

The use of restorative approaches to justice in school inclusion units

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1. Introduction

‘if we can successfully provide education to our most vulnerable children the education of all children will improve’

(Alur and Timmons 2009: ix)

Paper structure

1. Introduction
2. Behavioural, Emotional and Social Difficulties (BESD)
3. What is restorative justice?
4. Restorative justice and inclusion
5. Conclusions

methods

3 Local Education Authorities, in each 1 primary, 1 secondary, 1 special school.

Quantitative:

Secondary analyses to identify and contextualise case-study LEAs and schools (Pupil Level Annual Schools Census Data)

Qualitative

- Interviews with key actors (LEA x30, national x10)
- Participant observation in schools (30 days per school)
- Participatory research (12 children per school)

2. Behavioural, Emotional and Social Difficulties

‘withdrawn and isolated, disruptive or disturbing, hyperactive and lacking concentration, immature social skills, presenting challenging behaviour arising from other complex special needs’

(Government report 2008)

3. What is restorative justice?

‘a problem solving approach to crime that focuses on restoration or repairing the harm done by crime and criminal to the extent possible, and involves the victim(s) offender(s) and the community in an active relationship with statutory agencies in developing a resolution’

(UN 2003: 28)

3. What is restorative justice?

- **mediation** - 'victim' and 'offender meet, facilitated by RJ practitioner
- **conferencing** - like mediation, but with the aim of drawing up a 'contract' for the 'offender'
- **panels** - using community members trained in RJ to resolve low level disputes (no clear 'offender' or 'victim')
- **circles** - everyone sits in a circle and is given opportunity to speak when they hold the 'talking item'

3. What is restorative justice?

Whole school ethos building	Whole school strategy	Implemented by those responsible for pastoral care, behaviour support staff
<ul style="list-style-type: none">• Preventative and educative• Response to wrongdoing, conflict or where relationships have broken down	<ul style="list-style-type: none">• Primarily as a response to wrongdoing, conflict or where relationships have broken down	<ul style="list-style-type: none">• Only as a response to wrongdoing, conflict or where relationships have broken down



Most effective

Least effective

(McCluskey et al 2008: 211)

3. What is restorative justice?

Advantages

- better relationships
- fair, belonging to community
- educative
- non-pathologising approach to behaviour
- flexible
- attends to structural factors

Disadvantages

- criminal vocabulary
- less clear boundaries for behaviour
- not 'hard' enough on students
- shame

4. Restorative justice and inclusion

“I think we’ve got this reputation of being able to be successful with students that have failed at other schools”

(Interview with Mr Lonsdale – assistant head with responsibility for vulnerable pupils)

4. Restorative justice and inclusion

The inclusion unit staff accept that:

- behaviour cannot be changed over night
- we must have realistic expectations of student behaviour
- it is our responsibility to identify and constantly address inappropriate behaviours
- we encourage and reward appropriate behaviour
- all inappropriate behaviour will be dealt with in a positive and restorative manner

(text from sign in Inclusion Unit)

4. Restorative justice and inclusion



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4. Restorative justice and inclusion

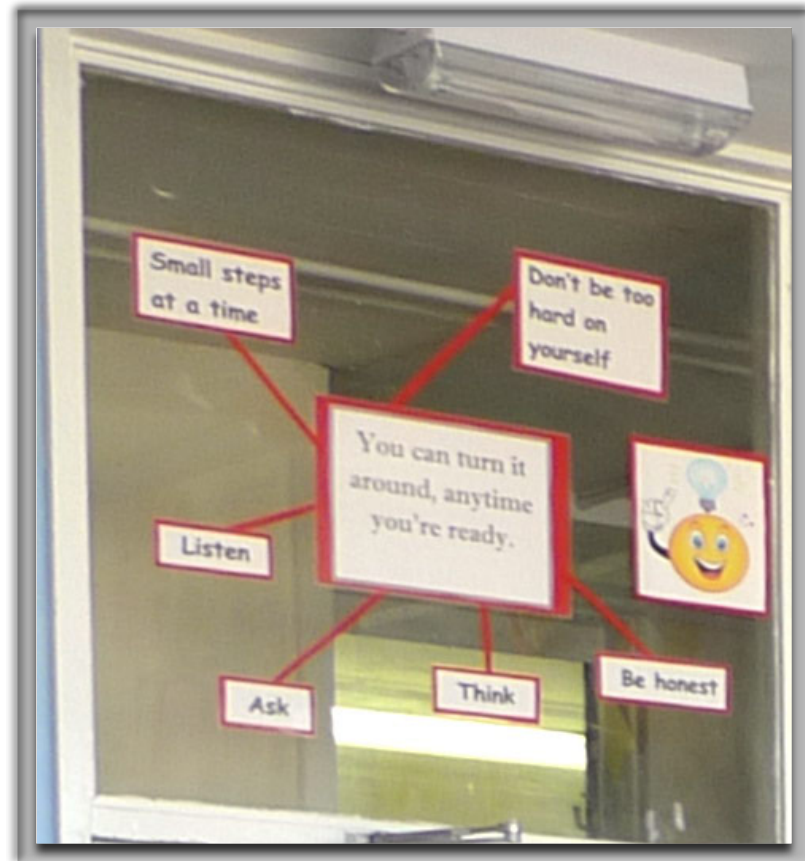
Conversations:

- What is appropriate behaviour?
- Consequences for relationships
- Consequences for the future
- Parenting role – positive role models
- Education of wider community
- Information gathering (context)

4. Restorative justice and inclusion

Relationships

- Letters
- Inclusion Unit staff mediating relationships
- Giving them another chance



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4. Restorative justice and inclusion

“When we tried to relaunch it with the emphasis on curriculum, the biggest resistance was staff going, *‘I suppose the kids go for a cup of tea and a cup of hot chocolate and a nice chat and so on’*”

Because the kids, you know the kids who come out of ... Inclusion, they go ‘oh I went on this trip, we did this, that and the other’ and the other kids go ‘he’s been on a bloody trip’ you know ... You know and what they don’t see and what the kids, and even the really bright kids struggle to understand is well, particularly with our Inclusion kids ... is the perception amongst kids that oh if you’re naughty, if you’re naughty or stupid, like effectively in blunt terms you get all these nice... If you just come to school and you attend regularly and you try really hard, you don’t get anything.

4. Restorative justice and inclusion

1. To what extent are all identities acceptable within all spaces of the school?
2. Who deserves to have their needs met?

4. Restorative justice and inclusion

“people don’t really understand what that’s all about ... the reason that they do that in the first place is because they haven’t had proper nurture in the first place ... by sitting, drinking, by talking we are actually undoing - a lady that I worked with many many years ago called it ‘mother’s knee’ - the things children learn at their mother’s knee before they even get to school. And what you’re doing when you do that kind of nurture is putting them at mother’s knee. The other children who have that at home don’t need it. They might think of hot chocolate as a reward but I suspect that they wouldn’t want to live in that other child’s shoes the rest of the time”

5. Conclusions

‘remain confounded by how best to respond to students whose particular special educational need seems to justify punitive disciplinary action, including exclusion’ (Jull 2008: 13)

“The next step for Inclusion is to I think, once the sixth form building’s finished, there will be a bigger space ... which we want to use, and to make it an eastern locality [for young people with BESD in the LEA]”