Experiences of restorative justice in settings with children and young people: The accounts of professionals and young people.

Paper 1: Examining the views of restorative practitioners about the effects of their professional practices.

Paper 2: Examining the views of young people about their experiences of restorative justice-based practices.

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as a thesis for the degree of
Doctor of Educational Psychology in Educational, Child & Community Psychology.
In September 2011

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I certify that all material in this thesis which is not my own work has been identified and that no material has previously been submitted and approved for the award of a degree by this or any other University.

Signature: ……..

Dedications:

To my Mother for her nurturing in my early years, my Father for his fathomless strength and support, Josie for her patience and kindness and to my friends (Barry, Andy, Marcus and Ali in particular) for bringing countless smiles to my face during the gaps between writing this thesis.

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List of acronyms

RJ: Restorative justice

RP: Restorative practice

YOT: Youth offending team

YJB: Youth justice board

ISSP: Intensive supervision and surveillance programme

RST: Reintegrative shaming theory

YO: Youth offender

YJ: Youth justice

RC: Restorative conference

YP: Young person

RA: Restorative approaches

RAiS: Restorative approaches in schools

MLE: Mediated learning experience

EMRJ: Empowerment model of restorative justice

PRU: Pupil referral unit

ZPD: Zone of proximal development

Paper 1:

Examining the views of restorative practitioners about the effects of their professional practices.

Abstract

The Youth Justice Board and the Department for Education share the common goal of reducing offending and harmful behaviour in children and young people (Ministry of Justice, 2010; DfE, 2011). In both sectors, evidence for the effectiveness of practices based upon the principles of restorative justice (RJ) is mounting, yet there is a distinct lack of theoretical clarity regarding the psychological mechanisms through which such practices work. Moreover, the voice of RJ practitioners is not found in current theoretical propositions. In this paper, eight RJ practitioners, from a mixture of school and youth justice backgrounds, are interviewed about their professional practices. Interview transcripts are thematically analysed in an inductive manner, according to the guidelines set out by Braun & Clarke (2006). Analysis is interpreted in terms of responsive regulation (Braithwaite, 2002; Morrison, 2003), the social learning perspective of Macready (2009) and in terms of cognitive dissonance theory (Festinger, 1957). It is suggested that RJ-based practices, according to the views of professionals, are effective because a) they respond to harm flexibly and after the incident, b) they engage young people in a process of learning social responsibility and c) they provide young people with ways of reducing cognitive dissonance based upon acknowledging and repairing harm, rather than through blaming and denying responsibility.

Introduction

Purpose

The Youth Justice Board and the Department for Education share the common goal of reducing challenging, offending and aggressive behaviour in children and young people in the UK (Ministry of Justice, 2010; DfE, 2011). To achieve these goals, one set of initiatives that has begun to take root within both of these statutory sector services is based upon the principals of restorative justice (RJ). Evidence for the effectiveness of restorative practices (RPs) in reducing reoffending rates is mounting within both sectors and participant satisfaction with the processes appears, for the most part, to be resoundingly high (see McCold & Watchel, 1998 for example). However, whilst a number of contender theories have been posited to explain the effects of RP, the voice of restorative practitioners is poorly demarcated in the literature. This is a significant omission from the theoretical literature as the professional experiences of restorative practitioners who have a long history of practice will inevitably be both broad and deep in its scope. Thus, the purpose of this paper is to provide an in-depth examination aimed at gaining a deeper understanding of practitioners' views.

Context

RJ-based approaches to managing offending behaviour challenge many of the core assumptions of traditional, retributive approaches. For example, a restorative approach (RA) assumes that victims of crime should have the opportunity to play an active role in the development of consequences, that victims and offenders are not necessarily enemies and that formal retribution is not the most effective way to reduce recidivism (Sherman and Strang, 2007). These assumptions give rise to a range of practices that are today being used by youth offending teams (YOTs) across the UK. Probably the most common of these are one-to-one

restorative mediation and restorative conferences (Hopkins, 2004). The common theme running through these and other RJ-based practices employed by YOTs is the reparation of harm caused to victims and other parties who have been affected by a crime or some form of anti-social behaviour.

The Ministry of Justice published a paper announcing a 24.8% decrease in the frequency of reoffending by young people from 151.4 to 113.9 per 100 offenders between 2000 and 2008 (Ministry of Justice, 2010). The Chair of the Youth Justice Board (YJB), Francis Done, has attributed these encouraging figures to the implementation of the YJB's Intensive Supervision and Surveillance Programme (ISSP). The ISSP entails a set of core elements designed to provide the courts with an alternative to custodial sentences for young offenders, central to which is an RJ-based response to offending behaviour.

Whilst less common and more recent in such settings, RP can also be seen in a number of schools in the UK (YJB, 2004). The use of RP in schools tends to involve both proactive and reactive practices for reducing offending behaviour. These may include strategies to develop listening, social and emotional-literacy skills and a stronger sense of community as well as approaches to developing rules or social guidelines that involve all community members, young people included. Like the practices of YOTs, school practices generally also include mediation and conferences, carried out in response to conflicts and/or offenses (Hopkins, 2004). It is the views of practitioners using RP in schools and YOTs that this paper is interested in studying.

Rationale

The development of theory allows researchers not only to frame empirical studies in useful ways, but also to make predictions across a range of different settings. Several *contender theories* have been posited in an attempt to explain the effectiveness of RJ. These include Reintegrative Shaming Theory (RST; Braithwaite, 1989) and variations of it, such as Procedural Justice Theory (Lind & Tyler, 1988; Tyler, 1990) and the Theory of Unacknowledged Shame (Braithwaite, 2002). Braithwaite's RST holds that a) tolerance of crime increases the likelihood of more crime, b) stigmatisation, or shaming of the *person*, make crime even more likely and c) shaming of a *harmful act*, whilst remaining respectful of the person, reduces the likelihood of reoffending. As well as the evidence that Braithwaite himself cites in support of RST (see Braithwaite, 2002, for a review of this), the findings of some more recent empirical studies into the effects of RJ on young people have been interpreted in terms of RST (e.g. Mutter, Shemmings, Dugmore & Hyare, 2008)

Although RST and its variants find support from a handful of empirical investigations, they are limited in at least four common ways. Firstly, they place almost exclusive emphasis upon the affective element of RJ participants' experiences, saying very little about the cognitive and learning processes that RJ may facilitate. Secondly, *shaming-based* theories were posited as attempts to explain the psychological processes brought about through interventions resulting from offending behaviour. Consequently, they lack the capacity for extension to many proactive and preventative RPs currently used within the school gates. Thirdly, most contender theories have been posited as explanatory tools in a relatively top-down way, mapping existing theory developed in related contexts onto the various territories of RP. As a result, the voices of individuals exposed to, and working in, RP are not well represented by existing theories. Fourthly, and finally, as Morrison (2003) points out none of the above

theories has thus far identified the exact causal mechanisms through which restorative practices are intended to work.

It can thus be concluded that the theoretical domain of RJ-based practices is lacking in both breadth and depth. Hence there is a clear rationale for a study that is intent on making a theoretical contribution to the field by examining the voices of practitioners working in schools and Youth Offending (YO) units.

Literature review

Existing evidence with regard to the effects of RP on young people can be broken into two sorts: evidence emerging from youth justice (YJ) settings and evidence emerging from school-based practices. I deal with each of these in turn.

Evidence from youth justice settings

Studies reporting on behaviour changes conducted within YJ settings focus primarily upon reoffending rates. On the whole, studies have yielded encouraging findings in favour of RJ when compared to court-based processes (McCold & Watchel, 1998; Luke and Lind, 2002). One study compared the recidivism rates of young offenders participating in a restorative conference (RC) with those participating in court proceedings (Luke & Lind, 2002). Findings suggested that conferencing reduced the likelihood of re-offending by 15 to 20 per cent. While some studies have found little difference in this regard (Griffiths, 1999; Miers, Maguire & Goldie, 2001), I could find no studies evidencing reduced recidivism that favoured court-based processes over RJ.

Whilst encouraging, Luke & Lind's study was restricted to a comparison with court-based processes, not including other judicial processes such as cautions. Vignaendra & Fitzgerald (2006) provide evidence that young offenders who participate in RCs are more likely to re-offend than young offenders who are cautioned. However, recidivism in RC participants was marginally lower than that of a cohort of offenders whose cases went to court. In this study however, cohorts were apparently not matched for *severity of offence* – an important consideration as cautions are generally issued for lower-level offences.

In developing policy within YJ systems, there is a danger of giving near exclusive consideration to the issue of recidivism. However, it is also important to understand the experiences of those who have participated in conferences and related practices. Poulson (2003) points out that because RJ participation correlates with reduced recidivism and reduced recidivism correlates with decreased suicide risk, it seems likely that RJ practices and associated psychological processes may correlate with decreased suicide risk.

A small number of studies report on the views of professionals about RJ practice. One Northern Ireland study (Campbell, Devlin & O'Mahony, 2005) carried out interviews with professionals involved in conferencing services including magistrates and police officers, as well as RJ mediators. Whilst no detail is provided regarding methods of data analysis, Campbell et al report that the general view was that RJ is *"a very positive development to youth offending" (2005, p136)*. Although this study interviewed nine mediators, the focus was primarily upon aspects of the work that interviewees enjoyed and aspects that they found challenging. Only minimal attention was given to coordinators' views with regard to what RP actually achieves with YP.

Evidence from restorative practices in schools

Most of the literature documenting the adoption of RJ in schools – or restorative approaches (RA) as it is more commonly known in this setting – reports a broader range of approaches than conferencing or mediation alone. These practices can be seen as existing along a continuum from the informal (e.g. use of language in everyday situations) to the formal (e.g. conferencing) (Morrison, 2003; 2005).

One of the earliest studies documenting the use of RCs is reported by Cameron & Thorsborne (1999). Interest in school-based conferencing grew from its initial application to a single, school-based, serious assault to the commissioning of two pilot programmes. The conferencing process involved the use of a set script aimed at repairing the harm caused, rather than inflicting a set of sanctions upon offenders.

Over the course of the two studies, nearly 90 conferences were carried out in response to a broad range of offence types. Recidivism rates were reported to be low and high compliance on the parts of offenders was observed regarding the terms agreed to at conferences. These findings have since been largely replicated by Calhoun (2000) and Ierley and Ivker (2003).

Since Cameron & Thorsborne's pioneering work, a number of studies examining the use of a broad, or whole-school, RA have been carried out. Findings from these studies include reductions in fixed-term and permanent exclusions (Shaw & Weirenga, 2002; Kane, Lloyd, McCluskey, Riddell, Stead and Weedon, 2006) a generally favourable impact on the number of behaviour referrals (Reistenberg, 2002) and increased attendance rates (Reistenberg, 2002; Skinns, Du Rose & Hough, 2009). However, due to the largely impromptu nature of less

formal types of restorative practice, it has thus far proven difficult to ascertain exactly which practices contribute to these outcomes.

It appears, then, that evidence of positive outcomes in RA schools is already reaching a moderate size. However, less is known about the experiences of members of restorative-school communities and less still is known about the experiences of restorative professionals. Further, those studies which have attempted to characterise professional's views have restricted their enquiries to the views of school staff who are relatively new to RP or have restricted their methods of data collection to closed-question item surveys and other similar instruments not designed to yield rich, qualitative data (e.g. Kane et al, 2006; Skinns et al, 2009).

The need to characterise and understand professionals' views with regard to which approaches to RP seem useful and effective, and in which ways they seem so, is clearly an important undertaking. However, whilst previous research, such as Skinns et al (2009), has examined the views of staff throughout restorative schools, no study to date has attempted a rigorous characterisation of the views of professionals whose mandate is solely given to the practice and implementation of RP. Indeed, this is a particularly poignant gap in the literature at present in light of the relatively recent interest of UK-based schools in RA (YJB, 2004) and the current state of understanding of the psychological mechanisms underpinning the reported effectiveness of restorative practices.

Method

Aim and research question

In order to develop a more thorough understanding of why restorative practices are effective in the aforementioned ways, we need to have a deeper understanding of the experiences of those who have used them to help children and young people. In paper two, I examine the experiences of the young people themselves who have been involved in practices such as restorative mediation and conferences. My aim in this paper is to extract a set of themes, or theoretical constructs, from my data that characterise the views and experiences of restorative practitioners with regard to the effects of their own professional practices on children and young people. My research question is as follows:

- *How are we to characterise and understand the views of restorative practitioners with regard to their practices and the effects that they have on the young people with whom they work?*

Methodology

The purpose of this section is to explain how the experiences and understandings of practitioners were studied in order to address the above mentioned research question. For this I drew upon an inductive thematic analytic methodology as this approach allowed the voices of the practitioners to come to the forefront so as to allow for their interpretation. My choice of methodological approach is elucidated and justified briefly here before I go on to detail the research design methods I used within this framework.

My interest was to capture practitioners' experiences of using RA in their everyday work. This research is therefore more attuned to a nominalist, as opposed to a realist, ontology, in

that it rejects the belief that human nature is governed by general, universal laws and characterised by underlying regularities (Burrell & Morgan, 1979). This ontology implies that the social world can only be understood from the standpoint of the individuals who are part of the ongoing action investigated. The model of the person is an autonomous one whereby an individual's behaviour can only be understood by the researcher sharing their understanding of the world around them. This implies that the researcher cannot be objective and distant from the research focus. Instead, this research is a subjective undertaking, investigating the direct experience of people in specific contexts.

Practitioners' views of the world were captured using constuctivism. Constructivism *'is the view that all knowledge and therefore all meaningful reality as such, is contingent on human practices, being constructed in and out of interaction between human beings and their world, and developed and transmitted within an essentially social context' (Crotty, 1998, p42).* This view assumes that meaning is not discovered, nor is it objective or even subjective. It is constructed by people as they engage with the world. This implies that the practitioners in this study construct meaning as they live out their lives and go about their daily work routines.

The methodology that most comfortably fits the above ontological and epistemological positions is interpretivism (Lincoln & Guba, 2003). Interpretivism does not concern itself with scientific accuracy and significance testing, neither does it strive to uncover an objective truth Instead this methodology realises the necessary subjectivity involved in interpreting often qualitative data, in order to reach a deeper understanding of the phenomenon under scrutiny. Interpretivism attempts to discover meanings by comprehending the whole subject in all its richness, depth, and complexity. As such the interpretive approach would appear adept at uncovering a detailed understanding of practitioners' views on the effectiveness of

their work using RA and thus a methodological approach that ought to be used to describe and characterise practitioner views.

Design

This study employs a qualitative interpretive research design. Semi-structured interviews are carried out and transcripts derived from them were analysed in a bottom-up manner, starting from the data and moving towards abstract themes that represent participants' views in a generalised way. Whilst I acknowledge both the inevitability and the importance of the idiosyncratic, interpretive process through which I have engaged with the data, an inter-rater reliability process has been carried out (see below). This involved a second researcher thematically analysing a random sample of data extracts according to the themes derived from my own analysis. The results are presented in terms of the percentage of agreement between analysts.

Participants

Eight participants took part in interviews. I identified participants by contacting local YOTs, and local schools purporting to use RAiS and, through resulting discussions, identified staff members with the greatest breadth and depth of professional restorative experience. In selecting my cohort I was keen to ensure that, as a group, their range of experiences included both school-based and YJ-based RPs. Table 1, below, presents my participant information. All participants were given pseudonyms for the purposes of this paper.

Table 1: Participant information

Name	No. of yrs professional experience	Professional background
Tom Davidson	9yrs	Working in a YOT, in charge of RJ coordination for the south of the county. Responsible for liaising with those affected by crime and facilitating victim-offender mediation and RCs. Also had a role in training school staff across the county.
Sam Jones	1.5yrs	Restorative Approaches in Schools (RAiS) Coordinator within a secondary school, under the regular supervision of a trained restorative mediator from the YOT. Trained to use RJ with the local county council.
Sarah Abbott	2yrs	RAiS coordinator within a secondary school, under the regular supervision of a trained restorative mediator from the YOT. Also had a role in training school staff across the county. Trained to use RJ with the police force.
Kate Flynn	5yrs	Trained and worked as a Family Group Conference Coordinator, specialising in domestic violence. Also worked for YOT as a RJ officer, regularly with a patch of schools with whom she regularly liaised regarding specific cases.
Ben Harvey	5yrs	Head Teacher of an inclusion service which Ben had set up as a wholly restorative school. Prior to this, worked in a mainstream school using RJ in pastoral work with YP. Had also worked as an RJ officer within a YOT
Lucy Smith	6yrs	Worked for YOT as an RJ Officer and had trained and worked voluntarily as an RJ panel member prior to this. Ran restorative interventions, working with victims of crime to ensure that their needs were met within the YOT's activities.
Jo Townsend	3yrs	Assistant Principal and RAiS Coordinator of a secondary school, under supervision of a trained mediator from the YOT. Under her leadership, at the time of interview, Jo's school had just implemented RA into their behaviour management policy.
Gemma Bourne	4yrs	First RJ job was within a YOT, aimed at prevention of crime by providing training and supervision to primary and secondary schools. After this, moved to a more intervention-based role within the YOT, also using RJ methods.

Interview schedule

Items on the semi-structured interview schedule (see Appendix 1) reflect common characteristics found in descriptions of RJ and RA throughout the literature. For example, almost all contributors note the emphasis placed upon developing positive relationships, giving rise to item one:

> *What, if any, changes have you noticed in how young people value relationships through the use of RA? Can you give examples?*

Also, enabling community members, or those affected by harm, to develop their own rules or terms of engagement is at the core of many RPs, such as conferences and mediation, giving rise to items six and seven:

> *What, if any, changes have you noticed in how young people think about what constitutes an acceptable breaking of a rule/law? Can you give examples?*

> *What, if any, changes have you noticed in young people's understandings of why rules/laws exist and why they can vary across contexts? Can you think of any examples?*

Data Collection Procedure

Consistent with Massarik's (1981) typology of interview relations, I conducted semi-structured rapport interviews. This meant that although I put a framework of seven specific questions to interviewees in a consistent and linear order, there was plenty of scope for conversation around each of these. I began Interviews by asking the interviewee to describe their previous professional experience of working within RJ or Restorative Approaches in Schools (RAiS). Prior to the interviewing stage of the research process, I designed a list of prompts (Appendix 2) in order to assist interviewees when they felt unsure about how to respond to a given question. Rather than by necessity, these were only used as and when required, to ensure that conversations remained relevant to the research question.

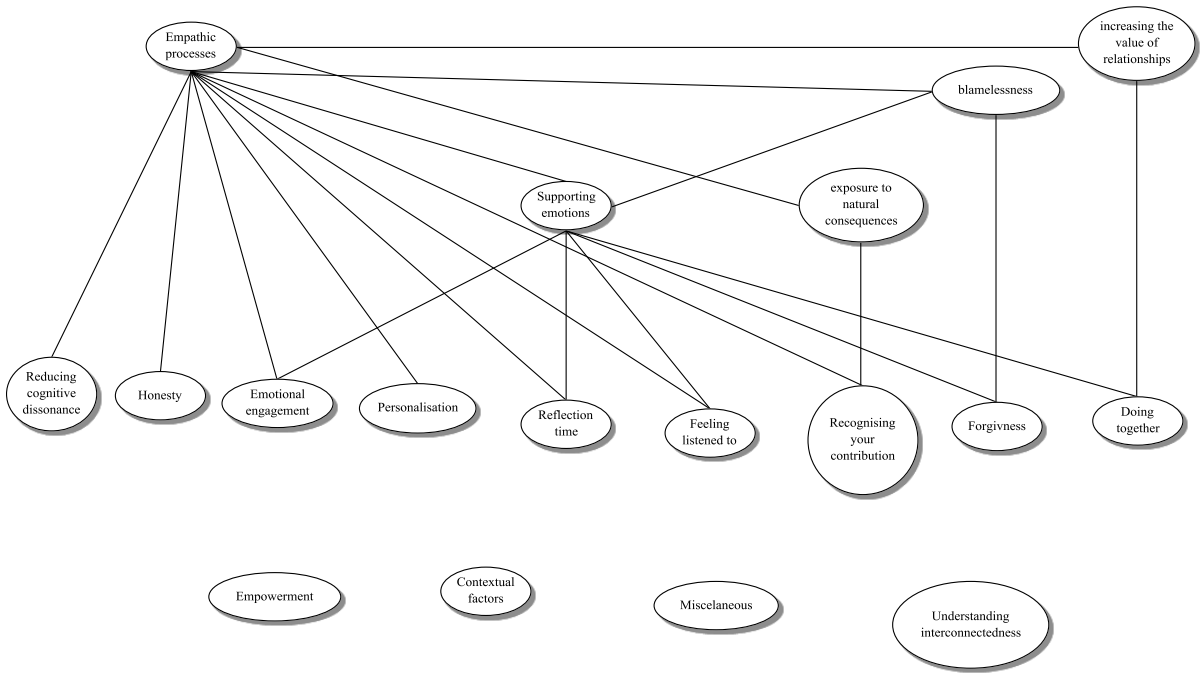
Data Analysis

The data was thematically analysed in an inductive manner (Braun and Clarke's, 2006). The first phase consisted of a general familiarisation with the data through transcription of interviews and an initial read through transcripts.

Next, initial codes were generated. This involved carefully reading through the data corpus, identifying aspects of interest and capturing its meaning in a few words, much the same as the initial open-coding processes described by Glaser and Strauss (1967). Examples are presented in Appendix 3.

In phase three, codes were sorted into groups representing potential themes. Figure 1 presents an initial thematic map. Whilst there appeared to be a number of emerging themes, it was hard to see any hierarchical structure at this stage.

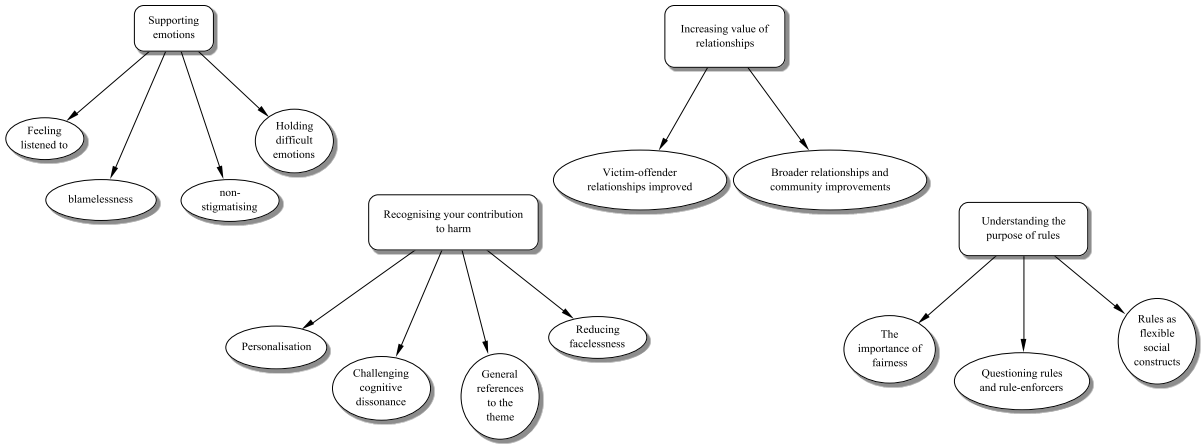
Figure 1: Initial thematic map.



Phase four involved refining potential themes into themes that appeared *internally homogenous* and *externally heterogeneous* (Patton, 1990). This stage involved two levels. Firstly, I read through coded extracts for each theme, reviewing whether extracts formed a coherent theme. This led to collapsing some themes, expanding others and refining others still. Additionally, a theme entitled *Miscellaneous* was formed, into which went extracts that

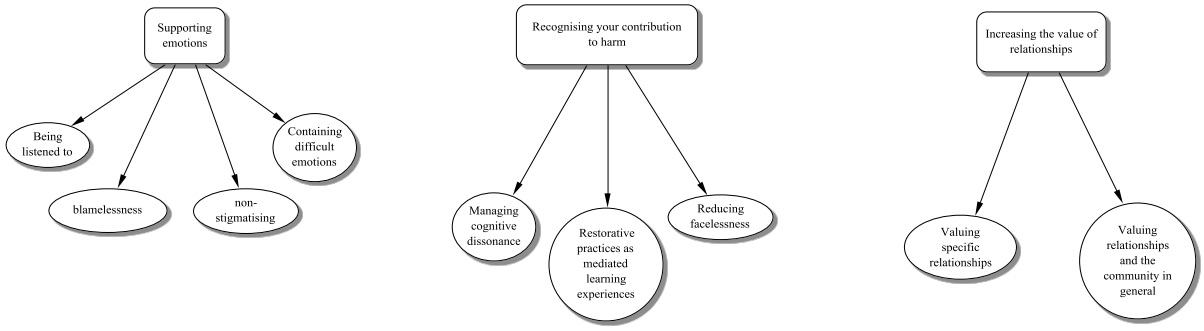
did not fit any emerging themes. Figure 2 presents the developed thematic map resulting from this phase.

Figure 2: Developed thematic map



Secondly, I re-read transcripts a number of times to check that themes were heterogeneous and to identify uncoded data that could now fit within refined. Figure 3 presents the final thematic map, with three main themes emerging from the data.

Figure 3: Final thematic map



The final phase involved defining and naming themes. As Braun & Clarke (2006) point out, a thematic analysis is an organic process. As such, the act of naming and describing themes led to a refined understanding of the story that the data was telling.

An inter-rater reliability test was carried out in order to establish the degree of agreement between two raters about the appropriate placement of excerpts within the thematic map. I provided the second rater with a sample of 28 excerpts, along with the thematic map and a short paragraph defining each theme and sub-theme. Not accounting for excerpts that had been placed in more than one theme, the degree of agreement was found to be at 86%

Ethical Issues

I provided participants with an information sheet (Appendix 4) summarising the purposes of the project and detailing their prospective involvement. I also gave all participants the option of withdrawing their data at any point prior to the submission date. After reading the information sheet, participants signed a consent form (Appendix 5). All participants were given pseudonyms for the purposes of this paper.

Analysis and Interpretation

Final analysis of the data corpus yielded three overarching themes, each containing subthemes within them. The total data corpus (excluding my own contribution to discussions) came to 43,500 words (approx'). Of this, the data set (i.e. the part of the data that was used in the analysis) came to 12,418 words excluding extracts in the miscellaneous theme (which, when included, totalled 14,949). This amounted to a total of 149 extracts that were directly relevant to the research question, 118 of which were used in the final analysis.

Theme 1: Supporting emotions.

Interviewees reported that working restoratively creates an environment of emotional support for both victims and offenders. Discussion about emotional support for offenders included reports of how RPs create a culture of blamelessness. Practices were also felt to avoid

unnecessary stigmatisation of offenders. Also central to this theme were views expressed with regard to the provision of a safe space for the containment and expression of difficult emotions.

1a: Containing difficult emotions

References were made to how RPs, both school-based and YOT-based, allow those involved to process emotions at their own pace. In one example, Katie talked about the way in which meetings with a victim carried out in preparation for a conference, provided a space for the containment for anger. Such raw emotions, she felt, could have been perceived as threatening had they dominated the discourse during the conference. The view that RP provides YP with opportunities to learn ways of containing their feelings was also clear in Katie's views.

> *"And so by [the victim] being given time by the facilitator to express that and the emotions around that prior to meeting the offenders, so if she had any kind of anger, that was supported and alleviated before meeting them. It allowed her to come from not an afflictive emotion... It actually came from the more nurturing, loving emotions of sadness." (Katie; pg4)*

She continued:

> *"The experience that these two lads had was it allowed them to realise instead of anger – react... there was now a window of time where they realised that anger was a physiologically, chemically flooding experience which they had to learn to manage themselves and they knew that that feeling would go away but was very intense at the time." (Katie, Pg5)*

Ben discussed a conflict in a school setting, resulting in a similar process of emotional containment. His view was that there were benefits for the YP, who had been physically aggressive towards a staff member. Specifically, for Ben because the emphasis was placed

firmly upon *harm-caused* rather than *rule-breaking*, the YP was able to understand that for a time, the adult was not emotionally ready to re-engage with him.

> *"The young person was able to understand that we had to put in place interim measures so that the member of staff and the young person weren't in direct contact for about two weeks whilst the member of staff talked through, thought through, reflected on what was going on and why they actually genuinely wanted to be in a restorative process." (Ben, Pg4)*

The above extracts illustrate well the benefits of responsive regulation (Braithwaite, 2002; Morrison, 2005). Responsive Regulation deals with the concerns of community members by problem-solving around specific concerns as they arise. It is contrasted with regulatory formalism in which complex, formalised policies dictate the response to offending acts *before the incident*. In both of the above cases, it was felt that a more responsive approach allowed emotional needs to be met, bringing about more favourable outcomes.

1B: Being listened to

Practitioners discussed how RPs allow involved parties to feel listened to, often avoiding the negative repercussions that arise from a desire to seek revenge. Listening to the views of those involved was felt to have the potential to validate participants' views, such that any grudges are less likely to be held. In a school-based setting, Jo makes this point clearly:

> *Well I mean I can talk to you about individual case because I think that it's, it's huge, the benefits, because it doesn't allow them to disengage. You know, if it's punitive they can take their punishment, they can either just accept the punishment or want retribution or feel vengeful. But with RA they feel that they're listened to. (Jo, Pg1)*

In a very practical way, YOT-based RP was also talked about as providing opportunities to speak and to be listened to. The role of the mediator was felt to be important here through the provision of clear boundaries about listening and appropriate times to respond. For some interviewees, many of the YP they worked with were not used to this mutually respectful

manner of conversing, especially when conversations were emotionally weighty. RPs were thus presented as opportunities to learn listening skills through social modelling provided by the practitioner.

> *"Sometimes there've been blazing rows at home but what you've had is both sides talking at each other and neither side necessarily listening and so the very fact of having that third party in terms of it's your turn to speak, it's your turn to speak gives them a chance to actually speak for the first time." (Lucy, Pg1)*

This invokes Macready's (2009) social learning perspective, which applies the work of Vygotsky (1986) to RPs. Macready argues that through RP, learning arises in relational interaction with others, rather than through the processes of an individual consciousness divorced from its social contexts. Through support from others who are more able than oneself – what Wood et al (1976) refer to as *scaffolding* – the individual achieves more effectively in relation to the intended learning outcomes. Macready's argument that this applies to RP, in which intended learning outcomes relate to socially responsible behaviour, is well documented in the reports of practitioners outlined here.

1c: Blamelessness.

This sub-theme includes references to the way in which RPs are not designed to allocate blame. This general view was that stakeholders are able to say how they feel, including talking about any blame that they might attribute to others or themselves. However, creating the space for everyone to have their say was felt to lead to a deeper understanding of the underlying issues and, as such, a reduction in blaming tendencies. Speaking about her experiences of mediating several restorative enquiries with the same YP, Sam's view was that whilst the enquiries did take a blameless approach, the young person was still held to account for his actions.

> *"So for example, we have a young boy who's got really bad problems at home. He's a little bit small for his age and he has to fight to be in the cool gang, as such. And he's so lovely but he tries to put up this front that he's this big man and because he's got to fight to be this all the time. So quite often he is called in for bullying, name-calling and things. But when we've had RA with him, he's actually broken down and it's how people treat him, that he's had to put up this front. So when he's having RA with someone he's picked on himself they appreciate that he was picked on". (Sam, Pg8)*

The absence of a need to allocate blame was also felt to improve the group dynamic within restorative meetings. From my analysis, when the need to attribute blame is avoided, would-be offenders are less likely to feel attacked and, therefore, less likely to become defensive in response to victims' claims. This then increases the likelihood that offenders can wholly listen to the views of victims without feeling demonised.

> *"It's not about blame, it's not about pointing the finger, it's about enabling people's safe space, it's about exploring where you were at the time of the conflict without feeling accused or wanting to accuse another. So it enables that reengagement with the other party." (Ben, Pg15)*

1d: Non-stigmatising

This sub-theme has some overlap with the last one, differing in that it does not necessarily involve references to situations where harm has been caused. Rather, it involves general references to how RA facilitates a way of viewing people as more than any single act that they carry out. RPs are viewed as practices that avoid placing immovable labels on YP. This non-stigmatising attitude was viewed as particularly powerful when embodied by the victim in an RP because it is likely that offenders would be expecting negative, personal remarks.

> *"I think most young people walk into the room quite uptight about how someone views them and the most powerful thing that happens is that they recognise that someone actually sees them as an individual with lots of positive qualities and doesn't just judge them by that one instant". (Lucy, Pg4)*

Interviewees also felt that RA provides effective frameworks for removing unwanted labels such as "offender", as well as for understanding what actions were needed in order to do so.

Prior to RPs, it was felt that YP may not have been aware of how they were being labelled. In this sense, RP was felt to a) raise awareness of this and b) increase the perceived value of avoiding such labels. Lucy in her YOT role, and Sarah in her school-based role, both emulated this view.

> *"I think he'd realised that, along with offending, a label had appeared in terms of the fact that he had done that but I think what the restorative process did for him was allow him to wipe the slate clean in some respects and start again and therefore to reoffend... would be blowing that new chance he'd been given and therefore there was an even greater weight on not reoffending." (Lucy, Pg9)*
>
> *"He is changing if he is allowed to be given the chance to show that he's changing. Some people who remember him in year 7 aren't so easy to give him a chance." (Sarah, Pg13-14)*

The views outlined in both the *Non-stigmatising* and the *Blamelessness* sub-themes are well aligned with RST (Braithwaite, 1989) outlined in the above literature review. Braithwaite's position is that the core mechanism of positive change, visa vie crime reduction, is an affective one – i.e. that of shame focused on the act, not on the person. According to this analysis however, interviewees take the view that as well as the affective experiences brought about through successful RP, there is a more cognitive element that is not fully accounted for within RST. That process relates to a shift in how participants attribute blame. Specifically, interviewees report that because RA sensitively accounts for contextual factors surrounding a harmful act, it follows that the framework encourages a shift from locating the seat of blame *within* the young person to locating it in their action and their broader life-context.

Theme 2: Recognising your contribution to harm

The second theme concerns the ways in which interviewees felt that RP encourages an increased recognition of one's contribution to harm. This theme is represented mostly, though not exclusively, by extracts that refer to RPs that happen *after the incident*, such as

conferences. In some cases, extracts point not only to an increased recognition of harm caused on the part of *would-be-offenders*, but also on the part of those who might be perceived as the victim.

2a: Restorative practices as mediated learning experiences

The mediated learning experience (MLE; see Feuerstein, 1998) is an approach to learning wherein the adult, along with the YP, takes the position of learner/explorer, in contrast to a position where the teacher/adult knows the answers and imparts that knowledge. For Feuerstein, the role of the mediator is to support the YP by making explicit how well they are doing in the learning process.

A number of extracts made reference to the opportunities provided through RPs to learn more about how behaviour may have contributed to harm. Like the MLE, practitioners reported that they would avoid telling the YP what they thought was happening and, instead, attempt to support YP in coming to their own conclusions about what happened, as well as how to avoid similar future incidents. A good example in a school context came from Sarah in our discussion about a group of year seven girls.

> *"She has finally clicked that she needs to be a better person, a better friend. She's recognised that she is a catalyst. We did have to point it out to her that actually we're seeing you more than the others. And she has from sort of the meetings she has finally understood that she is a catalyst... and that really upset her when she realised, it was the light-bulb moment." (Sarah, pg6)*

She continued:

> *"I happened to mention that I'd been in I don't know how many meetings with her, something like 10 in the first term and was there anything that we could sort of judge from this. And she suddenly said yeah it's me in every one. Yes, so what do you think is happening? And then she said I'm the one that's spreading the gossip about the others." (Pg7)*

Responses about the MLE-nature of working restoratively were not restricted to a discussion about the incident of harm-causing alone. RA was also felt to provide learning with regard to the appropriate consequences of a harmful incident. This sense in which RA allows young people to come to their own conclusions about appropriate ways of putting right harm was felt to be highly motivating.

> *"RA allows for them to decide what they feel would be a good way to make amends and to kind of, you know it might be to facilitate a conversation where they might say well how would you like it if, you know, if you'd been harmed how would you like to be responded to. But because of that taking responsibility their motivation is heightened through that process because they are like oh I can do this, I can make this change, it isn't someone else that has made that change for me." (Gemma, Pg4)*

References were also made to how the MLE implicit in RP brings about a deeper understanding of the purpose of rules. This was talked about as a way of getting YP to think past the consequences of *getting caught*, towards a deeper consideration of why the rule might be there in the first place.

> *"So in that respect I would say that RA helps YP to have an understanding about why those rules are in place and who's harmed when they are broken, whereas I think in a normal situation with rules and sanctions, actually the YP is only thinking about what's the immediate impact going to be for me now I've been caught or I've been found out." (Lucy, Pg6)*

In relation to this issue, one interviewee heeded a health warning. For Katie, facilitating learning about the nature and purpose of rules in this way is a kind of *one way ticket.* In her view, resorting back to a more authoritarian approach wherein the rule is enforced without any explanation of its purpose, after young people have been exposed to this more participatory approach, can lead to confusion and oppositional behaviour.

> *"For RA to work well, you need more staff initially. If they don't have the time to explain consequences and it's just a case of an adult saying it just is because it is because I said so, then you have very frustrated YP. And I have seen that happen, whereby YP have become frustrated with teachers and then there have been violent incidents towards teachers who will not respect them." (Katie, Pg17)*

2b: Reducing facelessness

Practitioners talk about how RA participants recognise their contribution to harm through the process of understanding more about the other person's point of view and circumstances. For a number of interviewees, when the face of the victim is unknown, so to speak, a harmful act is easier to carry out. RPs were felt to be a way of reducing this facelessness. In one particularly moving example, Katie described how two young people were confronted with the significance of their actions for an elderly lady.

> *"Unbeknown to the offenders, the elderly lady had lost her husband the year before and each year her husband used to buy her a gnome for her anniversary. So each gnome had significant emotional attachment. So when they'd been smashed, when she looked at the devastation in front of her, it was very emotionally weighty for her. But if you take the emotions out of it, the boys just did something that was destructive, but they had no attachment held to the emotional importance." (Katie, Pg3-4)*

Ben offered a further example in which the YP perceived his behaviour to have been victimless prior to the RP. His view was that part of the way in which this particular YP was able to understand the harm caused was by relating the victim's situation to that of a significant other in his own life. For Ben, if young offenders do not hear the views of the victims themselves, they are less likely to recognise the harm that they have caused.

> *"I worked on a case... for a young man who had been involved in a street robbery and it was one of a number of offenses that he'd been involved in and he saw it as fair game basically... It was his gain and didn't really consider anybody's loss and through a restorative approach, which involved him being confronted by her and her son, he very, very clearly recognised the effect that his actions had on this woman, on the family, on her confidence to go outside. And he was also able to link it into his world. So he made a link between the victim of the offence and his grandmother and was able to empathise and*

understand that actually I wouldn't want my grandmother to go through that so why should I put somebody through that." (Ben, Pg1)

There were also views expressed about how reducing facelessness of certain types of prospective victims might be less easy to achieve. This was particularly the case when the prospective victim was not a part of the young person's community or when it was particularly difficult for the young person to perceive any real harm caused. Katie's example of stealing from large corporate bodies was particularly poignant in this sense.

"Young people felt it was less acceptable to break rules to people they had a bond with than it was to a faceless. So when I worked with the YOT and I was working with young, like you know, that were nicking things, for example, their concept of what they could nick, so for example, it felt ok to nick things form say Starbucks but they wouldn't nick something from where they'd go to a corner shop and they might know the name of the person." (Katie, Pg18-19)

2c: Managing cognitive dissonance

The final sub-theme here consisted of reports of how RPs can support the management of young people's cognitive dissonance. Festinger (1957) conceives of cognitive dissonance as *"...the existence of nonfitting relations among cognitions...[and] as an antecedent condition that leads to activity oriented towards dissonance reduction just as hunger leads to activity oriented towards hunger reduction." (pg3).* Festinger believed that people are motivated to reduce dissonance by justifying and denying their actions and by changing their attitudes and behaviours. Interviewees' indicated that the non-retributive, supportive environment provided through RP serves to reduce the need to justify actions, thus allowing a deeper awareness of their contribution to harm. Lucy's perception that this was a difficult – or highly dissonant – process for the YP in question was quite apparent. However, she maintained the view that, after the RP, it would have been much more difficult for the YP to justify similar actions.

> *"I mean the thing that springs to mind with this question really is this conversation I had with [child X] where we talked about the fact the he needed to think about the impact on others and everything else and he basically said that if I thought about that I wouldn't do it, and it was that sort of sense of I don't want to go there, I don't want to think it through... I think the more that you talk through consequences, they start to find it harder to think something is acceptable. (Lucy, pg15-16)*

The point was also made that whilst a change in attitude can reduce the need for justification or denial during a restorative meeting, this new attitudinal position might not extend to future situations, particularly those involving high levels of peer pressure. Perhaps the most important points here are that whilst an attitude can change in one context as a way of coping with the experience of cognitive dissonance, a) this does not always translate to a change in behaviour and b) this does not necessarily translate to a lasting attitudinal change that persists across contexts and over time.

> *"I think there are lots of different strategies that when we kind of develop that thinking about the impact and about changing their attitude to their behaviour, what they often then look for are strategies to get out of it without necessarily going the next stage, which is feeling responsible to actually share their understanding with their mates. So I think their reaction is more likely to be to have an excuse to leave and leave them to it than to share with them that this is why I don't think we should carry on with this and do something different. But they would potentially still choose to opt out as opposed to think that being cool was more important maybe." (Lucy, Pg12)*

A further sense in which RP was felt to be an effective tool for managing cognitive dissonance was found in reports of reductions in young people's tendency to deny responsibility. Once again, in this instance the practitioner's view was that there had been a change from a response routed in denial to an attitude change in the direction of accepting some responsibility for harm.

> *"The understanding that the YP had displayed seemed to have grown and been significantly different than the first conversation where he denied responsibility, he was not surprised by responsibility, he completely acknowledged the fact that there is a relationship, there's a big problem, he was just not willing, it seemed by right but that's a judgement so I don't really know, to take all the responsibility." (Tom, p3)*

The analysis presented in this theme, then, indicates that RPs increase the capacity of YP to recognise their contribution to harm through a kind of mediated learning process, consistent with Vygotsky's social learning perspective (Macready, 2009). This mediated learning process results in a deeper understanding of the other – what I describe as *reducing facelessness* here. The mediated nature of the learning experiences provided through RPs also provides a framework within which YP discover ways of reducing cognitive dissonance through means other than excessively blaming and denying responsibility for one's actions. Thus, they become more acutely aware of the harmfulness of their actions whilst, at the same time, being empowered to cope with the discomfort of dissonant experiences.

Theme 3: Increasing the value of relationships

This theme was about the way in which interviewees reported RPs as frameworks for improving relationships. Analysis revealed that the theme could be most effectively understood when divided into two sub-themes. The first describes the perception of how RPs improve individual relationships, whilst the second describes perceptions of changes in the value of relationships and the community generally.

3a: Valuing specific relationships

In this sub-theme, references are made to the impact that RA has upon relationships. Excerpts referred to perceived improvements in relationships between offenders and victims, both during conferences and when carrying out actions/contracts (which were often overseen by the professionals). Gemma's account gave a very palpable sense of how relationship improvements can be observed through a reduction in how fearful of the young offenders the victim appeared to be.

> *"It was an interesting relationship because she didn't want to meet him so she would make sure she was out of the house when he went around but as three to four weeks went past when he went then she was there and she would make him a cup of tea and kind of would come out and say hello and it kind of naturally developed... So actually their relationship's great now and they can see each other on the street and he can help her with anything that she wants." (Gemma, Pg5-6)*

Descriptions of improved relationships were not restricted to situations with a clear victim-offender divide, nor were they restricted to YJ interventions. Professionals also referred to relationship improvements between individuals in schools, both between staff and YP and between YP and their fellow students.

What came across particularly strongly was the need for pre-conference, preparatory work. Some practitioners felt that this offered a chance a) to gain a deeper understanding of the issues and b) to get involved parties used to using restorative language, for example non-judgemental words and open-ended questioning.

> *"There was this big group of girls and they used to fall out on a weekly basis really and school just didn't know what to do about it. And I just went and did a big piece of group work with them and I'd do it individually with them, the same set work with each individual and then we'd come together to do group work together. So it kind of was using restorative language and towards the end that enabled us to have a restorative group conference at the end with a couple of teachers there and I think they were surprised to hear what the pupils had to say for themselves... So I think for them, as a group of friends, it enabled them to have a proper friendship at the end of it. So they did value their relationship more as a result of that." (Gemma, Pg1-2)*

In terms of school-based RP, it was not only conferences and mediation that were felt to improve individual relationships. As discussed above, working restoratively has been likened to working *responsively*, i.e. to be able to respond to the needs of individuals within the community without being tied to regulatory formalism (Morrison, 2005). Katie described a group that she set up within a primary school, designed to respond to the needs of a group of young people at risk of exclusion, most of whom had a history of domestic violence.

> *"What happened was during the course of time, in unstructured times or at playtime, they were more functioning members of a community, if you like, of a playtime community. They were more willing to adhere to the rules of engaging in play, so how do you learn to play with another person or the rules around taking turns or the rules around how you make friends. So inadvertently, that group allowed them to form sustained relationships for longer periods of time, which was a safe-guarder because they had all come from domestic violence." (Katie, Pg26)*

When I asked Katie what she felt it was that made this group a restorative one, she mentioned three key points:

- With mediation, the children formed their own rules.
- These rules were flexible and the children could change them according to their perceptions of their own needs as a group.
- The practice was responsive, for example, by tolerating swearing and other behaviours that would not usually be tolerated and by working according to developmental levels rather than having unrealistic behavioural expectations.

3b: Valuing relationships and the community in general

This second sub-theme contains views regarding how RA encourages an increased value of the importance of relationships and community in general. One of the most frequently occurring ways in which this was expressed was through references to a higher sense of social responsibility and utilitarian values.

> *"So the impact that I have mostly seen is the ability of young people to all of a sudden click and realise that they have a responsibility as far as the relationship is concerned to everybody, whether they know them or not." (Tom, Pg2)*

> *"I think RA can cut through... there's a difference between being seen as being a good person and actually being a good person as in being someone who is a humanitarian, as opposed to just playing the game of being, getting what they want by playing the game but actually not believing it on the inside, they just know how to manipulate." (Katie, Pg13)*

Ben described the changes in pupil's relationships that he observed whilst in-post as head of a Pupil Referral Unit (PRU), particularly in terms of how RP encouraged students to give more consideration to the needs of the community in general. Contrasting this with a less community-focused attitude, Ben proceeded:

> *"If I choose to do that then that's my choice, that's my lookout and if I get caught it's my problem. Whereas, if it's about actually how's this impacting upon others around me, how is this destroying or supporting relationships around me, actually suddenly it becomes much more important, you can start to create a community where people actually care about how they are viewed." (Ben, Pg7)*

Discussions also included comparisons between valuing rules, on the one hand, and valuing relationships, on the other. In many cases, these two perspectives may imply the same response. For example, being physically aggressive toward another might be seen as both damaging to relationships and a contravention of a rule. However, here a distinction between the two was made and interviewees embraced the view that RA placed emphasis upon relationships over rules. This was particularly clear in examples where a rule could be argued as having little or nothing to do with maintaining positive relationships.

> *"Maybe this rules doesn't have anything to do with relationships, it's just something that convention says you don't wear a cap indoors. And again, I think that teaches a higher level of moral understanding – not moral – even social understanding and responsibility because there are lots of rules that we keep to because somebody decides that's the way things are." (Ben, Pg5)*
>
> *"It's interesting because I would say that it has not decreased motivation to break rules. It'd decrease motivation to harm others and in that sense RA is a bit dangerous to those of us who are reliant and blindedly faithful to rules." (Tom, Pg6)*

As with the analysis of views presented in theme one, much of the strength of RPs, as represented by practitioners, can be understood within this framework of responsive regulation (Braithwaite, 2002; Morrison, 2003). Specifically, practitioners felt that positive relationships and the development of social skills are enhanced by a) allowing young people

to be active in the development of rules and terms of engagement, and b) by deciding how to respond to a harmful incident *after* a concerning behaviour, rather than being tied to complex, rule-bound systems *before* the incident without taking account of unique contextual factors.

Reports also invoke the distinction between authoritative and authoritarian approaches to working with young people. Originally, this was a distinction made between different types of parenting styles by Baumrind (1991). As illustrated in figure 4 (below), Baumrind describes styles of interacting with young people along two separate dimensions – control and support – each with a high category and a low category. Thus, according to this model, there are four possible modes that the practitioner can be functioning within. In the case of authoritative and authoritarian styles, both involve high levels of control on the part of the adult. However, in the case of the former, support for the young person is high, whereas in the case of the latter, support is low. This is why authoritarian approaches are typified by statements such as *"Do it now, because I said so!"*, whereas the authoritative approach involves more listening and democratic decision-making processes, such as those described by Ben (pg5) and Katie (pg26) above.

Discussion

The analysis presented above characterises the views of RJ practitioners within three main themes, each consisting of a number of components, or sub-themes. The first of these involved views about how RPs offer emotional support for all stakeholders by actively and impartially listening without unnecessarily blaming or stigmatising and by providing safe containment for painful or afflictive emotions. The second theme consisted of views about the ways in which RPs enable stakeholders to recognise their contribution to harm. Analysis

revealed that this involves managing cognitive dissonance (not just in the *offender*), providing mediation aimed at learning about the effects of behaviour upon others and about how to act in a socially responsible manner, and reducing the facelessness often experienced between victims and offenders. The final theme consisted of views about how RPs tend to bring about improved relationships, both in terms of specific relationships and in terms of a more general increase in the value of relationships and one's community.

In what follows, I make sense of these characterisations in terms of existing theory and literature highlighted in the previous chapter. Whilst I deal with theoretical propositions in turn, I attempt to show the interrelatedness and compatibility of each in terms of practice and policy for both youth justice and educational sectors.

Responsive regulation

Restorative practices have tended to result in reduced rates of recidivism and high compliance with the terms agreed to (Thorsborne, 1996; Ierley and Ivker, 2003) as well as high levels of satisfaction on the part of those who have participated (Kane et al, 2006; Skinns et al, 2009). Based on the evidence presented above, my argument here is that a key factor that makes RPs effective in these ways is due to a rejection of regulatory formalism in favour of responsive regulation (Braithwaite, 2002; Morrison, 2003, 2005). Morrison (2003) discusses regulatory formalism as the principle underpinning social systems in which judgements are made by senior representatives of that social system about how to respond to wrongful actions. These judgements are usually documented and, as such, inform decisions about the appropriate response to a given behaviour *before* it has happened. For example, in a school setting that is underpinned by regulatory formalism, complex behaviour management policies are written in

such a way that dictates, with reasonable precision, how teachers respond to a specific harmful incident, such as bullying perhaps, long before an incident happens.

There are two fundamental differences between regulatory formalism and the responsive regulation endorsed by RJ practitioners. Firstly, in the case of the former, decisions about responses to harm are made before an incident has happened, whereas in the latter case, decisions are made after the incident. Secondly, in the former case, decisions about how to respond are made by senior authority figures within the social system (judges, teachers etc) whereas in the latter, the decisions (albeit with mediation and support) are made by the young people who were directly affected.

Morrison's arguments against regulatory formalism are a) that such rigidity typically fails to take sufficient account of important contextual information about what actually happened and b) that it fails to sufficiently involve those who have been harmed in the reparation process. Thus, the harm is often not repaired in the eyes of *those who have been harmed*. Responsive regulation avoids these problems by including those who were involved in the incident in the reparation process. Thus, a much more contextually sensitive approach is afforded in which those affected feel listened to and emotionally supported, in the ways described by practitioners above. Indeed, this increased contextual sensitivity seems to account for a shift in the tendency to locate blame *within the young person* towards locating the problem in the young person's actions and broader life circumstance, as described in theme one. To this extent – i.e. to the extent that the seat of problems shifts away from *people themselves* and towards their actions – Braithwaite's RST is supported by my characterisation of professionals' views.

The social control window (Figure 4; see Watchel, 2003, p84), based on Baumrind's (1991) research into parenting styles, provides a useful model for understanding the fundamental differences between responsive regulation and regulatory formalism.

Figure 4: The Social Control Window

HIGH ↑ CONTROL ↓ LOW	TO PUNITIVE Authoritarian	WITH RESTORATIVE Authoritative
	NOT NEGLECTFUL Irresponsible	FOR PERMISSIVE Paternalistic
	LOW ← SUPPORT → HIGH	

The window consists of two dimensions – *control* and *support* – each with a *high* and a *low* category. Referring to the two upper sections of the window (the high control section) in the case of a more punitive (i.e. low support) approach, young people feel that they are *being done to.* Further, in line with Baumrind's view of authoritarian parenting styles, no reason for behaving in a particular way is given. Thus the young recipient of this information is not put in touch with the natural consequences of his/her actions. This contrasts with the high control, high support section, in which YP feel that they have been *done with.* Practitioners' views were generally characterised by this *'doing with'* approach, particularly in terms of the mediated nature of the learning processes described. Gemma's discussion about the

collaborative style used in order to support YP in coming up with their own terms of engagement provides a very palpable example of this:

> *"RA allows for them to decide what they feel would be a good way to make amends and to kind of, you know it might be to facilitate a conversation where they might say well how would you like it if, you know, if you'd been harmed how would you like to be responded to. But because of that taking responsibility their motivation is heightened through that process because they are like oh I can do this, I can make this change, it isn't someone else that has made that change for me." (Gemma, Pg4)*

Through reports such as this, practitioners endorsed the view that RPs are effective ways to repair harm, improve the perceived value of relationships and reduce recidivism rates, in large part because they allow YP to feel that they have played a valued and active role in the process of reparation. To go even further, from practitioner's reports, it is likely that RPs often allow YP to feel that they are entirely in control of the processes and the outcomes, giving an enhanced sense of ownership over decisions about choosing to engage in the RP, about engaging in relationships, and about acts of harm reparation. This is in sharp contrast to the authoritarian *"because I told you to!"* approach described by Baumrind (1991). Indeed, there is reason to believe that when adults embody a high-control, high-warmth approach to disciplining children, this supports the development of emotional maturity (Garner & Spears, 2000)

Learning social responsibility

My analysis of professionals' experiences is well endorsed by Macready's (2009) social learning perspective. Drawing upon Vygotsky's work, Macready argues that what RA actually does is teach young people socially responsible behaviour by exploring the effects of their previous behaviours upon others, whilst skilfully mediating within their ZPD (Wood et al, 1976). Concurrently, practitioners took a view of RPs as appropriate contexts for learning how to improve individual relationships (theme 3a). This was found not only in reports about

the role of the mediator, but also in reports of how listening to the experiences of other stakeholders provides a social context for learning about the effects of particular behaviours upon others and about what would repair the damage caused through harmful actions. Based on this analysis, it is likely that the improvement of individual relationships is a key mechanism in the effectiveness of RPs in terms of the reduction in recidivism rates noted by a number of contributors (McCold & Watchel, 1998; Luke & Lind, 2002 for example).

Macready (2009) also points out that, from a social learning perspective, *"within an individualist learning tradition, students will learn to look out for number one." (pg 215)*. However, within a learning environment that gives primacy to developing positive and healthy relationships, young people will learn to act in more socially responsible and considerate ways towards others more generally in their lives. Thus, Macready's exposition provides a useful way of framing aspects of the present analysis relating to improved relationships generally (theme 3b). In particular, the characterisation of RPs as increasing the value of one's community and of relationships in general may be understood as a direct result of learning social responsibility through effective mediation within the young person's ZPD. Put more simply, the more young people learn about the values and merits of behaving in a socially responsible manner, the more likely they are to generalise this learning to broader aspects of their social lives, so developing more community-minded, utilitarian values.

In terms of both policy and practice, responsive regulation and the mediated learning practices described by proponents of the social learning perspective are not only compatible, but complimentary. Social systems taking a responsive regulatory approach to working with conflict are more able than regulatory formalistic systems to accommodate the uncertain outcomes (which are directly based upon the needs of stakeholders) that mediated learning

processes, such as RPs, necessitate. This is due to the flexible, adaptable nature of systems based upon responsive regulation. Moreover, there is a substantial overlap between the kinds of practices that are implied by these two constructs. Specifically, both:

- Are responsive to the learner's needs with regard to the situation
- Allow the learner to have some control over processes that affect them
- Develop outcomes through the reparation process, rather than prior to it
- Entail a flexible and adaptable approach
- Avoid unrealistic expectations of the young person/learner.

Based on my analysis, practitioner's take the view that these approaches are important factors in accounting for the effectiveness of RPs.

Cognitive dissonance

Faced with situations where young people perceive themselves to have acted in such a way as to have caused harm, there is a high likelihood that they will experience cognitive dissonance (Festinger, 1957). The need to reduce this is authentic as the feeling of dissonance is an uncomfortable one, often resulting from the belief that one acted in one way, yet *should have* acted in another way. My analysis of practitioners' views suggests that the young people they work with often appear to experience dissonance, indicated by the excessive need to deny and justify their own harmful actions, as well as to excessively blame others.

Festinger also claimed that dissonance can be reduced through altering one's attitudes or beliefs or by changing one's behaviour in relation to the source of the dissonance. Given this, it is not surprising that RPs were reported to engender a blameless approach whilst, at the same time, bringing about a greater capacity to take responsibility for behaviour resulting in harm causing. Specifically, if denying your actions and blaming others serves the same

psychological function as accepting responsibility and acting in a way so as to repair harm, it seems likely that the presence of the latter should negate the presence of the former.

There are at least two clear implications for YJ and educational practitioners here, in terms of effectively resolving conflict involving young people. Firstly, young people need to feel emotionally safe enough to open up and be honest about a given incident without being unnecessarily worried that they will be persecuted for doing so. The analysis presented here characterises the ways in which RPs achieve this through the caring, emotionally supportive and non-stigmatising environments described in theme one.

Secondly, young people need to recognise that reductions of cognitive dissonance can be achieved through acting to repair harm already caused and by avoiding acting in similarly harmful ways in the future. These, according to the present analysis, are viable alternatives of reducing dissonance, as opposed to excessively blaming and denying responsibility for wrongdoing. Indeed, not only did professionals take RPs to be effective frameworks for encouraging this, in doing so, they also believed RPs to bring about the merits of better, more valued relationships, as described in theme three.

Here I have argued, based on the evidence presented in my Analysis and Interpretation section, that a third key mechanism that makes RPs effective is the way in which cognitive dissonance is reduced through providing a caring, emotionally supportive and non-stigmatising environment. And, crucially, within this supportive framework, encouraging offenders to act to repair the damage they had caused and to avoid behaving similarly in the future.

Contribution and significance

Based on the evidence presented in this paper, restorative justice practitioners endorse a way of working with young people based upon the principles of responsive regulation (Braithwaite, 2002; Morrison, 2003) as it provides the flexibility for those affected by crime and other harmful incidents to engage in a process of reparation by actively involving them in the response process. Practitioners also endorse a way of practicing that avoids excessive blame and stigmatisation whilst, at the same time, maximising young people's ability to take responsibility for their actions by providing a safe, emotionally contained space.

This characterisation of practitioners' views also suggests that RPs provide mediated learning experiences aimed at developing socially responsible behaviour through social modelling processes, listening to others' views and a general process of *doing together,* rather than *being done to.* The resounding view was that such practices help to improve not only individual relationships, but also encourage in young people more community-minded, utilitarian values and actions.

Paper 2:

Examining the views of young people about their experiences of restorative justice-based practices.

Abstract

The Youth Justice Board and the Department for Education share the common goal of reducing offending and harmful behaviour in children and young people (Ministry of Justice, 2010; DfE, 2011). In both sectors, evidence for the effectiveness of practices based upon the principles of restorative justice (RJ) is mounting, yet there is a distinct lack of theoretical clarity regarding the psychological mechanisms through which such practices work. Whilst the voice of young people can be heard in the literature, these have come primarily through surveys and other closed-question response formats. Thus, there is a lack of an in-depth characterisation of young people's experiences of RJ. In this paper, six young people are interviewed about their experiences of RJ-based practices. Interview transcripts are thematically analysed in an inductive manner, according to the guidelines set out by Braun & Clarke (2006). Analysis is interpreted in terms of Barton's (2000) Empowerment Model of Restorative Justice (EMRJ) and in terms of responsive regulation (Braithwaite, 2002; Morrison, 2003). It is suggested that RJ-based practices, according to the views of young people, are effective because a) they empower young people in the process of responding to harm and b) they involve responding to harm flexibly and after the incident, providing emotional support and enabling all stakeholders to be open and honest. The implications of both these findings and those from paper 1 are discussed in the context of Aug 2011 riots.

Introduction

Purpose

Evidence for the effectiveness of restorative practices (RPs) in reducing harmful behaviour, when compared with retributive approaches, is mounting. A number of contender-theories exist as potential explanations for this. However, as Morrison (2005) has pointed out, no theory has thus far identified a causal mechanism underpinning RPs. The voice of young people with regard to these issues has been gathered through a number of different methodological approaches, though most have relied upon quantitative and/or survey-based data. The lack of in-depth understanding and systematic characterisations of young people's restorative experiences is likely to be a contributing factor in this lack of theoretical clarity. The purpose of this undertaking is to begin the process of providing such understanding and characterisation.

Context & Rationale

The reader is referred to the context and rationale sections of paper one here.

Overview of this paper

Much of the literature relevant to the study presented here has been reviewed in paper one. For this reason, I restrict the literature review presented below to a brief explanation of research that has gathered the views of young people who have participated in either YOT-based or school-based restorative practices to point out the gap in the literature this study aims to plug. After detailing my research methods, I then provide my analysis of young people's views about their involvement in RPs, carried out on transcripts derived from semi-structured interviews. My analysis is presented as a characterisation that can be understood within existing theoretical frameworks.

Literature Review

As in the previous paper, I will begin by reviewing current literature drawn from youth justice settings and then move to a review of the school-based literature. In both cases, I will only review literature documenting the views of young people.

The voice of young people in youth-justice settings

A number of studies have provided evidence of high levels of satisfaction on the part of young people as a result of participation in a range of RPs, including family group conferencing (McCold & Watchel, 1998) and youth offender conferencing (Walker, 2002; Campbell et al, 2005). In the McCold & Watchel study, for example, 96% of participants (victims and offenders combined) reported being satisfied with the process and 94% of offenders fully complied with the terms agreed to during the conference. However, my review of the literature indicated that most studies of this sort, whilst highly encouraging, rely primarily upon quantitative data collected through, for example, surveys (Daly, 1999) and Likert-style and other restricted response questionnaires (McCold & Watchel, 1999; Mutter & Shemmings, 2008, for example).

In addition to this, evidence suggests that participants in restorative conferences – both young offenders and victims of crimes – favour conference processes over court-based processes. Campbell et al (2005), for example, found that 91% of young offenders and 81% of victims of youth crime preferred conferences over court proceedings. Additionally, in a study by Walker (2002), only seven out of 405 conference participants did not feel that the restorative process had served justice.

Generally speaking, the literature on RJ places related practices in strict opposition with punitive, or retributive, practices. In one particularly interesting aspect of a study by Daly (1999), however, analysis of young peoples' views suggests that there is no clear dichotomy between the two. Daly's analysis of survey items indicate that 45% of young offenders felt their conference was a form of punishment and 66% felt that carrying out the agreements arrived at during the conference was a form of punishment. Significantly, in spite of this 86% of young offenders reported feeling that the way agreements were arrived at was fair. Daly's research appears to touch upon a significant and complex issue in terms of how young offenders experience RPs. However, it does not provide an in-depth analysis of these experiences, nor does it broach the question of how young *victims* experience RPs.

The voice of young people in school-based settings

Reports of studies documenting the views of young people in schools cover a range of different approaches to RP, from whole-school approaches to specific pockets of conflict resolution practice such as school-based restorative conferences. Once again, whilst the vast majority of views reported by young people are resoundingly positive, researchers have tended to rely primarily upon surveys and other methods of data collection that yield quantitative data.

Thorsborne's (1996) pioneering study of the effects of school-based conferencing in Queensland, Australia, offered very positive initial indications of pupils' view of the conferencing process. Collecting data on pupils' experiences through structured interviews conducted post-conference, Thorsborne reports that pupils experienced high levels of satisfaction, perceived improved relationships with other participants and showed increased levels of empathy towards other participating stakeholders. Other studies since this time have

largely replicated these findings, particularly regarding young people's levels of satisfaction, both with conference *processes* and with conference *outcomes* (Shaw & Wierenga, 2002; Irley & Ivkar, 2003; Kane et al, 2006, for example).

In a related sense, studies have also reported that pupils experience schools as safer places to be when restorative process are used to manage conflict (Irley & Ivkar, 2003) and when a whole-school restorative approach is adopted (YJB, 2004). It is noteworthy, however, that statistically significant reductions in pupils' perceptions of verbal and physical bullying were only noted after three years of RA implementation, in comparison with non-restorative, control-group schools (YJB, 2004).

Other studies (Kane et al, 2006; Skinns et al 2009, for example) report on the effects of RAiS through qualitative and interpretive methodologies. These researchers' analyses of interviews with pupils reveal several common themes. Of particular interest is that pupils tended to feel that a) RA was better at getting to the bottom of issues than punitive approaches, b) the processes were fairer and more effective at getting beyond simplistic 'bully-victim' dichotomies and c) RA had improved relationships and communication between pupils and teachers. However, due to the varied nature of RA implementation in participating schools, neither study was able to sufficiently clarify young people's experiences of RPs specifically designed for harm-reparation, such as restorative mediation and conferences. Furthermore, both of these studies focus exclusively upon school-based RPs, giving no consideration to the experiences of young people exposed to RPs in youth justice settings.

So, whilst there exists a body of evidence regarding the experiences of young people who have participated in RPs, a) this primarily relates to young *offenders* and/or b) has been limited to quantitatively-based studies that provide little depth to the understanding of such experiences. The purpose of the current paper is to provide an in-depth characterisation of the experiences of young people – victims, offenders and those who do not fit neatly into one or other category – who have participated in RPs convened in response to an offence or a harmful incident.

Methodology and Method

Aim and research question

The aim of the current undertaking is to develop a set of theoretical constructs that give new insights into characterise the experiences of young people who have participated in harm-reparation processes based upon the principles of RJ. My research question is as follows

- *How are we to characterise young people's experiences of participating in harm-reparation processes based upon the principles of restorative justice?*

Methodology and Design

See design section of paper one.

Participants

Six young people took part in interviews. Each was identified through discussion with senior staff members from the local YOT and from a secondary school, which was extensively using RAiS at the time of writing. These individuals were recruited because they had all taken part in restoratively-run meetings convened in response to significant harm-causing. RPs had

occurred no less than two, and no more than eight, months prior to interview. In addition, between them the group had participated in RPs in both youth justice and school-based settings and represented a mixture of young people who could be seen as a) the victim, b) the offender and c) a young person who did not neatly fit into the category of offender or victim. Individual participant-details are presented in Table 2 and details of the incident that each was involved in is provided in the Analysis and Interpretation section (below). Participants were given pseudonyms for the purposes of anonymity.

Table 2: Participant information.

Name	**Age**	**Gender**	**School-based or YOT-based RP**
Louise	14	Female	School-based
Millie	14	Female	School-based
Gill	14	Female	School-based
Harvey	17	Male	YOT-based
Karen	16	Female	School-based
Liberty	18	Female	YOT-based

Interview Schedule

Questions and prompts on the semi-structured interview schedule (see Appendix 6) reflect common characteristics found in the literature on restorative practices. Questions were also included to elicit young people's experiences of events leading up to the RP and of the RP itself.

Data Collection Procedure

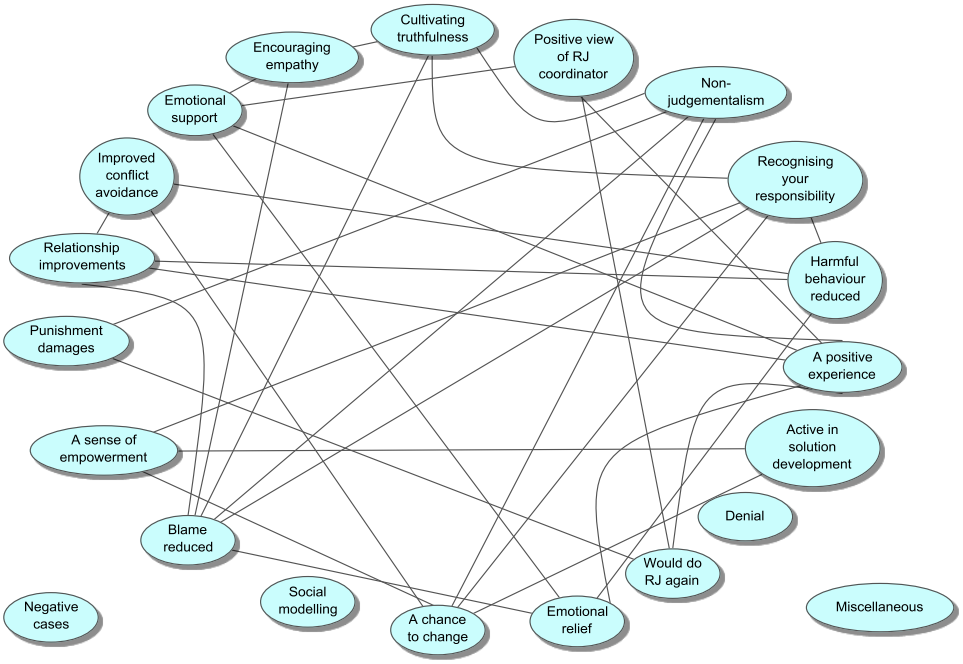
Data was collected via semi-structured rapport interviews. To ensure optimum rapport, items were not designed to be presented word-for-word. Rather, they were presented less formally and with consideration to the nature of the discussion leading up to given items. Young people were given the choice as to where interviews should take place. Subsequently, three took place at their schools, two in the home of the young person and their parents and one at the local YOT office. Interviews were recorded onto a Dictaphone in order that they could be transcribed verbatim.

Data Analysis

I restrict what follows to a brief outline of the analytic procedure in order to embed the thematic map development in relevant and meaningful text. For a detailed description of the analytic process, see paper one.

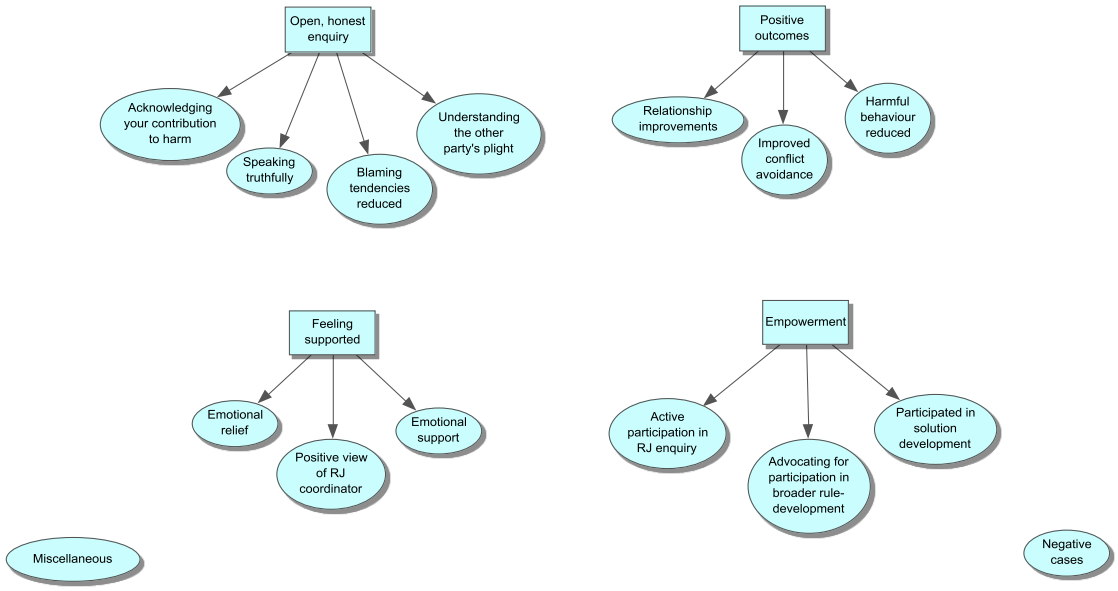
After transcription of interviews and initial familiarisation and coding of the data corpus, codes were sorted into groups representing potential themes. Figure 5 (below) presents an initial thematic map.

Figure 5: Initial thematic map.



Once again guided by Patton's (1990) dual criteria, the next phase involved two levels of refinement. The first involved reading coded extracts within each theme to review whether they formed a coherent theme. This resulted in a developed thematic map, presented in Figure 6.

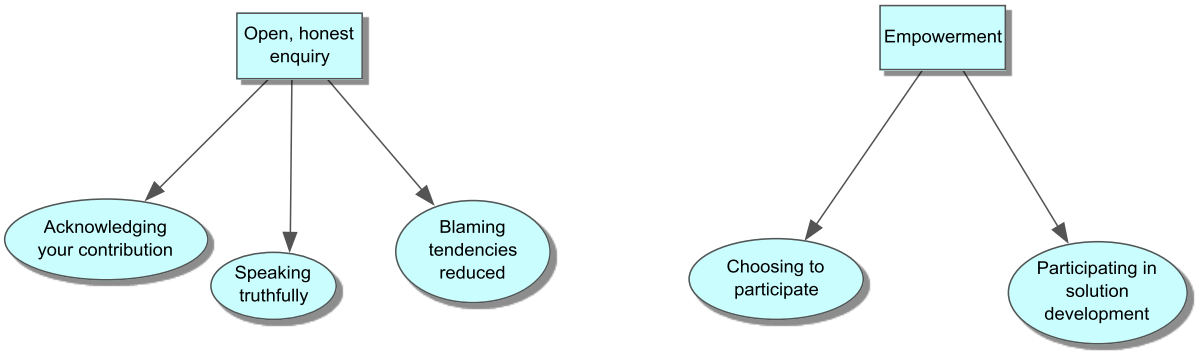
Figure 6: Developed thematic map



At the second level of refinement, the data set was re-read to ensure the distinctness of individual themes and to code data that had previously been missed, in light of emergent themes. Themes were then defined and named, resulting in a final thematic map (see Figure 7).

An inter-rater reliability test was carried out in order to establish the degree of agreement between two raters about the appropriate placement of excerpts within the thematic map. I provided the second rater with a sample of 16 excerpts, along with the thematic map and a short paragraph defining each theme and sub-theme. Not accounting for excerpts that had been placed in more than one theme, the degree of agreement was found to be at 87.5%

Figure 7: Final thematic map



Ethical Issues

In the case of the four participants who had been involved in school-based RP, I obtained the permission of the school's Head Teacher to interview them and provided the school with consent forms and information sheets (Appendices 7 and 8) to be sent to their parents. Once these were signed and returned, the RJ coordinator liaised with relevant staff regarding a

suitable time for interview. The same process was followed for young people who had been involved in a YOT-based RP, though in these cases initial liaison was done by YOT staff. At the beginning of interviews, young people were given information sheets and their consent to participation was sought verbally upon reading this document. Participants were given pseudonyms for the purposes of anonymity.

Analysis and Interpretation

The purpose of this section is to make sense of how my six young participants experienced RP. I draw on all data provided by my participants and provide an analysis that characterises their experiences within two overarching themes – the first entitled *Open, honest enquiry* and the second entitled *Empowerment*, each of which is further divided into sub-themes. I draw upon excerpts from my data set, in line with the thematic analysis outlined above, to illustrate how these themes are played out in YP's experiences of RPs. I conclude each theme with an interpretation in the light of existing theory and evidence.

Theme 1: Open, honest enquiry

This theme consists of the verbal reports of YP about how the RPs they participated in felt like open and honest enquiries into the offence, conflict or harmful act(s) that led to the organisation of the meeting. Predominantly, YP reported feeling emotionally safe enough during meetings to acknowledge their own contributions to harm. On a number of occasions, this increased capacity for honesty was attributed to a shift away from punishment and towards harm-reparation and away from blaming towards taking responsibility. Analysis suggested that the theme could be best understood as consisting of three sub-themes.

1a: Acknowledging your contribution

This sub-theme was about the sense in which being confronted by the other party involved in a harmful incident enabled the YP to acknowledge their contribution to harm. Young people's reports suggested that individuals who were able to acknowledge their contribution extended far beyond those who may have initially been perceived as offender/aggressor. This was often attributed to the capacity of RPs to explore all points of view and contextual factors surrounding harmful behaviour. Karen, for example, had been subjected to sustained emotional and verbal abuse from fellow students at her school as a result of a false allegation that she had spread an untrue rumour. This led to a prolonged and deep-seated sense of social isolation. Whilst Karen perceived herself (and was reported by the RJ coordinator who introduced Karen and I) to have been the victim in this situation, she reported that, through the RP, she was able to recognise that her actions had, to some degree, contributed to the harm caused.

> ***Duncan:*** *Can you give me an example of a particular aspect of [the situation] that you didn't take responsibility for and eventually came to? Or maybe even the other way around.*
> ***Karen:*** *[One of the other girls who was involved] had said something and it had made me really angry and I was in a bad place. And my immediate reaction was to go and blurt something out to someone else. And I didn't mean to, I was just in a bit of an angry state and I think that's what made her angry, what made her fall out with me. So I think that was my part responsibility that I didn't accept at first but then did afterwards. (Karen, pg7-8)*

A further example of how RP creates an environment in which all parties are able to safely acknowledge their contribution to harm came from Millie. Like Karen, Millie had also been subjected to what might be described as emotional abuse from other pupils. Whilst this situation was also a sustained and ongoing one, the most significant incident occurred when Louise (another of my research participants) and one other student hacked Millie's Facebook account, making somewhat obscene changes to her personal details. However, Millie's

discussion around these issues illustrates that, through the RP, she was able to acknowledge that she too had acted in a harmful way.

> ***Duncan:*** *What was it like hearing about other people's feelings and things?*
> ***Millie:*** *It was quite difficult because some of the stuff that I said to Laura was like wow did I actually say that? And I'd been quite mean and we'd all been really horrible to each other and I really don't know why because like I actually don't really like being mean to people but I actually did and I had to see that like I had done this. (Millie, pg3)*

As well as acknowledging her contribution to the situation, what is clear in Millie's account is how difficult and upsetting it can be to acknowledge one's own wrongdoing in the presence of the harmed party. Millie seemed to be saying that how she had acted at the time was not the kind of behaviour that she comfortably associated with herself.

Whilst in a YJ setting rather than a school setting, Harvey's report of his experiences also endorsed the view that RPs allow YP to acknowledge the harm they have caused. Harvey had attended a restorative panel meeting as a result of a violent incident in a bar. He had been heavily under the influence of alcohol (under the age of consent) and had attempted to punch another young man. The punch missed the intended recipient, instead hitting Liberty (another research participant) in the face, resulting in her hospitalisation. Again, what came through strongly was the feeling of deep regret, having been confronted with the consequences of his actions. For Harvey, however, this was coupled with a sense of gratitude that his behaviour had not caused more damage than it did. The potential for greater harm was something that the meeting seemed to have made very clear in Harvey's thinking.

> ***Harvey:*** *[The RJ meeting] sort of made me feel downgraded. Because I don't really get into trouble. I mean I've been in trouble once and it made me feel quite down, quite low. It made me feel like I shouldn't have done this, I shouldn't have been here.*
> ***Duncan:*** *Ok, tell me a bit more about that.*
> ***Harvey:*** *I don't really know how to explain it to be honest. It's just knowing that I've hurt someone, knowing that I really did do wrong and this is a real thing now and I'm just lucky to be there and not somewhere else. (Harvey, pg5)*

1b: Speaking truthfully

This sub-theme consists of reports of how RPs provided a space in which YP felt they were able to be honest with other attendees and with the RJ coordinator. This sub-theme goes beyond the acknowledgement of harm, including accounts about the general culture of honesty that the RP framework provided. This was described as the result of feeling emotionally safe enough to be honest because the emphasis had shifted from retribution to reparation though, as illustrated above, acknowledging harm-doing can, in and of itself, be experienced as very difficult by YP attending RJ meetings.

A strong example of this was provided by Gill, who had been involved in the same situation and school-based RP as Millie (described above). Throughout the situation and resulting RP, Gill and Millie had been friends, though their friendship with Louise (another research participant) had broken down. In this long and drawn out conflict, perhaps the biggest contribution to harm on Gill's part was that she had paid some male students to bully Louise. For Gill, creating the circumstances that allowed her to feel safe in speaking honestly was, perhaps, the most critical element needed to repair the harm between herself and her fellow students.

> ***Duncan:*** *Do you think it was easier or harder, better or worse than if you'd been punished for it?*
> ***Gill:*** *It's definitely easier to say everything because when you're with [the Deputy Head Teacher], he's quite a scary person. I don't know really, no one's gonna say anything to him because you want to get punished for it as little as you can. But [RJ Coordinator] says it's for not for blame so you can just say everything. And when we did the RA, if he hadn't have said that and you knew that you were going to get punished, it wouldn't have got sorted out because everyone wouldn't have said everything that they did. (Gill, pg4)*

Gill's account illustrates that in order to speak truthfully, it was important to feel that she was not going to be persecuted for doing so. It also highlights the need for a truthful meeting

between harmed parties in order to repair relationships. Concurrently, Harvey discussed his fears, prior to the RP in which he took part, that such emotional support would not be provided. He reported feeling that the other parties believed him to be a *"monster and a horrible person" (pg5)* before the restorative panel meeting. He then went on to describe how Liberty's mother, who also attended the meeting, had completely shifted in her attitude towards him following his own personal portrayal of events.

> ***Duncan:*** *What about Liberty's Mum? She was there was she?*
> ***Harvey:*** *Yeah*
> ***Duncan:*** *What was she like with you?*
> ***Harvey:*** *She was really nice to me. After she heard me speak and heard my side and everything she was really nice and she was completely understanding about it which made me happy as well. (Harvey, pg10)*

Although Harvey's is a rather positive account of communicating honestly with other stakeholders, analysis also revealed that this process of engaging in honest dialogue can be a highly emotional and upsetting experience. Of particular note were reports of how hard it could be to listen to other parties imparting their views. However, what also came across strongly was a) the way in which the boundaries were set in meetings so that listening was presented as a necessity, even if it was hard, and b) that in spite of it being hard to listen, YP also perceived the experience to be enriching.

> ***Duncan:*** *So was it a difficult or an easy process then that meeting?*
> ***Millie:*** *In a way, it was difficult because we were all listening to what we'd done to people and also telling people what they'd done to us and like a lot of emotions came out from all three of us and, but at the same time it was easy to speak about it. (Millie, pg2)*

> ***Duncan:*** *OK, do you think it was a positive experience or a negative experience or a bit of both?*
> ***Liberty:*** *Positive.*
> ***Duncan:*** *In what sense?*
> ***Liberty:*** *Just because I got to know [the young person who assaulted me] a little bit... I got to hear his side, you know, rather than just thinking oh you're a horrible person. And the weird thing is that I don't hate him... But he apologised and like, you know, when he did all that he was like really sorry. And I genuinely believe that he is sorry. (Liberty, pg4)*

As with the characterisation of professionals' views presented in paper one, these exchanges can be framed and understood within the social control window model (see Figure 4, paper one) derived from Baumrind's (1991) research into parenting styles. The clear boundary setting reported by YP with regard to listening and speaking when it is your turn (i.e. not interrupting others) is indicative of a *high control* approach. Further, allowing those affected to have a voice with regard to a) what they believe to have happened, and b) how they feel about it indicates a *high support* approach. Taken together, and framed within Baumrind's taxonomy of styles, YPs experiences of RPs are characterised by an authoritative, *'doing together'* approach.

1c: Blaming tendencies reduced

This sub-theme consists of excerpts from interview transcripts documenting the ways in which RJ meetings tend to result in a reduction in the tendency of YP to lay blame at the doorstep of other parties. This perceived reduction in the tendency to lay blame over the course of RPs was invariably associated with a sense of moving towards a resolution and a feeling of relief that the situation was less conflicted.

Louise's account of her school-based RP with Millie and Gill provides a particularly palpable example of the way in which as blaming subsides, a deeper understanding of others' experiences ensues. Although Louise had admitted to being party to the hacking of Millie's Facebook account, there were a number of other lower-level incidents of harmful behaviour that had happened between the three of them over the course of time. By my analysis, it was often these in particular which, through a lessening of the tendency to blame, the RP had enabled a deeper awareness of on Louise's part.

> ***Louise:*** *[The other girls] were blaming me for stuff and I didn't even know what it was... They said I was just blaming Charlotte for it all but me and Charlotte are really good friends so I wouldn't do that.*
> ***Duncan:*** *OK, and was that the case in the beginning and the end or the beginning or the end or.*
> ***Louise:*** *Just the beginning meeting.*
> ***Duncan:*** *And did you feel blame towards the end?*
> ***Louise:*** *No coz we were sort of sorting it our more.*
> ***Duncan:*** *What did you feel towards the end as opposed to blame?*
> ***Louise:*** *A lot more happy because I knew what other people had felt, like Gill and Millie, how they felt when it was going through. And then they knew how I felt when I was going through it. (Louse, pg6)*

In the latter part of this discussion in particular, we see that Louise seems to feel more understood by other participants and perceived that they could sympathise with her plight throughout the dispute. This is coupled with a more sympathetic view of the other YP which, together, appear to have negated the need to persistently blame each other for the situation. Consistent with the characterisation of practitioners' views outlined in paper one, this analysis suggests that when the cloud of excessive blame is removed, a more shared understanding of what actually happened unfolds.

YP's accounts of what happens when blame subsides go even further than this, to include a greater inclination to take positive action (or, at least, stop negative action) in response to the insights that result when the need to blame others disappears. Reports often endorsed the view that RJ meetings led to decreased blame, yet increased responsibility-taking (i.e. the perception of an inverse relationship), contrary to traditional retributive approaches in which blame and responsibility can be seen as largely synonymous with one another (Braithwaite, 2002). Millie points out that whilst all three stakeholders involved in her RJ process, herself included, were blaming each other initially, that subsided and was replaced by a shared understanding that the harmful actions needed to stop.

> ***Duncan:*** *So there wasn't any blame there?*
> ***Millie:*** *No, at the beginning, I was saying like oh it's all Louise's fault and everything like that but like it's none of our fault, it's just happened.*
> ***Duncan:*** *So you were blaming in the beginning but in the end you weren't blaming so much?*

> ***Millie:*** *We weren't blaming at all. We knew that we'd all done something wrong and we had to stop. (Millie, pg8-9)*

The other important facet of this perceived reduction in the tendency to allocate blame was found in reports of the detailed exploration of contextual factors that may have contributed to the emergence of the offence or the conflict in question. A number of excerpts from the data suggest a shift in young people's belief in the value of considering contextual factors – antecedents, situational factors etc – in the process of understanding how best to respond to a harmful incident. Reflecting upon other situations that she felt RA would benefit based upon her own experience of it, Karen endorsed the capacity of such practices to take account of all relevant aspects of a harmful incident.

> ***Duncan:*** *OK, as you kind of reflect on it, can you think of a common theme that runs through situations that RJ could benefit?*
> ***Karen:*** *Blame probably. You know, when two sides blame each other for one thing. Coz you know sometimes when a teacher gives a detention to a student, they're saying that that person's a perpetrator so if they push the other person, they don't think about how the other person could have said something to them before that may have pushed that person. They don't think about how that person could have been emotionally hurt by the other person and that's just how they lashed out and everything. (Karen, pg8)*

Consistent with the characterisation of professionals' views in paper one, this excerpt invokes the merits of working within the principles of responsive regulation (Braithwaite, 2002; Morrison, 2003; 2005). In doing so, responses to harmful incidents are decided *after* the incident, thus allowing more consideration of the relevant context surrounding the incident. When a response is based upon these principles, the emphasis is upon repairing the harm done to those who have been wronged.

This theme confirms, and adds richness to, accounts provided by Daly (1999) in the sense that extracts from my interviews, like Daly's, demonstrate that many YP experience RP processes and outcomes as forms of punishment. It follows from this that RPs should not be placed in

strict opposition with punitive approaches in the ways that many contributors have, at times, tended to (Hopkins, 2004 for example). Clearly there are distinctions to be drawn between restorative and retributive approaches to working with harmful behaviour (see Braithwaite, 2002 for a full discussion of this). However, the notion that the negative or uncomfortable experiences are at the centre of these distinctions is not supported by this analysis. Here, consistent with the characterisation of professionals' views in paper one, YP not only report that RPs facilitate acknowledgement of their own harmful behaviour, but also that the process of acknowledgement can be an uncomfortable one. However, RP is reported to provide a framework for facilitating emotional support, such that YP can be honest without fear of persecution, leading to an increase in responsibility-taking and a decrease in the projection of blame. For this reason and others outlined below, RPs were generally felt to be positive and enriching – though often challenging – experiences.

Theme two: Empowerment

This theme describes how young people who had been involved in RJ-based practices characterised their experiences as ones in which they felt empowered through, and actively involved in, the process. Young people discussed the ways in which being empowered in this way tends to result in greater motivation to engage in the process. Analysis of discussion around this issue resulted in the emergence of two sub-themes. The first was oriented around the manner in which they came to take part in the process, the second around the part they believed themselves to have played in determining outcomes.

2a: Choosing to participate

This sub-theme is constituted by discussions about the ways in which YP felt they were invited to participate in an RP. In all but one case, participants felt that the choice to take part

was entirely their own – they reported feeling neither forced nor coerced. The theme running through most accounts suggested that these were *informed* choices. In a YJ setting for example, Liberty, who had been physically assaulted in a bar, talked about the sensitive way in which the RJ practitioner handling her case invited her to attend and prepared her by informing her about the processes that would take place:

> ***Duncan:*** *And when [the RJ officer] suggested this panel for you, was it something she said she'd like you to do, you'd have to do, you could do if you want? How was it pitched to you?*
> ***Liberty:*** *Yeah, you can do it if you want, if you want to come along then great, if you don't then that's fine. I got a letter and you had to like send back the letter or call to say if you. And then I met [the RJ officer] and then I think it was two weeks before I met [the young offender] here. And then we went over what was going to happen and then I met him about two weeks later. (Liberty, pg2)*

Millie's recollection of the preparation for her school-based RP also indicated how empowered she felt in the process of deciding to take part:

> ***Duncan:*** *Did [the RJ coordinator] ask if it was something you wanted to do or.*
> ***Millie:*** *He said if you don't enjoy it the first time you don't have to do it again but he said do you want to do this and we were all quite willing to do it.*
> ***Duncan:*** *Would you say it was totally your choice then?*
> ***Millie*** *Yeah he said we don't have to do it at all so. (Millie, pg2)*

Conversely, Whilst Louise felt that she was able to choose to participate or opt out of the same school-based RJ meeting that Millie took part in, her response indicated that she did not feel her choice was as informed as it could have been. Discussion indicated that she might have requested a slightly different approach to the meeting, had she been informed of certain specifics beforehand.

> ***Louise:*** *I think it was good in the end but like the first one I think maybe it would have been better if we had kind of been called out before to kind of have it explained what was going to be going on and stuff like that. And I think it would have been better if I had done it with one of them and then the other one instead of both of them together. (Louise, pg5)*

As a youth offender, Harvey was the only interviewee who felt that he did not have a voice in the process of agreeing to participate in the process. Rather, he recollects that the initial decision about whether to take part was not presented as his to make.

> ***Harvey:*** *[Taking part in the RJ panel] was something forced upon me but I am very grateful that they forced it upon me.*
> ***Duncan:*** *So how did it look then when people were telling you you've got to do this restorative stuff?*
> ***Harvey:*** *It was, I thought it was fine because*
> ***Duncan:*** *Who told you, you were going to have to do it and what did they tell you, you were going to have to do?*
> ***Harvey:*** *The magistrate said I would have to participate in the form of a Referral Order. (Harvey, pg2)*

Interestingly, what we see in Harvey's account is that whilst he did not feel in control of the decision to take part in the RP, he still viewed the process as a positive and worthwhile one. As well as the characterisation of Harvey's view provided in theme one, with regard to having an active voice in the RP, this seems to have been due to the ways in which he felt empowered during other parts of the RP (described in the next sub-theme).

2b: Participating in solution development

This sub-theme includes references made by YP to how the most appropriate way forward from RJ interventions was decided by the YP themselves (though often with adult mediation), rather than by adults or other individuals not directly involved in the conflict. At times, these ways forward were referred to as both solutions and as rules, though what they essentially amounted to at all times was an agreement regarding future terms of engagement. Millie provides one account of this:

> ***Duncan****. In terms of the solutions and ways to move forward, who came up with those?*
> ***Millie.*** *With help from [the RJ coordinator], we did. But he kind of led us in the right direction in terms of what to do and between us three we kind of said what we were going to do.*
> ***Duncan.*** *And what kind solutions did you come up with?*
> ***Millie.*** *To not listen to what other people are saying and to not make comments behind other people's backs. (Millie, pg9)*

Millie's description shows how she perceived the process of coming up with solutions as being one that she and the other YP/stakeholders had control over. Simultaneously however, she clearly acknowledges the importance of the mediator here, not only in supporting the process but also in clarifying the ideas once she and the other YP had expressed them.

Concurrently, discussions with a number of other YP suggested that the agreements arrived at in RPs were not really perceived to be rules at all because a) they were not rigid enough and b) they were constructed *by* young people rather than *for* young people. There were several references to how much more of a stake interviewees felt they had in solutions that they had a role in developing, as well as references to how much more likely they were to see the agreements through than rules enforced in a more authoritarian or dictatorial manner.

> ***Karen:*** *I don't think they were necessarily rules because they weren't really as strict as rules, they were things that we could do to improve the situation because you know, RJ is about you, it's not against your will when you do RJ. You're there in the meeting because you want to be so it was just, you know, freedom to do what you wanted and it wasn't really a rule.*
> ***Duncan:*** *So like you were saying before, you have control over it and rather than it being something that is done to you, they're things that you've agreed to. Does that make you feel like doing them more?*
> ***Karen:*** *Yeah, it makes you more motivated to succeed in doing them. (Karen, pg11)*

This provides something of substantial interest in terms of the reduction in recidivism rates resulting from RPs described by a number of contributors (McCold & Watchel, 1998; Luke & Lind, 2002; Calhoun, 2000; and Ierley & Ivker, 2003). That is, when YP feel empowered by, and have ownership over, a process of responding to harm, they experience a greater stake in the outcomes, leading to an increased desire to see them through – to be true to their word, so to speak.

A final point of significant interest within this theme was the sense in which YP described the solutions that were agreed – and the subsequent learning processes – as being directly relevant to the conflict in hand. This was often put in stark contrast with other approaches – detentions at school, community service in the YJ system etc – where the consequences are imposed by authorities and completely divorced from the *naturally occurring consequences* of a harmful behaviour. For a number of these YP, there is no learning value in such consequences in terms of future behaviour. Expressing her views about the RJ panel outcomes for Harvey, who punched her in a bar, Liberty makes this point succinctly:

> ***Liberty:*** *I think it's really beneficial that he's learning something from it and he's not out with like an orange top on and painting walls. Coz I don't think that does any good. I don't think that people learn from that and I don't see that as a punishment, whereas Henry going out and meeting people and hearing stories, I think that's brilliant.*
> ***Duncan:*** *So I don't want to put words in your mouth but are you saying that the consequence is not connected to...*
> ***Liberty:*** *Yeah, it's not connected. Whereas Henry is doing things that are connected so he's learning about what could have happened to me. (Liberty, pg 10-11)*

The characterisation presented here can be effectively framed and understood within Barton's Empowerment Model of Restorative Justice (EMRJ) (Barton, 2000b). By way of a contrast with traditional judicial systems in which trained professionals are the main decision makers in response to crime, Barton's EMRJ characterises RJ as consisting primarily of one central notion – that of *empowerment*. However, Barton suggests that this should not be the kind of *"empowerment where anything goes* (2000b, pg2*)*. Rather, he suggests that it must be *bounded* by society's norms and values and *directed* by the restoration of social harmony and the reparation of harm. The significance of this to the current analysis is discussed in greater depth in section 5. Sufficed to say at this juncture, Millie's report, and others like it, show that whilst YP feel empowered in the decision-making processes in RP, they also value of the mediator and the restorative framework in guiding – or *binding,* in Barton's view these are the processes to appropriate solutions.

Discussion

What follows is an interpretation of the above analysis of YP's views in terms of existing theory and literature and, through this process, I will consider the study's contribution to knowledge. I will then discuss the implications for YJ and educational practitioners and policy-makers. Interpretation is given in the light of three theoretical models which, whilst wholly compatible with the characterisation provided by practitioners in paper one, sheds further light on the mechanisms through which RPs are effective frameworks for responding to harmful behaviour in professional settings with YP.

The Empowerment Model of Restorative Justice

The analysis provided here characterises YP's experiences of RPs as ones in which they felt empowered by, and in control of, the reparation processes and outcomes. This is an aspect of the restorative process that is poorly understood in the empirical literature. Consistent with the present analysis, however, Barton's Empowerment Model of Restorative Justice (EMRJ) (2000a; 2000b) places this issue at the core of the differences between restorative and retributive approaches. The EMRJ holds that there are a number of facets to the direction of the power shift when moving from a retributive to a restorative model of responding to criminal and other offending acts. Two of these are particularly relevant to the current characterisation.

Barton (2000b) makes a distinction between primary stakeholders (victims, offenders, family members etc) and secondary stakeholders (largely professionals charged with some form of involvement in the crime response). In doing so, he suggests that because it tends to be the former group who have been affected by the wrongful act(s), the main focus of the response should be restoring the harm caused to them rather than the harm caused to the state or

institution. Barton argues that for this to happen, the active involvement of those affected is required because only they have the intimate knowledge of how the damage (emotional, mental and physical) can be repaired. All six YP reported that they played (or at the very least, had an opportunity to play) an active role in the processes and outcomes of RPs. Indeed, it was only though a detailed exploration of how the harmful behaviour had impacted upon each young stakeholder that a process of reparation was reported to have happened.

A second distinction made by Barton is between *"deep and surface approaches to problem solving" (2000b, pg 4).* In the former, the focus is on restoring emotional harm and a sense of safety and wellbeing for stakeholders. In the latter, the focus is on tangible outcomes such as monetary settlement and material reparation etc. Barton's proposition is that in contrast to traditional retributive approaches, RJ represents a shift in emphasis toward the former of these focuses. This characterisation is shared with my analysis of YP's experiences, particularly through reports of the kinds of agreements reached in RPs. Agreements described above suggest that harm was repaired primarily by re-establishing emotional wellbeing and by learning to act more respectfully towards each other.

There is an important qualifying point outlined in Barton's EMRJ. That is, the process of empowering primary stakeholders should be *bounded* by the norms, standards and values of the individual's community. However, Barton is not specific about the mechanisms through which this *boundedness* should be established. My analysis adds richness to the EMRJ by showing that YP characterise their empowerment in RPs as being guided – or *bound* – by the sensitive mediation of the RJ practitioner. This position wholly validates the view that RPs should be thought of as mediated learning experiences, as discussed in paper one in relation to Macready's (2008) social learning perspective. Interestingly, however, my data indicates

many YP who have participated in RPs are already quite aware of the need for this in some situations of harm causing and would actively seek out this kind of support, if available.

The current analysis further enriches the EMRJ through reports about how an increased sense of empowerment leads to a decrease in the likelihood harming others in the future. From my review of the literature, this hypothesis has not been well explored thus far. However, on a number of occasions, YP were very clear that if they have a strong stake in agreements, they are likely to stick to them. Not doing so was felt to be equivalent to going back on their word – a view of self that was felt to be worth avoiding as to do otherwise no longer fitted their newly acquired self identity. In light of the reduced recidivism rates resulting from studies of restorative interventions outlined above, the effects of this single factor on recidivism is an important area for future research to address.

Responsive regulation

Consistent with the characterisation of professionals' views provided in paper one, the characterisation of YP's views presented here endorses the benefits of working within a framework of responsive regulation (Braithwaite, 2002; Morrison, 2003; 2005). This was the case both in terms of responding to incidents *after* they have happened (a characteristic not made explicit in the EMRJ) and in terms of placing young stakeholders at the centre of decision-making processes. Much like the characterisation in paper one, responsive regulation provides a framework for understanding the reduced tendencies to blame others because it necessitates professional practices that support YP in taking account of the views of others. This constitutes an approach that is flexible enough to allow sensitive consideration of important contextual factors that might have contributed to the harm caused. Thus, in doing so, the seat of the *problem* is more likely to be located within a YP's actions

and/or in their broader social context, rather than the problem being something fundamental about the actual person. This characterisation is consistent with Braithwaite's RST (1989), which hypothesises that shaming a person's actions, rather than shaming the person, leads to a reduced likelihood of reoffending.

YP's endorsements of this are well documented in the aspect of the analysis regarding reductions in blaming. However, once again consistent with professionals' views, the absence of blame in no way negates taking responsibility for one's actions. To this extent, there is every reason to support the contention that taking responsibility, both in attitude change and in behaviour change, provides YP with a means of reducing cognitive dissonance without the felt need to blame others and deny responsibility. In other words, consistent with Festinger's thesis (1957), these two very different types of strategies were achieving the same ends for YP, but in the authentic need to reduce dissonance, over the course of the RPs, the blame-strategy tended to be replaced by the responsibility-taking-strategy.

The false dichotomy of restorative and punitive approaches

Whilst empowerment and a flexible, sensitive approach to responding to harm were central to the interpretation presented here, consistent with Daly (1999), YP's experiences were not characterised as entirely non-punitive. Daly reported that approximately half of a cohort of YP reported the process of the RP to be a punishment. Whilst YP here did not use the word punishment, it is clear from my analysis that restorative processes are often difficult ones to engage in. In particular, aspects of the process that were reported to be uncomfortable included a) listening to others talk about how the YP's actions had harmed them, and b) becoming aware of one's own painful and afflictive emotions.

In synthesising this aspect of the analysis with reference to the above interpretation, it seems reasonable to conclude that the responsibility of being empowered in the process of repairing harm (albeit with adult mediation) comes at a cost. Part of that cost is found in having to listen to, and take responsibility for, your actions and how they have affected others. In this sense, RPs are often experienced as both emotionally challenging and positive and enriching simultaneously. Critically, however, as is evident in the generally positive views of young people about RP here, this is felt to be a small price to pay given the perceived benefits.

Contribution and significance

Based upon the evidence presented in this paper, young people take a positive view of RPs as they provide them with a sense of empowerment in the process of repairing harm. This sense of empowerment increases their view of their own stake in the outcomes in such a way that they often feel more committed to avoiding similarly harmful behaviours in the future. As such, in response to Morrison's call for causal mechanisms to explain the effectiveness of RJ (2003), the experience of empowerment is posited a potential mechanism for the effectiveness of RPs in reducing recidivism rates.

This analysis, particularly the characterisation presented in theme 1a, also supports the view that YP do not experience punishment and RPs as being mutually exclusive. The process of taking responsibility for one's actions through RPs involves challenging, though enriching interactions with other stakeholders, which can often be experienced as quite uncomfortable by YP. In spite of this, YP unequivocally endorses restorative over retributive approaches in responding to harm due to its empowering approach and its capacity for repairing harm.

These are particularly poignant insights in the current political climate as, around the time of writing, young people had been rioting in a number of towns and cities across the country. In the aftermath of these riots, the question inevitably has arisen as to how society should respond in order to prevent reoccurrences. Whilst the reasons underpinning these riots are still largely unknown, *"there is nothing more dangerous than to build a society with a large segment of people in that society who feel that they have no stake in it; who feel that they have nothing to lose. People who have stake in their society protect that society, but when they don't have it, they unconsciously want to destroy it." (Martin Luther King Jnr,)*

Many of those arrested over the days that followed were YP, some of whom were of primary school age or barely out of primary school. There has been much focus and commentary in the media on how education may be both to blame and important in preventing such incidents reoccurring. The analysis that I present in this study suggests schools would be providing the most effective service to their YP, and to society more broadly, if they were to adopt a flexible approach to working with harmful behaviour that puts the learning needs of the YP, with regard to the development of social responsibility, at the centre of their concern. Further, this analysis suggests that invariably these learning needs will be best met by adopting frameworks, such as RPs, that encourage a culture of honest dialogue between YP and by allowing YP to feel empowered within these frameworks, such that their perceived stake in the situation increases.

References

Barton, C. (2000a). Theories of Restorative Justice. *Australian Journal of Applied Ethics, 2 (1), 41 – 53.*

Barton, C. (2000b). Restorative Justice Empowerment. *Australian Journal of Applied Ethics, 2 (2), 1 – 22.*

Baumrind, D (1991). Effective Parenting During Early Adolescent Transitions. In Cowan, P & Hetherington, M (Eds.) *Family Transitions, pp. 111-165.* New Jersey, Lawrence Erlbaum.

Braithwaite, J. (1989). *Crime, Shame and Reintegration*. Cambridge: Cambridge University Press.

Braithwaite, J. (2002). *Restorative Justice and Responsive Regulation*. New York: Oxford University Press.

Braun, J, & Clarke, J. (2006). Using Thematic Analysis in Psychology. *Qualitative Research in Psychology, 3, 77 – 101.*

Burrell, G. & Morgan, G. (1979). *Sociological Paradigms and Organisational Analysis*. Heinemann.

Calhoun, A. (2000). *Calgary Community Conferencing: A Year in Review*. Retrieved from http://www.calgarycommunityconferencing.com/r_and_e/september_report.html on 10.02.2010.

Cameron, J. & Thorsborne, M. (1999). *Restorative Justice and School Discipline: Mutually Exclusive?* Paper presented to The Reshaping Australian Institutions Conference "Restorative Justice and Civil Society", Australian National University, Canberra.

Campbell, C, Devlin, R & O'Mahony (2005). *Evaluation of the Northern Ireland Youth Conferencing Service.* Northern Ireland Office, Statistics and Research Branch.

Crotty, M. (1998). *The Foundations of Social Research: Meaning and Perspective in the Research Process.* London: Sage Publications.

Daly, K. (1999). *Restorative Justice and Punishment: The Views of Young People*. Paper presented to The American Society of Criminology Annual Meeting, Toronto.

Department for Education (2011). *Behaviour and Discipline in Schools: A guide for Head Teachers and School Staff.* Retrieved from https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00058-2011 on 17.07.2011.

Festinger, L. (1957). *A theory of cognitive dissonance*. Stanford, CA: Stanford University Press.

Garner, P & Spears, F (2000). Emotion regulation in low-income preschoolers. *Social Development, 9,246-264*

Glaser, B & Strauss, A. (1967). *Discovery of Grounded Theory*. Strategies for Qualitative Research. Sociology Press

Griffiths, M. (1999). *The Implementation of Group Conferencing in Juvenile Justice in Victoria*. Paper presented at the Restoration for Victims of Crime Conference convened by the Australian Institute of Criminology in Conjunction with Victims Referral and Assistance Service and held in Melbourne.

Hayes, H. & Daly, K. (2003). Youth Justice Conferencing and Reoffending. *Justice Quarterly, 20 (4) 725 – 757.*

Hopkins, B (2004). *Just Schools, A Whole School Approach to Restorative Justice*. Jessica Kingsley Publishers London and Philadelphia.

Ierley, A. & Ivker, C. (2003). *Restoring School Communities: A Report on the Colorado Restorative Justice in Schools Programme*. VOMA Connections, Research and Practice. Winter 2003.

Kane, J., Lloyd, G., McCluskey, S. R., Stead, J., Weedon, E., Maguire, R. & Hendry R. (2006). *Restorative Practices in Three Scottish Councils – Final Report on the Evaluation of the first two years of the Pilot Projects 2004 – 2006*. University of Glasgow.

Lincoln, Y. & Guba, E.G. (2003). Ethics: the failure of positivist science. In Y. Lincoln & N. Denzin (Eds.), *Turning points in qualitative research: tying knots in a handkerchief, pp. 219-238.* Walnut Creek, CA: AltaMira Press.

Lind, E. & Tyler, T. (1988*). The social psychology of procedural justice*. New York: Plenum Press.

Luke, G. & Lind, B. (2002*). Reducing Juvenile Crime: Conferencing versus Court*. Crime and Justice Bulletin, NSW Bureau of Crime Statistics and Research, 69.

Macready, T (2009). Learning Social Responsibility in Schools: A Restorative Practice. *Educational Psychology in Practice, 25, (3), 211 – 220.*

Massarik, F (1981). The Interviewing Process Re-Examined. In Reason, P & Rowan, J (Eds.) *Human Enquiry: A Sourcebook of New Paradigm Research (4th Ed), pp.201-206.* New York, John Wiley & Sons.

McCold, P. & Wachtel, B. (1998). *Restorative Policing Experiment – The Bethlehem Pennsylvania Police Family Group Conferencing Project.* Community Service Foundation Pipersville, PA.

Ministry of Justice (2010). *Reoffending of Adults: Results from the 2008 Cohort.* Ministry of Justice Statistics Bulletin. Retrieved from http://www.justice.gov.uk/publications/docs/reoffending-adults-2008-cohort.pdf on 13.03.2011

Morrison, B. (2002). *Bullying & Victimisation in Schools; A Restorative Justice Approach.* Trends & Issues in Crime and Criminal Justice. February 2002.

Morrison, B. (2003). Regulating Safe School Communities: Being Responsive & Restorative. *Journal of Educational Administration. 41 (6) 690 – 704.*

Morrison, B. (2005*). Restorative justice in Schools: International Perspectives.* Persistently Safe Schools 2005: The National Conference of the Hamilton Fish Institute on School and Community Violence.

Miers, D., Maguire, M., Goldie, S., Sharpe, K., Hale, C., Netten, A., Uglow, S., Doolin, K., Hallam, A., Enterkin, J. & Newburn T. (2001). *An Exploratory Evaluation of Restorative Justice Schemes.* Crime Reductions Research Series Paper 9.

Mutter, R., Shemmings, D., Dumore, P. & Hyare, M. (2008). *Family Group Conferences in Youth Justice. Health and Social Care in the Community*. Blackwell Publishing Ltd.

Patton, M. (1990). *Qualitative Evaluation and Research Methods* (2nd ed). Sage Publications.

Poulson, B. (2003). *A Third Voice: A Review of Empirical Research on the Psychological Outcomes of Restorative Justice.* Retrieved from http://privateweb.law.utah.edu/_webfiles/academic/journals/utahlawreview/2003_1/07Poulson.pdf on 05.09.2010.

Retzinger, S. & Scheff, T. (1996). *Strategy for Community Conferences: Emotions and Social Bonds.* In B. Galaway and J. Hudson (Eds). Restorative Justice: International Perspectives. Monsey, NY: Criminal Justice Press. 315 – 336.

Riestenberg, N. (2002). *Restorative Measures in Schools: Alternatives to Suspensions In-School Behaviour Intervention Grants.* Persistently Safe Schools: The National Conference of the Hamilton Fish Institute on School and Community Violence.

Shaw, G. & Wierenga, A. (2002*). Restorative Practices / Community Conferencing Pilot*. The University of Melbourne, Australia.

Sherman, L. (1993). Defiance, Deterrence and Irrelevance. *Journal of Research in Crime and Delinquency, 30, 445–473.*

Sherman, L. & Strang, H. (2007). *Restorative Justice – The Evidence*. The Smith Institute.

Skinns, L., Du Rose, N. & Hough, M. (2009). *An Evaluation of Bristol RAiS*. ICPR, King's College London.

Thorsborne, M. (1996). *Community Accountability Conferencing*. Paper presented at the Annual Meeting of the Queensland Guidance and Counselling Association. September 1996.

Tyler, T. (1990). *Why people obey the law: Procedural justice, legitimacy, and compliance.* New Haven, CT : Yale University Press.

Vignaendra, S. & Fitzgerald, J. (2006). *Reoffending among young people cautioned by police or who participated in a youth justice conference.* Crime and Justice Bulletin, NSW Bureau of Crime Statistics and Research. 103.

Vygotsky, L. (1986). *Thought and Language*. Cambridge, MA:[MIT Press.

Walker, L. (2002). *Conferencing: A New Approach for Juvenile Justice in Honolulu.* Restorative Practices E. November 5.

Wachtel, T. (2003). Restorative justice in everyday life: Beyond the formal ritual. *Reclaiming Children and Youth, 12 (2), 83-87.*

Wood, D., Bruuner, J. & Ross, G. (1976). The Role of tutoring in Problem-Solving. *Journal of Child Psychology and Psychiatry, 17, 89 – 100.*

Youth Justice Board of England and Wales (2004). *National Evaluation of the Restorative Justice Schools Programme.* Retrieved from www.youth-justice-board.gov.uk on 09.12.2009.

Appendices

Appendix 1: Interview schedule (paper 1)

1. What, if any, changes have you noticed in how young people value relationships through the use of RA? Can you give examples?

2. What, if any, changes have you noticed in young people's ability to cope with delays in gaining access to things that they want through the use of RA? Can you give examples?

3. What, if any, changes have you noticed in young people's motivation to avoid breaking rules (i.e. harming each other) through the use of RA? Can you give examples?

4. What, if any, changes have you noticed in young people's desire to be seen by others as *a good person* through the use of RA? Can you give examples?

5. What, if any, changes have you noticed in how young people think about and question rules/laws/regulations through the use of RA? Can you give examples?

6. What, if any, changes have you noticed in how young people think about what constitutes an acceptable breaking of a rule/law? Can you give examples?

7. What, if any, changes have you noticed in young people's understandings of why rules/laws exist and why they can vary across contexts? Can you think of any examples?

Appendix 2: Interview prompts (paper 1)

Question	Prompt label	Prompt
1	A	Children being more thoughtful?
	B	Young people treating staff and adults better?
2	A	More patience and impulse control?
	B	Delayed rewards and gratification.
	C	Needing less praise/reward from adults in order for them to be kind to others.
3	A	Are they motivated by avoiding punishment prior to/after exposure to RA?
	B	Does any developing awareness of how actions can hurt people motivate this?
	C	Noticed any changes in how young people react when they hurt someone/broken rules etc?
4	A	Noticed a change in how much importance young people place on others perceptions of them?
	B	Noticed a change in awareness of the views of others?
	C	Noticed changes in behaviour that more of a community-based attitude?
5	A	Do young people question rules more or less?
	B	Is there a change in the style in which rules are challenged?
	C	Is there a change in the sense in which young people see rules as absolutes or social constructs?
6	A	Have you notice any change in law/rule breaking motivated by self-interest?
	B	Have you noticed young people defending or not condoning others' breaking of laws?
	C	Seen any examples of young people breaking rules that they valued to help others?
7	A	Less saying things like "well, we're allowed to do X when we're at Y so why not here?"
	B	Changes in how YPs, through thoughts or action, put others before sticking to/breaking rules?
	C	Changes in how young people feel question the value of certain rules and how they go about that?

Appendix 3: Coding examples (paper 1)

And that's very much, as far as I'm concerned, the power of restorative intervention, in terms of if a YP truly hears and understands and accepts the impact of what they did to someone else, it is quite hard not to revisit that in another similar context. Again, the similar context being the key because they might go and do something which is completely different, which is still not socially acceptable and then not make that link because they've not had the experience of understanding why you don't do that either. But I definitely think that, and again I wish we did more to measure it and to prove it but I definitely think that a YP who has been through that restorative process would find it much harder in a future situation in the same way to do the same thing again without at least thinking about who that might affect and how that person might be affected. (L21)	**Generalising knowledge gained in RA into different contexts. (L21)** **Challenging justifications for offending. (L21)**
Well I mean I can talk to you about individual case because I think that it's, it's huge, the benefits, because it doesn't allow them to disengage. You know, if it's punitive they can take their punishment, they can either just accept the punishment or feel want retribution or feel vengeful. But with RA they feel that they're listened to. (J1)	**Remaining engaged. (J1)** **Feeling listened to. (J1)**

Appendix 4: Participant information sheet (paper 1)

Restorative Justice research project.

Information sheet.

My name is Duncan Gillard and I work at Braunton Community College as an educational consultant. As part of my doctoral studies, I am carrying out some research into the use of restorative approaches with children and young people.

Restorative justice approaches, when used in schools and youth offending teams, can mean many things. One part of restorative practice relates to how members of the community (professionals and young people) manage conflict. Usually, when a young person is involved in a conflict, restorative approaches will offer the opportunity for those directly involved to figure out what needs to happen in order to repair the harm caused and minimise the chances of similar things happening again. This usually involves a meeting between involved parties and this meeting is facilitated by a restorative practitioner who acts as a mediator to ensure that everyone's needs are met as effectively as possible.

As an experienced restorative practitioner, if you were happy for me to do so, I would like to interview you about your views on your professional practice. This would involve an interview lasting about one hour, in which I would ask you a series of questions about your views of your practices and the effects you feel they tend to have upon young people.

I would be happy to meet with you at a time and place of your convenience in order to do this.

If you are happy for this to take place, please could you sign the consent form provided and return it to me as soon as possible, either electronically or via the address provided, so that I can contact you to arrange a date, time and place for interview. If you have any further questions, please do not hesitate to contact me via the email address or mobile number detailed below.

With many thanks,

Duncan Gillard
t: 07748677331
e: duncan.gillard@devon.gov.uk

Appendix 5: Participant consent form (paper 1)

Restorative justice research.

Consent form.

Having read the research project information sheet, I consent to taking part in a short interview with Duncan Gillard as part of his Exeter University-based research project into the use of restorative approaches in schools. I understand that my name will remain completely anonymous for the purposes of the research project.

Signed:

……

Name:

……

Date:

…….

Appendix 6: Interview schedule (paper 2)

Research Interviews with Young People

Thanks very much for coming. Appreciate you coming out of lessons/taking the time.
Start by asking how they're doing and some general questions their day and what they've been doing.
Points for exploration:

1) The circumstance under which the RA came about.
2) The manner in which they came to agree to take part.
3) How the interviewee felt during the meeting and during any preparatory meetings.
4) What the relationships were like with other participants before/during/after the RA.
5) Whether there was any change in the sense of one's place in the school/community/town/ village over the course of the RA.
6) Whether there was any change in how the interviewee thought about the incident(s) over the course of the RA.
7) Did the interviewee have to contribute towards coming up with the solutions and, if so, what was that like.
8) Whether the interviewee feels they have learned anything from the RA.

General prompts:

- Tell me more about this.
- Can you give me an example of this?
- Was this usually the case or was this a different to other situations?
- What was this like?

Prompts relating to specific areas for exploration:

1) What happened? Who was involved? How far back did the issues go? What was your part in it all?
2) Who offered to do an RA/RJ with you? How did they offer? Did you feel pressured into it or did you have other options too? If the latter, how come you chose RJ?
3) Was the meeting difficult or easy? Did you feel well supported or not well supported? Was it a positive or a negative experience or both? Were you able to have your say? Were others able to have theirs? Did you feel blamed at all?
4) Offender/harmer relationship (pre-during-post)? Victim/harmed relationship (pre-during-post)? Relationships with others who attended (pre-during-post)? Relationship with mediator (pre-during-post)?
5) Any change in how you thought about your responsibility to the broader community? Any change in how you thought about your actions and how they affect others? Any situations since then where you think you have acted differently at all because of what you've learned from doing the RA?
6) How did you feel/think about it before the RA? How did you feel/think about it after the RA? How do you feel about it all now?
7) What did you agree at the end of the meeting? How was this agreed? Written contract? What was it like to come up with the solutions yourself? Did it feel different to being told what you have to do to sort it out?
8) About how to manage similar situations? About relationships? About rules?

Appendix 7: Information sheet (paper 2)

Restorative Justice research project.

Information sheet.

My name is Duncan Gillard and I work at Braunton Community College as an educational consultant. As part of my doctoral studies, I am carrying out some research into the use of restorative approaches in schools.

Restorative justice practices take many forms. One part of restorative practice relates to how members of the professional community manage conflict. Usually, when a young person is involved in a conflict, restorative approaches will offer the opportunity for those directly involved to figure out what needs to happen in order to repair the harm caused and minimise the chances of similar things happening again. This usually involves a meeting between involved parties and this meeting is facilitated by a restorative practitioner who acts as a mediator to ensure that everyone's needs are met as effectively as possible.

If you were happy for me to do so, and with their permission as well, I would really like the chance to meet with your son or daughter for a short conversation about their experiences of being involved in a restorative meeting. If you were happy for this to go ahead, I would meet with your child for about 30 minutes and informally ask approximately six questions about specific elements of their experience of restorative meetings. Whilst I work on a one-to-one basis with young people in the school regularly, if you and/or your child felt more comfortable, I would be happy to ensure that a time/day during which [a staff member at the school/YOT] could be available to sit in on the meeting.

If you are happy for this to take place, please could you sign the consent form provided and return it to [RJ coordinator] as soon as possible. If you have any further questions, please do not hesitate to contact me via the email address or mobile number detailed below.

With many thanks,

Duncan Gillard
t: 07748677331
e: duncan.gillard@devon.gov.uk

Appendix 8: Parent consent form (paper 2)

Restorative justice research.

Consent form.

Having read the research project information sheet, I consent to my son/daughter (delete as applicable) taking part in a short interview with Duncan Gillard as part of his Exeter University-based research project into the use of restorative approaches in schools. I understand that my son's/daughter's (delete as applicable) name will remain completely anonymous for the purposes of the research project.

Signed:

……

Name:

……

Mother/Father (delete as applicable) of:

……..

Date:

…….

Appendix 9: Initial literature review

Restorative Justice in Schools and the Plausibility of a Moral Psychological Theory of its Effectiveness – A Literature Review.

Student I.D Number: 580030233

Introduction

In 2004, the Youth Justice Board of England and Wales published a national evaluation of restorative justice in schools (Youth Justice Board, 2004). The report, documenting a study spanning a three year period and involving nine Youth Offending Teams (YOTs) working in 26 schools, indicated a number of positive outcomes. These outcomes included significant reductions in pupil reports of being hit or kicked, being verbally threatened, being called racist names and feeling isolated. Pupils also felt that their schools were doing a better job of stopping bullying and that bullying was less of a problem now than it was prior to the implementation of a restorative approach (RA) to managing conflict. In addition, a number of improvements in staff attitudes were noted, including more positive views of children's behaviour, reductions in the view that exclusion is the best way to deal with behaviour problems and reports of less teaching time lost through managing behaviour. In spite of these promising findings, theoretical explanations of why RA might be a more effective means of working with conflict in schools than non-restorative approaches are scarce. Further, accounts that currently exist in the literature are somewhat divided.

In the present literature review, I begin with an exploration of some of the definitions of restorative justice currently used, including a brief look at how contributors suggest RA might look in practice. I then move on to critically explore some of the theoretical positions that various authors have posited to date in terms of why RA can be a powerful approach to bringing about positive change in schools. Some of these I will explore in greater depth than others, due to the fact that whilst they appear to be plausible, they have received little or no empirical support to date.

Due to the nature of a number these theoretical positions, my focus will then turn to the literature concerning moral psychology. Whilst a number of moral psychological approaches will be touched upon here, a critical exploration of Kohlberg's stage-based, moral-cognitive

approach (1958, 1969, 1976, 1981, 1984) will form the core of this section of this section of review.

In the final section of the review, I will outline the current gaps in the literature that the proposed research intends to fill and present my argument for why the filling of these gaps are an important focus for educational research. In this section, I will also present an argument for the employment of specific research methods and methodologies to meet the challenge in hand.

What is restorative justice?

Whilst the literature documenting the use of RA in schools is relatively embryonic, the use of RA in the justice system has been far more widely documented. The Restorative Justice Consortium (RJC) suggests that:

> *"Restorative justice works to resolve conflict and repair harm. It encourages those who have caused harm to acknowledge the impact of what they have done and gives them an opportunity to make reparation. It offers those who have suffered harm the opportunity to have their harm or loss acknowledged and amends made. (RJC, 2006, p1).*

Leibmann, among the most influential of contemporary western contributors to the restorative literature, opts for a similar, though somewhat simplified, definition:

> *"Restorative justice aims to restore the well-being of victims, offenders and communities damaged by crime, and to prevent further offending. (Leibmann, 2007, p25).*

Braithewaite (1989) proposes that RA necessarily involves a practice that leads to the restoration of victims, of offenders and of the communities of which they are a part in the context of a justice system that is more victim-centred. This process of restoration, according to Braithewaite, varies according to the nature of the incident and the circumstances in which the incident was embedded. As such, restoration can be anything from repairing a broken window, paying for dental treatment needed as a result of a physical conflict or somehow restoring a sense of security and/or dignity on the part of key stakeholders.

In summarising RA as an approach that puts to right a given wrongdoing, Zehr (1990) suggests that it can be thought of as a series of *threes.* These are:

- Assumptions underlying RA:

1. Needs are created when individuals and/or relationships are harmed.
2. These needs lead to certain obligations.
3. The nature of the obligation is to heal, or put right the harm done.

- Principles of RA that reflect the three aforementioned assumptions:
  1. A just response acknowledges and puts right the harm caused by wrongdoing.
  2. A just response means taking appropriate responsibility for repairing the harm.
  3. A just response seeks to include all those affected by the wrongdoing in the reparation process.

- Underlying values:
  1. Respect.
  2. Responsibility.
  3. Relationships.

- Questions fundamental to RA:
  1. Who has been hurt?
  2. What are their needs?
  3. Who has the obligation to address the needs that have resulted from a wrongdoing?

For Zehr, then:

> *"Crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender and the community in a search for solutions which promote repair, reconciliation and reassurance" ((1990, p181).*

Arguably the most influential author contributing both to the school-based literature and to school's practice of RA in the United Kingdom is Belinda Hopkins. Hopkins (2004) adopts a highly pragmatic approach to RA, defining it in terms of the questions to which one would seek answers if one were to adopt a restorative approach to working with offending behaviour. Specifically, Hopkins suggests that RA seeks answers to the following four questions:

- *What Happened?*

- *Who has been affected and how?*
- *How can we put right the harm?*
- *What have we all learned so as to make different choices next time? (Hopkins, 2004, p29).*

This is contrasted with more traditional approaches to working with offending behaviour, which, according to Hopkins, seek answers to questions such as:

- *What happened?*
- *Who is to blame?*
- *What is the appropriate punishment? (Hopkins, 2004, p30).*

Restorative justice: theoretical explanations

Theoretical explanations as to why, and under what circumstances, RA is effective tend not to be specific to the school environment or to young people. Rather, explanations are of a more general order and have taken a number of forms. Barton (2000) discusses three moral-psychological theories of RA:

1. *Reversal of moral disengagement.* Drawing upon Bandura's (1991) notion of 'mechanisms of disengagement', the suggestions here is that, at the time of an offence, individuals involved were morally disengaged. As such, the restorative process is one of moral re-engagement. An example of moral re-engagement would be a process in which an offender is made aware of the harm and disruption that their actions have caused, such that their mechanisms of disengagement (in Bandura's terms) are challenged and reversed.
2. *Social and moral development.* According to this thesis, morality plays an important role in peaceful coexistence and social harmony. Individuals whose moral development is poor are likely to face societal alienation and disapproval as they are a source of danger and misery to others. Restorative mediations and conferences, when run well, facilitate moral development as they offer a clear explanation as to why an offence will not be tolerated. Further, they offer the offender clear opportunities to be welcomed back into the group, with clear expectations about the social bonds that define what is acceptable and what is not acceptable.
3. *Emotional and moral psychological healing.* Here, Barton quotes the work of Retzinger and Scheff (1996) and their distinction between material and symbolic

reparation in RA. They refer to symbolic reparation – respect, remorse and forgiveness, for example – as the keys to a successful restorative process.

Whilst Barton cites a limited number of empirical studies in support of these theoretical positions, each remains to be systematically, empirically tested.

Not entirely unlike Barton's second proposal, Macready (2009) suggests that the success of RA can be seen as the result of an increase in opportunities for learning social responsibility. To understand the underlying mechanisms of a restorative community, Macready compares an individualist framework, in which the self is seen as primary, to a Vygotskian framework, in which society is primary and people develop through social action. Macready (2009) argues that when a practice is viewed from an individualist perspective, the motivating factor behind the practice will be some form of (social or other) advantage for the individual. When viewed from a Vygotskian perspective, however, practices such as RA are not about conferring advantages on given individuals. Rather, they are essentially a practice of setting up a learning environment in such a way that members of a community are given authentic opportunities to learn

> *"how to resolve conflict, build understanding, increase mutual respect, demonstrate acceptance of difference, experience a commitment to fairness and equitable process and maintain personal responsibility and accountability for actions. (Macready, 2009, p215)*

Macready thinks of setting up a restorative community as essentially the same as setting up a learning environment: the aim is to ensure that members of the community can remain within their zone of proximal development (in Vygotsky's terms) in order to develop the authentic learning of social responsibility. Indicators that such a learning community is established, according to Macready (2009), include:

- An emphasis on respect for the other.
- An emphasis on dialogue and fair process.
- An emphasis on structure and support.
- A relational perspective on behaviour.

A further theory that has been put forward is found in Braithwaite's (1989) seminal work, *Crime, Shame and Reintegration*, in which he posits his Reintegrative Shaming Theory (RST). Reintegrative shaming is contrasted with stigmatising shaming in that, in the case of the former, it is the act that is shamed rather than the person who acted whereas, in the case of the latter, it is the person who acted that is shamed. According to Braithwaite, whilst RA

does not condone the act of an offence, it does not stigmatise the one who acted. Thus the offender is presented with clear opportunities to continue being a part of the community without the unmovable weight of shame on his or her shoulders because the shame is associated with a previous action, not with the offender, as a person, over time. As such, RST makes three primary claims:

1. The presence of reintegrative shaming reduces the likelihood of future crime.
2. Tolerance of crime increases the likelihood of such acts in the future.
3. The presence of stigmatising shame increases the likelihood of crime in the future.

Braithwaite (2002), in line with Barton's (2000) exposition, argues for the importance of opportunities for the development of moral reasoning skills in the prevention of crime. This argument is posited based on the evidence that both passive and authoritarian parenting produces more (in his terms) *delinquents* than parenting styles that approach wrongdoing with clear and consistent moral reasoning (Braithwaite, 1989).

The most compelling evidence in support of RST comes from a study of the quality of care provision in nursing homes, pre and post inspection (Makkai & Braithwaite, 1994). This study compares relative improvements in the provision of care after visits from inspectors of three differing styles:

1. Inspectors with a high level of disapproval of poor care practice and a high emphasis on reintegration of those workers who demonstrated poor care practices (i.e. those using reintegrative shaming).
2. Inspectors with a high level of disapproval of poor care practice and a low emphasis on reintegration of those workers who demonstrated poor care practices (i.e. those using stigmatising shame).
3. Inspectors with a low level of disapproval of poor care practice and a high emphasis on reintegration of those workers who demonstrated poor care practices (i.e. those using high levels of tolerance).

The findings indicated that whilst in the first group significant improvements in compliance were noted two years later, nursing homes visited by inspectors in the second and third groups saw significant reductions in staff compliance to care practice standards.

The most apparent shortcoming of RST is that, as an emotion, *shame* itself is left somewhat undertheorised. Acknowledging this, Braithwaite (2002) cites the work of Nathanson (1992) and his notion of a Compass of Shame as an important and complementary addition to RST. Nathanson's position is that there are four potentially dysfunctional coping strategies for the painful experience of shame: self-attack; attacking another; withdrawal and denial. However, it is not the experience of shame, suggests Nathanson, that leads to problematic outcomes, but rather the means of coping with it. Braithwaite argues that RA offers means of coping with shame by offering a safe environment in which to publically acknowledge it, as opposed to situations in which there is a perceived need to cope with shame through one of the four aforementioned unacknowledging ways.

There are a small number of other theories present in the literature, most of which have, to some degree, drawn upon or extended one or more of the aforementioned theoretical positions. Due to the direction of the proposed research project (see below), it is not my intention to examine these in any great depth. Rather, I will just touch upon them to ensure that the reader is aware of their existence. Procedural Justice Theory (PJT, Lind & Tyler, 1988) is an extension of RST that emphasises the importance of perceived fairness on the part of key stakeholders in response to a crime or offense. According to PJT, RA is perceived to be a fairer process than criminal justice processes because the discourse is controlled by the key stakeholders rather than by court officials. As such, the discourse is one of *maximum support* rather than *maximum damage* to the other party.

Sherman's (1993) Defiance Theory (DT) makes three propositions in support of the effectiveness of RA over criminal justice processes. The first relates to the conditions under which *defiance* of rules/laws would be present, the second to conditions under which *deterrence* of rule/law breaking would be present (essentially the opposite of the *defiance* conditions) and the third to the importance of the *relevance* of sanctions to the breaking of a rule/law. According to DT, future deterrence is more likely if:

1. Offenders experience sanctioning as legitimate.
2. Offenders indentify strongly with the community issuing the sanction.
3. Offenders accept their shame whilst not becoming isolated from the community.

Whilst the evidence to date supports these three claims (see Sherman, 1993), a systematic test of the theory is yet to be undertaken.

Studies supporting the effectiveness of restorative approaches in schools.

The search for empirical data in support of the effectiveness of RA in schools is still somewhat embryonic in the UK. Most promising findings, thus far, have come from research in Australia. The Queensland Department of Education (1996), in a study involving 119 schools across the state, reported a number of positive outcomes as a result of using RA in response to assaults and serious victimisation. These included:

- Increased participant satisfaction.
- Low incidences of reoffending.
- Increased feelings of safety in victims after restorative conferences.
- High compliance rates with restorative contracts on the part of offenders.

In spite of these extremely positive findings, a number of issues were raised about barriers to RA implementation by staff in the same schools, including:

- RA was often not considered an appropriate response to the incident.
- Concerns about the attitude of the offenders.
- No guarantee was present in terms of the outcome.
- RA was not given consideration at the time of the offense.

In a further study, Cameron and Thorsbourne (2001) report highly successful RA, school-based interventions for acts of physical harm and bullying. They note, however, the tensions present between two philosophical systems and practices when RA is used alongside traditional, punitive approaches. As such, Cameron and Thorsbourne (2001) advocate for a restorative philosophy throughout all aspects of school discipline, as opposed to using the approach as a sort of complimentary add-on.

In a later paper, Blood and Thorsbourne (2005) argue that, whilst the effectiveness of restorative conferences in dealing with serious incidents in schools is no longer in question, this practice alone is not sufficient to bring about whole-school culture change in the direction of a restorative philosophy. As such, these authors argue in favour of

> *"a continuum of practices to include the relational building activities that need to precede and compliment these practices" (Blood & Thorsbourne, 2005, p2).*

This proposed continuum of practices – a notion taken from Watchel (1999) – includes not only reactive strategies, such as conferencing and mediation, but also proactive (or preventative) ones, such as activities that help to build social and emotional skills and empathy.

Whilst recommendations such as these seem entirely sound, UK-based research, although supporting Watchel's propositions, adds a voice of caution. That is, such an undertaking is by no means an overnight project. A school's journey from what might be thought of as non-restorative, to what might be thought of as restorative, is a slow and gradual process and would appear to take a number of years. This view comes from a report published by the Youth Justice Board of England and Wales (2004). The report documents a study comparing three groups of schools across a range of indicators of conflicts, challenging behaviours and pupil and staff attitudes. The schools were grouped as:

1. Non-restorative schools.
2. Schools that had been implementing RA for about one year.
3. Schools that had been implementing RA for two to three years.

Whilst there appeared to be change across most measures in a positive direction as a result of RA, none of the changes were statistically significant when comparing groups one and two (i.e. non-restorative schools versus schools implementing for one year). Encouragingly, however, improvements were generally stronger when comparing schools from groups one and three (non-restorative schools versus schools implementing for two to three years). Findings indicated statistically significant reductions in racist name calling in schools implementing RA for two to three years when compared with non-restorative schools. Further, in comparing groups one and three, there was a significant increase in the percentage of pupils who thought that their school was doing a good job of bullying and a significant reduction in the number of pupils who thought that bullying was a serious problem. Added to this, reports of verbal threats in group three schools had significantly decreased compared with group one schools.

In a paper presented to the American Society of Criminology, Daly (1999) reports the findings from interviews with nearly 200 young offenders and victims who had been involved in a restorative conference as the result of an offence. Interestingly, whilst 66% of Daly's cohort felt that the outcome was a form of punishment, only 8% felt that those consequences were unfair. This suggests that approaches to working with conflict that are

termed *restorative* and approaches that are termed *punitive* cannot be thought of as mutually exclusive. Rather, Daly's findings lead her to contrast restorative and retributive approaches through three distinctions, outlined in table one; below.

Table 1: Daly's 3-dimensions distinguishing between RA and retributive approaches.

	Restorative	**Retributive**
Dimension 1	Emphasis is on repairing the harm caused	Emphasis is on punishment
Dimension 2	Emphasis is on dialogue and negotiation	Emphasis is on adversarial relations
Dimension 3	Community members take an active role in the reparation process	Community is represented by the state.

As Daly's findings indicate, whilst the emphasis in RA is on repairing harm, this process of reparation can, and usually is, still experienced as a punishment. Importantly though, in the vast majority of cases, it would appear to be thought of as a *fair* punishment on the part of both victim and offender. Further, where punishment seems to be the central issue in retributive approaches, in RA it is demoted to the status of a kind of epiphenomenon that will usually be present, but only as a result of the presence of the central issue of harm reparation.

A further relevant study, whilst not conducted in schools that would called themselves restorative by name, is found in Masters' (1998) study of reintegrative shaming in Japanese educational settings. Masters notes strong elements of practice consistently aligned with Zehr's (1990) restorative notions of obligations and accountabilities in working with conflict. In particular, Masters documented observations of practices such as high levels of contact and dialogue with affected parties, regular and consistent contact between affected pupils and their teachers, emphasis on apology and putting to right a given wrongdoing and a strong emphasis on *not giving up* on offending young people. Masters points out that, in the Japanese schools in his study, fixed-term and permanent exclusions were thought of as the least effective way forward because the goal resulting from an offence is to restore the harm done to the community. Exclusions, conversely, represent a division, or a breaking up of, the community.

Approaches to understanding moral development.

Broadly speaking, there three psychological approaches to understanding moral development, each placing emphasis on different aspects of morality: the moral cognitive approach (Colby & Kohlberg, 1987; Colby, Kohlberg, Gibbs, & Lieberman, 1983; Kohlberg, 1958, 1969, 1976, 1981, 1984); the behavioural, or social learning approach (Bandura, 1969, 1991); and approaches that take a more affective or care-based stance (Gilligan, 1982; Haidt, 2001). Below I will outline Kohlberg's moral cognitive approach and illustrate the main angles from which it has been critiqued, including critiques from both social learning and intuitionist approaches.

Kohlberg's moral cognitive approach – an outline of the model.

In line with Piagetian Constructivism, the Kohlbergian view is that the development of moral reasoning occurs in stages. Kohlberg outlined six such stages (Colby & Kohlberg, 1987). The first two, known collectively as the pre-conventional stages, are *heteronomy* and *exchange*. Initially, at the stage of *heteronomy*, it is the physical consequences and the voice of authorities, such as parents and teachers, which differentiate right and wrong. The stage of *exchange* then marks the beginnings of cooperation in moral development. This, however, is only the sort of cooperation where the immediate needs and wants of a child are met with relative immediacy. Kohlberg (1976) considered that typically developing children under the age of ten years predominantly functioned at pre-conventional levels.

The third and fourth stages, the conventional stages, are *expectations* and *social system and conscience.* At the first of these, ones moral reasoning is, for the most part, concerned with the expectations of society and its members. Here, there is a need to seek affirmation that one is a good, rule abiding person. At the second part of the conventional level – that of *social system and conscience* – it is still considered that rules should generally be adhered to. However, in the case of certain moral dilemmas, individuals at this level consider that rule breaking is acceptable, particularly if those rules conflict with other duties. Most adolescents and adults, according to Kohlberg, function at the conventional stages.

Stages five and six are described as the post-conventional stages. At stage five, *prior rights and social contract*, there is a much greater appreciation of the variations in social rules and laws across cultures, groups and contexts. Individuals consider that rules should be upheld in order to maintain the social contract except in certain morally dilemmatic circumstances. Thus, the big shift at this stage, according to the Kohlbergian framework, is the understanding that these rules are, for the most part, socially constructed and context specific. At the final stage, *universal ethical principles*, it is argued that individuals are morally guided by principals that are self-chosen. The upholding of laws at this stage is subordinate to carrying out actions guided by these self-chosen principles. Kohlberg's outline of this final stage has, however, received limited empirical support and a more recent revision of the theory has attributed it the status of a *hypothetical* stage (Colby, et al., 1983).

Kohlberg's model makes three further claims. The first is that the direction of development should always be away from the initial stages, towards latter stages, in an invariant order. It is noteworthy that this implies nothing about the stage that an individual may eventually reach, nor about the time taken for developmental progress to occur. The second claim is that later stages involve more sophisticated styles of moral reasoning than earlier ones as they have built upon (rather than completely rejected) previous understandings, i.e. they are more *equilibrated.* The third claim is that each of the stages is a complete, logically cohesive, cognitive structure. This implies that individuals should demonstrate consistency in their moral reasoning across problems and contexts (Kohlberg, 1976).

A final point to make about Kohlberg's model regards its postulation of underlying cognitive mechanisms. These can be broken down into those which play a facilitating role in development and those playing a constraining role. The mechanism facilitating moral development is cognitive disequilibration; the state leading to greater equilibration – i.e. more complex cognitive structures – brought about by the inadequacy of current cognitive structures to make sense of a given experience. Those mechanisms constraining moral development are postulated on the basis of the notion of structural parallelism. According to Kohlberg, the moral development of an individual will be constrained by their development in other cognitive domains. Those functioning at the level of concrete operations would be constrained to moral stages one and two, whereas those functioning at the early formal operations stage would be constrained to moral stages three and four. Only individuals

functioning at late formal operations, however, are considered morally capable of functioning at the final two stages (Kohlberg, 1969).

Kohlberg's moral cognitive approach – an outline of the main critiques.

In applying Social Cognitive Theory (SCT, Bandura, 1989) to the study of moral thought and action, Bandura (1991) argues that one cannot understand moral development by examining the development of moral reasoning alone. A complete theory of morality, he argues, must adopt an Interactionist perspective, accounting not only for the role of cognition, but also for the roles of moral action, moral affective reactions and environmental factors. For Bandura:

> *"A major problem with typologies is that people hardly ever fit them. Because differing circumstances call for different judgements and actions, unvarying human judgement is a rarity" (1991, p6).*

Bandura's argument hangs on the empirical observation that most people demonstrate a mixture of moral reasoning styles. The argument from stage theorists is that individuals show a routine transition from earlier to later stages. In the case of the Kohlbergian view, for example, the moral reasoning of pre-school children would generally be motivated by immediate physical consequences, such as damage to the environment, or by immediate physical exchanges. As they transcend these pre-conventional stages, moral reasoning in terms of the physical consequences would be superseded by reasoning in terms of perceived intentions. In response to this position, Bandura argues that social influences can have a much greater impact on ones style of moral reasoning. Indeed, several studies demonstrate that children who are assessed to judge wrong-doing primarily in terms of intentions can, through modelling influences, alter their style to one of judgement in terms of physical consequences (Bandura & McDonald, 1963).

Although Kohlberg (1984) concurred that most children demonstrate a degree of mixture in their moral reasoning, his stage theory was the subject of much criticism. This was largely due to his view of the moral stages as discrete, whole and cohesive structures. An appealing attempt to appease such critiques comes from the consolidation/transition

model (Walker, Gustafson, & Hennig, 2001). This model attempts to explain the mixture of styles of moral reasoning seen in children through the notion of *"alternating periods of equilibrium and disequilibrium (or of consolidation and transition)" (2001:p187)*. To give an example, the modal stage of a particular girl at nursery age may be at moral stage two – the level of *exchange*. This may be evident through the empirical observation that 60% of her moral reason is at this level. However, she may also be observed to reason at stage one – *heteronomy* – 30% of the time and at stage three – *exchange* – 10% of the time. According Walker and his colleagues, this girl's modal level is *exchange*, but because she reasons more frequently below than above her modal stage, she is in a period of equilibrium/consolidation, rather than a period of disequilibrium/transition. Walker et al (2001) thus diverge from the stage-based model only in as much as they do not view stages as structured wholes. With this exception, they remain consistent with other Kohlbergian and Piagetian assumptions, such as the notions of a greater equilibration of the later stages and of the irreversible forward movement through developmental stages.

Moving on from Bandura's contributions, an aspect of morality that is underplayed in rationalist accounts is the role of relatively immediate affective and intuitive responses to morally loaded situations. The social intuitionist model (SIM) of moral judgement (Haidt, 2001) brings this aspect of moral decision making to the fore, relegating reasoning processes to post hoc justifications for immediate emotional reactions to an eliciting situation. Haidt interprets rationalist models as having in common the view that exposure to a morally significant situation is followed by a relatively unbiased, private, rational process, which then leads to some form of judgement on the basis of that rational process. This is illustrated in figure one, below.

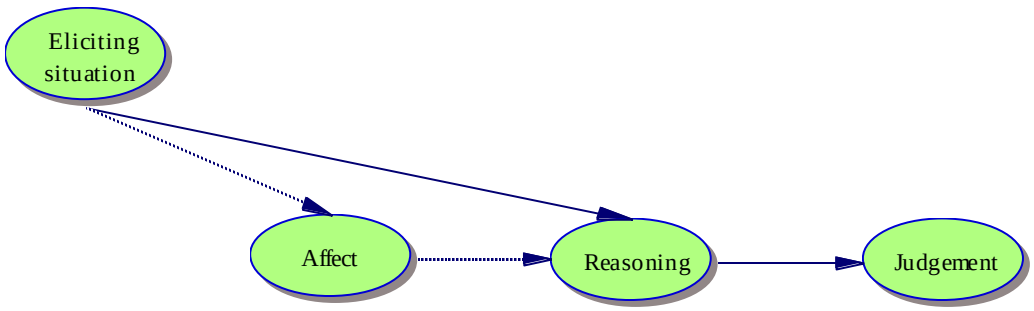


Figure 1: The rationalist model of moral judgement, according to Haidt (Adapted from Haidt, 2001; p815).

Haidt's model allows for the possibility that affect may play a role in morality, though it need not necessarily be present. Additionally, according to Haidt, it assumes that any immediate affective reactions will not bias, or alter in any way, moral reasoning processes.

Using the terms *affect* and *intuition* interchangeably, Haidt divides his critique of rationalist models into three main aspects: the dual processing problem; the motivated reasoning problem and the post hoc justification problem. These can be satisfactorily synthesized into one statement: immediate affective reactions necessarily precede cognitive processes when an individual is exposed to a morally loaded situation, which colours, or biases, those resulting cognitions.

Dual processing models from cognitive psychology are used to back up Haidt's claims that rational processes have been overemphasised by stage-based models and that affective/intuitive processes necessarily influence moral judgement. For example, he cites research illustrating how automatic evaluations of affectively loaded stimuli alter the time taken to evaluate an affectively neutral target object presented immediately afterwards (Fazio, Sanbonmatsu, Powell, & Kardes, 1986; Murphy & Zajonc, 1993). This, it is suggested, indicates that affective processes are routinely occurring within a quarter of a second of the stimulus presentation, thus necessarily preceding any reasoning processes.

Haidt's SIM has been criticised for exaggerating the implications that such findings have for moral decision making. Saltzstein and Kasachkoff (2004), for example, argue that the pendulum swings too far in Haidtian model, such that he reduces dual processes to only one unconscious, non-deliberate judgement. This, however, seems a somewhat harsh judgement as the SIM includes the involvement of reasoning in moral decision making. Where the model clearly diverges from those of a Kohlbergian sort is in the potential for cognitive biasing. Rational processes can serve as post hoc justifications for affective reactions. Such reasoning is likely to result from a one sided memory-recall process where only evidence *supporting* prior events is considered (Kunda, 1990).

A final noteworthy critique of the Kohlbergian modal comes from Gilligan (1982). Gillian argues that, because Kohlberg's theory is derived from empirical evidence drawn

largely from male samples, it does not adequately account for the ethics of caring and/or compassion. As such, Gilligan's model shifts the emphasis of moral development from justice and rational thinking towards the central values of avoiding harm and promoting welfare and empathic responses.

Gilligan's model (1982), in sharp contrast to Kohlberg's, was developed from empirical studies of largely female populations. However, the evidence to date suggests that there are no significant gender differences in moral development (Colby, et al., 1983; Walker, 1989). Thus, although Gilligan offers important dimensions to the breadth of moral psychology, she does not appear to offer a particularly powerful or compelling critique of the Kohlbergian model as a model of specifically *moral cognitive development*.

The proposed project

Although no empirical evidence currently exists in the literature regarding the expositions of Barton (2000) or Macready (2009), Martin (2007) has drawn upon Kohlberg's framework to speculated about how individuals functioning a various moral stages might judge an offence or a wrongdoing. As such, he argues that individuals functioning at earlier moral developmental levels may present significant challenges for the effectiveness of RA values. Those functioning at pre-conventional levels, for example, are likely to judge an offence in terms of punishment for disobeying rules. Those functioning at conventional levels, suggests Martin, whilst realising that the offence is not acceptable by a victim or the surrounding community, are likely to change their behaviour to regain acceptance back into the community. This change, however, may not be underpinned by any truly empathic understanding of the damage done on the part of the offender. Martin also proposes that similar barriers may be present for the victim. For example, those functioning at pre-conventional stages may not be able to let go of the felt need for retribution, etc.

The question remains, however, as to whether RA can affect moral reasoning processes to promote positive outcomes for individuals and schools. Following the theoretical propositions of Barton (2000) and Macready (2009), the proposed research project will seek evidence for the view that RA is a more effective means of facilitating children's moral development than traditional, non-restorative approaches to managing conflict in schools.

Because my review of the literature found no substantive evidence either in support of, or challenging, the propositions of Barton or Macready, the project will take a mixed methodological approach, seeking evidence through a variety of different means. As such, the project will consist of two parts. In the first part, data will be collected by conducting semi-structured interviews with key school staff members in RA schools who have played a central role in pushing the restorative agenda forward. The interview schedule will be designed to elicit the views of interviewees regarding how (if at all), and in what ways, RA creates increased opportunities for moral and social development in young people. Transcripts derived from interviews will be analysed using Interpretive Phenomenological Analysis (IPA, Smith, Flowers, & Larkin, 2009). The proposed research question for this paper is:

> *"What are the experiences of key school staff members involved in the implementation of restorative approaches (RA) regarding the impact of RA on pupil's moral and social development?"*

The second part of the project will be a quasi-experimental design. Participants will be pupils currently enrolled in a secondary school, from either key-stage three or four, who have been identified by school staff as *regularly involved in conflict.* There are two reasons for choosing this sub-group of young people as the project's target population. Firstly, the project has been partially guided by the current research agenda of Devon's Learning and Development partnership (LDP). Among the LDP's research agendas is a move to support research looking at ways to reduce the number of fixed-term and permanent school exclusions county-wide. Secondly, within the scope of the proposed project – a project that is intended to span 12 months, pre to post intervention – if participants were selected randomly from a school population, it is likely that the majority of the cohort would not be involved any reactive, restorative practices, such as conferences or one-to-one mediation sessions.

This part of the project will involve taking measures of young people's moral developmental levels as a baseline measure. Ten to twelve months after this baseline measure has been taken, the same measurement instrument will be used, again to measure moral developmental level. Two groups will be compared on these measures: young people attending schools that have recently (i.e. within a year prior to beginning the study) started

using RA (experimental group; n=30) and young people attending schools that manage conflict through traditional, non-restorative approaches (control group; n=30).

As it is beyond the scope of the proposed undertaking to design and validate a new measure of moral developmental progression, the project will utilise an already well validated and established measurement instrument: the Social Reasoning Subscale of the British Ability Scale (BAS, Elliott, 1983). This subscale, based on the work of Kohlberg (1958, 1969, 1976, 1981, 1984), is primarily a measure of moral *cognitive* development. As such, the scope of this part of the project's findings will be largely limited to the cognitive aspects of morality, rather than moral development as a whole.

As an additional source of data, collected for the purposes of triangulation, a questionnaire will be devised for young people within the experimental group to complete at the end of the study. This questionnaire will be designed to elicit the views of these young people regarding experiences of exposure to RA and how, if at all, they feel the approach has helped them to develop morally and socially. Data derived from responses will be organised through a Content Analysis (CA). The research questions for this part of the project are:

> *"Does exposure to a restorative approach in schools have a greater impact upon pupil's moral cognitive development than exposure to non-restorative approaches to managing conflict?"*

and

> *"In terms of moral development, what do young people perceive themselves to gain from exposure to restorative approaches in schools?"*

Reference.

Bandura, A. (1969). Social Learning of Moral Judgements. *Journal of Personality and Social Psychology, 11*(3), 275-279.

Bandura, A. (1989). Social Cognitive Theory. In R. vasta (Ed.), *Annals of Child Development* (Vol. 6. Six Theories of Child Development, pp. 1-60). Greenwich: CT: JAI Press.

Bandura, A. (1991). Social Cognitive Theory of Moral Thought and Action. In W. Kurtines & L. Gewirtz (Eds.), *Handbook of Moral Behavior and Development* (Vol. 1). Hillsdale, NJ: Erlbaum.

Bandura, A., & McDonald, F. (1963). Influence of Social Reinforcement and the Behaviour of Models in Shaping Children's Moral Judgement. *Journal of Abnormal and Social Psychology, 67*, 274-281.

Barton, C. (2000). Theories of Restorative Justice. *Australian Journal of Professional and Applied Ethics, 2*(1), 41 - 53.

Blood, P., & Thorsbourne, M. (2005). The Challenge of Culture Change: Embedding Restorative Practice in Schools. *Available at http://www.ltscotland.org.uk/Images/The%20Challenge%20of%20Culture%20Change_tcm4-473275.pdf*.

Braithwaite, J. (1989). *Crime, Shame and Reintegration*. Melbourne: Cambridge University Press.

Braithwaite, J. (2002). *Restorative Justice and Responsive Regulation*. New York: Oxford University Press.

Cameron, L., & Thorsbourne, M. (2001). Restorative Justice and School Discipline: Mutually Exclusive? In J. Braithwaite & H. Strange (Eds.), *Restorative Justice and Civil Society* (pp. 180 - 194). Cambridge: Cambridge University Press.

Colby, A., & Kohlberg, L. (1987). *The Measurement of Moral Judgement*. New York: Cambridge University Press.

Colby, A., Kohlberg, L., Gibbs, J., & Lieberman, M. (1983). A Longitudinal Study of Moral Development. *Monographs of the Society for Research in Child Development, 48*(1-2).

Daly, K. (1999). *Restorative Justice and Punishment: The Views of Young People*. Paper presented at the Amerian Society of Criminology Annual Meeting.

Elliott, C. (1983). *British Ability Scale Technical Handbook*. Windsor: NFER-Nelson.

Fazio, R., Sanbonmatsu, D., Powell, M., & Kardes, F. (1986). On the Automatic Evaluation of Attitudes. *Journal of Personality and Social Psychology, 50*, 229-238.

Gilligan, C. (1982). *A Different Voice: Psychological Theory and Women's Development*. Cambridge: M.A: Harvard University.

Haidt, J. (2001). The Emotional Dog and it's Rational Tail: A Social Intuitionist Approach to Moral Judgement. *Psychological Review, 108*(4), 814-834.

Hopkins, B. (2004). *Just Schools: A Whole School Approach to Restorative Justice*. London: Jessica Kingsley Publishers.

Kohlberg, L. (1958). *The Development of Modes of Thinking and Choices in Years 10 to 16.*, University of Chicago, Chicago.

Kohlberg, L. (1969). Stage and Sequence: The Cognitive-Developmental Approach to Socialisation. In D. Goslin (Ed.), *Handbook of Socialisation Theory and Research*. Chicago: Rand McNally.

Kohlberg, L. (1976). Moral Stages and Moralization: The Cognitive Developmental Approach. In T. Lickone (Ed.), *Moral Development and Behaviour*. New York: Holt, Rinehart and Winston.

Kohlberg, L. (1981). *Essays on Moral Development: The Philosophy of Moral Development* (Vol. 1). San Francicso: Harper and Row.

Kohlberg, L. (1984). *Essays on Moral Development: The Psychology of Moral Development* (Vol. 2). San Francisco: Harper and Row.

Kunda, Z. (1990). The Case for Motivated Reasoning. *Psychological Bulletin, 108*, 480-498.

Leibmann, M. (2007). *Restorative Justice: How it Works*. London: Jessica Kingsley Publishers.

Lind, E., & Tyler, T. (Eds.). (1988). *The Social Psychology of Procedural Justice*. New York: Plenum.

Macready, T. (2009). Learning Social Responsibility in Schools: A restorative Practice. *Educational PSychology in Practice, 25*(3), 211 - 220.

Makkai, T., & Braithwaite, J. (1994). The Dialectics of Corporate Deterrence. *Journal of Research in Crime and Delinquency, 31*(4), 347 - 373.

Martin, J. (2007). *Restorative Justice as Restoring their Humanity*. Paper presented at the 10th international Institute for Restorative practices World Conference; Improving Citizenship and Restoring Community. Budapest, Hungary.

Masters, G. (1998). *Reintegrative Shaming in Theory and Practice: Thinking about Feeling in Criminology*. University of Lancaster, Lancaster.

Murphy, S., & Zajonc, R. (1993). Affect, Cognition and Awareness: Affective Priming with Optimal and Suboptimal Stimulus Exposures. *Journal of Personality and Social Psychology, 64*, 723-729.

Nathanson, D. (1992). Affect Theory and the Compass of Shame. In M. Lansky & A. Morrison (Eds.), *The Widening Scope of Shame*. Hillsdale, New Jersey: The Atlantic Press Inc.

Retzinger, S., & Scheff, T. (1996). Strategy for Community Conferences: Emotions and Social Bonds. In B. Galaway & J. Hudson (Eds.), *Restorative Justice: International Perspectives* (pp. 315 - 336). Monsey, NY: Criminal Justice Press.

Saltstein, H., & Kasachkoff, T. (2004). Haidt's Moral Intuitionist Theory: A Psychological and Philosophical Critique. *Review of General Psychology, 8*(4), 273-282.

Sherman, L. (1993). Defiance, Deterrance and irrelevance: A Theory of the Criminal Sanction. *Journal of Research in Crime and Delinquency, 30*(4), 445 - 473.

Smith, J., Flowers, P., & Larkin, M. (2009). *Interpretative Phenomenological Analysis: Theory, Method and Research*. London: Sage.

Walker, L. (1989). A Longitudinal Study of Moral Reasoning. *Child Development, 60*(1), 157 - 166.

Walker, L., Gustafson, P., & Hennig, K. (2001). The Consolidation/Transition Model in Moral Reasoning Development. *Developmental Psychology, 37*(2), 187-197.

Watchel, T. (1999). *Safer Saner Schools: Restoring Community in a Disconnected World*. Bethlehem, P.A.: SaferSanerSchools.

Zehr, H. (1990). *Changing Lenses: A New Focus for Crime and Justice*. Scottsdale, PA: Herrald Press.