

# Introducing

# Restorative

# Conferencing

**A whole of community, early intervention  
approach to youth anti-social behaviour**

Second interim evaluation report



YOUTH & FAMILY  
SERVICES



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**Isabelle Bartkowiak-Théron**

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## **Summary**

This report is the second interim evaluation put together by the Tasmanian Institute of Law Enforcement Studies for YES Youth & Family Services. It outlines progress of the Introducing Restorative Conferencing initiative since August 2011. It contains the first implementation steps of the Introducing Restorative Conference (IRC) scheme via consultation with the IRC project worker, an analysis of conference data to date, an analysis of conference exit surveys received in time for completion of this report, and an analysis of answers to a discussion paper (Bartkowiak-Théron, 2011b) distributed to IRC stakeholders late 2011. This report will be made available to all stakeholders electronically by way of email, as well as online.

The third and final report, due in July 2012, will also be made available to all stakeholders in hardcopy format, as well as online. It will address impact indicators for the scheme and the scheme's sustainability. Each step of the way, the research team will feature recommendations conceptualised from field data analysis and literature.

The first chapter of this report reminds the reader of the Introducing Restorative Conferencing (IRC) initiative. It features the IRC's goals, purpose, and objectives, and provides a brief summary of its evaluation.

Chapter 2 consists of quantitative and qualitative observations about the scheme as it has unfolded since the training closed in July 2011. Data from conferences convened to date is considered via a preliminary process analysis. It also contains a picture of stakeholder engagement and training since the delivery of the initial conference facilitator training. Chapter 3 contains feedback from IRC stakeholders about the scheme as of December 2011. It features an analysis of stakeholders' responses to the paper distributed in December 2011. Chapter 4 introduces conference participants' preliminary feedback about the scheme. It does so by analysing conference surveys received as of 15 January 2012.

Chapter 5 provides the conclusion to this report by matching results received so far to the project's objectives and relevant key performance indicators (KPIs), as well as some recommendations for the continuation of the scheme.



# **Chapter 1 – Background: the IRC initiative and its evaluation**

## **1. The ‘Introducing Restorative Conferencing’ initiative**

The ‘Introducing Restorative Conferencing: A whole of community, early intervention approach to youth anti-social behaviour’ (also known as, and hereafter referred to as, ‘the IRC’) is currently hosted under the auspices of Yes Youth & Family Services (YES, see also Appendix 1 for a list of acronyms). Following a successful application to the Attorney General’s Proceeds of Crime Funding Scheme, YES was granted financial support from early 2011 to June 2012 to design, run, and evaluate an initiative intended to address several recurrent youth-related problems observed in the Albury area. These problems included school absenteeism, repeat suspensions from school, school detentions, minor forms of anti-social behaviour observed at school and on the street, repeat summary offending by young people (which may or may not involve young people of Aboriginal and Torres Strait Islander background), damage to property, and escalation of anti-social behaviour (YES, 2011a; Bartkowiak-Théron, 2011).

Community concerns about such topics were expressed by the Albury Aboriginal community, and were confirmed by key personnel at Albury Police Station, at the time the project was designed by YES and Albury City Council. Statistics were forwarded to YES to support the funding application. The project’s goal, purpose, and objectives, as they were eventually put together for the initiative, are provided in Figure 1 (YES, 2011b).

The IRC aimed to set an example in collaborative work across a range of social and educational providers and the police to provide restorative programs that could work with young people and their families, and acknowledge that the well-being of the whole family impacts on the young person. Along the lines of best practice in whole of government approaches, the project aimed to address the problem of anti-social behaviour among youth by identifying the root cause of the problem, and by providing a seamless service system that would support families in accessing services that are appropriate to their needs (YES, 2011a; Bartkowiak-Théron, 2011a).

## **Introducing Restorative Conferencing - Goal and Purpose**

The main goal of the *Introducing Restorative Conferencing* Project is to provide and support practitioners and staff at four targeted primary and high schools, the police and a community centre to access accredited training in restorative conferencing and to implement restorative conferencing within their setting to address young people exhibiting anti-social behaviour, that are at risk of engaging in criminal activities.

The purpose of project is to take an early intervention and holistic approach to working with young people, particularly young people who are disengaged from school or likely to be suspended because of unacceptable behaviour. Through restorative conferencing, the young person's social support and family members, role models and the victim of the young person's behaviour are brought together to raise awareness of the triggers leading to the young person's behaviour, explore the impact of the behaviour on the victim and seek agreement on how the young person can make reparation to the victim and what support can be provided to the young person and their family.

Research indicates that restorative approaches lead to high victim satisfaction rates, accountability by the wrongdoer and reduction in the reoccurrence of problematic behaviours. A restorative model looks at what is behind the act and how the behaviour can be changed and how identified issues can be supported and assistance accessed. There is an opportunity for the victim and victims family to express the impact that the wrongdoer's behaviour has on their wellbeing, to restore the relationship between the parties and provide an opportunity for the wrongdoer to express remorse for his/her actions.

## **Introducing Restorative Conferencing Objectives**

1. To consolidate partnerships and practice in implementing restorative approaches with young people (aged 10-18 years) and other community members, using models inclusive of family and community group conferencing, school conferencing and youth and family restorative conferencing.
2. Building the capacity of services/sectors (education, police, social services) to adopt restorative approach within their practices.
3. To disseminate key learnings to other communities with regard to: 1) the process of engagement in restorative conferences from a participants perspective; 2) the impact of such approaches in reducing offending behaviour; and 3) identifying key success factors in developing and sustaining partnership to restorative practices.

**Figure. 1 - Introducing Restorative Conferencing: goals, purpose, and objectives**

## **2. Evaluation**

The purpose of this evaluation is to independently gauge progress, impact, and various processes of the IRC. This evaluation research was embedded in the 2009 application for funding to the Federal Attorney General under the POCA funding scheme.

The aims of this evaluation are to:

- track the initial stages of the scheme (bedding-in)
- evaluate the process of implementing the scheme, including provision of training and rapport building with all stakeholders (schools, agencies, young people, the community, families, victims, etc.)
- observe five randomly selected restorative conferences and assess their effectiveness against identified objectives, and from all parties' perspectives (wrongdoers, victims, families or significant others, agencies, and facilitators)
- measure the overall impact of the scheme and the extent to which it meets its objectives
- document the scheme in order to identify the emergence of a possible flexible model, able to be transferred to other situations, cultures, and areas throughout Australia and potentially internationally
- disseminate research results so that others in Australia interested in this model may refer to it as a stepping stone or inspiration for their own projects.

This second report provides a process update for the initiative. It addresses the extent to which the IRC was embedded in school procedures, and it provides a picture of progress to date by looking at the initiative's evolution between August 2011 and January 2012. It also provides the first (albeit limited, due to time constraints) quantitative results of the initiative. The findings in this report are drawn from three methodological approaches:

- the desktop analysis of quantitative data provided by YES in January 2012,
- the analysis of feedback obtained from stakeholders after the dissemination of a discussion paper, and
- the analysis of exit surveys distributed to conference participants.

The findings outlined in the following chapters will help gauge how YES is meeting objectives and KPIs to date. Upon analysis, the research team will be in a position to provide recommendations built from the ground up, to help with the improvement and sustainability of the scheme.

## **Desktop analysis**

In January 2012, the IRC project worker provided the chief investigator with updated data about the IRC. The main data sets comprised a quantitatively based indication of how many conferences had been held; who had attended; agency stakeholders attending; wrongdoer's age, gender, and ethnicity; conference triggers; etc. Analyses of these data are to be found in Chapter 2.

## **Discussion paper**

The purpose of the discussion paper was to examine the current development of the IRC. The paper was particularly concerned with various initiative processes (administrative, referrals, training, etc.). It provided a brief review of current procedures and included, for the reader's benefit, brief considerations about how other initiatives (in Australia and elsewhere) operate. The IRC steering committee approved this discussion paper in August 2011.

The paper encouraged IRC participants, stakeholders, and community members to provide anonymous feedback about the IRC initiative, offering them a platform from which they could ponder issues, formulate opinions, and forward feedback to an independent body. Specific questions were included within the paper, and may be found in Appendix 2. Those questions were intended as a guide only. Participants could elect to answer all questions or only some of them. If participants had other pressing concerns, they were invited to add those concerns to their responses. Out of 12 stakeholders, five sets of responses were received and collated, and were analysed in January 2012. The analyses are presented in Chapter 3 of this report.

## **Conference exit surveys**

Exit surveys were handed out to conference participants at the end of each conference held to date. These strictly anonymous exit surveys served a dual purpose. First, they helped identify participants' attitudes towards the scheme, and would form part of the ongoing evaluation of the IRC. Second, they provided the project worker with an effective and timely tool to monitor quality assurance in conference preparations, proceedings, and referral processes. Participants' attitude towards the scheme from these exit surveys are provided in Chapter 4 of this report.

## Chapter 2 – Progress to date

### 1. Conference details

With the start of a new calendar year and of a new school year, it is fitting that we start this report with an update of events, conferences and results to date. This chapter therefore features quantitative and qualitative observations of the scheme as it has unfolded since the training closed in July 2011.

After only 6 months of operation, the IRC initiative is still in its early implementation stages. After the convenors' training was completed, the IRC project worker initiated discussions at schools and community centres about how the referral process could occur. This negotiation process took time, and, although an unanticipated restorative conference was organised shortly after the training commenced (due to an incident being brought to a trainee's attention via her workplace), it took a few months for the referral process details to be agreed upon by all stakeholders. This, and adherence to established school disciplinary procedures, account for the small number of conferences held to date. Once these processes were agreed upon, however, a clear acceleration of referrals occurred throughout the last few months of 2011:

- one conference was convened and completed in July,
- two conferences were convened in August (one remains to be completed),
- one conference was initiated in September (convening pending due to medical reasons), and
- six conferences commenced in October (4 completed, 1 pending, 1 cancelled).

This accounts for a total 10 referrals for conferencing in the four months<sup>1</sup> that followed convenors' training.

Therefore, as of January 2012, six conferences had been completed, and four had been scheduled for the upcoming months or were waiting for further proceedings. Most ( $n = 6$ ) were referred to YES by schools, and smaller numbers by the community centre ( $n = 2$ ) and local government agencies ( $n = 2$ ). Some conferences were run to cater for the needs of several wrongdoers, which accounts for a higher total number of wrongdoers ( $n = 12$ ) than conferences ( $n = 10$ ). As shown in figures 2 and 3, wrongdoers were mostly male ( $n = 9$ ) and were in their mid-teens when they were referred to a conference, with a majority of them aged 13. Of these wrongdoers, 4 identified as being of

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<sup>1</sup> The end of the school year parallel a lack of referrals in November and December due to end of school activities, students and staff going away on school retreats, camps or holidays. It was agreed with the IRC project worker that further referrals and consideration of cases needed to be postponed until 2012.

Aboriginal descent.

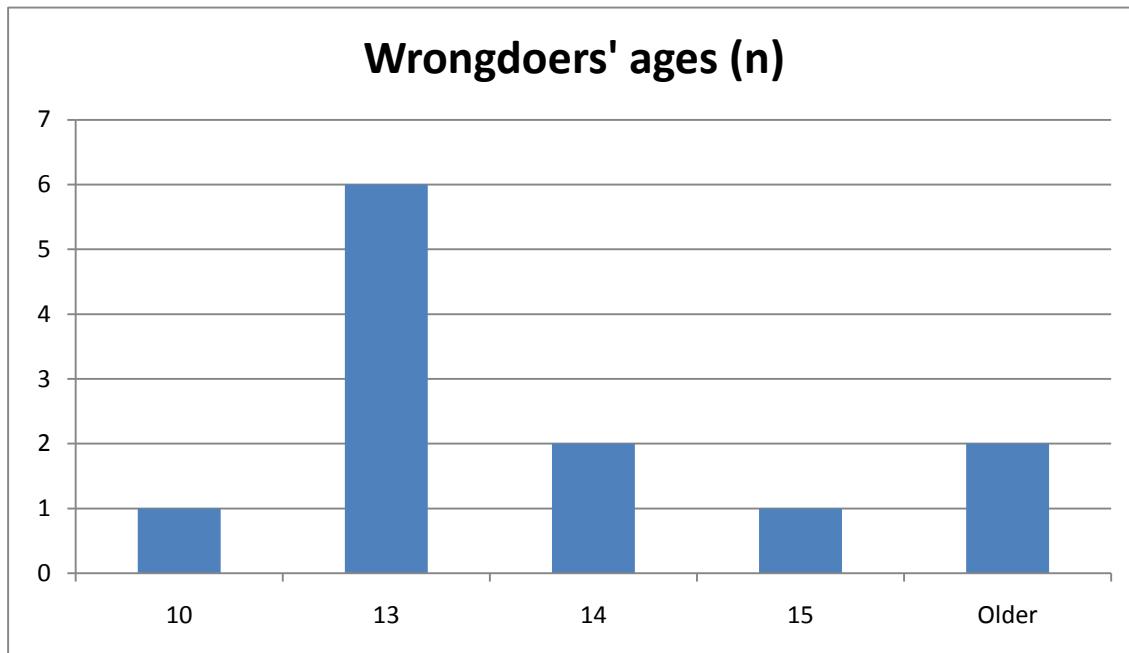


Figure 2 - Wrongdoers' ages



Figure 3 - Wrongdoers' gender

Conference 'triggers' were varied, and sometimes occurred simultaneously or concurrently (Fig. 4). Conferences were called mostly as a result of persistent disruptive behaviour ( $n = 5$ ), followed by anti-social behaviour and suspension ( $n = 3$ ), fighting ( $n = 2$ ), verbal abuse ( $n = 2$ ), attendance issues and disengagement. Other possible triggers such as property damage, theft, bullying, and cyber-bullying have not yet generated referrals. Two conferences were convened as part of a reintegration

to school program for two students who had been temporarily suspended.

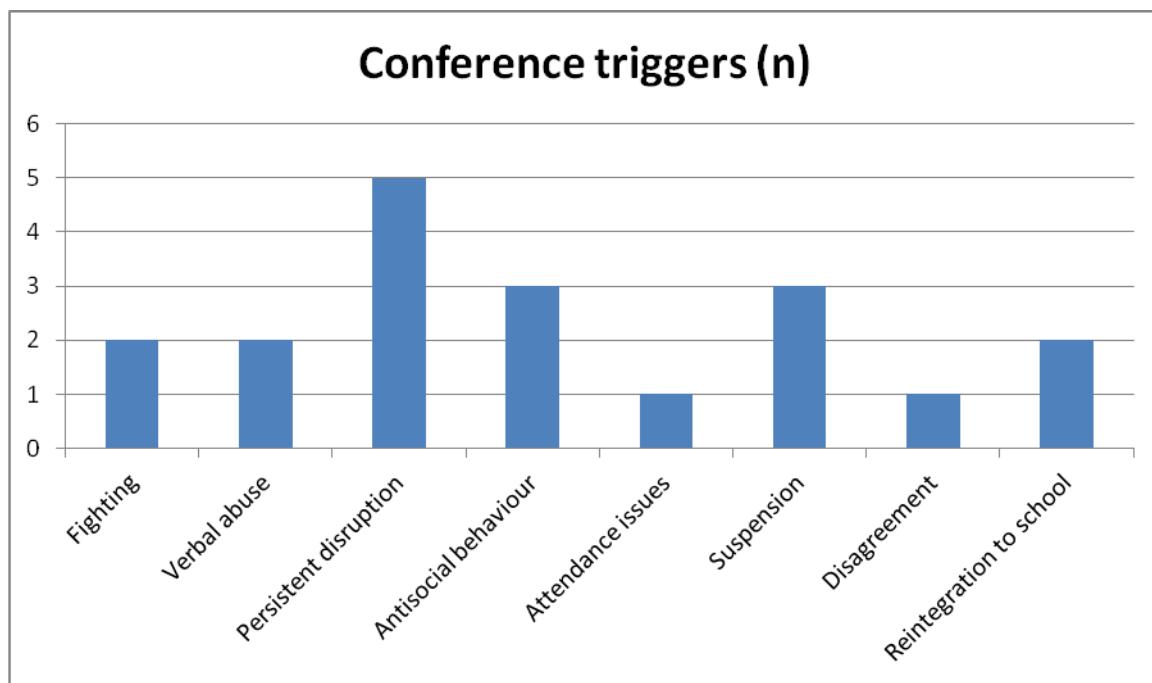


Figure 4 – Conference triggers

It is important to note that most conferences were convened on the grounds of several problems occurring at once or of several problems acknowledged as concurrent by school staff, guardians, or agency representatives. For example, a conference was called for a young person known for anti-social behaviour, persistent disruption on school grounds, and attendance issues. Usually, wrongdoers are invited to conferencing on the grounds of ‘wicked’ issues<sup>2</sup>, and appearance at a conference for one problem only, so far, remains the exception rather than the rule.

Although the scheme currently allows for a broad scope of triggers to be considered, the majority of triggers that led to conferencing have revolved around persistent disruption of school activities (classroom, lunch, etc), anti-social behaviour, and suspension. Many of these problems have been in evidence for some time but had not previously been formally recorded or addressed unless by way of other disciplinary procedures such as detention.

None of the wrongdoers referred for conferencing had experienced a restorative conference before.

<sup>2</sup> Anti-social behaviour, crime and their root causes are acknowledged as being extremely complex, spanning a range of disciplinary considerations and perspectives (such as education, housing, parenting, economic background, etc). Often, such problems are labelled ‘wicked issues’, where ‘the problems and/or the solutions are either hard to define and/or not available or sub-optimal and often carry consequences that might lead to further problems. A wicked issue crosses international and national boundaries and involves multiple agencies and sectors at all levels of government’ (Fleming & Wood, 2008, p.2, quoted in Bartkowiak-Théron, 2011).

According to restorative justice principles, all conferences were held with several parties attending. Usually, attendance comprised the convenor of the conference, the wrongdoer(s) and their support persons, and the harmed party and their support persons. Impartial observers may occasionally attend (see Bartkowiak-Théron, 2011, p.24 for a conference diagram). Attendance breakdown (who was in attendance) for conferences that have already been organised<sup>3</sup> (whether they have already occurred or not, and according to available data) is illustrated in Table 1.

	Wrongdoer	Support persons for wrongdoer	Harmed party / person	Support for harmed party / person	Observer
Conference 1	2		2		
Conference 2	1	2	2	1	1
Conference 3	2	2	2	1	1
Conference 4	1	1	1	1	1
Conference 5	1	3	2	1	
Conference 6	1	1	1	1	1
Conference 7	1	1	1		1

Table 1 - Conference attendance

Agency participation to conferences has been high. Youth Connection Programs (a division of YES) attended three conferences, as well as the EIPP and the Department of Education. The Department of Community Services attended one conference, as well as Albury Police and CAMHS. A general practitioner was involved in the preparation of the conference. Overall, this indicates a rather high level of contribution by partner agencies, as agency attendance ( $n = 12$ ) to a conference is higher than the number of conferences being convened so far ( $n^{\text{convened}} = 6$ ;  $n^{\text{overall}} = 11$ ).

Conferences are notoriously difficult and time consuming to organise, as indicated by restorative justice literature and confirmed during an interview with the IRC project worker. Whilst a corridor conference (defined later in this report) can occur the same day an incident is observed, it usually takes one day to prepare a conference (primarily to contact all prospective participants), and then between 1 and 3 weeks to actually convene the conference (which includes explaining the process

<sup>3</sup> Note about terminology: the organisation of a conference refers to the preparations that lead to a conference being convened or run. These preparations include the identification and invitation of participants, choice of time and venue, etc.

and rationale to all, finding a suitable date and time for all parties to attend, and finding a suitable location).

The conferences that have already been held took between 30 and 120 minutes: five of the conferences took 30-60 minutes, two took more than an hour (60-90 minutes), and one took almost 2 hours.

Of all convened conferences, six were completed and successful in reaching an agreement. Four conferences currently need reconvening or completion of paperwork. For these, conferencing results are either pending or the conference was dismissed due to participants desisting on the day, school transfer, or cancellation of the conference (due to the complexity of the case).

## **2. Process update, IRC partner engagement, and capacity building**

### **Further restorative training**

After their initial training, conference convenors were re-invited for further professional development on 19 December 2011. The day focused on a procedure 'refresher', as well as comprehensive training on corridor conferences.

Corridor conferences, also known as a form of 'restorative inquiry', allow staff, parents, and peers to assist with the problem solving process by using relational questions (Blood & Thorsborne, 2005). They allow for a less formal and more immediate process to unfold once an incident has occurred, and are considered less time consuming than full conferences (see also McCarney, Unicef, n.d.). In the context of restorative practices in educational settings, school teaching and support staff are encouraged to use less formal processes to avoid the escalation of problems and to address incidents as early as possible. Research indicates that staff members often rely on practices such as corridor conferencing because they regard full conferences as requiring higher levels of skills and training (Centre for Restorative Justice, 2009).

The training, which was delivered by the same institution that delivered the original convenors' workshop held in July, was well attended. One school allowed for all staff members to be trained on this occasion to promote restorative justice principles throughout the school and to allow staff members to familiarise themselves with either restorative practices themselves or with the IRC referral process. One of the community centres did the same thing and catered for its full staff to be trained in corridor conferencing as a step forward in the adoption of restorative practice as an institutional problem-solving philosophy.

Word of mouth had also occurred in the community since the July 2011 workshop. A good indication that the July workshop had been well received is the arrival of a new partner in the IRC scheme. This partner dedicated for 10 staff members to be trained in December alongside other schools and community centres.

Although the attendance to the December workshop was regarded as ‘mass training’ by IRC staff members, this is not a sufficient indication of how restorative philosophy is adopted within schools (some staff might have participated as an ‘introduction’ to restorative practices only, and might not take this on board down the track. The impact of that training and evidence of restorative philosophy uptake remains to be evidenced. The following section indicates, however, that despite the researcher’s caution, attitudes are shifting positively within schools. Indeed, restorative practices, with various levels of complexity, are already emerging within disciplinary practices and policies of partnering schools and community centres.

It was agreed by initiative stakeholders that for the purpose of accreditation, a final training day would be organised once all 18 trained facilitators had convened at least one conference.

### **Partner engagement, community outreach, and capacity building**

There are currently four schools involved in the initiative, each at various levels of participation and ‘buy in’ (i.e. their level of engagement in the initiative, and their commitment to the scheme). Two community centres are also actively engaged, with one positioning itself as the catalyst for involvement of its sister school, via a whole of community approach to problem solving (the community centre is making referrals and engaging with the school community and YES to resolve conflicts).

To date, there are two good indications that the efforts of the IRC in community outreach and capacity building are fruitful. First, an alternative education institution has reached out to YES to be part of the initiative, and has volunteered to refer cases to the IRC. The extent of this engagement goes as far as 10 staff members of this institution attending the December corridor conferencing workshop. A large percentage of students hosted by this alternative education institution have been expelled from the traditional school system and are unable to go back to a traditional mode of education. It already shares processes with YES in dealing with disengaged young people or young people at risk. Staff have indicated their interest in acting as a referral point for the IRC. Further negotiations with this school were yet to occur at the stage of writing this report, but there are good prospects, considering an already dynamic level of engagement, that this school will soon become a partnering ‘node’ in the IRC.

The Albury Local Area Command is also involved, and has conveyed the memorandum of understanding between YES and NSWPF up the police hierarchy. Although there were initial concerns that the IRC early intervention process should not be confused with the proceedings and protocol laid by the NSW *Young Offenders Act 1997 n°54* (which allows for youth conferencing as part of a court diversion process<sup>4</sup>) and its regulation (*Young Offenders Regulation 2010*), these concerns seem to have abated with the agreement that the local crime coordinator or crime manager will centrally identify, select, and refer appropriate cases to YES<sup>5</sup>.

### Vignette: Partner engagement and processes

As mentioned earlier, the schools partnering with the IRC display various levels of participation with YES in the IRC initiative. We break down these diverse levels of engagement, in the view of assessing their impact on KPIs.

It is paramount to state, at this juncture, that one of the schools has come fully on board with restorative practices, and that staff have embarked on systematising restorative practices in the whole school, as well as at school disciplinary policy level. At this location, restorative conferencing and corridor conferences were in place from the start of the 2012 school year. The IRC initiative is hosted by the school welfare team, who will engage with a number of staff and students throughout the year to promote the principles of restorative justice and practices. For example, they will:

- liaise with the Student Representative Council,
- organise restorative conferencing and restorative conferencing workshop in health classes to familiarise students with problem solving processes, and
- communicate with parents about the implementation of restorative practices in the school.

In addition to this, it has come to the researcher's and project worker's attention that restorative conferencing has been embedded in school procedures and in the school disciplinary procedure manual, as part of the school problem-solving policy and as part of the post-suspension 'return to school' procedure. Although this provides evidence that the principles of restorative justice are being embedded at policy level, some questions remain as to how this uptake of restorative

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<sup>4</sup> See Appendix 3 for a copy of the principles and Purpose of Youth Conferencing as per the NSW *Young Offender Act 1997, n°54*.

<sup>5</sup> Confusion between the IRC and Youth conferencing as per the NSW *Young Offenders Act 1997 n°54* has been mentioned before, and was discussed in quite clear terms before the initiative was set up. The IRC is strictly implemented within an early intervention framework (no offence has been brought to the attention of police yet), while conferencing under the Act governs offences that have been brought to the attention of police. Conferencing under the Act is administered by stakeholders of juvenile justice, are organised and convened by youth specialised officers or youth liaison police officers, and are fully part of court diversionary processes for young people.

practices will transfer through to changes in teaching practices, and if transfer does occur, how and when evidence of such practices can be captured for our impact evaluation. It is likely that such changes will take time to occur, and that a quantifiably detectable impact on school disciplinary data could not be claimed unless a longitudinal study is done.

Two schools have indicated their intention to participate, but were waiting for the start of 2012 to see how the IRC could be implemented on location. Trained staff were enthusiastic, and were waiting to see what implementation option they had for 2012.

One of the two community centres has adopted the IRC as a powerful capacity building project for all staff as well as the young persons who use its services. Restorative justice conferences are seen there as a new procedure to address problematic behaviour, and senior staff were looking at building a database to capture behavioural data and monitor resolution processes. A ‘play and barbecue’ event was to be organised to raise awareness of restorative practices at the centre for young persons and their parents / guardians. The play will be performed by students and trained staff to provide an example of how incidents can be dealt with in corridor and restorative conferences.

Finally, one school decided that the IRC was in line with their existing problem solving policy, which uses similar terminology and processes. Considering there are restorative strategies already in place within that school to address incidents such as bullying and verbal abuse, staff have expressed an interest in using the IRC at the ‘high end’ of the problem solving process, where issues are regarded as too complex for the school to deal with on its own. It is therefore likely that this school will reach out to YES for brokerage and full conferencing services.

### **School internal policy v. Department of Education guidelines**

One of the key objectives of the IRC is to ‘build the capacity of services/sectors (education, police, social services) to adopt restorative approaches within their practices’ (YES, 2011a). While this is a desirable objective, it was always the case that the IRC had to work within DET guidelines about disciplinary procedures. These state that:

*There will be cases of unacceptable behaviour where it will be in the best interests of the school community and/or the student involved, for the student to be removed from the school for a period of time or completely. Suspension and expulsion are the options available to the principal in these situations. (...)*

*Suspension is not intended as a punishment. It is only one strategy for managing inappropriate behaviour within a school’s student welfare and discipline policies. It is*

*most effective when it highlights the parents' responsibility for taking an active role, in partnership with the school, to modify the inappropriate behaviour of their child. The school and the government school system will work with parents with a view to assisting a suspended student to rejoin the school community as quickly as possible. (...)*

*In some circumstances the principal may determine that a student should be suspended immediately. This will usually be due, but not limited, to reasons such as the safety of students or staff. (NSW DET, Information to Parents, p.1)*

Schools are therefore understood to be places of safety. However, the above quotations indicate that there is room for manoeuvre within these directives, as the government allows for a 'range of discipline strategies to be implemented' (*ibid.*). First of all:

*Before a suspension is imposed, with the exception of the cases outlined in dot point 4 below or other serious instances of misbehaviour that impact on the safety or welfare of students or staff, the principal will ensure that appropriate school student welfare strategies and discipline options have been applied and documented. (ibid.)*

A restorative conference (or corridor conference) therefore seems to be congruent with Sections 5.0.4 of the NSW Suspension and Expulsion of School Students (see NSW DET, 2011, respectively pp.3, 5, 7; see also the appendix of the same document):

**5.0.4** *The principles of procedural fairness are fundamental to the implementation of these procedures. Procedural fairness is generally recognised as having two essential elements. These are:*

- *the right to be heard, and*
- *the right of a person to a fair and impartial decision.*

**6.1.2** *Before a suspension is imposed, with the exception of the cases outlined in 6.1.4 or other serious instances of misbehaviour that impact on the safety or welfare of students or staff, the principal will:*

- *ensure that appropriate school student welfare strategies and discipline options have been applied and documented*
- *ensure that appropriate support personnel available within the school system and externally have been involved*
- *ensure that discussion has occurred with the student and parents regarding specific misbehaviour which the school considers unacceptable and which may lead to suspension*
- *develop, in conjunction with the school learning support team or appropriate school or departmental personnel, a specific behaviour management plan to assist the student to manage inappropriate behaviour*
- *provide a formal written caution detailing inappropriate behaviours, as well as clear expectations of what is required of the student in future, and*
- *record all action taken.*

**6.2.2** *A formal disciplinary interview must be held with the student prior to making the decision to impose a short suspension. Principals must ensure that the student is given explicit information about the nature of the allegation(s) and is given the opportunity to consider and respond to the allegation(s). The key features of the interview must be*

*taken down in writing. For very young children and students with certain disabilities it may be advisable to have a parent present during the interview.*

**6.2.3** *A suspension resolution meeting must be convened by the principal at the earliest opportunity. The principal in conjunction with the parents should utilise the school, regional and other available resources in seeking a means of assisting the student to modify his or her behaviour. The use of such resources should be discussed in the suspension resolution meeting. The school learning support team and school counsellor should be notified of the suspension.*

Given the above, where suspensions and exclusions are used as last resorts in cases of disobedience, anti-social behaviour, and dangerous behaviour, the IRC can become an integral component of behavioural management for partnering schools. The IRC can fit DET guidelines, and take its rightful place as an option for behavioural management strategies.

## **Chapter 3 – Stakeholders' perspectives about the scheme**

As stated earlier, the research team circulated a discussion paper to all initiative stakeholders in December 2011. The purpose of this paper, which was also available online, was to encourage IRC participants, stakeholders, and community members to provide anonymous feedback about the IRC initiative (so far), offering them a platform from which they could ponder issues, formulate opinions, and forward feedback to an independent body (UTAS).

The discussion paper examined the current development of the Introducing Restorative Conference scheme and was particularly concerned with various initiative processes (administrative, referrals, training, etc.). It provided a brief review of current procedures and included, for the reader's benefit, some brief considerations about how other initiatives (in Australia and elsewhere) operate. The IRC steering committee approved this discussion paper in August 2011. This chapter features the feedback received from the five IRC stakeholders who returned some feedback about the scheme.

### **On issues of ownership and sustainability**

According to the project's procedural guidelines (YES, 2011c):

*[Introducing] Restorative Conferencing is an innovative approach to engage those affected by acts of wrong doing. It is a framework that is transparent for young people, families and school staff where they are all actively involved in discussing, repairing and restoring any damage caused from an incident. It places the need to repair the harm done to relationships and people, over and above the need to apportion blame and seek punishment. The Restorative Conference is a proactive and responsive way to develop a strength-based approach focusing on relational problem solving in educational and community settings.*

As currently set up, the IRC is established as an add-on problem-solving process to current school disciplinary procedures. The overall initiative puts YES at the centre of all processes, governance, and referrals to the IRC. The direct 'clients' of the initiative are five local schools and community centres, with gravitating partnering agencies such as New South Wales Police (Albury Police), Albury City Council, and the Department of Education. Processes indicate that referrals may come from, but are not limited to, all of the above partners.

It was intended that referral and implementation processes would be flexible, and that they could be adapted to the situations encountered in each school. However, in a nutshell, the referral process is as follows: YES centralises all referrals; school and community members may refer a case to YES for conferencing; upon evaluation, cases are allocated to appropriate conference facilitators who

become responsible for organising and running a conference; monitoring of outcomes is decided at the end of the conference; and all documented processes and outcomes are centralised by YES.

Overall, stakeholders were appreciative of this flexibility, which was labelled a 'client-friendly' way of doing business. Such flexibility was seen to be conducive to: 1- a precise tailoring of processes and implementation according to needs and schools' resources and capacities, and 2- leeway in terms of 'buy in', where schools could test efficacy prior to engaging further with the IRC.

However, stakeholders realised, in stating this, that the onus is on YES to make the scheme progress, as well as in making the project worker available for ongoing consultation:

*I support the notion of flexibility in adaptation to each school in terms of issues such as:*

- *Time frames*
- *Composition of circles*
- *Involvement of external agencies*
- *Involvement of extended circles to tailor cultural norms.*

*In practical terms this means that schools should not be locked into a firm set of rules that govern each aspect of the conferencing. However, it is very important that across the board principles be adopted by schools and community centres such as;*

- *Focus on wrongdoing and harm restoration*
- *Minimum standards of circle composition*
- *Policy and procedure adoption of conferencing in business plans and such.*

*This list could go on for some time in terms of what should not be done. The key is to avoid schools adopting conferencing but 'watering it down' to the point where it loses its effectiveness or is only used after all other options are exhausted and behaviour issues are at crisis point.*

*(Stakeholder Discussion Paper Response)*

The following is an example of how things currently work in one of the IRC 'client' schools:

*The YES project worker attends the weekly meetings of the Welfare and Wellbeing school staff. During these meetings, incidents of anti-social behaviour (if any) are discussed and a decision is made as to whether particular cases are worth referring as an IRC conference.*

*(Stakeholder Discussion Paper Response)*

In responses to Questions 4 and 9, (See Appendix 2) of the discussion paper, two stakeholders indicated that:

*I believe the 'embedding' of YES in the schools is the best way to do things as agencies always love it when someone else is doing work for them. How that plays out to resourcing is a question for YES and any subsequent funding.*

*As I watched on from the sidelines I empathised deeply for the project officer as it seemed his workload must be immense.*

*(Stakeholder Discussion Paper Response)*

Sustainability of the project has been a consideration since the initiative received funding. Stakeholder concerns about the non-continuation of funding post-June 2012 have been raised many times during steering committee meetings and during the researcher's background interviews (Bartkowiak-Théron, 2011a). However, now that implementation is underway some stakeholders have revisited their opinion about the IRC's sustainability:

*I do not believe funding and the end date was ever the issue. It was more so the defined timeline given by POCA to establish and operate a viable scheme [...]. As things stand now I see no other option than for YES to run the scheme as the infrastructure is not in place for any other options.*

*(Stakeholder Discussion Paper Response)*

Embedding sustainability components within the project design was a concern of the YES CEO, the deputy CEO, and Albury City Council. Primarily, the question was how the initiative would run post-July 2012.

*My awareness of the need for the project to succeed past the end of funding (June, 2012) also concerned me in terms of the apparent reliance on the role of YES. It seemed that the project officer had centralised all processes around himself. Also that he believed that once his contract finished this role would revert to YES Youth Connections but could not describe how this would work. This caused me great concerns in terms of the longevity of the project and ability of each partnered organisation to continue on post funding.*

*(Stakeholder Discussion Paper Response)*

In relation to an overall agreement as to the centrality of the project worker in the running of the initiative, stakeholders believed that YES was the best auspice possible for the scheme.

*I believe it a highly sustainable solution if YES can maintain it with current funding or get some more funding. The uncertainty about this in the eyes of the committee have always been a problem as we were all of the opinion via the project officer that there was no certainty and the various agencies might need to run it once funding ceases. The approach of the project officer in this light makes a lot more sense and a firm commitment to this from YES in the first instance would have made things much clearer. If the plan had always been for YES to take over the centralised running of restorative conferencing in Albury everything that came before would have made a lot more sense.*

*I firmly believe that centralisation of conferencing in an external agency with ongoing evaluation of conferencing quality is the best and most likely way to ensure the quality of conferences.*

*(Stakeholder Discussion Paper Response)*

Another stakeholder was of the opinion that an alternative could be the transfer of ownership to schools themselves, although this was expressed with caution.

*A sustainability venue would be for individual schools to consider ‘owning’ the full process, and organising restorative conferencing within the schools, with a ‘champion’ in charge of the process. To what extent is this a doable and sustainable option? In theory I think this could be done, but in reality I think it unlikely with a view to the everyday running of schools and other commitments. I think busy people with well defined job descriptions are unlikely to going to want to add another task to the schedule. I also think that there are difficulties in taking a ‘whole child or YP’ view in terms of community. An agency with links to various other stakeholders such as YES would be much better suited to driving the whole project.*

*(Stakeholder Discussion Paper Response)*

As part of sustainability considerations, a number of memoranda of understanding (MOUs) will soon be drafted between YES and each stakeholder. The status of these MOUs is currently unknown, although it has been established that one has been drafted with the NSWPF. In any case, these MOUs are meant to establish the coordination of services and referrals across agencies and to formalise partnerships between IRC stakeholders. Draft MOUs currently include references to the scope of the partnership between YES and related agencies, agreed principles, aims and objectives (which specifically relate to results and evaluation logistics), roles and responsibilities, resources (shared and otherwise), financial arrangements, communication protocols, intellectual property, publicity, settlement of disputes, evaluation and review processes, and terms of agreement (which include the life of an MOU, amendments, and renewal or extensions). MOUs are meant to be individually tailored to each stakeholder. Answers to question of the discussion paper indicate that:

*MOUs establish multiple levels of understanding from macro to micro. In practical terms this means a commitment to the project and how that will look in actual actions. From the police perspective this was not successfully achieved during my time with the project. From the earliest days I attempted to get a MOU sorted out at the highest level but was diverted by the project officer. The basics of any MOU should include:*

- *Commitment to the scheme*
- *Definition of roles and responsibilities*
- *Key agencies*
- *Clear definition of customer base*

*The rest is flexible.*

*(Stakeholder Discussion Paper Response)*

### **On the matter of the steering committee**

The composition and role of the IRC steering committee have been, for some time, sensitive topics of discussion. At the last steering committee meeting for 2011, where the discussion paper was delivered, the steering committee’s role, terms of reference, and membership were reconsidered. Formalisation of steering committee membership never really occurred. The draft YES IRC Terms of

Reference (2011d) is currently the only document that governs the existence and functioning of the steering committee.

Initially, the principles of operation of the steering committee were that (*ibid.*):

*The steering committee will conduct its business in the spirit of a collaborative partnership. And be consistent with the intent of the project's overall goal, purpose, objectives and activities.*

Membership composition is as follows (*ibid.*):

- *Representatives drawn from key stakeholder groups including:*
- *YES Youth & Family Services*
- *Albury City Council*
- *Local Aboriginal community*
- *Albury Police (Local Area Command)*
- *NSW Regional Department of Education and Training*
- *Participating schools*
- *Westside Community Centre*
- *Other key stakeholders / supporters as identified*

The role of the steering committee is to (*ibid.*):

1. *Provide strategic guidance in the implementation of the project by ensuring it is tracking towards and achieving funding milestones and delivering on the project objectives of:*
  - *Consolidating partnerships in implementing restorative practices using models relevant to the project's target group*
  - *Building the capacity of services and sectors to adopt restorative approaches within their current practices*
2. *Support and provide assistance to the project evaluation being conducted by the University of Tasmania*
3. *Provide direction in the development of formal project MOUs relevant to the partnering agencies*
4. *Adhere to all funding agreement protocols between the Attorney General's Department and YES Youth and Family Services. Accordingly, the steering committee will not have the authority to:*
  - a) *make binding decisions in relation to the funding contract*
  - b) *make any public communication referencing the project*
  - c) *speak on behalf of YES Youth and Family Services in relation to the project*

Stakeholders (and especially steering committee members) expressed their frustration at the role of the steering committee, which they thought was unclear from the onset. This was indicated by one respondent:

*It took until October 2011 for the role of committee to be clarified. That being advisory only with the options offered not taken up or acted on in many instances. It was the case*

*that committee members were offering various services by way of assistance and suggested avenues. Whilst never completely dismissed these many offers were deflected with comments similar to, "that's another conversation for later". This often left some of us unsure what our role was and if any input was going to be acted on.*

*(Stakeholder Discussion Paper Response)*

The role of the steering committee was sketched from the onset in project documentation. Whilst this was done in broad terms, most committee members had sufficient experience to know what was expected of them and how their advice was going to be considered by those in charge of implementing the initiative (and therefore that the experience of the project worker and the networking with and buy-in of schools would shape implementation). There is also evidence that several suggestions made by steering committee members were subsequently acted upon (for example, the creation of a 'peer support group' for facilitators, or more recently, the IRC newsletter). However, this observation from a respondent might rather stem from steering committee members not realising how advice had been followed upon, or not being explicitly told how advice had been followed upon. This reporting process was recently strengthened by the IRC newsletter and further consideration on how to report and build on the all important 'successes' of the initiative to date.

On the role of the steering committee, one respondent provided the following additional comment:

*I don't see the point in having a steering committee at all from here on in. The scheme is very well focused by being YES driven. The advisory role of the committee seems to have come to an end.(...) At this point the YES staff are being used primarily so it seems use of convenors outside of YES is a moot point.*

*(Stakeholder Discussion Paper Response)*

It is agreed that the role of the steering committee now needs to be fine-tuned, considering how the initiative has progressed to date (with additional schools joining the scheme, and different levels of engagement from each of them). There is probably a need for the steering committee to become more strategic and focused on specific aspects of the initiative (such as sustainability, model building, 'message' dissemination, etc), as opposed to everyday implementation, unless absolutely requested. This fine-tuning and revision process is ongoing and will be the major point of discussion of early 2012 steering committee meetings. However, the second point (on the centrality of YES in processes) is probably a valid one to debate at this juncture of the project.

YES has been the key agency allowing capacity building and enabling training. In the short term, it therefore makes sense for YES to centralise most processes. However, the current direction of the scheme also seems to indicate that the capacity building exercise contributes to reassuring schools

and partnering agencies in their ability to take on *some* larger roles (such as in embedding corridor conferencing in their every day practice, training staff in some aspects of conferencing, etc.), at least in the short to medium term. The idea of debating the role and provenance of convenors is therefore a good idea. Considering how the ‘YES model’ was recently discussed at a committee meeting, the role of ‘YES convenors’ or ‘YES conference facilitators’ as opposed to that of ‘school conference facilitators’ is worth considering. There may be cases, for example, where school-based conference facilitators might be unreachable (due to school or personal commitments), or even ill-advised (due to their proximity with the school and the child), and where YES facilitators might step in, as a way to ensure logistical flexibility, and/or to reassure conference participants about impartial processes and neutral participation. Furthermore, there might also be complex cases that might require a facilitator who has further qualifications in social work (or other specialty), and YES (or another agency) may then be the resource pool for such convenors.

### **On implementation and process issues**

Some responses seemed to indicate that it was taking too long for the project to take its shape and ‘kick off’. However, such delays were foreseeable from the outset, and the logistics of the project dictated careful (and lengthy) consideration. The creation of a new disciplinary procedure and of a new problem-solving capacity in Albury was a justification in itself for the process to be tailored to local circumstances (necessitating consultation), and for clients to express their wishes and indicate their needs (necessitating reflexion) and levels of ‘buy-in’ (necessitating appropriate responses from YES). This all takes time. However, it was not a reasonable justification for one stakeholder:

*As the project proceeded it became apparent that a great amount of negotiations seemed to be taking place with the schools with no apparent commitment. I felt that the project needed to draw a line in the sand and just start delivering service to supportive schools while leaving the door open to others. I felt that the enormous amount of time ‘wooing’ the schools was taking away from actual project implementation.*

Despite such teething problems, one good implementation idea seemed to have been that of providing guidelines to partnering schools as to which ‘key areas’ could be a reason for conferencing. According to YES procedural guidelines (YES 2011b), key areas that restorative conferencing could be used for include:

- Fighting
- Persistent and significant disruption to classroom
- Property damage
- Theft
- Bullying
- Attendance issues
- Suspension

- Disengagement
- Exclusion from classroom and school
- Reintegration to school

These key areas, also referred to as ‘triggers’ for the conferencing process, span a broad range of issues, from minor anti-social behaviour to elements that feature in NSW law as summary offences. Stakeholders indicated that:

*(...) the ‘triggers’ should remain flexible with the only limiters being what constitutes a criminal offence with the young person liable based on age and prior criminal history. In that case it is appropriate for other means to be employed i.e. juvenile justice conferencing. Having said that, there are a lot of young people being given cautions under the young offenders act (verbal warnings) that could also be conferred.*

*(Stakeholder Discussion Paper Response)*

*It is important that one process i.e. IRC does not ‘trip’ over another i.e. Youth Justice Conferencing (YJC) or for that matter any other initiative working in the community.*

*(Stakeholder Discussion Paper Response)*

Another response justly stresses the occasional complexity of young people’s circumstances, and that the IRC needed to ensure that this issue is addressed according to proper whole-of-government approaches to problem-solving:

*It is a well established fact that there are a number of well identified triggers that lead to crime and other social malaise. For example the link between homeless and social distress is well covered and receiving a lot of attention and intervention at the moment from government and other agencies. It would make a lot of sense for the IRC to be able to respond to any identified ‘trigger’. **BUT** this intervention must take place in close consultation and understanding of other initiatives in the community. Otherwise at best the IRC may be ineffective or at worst may even diminish the effects of other interventions. There is a phenomenon in the community development industry at present whereby many agencies are receiving short term funding for various initiatives that actually hampers effective integration between projects and interventions.*

*(Stakeholder Discussion Paper Response)*

Yet another response highlights the close relationship of the IRC with the NSW Young Offenders Act 1997 conferencing scheme.

*In terms of processes for ‘triggers’ in the police setting the Youth Liaison Officer would be the best point of call in each police command. This liaison is very important as the fine line between restorative non criminal conferencing and young offender conferencing needs to be monitored and not breached. We need to be careful that ‘double dipping’ or confusion does not occur where a young person is dealt with in one method that contravenes another sanction or action. The YLO is also best placed to understand and the legalities of a referral and mediate with young people and parents involved on this issue. At the outset of this program I believed a blanket referral from the NSW Police*

*Child Wellbeing Unit would have been effective. I no longer support this as the process is not fine grained enough to identify types of referrals and may breach privacy with lack of consultation prior to referral.*

*(Stakeholder Discussion Paper Response)*

### **On Restorative practices in schools, disciplinary processes and school culture**

As stated in Chapter 2, disciplinary processes in schools are currently prescribed by NSW Government policies. Specific procedures have to unfold when certain behaviour is observed on school grounds, especially when such behaviour disrupts other students or when the safety of other students or staff is in jeopardy. As a result, some ‘problem’ students are in a constant state of close supervision by staff. They are subjected to repeat detention, suspension, or expulsion. Such repeat punishment is not conducive to learning or socialisation, and contributes to young people not attending school. When families do not have the capacity to monitor children during working hours, young people often end up on the streets and may come to police attention. It is hoped that the IRC initiative can contribute to a reduction in detention, suspension, and expulsion rates, as has been the case elsewhere (see the example of the Te Hui Whakatika project in New Zealand; Drewery & Winslade, 2003).

We have discussed the current involvement of the schools in the IRC, and that some schools had decided to opt for the IRC as a way to deal with a young person’s return to school post-suspension, or at the ‘pointy end’ of problem-solving. One stakeholder reflects that:

*My personal feeling is that the IRC is an early intervention. I always regarded the scheme as an early crime prevention scheme with targeted behaviours and outcomes best serviced to dissuade youth from more entrenched behaviours. I concede that it could be used at the ‘pointy end’ but I am aware that Juvenile Justice conferencing often steps in at this point. The relationship between these two schemes was not really canvassed effectively in my view.*

*(Stakeholder Discussion Paper Response)*

Although mandated disciplinary procedures are not negotiable, the project currently aims to reduce school absenteeism and have an impact on school suspension and expulsion rates. As a result, many conversations within schools and during the IRC conferencing training sessions have mentioned the necessity to build restorative processes within school culture and to ensure a continuum of practices for the benefit of students going through a conference (see Blood & Thorsborne, 2005). However, this would consist of a true paradigm shift (Blood, 2005). Schools adopting a strong philosophy of restorative practice / justice would be required to look at transformational processes in relation to student supervision and pastoral care. Such a paradigm shift has been achieved in specific areas of

Australia, for example Bendigo where the *Solve the Jigsaw* initiative is a school-based early intervention program that aims to address violence and bullying at school by changing a culture of violence and creating a culture of well-being' (Meurs, 2009).

The idea of maintaining coherence in practices was mentioned in relation to classroom practices. Restorative practices during conferencing have to seep through the classroom and on the playground. Initiatives worldwide (such as the *Help Increase the Peace* and the *Rock and Water* programmes – see Blood, 2004) have demonstrated that conferences reach the best outcomes when problem-solving practices transpire throughout all teaching and learning activities in the classroom. School-wide practices are informed by a particular restoration-focused, problem-solving ethos. These values and philosophy give central importance to building, maintaining and, when necessary, repairing relationships and communities (Hopkins, 2004).

Some stakeholders thought that some time was needed until such transformational process would happen:

*In the current context, I believe the paradigm shift is very difficult. I always felt unwillingness for the schools to budge on their rights to suspend or expel students and also understood their responsibility to do so according to policy. I believe it needs to be ingrained as a viable option not an add on. My personal belief is that the IRC would have stood a much better chance of success if the whole 'suspension phenomena' was viewed as a community wide problem with a lot of involvement of all agencies in working out solutions. The IRC never really approached this issue as the project officer was extremely protective of the schools with no other agency really getting to understand or relate to them. As such the nature of the problem never really got explored and debated.*

*(Stakeholder Discussion Paper Response)*

The fact that the project worker was protective of his time with schools is quite justifiable in the sense that a large portion of his role was (and still is) to ensure that schools 'buy into' the IRC scheme. Put bluntly, the IRC cannot exist nor be sustainable if schools do not come on board restorative conferencing as an early intervention pathway, or if no referral occurs. Networking is therefore (or should be) an inherent part of the project worker's job description. However, organisational governance theory explains why some agencies may have felt discarded from the process: when initiatives are built from the ground up, all partners want to the same share of attention as the other. However, schools are the primary client (as the main hosts of the initiative's target group) of the IRC scheme, as per the project background and primary documentation, and it made sense for them to get the most attention, at least in the short term, of the project worker and of the implementation team.

Another response highlights the crucial part the IRC can play in behavioural management:

*The IRC needs to be viewed as one of many options available with no particular weighting given in terms of suspension followed by IRC etc. While I think earlier is better I believe restoration of harm needs to be adopted as part of the discipline response not an add on. I really struggle with the concept of 'hierarchy' responses to difficult behaviour. While I concede that early intervention is a good idea and should come first when possible it is also problematic to take a 'step by step' approach to problem behaviour. In the police setting what we often see is young people dealt with in an ascending manner by way of informal, formal and punitive means. Every step often puts them deeper into the legal system whereby their chances of 'recovering' diminish. It is far more sensible to use an eclectic approach to make the response suit the situation. In practical terms this means the IRC should have equal weighting but schools and other authorities should be obliged to show why 'soft' options and diversionary methods were discounted in the first instance.*

*(Stakeholder Discussion Paper Response)*

It therefore seems that stakeholders, as time goes by, have a more sophisticated and refined understanding of the scheme, where it fits in the whole of school governance policy, and its 'positioning' in behavioural management. It also seems that there is a level of 'organicity' in the way the scheme is developed and implemented throughout a school. While this is not unexpected, it is important to document these developments in order to update all stakeholders on developmental processes and progress; match these developments to relevant objectives, deliverables, and KPIs (see Appendix 6 for these); celebrate successes; and provide a clear picture of which 'practice model' the IRC is turning out to be (this will be fleshed out in the third report).



## **Chapter 4 – Exit Surveys: Participants’ feedback and attitudes towards the scheme**

As part of the ongoing evaluation of the initiative, the project worker has provided the research team with an opportunity to run systematic ‘conference exit surveys’ when it was appropriate to do so<sup>6</sup>. Six exit surveys have been returned in time for analysis and inclusion in this second interim report. While this number is small, these surveys provide information about how the scheme has been received. This type of evaluation must be regarded with some caution, however, because the respondents who are the most likely to provide feedback are either complimentary towards a scheme or have strong negative concerns about it.

The participants returning the survey span almost the full scope of conference participation, with persons who were harmed providing feedback ( $n = 2$ ), as well as a neutral observer ( $n = 1$ ), a support person for the person who was harmed ( $n = 1$ ), and a support person for the wrongdoer ( $n = 1$ ). There has been, so far, no survey returned by a wrongdoer.

Participants indicated that they agreed ( $n = 4$ ) or strongly agreed ( $n = 2$ ) that the conference process had been fully explained to them prior to attending the conference. As a solution to the problem, they were generally appreciative of the idea of having a restorative conference, as shown in Figure 5, with a majority ( $n = 4$ ) indicating it was a very good idea. No respondent indicated that they thought the conference was a bad idea.

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<sup>6</sup> It was agreed early on that handing out a survey at the end of an emotive session might not be a good confidence-building initiative.

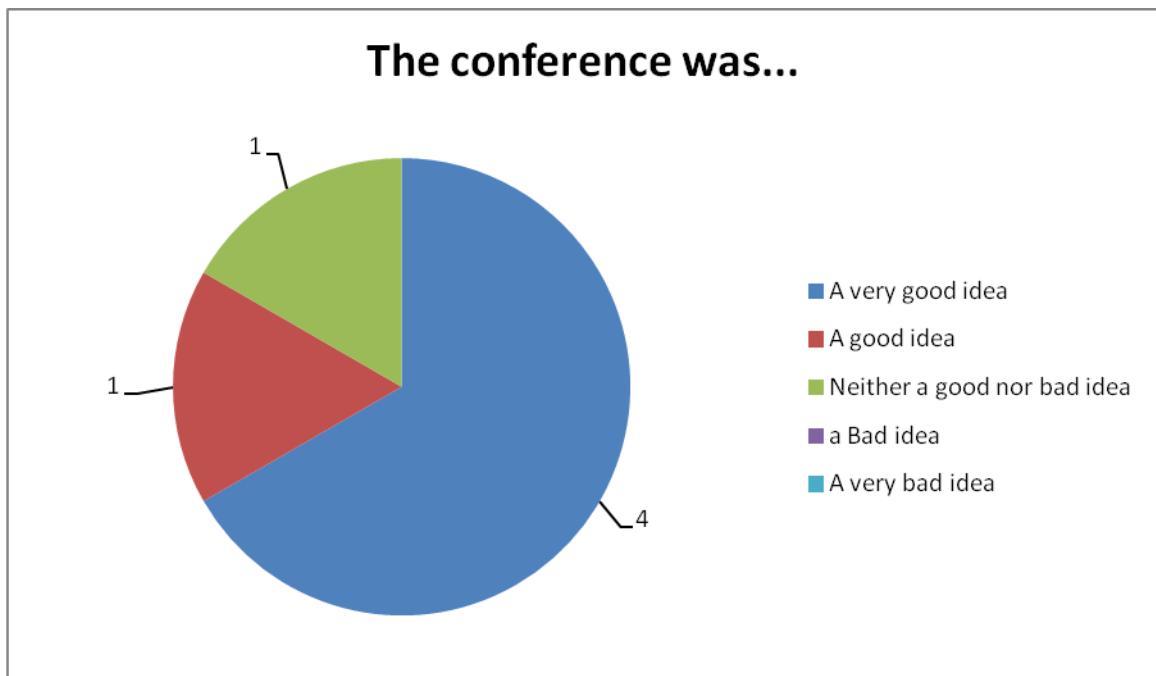


Figure 5 - To what extent was the conference a good idea?

Overall, those providing feedback also thought that the conference was well organised ( $n = 3$ ) or very well organised ( $n = 3$ ), and that the conference ran very well ( $n = 3$ ) or well ( $n = 3$ ). However the best preliminary indicator of satisfaction lies in respondents' feedback about the restorative outcome. As shown in Figure 6, participants thought that the agreement, overall, was very fair ( $n = 1$ ) or fair ( $n = 5$ ).

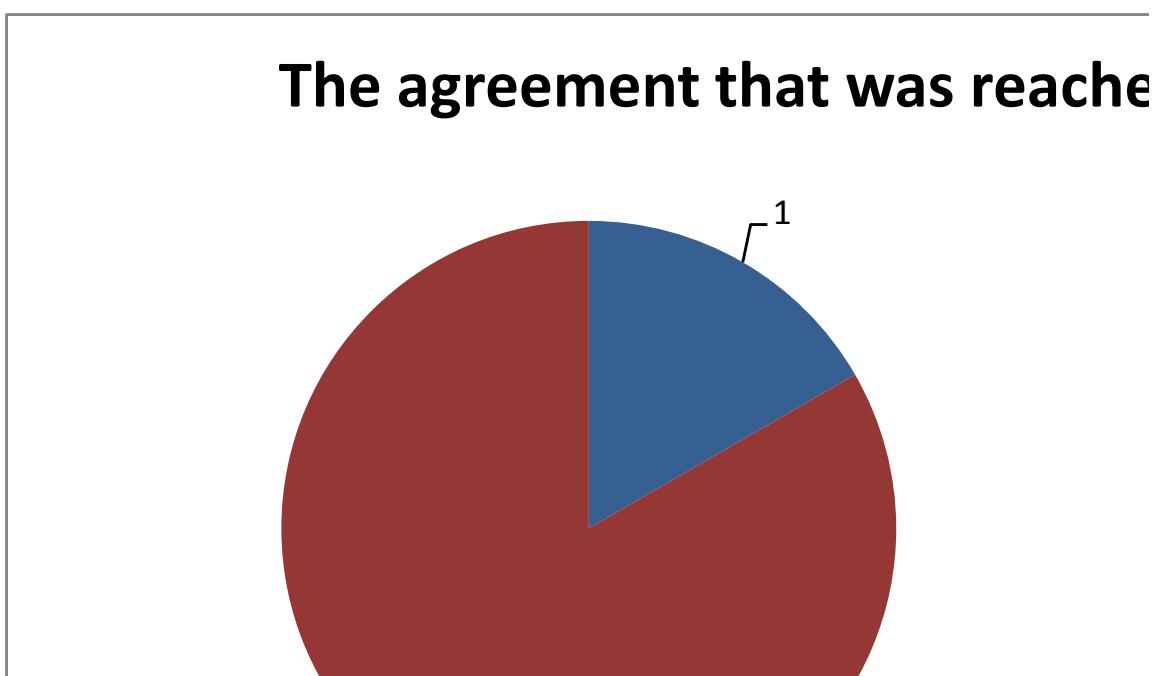


Figure 6 - To what extent was the agreement fair?

As shown in figures 7 and 8, those providing feedback thought that the outcome was neither fair nor unfair ( $n = 2$ ), fair ( $n = 3$ ) or very fair ( $n = 1$ ) for the person who was harmed, and very fair ( $n = 1$ ), or fair ( $n = 3$ ) for the wrongdoer

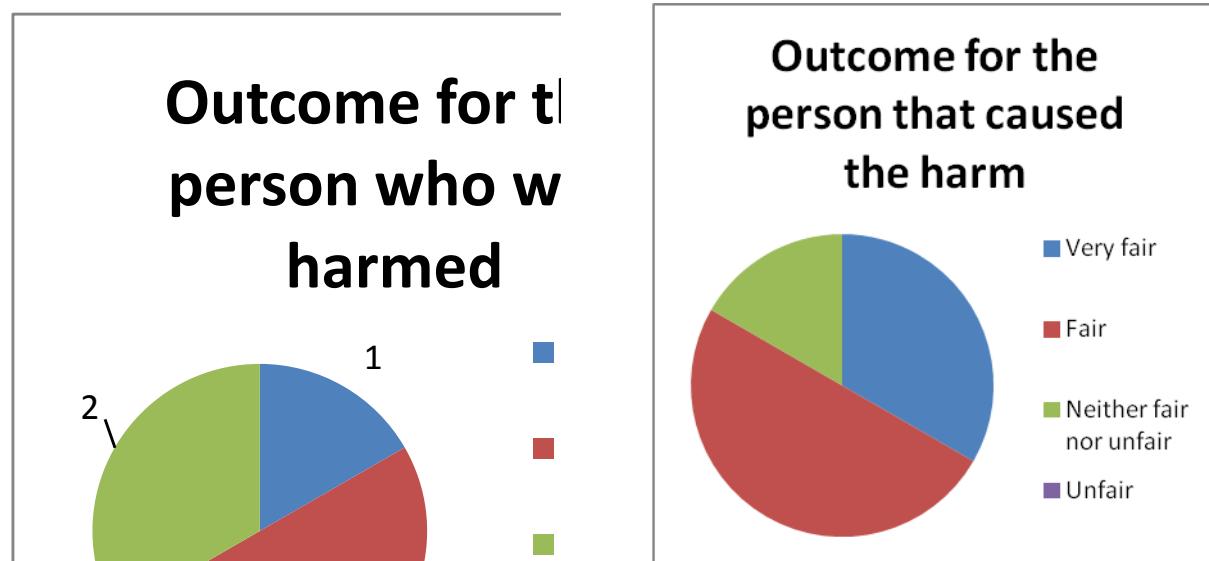


Figure 7 - Outcome for the person who was harmed

Figure 8 - Outcome for the person who caused harm

This is supported by respondents' perceptions of how well the agreement was negotiated, as demonstrated in Figure 9.

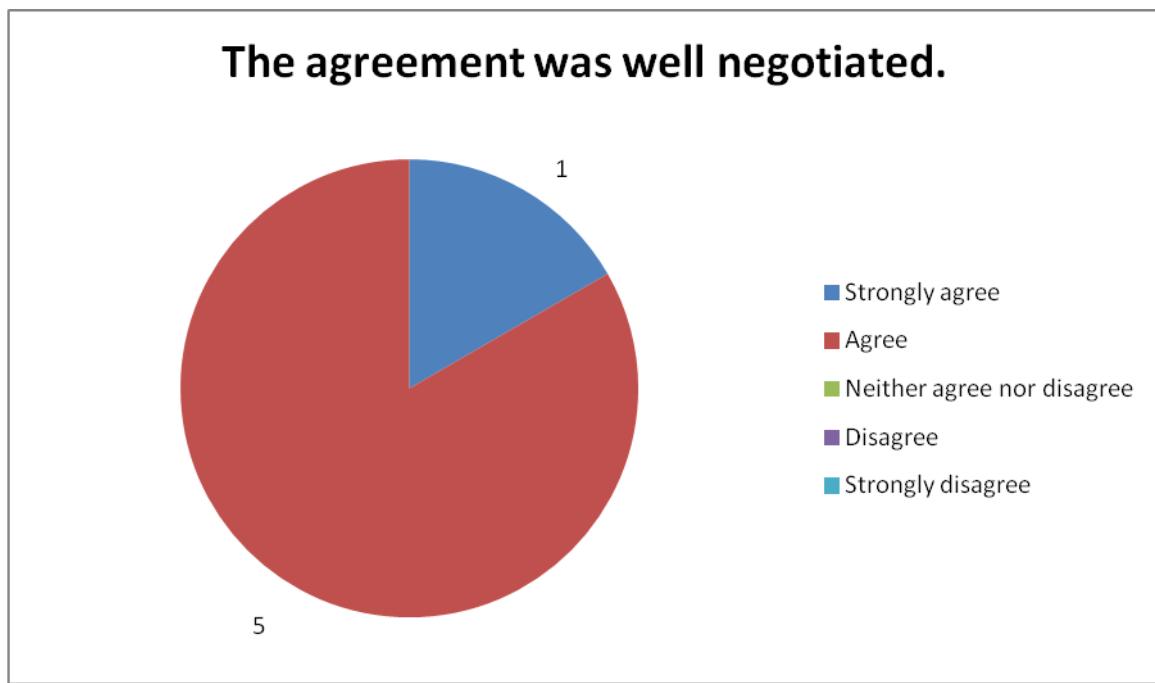


Figure 9 - The agreement was well negotiated

Participants' feedback about acceptance of responsibility issues are a bit mitigated, though, with respondents being hesitant about the extent to which the person who caused harm would take responsibility for their action, as shown in Figure 10.

## The person who caused harm took responsibility for their action

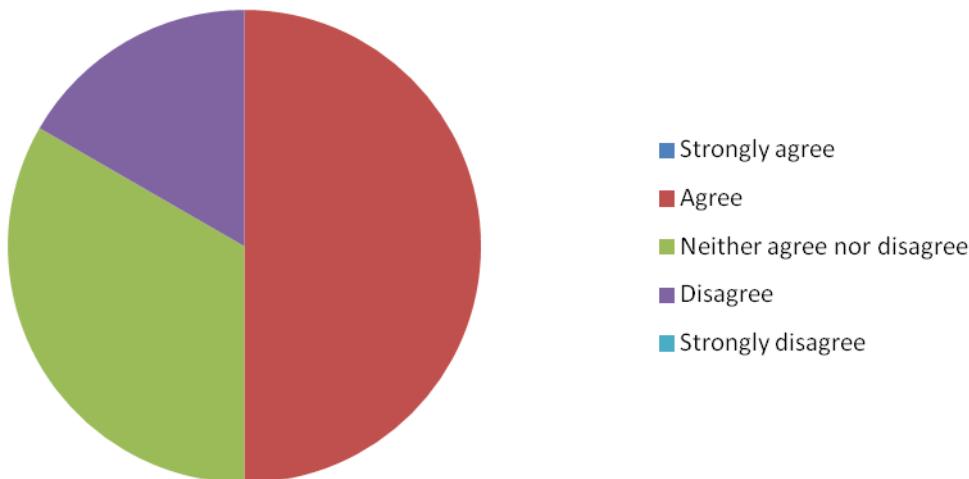


Figure 10 - The person who caused harm took responsibility in their action.

Overall, participants thought that the conference was a safe place to express themselves, their feelings, and opinions (agree: n = 3; strongly agree: n= 3). All participants agreed that everyone seemed to express their views freely (strongly agree: n = 2; agree; n = 4; see Fig.11).

## I thought other people expressed their views freely

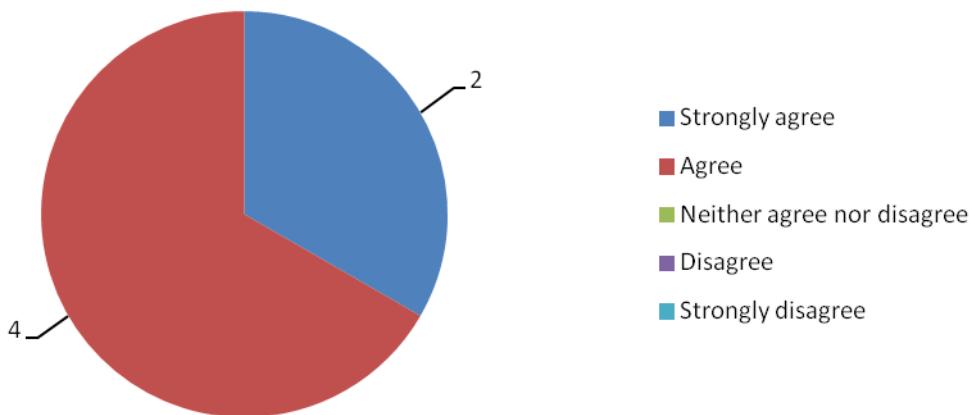


Figure 11 - I thought other people expressed their views freely.

Impact is difficult to measure, and especially so quickly after convening or attending the conference. Most participants (n = 3) indicated that they neither felt safer or more unsafe after the conference; one person felt safer, another felt unsure, and another did not respond to the question (Fig. 12). However, they thought that the conference was going to have an impact, to some extent, on the

person who caused harm, as indicated in Figure 13.

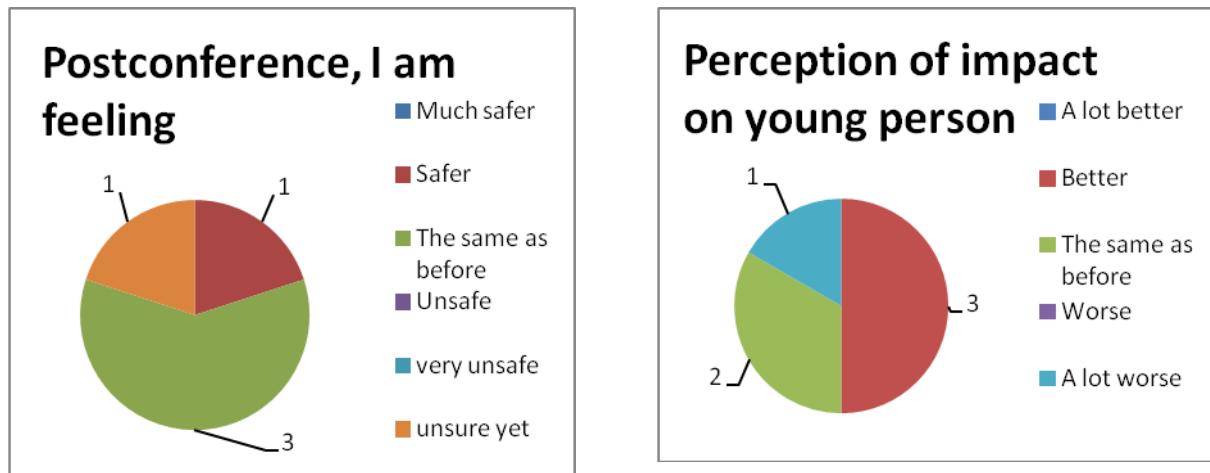


Figure 12 - Post-conference, I am feeling...

Figure 13 - Perception of impact on young person

Overall, a majority indicated that conferences were a better response from the school than suspension or expulsion (Fig. 14).

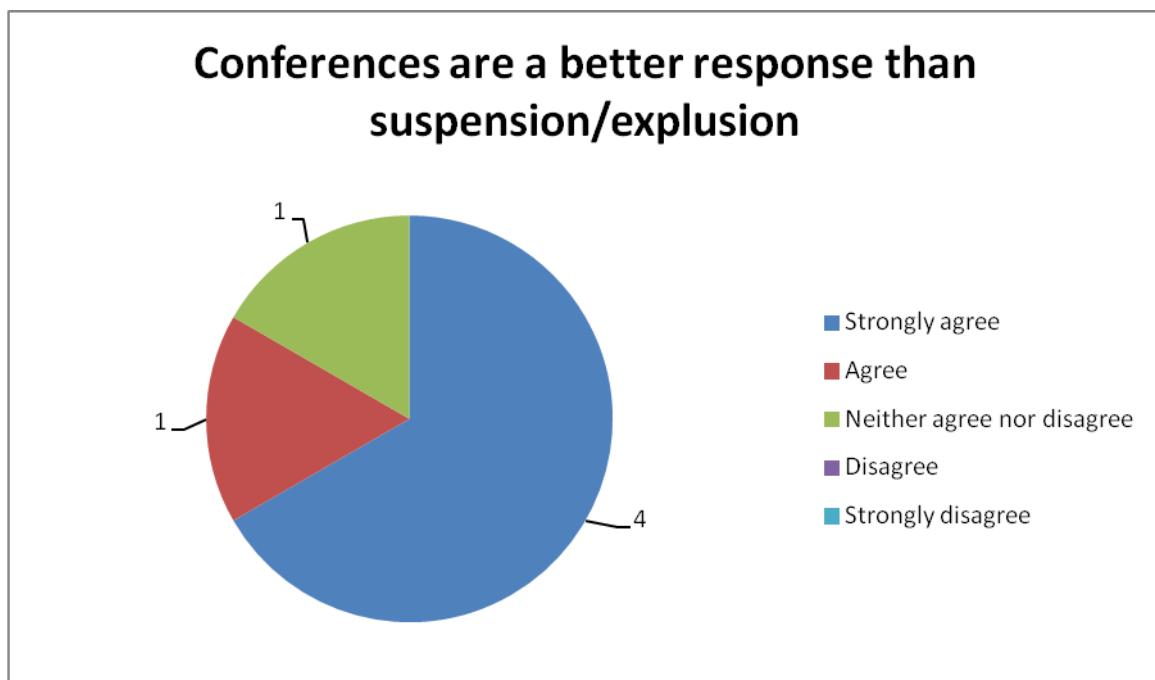


Figure 14 - Conferences are a better response than suspension/expulsion

They also thought that the IRC was a very good initiative ( $n = 4$ ) or a good initiative ( $n = 2$ ; see Figure 15). They also were very satisfied ( $n = 1$ ), satisfied ( $n = 4$ ) or neither satisfied nor dissatisfied with the process ( $n = 1$ ), as shown in Figure 16.

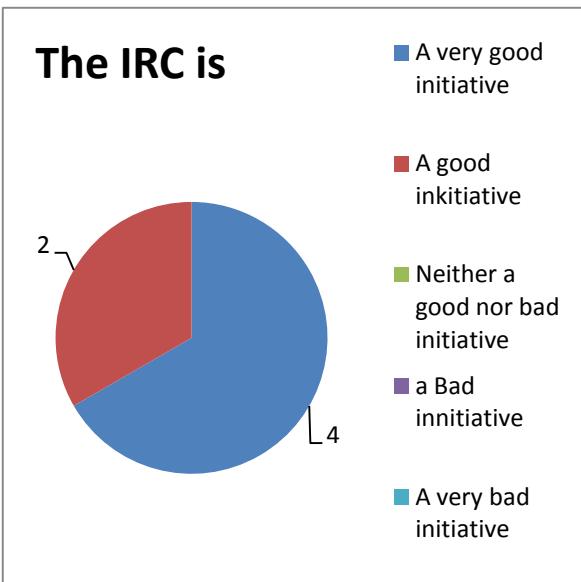


Figure 15 - the IRC is a good initiative

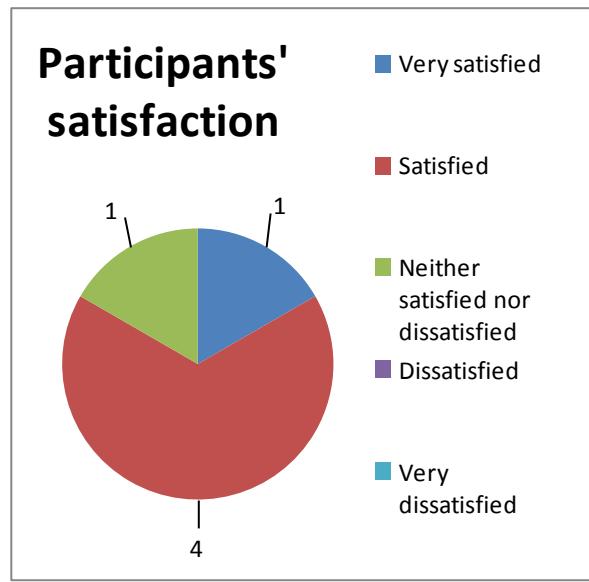


Figure 16 - Participants' satisfaction

So although the number of responses so far was limited due to time constraints, preliminary results seem to indicate a rather high level of participant satisfaction across the board about the initiative. These results will be updated in our third and final report.

## Chapter 5 – Conclusion

The analysis of preliminary qualitative and quantitative data indicates that the IRC is slowly moving towards meeting its objectives, deliverables, and KPIs as set out in its initial documentation (see Appendix 5). Partnerships have been consolidated with various schools, with different levels of ‘buy-in’ and flexible implementation and referral options for partnering schools that can use restorative conferences built on restorative justice philosophy and family / group conferencing models (objectives 1a and 1b).

That one school has adopted practices and embedded these in its procedural manual indicates that Objective 2 is achievable, with KPI 7 being partially met by this school. The fact that corridor conferencing training was attended by all partnering schools, and in two cases by the whole staff of an institution can be used as an indicator that down the track it is likely that some of these will use restorative practices as their own institutional philosophy (which indicates progress towards KPI 8). Also, the arrival of a new alternative education partner is the scheme and the satisfaction of conference participants indicates that the scheme is meeting part of its third objective.

Further to these observation and conclusion, the research team would like to make the five following brief recommendations:

**Recommendation 1:** that evaluation processes continue to capture progress and match these to KPIs.

**Recommendation 2:** that the role of the steering committee is clarified at the meeting of stakeholders on March 22<sup>nd</sup>.

**Recommendation 3:** that YES proceeds with a clarification of broader referral processes for ‘wicked issues’ (see page 17, footnote 2 for a definition), when behavioural problems are deeply rooted in the child’s social, familial or educational circumstances.

**Recommendation 4:** that YES and the steering committee continue working towards the progression of the IRC as a ‘practice model’.

**Recommendation 5:** that the project worker continues to work specifically and very closely to the initiatives’ objectives, deliverables, and KPIs, to ensure that these are met by June 2012.



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## **APPENDIX 1 – List of Acronyms and Abbreviations**

AG	Attorney General
AWCWP	Albury Wodonga Community Working Party
CI	Chief Investigator
DET	Department of Education and Training
IRC	Introducing Restorative Conferencing
KPI	Key Performance Indicator
LAC	Local Area Command NSW Police
MOU	Memorandum of Understanding
NSW	New South Wales
NSWPF	New South Wales Police Force
POCA	Proceeds of Crime Act 2002
TILES	Tasmanian Institute of Law Enforcement Studies
UTAS	University of Tasmania
YCP	Youth Connection Program
YES	YES Youth & Family Services



## Appendix 2 – Discussion Paper question

- Q 1:** an avenue has been set up as YES Youth Connection Programme becoming the main ‘hub’ of referrals, conferences and case monitoring. To what extent is this sustainable solution? What are possible implications for schools and for YES?
- Q 2:** a sustainability venue would be for individual schools to consider ‘owning’ the full process, and organising restorative conferencing within the schools, with a ‘champion’ in charge of the process. To what extent is this a doable and sustainable option?
- Q 3:** the IRC is currently set up as a flexible model, which can be adapted to each school or community centre circumstances. Given that processes are adaptable, should different models be simply set up for each school, should YES not continue hosting the initiative post-June 2012 (see questions 7 & 8)?
- Q 4:** the project worker attending school staff meetings may be consuming human resources and time, but it has the benefit of directly embedding the IRC in internal school processes, directly involving YES in school life, embedding conferencing in wellbeing and welfare issues and provides the project worker with enhanced visibility amongst school staff. It also ‘guarantees’ a conferencing option on a regular basis for the school. Should this referral model be adopted in all schools? If so, what would be resourcing implications?
- Q 5:** the list of possible triggers for referencing is wide-ranging. Should this triggers list remain flexible? Should ‘triggers’ be limited to anti-social behaviour only? What should be the process for triggers that lean towards summary offence legislation? Which partners should be involved, and in which capacity?
- Q 6:** the initial focus of the IRC is to address anti-social behaviour; however, flexibility allows for more problematic behaviour to be addressed by conferencing. When should conferencing be used? At the ‘pointy end’ of problematic behaviour or at the very early stages of anti-social behaviour? Is there such a thing as a ‘too early’ or ‘too late’ timeframe?
- Q 7:** the theme of initiative sustainability is an on-going stakeholder preoccupation. In the view of POCA funding finishing in June 2012, what are avenues for the sustainability of the project?
- Q 8:** there are different avenues to help sustain the initiative. International practice models show that practices can be hosted within schools themselves. Others insist on centralised practices (an agency has carriage of the organisation of conferences). To what extent is the initiative unsustainable without YES? What are the implications of this for the future of the initiative (financial, human resources, etc)?
- Q 9:** MOUs are being drafted for all stakeholders. What should be the purpose of the MOU?
- Q 10:** flexibility is an important element of the initiative. What elements of the MOU should remain similar for each stakeholder? What elements can be tailored to stakeholders’ circumstances?
- Q 11:** the current MOU framework features many aspects of the initiative. What procedural, partnership, administrative and referral elements should be part of the MOU (e.g. referral process, ownership, conference ‘triggers’, referral agencies, support partners, professional development for staff, staffing, auditing/evaluation components, resourcing, referral avenues in case of ongoing behavioural issues?)

**Q 12:** the steering committee is currently being reviewed. What role should the steering committee have? Who/which agency should be part of the steering committee, and in what capacity?

**Q 13:** the adoption of a new problem-solving philosophy in school institutions can be a daunting process. To what extent is a restorative paradigm shift conceivable, in the context of current disciplinary procedures? If not, how can sustainable and cohesive practices be achieved within schools and school communities?

**Q 14:** the IRC response to anti-social behaviour is currently set up as an *add-on* to disciplinary procedures. Should restorative practices remain an additional option, or a complete alternative to disciplinary processes?

**Q 15:** to the extent that schools can consider adopting restorative practices as a philosophy, who, in the school, should take the lead in considering transformational process possibilities? Should responsibility for school-wide restorative conferencing practices be written up in a specific (and if so, whose?) job description?

**Q 16:** many advocates of restorative practices in schools insist that schools should adopt a restorative practice 'philosophy', as opposed to considering practices as an add-on to existing practices. Should restorative practices become a school-wide philosophy, what communication strategy should be adopted for the benefit of the whole school community?

**Q 17:** literature indicates that a paradigm shift is conceivable in small schools, on the grounds that small institutions do not need as many resources for transformational processes to occur. If so, do Albury schools or community centres 'fit' this picture?

**Q 18:** in one school, conferencing has been designed (but not solely) as a point of re-entry in the school, post-suspension. To what extent is this interesting practice?

**Q 19:** participants to a conference may come from the broader school community. What role does the larger school community (e.g., families) have in the implementation of restorative practices and in changing school culture?

## **APPENDIX 3 –NSW *Young Offenders Act 1997 N°54*: Youth Conferences (excerpt)**

### **Part 5 - Youth justice conferences**

#### **Division 1 - Preliminary**

##### **34 - Principles and purposes of conferencing**

(1) The principles that are to guide the operation of this Part and persons exercising functions under this Part, are as follows:

- (a) The principle that measures for dealing with children who are alleged to have committed offences are to be designed so as:
  - (i) to promote acceptance by the child concerned of responsibility for his or her own behaviour, and
  - (ii) to strengthen the family or family group of the child concerned, and
  - (iii) to provide the child concerned with developmental and support services that will enable the child to overcome the offending behaviour and become a fully autonomous individual, and
  - (iv) to enhance the rights and place of victims in the juvenile justice process, and
  - (v) to be culturally appropriate, wherever possible, and
  - (vi) to have due regard to the interests of any victim.
- (b) The principle that sanctions imposed on children who commit offences are:
  - (i) to be of a kind most likely to promote the development of such children within their family or family group, and
  - (ii) to take the least restrictive form that is appropriate in the circumstances, and
  - (iii) to assist children to accept responsibility for offences.
- (c) The principle that any measures for dealing with, or sanctions imposed on, children who are alleged to have committed offences take into account:
  - (i) the age and level of development of any such children, and
  - (ii) the needs of any children who are disadvantaged or who are disconnected from their families, and
  - (iii) the needs of any children with disabilities, especially those with communication and cognitive difficulties, and
  - (iv) the gender, race and sexuality of any such children.

(2) The purpose of a conference is to make decisions and recommendations about, and to determine an outcome plan in respect of, the child who is the subject of the conference.

(3) In reaching decisions at a conference, the participants are to have regard to the principles set out in this section and the following matters:

- (a) the need to deal with children in a way that reflects their rights, needs and abilities and provides opportunities for development,
- (b) the need to hold children accountable for offending behaviour,
- (c) the need to encourage children to accept responsibility for offending behaviour,
- (d) the need to empower families and victims in making decisions about a child's offending behaviour,
- (e) the need to make reparation to any victim.



## Appendix 4 – Research Timeline

Research Stage	Date	Research activity	Status
<b>Stage zero: Research Prep</b>	January 2011 – May 2011	Research Design	✓
		Recruitment of research assistant	✓
		Ethics approval	✓
<b>Stage one: Data collection and preliminary analysis</b>	As soon as ethics approval is received	Collection + perusal of scheme internal documentation to date	✓
		Initial ‘background’ Interviews with all stakeholders	✓
		Transcription of interviews + analysis	✓
	June – July 2011	Observation of training	✓
		Training survey (run + results compiled)	✓
		Preparation of first interim report (comprehensive of evaluation plan, literature review, and preliminary desktop analysis of data to date)	✓
<b>Stage two: Comprehensive analysis and write up of 2<sup>nd</sup> interim report</b>	July 2011-January 2012	Delivery of 1 <sup>st</sup> interim report to Attorney General’s Office	✓
		Observation of 5 conferences	N/A, due to circumstances, so moved to stage 3
		Interim desktop analysis of data to date	✓
		Compilation of 2nd interim report	✓
<b>Stage three: Final write up Dissemination</b>		Delivery of 2 <sup>nd</sup> interim report to Attorney General’s Office	✓
		Final desktop analysis of data	N/A
		Compilation of 3rd interim report	
		Delivery of 3rd report to Attorney General’s Office	
		Presentation of initial results at ANZSOC conference and writing up of academic publications (September onwards)	



## Appendix 5 – Key Performance Indicators

(excerpt from Bartkowiak-Théron, 2011a)

### Breaking down aims and objectives into manageable indicators

The IRC, with the delivery of the accredited training to future facilitators, its focal point on collaborative work, early detection of problems and acute referral mechanisms, is focusing on the delivery of good, evidence-based practices. It is therefore important, throughout the evaluation process, to further consider the formal measurement of the scheme's 'effectiveness' and highlight potentially challenging areas ahead for consideration in the program's further development.

The IRC is currently funded for a period of 18 months only, and funding from the Attorney General's Office is due to conclude in July 2012. The IRC will need to be able to *prove its worth* if positive impact on the ground is to be recognised by organisations and the sustainability of the scheme is to be assured. Key performance indicators must match the aims and objectives of the initiative, and should quantify the efficiency and impact of the scheme against these pre-determined objectives.

In the table below, we have broken down all KPIs into separate, individual entities (some aims were, semantically speaking, 'double entries'). For each individual aim, we set out how each can be assessed and present a table in the appendix which identifies the tools available to do so and whether the triangulation of such measures is possible, within program constraints. We also discuss the possible limitations of these measurements. As previously indicated in a report drafted by the author and one of her colleagues (Herrington & Bartkowiak-Théron, 2007), researchers routinely observe that 'program objectives as they currently stand are very broad and in some instances remain slightly theoretical. Moreover they are also vulnerable to the influence of a number of extraneous and uncontrolled factors. This makes it very difficult to unpick the program's influence, and therefore the success of [...] program[s]'.

Objectives	Key Performance Indicators	Data Source
<b>1a</b> - To consolidate partnerships in implementing restorative approaches with young people (aged 10-18 years) and other community members, using models inclusive of family and community group conferencing, school conferencing and youth and family restorative conferencing	<b>KPI 1:</b> number of agency referrals <b>KPI 2:</b> number of agencies participating in (representative attending) a conference <b>KPI 3:</b> expectation of and satisfaction with the scheme expressed during background and exit interviews	Internal IRC documentation (numbers to be collated every three months) Internal IRC documentation (numbers to be collated every three months) Background and exit interviews with stakeholders
<b>1b</b> - To consolidate practice in implementing restorative approaches with young people (aged 10-18 years) and other community members, using models inclusive of family and community group conferencing, school conferencing and youth and family restorative conferencing	<b>KPI 4:</b> facilitators attitudes post training and post implementation (6 weeks follow up)	Post training survey + six month follow up survey + + KPI 1 +KPI 2 + KPI 3
	<b>KPI 5:</b> attitudes of facilitators and participants	Internal IRC documentation (numbers to be collated every three months – IRC Conference Exit survey)
	<b>KPI 6:</b> number of conferences facilitated	Internal IRC documentation (numbers to be collated every three months)
<b>2</b> - Building the capacity of services/sectors (education, police, social services) to adopt restorative approach within their practices	<b>KPI 7:</b> changes to business plans, policies, referral processes, job descriptions (now inclusive of restorative principle components)	Background and exit interviews with stakeholders (if so, documentation evidence)
	<b>KPI 8:</b> indication of informal restorative practices at school or in the workplace	Background and exit interviews with stakeholders
	<b>KPI 9:</b> other forms of restorative justice practices used in the workplace, at school or communication and professional development events held around restorative justice principles or the IRC initiative itself	Background and exit interviews with stakeholders (if so, documentation evidence)
<b>3a</b> - To disseminate key learnings to other communities with regard to: 1) the process of engagement in restorative conferences from a participants perspective;	<b>KPI 10:</b> analysis and report on participants' attitudes	Internal IRC documentation (numbers to be collated every three months – IRC Conference Exit survey)
	<b>KPI 11:</b> participants' engagement observed by research team in 5	Internal IRC documentation (numbers to be collated every three months – IRC Conference

	conferences	Exit survey) Conference Observation
	<b>KPI 12:</b> analysis and report on facilitators' views of participants' engagement	Internal IRC documentation (numbers to be collated every three months – IRC Conference Exit survey) Conference Observation
<b>3b - To disseminate key learnings to other communities with regard to: 2) the impact of such approaches in reducing offending behaviour;</b>	<b>KPI 13:</b> compliance rates with incident resolution/conference decision	Internal IRC documentation (numbers to be collated every three months)
	<b>KPI 14:</b> insight of impact and impact factors by stakeholders (inclusive of changes in young people's visible misbehaviour)	Background and exit interviews with stakeholders
	<b>KPI 15:</b> changes in number of school disciplinary measures enacted / not enacted (numbers to be collated every 3 months)	Background and exit interviews with stakeholders Stakeholder data
	<b>KPI 16:</b> number of school students suspended/expelled (with comparison previous year – numbers to be collated every 3 months)	Background and exit interviews with stakeholders Stakeholder data
	<b>KPI 17:</b> young people's views of impact	Internal IRC documentation (numbers to be collated every three months – IRC Conference Exit survey)
	<b>KPI 18:</b> victims' feelings of safety / reassurance / satisfaction	Internal IRC documentation (numbers to be collated every three months – IRC Conference Exit survey)
	<b>KPI 19:</b> facilitators' and other participants' views of impact	Internal IRC documentation (numbers to be collated every three months – IRC Conference Exit survey)
<b>3c - and To disseminate key learnings to other communities with regard to: 3) identifying key success factors in developing and sustaining partnership to restorative practices</b>	<b>KPI 20:</b> identification of success factors by key stakeholders	Background and exit interviews with stakeholders (Success =evidence of positive or constructive impact, for the purpose of the evaluation)

#### Limitations to measurement, and consideration of initiative's *deliverables*

Whilst there is data to measure the overall impact of the IRC, the interpretation of the degree to which the IRC in itself has had an effect on youth crime will be limited. Coexisting school,

community, police and governmental programs will likely have an impact on young people's behaviour. Local parenting and crime prevention programs will also impact on behaviour and may influence measured levels of crime and disorder. Unpicking what is the specific result of the sole IRC will be problematic statistically, and there will be a reliance on qualitative data to ascertain this.

However, behavioural data will be available through the school record systems and individual tracking of cases, via the IRC data base, although the usual limitations will need to be considered when relying on these statistics: not all anti-social behaviour or misbehaviour are nor will be reported. The complicating factor is that the IRC and its implementation in schools, may *specifically* increase the likelihood of behaviour being reported, by simply bringing additional attention to different types of misbehaviour. A sudden inflation of numbers is therefore something we need to be aware of, and an increase in the number of recorded victims and offenders of school age may be regarded as a positive outcome, rather than a sign of negative impact. Qualitative data drawn from the review will provide some insight in this matter.

Data relating to the consolidation of restorative practices within institutional procedures can be available through partnering agencies' internal documentation of problem-solving. In unpicking the influence of the IRC, we will need to identify how current and emerging disciplinary procedures are influenced, decided upon, or impacted throughout the process. Again, as per a previous report (Herrington & Bartkowiak-Théron, 2007), 'newly implemented zero tolerance policy in a school [...] will certainly influence the recording of violent incidents' (and enactment of disciplinary procedures), regardless of sustained IRC practices. 'Additionally, transfer of students (expelled from one school to another or moving schools because their parents relocated professional reasons), may impact on measurements as well' (*ibid.*).

The strengthening of partnerships and collaboration in restorative practices can be measured statistically through the number of collaborative events, with the quality of these events and the related strengthening of the relationships gleaned qualitatively through stakeholder interviews. Such events include *ad-hoc* invitations of agencies to come and attend a steering committee meeting, repeat expressions of interesting the initiative recorded by the project worker, along with agencies invited to and attending a conference as a support person for one of the parties. Of course, the involvement of agencies into agreements and/or their monitoring will be a key determinant in the measuring of collaboration. Of all objectives, this is probably one of the least problematic to pin down.