

## **Restorative practices in schools: Far-reaching implications.**

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### **Abstract**

The use of certain practices derived from restorative justice has recently been gaining popularity and inciting keen interest in the education community. Practices that have so far been introduced have tended to centre on conferencing and are focused on disciplinary purposes, although there is a broadening range of other practices in schools that are being talked about under the heading “restorative”. However the use of processes derived from legal practice should not be simply transposed into the education context. This paper offers some reflections on these developments, building on the experiences of a group at the University of Waikato, which completed two projects on restorative conferencing in schools for the Ministry of Education under the rubric of the Suspension Reduction Initiative, and which continues to develop understanding of the practices. Objectives of both projects were directly related to the (political) desire to reduce numbers of suspensions and exclusions, particularly of Māori children, from schools. In spite of a wide variety of continuing initiatives, the overall numbers of stand-downs and suspensions have not substantially diminished. Although there has been a slight decline for Māori, young Māori and Pasifika students are still over-represented in these figures. Most suspensions and stand-downs from schools are a result of “continual disobedience” or physical assault on other students, and occur within the 13-15 year age group. Taken together, these statistics cause me to wonder whether as a society we are addressing youthful resistance appropriately by seeing it as a disciplinary matter brought about by poor behaviour management skills on the part of teachers, poverty or just plain bad upbringing. I will argue that the question of inclusion and exclusion in society, not just in schooling, is raised by the development of restorative practices, and will offer some suggestions about the kind of theory that might help us to think more constructively about what constitutes community when the members are very different from one another. Finally, I will suggest that the introduction of restorative practices in schools offers a particular opportunity to reconsider the role of education in our society.

## Background

In 1999 the New Zealand Ministry of Education contracted a team from the University of Waikato to develop a process for conferencing in schools. The brief was to utilise restorative justice principles to develop a conferencing process for schools that would reduce the exponential increase of suspensions, particularly of Māori boys, who were, and still are, disproportionately represented in reported numbers of suspensions, stand-downs and exclusions. [slide] We developed and introduced a conferencing process that was centred on retaining or restoring the mana of all - the student(s) who had offended, and their victim(s), their whānau and friends, and school personnel such as classroom teachers, deans, counsellors and sports coaches (The Restorative Practices Development Team, 2004). In the participating schools, numbers of suspensions went down, as they have declined in most schools where similar initiatives have continued. Since then, many schools have undertaken to train some or all of their staff in “restorative conferencing”, and more recently the notion of “restorative practices” has become fashionable. There are many accounts of what these names refer to, and several conferencing processes, not all of which draw on the theoretical resources I will use today.

[slide] The introduction of restorative conferencing into schools in the late 1990s was part of what was called the Suspension Reduction Initiative (SRI). The intention of the SRI was to reduce the numbers of students who were suspended, expelled or excluded. In 1999, around the time our new conferencing process was being trialled, the Ministry of Education published *Guidance for Principals and Boards of Trustees on Stand-downs, Suspensions, Exclusions and Expulsions*. These Guidelines introduced some new definitions and a new category, stand-down. Stand-down means the removal of a student from school for a specified period of no more than 5 days, and no more than 10 days in total in one year. A suspension means the formal removal of a student from school until the board of trustees (BOT) decides the outcome at a suspension meeting. The Principal is the only one who can make the decision to stand down or suspend a student from a school. The BOT may decide to lift the suspension, with or without reasonable conditions, or to exclude or expel the student. Exclusion means the formal removal of a student aged under 16 from the school, with the requirement that the student enrol elsewhere. In this case the Principal of the excluding school is “required to try to arrange for the student to attend another school” within 10 days, and to inform the Ministry if they are not successful (Education Act, 1989, Section 15 (4)). Expulsion means the formal removal of a student aged over 16 from school, and the student may enrol elsewhere.

These moves have been only partially successful. [slide] Over the last few years suspensions and expulsions have plateaued, but the number of stand-downs has continued to increase. According to the Ministry of Education web site, altogether there were 20,447 stand-downs reported in 2004. This compares with 19,858 in

2003. Continual disobedience (25%), physical assault on other students (25%) and verbal assault on staff (16%) accounted for 75% of these (2004). There were 4774 suspension cases in 2004. Continual disobedience (26%) and drugs (26%) accounted for half of these. Students who are male, Māori or 14 years old continue to be over-represented in stand-down and suspension statistics compared to the general school population. Pasifika students, both male and female, showed comparatively high rates of stand-downs. Seventy-five percent of all schools had no cases of suspension, the same as in 2002 and 2003. In 2004 83% of primary schools had no suspensions. Of the schools that suspended students (25%), around 10% were responsible for 43% of all suspensions (Ministry of Education, 2005). I calculate this to mean that 2.5% of schools are responsible for 43% of suspensions. Further, it would seem that there are still large numbers of students who are temporarily excluded from schools under the heading “stand-downs”.

I do not wish to condone violence, but it should be remarked that continual disobedience, verbal abuse, and sometimes physical assault, are hallmarks of protest. The over-representation of Māori and Pasifika students in these statistics causes me to wonder whether there could be something going on that is systematically bringing these students to attention. The fact that most students who get into this kind of trouble are aged around 14 years also seems to me to be significant. Significant too is that a very small number of schools are responsible for a large proportion of all suspensions. We do not have information on which schools are responsible, but we could guess that they are secondary schools who have strong and perhaps unforgiving criteria for their students' behaviour. It is also possible that these are schools who pride themselves on their “standards”, and who might even be increasing their rolls as a result. It is also very likely that they are schools who have a decreasing proportion of Māori or Pasifika students.

### **Exclusion and inclusion**

Most schools, on the other hand, are becoming increasingly complex communities. This is recognised for example in the Ministry of Education's Statement of Intent [slide]:

“The Ministry of Education's Statement of Intent 2004-2009, centred on its mission to ‘Raise Achievement and Reduce Disparity’, incorporates three Vital Outcomes that are focused on increasing student engagement through Effective Teaching, Family and Community Engagement and Quality Providers. Increased student engagement in the learning process is undoubtedly linked to better learning outcomes for students. Statistics for stand-downs and suspensions are indicators of a form of behaviour management.” (Ministry of Education, 2005)

If stand-downs and suspensions are indicators of “a form of behaviour management”, and restorative conferencing is brought in to address this problem

of escalating exclusions of one sort or another, then obviously restorative conferencing and other practices such as restorative conversations are seen as disciplinary measures. The general public, policy makers and many in the profession tend to view the problem of managing behaviour in the classroom as a skill to be learned by teachers. In any case, making these students toe the line is seen as a matter of discipline. In short, classroom and behaviour management thought about this way are about maintaining the boundaries of acceptability. They are also about keeping resistance under control. The concepts of exclusion and inclusion are obviously important here. Transgression of classroom and school norms of behaviour by students may be thought of as resulting from problematic peer group influence, or poor parenting, which includes not valuing schooling and education, or simply ignorance. The school wants its students and their families to identify with the boundaries set by the school: and some students push those boundaries too far.

[slide] At the same time as there are calls for clear boundaries and better discipline in schools, there has been an almost opposite tendency: schools and classrooms are also required to be “inclusive”. Teacher education programmes are required to invest student teachers with the skills to manage inclusive classrooms. This means, among other things, that they must not discriminate on grounds of culture, race, or ability. Teacher education students are also taught that they should meet the needs of each student, and approach each student’s learning needs starting from where the student is, rather than where they “should” be by any particular measure. Nowadays classrooms can have up to 30 nationalities (and 30 languages) represented, and a teacher may be at the same time required to teach inclusively mainstreamed students with a disability. As school communities become more diverse, teachers and administrators have an extremely complex, possibly impossible job to satisfy the great array of expectations laid upon them.

There seems to be some kind of expectation in the media and elsewhere, that impoverished homes are also homes where children do not learn to behave properly, or do not learn to value education. We can see this for example in the largely unexamined assumption that low decile schools will have the most children with behaviour problems, and therefore they are the ones that suspend and exclude most frequently. Our experience in working with schools in Northland did not bear this out. Although we do not have figures to show you, it was our impression that the smaller, poorer schools that see themselves as integral to their communities also saw it as their responsibility not to suspend if possible, and to take back students who had been suspended. These schools protested at being listed in the SRI, because the absolute numbers of suspensions said little about the fact that students were always expected back, and they were often managed by the school during their period of suspension. This seemed to be particularly the case where there was a strong community - and often this was a predominantly Māori community. These same schools, and many others like them around the country, have always worked to keep their kids

in school, and to bring them back in, even after suspension or exclusion. Indeed, Ministry figures bear out the fact that the lowest decile schools are not the highest suspenders of students. These schools treat all students, including miscreants, as “their own”, thus taking very seriously their duty of care. In fact, across the country only a few schools exclude or expel without taking some responsibility for what then happens to these students.

Used as a disciplinary practice, restorative conferencing becomes another tool of containment, maintaining the boundaries of what is right and what is not. This in itself is not problematic. But when the process also defines who is accepted and who is not, in a sense it is a mechanism for policing the boundaries of the school as a community. The very focus on exclusions, however temporary, should alert us to something problematic going on here. For me, it raises quite a lot of questions, such as, [slide] are disciplinary practices in a school there for the students, so that they can learn, as they would be in a well functioning family for example, or are such practices about keeping an in-group intact - in effect defining who is acceptable and who is not? In schools, do we expect to teach children to have respect for the law and for one another? Or do we expect that they will arrive at school already certain about this? Do we expect them to contribute to the school community in ways their youthful perceptions suggest is more adaptive, or do we expect them to contribute only in ways that are already set by others?

The statistics suggest that primary schools have little difficulty in implementing their role of teaching children to have respect for one another, and to have respect for the laws of the school and its community. In secondary schools however it is a different matter. Here the focus is increasingly on achievement, rather than on developing the young as citizens of the school and the community of which it is a central part. Appropriate behaviour conducive to learning must be “managed” by skilled teachers, who are there to teach and not to engage with the maturational needs of their students.

In lifespan developmental theory it is well acknowledged that adolescence is a formative time - a time when the young person tests boundaries, and tries to work out what kind of an identity they want to take up as an adult. One developmental theorist, Anna Freud, even went so far as to suggest that not experiencing storm and stress during adolescence is itself abnormal. [slide] The whakataukī, Ka pū te ruha, ka hao te rangatahi, “When the old net is worn out and cast aside, the new net is put into use” (Keelan, 2004), encapsulates the expectation that at some time, the old guard might have to step aside and let the young take over. This raises the question of the role of youth in society. Even kids who appear to be failing in school today know a lot more about the way the world works by the age of 12 than I did at that age (and I was a very good student). Young people’s bodies are maturing earlier than they have ever done. In many ways they are more mature at an earlier age, yet we are maintaining them in a state of economic and social dependency until later ages. A restorative

society would ensure that there is room for its young people to have very different ideas about what they should be doing when they reach 13 or 14 years of age. And it would make room, wisely, for their contribution.

### **Restorative conferencing in schools**

We need to take care in bringing a process that originated in the legal system, and applying it to Education. Unlike most restorative justice conferences perhaps, the parties to a conference in a school are most likely to be school administrators, neighbours and classmates; they will see one another for substantial proportions of each day, into the future. Students are required by law to go to school from age 6 until they reach the age of 16 years. Schools are expected to stand in loco parentis under the law. Parents are required to send their children to school, unless they go through a significant process. Nevertheless, schools are not prisons. Schools are the undertaking of a society to educate its young: to help them develop as useful members of society. Increasingly, this function is lost as the goal of schooling is seen as related to the outcomes of “learning”, as measured by results in NCEA and other tests. Student engagement is referred to in the Ministry Statement of Intent as engagement in learning: significantly, it does not appear to refer to engagement in the life of the school and its community. Recent moves towards “values education” continues this approach, suggesting values can be taught in much the same ways as any other curriculum subject.

Restoration is not centrally about discipline, however. It is about building community. We have found as our projects have gone on that when a school takes on the idea of restorative conferencing, it is by implication embracing in some cases a very different approach to relationships between staff and students, and sometimes amongst staff, from that which may have prevailed until that time. We think that this is because what we are drawing attention to in teaching restorative practices are the ways in which both staff and students show respect for one another. [slide] One of the principles of restorative justice is respect: and in our theorising about this at Waikato we think one of the outcomes of a restorative process should be to restore the mana of the young person who has offended, the victims of the offence, and anyone else whose care for the young person has been offended against. [slide] Mana is a word that signals not only respect and personal dignity, it also refers to the agency of the young person (Drewery, 2005). [slide] Arguably, an outcome of education for young people is about becoming a sovereign person, an individual with opinions and ideas, who can contribute to society in uniquely personal ways. That is, education is about citizenship. This is both an individual contribution, and one that must by definition acknowledge the community.

[slide] For us, working restoratively is to work in ways that do not undermine the agency of the other, in this case, the young person. In implementing these practices and this philosophy in the schools we have worked with, we found that

some of the ways in which some schools operate their disciplinary systems can have the opposite effect from that intended by the term restoration. I do not want to disrespect my colleagues, because I recognise that mostly they are doing the best they can from their own perspective. However I need to stick my neck out somewhat here to further what I consider to be a hugely important debate. I have found that some people in authority in schools can be quite overbearing in their application of their power over young people: even teachers sometimes expected their students to respect them when they did not show the same respect in reverse; disciplinarians in the schools sometimes work in ways that would frighten the more timid amongst us. Perhaps surprisingly, this can happen especially when the school is praised for its “standards”. It is no surprise to me that some students object to these forms of relationship - some of which represent an abuse of power in my view.

Of course, battles for the ethos of the school frequently ensued: the primary objection by those opposed to the introduction of restorative conferencing was that it was “nothing more than a slap on the wrist with a wet bus ticket”. This was to misunderstand the practices as simply disciplinary - and as a weak form of punishment. I found it strange that it was often the classroom teachers who resisted participation in conferences - even when it may have been their own interactions that had brought the student to this point. Yet when they did come to a conference, teachers almost always found out something about the “problem” child that they did not know before, and several teachers were so overcome with what they heard that they cried. On the other hand, one of the first bits of feedback we received on our training was from a secondary school counsellor of a large urban school, who reported bringing the parents of two boys who were at loggerheads together. After the formal conversation one of the parents said, “Well, that is the best conversation we’ve ever had with this school!”

### **What are we reaching for?**

One of the things we developed in our projects was a description of a restorative school. When they see it, almost all school personnel recognise this list as what they are reaching for. And yet, our experiences in introducing these practices to schools show that there are some very disparate ways of approaching this goal. It is also clear that some schools and perhaps many teachers do not see their mission as necessarily related to the expectations of the parents of their students. This was born out for me by the findings of a study by one of my masters thesis students, Fran Cahill, who interviewed Samoan parents about their expectations of the schools and the teachers who had charge of their children. She found that Samoan parents entrust their children to the care of teachers to deliver education on their behalf. They expect teachers to be there for their children in the same way that they themselves are there for the children at home. And they believe teachers are failing in this responsibility (Cahill, 2004). Of course it is not possible for all teachers to care for the children in their classes the way the children’s parents would do, but I think there is a problem

here nevertheless. My colleague Russell Bishop asked students what was the most important thing affecting their achievement. He asked teachers the same question. The teachers said, the children's homes, and the students said, the relationship with the teacher. The Ministry is currently investing large amounts in the professional development programme Russell and his team have developed, to change the attitudes of teachers towards Māori students. Our work suggests that the issues here could be even more complex. They relate to how we conceptualise what schools are meant to be doing.

If we are intent on communicating content - on teaching a particular curriculum so that the students can pass some set tests - then we should probably begin to enforce sitting in rows and requiring silence (except when asked to speak). And you can imagine perhaps if we expected this we would need increasingly draconian measures to maintain such discipline. Such a regimented approach does not reflect the schools of the present, nor is it the school of the future. Nor, indeed, does it reflect the increasingly various and fragmented nature of knowledge and, dare I say it, learning. It is significant I think that primary schools suspend far fewer students: it is traditional in education circles (and a matter of dispute, I should add) to think about the difference between primary and secondary schools as related to curriculum: primary schools are interested in the whole child, whereas secondary schools teach curriculum. Of course it is not as simple as that, and primary schools would say that they teach curriculum, just as secondary schools are interested in the whole child. What is clear is that the form of the duty of care must change, as the child grows.

Historically, political responses to students' resistance to schooling practices have included placing counsellors in secondary schools, introducing the Resource Teachers Learning and Behaviour, and most recently, social workers in schools, indicating that student resistance is seen as a personal or a social problem related to the individual student, but not as an educational or social one. However, the whole-scale introduction of restorative principles by schools - and by a society - would problematise these positions. Their embrace would be nothing short of revolutionary, because it would recognise that these responsibilities are communal and shared. Restorative principles support the foregrounding of relationships of care and community, and they encourage the development of trust and ongoing support. In my view, the concept of restoration not only challenges the boundaries between the pastoral care and disciplinary functions of the school: it calls us as a society both to revise our expectations of what schooling is for, and to reconsider the ways we view young people.

### **Revolutionary implications**

But the matter is more than even this. [Slide] Restorative practices can and must also address the issue of increasing social diversity. Restorative practices are about relationship: but not just any kind of relationship. Our attention to

restoration also draws attention to how respect can be both offered and taken up. This is especially difficult when those we are in relationship with are very different from ourselves: they may not even share the same basic values. And this kind of respect, across difference, is very hard to achieve.

When those with whom we are trying to relate are like us, it is sometimes difficult to notice how important our common understandings are to how our relationship can go on. When there is little basis of common understanding, it is easier for one side of a partnership to dominate the relationship. One way that this can happen is by the stronger partner determining the terms of the relationship. This happens in schools all the time: the underlying message runs something like “You can come to our school, but you need to embrace our values!”

[slide][slide]The terms on which we are prepared to respect others are what are at stake in approaching the idea of a restorative society. One way to approach this would be to screen people coming to New Zealand and require that they sign up to certain common values. But I don't think this is what we want, is it? We do not want to tell others what they should value. I believe that [slide]our relationships with others, especially but not only those who are very different from ourselves, cannot be only in our terms (Sampson, 1993, 2003). This would be a recipe for exclusion. If we are interested in a restorative society, each of us needs to be prepared to find that our dearest social values may not be supported by others. It may even be the case that we are initially unable to hear others, because of the dominance of our own ways of thinking. We need to be prepared to try to hear the meanings of the other, to learn about new possibilities, possibly even to change. This does not mean anything goes or that we should not hold values. But it does mean [slide] that we need to remain open to the need to inquire naively about the values of others, and to negotiate when things do not go well.

And maybe there is a bottom line: I notice that empathy is a key ingredient in any successful restorative conference. When the parties learn about the weaknesses and humanness of those who have previously been offenders, opponents or competitors, there is often a kind of catharsis. People can forgive a lot, when they understand how something came to happen. On the other hand, [slide] it is easier to befriend or empathise with someone who is like you: harder when they are not.

Our young people possibly already know a lot about how to work with social complexity. They are certainly likely to be more adaptable than many of us who are older. A recent study found that one third of 14 year olds are bored at school. Well, here is something they would not find boring. Developmentally, relationships are likely to be more important than passing NCEA to most young people. So I believe they would be both eager to learn more, and also that they could already teach us a lot about this. Some of my colleagues teach students to do mediation in playgrounds, using restorative processes, and they find that

many young people are fantastic at it. I am not simply advocating for lessons on other cultures, but lessons in doing respectful relationship, which is a very different thing. It is not about what you know, but how you interact with others. We *all* need to talk more about this.

### **Towards a restorative society**

In many ways, schools are already communities of care, but there is a need for a reexamination of the notion of care that predominates. A community of care is not necessarily one where we have a “natural” or even a learned empathy for others: a true community of care comes into its own when respect is maintained when there is disagreement and strangeness (Young, 1990). Such a community understands that meanings are negotiated, and that this can take both time and patience. It understands too the importance of agreeing on processes for the working through of such disagreements.

Where schools care for their students as if they are part of the communal family - including the miscreants, the misfits, and the resisters (of which every family has some) - they are already well on the way. People who strive for and maintain such schools deserve our respect.

Education is one of the Pakeha imports that Māori and Polynesian families value: and it is compulsory for children and young people aged 6-16 in this country. Thus schools have a unique and powerful place in our civic life. Most of today's schools are complex communities, reflecting the make up of our society, and they are in a powerful position to influence the way forward, towards a restorative society. But such a lofty objective will not be achieved by “behaviour management”, suspensions and exclusions (though no doubt these must also go on). [slide] A primary objective of schooling could be to develop understanding of how to achieve legitimate goals within relationships of mediation in complex communities. My vision for schools is also my vision of a restorative society. And schools have a central role in our attaining this objective.

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