" are the "sparkling moments" (White, 1989) that offer hope.

Some ways of speaking can alienate people so that they do not feel included in the conversation. Thus we try to speak in inclusive language, as experience has taught us that this usually has therapeutic outcomes. With very little trouble, the same message can be conveyed in a more invitational way.

Speaking respectfully does not cost much and it can be extremely effective in producing desirable outcomes. However, it is not as straight-forward as it sounds. This resource booklet and the projects from which it emerges derive from the idea that it is possible to reliably reproduce (and to study) processes for different kinds of conversation. In particular we are interested in conversations that will have the outcome of restoring persons from a state of disorientation to a state of being in community. In this resource booklet we concentrate on just three such forms of conversation:

- restoring strained classroom relationships
- restorative interviewing
- formal restorative conferencing.

Each of these kinds of conversation is based on the same basic process: we have given the fullest outline of these steps of this process, and reasons for it, under the heading Restorative Conferences. Outlines of the process are recycled several times

in this booklet. We have tried not to overwhelm you with technicalities in the hope that you will take in more and more about it as you go forward.

We offer you these resources in the hope that they will help you forward your own work on developing practices of respect in your school. If you are planning to run a conference, or simply to try the conversation process, we wish you well. Remember that the work offered here is not "fail-safe", and it does not come with a guarantee either. In the end, it is you who are the main resource. We found we learned more and more every time we did another

conference, and that no conference was like any other. So there is nothing like experience and openness to learning and developing your skills. We wish you the very best with your project.

It is anticipated that further publications will collate and describe many of the restorative practices that have flowed from these initial ideas. You are welcome to contribute to these future projects.

But first, we invite you to consider some structural aspects of your organisation as a school that determine or affect much of what goes on within and around the school.

# CHAPTER TWO: THINKING ABOUT RESTORATIVE PRACTICES

In this chapter we present some ideas that you may wish to make the topic of Board, student council, or staff meetings, as you think communally about what you want to achieve in your school. We expect you will want to modify and add to them for your own particular school and community situation.

This booklet aims to embody some ideas for a practical and achievable vision. It is a vision of what schools committed to their students and communities can do to produce a relational context that enables quality learning to take place. On the following page we describe one possible vision of a restorative school. We imagine that your school may wish to write its own description of what the school community is aiming for in becoming a "restorative school".

The single most important idea behind Restorative Practices is that respectful relationships between people are what really count. Research tells us that children learn better when relationships with teachers are good. There are lots of other really important purposes you might want to name, including that excellent endeavour we call education. But in the long run, it is the way people relate to and get on with each other that is our main goal.

Your school is asked to consider an invitation to develop an ongoing conversation with itself about how best to maintain relationships and belonging in the school community.

Restorative Practice takes that central idea of respectful relationships. By this we mean relationships that build the integrity and dignity of all persons within the school community – staff, students, carers and wider community. The primary resource for the implementation of the practices outlined here is the commitment of these members of the school community to one another. So we could ask:

'What are the practices that allow us to get on with our business (in this case schooling) while still holding respectful relationships as our central goal?'

or

'What can we do when relationships become somehow disrespectful? What are the practices a school can use to maintain or restore respectful relationships?'

Often ideas of strength and weakness get raised in conversations about order in schools. Strength is sometimes associated with a heavily punitive approach to maintaining order and anything else may be considered weak. We are suggesting that difficulties in relationships are on-going and to be expected in any community – schools no exception. Strength for us lies in the commitment to staying with that relationship in the face of inevitable difficulties, through to renewed growth in the school community. In this sense, restoration is about healing. But it is not about appointing designated "healers" (such as counsellors) and leaving it to them. This is work that all of us can take part in.

## A Restorative School

bravely takes on a new look at a traditional process of educating.

The centrality of judgement, deficit and failure is displaced by appreciation, alternative possibilities and hope.

Issues are addressed rather than students punished.

Teachers see themselves as in relation with students and their parents, not as authorities over them.

When disciplinary offences occur, the focus is on restoring order through restoring relationship rather than restoring authority.

The mana of individual students is maintained and grown, and not diminished.

The school community is committed to the integrity of all its members.

People speak respectfully of one another, including teachers, students and their families, recognizing that all families want success for their children.

Teachers and students look forward to the challenges they meet at school.

The voice of every student is heard rather than drowned by the noise of the loudest or weightiest.

Excellence is sought in respectful relationship.

Ensuring that everyone belongs in the school community is valued more than offering privileges to the few.

Hospitality is extended to parents and visitors.

The communities of care around the school and its students become very visible.

Students learn that living in a complex community is not only possible, it can be enjoyable.

There are significantly (schools overseas say 75%) fewer referrals to the office for bad behaviour.

School achievement soars.

Peace breaks out.

We remember what we are here for.

# Structural Aspects of Respectful Relationships in Schools

It is well accepted that the ethos of a school determines a lot about what happens within it, and what is possible within it for students. In that sense, the leadership of the school has a huge influence, because the kinds of things that get done in a school depend to a very large extent on the philosophy of the principal. This in turn may be backed up (or not) by the Board of Trustees, and supported and carried out by the Senior Management Team and in turn by the teachers and support staff. All these folk, then, create the ethos, or climate, within which students can learn (or not), and where parents of students, in all their diversity, may feel welcome or not. If you follow a philosophy that seeks complete unity of will in your students, then restorative practices are almost certainly not for you! This resource booklet takes for granted that schools are dealing with a great diversity of parents and students, not to mention families, and that each has their own perspective on life in your school. We are not trying to make everyone the same, but to find ways of peacefully co-existing, with respect and integrity.

To create, maintain and / or restore respectful relationships, a school might consider:

## Times of welcome and greeting

The objective here is that visitors and new school members feel a sense of inclusion and belonging in 'our' school, and current students and staff feel that they too matter. Things you might want to think about here include

### Visitors

How are visitors to the school met and greeted? What is it like to walk onto our campus when you don't know where to go? Thinking about the sort of visitors we get to our school, what particular needs do different visitors have - for clear signs, for warm welcome, for hospitality, for getting to the person they want to see?

### New Parents

How can new parents be helped to feel a sense of belonging in our school? What invitations might allow new parents to feel welcome to contribute to and participate in the life of the school community? How might those invitations be different for different groups of people? As a new (or existing) parent taking steps to raise a concern in our school, what are the implications of taking those steps? Where am I going to find myself?

### New Students

How are new students welcomed into their new school? What contacts have they had before arriving here? How could the loyalty and connection they feel for their old school be honoured? As new members of our school how might they help to prepare those coming later - during the year or next year? How can we foster new students' relationship with the students and history of our school?

### New Teachers

How are new teachers supported in the process of entering their new school? What practices help new teachers to come to belong at our school?

Question: Who has mana whenua status in our school? What implications flow from that for greetings and welcomes?

## Practices of care

How can we organise our school so that each person is ensured of support and care? Are there groups in our school whose needs for care will be met differently to others? What ways are there for both teachers and students to be involved with looking after the support of people in our school?

What are the different groups in schools that need pastoral care? You might want to look at what each group needs (and within each group, there may be different groups again). For example, teachers may belong to different groups, such as those with PR positions, or first year teachers, and so on. Similarly there may be different groups of students with their own separate needs to consider under this particular heading. Senior management may be the best cared-for under this heading (although it might not feel like it!), because it is often this group that meets in a collegial way on a regular basis - but then again, perhaps you don't! Support staff have their own different needs too.

Thinking about the needs of each group in relation to your objective should not feel onerous - it is after all up to the groups to take care of themselves in one sense, not to expect others to do it for them. One school consultation spoke really clearly about the need for supporting teachers with 'supervision'. The meaning of 'supervision' here is not one of surveillance, but rather the idea used by counsellors where a person meets, either individually or in small groups, to regularly talk about their work and its effects in their life. This is about supporting the person of the teacher as they go about their work. There are a number of different ways to offer supervision to teachers and school managers. What ways would be best for our school?

There has been some excellent work done with tuakana - teina relationships in Peer Support. Also peer mediation has been powerful in many schools. How would it make our school different if we engaged senior students more fully in the work of pastoral care? Other schools develop peer mentoring. Some schools do this by computer connections. How do you do that?

How can schools respond to past hurts that community members and schools may have with each other? If these relationships were restored in some way, what new possibilities might appear?

## Classroom practices that hold relationship as central to academic achievement

When disrespect or difficult relationships occur in a classroom, how can we respond in ways that restore good relationships? If restoring and maintaining good relationships was our goal, in the belief that good relationships in a classroom facilitate better learning, how would our practices in classrooms change?

Restorative classroom practices are probably quite varied – such as different styles of teaching and learning going on over time. Literacy is seen as an essential goal whatever else we choose to do. Oral use of Te Reo Maori needs to be encouraged - this language needs to be spoken!

There may be specific classes where these issues of relationship and belonging can be directly addressed. **The Health Curriculum** is one class where teachers and students are already speaking about relationships and ways of doing them. We (the team at Waikato) have been thinking that Health classes would be a good place for teachers and students to learn when to call and how to hold 'Classroom Conferences' (see Point 4 below). Are there other ways that the time of Health classes might be used to advance the place of relationships and belonging in our school?

One of the things made clear in consulting with schools was the importance of knowledge of the local place and history - local both as our area and as New Zealand. How can we advance local knowledge in students and teachers? Which classes / activities lend themselves to this? How would valuing local knowledge affect students' sense of belonging?

Would it be useful to develop streams within our school so that students wanting bicultural education can join with parents and teachers also wanting that to develop it – or to develop it further?

It seems clear that for many Māori students, having a whānau relationship with the teacher and others in the class is important. How do we look after this?

## Discipline practices that support and uphold the mana of each person

To maintain respectful relationships in the inevitable times of relationship difficulty – as well as at times of discipline - a school might pay attention to invoking an appropriate version of restorative conversation - Te Hui Whakatika / Restorative Conferencing around serious concerns, Class Conferencing for restoring classroom relationships, Restorative Interviewing for deans, administrators, counsellors and RTLBs.

**Te Hui Whakatika / Restorative Conferencing** is fully outlined later in this resource booklet. This is a way of drawing together a community of care around a student experiencing trouble. All those present (and others by message if necessary) join together in a conversation that names the problem (never a person), notices the effects of that problem, notices ways in which that problem is not present, and plans for actions which make it less likely that that problem will be present in the future. Because its focus is

on restoring damaged relationships, and because it is often very successful in that, Te Hui Whakatika / Restorative Conferencing often avoids the need for using suspension procedures.

How could this process be used in our school? Who would need to work together to achieve that?

**Class Conferencing** (more fully described later in the booklet) is based on the same ideas as Te Hui Whakatika / Restorative Conferencing. The idea is that when a teacher, student, dean or parent feels that class relationships have become disrespectful, that person may invoke a Class Conference. All the members of that class (or smaller groups within) together with invited caring others (teachers, dean, parents) join together in a conversation that names the problem (never a person), notices the effects of that problem, notices ways in which that problem is not present, and plans for actions which make it less likely that that problem will be present in the future. On return to a classroom routine, the new plan can be revisited daily for a time, and this could be with the help of trained senior students.

**Restorative Interviews** (also described in more detail later) are conversations informed by the ideas that the problem is the problem, the person is not the problem; and that our focus is on restoring any relationships that may have been damaged. Like Classroom Conferencing the practice names the problem (not a person), notices the effects of that problem, notices areas where that problem is not present, looks to grow those areas, and plans for actions which make it less likely that the problem will be present in the future.

### Restorative Conversations

Peer Support, Peer Mentoring and Peer Mediation ideas can fit in here. At times of conflict between students, or even when people in authority are having trouble with a student, peers can make a profound difference. Peers, in the form of senior students, can be present if a stand-down has occurred or the student is returning to school. Often a senior student can listen to why the problem has occurred and be helpful in ensuring that it has been dealt to.

## School management practices that invite belonging and a sense of 'our school'

School Leadership is a really important part of making a difference for students' and staff's experience of belonging in school. Who are the leaders of our school? In which areas are they leaders? How are ideas of the value of belonging expressed in different areas of leadership? How can leaders be supported in this? Do staff consult freely with one another? Do Senior Management seek a wide canvas of opinion before making decisions?

While the particular tasks of running a school are often given to a few specific people, there are many people who care about and would like some say prior to decisions being made. What models of leadership invite a wide sense of ownership in the school?

Some schools in this project take their Board of Trustees (BOT) meetings out into their communities to allow people more easy access to Board policy and decision making. Others are holding

parent teacher meetings in community settings as appropriate. What practices might further open the door to community involvement in decision making in our school?

Are there ways of inviting teachers and students to have a voice in school management and practices? Is this desirable? What might be some of the limits to this?

## Restorative Practices and the School Disciplinary System

The notion of restoration in this context derives from the interest in restorative justice and the use of conferencing in restorative justice. These links with justice, and the use of what has come to be called restorative conferencing in relation to suspensions, suggest that what we are doing here is centrally concerned with the school disciplinary system. However, if you have read the previous sections you will know that we are linking the use of restorative practices with relationships. Rather than locating restoration in law, discipline and justice, we are keen to see such practices as inviting the development of links between the disciplinary practices and pastoral care and student support functions in the school.

The school is a complex community that offers interesting possibilities for community- and nation-building. Of course, because it brings together (compulsorily) people from so many different cultural backgrounds and because it is a community focused on young people, with their families somewhat in the background, the school is a community that has very special characteristics as well. And each school has its own particular characteristics, which is why we think it is important that we do not tell you exactly what to do in your school.

### Restorative justice in schools

Restorative justice principles offer people in schools an invitation into a fresh way of thinking about school discipline. In the face of sometimes frequent frustration with difficult situations and on occasion serious misdemeanours, these principles open up space for some different ways forward. Our projects have explored some of the ways that these principles may be developed in practice. But let us for a minute consider the shifts in thinking promoted by and required for restorative justice in the context of school discipline.

In their responses to school misdemeanours and offences, schools have often tended to mirror what happens in the criminal justice system. School discipline systems are often quasi-judicial in nature. Just as in the criminal courts crimes are primarily thought of as offences against the state, in schools most offences are construed as offences against the school. In both cases, offences are considered more in terms of their challenge to the power of the authorities than in terms of any harm done to persons in the community. The use of punishment as a means of persuasion against anti-social behaviour dominates both criminal justice and school discipline systems. Such punishments are enforced by the authorities. In both contexts victims of offences are valued mainly as witnesses who

can support the demonstration of the power of the authorities. Any personal damage done to them is seldom considered a priority for restorative action.

Another feature of school discipline systems that mirrors the criminal justice system is the process of conceptualising problematic situations as the outcome of individual deficits of character. The focus of the disciplinary gaze is on the individual who is required to face up to his/her responsibilities to the school or state authorities. Often persons are defined in totalising ways in the process and implicitly invited to form identity around their offences. You will find more about this process of identity formation and totalising ways of speaking in Chapter 3.

For more serious offences, criminal justice systems act to protect the majority of citizens by locking young persons up. In schools, the equivalent is to lock young persons out. Just as the trend has been to lock up increasing numbers of people in prisons, schools are using suspension and expulsion more and more frequently. During the 1990s, the number of young people suspended from New Zealand schools more than doubled. The 1999 introduction of the "stand-down" in practice has served to increase this trend. In both cases, the major social danger of this trend is the creation of a disaffected class with diminished opportunity in life and little to lose. Clearly those who are indefinitely suspended or expelled from schools have their education affected in ways that make significant differences to their life chances.

By contrast, restorative justice shifts the focus of our thinking about offending in school. In order for it to work, more than just a grafting of a new technology onto existing systems is required. Some shifts in thinking need to take place. Let us now open up further a vision of these shifts. The practices presented in the pages of this resource booklet are designed to offer processes for change, towards a restorative school.

The primary shift required for restorative practices to be developed is a shift from thinking in terms of individual character deficits, individual responsibility and the like to an emphasis on relationships in the school community. If offences are seen as damaging to relationships rather than as personal challenges to the authorities of the school, then the path forward changes from satisfying the demands for retribution by authorities to restoring the damage done to relationships. In the process the position of victims in relation to an offence is altered. Their concerns and needs are given more prominence and their mana valued more highly. Young persons are required less to bow to authority than to take up responsibility to repair the hurts they have caused for those they have harmed. Meaningless punishments are favoured less than meaningful acts of restoration. Young persons are offered ways to address the harm they created rather than branded as deficient more or less permanently. At the same time the common binary distinction between "soft" therapeutic approaches to offending and "tough" retributive punishing approaches is rendered irrelevant. Restorative justice is neither of these. Rather it focuses on a definition of accountability that is situated in the relational context of the offence and seeks to address harm done in ways that will make an ongoing difference.



Restorative practices do not necessarily offer a panacea for all disciplinary issues. But they do offer new options for responding to situations that otherwise appear to recycle constantly through recidivist cycles, leading to rapid growth in frustration and cynicism about possibilities for change. We invite you to consider exploring these possibilities for shifts in thinking while reading the descriptions of practice in the following pages.

## Practising Respect

### Restoring relationship

If we start with the assumption that offences in school that lead to young people being 'in trouble' are primarily about damage done in relationships, what are the implications for how schools might respond? How might we respond in a restorative way and how might that be distinguished from more punitive approaches?

Here is a definition of a restorative practice adapted from Howard Zehr's *Little Book of Restorative Justice* (Zehr, 2002):

*Restorative practices are processes that involve those who have a stake in a particular offence in identifying the harms and needs created by the offence in order to put things as right as possible.*

#### Goals

The primary goals for a restorative response to an offence should be to:

- address the problem
- encourage understanding of the effects of the offence on all individuals involved and on the school community
- invite the taking up of responsibility (not necessarily all by the offender)
- avoid creating shame and blame
- promote the healing of hurt
- open up avenues of redress
- restore working relationship between those involved
- include everyone (including offenders) in the community envisioned by the process rather than divide people into insider and outsider groups.

Restoration requires that harm done to a relationship is understood and acknowledged and that effort is made to repair that harm. In order for this restoration to happen, the voices of those affected by the offence need to be heard in the process of seeking redress. In punishment-oriented approaches, it is common for those voices to remain excluded and for the school authorities to speak for them.

### Involve more stakeholders

A primary principle of restorative practices is to include more voices in the process of addressing an issue. The richer the variety of voices, the more information will emerge about how a problem is woven into the network of relationships that constitute a school community. This richness can also lead to more voices being heard in the process of addressing a problem and more ideas for putting

things right being generated. Rather than seeing a wider number of perspectives as introducing confusion we need to learn to understand multiple perspectives as assets.

Which voices should be included? The question to be asked is, "Who has a stake in the situation?" There may be a variety of answers to this question. But a primary consideration is: Who is positioned as victim by the offence? Or, who has been harmed?

The needs of the persons most affected are of primary importance in restorative practices. They are often paid scant attention in criminal justice processes and in school discipline systems.

People who have offended also clearly have a stake in the situation. But so might those in their immediate primary relationships, such as their family members.

Other members of a community may also be secondary victims of an offence. They sometimes need a voice in what will take place.

### Focus on needs and obligations

A punishment orientation invites a focus on identifying or detecting who has contravened the rules and then asking the question "What do they deserve as a result of what they did?" The authoritative gaze falls on the individual rather than on relationships or communities. The assumption is presumably that identifying the cause of a problem through attributing it to an individual will lead to its removal. The problem is that attributing blame and meting out punishment often does not bring about change or prevent an offence from re-occurring

By contrast a restorative orientation asks a different set of questions that are more concerned with the outcomes of the offence and doing something to ameliorate these. The assignment of blame and the establishment of a cause become secondary concerns. The restorative focus is more future-oriented than concerned with explaining the past.

Therefore, as Howard Zehr (2002) advocates, the questions that should be asked about an offence are:

- Who has been hurt?
- What are their needs?
- Whose obligations are those needs?

Asking the question "Who has been hurt?" in the case of an assault or a theft is able to be clearly answered. If the offence is truancy it is perhaps less easily answered. The answer sometimes needs to include the offender as well as the victim. People can be hurt by their own actions. And sometimes it needs to include a school class or the wider school community. A consideration of the effects of an offence on families should also be considered. This means the victim's family and the offender's family.

Offences that bring about harm and create the need for redress can be seen to establish obligations to address the harm and to set things right. Some of these fall to the offender. Such obligations (according to Howard Zehr, 2002) are:

- To understand the harm created by the offence
- To comprehend the consequences of their own behaviour
- To set things right symbolically and concretely.

However, the obligations created by an offence may spread wider than the individual who did the offending behaviour. Other members of a school community may have obligations to victims and to offenders. Victims need support and sometimes protection. Likewise sometimes offenders need support and encouragement to carry out their obligations. This support may come from family members, teachers, counsellors or other young people. Sometimes school administrators have an obligation to respond on a systemic

level to a problem in the school that is brought to their attention by an offence. For example, in one school a restorative conference led to changes in the system of playground supervision that the school had in place.

We hope it is becoming clear that implementing restorative practices such as conferencing in your school is an undertaking that will engage with a broad spectrum of your current practices. As such, this is not a commitment that you will make lightly. At the same time, the effects of making such a commitment can be far reaching and enormously rewarding.

# CHAPTER THREE: THE ROLE OF LANGUAGE IN CREATING SCHOOL COMMUNITY

There is a useful idea that

*people's identities are created through the ways they are spoken about by others, and in the ways that they learn to speak about themselves.*

This suggestion is based on the idea that the ways of speaking we use have real effects in the lives of both the speakers and the listeners. Thus the type of community we live and work in is also created in our choices about how we speak. [See Vivien Burr's *Introduction to Social Constructionism* (Burr, 2003) and the Waikato group's *Narrative Therapy in Practice* (Monk et al., 1997) for more on these ideas.]

If this is so, then it becomes important to look at the ways of speaking that hold sway in our communities, because those ways of speaking have the effect of creating the sorts of persons that live in our communities, and the kinds of relationships that we are able to have with one another. It also becomes important to look at who may speak in our communities, and what it is they say and are allowed to say. Equally it becomes important to look at who may not speak in our communities and also what may not be said.

Once we start asking these questions we quickly see that there are certainly people in our communities who are often spoken about as wrong or unacceptable and there are people often spoken about as right and acceptable. And it also becomes clear that some things can be said and some things may not. Equally it becomes clear that what some people say is listened to carefully, and what other people say is not listened to carefully.

Once these ideas are embraced, we can begin to look at the sorts of places we can create in our communities within which people and ideas that are currently not being heard can be listened to.

We see this as a deeply restorative process.

## Spoiled identities

The types of language which assign people spoiled identities and silence them are so common and everyday that they pass almost entirely unnoticed in daily use. They are so powerful in their effects that the people rendered as spoiled in some way, or silenced in some way, quickly learn to accept these descriptions of themselves as if they were true, and due to their own internal shortcomings. (To believe that you are "bad" because there is something wrong with you can render you helpless. To believe that what you did is bad and you are able to behave differently is quite a different space to be in!)

The tragedy is that as long as the language that has these effects continues unchallenged, the identity assigned to persons by that language may continue to affect that person – sometimes for life.

Equally tragic is the loss to the community of the possibility of being a community within which all people can live out the rich and diverse descriptions that they prefer for themselves, and in which they can speak about the things of importance to them, and be heard. Today there is more need than ever before for schools to see themselves as communities of diversity. This is not to suggest that people who do not "behave themselves" should be tolerated, but rather, that we can interrogate the processes whereby some people come to be seen as intolerable within the diverse community that is the school.

Let us highlight some of the language that has the effect of assigning people spoiled identities, and the effect of either silencing people or rendering what they say as not worth listening to. The challenge then is to find ways to speak differently, and to create communities that are aware of and working towards the following goals:

- speaking in ways that allow people to be who they prefer to be, and
- finding ways to listen and hear what it is that others are saying about what is important to them.

Restorative Practices such as classroom conferencing, restorative interviewing and Te Hui Whakatika / Restorative Conferencing are attempts to achieve these goals. We have also heard about and seen many other restorative practices in the schools in our previous projects.

Two particular ways of speaking which undermine community in schools are

- Totalising language, and
- Deficit descriptions.

Both of these ways of speaking locate the problem as something wrong within (internal to) the person and make it harder to find alternatives. People in schools did not invent these speech habits. These ways of speaking are endemic in society as a whole, and their effects are largely unnoticed.

## Totalising language

This is language that seeks to describe the whole of a person under one heading, or ascribes characteristics to a person as true in all places and all times. "She's a liar"; "He's a bigot"; "She never makes any effort"; "He always interrupts". These descriptions summarise a person on the basis of a narrow band of experience. They locate problems as in the 'nature' of a person. If we think that way we find it harder to imagine change as possible. When the totalising language is used by someone in a position of authority, like a teacher or a doctor or a psychologist, its totalising effects

are magnified. So for example someone who has a diagnosis of Attention Deficit and Hyperactive Disorder (ADHD) can take on a whole lifestyle around this description.

Totalising language makes it more likely that both the speaker and the listener will remain blind to, or disregarding of, the very many other ways this person can be described, and the many areas of life in which the person described does 'make an effort' and does not 'interrupt'.

It is in these unseen and disregarded descriptions of a person that the possibilities for a greater understanding of that person and their purposes are found. Totalising language restricts the ability to access these other descriptions and the possibilities for good that they bring.

An antidote to totalising language is to deliberately seek to separate the person from any problem being talked about. This process, described as using externalising language, opens up possibilities for enquiring about a person's relationship to 'lying', 'bigotry', or 'interruption'. We are freed to look at the history of these problems in a person's life, and their effects on their relationships with others and with themselves. We are also free to enquire as to the other descriptions that exist about this person and be interested in their effects and how they fit with the person's purposes in life.

## Totalising Language

Examples: "He has no motivation" or "She's just a liar" or "He is a disruptive student".

- Traps the person in a single description
- Invites the person to act out that description
- Blinds the speaker to all the other possible descriptions of the person.

## Deficit language

Deficit language is a particular form of totalising language. It occurs when people are diagnosed according to some scale of assessment and found less than 'normal'. It usually has official backing behind it. We have developed in the last 100 years many new deficits to totalise people with. Some are mental health deficits (she is attention deficit disordered, he is conduct disordered, she is emotionally disturbed, he has a personality disorder). Some are educational deficits (remedial reader, dyslexic, intellectually disabled). Some are social deficits (delinquent, at risk, socially disadvantaged, from a dysfunctional family).

What's wrong with these deficit descriptions, you might ask? Perhaps nothing, if they led to some changes, but often they don't. They just become labels that young people wear and are totalised by. Often they become means of rendering the person passive and

helpless. So we think it is important not simply to ask if these descriptions are true or not, but to ask what effect the descriptions themselves are having and is that effect worth promoting? We believe that often these descriptions do damage. They convince people that nothing can be done. They work like photographic fixing chemicals to make an image of a person indelible. They spread helplessness. They enfeeble rather than empower.

## Deficit Descriptions

Examples: "ADHD", "slow learner", "criminal", "dysfunctional family" or "low socio-economic background"

- Focus attention on deficits rather than strengths
- Blind speaker and listener to areas where this is not true
- Invite 'giving up'

## Internalising language

Internalising language (of which totalising language is a form) occurs when a problem (for example lateness to school) is described as being part of a person's character or as evidence about the person's internal state. "He comes from X family, so what could you expect?"; "She's constitutionally incapable of holding a decent conversation"; "He's never going to care about rules"; "There's only one way to make that kid understand and that's to ...".

This type of language acts as a smokescreen that makes it harder to see

- a) how other people, relational events and circumstances are involved in the actions taken by the person, and
- b) the purposes of the action taken by the person (and the cherished values and beliefs which support those purposes), and
- c) possibilities for change.

**Internalising ways of speaking** locate, and tend to isolate, problems in the individual. In the process, these ways of speaking separate people from each other and make it less likely that working together on a common project (for example, of education) will occur.

In one of our previous projects, staff learned that a boy whose constant lateness and "continual disobedience" had brought the school to invite a conference was in fact ensuring that his siblings were clothed and fed before he left for school. Of course there was a lot more to it than this, but a major outcome was that this news seemed to make a huge difference to how the school saw him.

# Some Alternative Ways of Speaking

## 1. When we talk about a student's poor behaviour we are often led to find ways to interpret that behaviour.

Our interpretations of the behaviour can then be given to the student as fact. As a consequence of these 'facts', things happen, both for the student and for the teacher.

For example, calling out in class may be interpreted as 'rudeness' or 'cheek', and as such invite a suitable reprimand or punishment for the student, and perhaps stress or frustration for the teacher. How would it be to consider thinking about what a student does, not as behaviour, but as action? The invitation then is to consider consulting the student as to the meaning of that action.

The idea is that people take action in accordance with purposes. These purposes are in line with, or connected to, cherished values, beliefs, hopes, dreams, visions. In other words, we all make meaning of things in the light of our own experiences and the concepts (or meaning-making resources) we have available to us. If we take the time to explore the purposes of an action, and further to explore the cherished hopes that that purpose is supporting, we create a mindfulness, a present moment awareness which allows for the possibility of speaking about the important values which support actions (even unacceptable ones) rather than get caught up in interpretation of, and reaction to, a behaviour. This is not about condoning or colluding with unacceptable actions. Rather it is about finding ways to speak about students' actions in ways that allow for both the student and the teacher to become mindful of the ideas and values that support those actions.

Consider one of the three main reasons for suspensions - Continual Disobedience. We do not want to undermine the excellent work of teachers who grapple daily with difficult classes, but we put forward the question 'What purpose might a student have for keeping up with the actions we name Continual Disobedience?' Might there be (often not clearly thought through) ideas about justice behind that student's actions?

If a student was able to be mindful of his or her ideas of the way things ought to be, and to see the actions taken as some sort of reaction to, or protest about, things not being the way they 'ought' to be, what possibilities might become available for the teacher and student that were less than available before? [The article by Laws and Davies (2000) in the bibliography reports an incident where a student climbed on to a roof and was threatening to throw himself off – he calmed down as soon as the teacher asked him what he was protesting about.]

It is to allow for such new possibilities that this way of thinking is put forward.

## 2. The way we name things affects how we react to them.

This is a different take on what might otherwise be called "political correctness". Consider the different effects of naming a problem "Disproportionate Numbers of Māori Suspensions" or "On-going Experiences of Disconnection for Māori students".

They are both talking about the same thing, but they invite very different responses. Take a moment to consider how else could this same problem ('the disproportionate numbers of Māori students being suspended from New Zealand secondary schools') be named? What responses do different names allow for? Could different possibilities arise from naming something like Continual Disobedience differently? For example, would it be different if that cluster of actions were named 'Continual Frustration'? or 'Continual Protest'?

The reason we are suggesting these things is to remind ourselves that the way we name something powerfully affects the way we respond to it. This is not a new idea, but it is one that gets easily forgotten in the busy-ness of everyday school life. The point is that in calling a cluster of actions 'Continual Disobedience' or 'The Problem of Māori Suspensions' we invoke a particular set of responses, and in that we may well lose sight of whatever purposes the students may have in those actions, and of the cherished values that support them. We may ascribe purposes to those actions that make sense to us, or make sense from the perspective of school authorities, but might not make such good sense from the student's perspective.

## 3. A stance of inquiry or curiosity is more effective.

We suggest that it is in being mindful of the purposes and cherished values of our students experiencing trouble that our best chances of reducing the need for suspensions lies. Often adults do not know what these values are: thus we have found that it is effective to take up a stance of inquiry – or curiosity – rather than authority. We do not have to agree with the ways students think, but if we do not know what they are holding on to, we have little chance of engaging with the behaviours that their values have produced. This is not about empathy so much as it is about not making the assumption that we know the full and final story – or that our own values must be accepted (or understood) by the student.

## 4. Some restorative assumptions

Here are some alternative assumptions to those that are implicit in totalising language and deficit descriptions. You may wish to add your own.

- People are complex. We can never summarise them in a single description.
- We need to take care with the effects of the descriptions that we use.
- Descriptions of individuals and the reputations constructed by these descriptions are never the sole property of the person they are attached to. They are formed within relationships.
- Exceptions can always be found. Exceptions can be doorways to new descriptions.
- New descriptions can be lived into.
- Restoring relationships can be achieved by re-storying them.
- Focusing on deficit produces deficiency. Focusing on competence produces competence.

## 5. Externalising Language

What we are calling externalising language (see Monk et al, 1997; White, 1989; Winslade & Monk, 1999) acts against the effects of internalising language in seeking to speak of problems as distinct

from the persons affected by them. All problems can be externalised, for example Fear, Anxiety, Bullying and Theft, voices of Self-Doubt and Blame; Racism and Sexism; Depression and its cousin, Sadness; Relationships that people have with others and with themselves. Examples of questions that seek to do this include:

"How long has Theft been a problem affecting this person?"

"What are the effects of Bullying and Harassment for this person and for their relationships with others around them?"

Although these can be simple semantic shifts, externalising language allows a conversation to **separate the person from the problem**. In doing so, it becomes possible to learn about the effects of this problem on all the people involved (including the person), and to learn about the ways other people and circumstances contribute to the problem's presence. Responsibility for supporting and maintaining the problem's presence and / or working to undermine and remove it can then be taken up, not just by the person, but also by any others involved in its influence.

Further to this, when a problem is seen as separate to the person, we can begin to ask about the person's own purposes in taking the actions we are concerned about. This opens the chance to hear about the dreams and values which support the person's actions leading to increased understanding and chances of useful change.

## Externalising Language

is a way of speaking which invites working together.

"The problem is the problem, the person is not the problem."

The simple semantic shift creates an invitation for people to work together against the effects of problems.

"She's a liar" becomes "What effects does Lying have in your life?" and perhaps eventually: "How can we work together against 'Lying'?"

For more on these ways of working you might like to consult:

Winslade, J., & Monk, G. (1999). *Narrative counseling in schools: Powerful and brief*. Thousand Oaks, CA: Corwin Press.

# CHAPTER FOUR: CONFERENCING PROCESSES

## Restorative Interviewing

What we are calling here restorative interviewing grew out of what we learned from the restorative conferencing process. Some schools are finding that this is the “real” restorative process, and have been very enthusiastic about it. In this chapter we offer and recycle outlines of the different steps in the process, offering different forms of information, and adding new information, with each recycling. In the next chapter we outline the process for a formal restorative conference. The two chapters should be read in relation to each other.

When a student has been sent to the dean (or Deputy Principal, HoD, Form Teacher etc), or when a dean or some other person such as a student mediator has a concern about a student, that person might interview the student. The purpose of this conversation is for the interviewer, student, and supporters to stand back from the problem and look at what supports it and how its strength can be undermined. For this conversation an important understanding is that the problem is seen as the problem, the persons involved are never seen or spoken of as the problem.

The interviewer’s role is to both facilitate and participate in this conversation. This is a democratic conversation in which each person is invited to share their insights at each point. We take a moment to look at the problem and its effects on the people involved in a new and different way, in the hope that we can join together in finding ways to overcome the presence of the problem on these people. What this gives to the interviewer, the students and community of care is access to understandings about the problem and ways to beat it that are often absent in some other more disciplinary responses. This is one of the main strengths of restorative practices - that they allow access to alternative and powerful knowledges about students and problems, and that they invite us to work together as students and staff.

The interviewer invites the student to bring

- a friend
- and / or nominate a supportive staff member
- and / or family member

to join the conversation.

This ‘restorative interview’ is a small conference. We think that up to four or five including the interviewer is about the right number, but in some cases the right number may be just two. The idea is that we have enough people to get a good idea of how the problem is affecting people, and to hear about times when it is not affecting people, while still having a small enough conference to be able to hold it in less than one school period. It is possible to ask questions of people not present by saying ‘What might so and so say in response to this question?’

The interviewer begins by reiterating the purpose of this conversation and the understanding that the problem is the problem, the student(s), teacher(s), etc. are not the problem. This is an unusual way of speaking in schools and people may need to be reminded of it. The problem is the problem is an important principle of these conferences, however, as it allows all those present to join together as a team against the problem. Once the problem is clearly seen as separate to any person, people are able to take up responsibility for doing things to make it go away. This is quite a different understanding of responsibility and one which invites people to look at the ways they can join with others in making the influence of the problem less strong around them and others. It is our experience that young people and teachers alike enjoy the opportunity to break free from descriptions of themselves as problems and enjoy joining with others against the problem. Inviting this sort of collegiality is part of the work of a restorative interview.

Many people who are currently using this process like to use the “circles” for recording what is said. If the interview takes place in an office it is possible to use A4 sheets of paper and keep them on the table where everyone can see. We use circles on a whiteboard with spokes as a means of keeping track of what people say in a conference (this is explained with examples in the section on Restorative Conferencing). When you have a small conference or focused conversation, you may wish to use a piece of paper on which to draw the circles and spokes, or alternatively you may do without the circles altogether. It may be easier to understand this section if you read it alongside the Restorative Conferencing chapter.

The following process challenges some things that may be taken for granted:

1. It reminds us that there are many different accounts of the problem and one person may not have all the relevant information.
2. It reminds us that the person who has done wrong has other attributes besides their wrong-doing.
3. It helps us face the problem and work together against the problem.
4. It offers a way of identifying alternatives to the problem story.
5. It deliberately sets out to grow a more acceptable alternative story and looks for ways that this can be done.

Whilst this is a process that narrative therapists will recognise, it is not an invitation to do therapy. Rather, it is an invitation to hold a different kind of conversation. We think that noticing the process of a conversation can be enormously helpful (this *is* a counselling thing). It is not suggesting ways of evading the fullness of the problem.

# Process Outline for a Restorative Interview

The conversation begins with an invitation for each of those present to tell the story as they see it...

## 1. Tell me about what is going on that causes us to be here.

It may be that the interviewer gives their version of what has caused this meeting to be called, or that they report what they have heard from others. If so, the rest of the people at this conversation are then invited to put their version of the reason why we are here to the meeting. It is important that stories which blame people for the problem are quietly but firmly challenged. This sets the tone for the conversation.

## 2. If we were to say that the problem was the problem, the person – you or others – was not the problem, what would you say the problem is? What name might that problem have? Or is there more than one?

This is an exercise in naming the problem. Write these names and their effects down in a circle as they are spoken. Translate names of the problem which look or sound like people into externalising language (e.g. blaming a certain teacher might be written as a problem called 'ways of teaching', a student named as picking on me might become a problem called 'teasing' or 'harassment').

It is important that as many different ways of naming the problem are included, even if you don't agree with them all from your own perspective. If there is a victim who has been hurt by the action, then that person's perspective is most important to include.

It is important to note here that implicit within a complaint about harassment or teaching style is an awareness that this student has some ideas about what sort of teaching they prefer, and what sort of classroom environment they prefer. This can be picked up on here, or picked up on later when we look for alternatives (e.g. "When you named 'ways of teaching' as a part of the problem earlier, were you letting us know that you are in some way interested in learning, but finding it difficult with that style of lesson?" "If you were interested in developing your skills as a learner, what sorts of lesson styles would support that?") This is a useful line of enquiry that casts the students as knowledgeable about ways of teaching and learning. However, it also invites the student to look away from themselves for answers. To balance that you might ask things like 'Have there been any times when you were able to continue with your learning under these 'ways of teaching'?' This allows an exploration of the ability of the student to take up a project of learning even if the ways of teaching only change a little.

## 3. What are some of the effects that this problem is having on you, your classmates, teachers, your relationship with your parents, your future, etc?

Ask this question of each person present. If there is a victim who has been directly affected by the action, ask this person first. Remember too to ask the perpetrator of the action what effect the action has on him/her. This helps this person to begin to separate themselves from the action.

Write these effects of the problem on each of the people present around the circle containing the names of the problem.

Ask how the problem might be affecting people not present and add those effects. This allows for a full understanding of how the problem is more than just something affecting one person.

Avoid just asking about how the problem makes people feel. Emotional responses are valid effects and need to be heard and acknowledged, but this should not just be an exercise in emotional expression. Effects of problems can include actions (e.g. skipping class), physical or material effects (cuts, bruises, doctor's bills), relational consequences (my parents grounded me), identity shifts (I decided I am no good at maths), decisions (I'm never going to be your mate again).

You might ask at the end of this process 'If this problem kept having its own way around here, what might it be wanting to do to us in a month's time?' In other words, the effects of the problem can be considered to have a future that it is planning for us, if we do not change its course.

## 4. (If we stopped thinking about this as a problem for a minute, and started thinking of this as you protesting about something, what might that protest be about?)

The purpose of this question is to have the people think differently about what the problem might be. It acts to further separate the student from blame, and allows the people to hear of other things going on that might be supporting the problem. The question is bracketed as a reminder to use discretion with these questions. If the idea of looking for things to protest about muddies the waters rather than adds clarity, you may consider not using this question. We believe, however, that it is a powerful way to get in touch with underlying issues if they exist.

The thinking that supports this question goes like this – rather than think about behaviour as behaviour, think about it as action taken by the student or teacher. Then ask 'what might the purpose of that action have been?'

Once we are aware of purpose in action, we can be curious about the values which support those purposes. What dreams, what ideas of the 'way things ought to be', what family values are informing the purposes which sit behind the actions being taken.

Further, we can be curious about the people that those dreams, values etc align the student or teacher with. For instance, an occasion of fighting might be about protesting 'unfairness', which might be upholding a cherished value of justice, which in turn might allow the teacher and student to join together in a common project of working to make the classroom a place of justice for all.



Other ways of achieving a purpose might then be explored in ways that enable a student to continue to express the cherished value without some of the effects that have already been named.

**5. Does that give us a different idea about what the problem might be?**

Add or alter the names already given for the problem. Think again about whether this alters the effects of the problem?

**6. Are there any times and places or descriptions of you where this problem does not exist or is less strong? What are some of the effects of those times, places, people?**

Write these times and places around the outside of a second circle. The same amount of work needs to go into looking at these alternatives as happened with the naming of the problem. We assume that there will always be times, places, people around which the problem is either absent altogether or at least less strong.

This question helps us remember that no problem story tells us everything about a person, a relationship, a class or a situation. It deliberately seeks to complicate the problem story out of the assumption that more perspectives give us more information out of which to produce changes.

As you write these ideas around the circle ask questions like 'How is that so?' And 'What makes that possible?' to get at the principle behind the example. As the principles and qualities become clear they can be written into the middle of the second circle.

**7. What new description of the people involved with this problem emerges as we speak about the times / places where the problem is not found? What can we see about people and the situation that the problem was blinding us to?**

This question is an attempt to list the resources available to the people to use in a plan against the problem. We are specifically interested in writing up qualities and characteristics which were hidden from us by the problem story. These are the things we will use to undermine the problem story.

**8. Which of these two stories do you each want to be the one that goes forward from this meeting? The problem story of this other story?**

This question should be asked first of the person(s) who are the protagonists of the action. It invites them to take up a position in relation to the action. If the previous stages have been

done well the person will invariably take a position against the problem story. If not, then there is little point in moving forward to a plan to set things right at this time.

The question needs to be asked in a genuine way. It may sound obvious and you may find that you do not need to ask it. However it is important that you do not take for granted that the conversation you are enjoying is being understood the same way by everyone present. It is important to check your perceptions along the way. This is one chance to do that, and to get some kind of "buy in".

**9. What can we see as a way forward as a result of this conversation?**

This question leads to the writing of a plan that everyone agrees might make a difference to the problem's influence.

Constructing it involves looking at the second circle and asking if there is anything there that helps us with the problem we started with?

If there is someone who has been a direct victim of the problem, this person should be asked: What will set things to rights for you?

How does having had this conversation help us with the problem?

Have any new ideas come for anyone?

As ideas surface, it might be useful to ask what percentage success we think this plan is likely to have?

And what might we do if the problem resurfaces?

**Who can we invite to help with that? Who needs to know about this conversation?**

Significant people supporting the plan, including friends, make it more likely to be strong against the problem.

Who will join with us in making our plans a reality? How will we communicate what has happened here to others who are not present but need to know about it?

Who will invite them to help, and how will we do that?

**10. How can we work in collaboration together? A weekly meeting? Some specific action for the community of care?**

Review the plan and check that people have said all they needed to. Set a time to meet again if needed to see how things are going.

# A Brief Outline of the Process

Before arriving at a conference each person has had a chance to be invited to join in, and to understand how the conference will work and what its goals are. The importance of this pre-hui work of engaging with people before the conference cannot be over-stated.

1. As appropriate, a conference will begin with karakia and mihi / greetings.
2. "The problem is the problem, the person is not the problem" goes on the board or is spoken about.
3. What are you hoping to see happen in this hui? Each person has a chance to speak.
4. What is the problem that has brought us here? People tell their own versions.
5. What are the effects of that problem on all present (and others)?
6. What times, places and relationships do we know of where the problem is not present?
7. What new description of the people involved becomes clear as we look at the times and places where the problem is not present?
8. If there have been people / things harmed by the problem, what is it that you need to happen to see amends being made?
9. How does what we have spoken about and seen in the alternative descriptions help us plan to overcome the problem? People contribute ideas and offers of resources that help overcome the problem.
10. Does that plan meet the needs of anyone harmed by the problem?
11. People are given responsibility to carry each part of the plan forward. Any follow up is planned for.
12. Karakia and thanks. Perhaps offer hospitality.

You might want to copy this and use it to keep track during a conference.

# Some ideas about questions to use in the conferencing process

Conferences are a particular kind of intentional conversation. The conversation may wander back and forth, building up a story of the problem and its effects, and a story of alternative times, places and descriptions that are different to and undermine the problem story. The questions and interventions used by the facilitator will vary according to the person facilitating, the setting of the conference, and the people who make up the conference. What follows is a range of possible questions to achieve each part of the conference process. We highlight again that although this is written in an apparently straight-forward, linear fashion, the real conference will wander back and forth as any real conversation will. Of course you do not have to use all the questions suggested here. And another word of caution: it has been demonstrated that people who simply use the form of sentences and questions without integrating them into their own style and understanding of the conferencing process are unlikely to achieve the desired results. So try them out by all means, but also try to appreciate what it is that the process is doing, and develop your own style!

1. As appropriate, a conference will begin with karakia and mihi mihi / greetings. This phase sets the tone for the meeting.
  - Since this will have been discussed and decided as part of the pre-hui conversations, the question might go 'As we begin may I invite x to open our conference with a karakia?'
  - A need for mihi mihi from various parties will also have been discussed pre-hui. This is an important time of joining in the hui, and clearly signals that this is a forum within which people may speak in ways which are important to them, and that they will be both respected and listened to.
2. "The problem is the problem, the person is not the problem" goes on the board or paper, or is spoken about. This also helps to set the ground rules for the meeting process.
  - This is an unusual way of speaking, but I invite each of us as we speak to hold in mind that the problem is the problem, and we will work to ensure that nobody here is spoken of as if they themselves are the problem.
3. What are you hoping to see happen in this hui? Each person has a chance to speak. You might invite the ones who feel wronged to speak first.
  - Can you say something about how you are connected to this conference and what you might hope to see come from it?
  - I invite you to introduce yourself to each other, and to say something of what you are hoping for here?
4. What is the problem that has brought us here? People tell their own versions. You might invite the person who has the final responsibility for the seriousness of the wrong that has been done to speak first, followed by the person who has done the wrong. It is important that everyone has a chance to speak about what they think the problem is.
5. Investigating the names and nature of the problem:
  - We have heard from the Deputy Principal how the school is viewing the problem that we are here about. If we keep in mind the idea that the problem is the problem, and that no person is the problem, what do you think the problem is?
  - Can you say in your own words what you think the problem is?
  - What sort of Reputation do you think is attaching itself to you with this problem? So is x, y, and z part of the problem?
  - Are there any other ways of looking at this problem that we have not noticed yet? If we look beyond the words we already have written here, do any other names for this problem emerge?
6. What are the effects of that problem on all present (and others)?
  - How has the presence of this problem affected your relationships with your teachers? Your parents? Your peers?
  - How has it affected you getting these calls and letters at home? Does that affect your relationship with x?
  - How does this problem in your class affect you as a teacher? How does that affect you personally?
  - What's it like for you seeing your friend getting singled out in this way? How do you see this problem affecting her? How does it affect you?
7. Finding "sparkling moments". What times, places and relationships do we know of where the problem is not present?
  - In your experience, have there ever been any times when this problem could have been present but was not? What is it about those times that makes a difference?
  - Have you ever noticed any times of people resisting this problem? How do you think they were able to do that? Were they helped in that by anything / anyone?
  - What sorts of times and places are there that this problem is not present? Is there anything common to those times and places? How does that affect the problem's ability to be present?
  - Are there certain relationships that make it less likely that this problem will be present? What are some of the qualities of those relationships that counteract the problem?
8. Developing new descriptions. What new description of the people involved becomes clear as we look at the times and places where the problem is not present?
  - As we look at all these times and places and relationships where the problem is unable to hold sway, what characteristics and qualities are you noticing?
  - Is there a different description of x emerging here compared to that problem's one? What are some of the words that go along with that new description?
  - What are the qualities and characteristics of the times that beat the problem? What sorts of things support those qualities and characteristics?

- Is there anything about this new description that you are appreciating? Who else is there who is not here but might be appreciating seeing this new description? Does seeing this new description remind you of any other times when it has been around instead of the problem's one?
  - [This question, or one like it, can be directed to the person(s) most closely linked to the problem (sometimes totalised as 'the perpetrator').] X, what is it like for you to see these two descriptions on the board/ paper – the one that shows how widely the problem is affecting us all, and the one that pays attention to all this other stuff – what is that like for you? If you were given a choice, which of those descriptions would you prefer to have for you?
  - Recognising some of the harm done by this problem in the past, is there anything you would like to say or do about the harm done, and about how you want to be seen in the future?
9. If there have been people / things harmed by the problem, what is it that you need to happen to see amends being made?
- As we spoke about both before the conference and at the beginning, what we are about here is joining together as a community to make amends. Can I ask those of you that have been most harmed by this problem, what would you like to see happen by way of making amends? What do you need to make it right? Or if it can't be right, what would be helpful for you to see happen?
  - As we go around the group, what do you see as necessary to make amends?
  - We will return to this list after we have worked on our plan, and check with you if the plan has achieved for you what it is you are wanting.
10. People contribute ideas and offers of resources that help overcome the problem. How does what we have spoken about and seen in the alternative description help us plan to overcome the problem?
- Up until now our thinking has been about how this problem has affected us, and what we know about that will undermine the problem. Our challenge now is to take what we have heard, including all this new stuff that the problem was blinding us to, and ask 'what can we plan to do that will make a difference?'
  - Can you see any ways that these qualities and times and relationships where the problem is not present can help us draw up a plan to overcome this problem?
  - Is there anything that you can see yourself doing that will make a difference to this problem?
11. Does that plan meet the needs of anyone harmed by the problem?
- Returning to this list of things needed to make amends, can I check with each of us here, does the plan we have put together meet your needs for amends? What else would be needed for you to feel that it had?
12. People are given responsibility to carry each part of the plan forward. Any follow up is planned for.
- Can I go quickly through our plan and check that we each know who will be seeing that each part is done? I'll write the name of the person next to each part.
  - How will we know that what we have planned is being effective? Who will have responsibility for finding that out?
  - Is there a need for us to meet together again as a large group? Or will the various meetings we have set up cover that?
  - Who else needs to know what it is that we have seen today? Can a record of this plan and alternative description be placed in school files? Be discussed with the form class? How shall we go about that?
13. Karakia and thanks.
- This has been a challenging and very worthwhile conversation. I have particularly appreciated the spirit of generosity that each one has brought here, and I acknowledge the effort and willingness that allowed that to happen. Can I invite x to lead us in karakia as we close?

# CHAPTER FIVE: RESTORATIVE CONFERENCES

*Tungia te ururua*      *Clear away the undergrowth*  
*Kia tupu whakaritorito*      *So that new shoots*  
*Te tapu o te harakeke*      *May emerge*

## What is a Restorative Conference?

A Restorative Conference involves the gathering of those who have a stake in a particular troublesome situation, where there has been a breach of expected norms of relationship (including behaviour), to talk together to find ways of making amends. Stakeholders may include the student(s), "victims", teachers, parents and whānau, peers, community members, police, kaumātua, social workers and sports coaches or other concerned parties. The purpose of these conferences is to discuss what the problem might be and to pool ideas about what might be most helpful from here, for all concerned. From this pool of ideas should emerge a plan that will restore relationships which have been damaged because of the problem. In this process particular attention is paid to:

- Meeting the needs of victims and providing them with a voice
- Ensuring the community is heard in matters that affect them
- Emphasising restoration rather than punishment.

The spirit of these meetings ensures that blame is kept outside the door, so that the conversation inside is characterised by respect and responsibility on the part of all participants. Accomplishing this challenge involves far more than setting down guidelines for who is to attend conferences, or what practical steps they will cover. There must be a clear shift in the way the issues are talked about - a shift based on carefully conceived guidelines designed to promote constructive and collaborative conversation.

These Conferences offer a helpful step forward by involving a range of participants who both contribute to and are affected by the situation at hand. They promote a spirit of open and direct conversation and add a human touch to the process of addressing transgressions of expected ways of behaving. However, in our experience, such conferences can take a wide variety of shapes, and unless they are used carefully, can be used to provide an audience for public retribution almost as easily as their intended goal of promoting mutual dialogue, understanding and restoration. We believe that if group forums are to be effective, the meetings must avoid duplicating a dynamic of punitive authority/penitent student - a dynamic likely to be experienced as "more of the same" by a student used to feeling voiceless in the larger system<sup>1</sup>.

What happens in a conference is restorative justice in action. Restorative justice is an alternative way of addressing serious problems in schools. It places the young people, their families, the school and the victims in the centre of the process. They all meet together to decide what should happen next, rather than to have a decision imposed on them. There is a chance for all parties to have an active role in the process rather than acting as bystanders while someone in authority dictates what will happen next, what punishment will be meted out. Thus restoration involves:

- Acknowledgement of the community of care
- Acknowledgement of the effects of the problem on the lives of all those involved.
- A deliberate focus on making things right for those affected badly by the problem.
- Legitimation of alternative knowledge of the student and the problem.
- An affirmation of the student as distinct from the problem.
- The use of hospitality – food and drink – where appropriate.

Restoration may also involve:

- An awareness that we have tried a number of interventions before and now we are trying something different;
- A commitment on the part of school management and staff to encourage the spirit of restitution throughout the entire culture of the school;
- A recognition by the staff and management of the important linkages between school and community, and an openness to the contributions of persons not usually considered part of the immediate school community.

The Restorative Conference is an attractive option for

- schools who are wanting to do something more constructive than continually punish, and eventually exclude or expel troublesome young people;
- victims of incidents, who can have a greater say in the process of setting things to rights;
- those who fall foul of school authorities and their families, who without a similar process may be left frustrated and angry at the system that seems to abandon their educational needs.

Before you run a conference you must be clear about the way the conference will relate to other disciplinary processes in your school. This involves the Senior Management and Board of Trustees of course. Once you have their agreement (and you are sure that they understand the consequences of that agreement!), before running a conference you must prepare the participants appropriately. And you yourself must have the ability to run the conference properly. You can build up your skills by trying out the process in the "small conversation" format outlined earlier, before trying the more formal version.

### WARNING!

Although what we have presented here seems straightforward, it isn't. What we have presented is an idealised outline: please do not assume that simply using our format one step after another, and our suggested questions verbatim, is all you need to do to run a conference in an ethical and successful manner.

<sup>1</sup> Note that this is one of the features that distinguish the process presented here from the process of "integrative shaming", which is the basis of some alternative restorative conferencing models.

## Some Objectives for Restorative Conference

- We are committed to restorative rather than retributive justice. However, the two are not mutually exclusive, and it may be that some form of punishment ends up as part of the agreed plan. But deciding on the punishment is not the objective of a restorative conference.
- Conversation should be inclusive rather than adversarial.
- Identify and name problems in a language that helps everyone address the problem.
- Widen rather than narrow the range of voices having an input into the problem, including the voices of the victim(s), teachers, whānau/family, community and the young person.
- The victim's voice should be heard and needs met. He/she should be encouraged to tell their story in a way that reveals the emotional harm and hurt caused by the offending.
- Treat the young person who has offended with respect. Direct efforts to condemn and shame should be avoided.
- Treat all persons as whole persons: taha tinana (body), taha hinengaro (mind), taha whānau (family) and taha wairua (spirit). This includes victims and young persons and teachers.
- Acknowledge cultural principles, for example the tuakana/teina principle, in regard to speaking rights in the conference.
- The process should aim to transform the grievance rather than fix problems. Avoid blaming language, and at the same time encourage the taking of responsibility and stepping into an attitude of whakatika/making amends.
- Work to create an alternative description of the person who has offended – one that they themselves recognise and can latch on to.
- Responsibility should be taken up rather than placed on people.
- No one should be further harmed by the process.
- Use externalizing language. This involves naming the problem in ways that leave parts of the young person that are not captured by the problem. "The person is not the problem; the problem is the problem."

## A Story of a Conference

This is a fictitious example using actual events that have occurred in various different hui. We invite you to read it through for enjoyment. Later perhaps you may come back and trace the different phases of the hui process. Transition between phases should be as seamless as possible.

*It has been suggested by the Dean of Form Five that a Restorative Conference might be a good idea for Grant. He has been involved in a series of conflicts around the school, has a history of spasmodic attendance and is not doing as well as he did last year in his studies.*

*Two years ago he was stood down for bringing alcohol to school. After that he ran away from home for two weeks and when he returned he was sent to live with his grandmother in Taupo. In the middle of last year he returned home to live with his mother, Taima, when his grandmother's health deteriorated. The latest crisis has been brought on by a fight with two other boys from a neighbouring school at the bus stop after school. There had been some taunting and teasing going on and he had lashed out punching another boy on the face and then kicking him when he fell to the ground. The other boy's friend had then come to his aid and a brawl had been broken up by the arrival of a teacher on the scene.*

*The school principal was thinking of initiating a suspension hearing with the BOT but in the end agrees with the Dean's suggestion that a Restorative Conference would be worth trying in this case. However, in the light of the assault, he does suspend Grant pending the outcome of the Restorative Conference and specifies that if Grant does not show any inclination to make amends for what happened, then the Board hearing will follow. On the other hand if the Restorative Conference does produce some positive outcomes these will be presented to the Board and will be considered as part of Grant's re-incorporation back into school. He then calls the school guidance counsellor into the discussion, asking her to be the conference facilitator for this case. Sue, the Guidance Counsellor, has had some dealings with Grant, mediating in a dispute with an art teacher at the end of last year, but she agrees that she is not in a position where she would be compromised in the conference itself by a need to advocate on his behalf.*

*Sue has also met Grant's mother when his older sister was at the school and knows of her connections with the local iwi. Sue consults the conference support person, Yvonne, who is also the school's truancy officer and has whānau connections with the same iwi as Grant. She therefore has a head start in knowing about the appropriate iwi and whanau support that should be invited to the hui and about the best ways to invite them. Yvonne takes up this task. She consults with Taima and with the local kaumātua, Cliff, about who is a significant part of the community of care for Grant. The kaumātua agrees to attend the hui and assists with inviting Grant's whanau to attend. He makes contact with his cousin, Grant's grandmother in Taupo, who is not well but will send her son, Grant's Uncle Toby, to the hui.*

*Sue makes an arrangement to meet with Grant and Taima and she and Sue go round to their house after school. Taima's new partner, Tom, joins this meeting. He starts off by wanting to know what the fuss is about.*

*"It's just a little scuffle isn't? Kinda stuff kids always get up to."*

*Taima interrupts him and disagrees, pointing out that the school was close to suspending him and that there have been problems for Grant at school for some time. Tom shrugs. Sue and Yvonne take the opportunity to explain to them both that the school does take violence seriously but that they are not wanting to just punish Grant. Rather they want to use a Restorative Conference to set things right and to give him the chance to make amends.*

*"Where's Grant, by the way?" asks Yvonne.*

*"He's in his room. I told him to stay out of the way while you came round."*

*"Well don't you think he'd better get himself out here? Don't want to talk behind his back. And we need his help to think about these problems. It's not just up to others to solve them for him."*

*Grant is fetched and enters the room sheepishly. He looks awkward while the purpose of the conference is explained to him. "Am I going to be expelled?" he asks in the end.*

*"Not right now," explains Sue, "although the Principal did consider that option. But what we have to do here is start to get to understand what happened and how it can be set right. Can you start by telling your story of what happened at the bus stop on Thursday."*

*Grant tells a short version of the story. Sue and Yvonne ask him a series of questions to expand on this version. They are keen to understand what his thinking was when he hit and kicked the other boy. Grant explains that he was scared of being attacked himself and decided to get in first.*

*"You know we've got a letter here from the Principal of Sunnyside High School concerned about what happened," says Sue. "He is worried about fights between pupils of their school and ours and he says also that the boy concerned was taken to the doctor after the fight and that he had mild concussion. Did you know that?"*

*Grant's eyes widen. "No," he breathes.*

*Sue turns to Taima. "Is Grant usually a violent person?"*

*"No," says Taima. "He's quite a softie actually." Grant looks embarrassed while his mother tells about his affectionate nature, his caring for his younger sisters, and his helpfulness at home.*

*"So do you think of yourself as violent, Grant?"*

*"No," he grins and shifts in his chair.*

*"So what we have to figure out is how violence took over against your better judgment and got the better of you on this occasion and what we can do about that?"*

*The discussion continues along these lines and ends up with Yvonne asking Grant if he wants the feud with the kids from Sunnyside High School to continue or whether he would like to be part of stopping it. Grant is in favour of stopping it. Yvonne follows this up by asking whether he is willing to try to make up for the damage his own actions have done by facing up to the boy he hit and his parents in the Restorative Conference and setting things to rights. Grant hesitates because he is unsure what this will mean, but after some explanation he is generally in favour of the idea.*

*"That's good," says Sue. "If you weren't willing to say that, then we couldn't really go any further and you might have had to face a suspension."*

*Taima is grateful that the school is taking this line. Tom supports it too and agrees to attend the hui too if he can negotiate some time off work.*

*The next day, Yvonne is contacted by Jim, a local youth worker who has heard about the hui from Grant when he met him at the youth club on Fri evening. Yvonne invites him to attend. From Jim she learns that Grant belongs to a rugby league team. She finds out the name of his coach, Roger, who has been a kind of mentor for Grant and has nominated him for the rep team. Yvonne invites Roger to the hui as well.*

*Meanwhile Sue talks with Grant's teachers at morning break. She outlines the purpose of the planned hui and asks who is willing to attend. Grant's form teacher agrees to come. His Geography teacher has had some problems with Grant recently and on the basis of this Sue asks her to come to the hui in order to have these addressed. Grant's music teacher speaks of her very good relationship with Grant and how he often spends lunchtime in the music room. She agrees also to attend the conference in order to be able to speak about this.*

*Yvonne has now visited the family of Aidan, the boy who was assaulted by Grant. Aidan has been back at school but has not been catching the bus for the last few days. His parents have been driving him to and from school in order to prevent any further incidents from happening at the bus stop.*

*Aidan's parents are angry about the assault on their son. They want to know what Grant's school is doing about it. They hope that Grant is being punished severely. Aidan himself is less gung-ho about Grant being punished. But he is scared of Grant and doesn't want to see him again on the street. Yvonne explains the purpose of the Restorative Conference and invites them to be part of it as a chance to speak their minds about what happened. They can also contribute to the discussion of what needs to happen to set things to rights. Aidan's parents are a little doubtful about this process but in the end Aidan and his mother agree to come to the meeting. Yvonne asks them who they need to have with them for support. Aidan identifies his friend Mark, who was also involved in the fight. Yvonne agrees and asks Aidan to speak to Mark and invite him to come along.*

### **Te Hui Whakatika**

*The day of the hui arrives. Grant and his family arrive early but Grant disappears two minutes before the conference is due to begin. He returns five minutes later to the relief of his mother. With him he has his friend, Wiremu, who was also at the bus stop the previous Thursday afternoon. He speaks to Yvonne and asks if Wiremu can be included in the meeting. Yvonne and Sue consult and agree to this.*

*The meeting is being held in the community centre fifty metres from the school. It is the place where the local kohanga reo meets. Cliff, the kaumātua, begins the meeting with a brief pōwhiri and a karakia. Then before he hands over the meeting to Sue to facilitate the conference, he mentions that he has been thinking about where to sit in the hui. He has decided, he announces, to sit down beside his whānau member, Grant. He walks across the room and sits beside Grant, who has been sitting with his head lowered, just above the level of his knees. He looks up at this point and then down again quickly as the kaumātua arrives beside him. He looks awkward and a little redfaced but manages a hint of a smile.*

*Sue begins by explaining the purpose of the hui. She explains that this is not like a court hearing and they are not here to work out whether Grant is guilty or not. The meeting is about understanding what has happened better and making amends. She also says that the meeting is not about pinning blame. It is about accountability and responsibility, but not blame. She writes on the whiteboard at this point, "The person is not the problem; the problem is the problem."*

*Sue then asks everyone in the meeting to go round and introduce themselves and say what their connection is with Grant. She also asks everyone to say what they hope will come from the meeting.*

Everyone introduces themselves and speaks about their hopes. The kaumātua hopes that the meeting will restore the mana of Grant's whānau by addressing the problem. Taima hopes that everyone will get to see that Grant is a good kid. She adds that she doesn't want this to sound like she agrees with what he did. One of Grant's teachers hopes that this problem will be dealt with and that he will get back on track at school. Aidan is not sure what to say. With some prodding from his mother and some questions from Sue, he manages to say that he hopes he can go back on the bus without feeling afraid of Grant and his friends. Then it is Grant's turn. He shrugs and looks awkward. Sue is patient. She asks him several times in different ways. In the end he blurts out that he hopes he can stay at school.

Then Sue asks the Principal to outline the background to the problem and the reason for the meeting. The Principal does not mince words. He tells bluntly the story of what happened at the bus stop and outlines the seriousness of the problem and the extent of the injury to Aidan as he understands it. He talks about the background issues that led to the school having concerns about Grant and he says that this situation means that there is a major threat to Grant's school career. He mentions that the Board of Trustees will need to hear about the outcome of this hui and will want to know that the matter has been addressed and that amends have been made.

Sue turns to Aidan and his mother. She asks Aidan whether what the Principal has described is a fair account of what happened as he saw it. Aidan agrees. She asks the same question of Grant. He does not dispute it. Sue checks to make sure.

"You do accept responsibility for hitting and kicking Aidan?" she asks. Grant nods.

"Are you willing to try to make amends for what happened?"

Grant is prepared for this question, looks at his mother, and says yes.

Sue proceeds to draw a circle on the whiteboard. She then says that she wants to hear from everyone about how, from their perspective, they would describe the problem or problems. She will write all of the ideas in the circle. There is a silence while everyone thinks. Then Grant's form teacher speaks and says that the problem as he sees it is poor communication skills. Grant is lacking in enough communication skills and therefore he seems to get into fights like the one that happened at the bus stop. Sue writes poor communication skills in the circle.

Aidan's mother expresses concern about the supervision at the bus stop. She says that there have been problems at that bus stop for years as the children from the two schools meet there. Sue writes, bus stop supervision in the circle.

Grant's rugby league coach speaks about the need to respect the rules and the referee in a game and how conducting yourself around school is no different.

The geography teacher speaks about the problem being a bit wider than just Grant. She tells of a group of boys who seem to be always frightening other students with their standover tactics. She does not think Grant is the leader of these boys and is not always involved but she sees him getting caught in the game that they play.

"So he's acting staunch," says Tom.

"Exactly!" agrees Miss Finch.

Sue writes staunchness in the circle. After a number of contributions like this Sue asks Grant to say what he thinks the problem is. Grant looks surprised to be asked, and thinks for a minute. Wiremu whispers in Grant's ear at this point. They talk under their breath for a few seconds so no one can hear. Then Grant answers Sue's question.

"I don't want to make any excuses but you don't all understand about the war that's been going on between us and the Sunnyside snots, that's what we call them. They called Wiremu a black bastard the other day. That's what made me really wild."

"That wasn't me," Aidan, jumps in. "He's right though. Someone did call that out, but it wasn't me."

Mark hastens to add that it wasn't him either and also confirms the racist remark. Sue therefore writes "racist remarks" down in the circle. She goes on to ask whether this was like a one-off remark or whether it has been going on for some time. The young people between them paint a picture of a build-up of tension that has featured such racist undertones for several months.

When everyone has had a say there are perhaps fifteen descriptions of the problem in the circle. Sue asks whether there are any descriptions that stand out for everyone as the best description. Cliff and the Principal both speak in favour of the boys' descriptions as sounding like the most accurate ones of what has been going on.

Sue then draws a series of spokes out from the circle with the problem named inside it. "So if all of this might be called the problem" she says, indicating the words in the circle, "let's ask the question, how has this problem affected each of you? Now I am going to ask you to go first, Aidan, because you have been the one who has most recently had a direct effect of this problem on you."

Aidan speaks briefly about being concussed. His mother elaborates on the seriousness of the head injury, the headaches and the vomiting, and on how Aidan has been affected by the fight. Sue reminds Aidan that he said before that he was frightened to go back to the bus stop and has been getting a lift to school in the last week. She writes "concussion" and "fear" on the end of one of the spokes from the circle. Then she turns back to Aidan's mother and asks her how the whole problem has affected her. She speaks about feeling angry at how her son was assaulted and says that if this happened in town there could easily be a court case happening right now. She talks too of how she was worried about what was happening to her son. Then she mentions how this has meant taking time off work, with a loss of pay, to take him to the doctor and drive him home from school. Sue makes sure that Aidan and his mother have a full enough chance to speak about the effects of the problem for them before taking anyone else's comments.

Sue then goes round each person in the room and asks about the effect of the problem on them. Taima speaks of being disappointed and ashamed because she had thought that things were going well for Grant at school after some problems a couple of years ago. Tom tells how the family has been all upset by these events. The Principal speaks of how embarrassing it was to get a phone call and a letter from the Principal of Sunnyside complaining about this incident. The music teacher tells of his respect for Grant and his dismay to learn about what seemed to him to be an out of character act. Uncle Toby speaks about the shame for the whole whānau from what happened and at the same time his anger at hearing about racist remarks at the



bus stop. Wiremu tells how he is worried for his friend that he might be kicked out of school. And lastly Sue asks Grant about the effect of the problem on him. Grant again is surprised to be asked. With some help, he tells about how he has been "feeling stink" about hurting Aidan so badly. It has got him into trouble and he doesn't like being suspended. He is concerned that this problem may lead to him being expelled.

Sue has written notes on all of these comments on the spokes of the circle in which the problem was named. She then asks what it is like for everyone to look at all of these things that made up the problem and its effects. There is general agreement that they have all already learned something about what has been going on that they didn't know before.

Sue asks about what they have learned that is surprising to them. Cliff has not said much until now. He takes the opportunity to speak about the racist remarks and how serious they are. He asks the school to take these as seriously as assault because they are a poison that eats away at the whole community. Taima is sorry to hear about the extent to which Aidan's mother has been affected and she says she can understand that too because she would be the same if Grant had been assaulted. Grant is surprised to know that the Principal was personally embarrassed when he heard from the Sunnyside Principal.

Sue asks Grant which description of the problem is the best one from his perspective. Grant looks at them for a few seconds and selects two out. One is the "racist remarks" and the other is "staunchness".

"So would you like "racist remarks" and "staunchness" to see you put out of school and have all these effects for everyone else or would you rather stop them from winning so much?"

Grant is clear that he would like to stop these problems from ruining his schooling.

Sue then draws another circle on the whiteboard and some more spokes out from this one. "Now let's try to get a bigger picture of Grant," she says. "We need to find out more about when these problems are not in charge. So who can tell me some things you have noticed about Grant that do not fit with this problem story over here?"

Taima is the first to speak. She tells about how she and Tom both go to work early in the morning and how Grant has the responsibility of organising his two little sisters for school, making their lunches and walking them down to the school crossing. She tells how he does this very responsibly and how his two sisters look up to him and trust him implicitly. Sue writes this on the end of one of the spokes. She then asks what these actions say about the qualities and abilities Grant has. They settle on the word responsible and Sue writes that word in the centre of the circle

Grant's music teacher speaks about his care for the musical instruments in the music room and how last week he came into the room to find Grant sorting out a dispute between two other kids and telling them to take more care with the instruments.

"Would this be an example of Grant showing that he can have good communication skills?"

"Definitely. I was very impressed with this. The other two actually took more notice of what he said than what I might have said."

Sue asks Grant how he had done what he did. Grant shrugs and grins. Sue persists. She wants to know about what happened, what sort of thoughts he had about this incident at the time and what it says about him. Sue writes "good communication skills" in the circle.

Roger, Grant's rugby league coach tells of what a disciplined player Grant is on the field. He has never seen him involved in any dirty play.

"Does this mean that he has the ability to control angry responses and not let staunchness get the better of him when he wants to?" Sue asks.

Roger agrees and Sue questions Grant a little about how he knows to do this. "What's a word to describe this?" Sue asks in the end.

"Self control," suggests Grant's form teacher.

Uncle Toby raises the question of the racist remarks. He says that he doesn't agree with what Grant did, but that he is proud of him for standing up against racism. Sue asks about what he thinks this says about Grant. Toby and Tom and Taima all speak about how they want him to stand up against things that are wrong. They tell a story of him being a sensitive person who feels injustice acutely. A story emerges of his history of having a "strong sense of justice". Sue writes these words in the circle also.

"That's all very well," blurts Aidan's mother impatiently, "but my son didn't make those remarks and he was the one that got assaulted. He may well be a very nice boy but he still did something very wrong and my son got hurt and he can't go round doing things like that." She becomes flustered at this point and takes out a tissue to wipe a tear from her eye.

Cliff comes to her support. He looks at Grant. "She's right you know. You can't do things like that. What you did was as bad as the racism. So we do have to make amends for that. It's not OK that Aidan here is afraid of you. There are other ways to deal with racism."

"Do you want people like Aidan to be afraid of you?" Sue asks Grant.

"No," says Grant.

"Why not?" asks Sue.

Grant thinks hard. "Because I want people to like me and respect me. And I'm sorry about what I did." He looks at Aidan. "Sorry bro. I won't ever do that again."

Aidan nods but says nothing.

"What's that mean to you Aidan?" Sue asks as she writes the words "apology to Aidan" on one of the spokes.

"That's cool," says Aidan. "But he better tell his mates. It's not just him you know."

"Yeah well it's your mates too," says Wiremu.

"Are you boys willing to take a lead with all your mates to settle things down between you all at the bus stop?"

"Yeah we gotta do that," says Mark. "Because it could be someone else that gets hurt next time. Could be me."

"How about you others," Sue persists.

They all nod.

"OK. Well we need to get on to working out what we are going to do to make amends. But first let me check one thing. Grant we have two pictures here. One is the problem story. The other is this other story about you that is all about responsibility and strong sense of justice

and having good communication skills. Which one of these stories would you prefer everyone here to know about you in future? Which one do you like best?"

Quickly and definitely Grant answers, "That one," and points to the story of responsibility.

"OK," says Sue. "Our task now is to form a plan for how to make this story go forward and to address all the issues in the problem story. And in the process we need to find ways to make amends for what has happened." She turns to Aidan and his mother. "You're very important here too. Because whatever plan is made here needs to do whatever needs to be done to set things right for you."

The next twenty minutes are spent with discussing ideas for addressing the problems that have been raised. Taima offers to pay the medical bill for Aidan's visit to the doctor. Grant will do a series of jobs to earn the money to pay her back for this. Uncle Toby has a painting job that he would like Grant to do for this purpose as well and wants Grant to come down to Taupo for a weekend to visit his grandmother anyway.

A proposal develops for a delegation to go from the school along with Grant and his mother to Sunnyside High School. There a meeting will be held with the Principal and some of those who were present at the bus stop last Thursday. Grant will offer a formal apology to Aidan in front of these others and will ask the Sunnyside people to make a truce and stop the niggling at the bus stop. The Principal agrees to take up the matter of the racist remarks with the Principal of Sunnyside High and together to see to it that there is more teacher supervision at the bus stop over the next few weeks.

Grant agrees to meet with Sue to discuss violence and the thinking that makes it likely to take over. He will also do some investigation of concussion and the effects of head injury and present what he learns to the fifth form dean.

Grant agrees to sit separately from his mates in geography for the next three weeks. The music teacher agrees to talk with Grant every Wednesday lunchtime and to check with him about how school is going so that any problems don't start to build up and can get sorted out quickly.

The fifth form dean will meet with Grant's teachers in two weeks from today, and again two weeks after that, to see if there are any problems in class. He will also monitor Grant's attendance in class on a daily basis for a month and report to Taima on any problems.

The Principal agrees to ask the Board to lift the suspension on Grant. However he warns that the Board will want to know at its next meeting how things are going and that he will be asking for a report from the fifth form dean to give them from all of those present to take to the Board. The date for this report is established. He also warns that if anything serious like this happens again this year it will be much harder to persuade the Board not to suspend Grant.

Grant asks if he can go on a daily report. He says he works better when he is on this. The fifth form dean agrees to this for two weeks initially. Taima asks to see this. It is agreed that Grant will bring this report home for her to sign every day. She also makes an arrangement to phone the fifth form dean every Friday to keep in touch with how Grant is doing.

Yvonne will write up this plan from the notes she has taken and see that everyone gets a copy. Sue will call a meeting in a month to review how this plan has been working. This meeting will not involve everyone who has been present today but will include Taima and Grant and the 5th form dean.

Sue asks everyone if there is anything they want to say in conclusion. Aidan's mother says that she has appreciated this meeting and that it does make a difference to address things in this way. She is satisfied that Grant will do his best to make amends and she is not as angry as she was before the meeting. Grant's geography teacher says that she is pleased to learn a whole lot more about Grant that she didn't know. The Principal is grateful to learn about the situation that has developed at the bus stop and will now be able to address it. Sue asks Grant how he has found the meeting.

"I thought I was going to get a bollocking," he grins.

"Has this been different from a bollocking?" she asks.

"Yeah it's been much worse," he jokes.

Sue asks the kaumātua to end the meeting before they all are invited to join in a cup of tea and some cake. Cliff says a few words about how precious each member of a whānau is and that Grant is no exception. He is glad that the meeting has found a way to address these problems without having to chuck someone out. He pays his respects again to Aidan and his mother for having the courage to come along to this meeting. "That was not easy and it has made a real difference," he adds. Finally he addresses Grant. He pledges his awahi for Grant and also states his expectation that Grant will make his whanau proud by his actions in future. "If not you'll have to answer to me," he says, "and I'll be much tougher on you than the school will be."

Everyone laughs and Cliff closes the meeting with a karakia. All adjourn to the kitchen for a cup of tea. Taima ensures that Grant takes responsibility for handing the cake round to everyone without eating a piece himself first.

## Step by Step Description of the Hui Process

### Stage One: Before the Restorative Conference

#### Deciding to run a Restorative Conference

The decision to hold a Restorative Conference will be made according to the systems that operate in a particular school. It will however need to include the senior administrators of the school, usually the Principal and Deputy Principal. It may well be from a form level dean that the recommendation comes to run a conference. It is important that if a suspension hearing is contemplated, the status of the conference is clarified in relation to that hearing, before the conference. In other words, the BOT may need to be included in the decision to hold a conference.

A Restorative Conference is an event that takes some organisation and commitment of resources. Therefore it should not be undertaken lightly or for relatively minor problems. There is often some indication that a suspension or stand-down is being considered or has taken place. This is not to suggest that the principles of restorative justice cannot be used at an earlier level of the development of a problem, but the Restorative Conference itself needs to be used for carefully thought-out purposes.

## Appointing a facilitator

Once a decision has been made to run a Restorative Conference, a trained facilitator should be appointed. This person may not do all the work needed to implement the conference alone, but someone does need to oversee the process.

We think there should be at least two trained facilitators in a school, or perhaps contracted to a school. Choosing the best person to run the conference may involve checking with the facilitators about their previous relationships with the person the conference will be about. For example, if one of the possible facilitators might be better suited as an advocate for the young person in the conference (for example if the counsellor has worked with the young person already) then it may be advisable for another facilitator to run the process.

In some schools it would be possible to have different people do different parts of the preparation and other tasks. For example, it would be possible to have a kaiaawhina do some of the preparatory work, or at least to advise on who to approach to attend the conference. Some schools have community liaison people who can be marvellous in taking care of participants as they arrive, keeping notes during the conference, and helping with the implementation of the plan. Schools that have such taonga persons on their staff are in a very good place to begin doing this kind of work.

## Decide who needs to be involved in the hui.

The most important task is to identify the appropriate community of care around the young person on whom the conference will focus. This should not be decided structurally in terms of whānau/family or school. For example being a family member or a teacher for that young person may not be enough reason for someone to be invited to take part. There needs to be some contextual relationship to the person that defines them as part of the community of care. The problem itself may bring some people into reckoning who might otherwise not be considered. For instance the victim of a specific action such as an assault should be invited, with appropriate support people. Safety is a primary consideration, for all participants.

People who may be invited include kaumātua, family/whānau members, teachers, friends, youth workers, sports or activity coaches, counsellors, psychologists, social workers. We do not prevent anyone who is involved in the situation from coming, in the belief that the more people who are willing to participate, the better the resources available for restoration.

Both victims and young persons may want to bring with them support persons to the conference. This should be encouraged.

**Key Questions** to ask in thinking about setting up a conference include:

*Is there a victim?*

*Who has a stake in addressing this issue?*

*To whom does resolving this issue matter?*

Seek agreement to participate of the victim/young person

Seek the agreement of the victim and of the young person to taking part in the process. The process may not work as well as it could without the victim's input (if there is a victim). However, it can still go ahead if the victim chooses not to be present for the conference, provided that this person's perspective is gathered in advance and represented in the conference (e.g. by letter or recorded interview, or some other advocate).

The victim's participation in the conference/hui is voluntary and no coercion should be used to get victims to attend. This includes persuasion by means of appeals to their civic duty or the like. The young person's participation should also be voluntary. Alternatives may be suggested, such as a BOT hearing, but the objective of the conference should be very clear so as to create a situation of clear and informed choice.

A key issue is the willingness of the young person to participate in a process of making amends. This requires an admission of having offended. If the young person is more concerned to establish their innocence or to blame someone else for what happened, then the conference may not be the right process to use. The Restorative Conference should not become a court hearing.

If it becomes clear in the conference itself that the young person is not willing to take any responsibility, then the facilitator should consider abandoning the process and not proceeding. Similarly, if key people are unwilling or unable to attend, the conference may not be able to achieve the desired outcomes.

**Key Questions** to consider in setting up the conference include:

*Has the young person admitted his/her part in the offence?*

*Is the young person and his/her whānau willing to participate in making amends?*

*Is the victim (if there is one) willing to take part in the conference?*

## Research the background issues

For a Māori young person it is important to establish the whakapapa of the young person. This will mean learning about whether their iwi affiliation is to a local iwi or not. Kaumātua assistance may be required to ascertain this information. Taking time to research this information and identify who might best be invited to the hui will pay dividends in the conference itself. The kaumātua should also be consulted about how to invite whānau members.

For someone of another culture it will also be important to establish culturally relevant information about the community of care.

Background research may also need to include learning about the problem issues as they have evolved. This will involve talking to key people in the school who know about the issues and about the young person.

**Key questions** include:

*What is the iwi affiliation of the young person? the whānau connection?*

*What is the best way to approach the whānau?*

## Whānau meetings

The legwork done before a Restorative Conference has a big influence on its success. This work may be taken on by the kaimanaaki in the school, or the counsellor, or some other person or persons who work closely with the facilitator. The facilitator will coach all these people and coordinate their work at this stage.

It is necessary to meet with the young person and her/his whānau, and the victim and her/his whānau (separately), before the Conference hui itself. The purpose of these meetings is: to explain the purpose of the Restorative Conference, to prepare people for what will happen, to hear their story of what has happened, to begin to talk in ways that are non-blaming and that are consistent with the idea that, "The problem is the problem; the person is not the problem."

The victim (if there is one) and his or her whānau should be met with first. This is because it may alter substantially what will happen if the victim decides not to attend the Restorative Conference.

Then the conference support worker/kaiawhina/kaimanaaki and/or the conference facilitator should meet with the young person and her or his whānau. You might want to take a brochure explaining the process of the conference and work through it with the whānau.

A meeting (usually brief) with the teachers of the young person should also take place in order to inform them of the Restorative Conference, to seek background information and to invite those most appropriate to attend the conference.

Another purpose of these meetings is to establish the suitability of the proposed time and venue for the Restorative Conference itself.

The focus of these separate meetings should be:

- to discuss the issue, and allow people to tell the story of what happened from their perspective and voice their feelings/opinions
- to invite/encourage and seek agreement from everyone to attend the conference
- to explain what will happen at the conference, including conveying realistic expectations of what the process can achieve
- to allow people to express feelings about the process including doubts, misgivings and ambivalence
- to discuss the best way to invite people to attend. (Making phone calls, sending out brochures, letters)
- to establish whether there will be a māngai (mouthpiece) in the conference for the young person or whānau. (Or establish other relevant cultural processes)
- to prepare people for their role in the conference
- to explain the ways of speaking that will be encouraged at the conference.

- to help prepare victims and young persons to express their views in a way that will promote positive outcomes
- to reassure the victim (if there is one) that everything said in this whānau meeting will stay in this meeting and privacy will be respected. The same respect for privacy should be accorded to the young person.

The work done at this stage will repay you many times, so don't rush it!

## Stage Two: Beginning the Restorative Conference

### Preparation

The facilitator needs to establish a venue and time for the hui. This should not be somewhere that is intimidating for the victim or the young person. It is advisable that the venue is not one that is reminiscent of suspension hearings. Sometimes a school marae is suitable. Sometimes a community centre off the school property works best. The relevant community of care needs to be informed of the venue and time for the conference.

Waiting facilities need to be considered before the meeting begins. It may be necessary for the young person and victim and their respective whānau members not to be left together in the same room while waiting.

The facilitator should set up the room in a horseshoe arrangement so that everyone can see the whiteboard. Consideration needs to be given to who will sit where in the hui. The victim and young person both may need to sit near their whānau members and support persons. Teachers should avoid sitting in a block if possible. If there is more than one facilitator they should not sit together.

A whiteboard and markers will be needed in the conference and someone will need to be appointed to take notes of what is decided other than the facilitator.

### Beginning the hui

It is good to open the hui in a way that creates an atmosphere of respect and seriousness and makes it a sacred space. Hence a brief powhiri or karakia may be held. If a kaumātua is present he or she should be invited to open the conference in this way. The form of this opening should establish a connection with the cultural background of the young person and his/her family.

The facilitator should then explain the purpose of the conference and outline the guidelines of what will happen. Here is an outline of what should be covered in this introduction:

- These meetings are about restoring respect and when people ask you or want to know about what went on here, we would ask you to remember to respect what was said here and the privacy of any personal material that is discussed here.
- This is not a suspension hearing. Also, we are not a court. We are not here to decide whether someone has done anything wrong. Nor are we here to sentence anyone to a punishment.
- The reason we are here is to talk about what happened, to learn something about how we are all affected by what happened and hopefully to work out what can be done to make amends.

- This hui is not about blame, although it is about making things right.
- This is a voluntary process. We understand that everyone here has agreed to participate voluntarily... Is that correct?
- Everyone here has the right to speak in this meeting/hui. There will be time for each person to speak, so please don't interrupt when someone else is speaking.
- This meeting could take up to 2 hours. We have a process that we are going to follow and if we don't manage this process well we could end up sitting here for hours, so I am going to move the process along and would like your agreement to that.

At this point the facilitator should speak to the ethos of the meeting. One way of doing this is to write the following statement on the whiteboard as an expression of the intended ethos of the hui. Everyone is invited to join in this spirit.

*"The person is not the problem; the problem is the problem."*

The process of warming everyone up to the task of the hui then shifts to a focus on who is here. In order to establish an atmosphere of trust and constructive work people need to introduce themselves and to know who they are talking to. Introductions or mihimihi follow. Each person is invited to speak and after introducing themselves to express their hopes for what will come from the conference.

- As you introduce yourselves to the meeting, can you each say your relationship to this issue and one thing that you hope will come from this hui.

Some young people may need some help to express their hopes for the hui. This can be done by the facilitator asking them a couple of questions.

## Stage Three: Mahi Phase I

### Establishing the Take

Mahi means work, and in this part everyone will work hard! There are three main tasks to achieve in this next phase of the conference. We have called this phase "establishing the take". The first task is to facilitate the telling of the story of what has happened including what led to the calling of the Restorative Conference. The second task is to name the problem as everyone understands it. The third task is to map the effects of the problem on everyone present.

#### Telling the story

Because we do not want the focus to be on debating the correctness of the story, this should have been established in advance of the conference. The young person and the victim should have had their say already in forming this story. At this stage someone from the school needs to speak to this task and

- tell the story of what happened,
- refer to relevant background history, and
- explain why the school was considering serious disciplinary action.

This task is difficult for the facilitator to do themselves and may be incompatible with the role of facilitator. Therefore we recommend that the school principal or deputy principal, or perhaps a dean, should undertake this task. There should be no softening of the seriousness of the situation in this account. The rest of the conference will benefit from a blunt statement about how serious the situation is at this point.

After the principal or her/his delegate has told the story of what happened, the facilitator should ask the victim first to agree that this is a fair account of what happened. When this agreement is established the young person should be asked the same question. It is important not to get sidetracked into an argument at this point. Rather, the young person should also be asked to state his/her willingness to make amends for what has happened.

If the young person is determined to blame someone else, especially if that someone is the victim, then there is a serious question about whether the Conference should proceed. It may serve the purpose of making the victim into a victim all over again. One option is to halt the meeting for a few minutes and talk with the young person and their supporters privately about this issue.

Keep the focus on the specific incidents that have led to the hui/ conference and bring people back if they wander off into generalized comments that are not relevant.

#### Key questions:

- *What brought us to this place? How did it come about?*
- *Why was the school thinking of serious disciplinary action?*
- *Do you accept that as a fair account of what happened?*
- *What were you thinking when you did that?*
- *Was there a difference between what happened and what you intended to happen?*
- *Are you willing to try to make amends/set things right?*

#### Naming the problem

The next task is to agree on how to name the problem. This is part of the process of separating in everyone's thinking the person from the problem. It is an embodiment of the narrative therapy principle of externalising the problem.

The facilitator should draw a circle on the whiteboard and ask everyone to contribute ideas for how we should name the problem. Stress that each person's perspective is different and everyone present should be asked to name how the problem appears from their perspective. The facilitator should seek to clarify each perspective until a word or brief phrase can be established and this should then be written in the circle.

It is important to ask everyone to contribute to the naming of the problem, especially the offender and the victim. Be careful to see that the name for the problem is a thing not a person. Care should be taken that what gets written in the circle is not a description of a person. Labelling of personal qualities and descriptions of personal deficits should be avoided. For example, "hitting" may be described as the problem rather than "a violent nature".

When everyone has contributed to this naming process the facilitator should say something about how the problem includes all of these things. There is no need to agree on a single name. The

collective description in the circle includes multiple perspectives and this is how it should be. It is likely to be more accurate through remaining diffuse than it would be if reduced to a single name.

However some response to the names generated is possible. The facilitator can ask which names appear to people to capture the problem best. Two or three may well stand out for some people. These names can be underlined and used in the ongoing conversation.

#### Key questions:

- *How could we describe in a few words what the problem is? If we could give a name to it, what would that be?*
- *Which of these names fits best with all that we have heard?*

#### Example: Naming the Problem

Lateness

Defiance when challenged

Noises in class/tutor group

Anger/violence

Unresolved past problems

Relationship with one student

Alcohol at school

Verbal sparring – angry in class

Coping with putdowns

Calling a teacher a bitch, swearing

Staying focussed

Moods

Racism/bullying

#### Mapping the effects of the problem

The next step in the process is to gauge the impact of the problem. The aim here is that everyone should get a chance to express how they have been affected by the problem. At the same time everyone gets the chance to learn about how others have been affected. This inquiry should not be conducted in a punitive tone but in a respectful and curious way.

The facilitator begins by drawing a series of spokes out from the circle in which the problem has been named (see diagram). Then s/he asks everyone to think about how the problem that has been named, when it is around, affects each of them. Participants should be invited to speak for themselves rather than for other people.

The effects of the problem may take a variety of forms:

- a) They might be feelings such as anger, fear, guilt, shame, disappointment.

- b) They might be reactions to what someone else does or says.
- c) They might be physical experiences like headaches, bruises, sick feelings.
- d) They might be thoughts or intentions or decisions.
- e) They might be actions or behaviours.
- f) They might be events in a relationship.
- g) They might be social effects like friendships ending, stand-downs, other people's responses.
- h) They might be things that have happened, that are still happening, or that are expected to happen if things keep going in the same direction.

The victim's voice needs to be heard strongly in this stage. The facilitator should begin by asking the victim to speak first. The victim's experience should be given plenty of opportunity to be heard by repeatedly asking

"What else has this problem done to you?"

"How else has it affected you?"

Notice how the language is important at this point. The work done to separate the problem from the person and to speak about it in an externalising way needs to be built upon now. The facilitator must keep on referring to the problem as an "it", a "thing" or referring to it by name (as settled on previously). This conversation should not be allowed to become the effects of "Johnny" on the victim. This would rapidly descend into a blame session.

If there is a person who is not present but who has been affected by the problem they can still be represented in such a discussion. Someone may report what this person has said previously or read out a message that this person has sent. Or those present might even speculate about how this person might have spoken about these effects if s/he were present to speak.

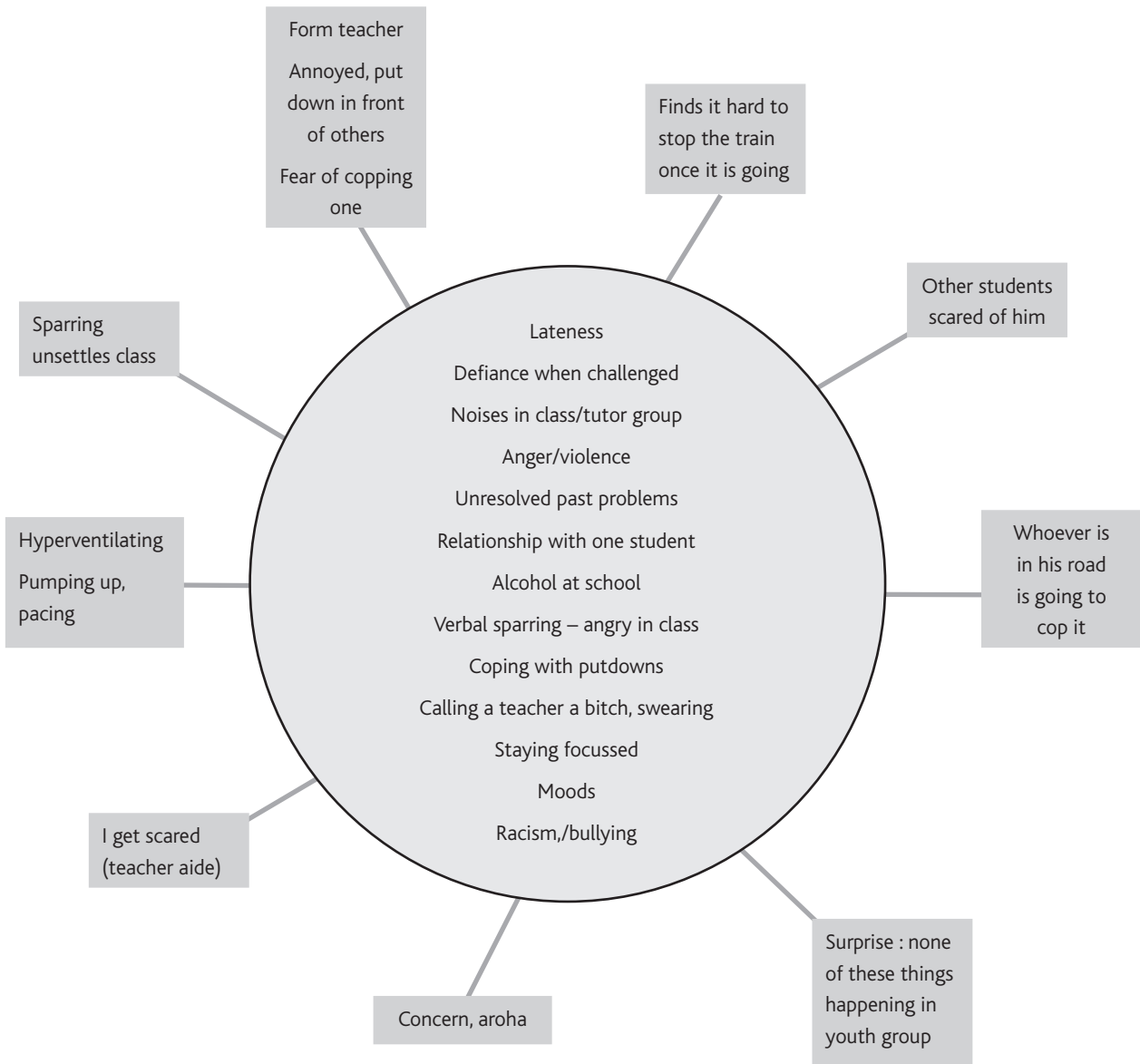
Those who are present should each in turn be invited to speak. The facilitator's task at this time is to listen carefully, to check that the person's experience has been heard correctly and to write down on each of the spokes drawn out from the circle a word or phrase that represents the effects of the problem. You should be aiming for breadth of coverage rather than exploring the depths of the effects on any one person.

It is important too that the effects of the problem on the young person are asked about as well. This helps separate this person from the problem.

#### Key questions:

- *When this problem is present, how does it affect each of you?*
- *If ...were here what would s/he tell us about the effects of the problem on her/him?*
- *What else...?*

## Example: Mapping the effects of the problem



In this phase we do the centre first, then the spokes.

# Stage Four: Seeking out the New Shoots

## Mahi Phase II

In this phase the focus shifts from the past to the present. What has been said already will have had an impact on everyone. The object of this phase is to mark the changed perception that is brought about for everyone by hearing the richer description of what has happened and its effects.

The facilitator's task is to ask some questions that create conditions for "new shoots" to grow. The invitation is for everyone to learn something new about the effects of the problem.

### Key questions:

- *Is there anything here (on the board) that surprises you?*
- *What are the things that contribute to keeping this problem alive? Can we all think of some things?*
- *Would anyone do anything differently next time?*
- *Are you (all) happy about the effects that this problem is having? Would you like them to stop or don't you mind if they continue?*

### Seeking out new shoots

No problem is so consistent that there are not gaps in it. The aim of this phase of the process is to identify the exceptions to the problem story. These can help complete a much thicker description of the situation than one that includes only what is problematic. These exceptions can introduce a much more hopeful picture built on what has been left out by concentration on a problem-saturated story. They can also be the openings to the story of difference. This story can feature some real changes that will soon be built into the plan for the future.

At this point the facilitator draws another circle on the whiteboard and a series of spokes out from it. There is a difference in how to work with this circle from the first one. In the first mahi phase we worked from the inside of the circle outwards. This time we work from the outside inwards. The words attached to the spokes will be written up first and the participants will then tackle the task of figuring out what goes in the middle.

The facilitator asks about what everyone knows about that does not fit with the problem story (pointing to the first diagram on the whiteboard). It may be necessary to ask some specific questions to elicit this information. For example, if the problem story describes the young person as restless and distracted in class,

are there any gaps in this story where his/her behaviour in class would be described as focussed and concentrating well? Or if the problem story describes the young person as rude and disrespectful, have there been any examples of her/him being respectful and considerate? These examples may come from home or school or in youth club or on the sports field.

Once one of these exceptions has been identified the facilitator can ask for any other examples of this kind. When several examples have been mentioned, the facilitator can ask people to speculate on what qualities or talents or abilities or competencies these experiences might suggest that this young person has. These ideas can be written in the centre of the circle as alternative descriptions of the person to the descriptions fostered by the problem story.

The young person can be asked at this point about their knowledge of how to do these things.

### Key questions: Finding exceptions

- *If we were only to pay attention to the problem story what would we not notice about this person, or this situation?*
- *When has this problem not been around?*
- *What settings does this problem not happen in? When does it take a break, disappear?*
- *What has this person done that does not fit with the problem?*
- *How did you do those things?*
- *Has there been any desire to make amends, any signs of change, expressed?*

### New descriptions

- *What does this problem not let us appreciate about this person?*
- *What qualities, strengths does he/she have that the problem has been masking?*
- *What do these things suggest about this person that the problem story made it hard to see?*
- *Who would not be surprised to hear about these things?*

When a series of exceptions have been mapped onto the whiteboard diagram and a number of words describing the young person in more positive ways has been elicited, it is time to take stock of this map and to compare it with the other map of the problem story. Everyone can consider this.

The facilitator can ask about the difference between the two stories. What has everyone learned by seeing these two stories side by side? Crucially, which story does the young person who is the young person prefer? Which one does he or she want to emphasize more in the future? Such questions can lead into the next step, which is about building changes for the future.



## Example: Mapping an alternative story



In this phase we do the spokes first, then the centre.

## Stage Five: Forming the Plan

Note: If anyone at this stage of the meeting is still wanting to talk about punishment, then it may be that they have not had enough opportunity to be heard. In this case it is necessary to go back a step and ask them to speak about what is on their mind.

### Thinking about the future

The facilitator's task now is to direct the meeting towards a future focus. This should always occupy the last third at least of the allotted time for the conference. Ask everyone about the implications of the knowledge that has been collected for how to address the problem. Write these ideas on the whiteboard as well

#### Key Questions:

- *The victim (if there is one) needs a voice here. Ask, "What needs to happen for you for things to be set right?"*
- *What can you see written on the board that we can build on to move forward/set things right/ make amends?*
- *What does all this mean for setting things right, restoring everyone's mana?*
- *What needs to happen now? (Make sure this includes the victim's needs too.)*
- *What will a plan for the future have to include?*

### Forming the plan

The meeting needs to decide on the process for developing a plan for the future. It may be that there is not enough time to complete this process at the conference and some representatives from the hui may be delegated the task of formulating the plan. If there is a victim, however, it is advisable for some of this planning to take place in the meeting. Usually the meeting can suggest the main ideas that will go into the plan for the future and a smaller group can meet to discuss its implementation.

#### Key questions:

- *Will it be right now or will it be later that the plan for making amends is developed?*
- *Who wants to be involved?*
- *Who needs to approve of the plan (on behalf of school, whānau, community) once it has been drawn up?*
- *Who will do what?*
- *When will the plan be reviewed?*

### Ingredients of the plan

The plan needs to be about people taking up responsibility rather than being punished and required to do things against their will. Not all the responsibility will lie with the young person either. In some conferences, problems that need addressing in a class, or in the school, or in families are revealed. The plan might include teachers and administrators making commitments to address these issues.

It is important therefore to decide in writing the plan:

*What will be the school's responsibility?*

*What will be the whanau's responsibility?*

*What will be the young person's responsibility?*

*What will be others' responsibility?*

Here are some principles for writing a plan for the future:

*It does not have to be complete at the end of the hui/conference.*

*It should be detailed and specific.*

*It should be understandable to all parties.*

*It should be time specific.*

*It should have a clear date of closure.*

*It should be culturally appropriate.*

*It should be reality tested.*

*It should be generated by the participants rather than dictated by school authorities.*

*It should ensure safety for all concerned.*

*It should relate to the nature of the offence(s).*

*It should specify who will supervise the carrying out of tasks.*

### Reviewing the working of the plan

- The plan for the future should include a process for reviewing what has happened since the hui. This follow-up is crucial to the success of the Restorative Conference. Without it much good work can be undone. Therefore it needs to be clear exactly how this will happen and who will be responsible for it at the end of the hui.

### Te Otinga/The Ending

The facilitator should draw the hui/conference to a close summarizing the positive aspects of the conference and thanking everyone for their participation. The details of the decisions about how to take the process forward should be reiterated as well.

Participants should be asked for any final comments (but not everyone need speak). This provides a final opportunity for making meaning of the events of the conference. It may lead to some moving or poignant expressions of reconciliation, of regret, of intentions for change, of apology, of forgiveness.

Finally the kaumātua or elder can be asked to close the hui in the same way that it was opened, with a karakia (or other culturally relevant process).

### Hākari/afternoon tea/supper

It is important at this stage for people to relax together after they have been working hard for two hours. The provision of a hākari or afternoon tea at the end of a hui helps to enable some personal conversations to take place that break the spell of the conference and assist the transition back into daily activity. Family members may even take the opportunity to make personal connections, convey apologies, build relationships with teachers, all of which can further the work of the conference.

## After the Hui

### Review Meetings

When the review (or reviews – there may be more than one!) takes place, the aim should not just be the perfunctory one of checking to see that things have been done. The aim should be to further the development of the story of change. This may include noticing things that have happened that were never part of the plan but have developed since the hui.

#### Key questions to guide the process of review:

- *What has worked/not worked?*
- *What difficulties have arisen?*
- *Have the responsibilities promised in the plan been taken up?*
- *Have any new developments taken place that were not predicted in the plan?*
- *Are there any changes to the plan that need to be made in the light of experience?*

### Celebrate achievements

Achievement in the undermining of or exclusion of a problem does not come by accident. It is invariably the result of effort and resistance on the part of those affected by the problem. By drawing attention to those efforts, we affirm the work of the people involved and make it more likely that those resources of strength will be available should another problem try to affect them again.

Here are some ways to celebrate achievements:

- Letters acknowledging progress
- Certificates to mark completion of the plan
- Rituals to celebrate the changed status
- Deliberately inviting a young person who has made some efforts to change to give advice to someone else or be a consultant to help someone else who is facing a conference.

## Classroom Conferencing

There are times in schools where a particular class grows a reputation for being difficult or unruly or where a problem associates itself with that class in some way. Where the concern seems to be associated with the class as a whole rather than individuals or groups within it, the use of a classroom conference may be helpful.

The teacher, dean, concerned parents, or students may call for a conference. It is anticipated that students will have been taught about conferencing and the philosophy of Restorative Practices behind it prior to a conference being held. (This may be done in Health classes or with the particular class prior to running a conference.) As with all conferences it is important that some level of acceptance of the process and willingness to take part is arrived at before the conference goes ahead. This is often obtained by the

facilitator ensuring that the class knows that the conference is about hearing their voice, as well as those of others involved with that class community.

It may be that as well as teaching about these processes and ideas in Health class, the facilitator of the conference might go into the class the day before a conference is held to speak with the class about the process and the thinking behind it. In this way the class can give their permission for the conference to go ahead and be well prepared for it when it happens.

The facilitator is from outside of that class community. You can probably see already that this role needs to be one that has been agreed upon around the time the conference has been first suggested. In fact, perhaps it would be sensible for schools who want this option for their students and teachers (as well as their Board of Trustees and Senior Management) to invite staff to take up this role and to upskill themselves, so that you can be more confident in making the possibility of a classroom conference available in your school.

Invite the students of the class, and any or all of the teachers involved with that class to the conference. Invitations may also include a relevant Head of Department where curriculum issues are associated with the problem's presence. Where appropriate to your school's make-up, consider inviting senior peers / tutoring assistants / peer support leaders / mentors / anti-Harassment Team members etc. The use of senior students in this process as conference participants and / or as facilitators / and / or as follow-up persons is an area for development in these ideas.

The idea behind making these invitations is to look as widely as possible for alternative descriptions of this class – descriptions that the problem description is blinding us to, and descriptions that this class group may prefer enough to want to work towards making more widely known. Therefore the people that are invited to join this conference are those who would willingly join in that project.

Note: When writing a map or set of guidelines for a conversation it may appear that a rigid format is being imposed. In reality, as in any conversation, there will be a fluid flow of ideas and responses that will at times move in unexpected directions. Restoration is primarily about relationship and belonging – we want our students, staff and community to have a story of success and belonging about schooling. The map / guidelines are about supporting that kaupapa rather than something to be rigidly followed. The thinking that gives rise to the questions that follow hopes to include and prompt some useful ways of speaking that make restoration of relationship more likely. In particular these ideas are interested in a) getting as wide a description as possible of the effects of the problem so as to have something clear to reject; and b) building as strong an alternative description as possible so as to have a 'project' to prefer. This is not just a linguistic trick – we genuinely believe that there are always alternative descriptions available which contradict the problem's descriptions of a class. This process is about joining together to seek those descriptions out.

The conference begins with:

“The problem is the problem, the person is never the problem”

Write this phrase at the top of the board. Clarify that in this conversation no-one will be spoken of as if they were a problem. Our challenge is to name and speak about problems without speaking about any person a problem. You may speak about how problems have a way of giving classes descriptions or reputations that attract trouble for that class. We are interested in this conference to hear all about those, and then to hear all about the descriptions that exist that the problem is not telling us about.

What problem names have attached themselves to you as a class that you imagine teachers and others describing you with? If I was to ask teachers, deans, others to describe this class what names might they use? If we think about the problem as the problem, rather than any persons as the problem, what sort of names might you give for what the problem really is?

Write all the names put forward into a circle on the left of the board. Be careful to work towards and only write up names that are external to persons. Is there a key name here on the board or does this problem go by a collection of names? Sometimes “Reputation” is a useful collective title. If a student is named as a problem work to name the problem as the particular behaviour – ‘calling out’ or ‘teasing’ or ‘theft’. This allows what is being said to be honoured, but also allows us to stay strongly with ‘the problem is the problem, the person is not the problem.’

What are some of the effects that these problems have as they roll round our classroom? On students? On learning? On teachers? On teaching? On the school at large? On parents? On students’ relationships with each other and / or their parents? On our futures?

Write the effects of the presence of these problems around the circle. Use different colours if possible for effects on different groups to enhance the awareness of the wide-spread nature of problems’ effects. Summarise what people say while still using their own words. E.g. ‘I get really angry when John makes fun of the way I speak and I find it hard to do any work after that and I don’t want to talk any more in this class’ might become ‘So when the problem of ‘teasing’ is in this room it affects you by getting you angry, stopping you working, and making you not want to talk in this class?’ and that might get written onto the board as effects of the problem as ‘anger, stops me working, and don’t want to talk.’ It is an important part of this work to ensure that what is written up on the board is what the person feels they said, so checking before writing is a good idea, and people regularly say they like the way their own words appear on the board.

If we were to think about these named problems, just for a minute, not as problems but as some form of protest or frustration about something, what might that protest or frustration be about?

Add these ideas in the centre of the board as names of the problem. This question is informed by the idea that what we call behaviour might also be seen as actions taken for a specific purpose. If what we are calling ‘classroom behaviour’ was seen as a set of actions with a specific purpose, what might emerge as the purpose? (What is continual disobedience protesting about? What is a teacher

sending students to the dean’s room protesting about? And if the actions were seen (by the class and teachers) in this new light of being purposeful, what sorts of conversations about visions of the ‘way things ought to be’ might emerge? The possibility arises here for students and teachers to join together in aligning their actions to common purposes informed by common visions of ‘the way class ought to be’. It is our belief that teachers and students are more often in agreement about this than is commonly thought.

(Is there anything about these effects that you do not like or do not want to keep?)

Underline or highlight unwanted effects. Where needed explore and work towards a wider awareness of the not wanting of these effects. This question is bracketed to highlight the need to be discerning in the use of these questions. If it seems likely that there are effects on the board that the class will want to be rid of, ask the question. But if it seems that the class might want to hold on to these effects for a while yet, you may consider not asking this question. Another version of this is to ask ‘if this problem was allowed to keep rolling around in our class for as long as it likes, what sorts of trouble might it bring for us in a month or two?’ This is again about standing back from the problem and its effects and deciding ‘We don’t want that!’

Is any of this coming as a surprise to you at all?

This is about any unexpected realisations from the conversation so far.

Are there any times or places where these problems and / or these things that cause frustration and protest are not so strong or are absent altogether? Are there attributes that you know about yourselves as individuals and as a class that the school does not know about or is blind to? Are there things about this class that are hidden from the school? Why do you think it is hard for the school to see these things? (Does this tell us anything new about the problem and its effects?)

Write these examples of times when the problem is not around or is less strong around the outside of a circle on the right side of the board.

This is the counterbalance to naming the problem. Work to name times and places and descriptions of the class where the problem is not present. The goal here is to build at least as big a picture as the problem story. There are always places and times where the problem story fails to describe this class.

What is the description of this class that emerges when we look at the times that the problem is not running things in this class?

Write the attributes and qualities of the class that are aligned with the times when the problem is not present into the middle of the second circle. This is an alternative description of this class. Make it as full and inclusive as possible.

When those things are happening, and/ or if these descriptions were more widely known, what might some of the effects on students, learning, teachers, teaching, school as a whole, parents, and our relationship with parents be?

Write the effects of these times and places and descriptions on the different groups around the words on the outside of the second circle. Use different colours for different groups if possible. If new qualities and characteristics of this class emerge add them to the

middle of the circle. The idea here is to explore as clearly as possible the times when the problem story is not true, and to become aware of the qualities and characteristics of this class that the problem has blinded us to as clearly as possible. This is so that the class can be invited to join together and with the teachers in a project of advancing the one description over the other.

[Note: Mostly these conversations will take one period. At other times it may be more appropriate to meet more than once or take the class away for a day. In that circumstance there is a rich conversation to be had here about the class's ideas of 'the way things ought to be'. Questions might be asked such as "Where might your ideas of how it ought to be come from? What sorts of people in your lives are associated with these ideas? Are there other places in society where these ideas apply? Are there other places in this school and in society where these ideas about how it ought to be are strongly held? If we like these ideas, what resources would we need to make them effective in our class and school? To what extent are these ideas attainable?"

What are some of the things that support those times or make them more likely to happen?]

[List the things that support these preferred effects.]

What are some of the possibilities for us as our next step as a result of this conversation? Which of these, or what combination of these, can best help us get rid of the effects of the problem we do not want, and get more of the effects of those better times that we do want? Are we interested as a class, including teachers, in undertaking some sort of project to advance this preferred description of our class at the expense of the problem one? Who might be interested in joining with us in that?

List a range of possible next steps. Mark or list those ideas, or parts of ideas that best support our preferred effects. Brainstorm who or what might support us in this endeavour.

What sorts of things can help us put these things into practice? What sorts of things might get in the way? What could we do if that were to happen?

Discuss and clarify the emerging plan. Plan how to re-convene this conversation in the event of trouble. Plan smaller ways of responding to trouble. Write up the plan and display it in the classroom. Teacher and students may refer to it in future days – "What do we need to be doing to get back in touch with our preferred story / preferred image?"

How often shall we meet to review this plan? How will we know if what we are planning has been successful? What % success shall we call successful?

Make sure you put in place some tangible markers of success, and plan to review the plan soon, and regularly.

## Key Concepts in the Conferencing Process

### Accountability/Justice

Great care must be taken not to assume that accountability and punishment represent the same things. In Restorative Conferencing, processes of accountability are traced also to the community of which the young person is part. The emphasis is on maintaining rather than rupturing the relationships, by seeking to make amends, rather than by (necessarily) enforcing punishment.

Enhancing the well-being and strength of the family and the school community

The conferencing process aims to enhance relationships between members of the school community and the families of the young people by providing a context in which all can come to greater understanding of the others' aspirations, hopes and ambitions. Strengthening the families is achieved by ensuring that the young person's and victim's supporters are present in the conferences and are actively involved in the decision-making processes.

Family participation and consensus decision-making

The Restorative Conference brings together family or whanau and other interested parties to decide how to address youth offending. What is innovative about the process is the involvement of the community in the decision-making process.

### Reparation and reconciliation

The aim of the Restorative Conference is to allow for healing through reconciliation, an acknowledgment of the past and a moving forward. We are keen to ensure however that this does not mean that reparation becomes the sole focus of the conference. The key to a successful conference is the way relationships between and among the participants are cared for and enhanced.

Cultural Appropriateness

The Restorative Conference must be appropriate to the cultural background of the people involved. Local iwi or concerned elders and other concerned community representatives must be involved in all aspects of the process, from initial consultation to implementation and monitoring of the process.

### Group decision-making

The people affected by a breach of school rules are not just the individual victim, or the school, but the rights of the victim's family and community are also violated. It is therefore important that this community have some input into the process. The strength of the conferencing process is that it engages in the analysis of the multiple concerns of the community (Braithwaite, 1993).

## Information sharing

One of the advantages of the conferencing process is the sharing of information with the extended family. This removes some of the secrecy that can surround problem behaviours and enables the community to support the families. In the conferencing process the issues which have in the past only been “whispered behind closed doors” can now be brought into the open.

## Co-operative approach

It is fundamental to the conferencing process that the parties should be able to participate in decisions that affect them (Hudson, Morris, Maxwell, & Galaway, 1996). Since the basis for the Restorative Conference is non-adversarial, it encourages the parties to find the way forward themselves rather than rely on a solution imposed by “experts”.

## Community Base

The wider use of the community as an integral part of the process draws on the range of local knowledge within the community, using the community networks to support change. It also enables the parties to focus on the strengths of their own family and community.

## Breadth of outcomes

One of the major advantages of the conferencing process is the ability to come up with wide ranging options. If the family and community are involved in suggesting options for redress, it is more likely that they will have a stake in seeing that the process is followed through.

## Flexibility

The process is responsive to particular cultural needs and is able to generate wider ranging options than other formal processes such as a Board of Trustees or a court hearing. The desire for cultural appropriateness means that flexibility is essential.

## Reconciliation and Reintegration

Conferences focus on reconciliation and reintegration. Whilst they take pains to identify the needs of disaffected youth, it is important not to over-emphasise the focus on the “young person” if this means overlooking the rights of any victim, the school and the community.

## Culture of the School

If the key people in a school come to accept the philosophy of conferencing they will adapt and apply it within the culture of their school. That makes it important to communicate the key understandings about conferencing to the Principal and Deans, as well as the Guidance staff, parents and Board of Trustees – indeed, to the entire school community. This is not so much a way to do conferencing, but a way to think about it.

## Community of Care

A strength of the conferencing model is that it makes visible and further develops the community of care around the young people concerned. This community can become a resource for the school in the future.

## Focus On Possibility

Throughout the conference there is a desire to open possibilities for change, rather than to fix the person or the problem, and the resulting situation. The kind of language that is used, and the habitual stance of the facilitator within the conference will set the tone for this approach.

## Alternative Stories

Michael White, one of the creators of narrative therapy, is frequently quoted as saying that no description of a person is so self-consistent that there is no contradiction within it (White, 1989). One of the ways in which we can shake the power of the deficit story about someone is to look for the alternative stories, the stories that contradict the powerful story of wrong-doing. This is the function of the second Mahi Phase of the conference, but the ground for this move is laid and supported by the process to that point. The search for alternative stories does not completely substitute for the problem-story. However it does make an alternative position of dignity and potential strength available to the young person, which they can then use to stand upon while they agree to make amends.

We are paying attention to the forum within which this information is gathered because we recognise that school systems do not easily acknowledge alternative views of a student. To overcome this we bring all those involved together in a meeting – the school community conference – and deliberately foster equality of voice. This approach to problems invites questions about what is preventing a person from acting differently - yet at the same time, it invites all persons to positions of responsibility.

## Thick and Thin Descriptions

What we are doing is changing the way we gather information about a student about whom we are concerned. Rather than relying on the school file with its record of misdemeanour and failure (a thin description), we are asking all those involved in the student’s community of care to contribute to the fullest picture possible (a thick description). What this wider sourcing of information allows is a more considered and, hopefully, more effective intervention.

# CHAPTER SIX: REFLECTING ON USING RESTORATIVE CONFERENCING

## Some Principles to Keep in Mind

A primary principle of the Conference must be to avoid further destruction of the mana of all participants.

Young persons must be held accountable and responsible for their actions and for making amends.

Most models of restorative justice aim to develop an intervention that assists the young person to accept full responsibility for his or her behaviour. In order to accept responsibility, the perpetrator must acknowledge the existence and significance of the offending and understand the potential impact of his actions on the victim and others. The young person must accept his or her culpability for the events and bear the full onus for ceasing his or her actions. This must occur in a way that does not attempt to justify the behaviour. The young person must accept responsibility without minimising his or her role in the offending.

Our experience in conferencing indicates that this open discussion will occur only if the young person genuinely acknowledges his or her role in the offending without attempting to "pass the buck". If the young person does not show genuine remorse the victim will tend to react with anger aimed at the young person and speak in terms of the need for punishment. Once this occurs the young person shuts off and will not listen to the victim's account. All of the benefit of the meeting is lost if the young person does not see the problem from the victim's perspective. In order for the process to work the first vital step is a genuine confession of a mistake made and even an expression of remorse. Without this acknowledgment the process is not effective.

## The problem is the problem

It needs to be pointed out at this juncture that this is not to suggest that the young person is "bad". The primary credo of the process is the ideal that "the person is not the problem, the problem is the problem" (White, 1989). What this statement means is that the offending is externalised and separated from the individual involved. The offending is not portrayed as an intrinsic part of the young person's character that can never be changed. Convenors of the conferences are encouraged to avoid attempts by the young person or their family to attribute blame to the young person by stating that the young person himself is wholly "bad". It is the young person's actions that are the problem rather than an inherent problem with the young person. Accordingly an issue in all conferences is what has stopped or restrained the young person in the past from taking responsibility for his or her behaviour.

## The focus is on making amends

In addition to taking responsibility for his actions and attempting to understand the victim, the young person must also accept responsibility for deciding what needs to be done to remedy the situation (Zehr, 1990). Therefore the young person has the additional obligation to attempt to "make things right" for the victim. The proponents of restorative justice argue that the justice system should encourage young persons to take active steps to make amends. No longer should young persons be passive actors for whom matters will be determined. They must take steps themselves to redress the imbalance created by the offending. The corollary of this redressing of the balance is the ability of the young person to achieve a sense of closure (Zehr, 1990). If the process runs well it is a chance for the young person to leave behind the mistakes of the past and start afresh.

## Transform grievances rather than fix problems

There is something about hearing others' understandings that fosters new thinking in the hearers. The conferencing process is deliberately arranged to achieve this. For this reason, responsibility should be taken up rather than placed on people.

## The victim's voice must be heard

The incident that led to the conference will probably have created a sense of violation. Not all conferences have a clear victim. Sometimes the victim could be the school, or the Principal or Dean, or even members of the community, may take up a position as the "wronged one". Whatever the case with a particular incident or conference, the event will have had the effect of upsetting someone's (the victims') belief that the world is an orderly and meaningful place to live (Zehr, 2002). All members of the school community need to feel that they are in control of their lives and that if things go out of control that they have the ability to deal with or manage a crisis. When a crime has been committed against a victim, someone else has taken control of their lives (Zehr, 1994). Victims may feel helpless and vulnerable. Self-blame can become a coping mechanism allowing victims to take back control by finding the fault in something they have done.

Because of the psychological effects of such a violation, victims need a chance to speak openly about their feelings of anger, fear and pain. They need to be heard and to have their stories acknowledged. Telling their story may in fact be more important than any tangible outcome, a chance to feel that the victim's views matter in determining what should happen in their case. Somewhere in the process the victims need to feel vindicated. They need to be assured that what happened to them was wrong and undeserved. It is essential that this be acknowledged by the young person without any attempt to justify or excuse his or her behaviour. The victim needs to see the young person accept responsibility for his actions. This means that the young person must acknowledge that what he or she did was wrong. In many cases this vindication required no more than an apology, an acknowledgment that what was done was wrong and an assurance

that it will not happen again. The experience of a number of conferences is that a preferred form of apology is "Yes I did it, I'm sorry for what I've done, and I want to sort things out". The facilitator may need to work for each element of this apology separately. It is important to notice that this is NOT THE END of the conference, but a necessary step towards making amends.

From the earliest cases in our original pilot it was clear that if the young person tried to justify his actions "yes I did it but the reason I did it was..." the victims would react with hostility. The victims seemed to watch the young persons closely for any sign of insincerity. If there is any sign that the young persons are trying to justify their actions or blame another person, the victim would usually react with a greater punishment focus. We are forced therefore to adopt a process that aims to ensure that the young persons accept responsibility for their actions without "sliding" out from under responsibility. This would appear to be one of the keys to the success of the process. It may not be possible to get such an acknowledgement fully expressed at the beginning of the conference, but the sense of wanting to make amends should grow as a result of the conference process. If this does not occur, the conference should be abandoned.

## Forgiveness takes time

In order to recover, victims need to have an input in determining the outcome that will make amends for the offending. Victims need to have the privilege of an experience of forgiveness. This term is probably one of the more misunderstood principles of the restorative process. It is used here to mean letting go of the power of the offence and the young person over the victim. It means no longer letting the young person and the offence dominate. It allows release from the emotional, spiritual and physical ties preventing the victims from leaving the offending behind. It must also be understood in its spiritual context as an act of our spirit. It can not be forced and it takes time. It will usually occur only if the victim sees genuine remorse from the young person.

## The victim's and young person's communities must be involved

In establishing the school-based conferencing scheme we are conscious that two groups have been ignored in the past in other schemes. These are the families and friends of the victims and young persons. It is important that the ultimate decision both to participate and to resolve the situation rests with the parties themselves.

The victims' families play only a limited role in the traditional suspension process, and may have an even more minimal role in other disciplinary processes within the school. These families are thus unable to deal directly with the effects of the offending on them and their relationship with the victim.

The other community involved directly in the process is the young person's community. Because the experiences of the young person are developed in a context in which family and community are involved, it is essential that they support the initiatives to bring about change. The shame also affects the family as a whole.

While great care must be taken not to allow the family to remove responsibility from the young person, this impact on the family needs to be discussed and acknowledged.

Having both the victims' and young person's families in the conference also serves to emphasise to the young person, in particular, that the effects of his or her behaviour goes beyond the surface problem. The young person's friends and families usually express concern about his or her future. It is an opportunity to understand that the victims' families are also affected by the young person's actions.

## Tuakana/Teina

In Māori society it is usual for older siblings to speak on behalf of younger siblings or cousins. Indeed, this is expected. It can be a sign of arrogance to speak in the presence of someone who has tuakana status in relation to you. Thus it is of primary importance a) to recognise this possibility, b) to invite people to the hui who can speak for the young person, and c) within the hui itself, to invite people to speak in appropriate order. Sometimes the young person will only speak if asked to by their tuakana or their kaumātua.

## Include the young person's friends

As already noted care must be taken in determining who are the greatest influences on the lives of the young person and the victim. It is sometimes necessary to consider the influence of the young person's friends in the offending. If the young person's peers are an important part of the context for the offending, it will be difficult for him or her to leave offending behind if this group does not buy into the young person's desire to change.

## Focus on the actions and not the person: but take care!

For the conference process to be restorative it is crucial that the conference denounces the behaviour while at the same time the young person is treated with respect and feels safe enough in the presence of so many adults to open up and express themselves. However, many explanations of offending in effect promote an avoidance of responsibility by the offender and instead implicitly invite acceptance of responsibility by the victim or others affected by the offence. Responsibility may be attributed to external events or stresses, the actions of others (such as the victim) or medical/psychological factors. These attributions share one common feature: they are events over which the perpetrator feels he has little control or influence. If the offender "discovers" the cause and attributes blame and responsibility to it he effectively reduces his culpability and his responsibility for the hurt. This in the end is unhelpful in resolving and ending the offending. This approach can also promote unhelpful solutions and often leaves victims carrying the burden of shame, guilt and responsibility for their own victimisation (Jenkins, 1993).

The restorative justice process aims to move away from the need to discover the "true cause" of the offending, towards an exploration of the multiple factors which underlie the offending. While the various contributing factors do provide part of the picture, it must be



acknowledged that each individual is unique and it is unlikely that you will find a single factor that is the determining cause. While drug addiction, unemployment or historical backgrounds may limit the number of choices available to offenders, they have still made choices to offend.

## Spend time developing a plan and recruiting support for it

The objective of the conference is to develop a plan that everyone present agrees will make amends, and that is do-able. Sometimes it is necessary to develop a sense of what is required to make amends, and to delegate some contributors to the conference to decide on the details at a later time. It is vital that everyone at the conference is clear about how the plan will be monitored, and a time for reporting back should be decided upon.

## End the Conference on a Positive Note

The conference should be finalised in the future, rather than by focusing on the offences. Some convenors attempt to finish the conference by having someone say positive things about the young person. We do not support this idea wholeheartedly because thinking positively about the young person is not the objective of the conference.

When convenors invite parties to share together in tea and coffee at the completion of the conference. This can ritualise the restorative process which has hopefully occurred.

## Fishhooks for Facilitators

In a case where an assault has taken place it is important to remember the fear that might be generated in the victim by the violence that has taken place. If the young person is not willing to admit to the violence and make amends for it, or wants to blame the victim or scoff at the effects of the violence, then there is a serious risk of the conference actually turning into an experience of violation for the victim. In the wake of violence, such responses from the young person compound the degree of intimidation. For this reason in such situations it is necessary for the facilitator to know that the young person is ready to take responsibility and make amends before the conference starts. This may mean that some important work has to go in separately with the young person and his/her whanau before the conference is agreed to. The facilitator should be prepared also to halt the conference if the process does not appear to be safe for the victim. Facilitators need to monitor such situations carefully and see their primary responsibility as to keep the victim rather than the young person safe.

a) The conference process is designed to avoid deliberately shaming young people through avoiding deficit language, including positive information about a young person, externalizing problems and talking about them as separate from people. However some participants may seek to take the opportunity to shame others publicly. The facilitator needs to interrupt such talk and refocus the conference on the idea that "The problem is the problem; the person is not the problem."

- b) In some conferences facilitators have talked about problem issues in language that seem to make light of them. This may be born of a desire not to inflame problem issues or to speak disrespectfully about a person. However it can lead to problems when some of the participants feel that the problem is not really a serious one. Therefore it is important to speak about problem issues frankly and directly with real seriousness early in the conference.
- c) If key people are missing from the conference, it can be tempting for a facilitator to go ahead anyway and hold the conference with those who have turned up. However, it is not advisable. It is better to postpone the conference until the key participants can be present.
- d) Venue problems (marae or not). Does the school have a relationship with the Māori community? This conferencing process does require schools to address this issue if they have not done so already. Since many of those suspended are Māori, it is imperative that the venue for such conferences is easy for Māori families to feel at home in.
- e) There are some situations where the facilitator finds him/herself in a dual role. If the facilitator realises that s/he has been affected by the problem and may even be a victim of it, it is possible to feel very constrained by that in the conference. It does not fit with the facilitator's role for a person to vent anger for example in the young person's direction.
- f) Sometimes participants get concerned during the first part of the conference about the "negative" focus on talking about the problem. It may be necessary to reassure them that this is a necessary part of facing up to what has happened but that we will be also focussing in a few minutes on more a positive picture.
- g) It is very easy for the conversation in a conference to be hijacked by the adults present and to speak in objectifying ways about a young person as if that person were not in the room. Using pathologising or putdown language is hard for young people to counter and does not assist the hui process. Facilitators need to be alert to such situations and be active in disrupting them. Sometimes it is useful to ask the young person to comment on ideas put forward by adults.
- h) If there are a number of teachers present at the conference, it can be a problem if they start to talk too much and dominate the discussion to the exclusion of the family members. Again the facilitator needs to monitor this and deliberately elicit the involvement of family members.
- i) There are many things that can go wrong with the plan for the future. People can fail to follow up and do things that they said they would do. People who were not present at the conference may attempt to sabotage the outcome.
- j) The plan may not be concrete enough. This makes it hard to know whether it has been achieved or not.
- k) Times and dates may not be included in plan and therefore confusion can develop.
- l) Who will do things may not be specified in the plan.

- m) Achievements intended in the plan are not noticed or celebrated.
- n) If the relationship between the BOT suspension process and the conference is not clear, problems can arise that may lead to participants feeling betrayed by the school as one process works against the other.

## What People Have Said About the Process

### Facilitators

It is hard to get all stages working as well as each other. It is easy to pay more attention to the beginning stages of a conference and to run out of steam towards the end.

It is important not to cut short or be "soft" on the initial description of the problem. The objective is not to whitewash the seriousness of the trouble.

Sometimes people are too quick to grab onto an alternative story. If this happens, the new story may not be well focussed to the issue at hand.

It is easy to let the focus shift to punishment, and not stay with making amends.

When a lot of time goes by between conferences, it is sometimes hard to keep the school and community energised towards the process.

It can be different if there is no identified victim.

Telling the story of continual disobedience can become an uncomfortable debate. The school can easily become big/bad in relation to the family. It is important that everyone knows ahead of time that the conference will not continue to focus on the bad stuff.

When a Young Person has little or no support it is important not to overwhelm them with potentially adversarial other participants.

It can be useful to involve a Board of Trustees representative in the conference.

It is great to involve the Young Person's mates.

Watch role conflict in the conference, especially of the facilitator. For this reason it is good to have at least two facilitators trained in a school.

Informing others about the outcome of the conference is important, otherwise they can just slip straight back into old ways.

Get whānau involved, and pay attention to the spiritual aspects.

The dynamics of a family become very apparent during the conference.

### Management

The entire school community needs to be informed about the process before doing any conferencing.

Doing the conferences highlighted the quality of communication between school and community.

It is desirable to build a team who work together to do the conferences.

### Teachers

It is good to see the "troublemaker" as a human being, and get to understand their lives a bit better.

Links with enhanced/curriculum can become more appropriate after a conference.

It's just a slap on the wrist with a wet bus ticket.

### Parents

That was the first time we have ever been into that school.

That was the first time we've ever had a conversation with the school where they weren't just telling us how bad our son is.

If we had had that kind of talk earlier we never would have got to this.

### Counsellors

It is hard convincing people (teachers, BOTs, Principal) to give up some of their power.

Successful teams just keep getting more work.

We cannot sustain the community of care by ourselves after the conference.

The Community Support Person is invaluable: she knows the families, where to find the important people, how to talk with them, and how to talk within the school too. She is part of our team.

### General Positive Comments

In the first step, you realise that a lot of people are affected.

The hui is a second chance for the young person and all of us.

The conference process tries to empower everyone including the young person and their family.

Parents and caregivers are very supportive.

The conference is a kind of window on the school system.

It is amazing to see how many people care and are willing to spend time.

Students have a voice in the conference.

Principal and BOT can access more information on which to base decisions and they experience the change in the young person during the conference.

Unseen effects happen in conference process.

Healing happens at home – the hui can be a catalyst for talk with family.

# Research on Restorative Practices in Schools

A Canadian colleague, Lynn Zammit, who has introduced restorative conferencing practices in schools in Canada, reported that introducing restorative justice into the disciplinary system of one school in Arizona had the following effects:

	1998-99	1999-2000	2000-2001
Office referrals for discipline	3,786	945	625
Physical assaults, fights	841	28	18
Truancy Rate	16%	5%	

Source: (Zammit, 2001)

For more on restorative practices in the USA see also:

<http://www.safersanerschools.org/>

<http://www.restorativepractices.org/Pages/anu.html>

In New Zealand, it has been anecdotally reported that Family Group Conferences done rigorously along with community work in the Wellington region had the following effects between 1994-1999:

Youth crime (as reported to the police) was reduced by 70%.

Recidivism in youth crime (defined as coming to notice within one month of previous offence) was reduced from 36 per year to 2 per year.

Those who are interested in knowing whether using restorative practices in your school is working might like to take the "baseline" figures for office referrals, fights, incidents of insolence, and truancy rates in your school around about now, and then take them at yearly intervals for two or three years.

## Reflecting on our Two Projects

Conferencing has an effect on the culture of the school, including the fostering of thinking in terms of restoration and making amends rather than in terms of punishment and retribution in other aspects of the school discipline system. A Restorative approach to school discipline represents a major change in attitude for many schools, away from the retributive approach to discipline that is so familiar to most of us in the education system. Nevertheless, our interactions with the schools who participated in both the trial and the second project suggest that there is a strong desire among school hierarchies to embrace a less confrontational approach to school discipline. Indeed, there was almost a hunger for debate about the assumptions behind discipline and punishment (which we were unable to satisfy).

Anecdotal evidence suggests that in some schools different perspectives on disciplinary approaches could be a source of conflict among staff, and between different levels of the school hierarchy. There appears to be a general willingness for schools to become more community-oriented. However in our view the history of control in schools does not readily support this trend to a more open culture within the school. The philosophy of the Principal is central to school ethos, and although it is possible for individual teachers and deans to change the way they conduct conversations

with student, the Principal's support is essential before implementation of conferencing for formal disciplinary purposes can be introduced.

Although we do not have figures to support it, we suggest that the changes to school culture that would follow from undertaking these kinds of practices throughout the school would eventually repay many times the time taken to set up the relationships and structures involved. This applies to the time saved in disciplinary matters and in general "nuisance" issues. Of course, you will not see instant change - this is not a quick fix solution, but a long term, careful shift in how we maintain ourselves in community within and around our school.

## What are the issues to consider?

1. The time involved in setting up running and following up from a conference is an issue that needs to be addressed.
2. You need to be quite clear about what you want the conferencing to achieve for and in the school. It seems clear that conferencing is not for every school, and it is not a sure way of reducing suspensions either.
3. Do you see this initiative as addressing something about the ethos or culture of the school, or is it purely about discipline?
4. Who will do this work? It is important for a school to decide who will become more skilled in facilitating conferences, and whether that person or those persons will also be charged with doing the preparatory work.
5. It may not be sensible to assume that the counsellors will do this work: they already have a lot of student support work – and being a good counsellor does not automatically make one a good facilitator of conferences!
6. How will the conference relate to the rest of the disciplinary system in the school, including the BOT?
7. Who will call conferences in your school, and what will happen when one is suggested?

## Some Recommendations on Introducing Restorative Conferencing

The conferencing process will be implemented in schools in different regions in different ways. Each school will have subtle differences in the way in which they conduct the conferences depending on the cultural context of the school and its community. There needs therefore to be a degree of flexibility in the process and the way training is conducted in different regions to accommodate for these changes. Based on experience there are however some general recommendations that can be made on how the process of conferencing can be implemented.

1. A commitment to what has been called the "Zero option" (no suspensions at all) (Abdelnoor, 1999) would not be difficult to make for many schools, but they would all need support in the form of

- a) Ongoing professional development for the staff and management, including BOT, to enable fuller understanding of restorative principles
  - b) Ongoing training for the facilitators of Restorative Conferences
  - c) Specially employed community support staff who would work alongside the Deans and Guidance staff in the school and its community
2. Where this is not already a feature of school life, schools need to forge deliberate links with local marae and their kaumatua if they wish to seek support for hui in an ongoing way. This relationship must be mandated by the Principal, whose mana will infuse every aspect of this relationship.
  3. Although we have noted some reluctance in schools to entertain the idea (and some schools who are already doing this too), it would be sensible to include the Police in the school-community nexus. Many Police Youth Officers are keen to be involved with schools, and this kind of initiative should not be seen as separate from a commitment to Restorative Conferencing.
  4. Many schools now have adjunct or non-teaching staff who would be well suited to do the tasks that can support a school's commitment to try conferencing. For example, the Kaiawhina or Kaimanaaki roles are usually filled by people who have good community working skills, good people skills, and who have the necessary contacts as well. These people would very likely see the support role for conferencing as part of their job as it already stands. The school Pastoral Support System would normally see itself as a team with different people taking different roles. This is no different.

## Implementation

1. The support of the management, staff and community of the schools is an essential ingredient for the success of Restorative Conferencing. We therefore recommend that all schools undertake a detailed consultation process prior to initiating any project.
  2. Schools that wish to consider establishing Restorative Conferencing need to analyse carefully whether the process fits within the culture of the school. The restorative ideals, as opposed to a punishment focus, have to be deeply embedded in the school's culture for the project to be successful.
  3. The relationship between the disciplinary role of the Boards of Trustees and the conferencing processes should be clarified from the outset. At times the demarcation lines between these linked roles can create problems. Clear policies need to be established between these two disciplinary processes. This is particularly important in determining the responsibility for reporting to disciplinary committees or the board and the extent to which completion of agreed outcomes will remove the risk of suspension.
4. We recommend the use of a community support person to complete the community liaison and administrative work that is vital to the conducting of conferences. The use of the support worker appears to enhance the participation of all groups in the process.
  5. In high schools the deans should be trained as convenors to assist in the referrals of students to conferences. As the staff members who hold an overview of the issues in their area of responsibility, they have greater potential to ensure pro-active steps are taken to address disciplinary issues as they arise. Deans should therefore be one of the staff members primarily responsible for recommending conferences.
  6. The conferencing process can be used for a range of different types of problems: including continual disobedience, assault, vandalism, alcohol and drugs.
  7. The process has the potential to be extended into other contexts within the schools as a model of handling contentious issues. This could include developing processes to address classroom conflicts, bullying, peer mediation, staff conflicts and issues within Boards of Trustees.

## Who Should Facilitate Conferences?

1. School counsellors, deputy principals and deans have successfully facilitated conferences.
2. External facilitators could be used by schools to either run conferences or to support the facilitators in conducting the conference process.
3. The mana of the process and its outcomes in a school requires that the facilitator have the authority within the school to invite key people to attend the conference and to carry out the agreed plan. This authority may also be achieved through senior school staff actively supporting and endorsing the process.
4. At least two people should be trained as facilitators in each school to enable them to work together to implement conferencing within their schools. This allows one to take up the role of supporter of either student during the conference.
5. One of the discoveries has been the importance of a community support worker in liaising with the community and facilitating the participation of affected people in the conferences. We therefore recommend that each participating school use their community support worker whose role would be to establish close links between the school and the community and explain to participants the steps involved and their roles in conferences. The support workers can also support the conducting of conferences through encouraging people to come, taking responsibility for hospitality, greeting and introducing people and taking notes in the hui, and following through with the Plan.

## Recommendations on Training

1. The implementation of conferencing in schools needs to be conceived of as a developmental process as the facilitators become confident and proficient in handling the dynamics of conferences. Despite suggestions from many schools that they are "already using these techniques", it has been discovered by all schools that the process is unique. The completion of the training programme does not guarantee the successful integration of the restorative ideas by those who have trained. It takes some time for the learnings from the conferencing training to become embedded. As a result, the training as facilitators cannot be completed in a single training session. The convenors should receive an initial intensive training, be supported in the implementation of the initial conferences, and then receive follow-up training and support that builds on their experiences.
2. Training should take place at two levels. An in-depth training is required for all facilitators. In addition a shortened training is essential for key stakeholders within the school and its community who need to know about and support the conferencing process. This training should include Board of Trustees members, principals, deputy principals, deans, kaumatua and other key members of the school community.
3. Follow up support for the people who have done this training is essential.
4. Schools who decide to implement these practices benefit from ongoing interest and support from other professionals who have expertise in these areas. Thus a network of such schools and their trained professionals would be beneficial to all concerned.

## Resourcing of Restorative Conferencing

1. The following items need to be considered in the cost of running these conferences: wages of community support person, teacher release costs for training, hospitality costs, travel costs, teacher and management time for attending conferences, time for follow-up and reassessment of the plan.
2. At a final Training Hui during the Trial Project, participants estimated that the Community Support Person used 10 hours per conference in preparation, support and follow-up. If these services are charged at \$20 per hour, and if a school runs 10 conferences per year, the total cost of wages for the Community Support Person would be \$2000 per year. However, these estimates are conservative and do not include the cost of teacher release, travel and incidental costs. There is also the issue of involving a Community Support Person who could be "on call" rather than be in committed employment.
3. Funding should take into account the need for a regional support system for the running of these conferences, including the appointment of a trainer/consultant to support schools in learning how to use this process.

# APPENDICES

## Overview of the SRI Northland Project

### The University of Waikato Research and Development Team

### Useful Print-based Resources

### Web Sites and Web-Based Resources for Restorative Justice

### References cited in this booklet

## Overview of the SRI Northland Project

29 schools in the Northern Region were designated under the Suspension Reduction Initiative (SRI). Northern Region stretches from South Auckland to Cape Reinga. In the Far North, 5 other schools asked to join in the project. So we were engaged to work with 34 schools in Northland and Auckland. Representatives of each school were offered access to the E-Forum. There was no requirement to participate in the E-Forum however. The Restorative Practices project was completed in three phases. The three phases were

### Phase 1

Consultations with the 34 schools in the project. We sent Donald McMenamin to meet as many representatives as the schools and their communities could suggest. He engaged in conversations with many people, not all of them employed by schools, but all of them passionate about what is happening in "their" schools. Donald had two questions:

- a) Why do you think it is that Maori students are disproportionately represented in the suspension statistics?  
And
- b) What practices do you know of that could make a difference to that?

During August, September and October 2001, Donald met with more than 100 people from the communities of these 34 schools. These conversations demonstrated that there is a huge number of initiatives being undertaken in the schools for the purposes of redressing the inequities that were readily recognised. Analysis of these conversations is being prepared for publication.

### Phase 2

Development of Restorative Practices protocols; publication of Draft Kete or Resource booklet of Restorative Practices for participating schools. To do this we developed an online forum to connect all the schools in the project. The Forum was also the Draft Kete, which was constantly under review. Phase 2 was finished on November 16 2001, when Donald went back to his school.

### Phase 3

Workshops on restorative practices for designated personnel from participating schools; to offer training and support in Te Hui Whakatika / Restorative Conferencing in particular. These trainings took place in four locations: in Kerikeri, Whangarei, West Auckland and South Auckland. 24 schools from the original 34 were represented at the workshops. The project ended in May 2002.

The E-Forum was not accessed by many participants, and although we kept it open for more than a year, eventually we closed the site.

## The University Of Waikato Research Team

**Helen Adams** *BA (Liverpool), DipBusAdmin (Massey), BA (Hons) (Waik)*

Helen worked as a postgraduate student with the University of Waikato Team, taking responsibility for many of the organisational tasks for our second project. Her work on a Directed Study in Restorative Conferencing helped us to understand the processes better than we might otherwise have done. She is passionate about principles of restorative justice, restorative practices and the power of relationships, and hopes to take up doctoral research in this area. She has professional experience in communications, promotions and political lobbying. She is also a full-time mother to three young children.

**Kathy Cronin-Lampe** *DipT, BEd, MCouns (Waik)*

Kathy is Head of Guidance at Melville High School. She was very involved in the projects through her conversations with Ron, who brought her voice very strongly to the team's conversations. She continues to contribute to the team as a consultant and trainer.

**Ron Cronin-Lampe** *BTheol (Otago), DipSW (Wintec), PGDipCouns (Waik)*

Ron Cronin-Lampe is Guidance Counsellor at Melville High School in Hamilton. Ron has extensive experience in restorative conferencing within CYFS Care and Protection and Youth Justice Family Group Conferences. Melville High is part of ongoing research and practice in Restorative Conferencing. Ron runs training and seminars in Restorative Conferencing with Deans, with coordinators of Strengthening Families, and is a sought after speaker about his experience in Restorative Conferencing.

**Wendy Drewery**, *BA, MA (Hons) (Auck), DipEdSt, PhD (Waik)*

Wendy is Senior Lecturer in the School of Education at the University of Waikato. She has been a member of the Restorative Practices training team since its beginning, facilitating several conferences during the first pilot project, and taking over as Director from John Winslade for the second project. She has taught in the Counselling Programme at the University of Waikato since 1983. She was a lead writer of the original Resource booklet, and is responsible for the revision of this version. Her other writing

includes work on narrative therapy, and she is co-author with Lise Bird of the text *Human Development in Aotearoa: A Journey Through Life* (McGraw-Hill, 2000, 2004).

**Angus Macfarlane** *BA, MSocSc (Waik), DipEd, DipT, PhD (Waik)*

Angus has ties with Ngāti Rangiwēhēhi, Ngāti Rangiteaorere, and Ngāti-Whakaue, iwi of the Te Arawa Confederation of Tribes in the Central North Island. Angus has been dean at a large co-educational secondary school and head-teacher of a school for special learners. He has held advisory positions for the Special Education Service and the Ministry of Education. He teaches in the Resource Teachers Learning and Behaviour (RTLb) Programme in the School of Education.

**Donald McMenamin**, *DipHort (Massey), BHortSci (Lincoln), DipT (Chch), MCouns (Waik)*

Donald is Head of Guidance at Hillcrest High School, Hamilton. His studies have supported 10 years of teaching and 9 years as Guidance Counsellor. Donald was the interviewer of informants in Phase One of the second project, and lead writer of some of the resources presented here. Donald's interest in this work stems from his writing about Restorative Conferencing as a means to suspension reduction, and from a belief that open relationships between students, staff and communities hold the best possibilities for rich and successful education.

**Brian Prestidge** *MA (Hons) (Cant), DipT, JP.*

Brian is Assistant Dean Teacher Education at the University of Waikato's School of Education, and Director of the Centre for Teacher Education. He has taught in secondary schools since 1968, twenty of those years in senior leadership positions, including twelve as Principal of Fairfield College in Hamilton. He has also maintained active involvement in support for the work of voluntary social service agencies at community level. One of his strong interests is education in and for social justice. He sees restorative practices as fundamentally sound in ways that offer huge potential for creating and supporting healthy relationships in our schools and communities, which of course is crucial to educational achievement.

**John Winslade**, *BA, MA (Auck), DipEd (Massey), DipT, PhD (Waik)*

John was Director of the pilot Restorative Conferencing Project and Director of the Counselling Programme in the School of Education, and is now a counsellor educator at California State University San Bernardino. He is an experienced mediator and counsellor educator. He has previously been a school guidance counsellor and secondary school teacher of English. He is a sought-after speaker on restorative conferencing, narrative therapy and narrative mediation in Australasia, the United Kingdom and the United States. He was a lead writer of the first Resource booklet, and a co-writer of this booklet. He is also co-author of several books, including *Narrative Mediation* (Jossey-Bass, 2000), and *Narrative counselling in schools* (Corwin Press, 2001), both with Gerald Monk.

## Useful Print-based Resources

- Bowen, H. & Consedine, J. (Eds.) (1999). *Restorative justice: Contemporary themes and practice*. Christchurch: Ploughshares Publications.
- Cheshire, A. & Lewis, D. (1996). *Taking the Hassle out of School: The work of the Anti-Harassment Team Selwyn College*. Auckland: Selwyn College.  
Dorothea Lewis and Aileen Cheshire produced this book as a record of their work with students at Selwyn College.
- Consedine, J. (1995). *Restorative justice: Healing the effects of crime*. Christchurch: Ploughshares Publications.
- Hayden, A. (2001). *Restorative Conferencing Manual of Aotearoa New Zealand*. Wellington: Department of Courts.  
This Manual is a record of the seminars held around the country in 2000, sponsored by Judge McElrea.
- Julich, S. (Ed.). (2003). *Critical Issues in Restorative Justice: Advancing the Agenda in Aotearoa New Zealand*. Auckland: Centre for Justice and Peace Development, Massey University (Albany).  
This is a record of a recent series of seminars (Nov 2002) held at Massey Albany during the visit of Professor Howard Zehr. Copies are available from the Centre.
- McMenamin, D. (1998). *Suspense stories*. University of Waikato: Unpublished dissertation for MCouns.
- Winslade, J. & Monk, G. (2000). *Narrative Mediation: A new approach to conflict resolution*. San Francisco: Jossey Bass.
- Zammit, L., & Lockhart, A. (2001). *Restorative justice: A Manual for Teachers, school administrators, police, court personnel, community organisations and concerned citizens*. Try emailing: Lynn.Zammit@sympatico.ca

## Web Sites and Web-Based Resources for Restorative Justice

Enter "Restorative Justice" into a search on Google.co.nz and you will come up with more than 173,000 sites. Below you will find an indicative selection. In most cases we have left the site's own self description for you, and some of them we have not searched in detail. Among the sites below you will find one or two articles (see for example the article by Allison Morris about RJ in NZ) and several reports of studies completed or currently under way (see for example Australian Institute of Criminology). We do not endorse any particular site and we have not tried to be comprehensive here either. If you are interested in RJ we encourage you to go looking through the rich resources available on the web – the "RJ scene" is developing so fast that paper-based publications are often way behind. Sites about mediation are even more numerous.

### Restorative Justice in New Zealand:

#### *Restorative Justice Trust*

Restorative Justice is a way of responding to the offence and its effects that makes the people affected by the crime the focus.  
[www.restorativejustice.org.nz/](http://www.restorativejustice.org.nz/)

#### *Ministry of Justice*

Hui Report - Seeking Solutions: A Review of the New Zealand Court System Taupo, 18,19,20 July 2003. ... Restorative Justice Discussion Paper May 2003. ...  
Description: Provides strategic and policy advice across the justice sector.  
[www.justice.govt.nz/](http://www.justice.govt.nz/)

#### *Restorative Justice*

Restorative Justice. A Discussion Paper.  
[www.justice.govt.nz/pubs/reports/1996/restorative/Default](http://www.justice.govt.nz/pubs/reports/1996/restorative/Default).

#### *Restorative Justice*

... Costs; Savings; Costs; Summary. Chapter 6 : Restorative Justice Processes : The Main Options For New Zealand: Introduction; Objectives  
[www.justice.govt.nz/pubs/reports/1996/restorative/Default.htm](http://www.justice.govt.nz/pubs/reports/1996/restorative/Default.htm)

#### *Restorative Justice in New Zealand*

Allison Morris, Restorative Justice in New Zealand: Family Group Conferences as a Case Study. © 1998, Western Criminology Review.  
[wcr.sonoma.edu/v1n1/morris.html](http://wcr.sonoma.edu/v1n1/morris.html)

#### *Restorative Justice in New Zealand*

Donald Schmid | Ian Axford ...Fulbright Voices, Restorative Justice in New Zealand: ...Conclusion. The Author. Restorative Justice in New Zealand: [www.fulbright.org.nz/voices/axford/schmidd.html](http://www.fulbright.org.nz/voices/axford/schmidd.html)

#### *Court-referred Restorative Justice - Department for Courts*

Court Referred Restorative Justice New Zealand  
[www.courts.govt.nz/crrj/](http://www.courts.govt.nz/crrj/)

#### *New Zealand Expands Official Recognition of Restorative Justice*

With passage of the Sentencing Act 2002 in May, New Zealand appears...  
[www.restorativejustice.org/rj3/Feature/October02/NewZealand.htm](http://www.restorativejustice.org/rj3/Feature/October02/NewZealand.htm)

### *Adult Restorative Justice in New Zealand/Aotearoa*

Summary. Adult Restorative Justice in New Zealand/Aotearoa. Helen Bowen and Jim Boyack Restorative Justice Trust Auckland, New Zealand. ... [www.iirp.org/Pages/nl03\\_sum\\_bowenboyack.html](http://www.iirp.org/Pages/nl03_sum_bowenboyack.html)

### *Issue - Justice - Churches' Agency on Social Issues - New Zealand*

...social, economic, ecological and political matters in Aotearoa New Zealand. Logo of the Churches' Agency on Social Issues. [www.casi.org.nz/issues/justice/restorative-justice.htm](http://www.casi.org.nz/issues/justice/restorative-justice.htm)

### **RJ in the USA**

#### *Restorative Justice Online*

[www.restorativejustice.org/](http://www.restorativejustice.org/)

#### *Restorative Justice | Real Justice Conferencing*

[www.realjustice.org/](http://www.realjustice.org/)

#### *Restorative Justice by Tom Cavanagh*

[www.restorativejustice.com/](http://www.restorativejustice.com/)

#### *US Department of Justice, Online Restorative Justice Notebook*

This is an on-line resource designed to promote the understanding of restorative justice. [www.ojp.usdoj.gov/nij/rest-just/](http://www.ojp.usdoj.gov/nij/rest-just/)

#### *Restorative Justice (July 2003)*

Although it is not a new concept, restorative justice is relatively new in systems based on Western traditions of punishment. ... [www.pais.org/hottopics/2003/July/index.stm](http://www.pais.org/hottopics/2003/July/index.stm)

#### *Western Criminology Review Vol. 1 No. 1*

...Restorative Justice: Theory Meets Practice. Mark S. Umbreit. Restorative Justice Through Victim-Offender Mediation: A Multi-Site Assessment. [wcr.sonoma.edu/v1n1/v1n1.html](http://wcr.sonoma.edu/v1n1/v1n1.html)

#### *Crime Victims for a Just Society - Work with Restorative Justice*

...Yet the concept of restorative justice can be progressive. Consider the... [www.crimevictims.net/justice/](http://www.crimevictims.net/justice/)

### **RJ in Australia**

#### *Restorative justice in Australia*

[www.aic.gov.au/rjustice/](http://www.aic.gov.au/rjustice/)

#### *Centre for Restorative Justice*

The Centre for Restorative Justice undertakes high quality theoretical and empirical research on various aspects of this rapidly growing field. ... [www.crj.anu.edu.au/](http://www.crj.anu.edu.au/)

#### *Restorative Justice*

Restorative Justice and Mediation. ...Australian Institute of Criminology's "Restorative Justice in Australia": [www.vaonline.org/restore.html](http://www.vaonline.org/restore.html)

### **RJ in Canada**

#### *Restorative Justice in Canada*

[www.restorativejustice.ca/](http://www.restorativejustice.ca/)

#### *The Centre for Restorative Justice*

Contains resources, articles, material for teaching, and much more on restorative justice. [www.sfu.ca/crj](http://www.sfu.ca/crj)

#### *From Restorative Justice to Transformative Justice*

The idea of restorative justice represents a different way of responding to crime and conflict. ... [www.lcc.gc.ca/en/themes/sr/rj/2000/rj2000\\_main.asp](http://www.lcc.gc.ca/en/themes/sr/rj/2000/rj2000_main.asp)

### *Restorative Justice*

...Restorative Justice: Criminal Harms and Historical Injustices. ... Restorative Justice Conferencing and the Ethic of Care." Ethics and Justice 2(2) (1999): 55-65. [www.peacemakers.ca/bibliography/bib11restorative.html](http://www.peacemakers.ca/bibliography/bib11restorative.html)

### *Restorative Justice - A conceptual framework*

Restorative Justice - A conceptual framework. ... [www.lcc.gc.ca/en/themes/sr/rj/howse/howse\\_main.asp](http://www.lcc.gc.ca/en/themes/sr/rj/howse/howse_main.asp)

### *Kaslo Restorative Justice Committee*

Since August of 1997, the Kaslo Restorative Justice Committee has developed and implemented restorative justice programs and educational opportunities for... [www.kin.bc.ca/Restore\\_Just/RJHome.html](http://www.kin.bc.ca/Restore_Just/RJHome.html)

### **RJ in the UK**

#### *Restorative Justice Knowledgebase Redirect*

Restorative Justice. [Youth Justice Board - Restorative Justice Knowledgebase]. [www.rjkbase.org.uk/](http://www.rjkbase.org.uk/)

#### *Restorative Justice*

Restorative justice provides an opportunity for victims, offenders and sometimes representatives of the community... [www.homeoffice.gov.uk/justice/victims/restorative/](http://www.homeoffice.gov.uk/justice/victims/restorative/) [www.homeoffice.gov.uk/docs2/restorativestrategy.pdf](http://www.homeoffice.gov.uk/docs2/restorativestrategy.pdf)

#### *Restorative Justice - Practitioners Portal*

Home Restorative Justice. Restorative Justice. Aims and Principles. On 22 ... Restorative justice and reparative processes. [www.youth-justice-board.gov.uk/PractitionersPortal/RestorativeJustice/](http://www.youth-justice-board.gov.uk/PractitionersPortal/RestorativeJustice/)

#### *Restorative Justice*

Restorative justice offers a more balanced approach to meeting the needs of victims, communities and offenders. Many believe it... [www.thamesvalley.police.uk/about/rj/](http://www.thamesvalley.police.uk/about/rj/)

#### *Restorative Justice and Mediation*

...Research & Statistics. Restorative Justice & Mediation. Social Studies. ...Comparing Four Models. Fresno Pacific University Restorative Justice Project. Mediation UK. ... [www.crim.cam.ac.uk/library/links/restorative\\_justice\\_and\\_mediation.html](http://www.crim.cam.ac.uk/library/links/restorative_justice_and_mediation.html)

#### *Suffolk University: Center for Restorative Justice*

What is restorative justice? Restorative justice is a broad term which encompasses a growing social movement to institutionalize... [www.suffolk.edu/cas/crj/r\\_justice.html](http://www.suffolk.edu/cas/crj/r_justice.html)

### **RJ in Europe**

#### *Wecome to the Community Restorative Justice Ireland Site*

...We appreciate any comment, critical or otherwise, and invite you to make your contribution to the debate on Restorative Justice in Ireland and indeed... [www.restorativejusticeireland.org/](http://www.restorativejusticeireland.org/)

This website presents and informs you about the European Forum for Victim-Offender Mediation and Restorative Justice. ...Restorative justice organisations. ... [www.euforumrj.org/html/links.asp](http://www.euforumrj.org/html/links.asp)



# References cited in this Resource booklet

- Braithwaite, J. (1993). What is to be done about Criminal Justice? In B. J. Brown (Ed.), *The Youth Court in New Zealand: A New Model of Justice*.: Legal Research Foundation.
- Brown, B. J. (Ed.). (1993). *The Youth Court in New Zealand: A New Model of Justice*.: Legal Research Foundation.
- Burr, V. (2003). *Introduction to Social Constructionism* (2 ed.). London: Routledge.
- Drewery, W., & Bird, L. (2004). *Human development in Aotearoa: A journey through life* (2 ed.). Sydney: McGraw-Hill.
- Durie, A. (1997). Te aka matua: keeping a Maori identity. In A. Durie (Ed.), *Mai i rangiatea: Maori wellbeing and development* (pp. 142-162). Auckland: University of Auckland Press/Bridget Williams Books.
- Durie, M. H. (1997). Whanau, whanaungatanga and healthy Maori development. In A. Durie (Ed.), *Mai i rangiatea: Maori wellbeing and development* (pp. 1-24). Auckland: University of Auckland Press/Bridget Williams Books.
- Hudson, J., Morris, A., Maxwell, G., & Galaway, B. (Eds.). (1996). *Family group conferences: Perspectives on policy and practice*. Sydney: Federation Press.
- Jenkins, A. (1993). *Invitations to responsibility*. Adelaide: Dulwich Centre Publications.
- Laws, C., & Davies, B. (2000). Poststructuralist theory in practice: working with "behaviourally disturbed" children. *Qualitative studies in education*, 13(3), 205-221.
- Macfarlane, A. H. (1998). *Hui: A process for conferencing in schools*. Paper presented at the Western Association for Counsellor Education and Supervision, Seattle.
- Macfarlane, A. H. (2000). The value of Maori ecologies in Special Education. In K. Ryba (Ed.), *Learners with special needs* (pp. 77-98). Palmerston North, New Zealand: Dunmore Press.
- McElrea, F. W. M. (1996). Education, discipline and restorative justice. *Butterworths Family Law Journal*, 91-93.
- Monk, G., Winslade, J., Crocket, K., & Epston, D. (Eds.). (1997). *Narrative therapy in practice: the archaeology of hope*. San Francisco: Jossey-Bass.
- Morris, A., & Maxwell, G. (Eds.). (2001). *Restorative justice for juveniles: Conferencing, mediation and circles*. Oxford: Hart Publishing.
- Toews, B., & Zehr, H. (2003). Ways of knowing for a restorative world view. In H.-J. Kerner (Ed.), *Restorative justice in context: international practice and directions* (pp. 257-271). Devon: Willan.
- White, M. (1989). The externalising of the problem and the re-authoring of lives and relationships. In M. White (Ed.), *Selected Papers*. Adelaide: Dulwich Centre Publications.
- White, M., & Epston, D. (1992). *Narrative means to therapeutic ends*. New York: Norton.
- White, R. (2003). Communities, conferences and restorative social justice. *Criminal Justice*, 3(2), 139-160.
- Winslade, J., & Monk, G. (1999). *Narrative counseling in schools: Powerful and brief*. Thousand Oaks, CA: Corwin Press.
- Zammit, L. (2001, October 10-13). *Restorative justice: building schools' capacities*. Paper presented at the Association for Conflict Resolution, Toronto.
- Zehr, H. (1990). *Changing lenses*. Scottsdale, PA: Herald Press.
- Zehr, H. (1994). Justice that heals: the vision. *Stimulus*, 2(1), 2.
- Zehr, H. (2002). *The little book of restorative justice*. Intercourse, PA: Good Books.