Introducing Restorative Conferencing

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

Discussion Paper, December 2011

Isabelle Bartkowiak-Theron

The Tasmanian Institute of Law Enforcement Studies

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My gratitude also goes to all of the research participants, who constantly reflect on the aims and objectives, and on their expectations, of the scheme. This discussion paper would not be as extensive as it is without their views and input, or without the help of agency representatives who always willingly give of their time and tirelessly answer our questions about the initiative. Their dedication to child well-being, crime prevention and problem-solving is acknowledged.

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In terms of data gathering, our team of transcribers (specially trained and assessed) has to be saluted for their thoroughness and timely work.

Isabelle Bartkowiak-Théron

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Introduction

This discussion paper examines the current development of the Introducing Restorative Conference scheme (hereafter IRC) and is particularly concerned with various initiative processes (administrative, referrals, training, etc.). It provides a brief review of current procedures and includes, for the reader's benefit, some brief considerations on how other initiatives (in Australia and elsewhere) work, as a start-up of conversations. The IRC steering committee approved this discussion paper in August 2011.

The purpose of this paper is to encourage IRC participants, stakeholders and community members to provide anonymous feedback about the IRC initiative, offering them a platform from which they can ponder issues, formulate opinions and forward feedback to an independent body, in their own time. Responses will be compiled and analysed in January 2012, and will constitute the backbone of the UTAS 2nd Interim Report (due February 2012).

How to Respond

The Tasmanian Institute of Law Enforcement Studies (TILES) invites responses to the issues identified in this discussion paper. Questions are included within it. Those questions are intended as a guide only. Participants may elect to answer all questions, or only some of them. If participants have other pressing concerns, they are invited to add those concerns to their response. Responses, de-identified by the research team, may be quoted in the UTAS 2nd Interim Report. If you wish your response to be identified, please indicate so.

Responses should be sent to the research team ***before 15 January 2012***.

Responses should preferably be sent by email to Dr Isabelle Bartkowiak-Théron, Chief Investigator, at the following address: ***Isabelle.bartkowiaktheron@utas.edu.au***. Alternately, hard copies can be sent to the Tasmanian Institute of Law Enforcement Studies by fax (+61 3 6226 2895) or by mail: Dr. Isabelle Bartkowiak-Théron

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IRC Inititiave Background

The IRC initiative is currently hosted under the auspices of Yes Youth & Family Services (hereafter: YES). 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 include 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 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).

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

Part 1: Ownership of the Initiative, Sustainability & Processes

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. 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.

Flowcharts were designed from two different operational perspectives: one from TILES, as a critical observer, and the other from YES. These flowcharts represent IRC referral processes, and are provided in the appendix of this paper. It was intended that these 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.

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. This process is delicate, as it necessitates the coordination of several partners in the referral process, as shown in the flowcharts that appear in the appendix.

Question 1: an avenue has been set up as YES Youth Connexion 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?

Question 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?

Question 3: the IRC is currently set up as a flexible model, which can be adapted to each school of 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)?

Question 4: the project worker attending school staff meetings, while maybe consuming human resources and time, 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?

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.

Question 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?

Question 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?

Sustainability of the project has been a point of discussion since it 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 researchers' background interviews (Bartkowiak-Théron, 2011). As part of sustainability considerations, a number of memoranda of understanding (MOUs) will soon be drafted between YES and each stakeholder. These MOUs are meant to establish the coordination of services and referrals across agencies and to formalise partnerships between IRC stakeholders. 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, and terms of agreement (which include the life of an MOU, amendments, renewal or extensions). MOUs are meant to be individually tailored to each stakeholder.

Question 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?

Question 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)?

Question 9: MOUs are being drafted for all stakeholders. What should be the purpose of the MOU?

Question 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?

Question 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?

The last steering committee meeting for 2011, where this discussion paper is delivered, is reconsidering the steering committee, its role, terms of reference and membership. 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 IRC steering committee.

The principles of operation of the steering committee are 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*

Question 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?

Part 2: Restorative Practices in Schools & Disciplinary Processes

Disciplinary processes in schools are currently guided and 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).

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 trainings 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 confined areas of Australia, for example Bendigo: 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 also 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).

Question 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?

Question 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?

Question 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?

Question 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?

Question 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?

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

Question 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?

Questions at a glance

Q 1: an avenue has been set up as YES Youth Connexion 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?

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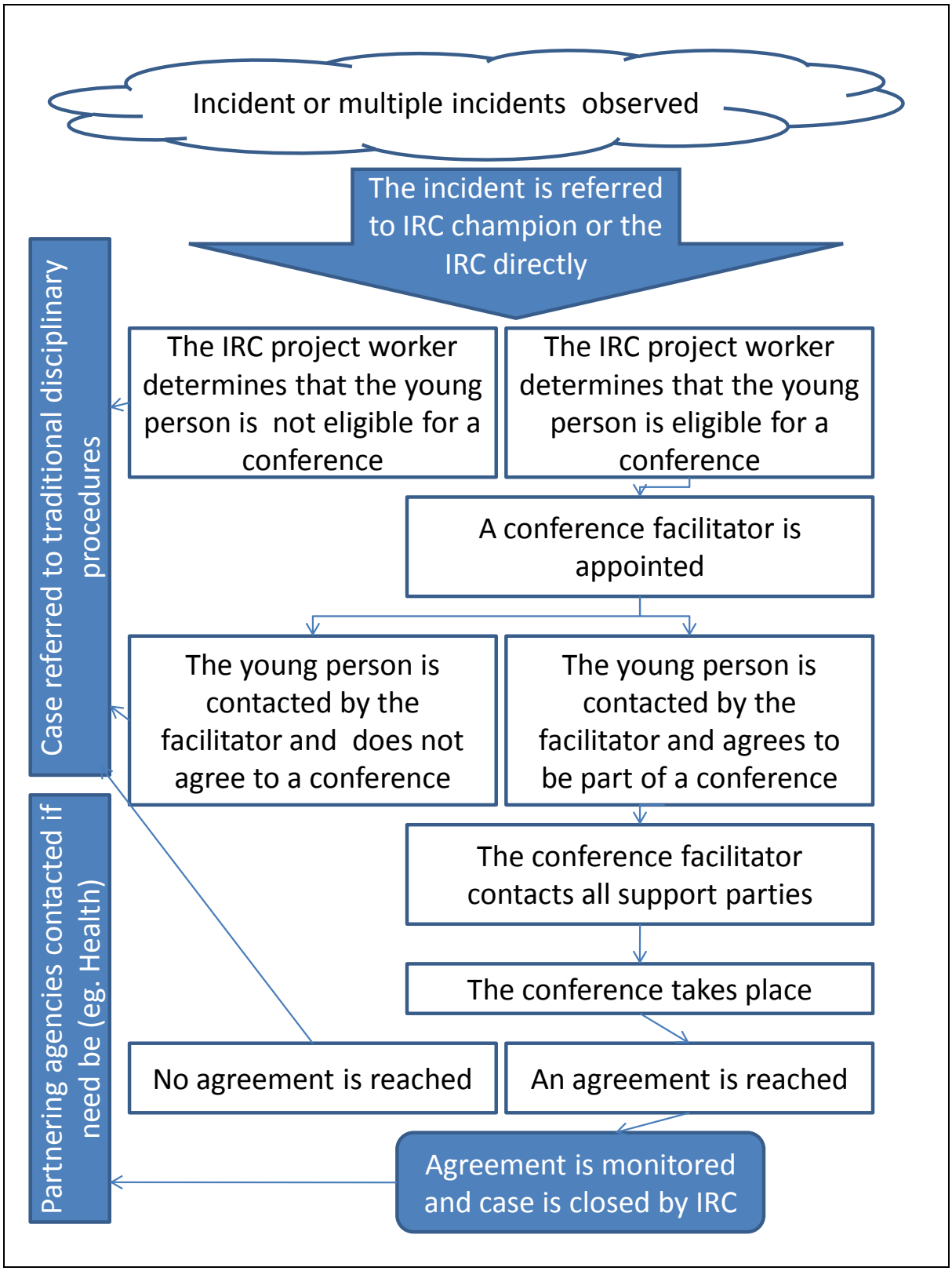
Youth Family Services (2011b). Procedural Guidelines

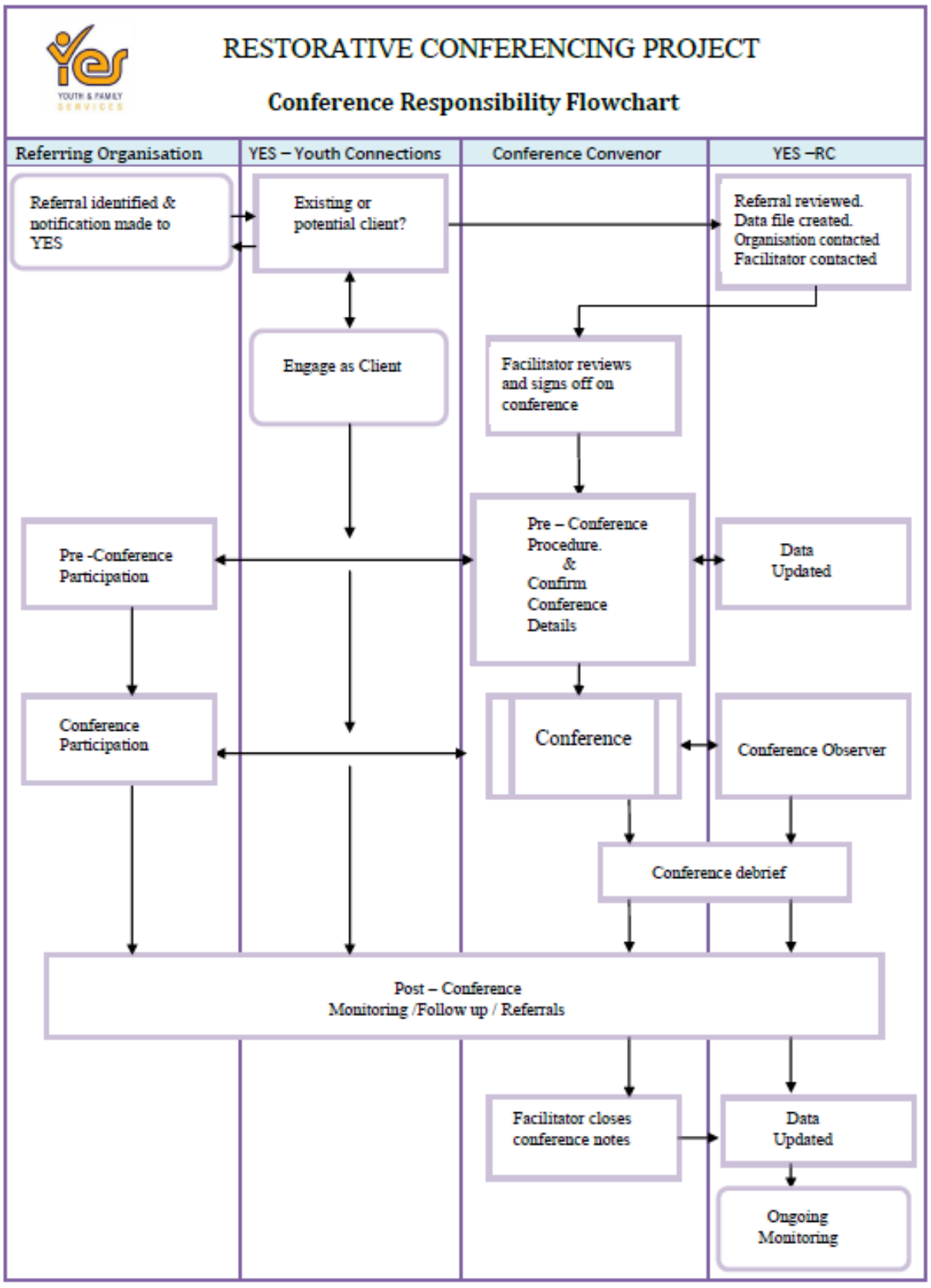
Youth Family Services (2011c). Conference Responsibility Flowchart

Youth Family Services (2011d). Terms of Reference

Appendix – Conferencing process flowcharts



(Source: Bartkowiak-Théron, 2011)



(Source: YES 2011c - Conference Responsibility Flowchart)