

Implications of using restorative justice practices in schools to restore broken relationships

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Abstract

Restorative justice practices aim to deal with negatively impacting behaviours in a context of respect and understanding. This results in the peaceful resolution of conflict, the restoration of respectful relationships and the development of emotional literacy and social awareness. Based on this literature review, schools that use restorative practices nurture cultures of safety, respect and inclusion. It is also culturally responsive towards Māori learners and aligns with aspects of the Treaty of Waitangi. Schools that employ these practices are fertile sites for fostering a community and society that replicates these values. Challenges still remain around the correct implementation and use of these practices in schools and also, if, or how, restorative principles could be part of students' formal education.

Keywords: *restorative justice, restorative practice, restoring relationships*



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Introduction

Traditionally, school authorities have reacted to negative or anti-social behaviour through a punitive regulatory framework by exercising exclusionary practices (e.g. referrals, suspension and expulsions) (Morrison & Vaandering, 2012; Wearmouth, Mackinney, & Glynn, 2007; Varnham, 2005). Over the past decade however, with the increase of violence amongst students, schools are seeking an alternative to these ineffective and damaging exclusionary processes (Morrison & Vaandering, 2012). Many have turned to restorative practices. This approach draws on the concepts of restorative justice, which originated within the legal system and is defined by Zehr (2002) "as a response to wrongdoing and conflict that focuses on healing the resulting harm to relationships" (Cavanagh, 2007, p.31). This is achieved by shifting the focus from blame and punishment to responsibility, nurturance and restoration (Schumacher, 2014), within a relationship-based dialogue framework grounded in respect (Vaandering, 2014). The development of respectful and responsive relationships is fundamental to the establishment of an inclusive and engaging learning environment (Carrington & MacArthur, 2012; McGee & Fraser, 2012). Four of the most popular restorative practices include peer mediation, peer/accountability boards, conferencing, and circle time (Pavelka, 2013). The literature shows that adopting a restorative approach to relationships in a school environment has a

numerous benefits for students, staff and the wider community. It enables students to learn social responsibility, is specifically responsive to Māori culture, and has the ability to transform the culture of a school. Challenges still remain around the correct implementation and use of restorative practices in schools and also if or how restorative principles could be part of students' formal education.

Benefits for social development

Daily interactions in schools are all about human relationships, which Vygotsky (1986) regards as the key site of learning. Many researchers make the argument that schools are important contexts in which the citizens of tomorrow are to learn their ability to improve themselves and their relationships by developing their capacity to care (Carter, 2013; Drewery, 2014; Bruner, 1996). Schools that respond to the breakdown of relationships with restorative practices are fertile grounds for cultivating this kind of learning (Carter, 2013).

As the literature shows it has often been thought that socially responsible behaviour is learnt through approaches that rely on a reward or punishment feedback system (Macready, 2009). This is where fear acts as a motivational lever to prevent socially irresponsible behaviour resulting in 'stigmatizing shaming' (Braithwaite, 1989). This leads to the development of antisocial attitudes. Evidence that this method is effective in teaching

social responsibility is not convincing. This is largely because it fails to engage *with* the offender and disallows them the opportunity to develop a social conscience (Macready, 2009; Varnham, 2005). Hence it robs students of the rich opportunity of learning, collective problem solving and growth (Morrison & Vaandering, 2012). Restorative practices, however, aim to deal with negatively impacting behaviours in a context of respect and understanding. It focuses on building empathy and interest while dismantling blame, humiliation and fear; following that, all members involved have a sense of agency and are treated as a valued members of the community (Drewery, 2014).

The key component for learning socially responsible behaviour and emotional literacy through restorative practices is emotional engagement. Engaging emotions gives participants the opportunity to nurture their human capacity for restitution, resolution and reconciliation, and growing a social conscience (Morrison & Vaandering, 2012). Specifically, participants learn important life skills of listening, cultivating empathy, managing anger, interpersonal sensitivity, self-efficacy and expressing genuine emotion (Schumacher, 2014). This supports the wellbeing of individuals and builds within them the capacity to better navigate difficult social situations to avoid or resolve conflict. Research shows that children who are taught social-emotional literacy are also more successful in schools and contribute positively to society (Schumacher, 2014). Long-term benefits include lower crime rates, with fewer re-offenses, and a more inclusive society (Varnham, 2005).

Benefits for Māori students

When it comes to discussing restorative justice within a Māori context, much of the literature turns to the flagship programme of the Ministry of Education, Te Kotahitanga (Berryman & Bateman, 2008; Drewery, 2014; Wearmouth et al., 2007). This programme recognises that student engagement with learning is enhanced when they are able to ‘bring their own culturally generated ways of knowing and learning’ to the classroom (Bishop & Berryman, 2006, p.5). In a Māori context, the maintenance of respectful relationships is encompassed in the idea of *whanaungatanga* and is considered “the basic element that holds all things Māori together” (Macfarlane, 2004, p.65). Above all, Māori students learn best when they have trusting relationships with their teachers (Drewery, 2014). Hence in order to increase the level of Māori achievement, teachers and schools need to adopt pedagogies that integrate Māori concepts and worldviews and restore broken relationships (Bishop & Berryman, 2007; McGee & Fraser, 2012).

The literature highlights the similarities of restorative practices with *Hui whakatika*, a meeting held within Māori cultural protocols (Berryman & Bateman, 2008; Wearmouth, et al., 2007). The four concepts crucial for an effective *Hui whakatika* are reaching consensus, reconciliation, examination and restoration, all within the framework of the principals of *tika* (justice), *pomo* (integrity) and *aroha* (love) (Macfarlane, 1998). This is very similar to the framework that guides contemporary notions of restorative justice. Where they differ is that the *Hui whakatika* process is able to be determined by and for Māori, following specific traditional protocols (Berryman & Bateman, 2008). Even so, schools that adopt a restorative justice orientation to confront violence and amend broken relationships are able to provide a space for Māori students to bring their own ‘culturally generated ways of knowing and learning’ into the school environment. This gives Māori the capacity for self-

determination in a culturally responsive context. The importance of this is developed further by authors in turning to the principles of *partnership, protection and participation* within the Treaty of Waitangi, indicating that they are brought to life in schools were restorative practices and *Hui whakatika* are implemented (Berryman & Bateman, 2008; Drewery, 2014).

Benefits for school culture

Schools that have whole-heartedly embraced a restorative justice approach to dealing with conflict and anti-social behaviour have noted a significant change in their school culture (Drewery, 2014; Cavanagh, 2007). By adopting restorative practices, schools create an atmosphere where daily student-staff, student peer, and school collegial interactions are built on mutual trust and respect (Cavanagh, 2007). As a result a culture of care and peace is permeated throughout the school and negative feelings of fear, anger, blame and exclusion are minimised (Morrison & Vaandering, 2012). This can have a significant impact on increasing the safety of schools and the well-being of all its members (Cavanagh, 2007).

Creating a school-wide focus on respectful relationships is also a powerful tool to establishing a culture of inclusion (Drewery, 2014). Firstly it removes exclusive punitive forms of punishment and in turn creates space for different perspectives to be shared and understood. This allows offenders to ‘walk in the shoes’ of those whom they have hurt. In doing so participants understand that people have different viewpoint and learn how to reconcile these differences (Drewery, 2014). These are crucial skills for living in a community that respects diversity and promotes inclusion. This is specifically important in a culturally diverse New Zealand society and in ensuring ‘a braided river’ approach between Māori and Pākehā cultures (Penetito, 2010).

Some have regarded this paradigm change in school culture as a shift away from a space that exercises social control and is governed by rules, to one that is relationship based and nurtures social engagement (Morrison & Vaandering, 2012). This is accounted to the breakdown of hierarchical power structures in schools. By using restorative practices, students who have caused some form of harm do not simply await punishment from a figure of authority, but rather they are able to exercise agency and participate in collaborative decision-making to find a solution. This creates a balance of power and is important for accurate citizen education and true representation of a democratic society (Varnham, 2005).

Challenges

One of the biggest challenges to restorative justice being implemented in schools is when the process is used in a behavioural management context, over one of engaged, inclusive pedagogies (Vaandering, 2014). Doing this simply results in the reinforcement of punitive, hierarchical power structures of schools. Hence, schools need to have a whole-hearted commitment to the implementation of restorative justice practices and provide the correct training for all staff members (Pavelka, 2013).

Secondly the challenge remains of how or if restorative practices and its principles should be taught as part of the formal curriculum (Carter, 2013). Students are able to learn aspects through informal settings simply by observing the way that their teachers, who uphold the values of restorative justice, interact

with others or deal with difficult social situations (Carter, 2013). This may not be sufficient for students and there are suggestions for further research as to how teachers can best incorporate education around restorative practices as part of the formal curriculum.

Conclusion

A restorative justice orientation towards dealing with violence and anti-social behaviour in schools creates a culture of respect, care and inclusion. Students are able to nurture and develop a sense of personal agency and social responsibility, contributing positively to an inclusive and safe society (Schumacher, 2014; Wearmouth, et al., 2007). Māori students benefit largely from restorative practices as they align with the Hui whakatika process, allowing them the space to incorporate their ways of knowing and learning (Berryman & Bateman, 2008). Parallels are also seen with the principals upheld in the Treaty of Waitangi.

Challenges to restorative practices remain where the process is misused by applying it in the traditional punitive framework. Hence it is important that schools have a wholehearted commitment to correctly adopting the practices (Vaandering, 2014). It is also important that schools consider how education around restorative practices is undertaken. The question remains if or how it should be done as part of the formal curriculum (Carter, 2013).

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