



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON EDUCATION, TRAINING AND
YOUNG PEOPLE**

(Reference: Restorative justice)

Members:

**MS M PORTER (The Chair)
MR M GENTLEMAN (The Deputy Chair)
MRS V DUNNE**

TRANSCRIPT OF EVIDENCE

CANBERRA

FRIDAY, 9 DECEMBER 2005

**Secretary to the committee:
Mr D Abbott (Ph: 6205 0490)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry which have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

The committee met at 9.20 am.

ROBIN BALLANTYNE,

ANNAMARIA ZUFFO and

PETER ROSS

were called.

THE CHAIR: Welcome. You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal action such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

Thank you very much for making your time available to us to make a presentation and to answer our questions. There may be some questions on notice. We would ask you to get the answers back, if at all possible, within five working days of receipt of the transcript. Members will have 24 hours to get them to the secretary. The *Hansard* will be available in a few days time. You will be able to check that against what you said.

Is there a particular person who is going to be the spokesperson? When you speak for the first time, you will need to give your name and your position, for Hansard.

Ms Ballantyne: I am Robin Ballantyne. I am the assistant to the secretary, professional, Australian Education Union, ACT branch. I might start off by giving a brief statement and then ask Peter and Annamaria if they would like to add a little bit to that before we answer questions you might like to put to us.

We are pleased to be here today. Committee members may have noted that we didn't put in a written submission to the inquiry. The reason for that was pressure of time and resources, on one hand, but also a feeling that members in schools who are using restorative justice principles and practices would put in those submissions. We felt that we could safely leave it to them.

As a union, our interest in restorative justice practices comes from two different aspects: firstly, because we are a union, we are interested in the industrial aspects of the health and safety of our members in the workplace. The relationships in a school and the conflict that can arise are probably the biggest contributing factors to psychological stress and injury that our members might suffer in the workplace. Teachers are particularly vulnerable to that kind of attack on their wellbeing, if you like. It is a challenging environment.

We are always interested in anything which offers itself as a tool to help our members deal with the workplace situation that they are in. In that respect, we are just as interested in the potential of restorative justice to assist with colleague-to-colleague conflict as with child-to-child or child-to-teacher conflict.

The other aspect of our work that is important to us is the professional issues for teachers. Teachers are increasingly acknowledged as having an important role in the social skilling, if you like, of kids. It is more and more moving from what used to be called the hidden curriculum to being up front as a declared part of teaching practice to help kids in their relationships with each other, the communication skills and so on.

We are interested from that professional angle, too, in any practice which can help teachers in their teaching. We have really only heard good reports about this practice from our members. To the extent that people say it is working for them, we are interested in it and pleased to promote it.

That is probably all that, as a union officer, I need to say. The reason we have with us two practising teachers in schools is that they are the people who know about it. I will ask Peter first and then Annamaria if they would like to add a bit.

Mr Ross: I am Peter Ross. I am the principal of Charnwood primary school. I second what Robin said. We are starting to see, in an anecdotal way at this stage, the effect that restorative practices have on the relationships between teachers and children, teachers and teachers, and teachers and parents. We can use our restorative practices to assist to alleviate conflict really. This is something which has to be seen as a positive thing for teachers.

There are more positive relationships. We end up with better outcomes for children and a less-stressed environment. At this early stage, only a few years down the track, I second Robin's thoughts and say that this is what we are starting to see now.

Miss Zuffo: I am Annamaria Zuffo. I am the deputy principal, Southern Cross primary school. We are in the very early stages of our first year of restorative practices in a school-wide sense. We have had initial training for all staff, with the exception of one who has come later in the year. They are all trained.

At the moment, for us, it is a real learning curve. We are developing that global language, I suppose, that is really important. I back up what Robin and Peter said about trying to develop those positive relationships in the school in terms of going forward. Working more with parents as well is a goal for us, obviously, in the future. We would like to develop information sessions and things like that.

THE CHAIR: Thank you very much. I will start off the questions. Mr Ross, you mentioned that you were seeing better outcomes for the students. Could you explain what kinds of outcomes they were? Were they to do with lesser conflict or were they better outcomes in other areas as well?

Mr Ross: I have been at the school for about three years. Using our ACT TAP data, which is our standardised system data, and using our in-house testing that we always set our benchmarks in our literacy and numeracy upon, what we have seen this year is improvement across the board. We have been very excited, looking at value added over the last few years.

Our statistics show us quite clearly that for our year 3s, who are now year 5—and

making comparisons about whether they were children in the lower 20 per cent, middle 60 per cent or upper 20 per cent—we have had a 16 per cent move of those children out of the lower 20 per cent into the middle 60 per cent and a flow-on into the higher end, the upper 20 per cent. We see it as alleviating that conflict in the classroom and improving relationships with teachers.

We are now starting to see the results in an academic sense as well. That was very exciting for us this year when we got our ACT TAP results and were able to do some analysis and statistically show these are the results we are seeing.

We were talking before that putting it down to one thing is often difficult. As we discussed the other day, we have a range of programs in the school to assist our children. From my perspective, after being in schools for about 30 years, restorative practices has been a major component in turning things around at the school. There have been more positive relationships, more productive classroom time and better academic results.

THE CHAIR: You say “more productive classroom time”. Could you describe the difference?

Mr Ross: When you are having a lot of conflict with children, whether it be on the playground or bringing the children into class and that settling down time, if those times are proving difficult, then it is very hard to get a productive relationship going in a classroom. If there is conflict on the playground, if there are major issues that you have got to constantly deal with there, when the bell goes, the children line up; there is conflict when the children line up; and then you have to move the kids into the building and get the kids seated, get them settled—all of those things.

That is all part of, as I see it, a relationship between the children and the teacher. If the playground is a much more settled, happier place; if lining up isn't an issue because they are looking forward to seeing their teacher come out; and then moving into the classroom and ready to get on with the job, naturally we are going to see better academic results.

THE CHAIR: You said that it was early days, Miss Zuffo. Have you got a similar kind of approach, or is it too early for you to make a comment in that area?

Miss Zuffo: It is too early to look at the definite effects, on the academic data. In terms of on the playground: the way students are dealing with playground conflict is improving. We have playground slips that have the restorative justice questions on them. It is helping teachers deal with conflict in the playground. Students know the questions and the language.

In terms of effective academic data at the moment: it is obviously too early to tell. In terms of students and teachers being able to deal with things on the playground in a more immediate form: it certainly seems to be helping in terms of establishing that global language that everybody can use.

THE CHAIR: Has productivity in the classroom changed at all, or is it too early?

Miss Zuffo: It is far too early.

THE CHAIR: How long did you say it has been in for?

Miss Zuffo: Just this year. Maybe this time next year or in six months, it might be more relevant to compare experiences of teachers from last year or earlier this year.

THE CHAIR: How similar are the two schools in age groups, demographics and that kind of thing?

Miss Zuffo: We are both primary schools. Southern Cross primary is in Scullin in Belconnen. Charnwood is in the suburb of Charnwood. In terms of demographics, there could be similarities of age groups, obviously, and some socio-economic backgrounds. It is hard to tell unless we compared certain students and things like that.

THE CHAIR: What made you decide to try it?

Miss Zuffo: Two teachers went to the initial training with Peta Blood. They were very enthused about it. They came back and said, “This could have a very good effect on our students.” We talked about getting more teachers trained. It came from that initial development that the teachers went to. In turn, it has led to all the staff being trained this year.

We have two teachers trained in the next stage, which is circle time. We have got two days dedicated to circle time at the beginning of the year for teachers professional development. That, in turn, will up-skill teachers in more strategies to do that.

MR GENTLEMAN: When the committee visited Adelaide we heard from educators there about the operation of restorative practices. They reflected that, in general, it is working very well and has had some significant changes. They reflected that it needs to be taken on by the whole school; the whole school needs to be involved. Could you comment on whether that has been the case at both schools or whether it is still developing?

Mr Ross: Annamaria said before that what we need is a consistent language and a consistency for children. If we have a variety of strategies being used in the school to deal with the conflict situation, what we tend to find is that the children—I wouldn’t use the word “manipulate”—can get into that situation where there is that inconsistency coming through. Nothing will create disharmony like inconsistency does. Having that consistency where every member of staff goes out onto the playground or into the classrooms is how we deal with conflict; this is the process we go through. The children feel very, very safe within that. They know that they can go to any member of staff at any time and ask for a conference to have something resolved.

I have worked in a variety of settings where teachers will modify or change the way things are being handled, even in student management policy. The nice thing with restorative justice is that we have a set process that we all use; we have cards with slips, as Annamaria was saying, in teachers’ pockets so that they have the questions; the children know what is coming; they know there is that consistency in dealing with it. That is the only way to get a good result; otherwise, you start to play one off against the other. That sort of situation can develop.

MR GENTLEMAN: Is it the same at your school, Annamaria?

Miss Zuffo: Yes. Having the whole staff trained is crucial because they are getting that initial language to use. Then they try to use that in their schools. So it is crucial that all staff are trained.

MR GENTLEMAN: Off the back of that, do you feel that at this time you are getting enough support from the department to implement the program?

Mr Ross: All the staff at Charnwood primary school have been trained through courses that the department has put on. We have been able to take advantage of that. Peta Blood has been the main trainer. The department have brought Peta Blood to Canberra on a number of occasions and offered courses. We have been able to get all our staff at Charnwood trained in courses that the department has put on.

Miss Zuffo: I reiterate that. The department has allowed Peta Blood to come here. The more she has come here, the more it seems the teachers want to participate in workshops.

MRS DUNNE: I want to go back to something that was discussed the last time the committee was convened. It is about measuring progress. Mr Ross has talked about one measure of progress that you see. When the departmental officials were here, there seemed to be not very much cognisance of how you might effectively measure progress.

Miss Zuffo, when you started this program at Southern Cross primary school, did you collect any baseline data about behaviours, student performance and things like that so that when you are two or five years down the track you can compare and see whether there are improvements? Mr Ross talked about the ACT TAP results. The other day when he was here, wearing a slightly different hat, he talked of the fall-off of activity around suspensions and the lack of use of the recovery room and those sorts of things.

One of the things that have struck me about the discussion is that the department hasn't really thought through what it is that they are measuring. I am a bit concerned that you might have a great program that might not ever get the accolades that it deserves because we haven't worked out what the baseline situation was and, therefore, we couldn't measure progress. There are some measures that Charnwood primary schools has; some are more scientific than others, I suspect.

As someone who has come into this more recently, as your school has, Miss Zuffo, did you take baseline data of some sort, such as how the children are performing in a range of areas such as behaviour and general academic performance? Are you developing those as you go along so that you have got something to compare in a few years time?

Miss Zuffo: We had already set up a database for student management so that incidents are recorded by me, as deputy principal. Every incident is recorded, whether it is resolved on the playground or further conferencing has been done. We have been recording that. In the last six months, when we knew all teachers had been trained, last term and this term, I shared that with staff to look at the statistics.

In terms of the academic things, teachers have their own assessment records of their students that they keep. In terms of the whole school, we have literacy and numeracy

sheets that get handed on to each teacher every year about reading progress and reading levels. That follows.

In terms of having that data of where students were at the beginning to now and to probably two to five years down the track, we will have that data. We can't tie that to one thing, just as we can't measure it now. In three to five years down the track, maybe we can. Teachers collect data through their own assessment practices. As a school, we have our literacy and numeracy recording.

MRS DUNNE: I know that all schools have a variety of measures that track particular students. Have you thought about collecting information in a way that would allow you to track performance in relation to this program?

Miss Zuffo: I have thought about it, I suppose, in terms of whether it would have an effect. In terms of relating it to restorative justice, staff will talk about whether their classrooms are happy. Anecdotally, yes, staff make those recordings, but there is no actual statistical evidence.

MRS DUNNE: That is what I am concerned about. There is a whole lot of anecdotes and gut feeling about something being better. It might be advantageous for a program like this to have some hard data as well.

Ms Ballantyne: It is very hard in schools to get a static situation so that you can attribute any movement, either forward or backward, to any one thing and hold all other variables constant for that period of time. You have staff turnover; you have pupil turnover; you have different things at different times of the year affecting things. Even the way the wind is can affect the way kids behave, from memory. I am not sure that that kind of almost scientific identification of a single factor is really possible in the dynamic school environment.

MR GENTLEMAN: In Peter's submission, he said that the committee should recommend funding of a restorative practices forum annually so that the schools can showcase best practice. It may be a way of getting the schools together to talk about what has been happening with restorative practice over the implementation period. Do you think that is a good idea?

Mr Ross: It would be a wonderful idea. The more we get together, the more we share. I know that we are having conversations with Southern Cross, for example, on a regular basis. That is something that is very, very important.

I was going to say that, in terms of specific research, I attended a conference in Penrith. It was the international conference for restorative practices. At that conference a number of speakers talked about research that had been done around the world. I don't have my hands on that research, but I am sure it would be available even through Peta Blood's Circle Speak, where there is some recent hard data.

As Robin said, we provide a suite of activities and programs to try to move children on and to help in productively providing an environment to optimise their potential. It is difficult to say, "It is just this," or, "It is just this." As Robin said, there is staff turnover. In the three years that I have been at Charnwood, we have probably got three people who

were there at the beginning of that time. That change and turnover make it difficult to measure exactly what effects that had.

MR GENTLEMAN: Do you think that annual forum would be an opportunity to try to develop some measurements?

Mr Ross: Absolutely. With someone like Peta Blood, who has that expertise and the contacts world wide, that would be a very productive idea.

MRS DUNNE: I am glad that Mr Ross raised this morning that there has been a fair amount of discussion about literacy. I read last night this literacy report that came out yesterday. It says that literacy underachievement has high social and economic costs both in terms of health and crime. The committee received evidence indicating that the overlap between underachievement in literacy, especially reading, and poor behaviour, health and wellbeing was a major issue for a whole lot of things.

What you are saying is almost the obverse of what that was saying. You are saying that, by addressing behaviour, you are addressing literacy; if you can't address the literacy problems or the issues of underachievement, you can't address the behaviour problems. It is a cyclical thing. I don't want to read too much into it because one swallow doesn't make a summer, but one set of figures would indicate that, by addressing behaviour, you are helping to address the literacy problems at the school.

Mr Ross: Absolutely.

MRS DUNNE: That is almost enough to justify it, without any other measure.

Mr Ross: Again, basing it on my experience over a number of years, the more positive a classroom is, the fewer behaviour problems that occur. Naturally, it is a much more productive environment for children to learn in. Literacy standards will be affected.

THE CHAIR: This issue of measuring seems to be something that we need to keep on exploring before we go too far down the track and schools have implemented it for quite a long time and we haven't been able to get a handle on it.

One of the things that occur to me is that there are schools that are not at the moment using this practice. Measuring what has happened in certain areas in the schools which are not using it could be some kind of a control mechanism. It could measure staff turnover, time off for stress and the kinds of things that you mentioned before. Literacy and numeracy and unproductive time in classrooms are a few things I am thinking of, off the top of my head. You would have many more. I am sure that Peta Blood would have some. There would be some value in discussing this with her. It is a theme that we will continue to explore as we go on, I am sure.

You talked about less time in the recovery room. How do you think this restorative justice practice fits with the more traditional approaches to discipline, such as a recovery room or a time-out room, whatever you like to call such rooms, suspension and the other things which take the child or children and isolate them from the incident or from the school? Can you use these two things beside one another?

Mr Ross: The quick answer is yes. We talk to children a lot at school about what room they are in, what room they are operating in at the moment. The children will be able to tell you. If they are in the red room, it means they are angry to the point where they are ready to explode. If they are in the blue room, they are calming down; they are starting to think clearly. In the green room, they are nice and calm; they are ready to talk.

Something like a recovery room is an opportunity if children need to move off the playground. If they are in the red room, a conference is not a productive thing to do at that time. I am sure everybody here has experienced where you are very, very angry; it is not a good time to be negotiating. We use the recovery room for that cool-down time. This a time when you need to come inside, sit down with the teacher in the room and calm down. Then we can have our conference. The conference is still the end result.

It is the same in classrooms. Children will come to school with all sorts of baggage. If they had a bad morning, if they haven't had breakfast, if they are feeling angry, if a magpie swooped them on their way to school, they can come into the classroom and can be feeling out of sorts.

We still operate three stages in the school. One stage is just an opportunity for the child to sit down, have some think-time and calm down. Those stages are still used because the children can still arrive at school escalated. Those things work hand in hand.

We had one case, as an example, where a teacher was, what I would call, assaulted by a student. The student was after another child. The child ran behind the teacher. The student tried to go through the teacher to get to the other child. There were other issues in that child's life. He was a Barnardo's placement in the area. I suspended the child and removed the child from the school. That was a judgment. That was a cool-down time. On that occasion we had a full conference, which entailed about 12 people in a circle. That suspension was necessary to get the child out of the school.

I don't see suspension—I am sure Southern Cross would share this—as the punishment and as the end. The children know that, if they have been suspended, they are going to come back when they are calmer and we are going to have a conference. That component won't change, as I said.

We have stages and a recovery room for a specific purpose. The original purpose it was set up for was punishment; it was time off the playground. "You are not going to play with your friends now because you have been bad." Now it is a cool-down time. "When I get back in the green room, then I can work on the situation." They can work together, yes.

THE CHAIR: You said that the recovery room is used less and less. What about the option of suspension?

Mr Ross: It is the same thing. I can't give you the exact figures, but three years ago when I first arrived at the school—and we were working in a different modality to a restorative one—there were a lot more suspensions; there was a lot more violence in the school. That was a process that was in the school/student management policy. If certain behaviour occurred, a suspension followed. Again, it was not productive. This is where restorative practices really came to light for us. We had to find an alternative. The

way we were operating simply was not productive.

MR GENTLEMAN: I want to reflect on the Adelaide position again. We heard some stories from principals there about how to get parents involved and how it is difficult sometimes. Can you provide some information on how difficult it is sometimes and how parents are quite willing to come along sometimes?

Mr Ross: You have the two ends of the spectrum. Parents at our school are very, very interested. Our move next year is to run proper training programs for parents. They want to know more about it. Children are obviously going home and talking about having been in a conference. Parents are becoming more and more interested and really want to know. We have some mini-training programs for a few parents who were having difficulty at home. We have some training programs for them to highlight an approach we use at school that they might like to try at home.

Next year we want to offer proper courses for parents. We are going to be in contact with Peta Blood and get her down to run her training programs for the parents. We know we have got a good group of parents who want to be involved.

It is difficult to get parents to be involved in something like this. It is like the difficulty you have with anything. You get the full spectrum. You will get parents who are always there, who are willing to help and who want to be involved. There are parents to whom you can make phone call after phone call after phone call. If they don't answer the phone, it is very difficult. You can send letters home. You follow all the normal processes through. Unfortunately, it is the parents' choice whether they want to be involved or not in that process. That hasn't changed.

As I said, when parents are starting to ask for restorative courses for them, the interest level is there; the interest level is growing. It has even got to the point where we have had our schools-as-community worker trained in restorative practices. The school counsellor is now trained in restorative practices. It really is spreading into the community, which is wonderful.

Miss Zuffo: Students have come back from a suspension, as Peter mentioned, and had what we call a re-entry conference. We have been doing lots of work with parents of children who have been suspended. When they come in for that conference, they talk about the real importance of how they can move on and how they can repair the harm that has been happening. We have had quite a few parents wanting the information, through letters that went home, and wanting to learn more about it.

We are planning what we call a mini-conference for a day when we will have all the students involved in different age groups, with teachers running sessions. This will mean more training for the students. At night we are going to run an initial parent information session and, hopefully, build on that. It will be initially parent information sessions and, hopefully, from that, more will ensue. Connecting with parents is a vital part of the whole process.

THE CHAIR: What you describe sounds very time consuming—all the meetings, the training, evenings, et cetera. I know that schools are flat strap and don't have much money or time; teachers have a lot of responsibilities. You talked about teachers taking

on social training on life skills and all the other academic skills that they need to impart to students. Have the schools really got the time and the money to be able to do this? Where do you find the time and the money to be able to do this?

Mr Ross: If you put the quality and the time into the training, the productivity comes out at the other end. When we first started down the road of restorative practices, we were doing a lot of conferences. Most of those conferences were corridor conferences, as we call them, or playground conferences. They are fairly quick; they are not time consuming. We, as an executive at the school, had to support teachers. If they needed to run a conference, we would bring their classes in, get the classes settled while the teachers continued to run the conference.

The thing that you start to see over a period of time is that you are doing less and less and less of that. We have probably done one real top-end conference. We haven't had to do those now for 18 months. They are the extreme cases of major, major conferences. As time goes on, you are doing less and less and less of that type of work.

As Annamaria said, we had to do the same thing. We had to teach the children the language, role-play the process so that the children felt comfortable with that. Now we find that doing conferences is taking less and less time; the children's behaviour is becoming less extreme so that the need for larger conferences isn't there. By putting that time in initially, we are finding the rewards are well and truly reaped a couple of years down the track; we are not getting the top-end behaviours that we had to deal with; we are dealing with lower level stuff all the time. The benefits are there.

THE CHAIR: How did your school find the initial time and money to be able to introduce this training?

Miss Zuffo: With training, all schools have a certain amount of what we call V days, depending on your staffing levels and things like that, if you see it as a priority. At the beginning of the year saw it as a priority for developing positive relationships. Sending teachers off to PD has been a priority for us. We use those V days for getting relief staff in. The teachers can go off to the training. The initial training is a one-day workshop. Then it goes into a further two days. The conferencing takes time, but it is important time that we feel is a priority in our school.

Further down the track it will be interesting to see where we are in our third year, as Charnwood is now, of doing that and the less time that it takes to do the conferencing. Instead of 3 or 4 minutes, it might take a minute or less. Yes, it does take time. It is a priority for us in the school that we want to put in that time and training for staff and students.

THE CHAIR: You must have a lot of relief teachers coming through. How do you deal with the issue of relief teachers?

Mr Ross: You get a number of regulars who come to your school. We are lucky in that we have got one gentleman who is at our school fairly regularly and who volunteered to come and do the training with us initially. We have someone who is trained. It is an issue with relief teachers coming in who aren't trained.

The lovely thing is—and this is a very quick example—we had a conference the other day where a year 3 girl ran the conference for a relief teacher on the playground. Another child had come up and said, “I need a conference.” The relief teacher said, “What’s that?” A child who was nearby came up and said, “I’ll show you.” They got the two children who were involved and she ran the conference. At the end of the conference, they both had a resolution. She said to the two of them, “Let’s go and play.” The kids know the process well enough that children are able to run conferences. What we would love to see is that, when we have a regular pool of relief teachers, they are trained in the process as well, to ensure that consistency.

Ms Ballantyne: The department, to give them their due, have put the initial moneys in. A lot of it has come from the commonwealth through the quality teaching program that they dipped into and other moneys that departmental officers a couple of years decided they would make it their business to find to get the ball rolling. The challenge for the department will be to sustain it and to continue to find the moneys to train new people coming into the system all the time. There is quite a large projected turnover of the teacher population over the next five years.

As Peter said, a lot of it is happening informally, if you like, once the skills are out there with a critical mass of the school populations, whether they are teachers or students, it would seem. The thing can become a bit self-sustaining. I know the department has worked hard to find the moneys and they will need to keep on finding it to do the formal training of new people coming into the system.

THE CHAIR: Have you ever thought of introducing it at the teacher-training level, when they are doing their degrees?

Ms Ballantyne: One of the things that are of interest to teaching unions and teachers is how to influence universities’ curricula and so on. There are forums where we all meet, the department, ourselves and the university, and change does happen in certain ways.

You will be aware that there is a federal inquiry into teacher education and suggestions that the old NIQTSL, now Teaching Australia, is going to have some brief in accrediting teacher-training courses and so on. There is an agenda happening out there about teacher education. My personal experience is that the pre-service education of teachers is a bit short on specific techniques of this kind or other kinds of techniques on classroom behaviour management.

MRS DUNNE: That is certainly what teachers say to me.

Mr Ross: Absolutely.

MRS DUNNE: This is a very important point. That is one of the big messages I get from teachers and people interested in education. Only this week I had a meeting with a group of teachers. The thing they are most concerned about is how to improve what might be called the quality of life in the classroom. We talk about curriculum, outcomes and things like that. What the teachers talk about is the quality-of-life issues in the classroom.

The big message that I have been getting is that a lot of people come out of teacher training, as I did, with very little training in how to deal with those difficult situations in

the classroom. People say to me, “I am just not equipped to deal with bullying in the classroom or bullying on the playground, et cetera.” Perhaps it is incumbent on your groups and committees like ours to try to inform that new interest in what teachers are taught in their teacher training.

What you are saying, Mr Ross, in a sense, is that what you have done at Charnwood should be part of the toolbox that people come out of education systems with. Yes, it has to be updated. You have had to go and find the method for your school and find the resources to make that happen with what seems, at first blush, to be very good outcomes. That is because most of the teachers are saying, “I am not equipped to deal with that.”

What you have been saying, Ms Ballantyne, is that that is what teachers are saying. Is that your experience in schools? Teachers are looking for a hand to create quality of life in a classroom so that they can teach?

Ms Ballantyne: I will give you one example. We have got a couple of beginning teachers. One, in particular, is a second-year-out teacher this year. The new, beginning teachers go through probation. One of her goals in doing probation has been student management—how to manage students in the classroom at first and then in the playground.

When she went to the restorative practices training, one-day training earlier in the year—March or whenever the first one was offered; I can’t remember the date—she came back after that day and said, “Wow!” The first thing she said to me was: “Wow! That is going to make it so much easier.” We went through different strategies that had worked before, other social skilling programs and different things to do in the classroom. She came back and said, “Wow. It is going to make the process so much clearer for me as a classroom teacher.” That was her initial reaction from that one day.

She says, “In the classroom now, it is so much easier. I am feeling more empowered”—that is the word she used—“to deal with things.” She has a year 2/3 class. Some of her kids are picking up on that. She had come from university and had the theory-based stuff on student management. Having those practical strategies to deal with has been an empowering development for her.

MRS DUNNE: The kids always pick up on the lack of confidence.

Mr Ross: Yes.

THE CHAIR: We need to draw this to a close. Before we do, would you, Mr Ross, like to share with us your recent acquisition?

Mr Ross: We had put in a submission to the Australian College of Educators. The ACT branch were looking for submissions from schools about programs of excellence in their schools. There were nine nominations. We won the award for our restorative practices at Charnwood primary school. It is the ACT Education Institution award recognising excellence at Charnwood primary school for our restorative justice program. We are very proud of that at Charnwood.

MR GENTLEMAN: Congratulations.

THE CHAIR: Thank you very much for giving us your valuable time today.

PHIL MARSH was called.

THE CHAIR: I welcome Mr Marsh from the Catholic Education Office. You should understand that these hearings are legal proceedings of the Legislative Assembly protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation, for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

We are conducting an inquiry into the application of restorative practice in youth settings today. Thank you very much for giving us your time. If questions are taken on notice, we would like to have the answers within five business days. Would you like to make an opening statement?

Mr Marsh: I have looked at your terms of reference and made some broad statements about those and I am happy to answer any questions you might have that arise from there.

The first issue is the development and implementation of programs in schools. Probably all of our Catholic systemic schools in the ACT would claim that restorative justice is a core element of each school's pastoral care and discipline policy. The concept of restorative justice fits well with the sacramental nature of the schools and the fact that we are on about reconciliation, basically. Where a student has misbehaved or offended in a way that impacts significantly on others, the student, the student's parents, class teacher, an executive staff member, the victim—for want of a better word—and the victim's family will have some part to play in making things right.

We recognise that admitting a wrong and seeking forgiveness is central to sound human relationships and we recognise that the granting of forgiveness does not happen easily and that resentment and anger can be harboured for long periods of time. We also recognise that punishment may be an easy solution, providing a quick fix, a sense of retribution and revenge and a source of false sense of closure. So what is the reality? I have stated what our vision is. The reality is that elements of restorative justice would be practised in all schools. The depth of practice would vary across the system.

Some schools have engaged in whole-school development of policy and procedures, which have deeply-embedded restorative justice principles, and these schools have restorative justice as a fundamental part of their pastoral and student management policies. Some schools have individuals who are trained in restorative justice principles and who are involved in responding to significant student misbehaviour or issues at school. Most schools know about restorative justice and practise it in a limited or haphazard manner. The reality is that some teachers are very good at restorative justice conferencing and accept and practise those principles. Some teachers are not; they require training, positive experiences in restorative justice and ongoing monitoring and support.

I guess what I am saying there is that it doesn't come naturally to all teachers, particularly to those who have been teaching for a long period of time and are used to particular models of discipline and student management. Restorative justice,

conferencing—whatever term you want to give it—does not come naturally to all teachers, so formal training is required. The same reality applies to parents and students. Most parents are very supportive and willingly participate. Others refuse; they want retribution or, if they are the parents of the student who has offended, they will resist any admission that the child may have committed an offence and prefer a quick-fix punishment such as detention or something like that so that it is over and done with and they don't have to be confronted by perhaps sitting in a group and hearing the effect of their child's misbehaviour.

I have chosen to talk about two of our schools in particular that are moving towards whole-school development of restorative justice. One is a secondary college. It has been involved recently in reviewing its student management practices. The school has implemented a quality conduct policy, a safe school policy and revised its sexual harassment policy to align it with the quality conduct policy. All of those policies have been written with restorative justice practices included, particularly the quality conduct policy. During this year, all of the pastoral care coordinators of that college have been trained in the use of restorative justice and restorative conferences. In February 2006 the entire staff will be trained in restorative justice practices.

This is a school with 150 staff. Marist Youth Care and staff from De La Salle College in Caringbah will conduct the training, and during 2006 the quality conduct policy will be systematically implemented. Restorative practices will be used to manage student misbehaviour and its consequences. Restorative justice conferencing will become an integral part of the college's approach to conduct problems. The college's card and contract system will continue to affirm students and help to ensure that possible consequences of misbehaviour are well known and reinforced. Restorative justice practices include conferencing with the student and others about what happened, what or who has been harmed or affected, what needs to happen to repair the harm, and how these outcomes will be implemented. That college has, independently of the system, as most of the schools have, explored this possibility. They are working within their own college budget to implement that across the college.

With regard to the case study of a primary school, they have followed a similar track but they are further along. During 2004, two staff members were trained in restorative justice conferencing. During 2005 the remainder of the staff were introduced to the program by those two trainers and the program was introduced and implemented in the school. So they operate on a system where higher-level issues are referred to a conference involving the children and their parents. Conferences are scripted and attended voluntarily by all participants. The conferences are known in the school as circle speak. Middle-level issues may be referred to a conference, which is convened usually by the assistant principal, and this occurs with or without parents, depending on the situation.

Low-level issues are dealt with using the same principles. These usually are known as corridor conferences because they are informal and generally held before or after class and often in the corridor outside, but they occur as close as possible to the time of the complained-about behaviour. With the low-level issues, you can imagine that children are coming in off the playground, complaining that someone has done something or some misbehaviour has occurred. Because all the teachers are trained, they will take the time to deal with the issue generally there on the spot and get the people together. It takes a few minutes, the children are used to it—they know the routine in a sense. It

works very well. But all of them, whether low level, middle level or high level, are followed up with a contract or an agreement and that is followed through by the person who has convened the conference.

The school has had significant success using circle talk in dealing with complaints of bullying. The school reports that circle talk has had a marked rehabilitative effect on bullies and given confidence and resilience to those who have been bullied. So this school in particular feels that restorative practices have been very successful in dealing with bullying. Of course we can use the term “bullying” to mean all sorts of things, but as it is understood in this setting in primary school it is basically the ongoing harassment of a student by another student or group of students.

They have had one significant issue regarding vandalism that was dealt with using circle talk. This involved a member of the public who had her car parked outside the school, and during lunchtime students threw rocks at the car and damaged the car significantly. The school used circle talk to try to make amends. A conference was called that involved the person whose car had been damaged, the three students who had been throwing rocks and their parents. The victim of the vandalism attended, along with the perpetrators and their parents. The conference was extremely successful. The children experienced the effects of their actions when they heard about the effect on the car. They heard the cost that was involved in repairing the car and also the effect that it had on the owner, who was a local resident. They also experienced their parents’ disappointment and shame, as well as hearing their parents make offers to make things right on their behalf. Reparation was made, which involved parents and the children. The children were responsible for cleaning up the street where the incident happened, including removing the broken glass, which was a constant reminder to the victim of the day that her car had been attacked by the children. The parents in their reparation detailed the car for the victim after the work was done on the car.

From a Catholic Education Office perspective, I guess we have schools that are taking the lead and working at their own pace and using their own funds made available to them to train their staff and children in restorative principles. If I needed to give a percentage, I would say that about 50 per cent of our schools would have a marked designated program that they would call restorative justice or something along those terms. The others would say, and have reported to me, that they are using those principles but in a less formal and a less structured manner.

With regard to the allocation of government resourcing and its impact on the development and implementation of restorative justice programs, from the pool of funding provided by the commonwealth, ACT and parental contributions an allowance is made to each school for school-determined professional development. The priorities for the use of that money are determined at the school level. The system also makes available professional development opportunities based on what we call system priorities and goals. In recent years, system professional development has focused on compliance with accountability standards for school renewal and development, curriculum renewal, staff spirituality, religious education and child protection. Also, the quality teacher program funding from the commonwealth: some of the schools have used that for researching and providing renewal to their policies in student management.

Increases in teacher release time and decreases in class sizes all help in management of

students, and it has to be acknowledged that those benefits do come from government funding. The lower levels of ACT government funding available to Catholic systemic schools compared to our New South Wales schools means that there is a gap in the funds available to fund specific programs such as restorative justice. The reality for us is that our larger schools will always have a financial advantage over smaller schools in implementing programs and innovation. Economies of scale mean that schools with higher student population will have greater flexibility with their school budget, simply because they have greater access to parent funds coming into the school. So it is the larger schools generally that are able to perhaps take the initiative, using their own budgets to access professional training in these areas. Other schools will access their colleagues from other schools but I think it is acknowledged that in a program like this it is far better to have professional trainers—people who know the programs well—to come and train the teachers.

With regard to the strategies for involving young people in the development of the programs, all of our schools have student representative councils and some schools again are very skilled at involving student representative councils in policy and procedure development, particularly of this nature. Our college student representative councils generally have access to the school board, either through student members on the school board, or staff, or through their staff representatives on the school board.

Circle speak and restorative justice conferencing follow-up meetings involve evaluative processes and debriefing, and these are very valuable in providing feedback to the adults involved in the conferences from the children. All schools involve students in the establishment and clarification of student codes of conduct and school rules, and students also have input into the appropriate sanctions or the ways in which breaches of school rules are dealt with.

Programs to support young people and their families: all of the schools have peer support programs and this involves children meeting in family groups of some description for discussion and activity. These programs aim to help children across the school to have an all-age group with whom they can mix and refer concerns to. This assists children of all ages to feel safe and comfortable at school. Most schools have what we call mighty mate programs. These again involve peer support and they provide direct peer support for children entering their first years at school. A lot of our schools have peer mediators, and these children work with teachers on the playground to respond to minor complaints that children have, such as, “He took my ball” or “She won’t play with me.” The peer mediators assist children to discuss the problem before they take it to a teacher if they need to, and that is quite successful as well.

Student management policies usually have a no-blame focus. Our response to incidents aims for impartial information gathering, due process and students taking and accepting responsibility for their actions. Clear expectations are that parents will be involved in discussions with students about serious misbehaviour and its consequences. We provide access to professional counselling and support for all people involved in, say, the higher-level student management issues. They also have access to parish care structures. School pastoral structures are geared so that students know definitely who is responsible for them pastorally and who is an alternative person to whom they can refer their problems if they need to.

One of our main system-wide issues in recent years has been child protection, and that is my role. The schools in our system cover both jurisdictions, New South Wales and the ACT, and you are probably aware that our schools in New South Wales are within the New South Wales ombudsman's jurisdiction, so we are covered by the Ombudsman Act and the obligations that are placed there to investigate issues of reportable conduct, as it is known in New South Wales. We have extended that standard to our ACT schools as well, so that we follow the New South Wales standard in responding to complaints against our employees.

We do use restorative justice principles, once we have completed an investigation of those complaints, to make things right if a child has complained about a teacher's behaviour. So our restorative justice practices don't just stop with student-to-student issues. They include issues that students have with staff as well, and they are quite powerful experiences when someone with power, such as a teacher, sits with a student and hears the effect of his or her behaviour on the student; likewise the teacher can also explain, if need be, the effect that the student's behaviour is having on them personally as well. It usually offers a great ground for reparation and restoration. Our legal system is based on making things right generally through retribution or through money, and we know that most people just want an apology, basically, and a proper apology. So our practices aim to provide that if we can where we can.

I guess that really is my submission to the hearing today and I am happy to answer any questions or clarify any of the comments that I have made.

THE CHAIR: Thank you very much. These two schools have gone to quite a lot of trouble to introduce it into their schools. One of the things that we are finding up to this point is that there doesn't seem to be some formal evaluation tool put in place right at the beginning. Various difficulties have been explained as the reason why that has not been the case. Have these two schools put a formal evaluation tool in place to measure what the conditions were before they introduced it and as they progress?

Mr Marsh: With regard to the primary school, I don't know, because I haven't asked them that question and they didn't provide that to me with the information they gave. With regard to the secondary college, I would say that probably there is not a formal tool, but they certainly are evaluating as they go along because they have taken it from a policy perspective. They have looked at their quality conduct policy over the whole school, so all of the staff have been involved in that. They have teachers trained in restorative justice conferencing, but it hasn't become widespread across the college yet. With their training next year, I could say yes, I could say no—I really don't know—but I would imagine they are evaluating as they go.

MRS DUNNE: You say that the high school has been evaluating; how are they evaluating it?

Mr Marsh: I guess it's probably not a qualitative evaluation, because the teachers first of all reviewed their previous practices. They have looked at new ways of approaching student management, so in a sense they have looked at what they are doing and have evaluated what's working well and what's not working well and how they need to move. From that initial evaluation came the decision that they want to move towards restorative justice practices. So that's the initial evaluation that has happened.

THE CHAIR: You talked about it being used for behaviour problems of young people and also some problems that arise between teachers and young people. What about between teachers and teachers: has it been used in that way as well?

Mr Marsh: Usually teacher-to-teacher issues are dealt with at school level. It would depend on the level of discontent. We do have in each school harassment officers who are trained to initially receive complaints and direct teachers to means of seeking mediation or whatever. We have trained mediators also at our office who work with teachers at that level. In my own role I have done mediation on staff-to-staff issues, and generally mediation works very well. It follows the pattern of restorative justice—scripted interview basically—because you are getting people to make their initial statements of what has happened. The other person hears the effect on them. You set an agenda from there and generally you end with a means of moving on.

MR GENTLEMAN: I was very interested in your statement that most people would simply like an apology rather than go through the punitive or monetary compensation program that we have in our legal system. I wondered whether in the restorative practice scenario, where there is financial damage, like property damage or something like that, you have a restoration program for that as well.

Mr Marsh: With the car vandalism, for example, reparation was made through the school's insurance company. I cannot make off-the-record comments, but the approach of the insurance company was interesting. They wanted to approach each family individually to seek money from them in reparation, which we would not allow to happen because we said that we had engaged in a process of making things right and we thought we had done a good job with that so we weren't going to give them the names of those people. They didn't really have any right to ask for it anyway, but that's by the by. It was interesting having the discussion with the insurance company, because their aim was to be reimbursed themselves for the money they had paid out. Part of the deal, I guess, with the person who had had her car damaged was that the school, in a sense, would accept responsibility for the financial fixing of the car. But even for her that wasn't the issue; she wanted the children to realise what they had done so they would know not to do that sort of thing in the future. I think that works very well.

So, when we took the financial thing out of the equation, we were able to say to this lady, "Look, you don't need to worry about the financial aspects; we will fix that up." But she said, "Well, that's really not what I'm after. I want these children to understand that what they've done is the wrong thing." That is why the conference worked so well because everybody, particularly the victim, got what they needed. We could have just said, "We'll fix your car. Here's a cheque, now go away." But that wouldn't in a sense rehabilitate the children or give the victim what she really needed, which was an apology and an assurance that she could park her car there without these kids doing these sorts of things.

MRS DUNNE: You talked about two case studies but you're not going to tell us where the schools are. Can I ask: are they in the ACT or New South Wales?

Mr Marsh: I am quite happy to tell you who they are if you wish to know.

MRS DUNNE: Yes, I would be interested.

Mr Marsh: They are MacKillop college in Tuggeranong and Sacred Heart Primary School in Pearce.

MRS DUNNE: Good. I was just guessing, you see. I thought there must have been a policy decision not to say—

Mr Marsh: No, I didn't initially disclose that, not because I didn't want to but I thought it was good to give you the case study first without knowing the location of the school or whatever.

MR GENTLEMAN: Both are in my electorate.

THE CHAIR: Would you like to choose one in our electorate?

MRS DUNNE: Charnwood is doing very nicely.

THE CHAIR: That brings me to my question: will you be doing some sort of comparison between maybe some control schools in your area where they are using perhaps the more traditional methods. I know you said that most of the schools believe that they are using some of this practice in some way or another, but there must be degrees. Are you able to look at any other schools and have any control running so that you can see the effects over time in these two schools in such things as using other methods less often, less down time in the classroom, less disruption, less stress on the teachers, or whatever the measurements might be, that you could obviously get from other schools that have been trying it over time? Have you thought about doing that?

Mr Marsh: I don't think that has been put forward as a definite project, but I know there are quite a few schools that are training in restorative justice practices next year. It's like a lot of innovation that comes into school: a groundswell happens and it starts to kick off because people talk about the success of the program. So at the moment from a system point of view there is no restorative justice program or system project around this. It is very much happening at the grassroots level where people are discovering this themselves and implementing it through their own school budgets. So the short answer would be no, but I wouldn't say that that's a definitive no, that it's not going to happen. It may well become a system priority; we may well look at a system-wide approach to this.

THE CHAIR: I was interested in your description of what happened with the insurance company. It reminded me that a number of people have said to us, both here and in Adelaide, that there needs to be a cultural change throughout the whole school. Do you think that the way it is coming up through each individual school at the moment, driven through a grassroots initiative, is positive for a cultural change within a school, or do you think it should be driven by the whole of the Catholic Education Office in order to introduce the cultural change?

Mr Marsh: Probably yes to both in a sense. It does have to come from grassroots, because schools are bombarded with programs that come from above: we have to implement this as it is either a requirement of government or a requirement of system.

Schools do that very systematically, but perhaps they don't own it as well as they do an idea that comes from within.

With some of the issues that you have identified there, it is not just about students and teachers understanding restorative justice principles and wanting to use them; it's also about parents. A lot of parents will divorce themselves—this is a generalisation; some parents will—from their children's behavioural issues because it's easier to do that, and they want it fixed at school. They don't want to have to come to school and be involved in that sort of process. Of course that's not all parents; many parents will embrace the idea and will very much want to do it. So the training that we implement at school level, whether it comes from the system or the school itself, must include parents and educate them in restorative justice practices as well. The ideal would be both: for us to be able to say that in 2007, the restorative justice year, we're going to have a system-wide coordinated effort to see what is happening in our schools, to help those schools that haven't got the funds to do it themselves. But I couldn't say that that is on our priorities at the moment.

MR GENTLEMAN: Mr Marsh has been very forthcoming.

MRS DUNNE: All of the things I wanted to cover have been covered.

THE CHAIR: The parent one is quite an interesting one—how different schools are going to approach that. The other issue that we did explore a while ago with another group of people was relief teachers. Have you got any idea of what is happening around those as far as those two schools are concerned?

Mr Marsh: No, I don't have any idea. I heard the answer to the Charnwood submission, and I would say that generally schools do have a pool of relief teachers that they use all the time, and schools generally do try to include those people in their professional development activities, because it's in everyone's interests to do that. We have 2,000 paid employees who are on contracts with us; we probably have another 2,000 people who are casual, and many of those would also be on the ACT government schools casual lists. So training casual teachers may be something that should happen jointly between the ACT government and the independent schools, because the same people are working in all the schools.

THE CHAIR: That leads me to another question: do the principals of the different schools—the independent schools, the Catholic schools and the public sector—get together for any conferences or anything during the year?

Mr Marsh: Informally, and it wouldn't involve everybody. There are principals organisations that are open to both government and non-government principals. The agenda for that comes from within that committee—I just can't remember the name of that group at the moment—and does provide a good sharing of information and good professional development opportunities, but it doesn't involve everybody.

MRS DUNNE: That has reminded me: Mr Marsh, you have schools across two jurisdictions. In New South Wales is there much use of restorative practices? I ask this because you often have a number of primary schools that feed into a high school. In the ACT most of those are non-systemic schools, then you've got St Francis Xavier and

MacKillop. Are there any other systemic high schools?

Mr Marsh: Yes, we've got Merici, St Francis Xavier, St Clare's and MacKillop.

MRS DUNNE: St Clare's is a systemic school as well?

Mr Marsh: Yes.

MRS DUNNE: Okay; I'd forgotten that. Where children sort of funnel out of feeder primary schools into those schools, how do those high schools cope with children who have come through a whole range of different behaviour management principles? How do they synthesise that into something that is accessible to everybody?

Mr Marsh: On the first part of your question with regard to New South Wales, New South Wales schools are very scattered. Some of them are very small schools—say, 26 pupils—and others are quite large. I would say that, where there is a congregation of schools, for instance in Goulburn, restorative justice practices are very well used. That conglomeration of schools has, together, worked on that, so it does work well there. You've got an ideal situation where it's almost a closed group: the children from the primary schools go to the high school, so it works very well. In the ACT of course it's the opposite: you might have kids from Conder going to St Clare's, kids from Charnwood going to St Clare's and kids from Queanbeyan going to St Clare's, so they do come from all parts of the territory to go to the high schools, and I would say that it is a problem.

It is a problem in all aspects of education when you have children coming from diverse primary schools into one secondary school. Many of the very good practices of the primary school are left behind because the high school doesn't practise that way or doesn't know of that practice. I imagine that would be common to all systems of education, basically, because you have such a wide diversity. But, once again, if you have parents who experience this process, and experience it positively, in primary school, they will ask for the process in high school as well, and they will say, "Are we going to conference about this?" Hopefully that will inspire people.

THE CHAIR: As no-one has any more questions, I thank you, Mr Marsh, for coming in today and giving us so much of your time in that wonderful presentation at the beginning from which we got so much information. We will let you know if there are any questions on notice.

Meeting adjourned from 10.47 to 11.03 am.

DENIS GOODRUM,

KATJA MIKHAILOVICH and

THOMAS NIELSEN

were called.

THE CHAIR: Welcome. You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

I thank you for coming to this hearing today on restorative practice in youth settings. I will ask each of you shortly to introduce yourself. Responses to any questions taken on notice should be provided to the committee within five business days. We will not get any to you until Monday at the earliest. Do you have an opening statement that you would like to make?

Prof Goodrum: We will introduce ourselves first and then take it from there. My name is Professor Denis Goodrum. I am head of school of education and community studies at the University of Canberra.

Dr Mikhailovich: My name is Katja Mikhailovich and I am the discipline head of community studies within the school of education and community studies.

Dr Nielsen: My name is Thomas Nielsen and I am convening a classroom management subject, together with a colleague, at the university.

Prof Goodrum: Dr Mikhailovich will give you an introductory statement.

Dr Mikhailovich: I would like to make a few comments on context for our involvement today. We are one of the largest providers of teacher training in the ACT, offering undergraduate and graduate entry training for early childhood, primary and secondary teaching within the school of education and community studies. The school also provides professional training to people entering community work, counselling and community development in a variety of sectors, such as youth work, disability services, mental health and residential care, all of which have implications for restorative justice principles.

The terms of reference of the committee that we want to address today are the first two—development and implementation, and the allocation of resources and the impact of the development and implementation of restorative justice programs. A very brief context for us is that our understanding of the introduction of community conferencing in schools in the ACT is that it is a variation of the police-based conferencing programs and that these have been adapted and are not uniform, that they vary across the country and that they vary in the way in which they are implemented within schools. The fact that there is

no uniformity is quite important at this stage.

We are also aware that there has been an increase in the number of schools exploring the implementation and adoption of restorative justice principles within schools but, again, they are doing so in quite different ways. Some schools are implementing restorative justice principles as an adjunct to or in some cases a replacement of traditional approaches to school discipline and behaviour management and others are utilising them as a way of trying to foster positive relationships within the school and within the school community, not simply as behaviour management, and sometimes schools are doing that in the context of health promoting schools frameworks or national safe schools frameworks. Again, the way in which the schools are implementing them is very different.

The final point on context is that, as far as we have been able to establish, the evidence of the effectiveness of restorative justice approaches within schools, rather than within the criminal justice system, is still emerging, but there are some positive trends in the early research, which indicates that there are positive outcomes for participants and participant satisfaction in schools at the level of teachers, young people and parents, that there have been some reports of lower reoffending rates, reduced absenteeism, reduced detentions, and reductions in rates of suspensions and exclusions. But that is only very early evidence.

The implications for us as a tertiary education provider are that, at this stage, we do not include within the curriculum of preservice teacher training or community studies at the University of Canberra rigorous training around the integration of restorative justice principles within school settings. That is not to say that we do not introduce the concept to students, but at this stage there is no uniform or in-depth integration of that into preservice teacher curriculums within the University of Canberra. There are opportunities to do so, particularly in areas such as Dr Nielsen's teaching in the areas concerned with behaviour management or in subjects dealing with dispute resolution, which we have in community studies.

I think that the issues for us—I will finish with these few points—are that, prior to considering any revisions of curriculums for preservice teacher training, we would want to see a more robust evidence base for the inclusion of restorative justice training in schools and I think that there would need to be some justification in terms of this being driven by a need, either a top-down need from education policy directives within the department or from schools—principals, teachers and school communities—saying, “This is something that appears to be valuable, useful and working and we want to know more about it and we want to have a broader skill base amongst teachers and community practitioners to help facilitate this in the ACT community.”

We have other questions about the appropriateness of it for new graduates. In undergraduate training programs it does appear that conferencing processes are better dealt with by senior teachers with more experience. So there is the question of whether it is appropriate for undergraduate teaching programs, other than at an introductory level, and whether training in this area, if it were warranted, would be better provided to teachers at an in-service or professional development level.

In that sense, it might be more appropriate at the University of Canberra in postgraduate

programs, such as in the master of educational leadership, or in postgraduate counselling programs. So there are questions as to where that sort of teacher training is best placed in terms of the level within the system. We are also not currently familiar with the types of facilitator training or professional development training available to teachers and community workers in the ACT or New South Wales and we would like to explore more what is available and what type of training academic staff would require in order to provide some expertise as a tertiary education provider in this area.

The time and resource implications have not been explored within the university, but there are possibilities for linkages and overlaps in areas within which restorative justice principles fit within tertiary training, such as the introduction of values education next year, and the health promoting schools and national safe schools frameworks are obviously contexts within which restorative justice very easily fits and could be an expansion of those existing programs within teaching curriculums.

THE CHAIR: Thank you very much.

MRS DUNNE: My question is a perennial one for me, Dr Mikhailovich. You mentioned in your presentation that there is early research. Can you give the committee some idea about the methodology of the research and what it is measuring? Also, one of the things that the committee is becoming more aware of is that there are programs being introduced into schools but there does not seem to be any underpinning baseline data as to how one might evaluate them. I would like to have your contribution on how you might come up with the evidence-based material that you say that we need, and I do not disagree with you.

Dr Mikhailovich: A recent study produced by the Australian College of Educators is one of the few studies in Australia that I have seen that used a control group and an intervention group with both pre and post measures and a qualitative and quantitative design. I have not seen a robust report of the actual methodology; rather a summary of the findings. That seems to be, I think, a reasonable model for evaluation of the practice. They implemented it in a number of schools—it was not a single school study—which was, I think, also in favour of that. The types of measures they used were around absenteeism, reduction in behaviour.

MRS DUNNE: Mainly behavioural types of measures.

Dr Mikhailovich: They were mainly behavioural—absenteeism, reductions in school exclusions, detentions. They also did look at the qualitative experience of teachers. They separated their findings into the way in which teachers experienced the program and the comments from parents and young people within the schools. I would be happy to provide you with some of the other material that is there. I think that the Queensland research into the implementation in Queensland schools is of a more qualitative nature but also shows positive indications there. I think that it would be better to have some broader studies using comparison control.

MRS DUNNE: A lot of what is said, and I take it as a reasonably valid point, is that it is very hard to measure a lot of this because the school population changes, the teacher mix changes, children come and go, et cetera, and, if you are measuring over time, the socioeconomic status of the suburb may change or the feeder area may change. I suppose

that indicates that you should not be looking at one school in isolation, that you should be perhaps comparing it with others.

Dr Mikhailovich: Having a much larger number and a time series of studies as well.

MRS DUNNE: For a jurisdiction which is starting out on this process, what sort of advice would you be giving to educational administrators about the sorts of material they should be collecting as baseline information or the sorts of approaches that they should be taking to evaluate something? If we are going to put resources into this process, should we be just relying on a gut-feeling indicator that the school seems better?

Dr Mikhailovich: I do not think so. The other panel members might like to comment also. I think that two factors need to be taken into account. One is whether it is a strategy being used by the schools to take a different approach to behaviour management and discipline within the school. There are much clearer measures in that area that could be established as baseline measures to identify change. For those schools which are wanting to use it almost in a sense to promote better relationships, to address conflict resolution on a broader level, those measures are much more difficult to identify and would need to be looked at much more closely. Schools need first of all to identify the context within which they want to integrate restorative justice principles before you determine what the best measures would be if you were to evaluate them.

MRS DUNNE: I take your point.

Dr Mikhailovich: I do not know whether Dr Nielsen would like to comment.

Dr Nielsen: I would like to support that. I think that it is important to make the distinction if you are looking at restorative practices actually being implemented almost on a continuum scale from high conflict resolution, having many therapeutic elements to it, to very general principles which can be incorporated into the school's behaviour management plan. In terms of understanding research but also in terms of understanding how to fund it, I think that it is important to look at what it is actually that we are supporting or wanting to support.

If we are talking about the more general principles, I think that there is no doubt about the validity of supporting that, because that basically is very close to the constructivist principles coming out of the last 20 years of research in education, which is more to do with working with kids, whether it is behaviour management issues or just learning in general, rather than just imposing something on kids, again whether it is behaviour management or learning. I think that the more general end of the continuum is well supported already, because it is to do with conferencing skills, constructivist principles and working with kids. I think that the other end of the continuum is more contentious, and that is why we need a little bit more research as to clarifying the dangers highlighted in terms of the difficulty that is involved in going into high-conflict resolution situations and having those more therapeutic elements to the conflict resolution.

MRS DUNNE: Dr Nielsen, you are the first person to mention dangers to us in our discussions here or when we have visited. What do you see as the dangers?

Dr Nielsen: To have a new graduate teacher come out and work in a school and be, for

example, expected to do some of the more therapeutic elements of restorative practice within a program that a school is implementing would be, I think, a bit dangerous. There is a law in psychology that once you engage in a therapeutic situation with anyone, whether it is with the parents, the larger community or just on a one-on-one basis, there is always an element of risk, simply because you are dealing with the problem that lies underneath and not just the immediate cause. That is the benefit of restorative practice and that is why I am all for it, as long as we have a cautious approach to it, but I think that the danger lies in the fact that it does actually require a certain amount of skill and understanding that we are not necessarily giving to teachers at the moment.

THE CHAIR: My question is about something shared with us by the Catholic Education Office. It appears that in one of the schools, I am not quite sure which one, in which they are introducing it across the whole school they will have a system whereby there is grading of the seriousness of matters, so that certain people will be responsible for holding conferences at certain levels. I think they were described as high, medium and low. If it is seen as a high-level conference, it is done only by very senior members of the school staff, it appears. Medium-level ones can be done by other classroom teachers—that is my understanding—and other people can do the low-level ones.

In fact, at Charnwood school, as described to us by the principal there, children can do what they call corridor ones, but they can actually happen in the playground. They can initiate those and, using the script card, can run those little, informal ones themselves, because the primary school children have been trained in how to do that. Do you see that as something that could be looked at as a model in introducing it in the way that you teach? You were saying that you would only introduce it perhaps at the high level of the postgraduate program. Is there a need for it to be introduced to the undergraduates at perhaps a different level?

Prof Goodrum: The comment I would make generally is that what you have just explained has a logic to it. I guess the difficulty at the undergraduate level is that our curriculum is just so full at the present time. As indicated earlier, in today's press in terms of literacy there are going to be higher expectations, as there always are in terms of literacy, of spending more time on that area. There are only X hours in a day and, for whatever goes in, you have to try to remove aspects from it. That is the challenge that we have continually in teacher education. The expectation of us is so high in terms of completing all dimensions of various aspects. In general terms, sure. My understanding of the procedure, and my understanding is limited, is that it is a much more sophisticated procedure which requires greater experience than a young graduate entering the school system would have.

MR GENTLEMAN: Is there a cost difference in the way you implement undergraduate education and postgraduate education? Is it that more time and resources are available for postgraduate education?

Prof Goodrum: There are two elements of that. One is the input and one is the output. From the input perspective and the students' perspective, yes, at this point in time, in terms of students, when they do an undergraduate degree, their payment is in terms of what was traditionally called HECS and is now called HESA. Postgraduate expectation is that that is full fee paying. Having said that, there are some commonwealth-funded places available but they are limited. The general expectation for postgraduate work is

full fee paying. In terms of the system generally, when an education system wishes to provide professional training to a group of people, they will negotiate a contract with our university or any other university in terms of the payment of that.

That answers the question from the input perspective. From us in terms of the costs involved, generally postgraduate education is costed at a slightly higher rate than undergraduate studies. To use some more traditional data, in the 1990s there was a thing called the relative funding model. One could spend hours talking about that, but essentially the undergraduate relativities were always much lower than the postgraduate relativities. This was a mechanism to try to give some sense to costing for courses. That is true of virtually every course within the university sector.

Dr Nielsen: In relation to funding and what is going on there, the more generic principles of restorative practice are already being taught in, for example, the subject that I am teaching, because it is to do with those generic skills of how to deal with conflict and so on. Having said that, I think it is always of greater benefit to have a more common language, as we talked about before the meeting, because it creates elaboration for the students when they hear the same terms and a common language used across units. That is not to say that we cannot incorporate perhaps an umbrella which then would require more thought, but there are already some principles being taught in the current program that we are teaching.

Dr Mikhailovich: I am aware that some of the work that is being done in Queensland has talked about minimum training requirements for in-service workshops for teachers implementing restorative justice principles within schools like the Charnwood model, similar to that. They talk about a minimum two-day workshop for all teachers in the school, which has considerable resource implications. If you are providing a level of education for children in conflict management, even within the context of a leadership program within schools, for example, it does alert you to the fact that to do something well would require sufficient time release for teachers to adequately gain facilitation skills for the processes used.

MRS DUNNE: I wish to go back to a couple of things, one of them being the research. We were told by the principal of Charnwood primary that, with 2½ years worth of implementation, they can see by looking at ACTAP scores for children who were in year 3 at the beginning of the process and who had now done their ACTAP testing in year 5 a measurable improvement in literacy skills across that. Do you know of research that would support that or is it too early in the piece?

Dr Mikhailovich: No. I do not, and I do not know how you could isolate it to the intervention.

THE CHAIR: That is the difficulty.

MRS DUNNE: It is difficult. You made the point that we need some sound evidence-based research. My concern about a lot of this is that a lot of what we are seeing at the moment is people reporting qualitative, impressionistic sorts of responses to whether the program succeeds. They should not be diminished. At the same time, we should be finding ways of supporting that with good empirical information.

Dr Mikhailovich: I would have to support that.

MRS DUNNE: Dr Nielsen, can you give us a precis of the sorts of things that you cover in your unit?

Dr Nielsen: In relation to restorative practices?

MRS DUNNE: No, generally speaking in terms of management, because one of the issues that keep coming up is whether graduates are skilled enough to confront behaviour issues in the classroom.

Dr Nielsen: To that I would start by saying that I think that they could do with a lot more. Within the constraints that we have, we roughly centre the teaching around the three main domains within educational instruction in general, that is, the cognitive theory, the behaviourist theory and the humanist theory. We talk about the different theories in behaviour management that fall into those three categories, because most of them do, and we talk about what that means and how to combine the theories. Usually, good teachers have elements of all three and that is why they are good. We use different models: for example, the Canter model to talk about behaviourism and the Glasser model to talk about some of the more dialogue-based approaches. We use these different models and theories to give us all a theoretical understanding about these three main domains.

MRS DUNNE: Is there a practical element as well?

Dr Nielsen: They do go out on prac for three weeks, I think, in the latter part of that semester, which is a great opportunity for them, because we encourage them in the unit to see other things and look out for some of the techniques, even try out some other things as much as that fits into the particular model used by the supervising teacher.

MRS DUNNE: Excuse me for my old-fashioned approach here, but is the course that you teach one of the compulsory courses of the courses studied?

Dr Nielsen: Yes.

Prof Goodrum: I understand the question you are asking to be about an elimination of some of the strategies when you talk about the practical dimensions. Is that what you are referring to?

MRS DUNNE: Yes, what sorts of strategies do you arm these people with when they go into that jungle?

Dr Nielsen: To give some examples: if you used a behaviourist model, it would be very tangible things like body language, eye contact, physical proximity, walking close to students. That is a very mechanical thing which they usually value very much because they think that it is a tool and, if they can apply that tool, it will work. But we also use a lot of time on the other dimensions because the fact is that a tool is less powerful unless you know how to use it. Eye contact or physical proximity does not mean much to a kid if you have not got the referent power, for example, which is more the humanist paradigm, the fact that if you care for kids and you show them the respect that you would

like to have reciprocated you build up a certain amount of power which hasn't to do with any mechanical tools and then suddenly the physical proximity, the eye contact or the name calling works. We try to integrate practical techniques with the principles, the philosophy and the understanding behind them. That, of course, is always the hard part and that is perhaps where I would like more time than six months, or one semester, because the mechanical things are like a toolbox: you can quickly give them to students, but really understanding how to use those tools and the principle behind them is the difficult thing, but we do our best to try to combine those three elements.

THE CHAIR: I am trying to come to grips with what you have been saying about the time you need, as the students already have a crowded curriculum, to impart that before they can go out into the world. Mrs Dunne was talking about some improved measures in their learning but, as you were rightly saying, they are very hard to track. We were discussing whether it was a chicken and egg situation: if behaviour downtown in the classroom was less of a problem because of fewer behavioural problems, there was an opportunity for children to be able to learn more and their academic results would be better.

Does it go hand in hand, do you actually need both, to be able to achieve the results? Therefore, if you spend a lot of time teaching them how to get the academic skills but do not look after the behavioural side to the extent that perhaps you might want to, if you had your druthers, would you be doing yourself a disservice in putting these young people out there into a world where they would be only half-armed in a way? I do not know; I am just exploring that. The research seems to be such that we keep coming back to how we are going to measure all of those things in some rigorous way in order to see whether one is weighted the same as the other in education.

Prof Goodrum: Perhaps we can talk in very general principles. One general principle is that the expectation on learning is getting higher and higher and we are trying to meet that. The fact of the matter is that learning is a complex business; there is so much we do not understand about it. There is a lot we do. Research of the last 50 years has given us greater insight into how people learn, but there is still so much that we do not understand. The problem is, even with the example you gave of the chicken and the egg, the relationship between variables, the traditional empirical type of approach in physics and the mechanical relationship of one variable and another variable.

In the social sciences, in education in particular, it just does not work that way because the variables are so complex. That is why in the last X years, say the last 20 years, qualitative studies have become so important. They provide a basis for looking in a case study way at the way in which those variables interplay. The reality of the 1960s and 1970s, when we used much more empirical, traditional, physical-type approaches, actually did not give us the answers that we needed. We have found that the case study approach, the qualitative study, has given better answers, but there are still things that we are lacking.

My understanding of the nature of education research at the moment is that there is a movement back to embrace some of the more empirical dimensions. That does not mean that the qualitative has been forgotten; on the contrary. But they are going to interact much more. That is from very much a theoretical perspective. In terms of principle, there is no question that a successful child is a happy child. In the literacy report that was

presented in federal parliament, the case studies there tried to illustrate that relationship between being able to read and children who behave in a way which is conforming with the elements of society, that is, performing well. I suspect that it is to do with success. If you have success, you feel good about yourself. If you feel good about yourself, there is no reason for you to misbehave, if you put it as simple as that.

To achieve, you have to be interested; so there is chicken and egg, the essence of the type of constructivist theories that Dr Nielsen referred to. The basis of that is engagement. We have to start from the perspective where the child engages with learning, is excited about learning and it has some meaning for them. So it is in a context which works. If any type of strategy, this one in particular, has some sort of context and engagement for the students and the experienced teacher can build on that, then success will be realised and the management issues will become less and less as that feeling of success begins to permeate.

The literacy report was saying that we cannot have warm and fuzzies in this business. Warm and fuzzies are pretty important, but the reality is that for sustained success you almost always must meet a good skill or intellectual development basis. To use another area completely but one with which I am more familiar, the environmental education field, we in our programs can provide a basis for hugging trees to the nth degree. You do not really understand the importance of environmental education until you begin to understand some of the science behind what is happening, the reason for sustainability, the important factors associated with that, the understanding that for every technological decision we make there is a trade-off and there are constraints that happen. Those are the factors that interplay, and that is true of this as well.

I have covered a lot of field there but you have heard the principles that I have tried to enunciate. Success is an important quality. Engagement with the students; real, genuine, effective learning in the sense of not learning where you just repeat things but where you can apply that information to new situations and develop understanding which is practical and worthwhile—those are the types of things which are important.

THE CHAIR: You spoke of the resources that needs to be put in. We asked about that before. It seemed from what was being said that the resources put in at the early end reap benefits later in the classroom as far as downtime and those kinds of things are concerned. Again, you need measurements as to whether that is in reality a good investment, so we come back to that research. The intuitive information we are getting is that it is worth the investment in the beginning.

Prof Goodrum: From a scientific perspective, the general approach is that you usually do some pilot studies to see if things work, work from those and gradually build up. I am a great believer in taking thing slowly but doing them well, rather than spending a lot of money quickly on things that are based on suggestions and maybes. That is a pretty sound principle in terms of most things.

THE CHAIR: It seems to be growing from a grassroots response at the moment.

MRS DUNNE: But that goes back to what Dr Mikhailovich said about the motivations for people doing into it and whether it is top-down. In the ACT it does not seem to be top-down. It seems to be school communities saying, “Houston, we have got a problem,”

and then looking at what tools they have to address that problem. Using Charnwood as a standout example, they seem to have addressed, at least anecdotally, a lot of the problems in the playground with student behaviour.

Dr Mikhailovich: Given that you have had the opportunity to talk with lots of people, it seems to be that the crux is: what is the problem and how is the problem defined in terms of what the solution ought to be? Is the problem behavioural management within schools that is driving schools to say, “How else can we approach this other than the standard behavioural management approaches that we have had in the past?” Is that the driver?

MRS DUNNE: That is a very good question. I suspect that, in the cases of the schools that we have looked at more closely, that has been the driver: how do we better address behavioural problems in the school? The conventional toolbox does not work or is not working well enough. How do you add to that? The Charnwood example is that they add to the conventional time-out, suspension, et cetera, by a whole range of other interventions before you get to there. That seems to be generally the motivation that we have experienced as people want to address behaviour problems in school, and then they see that there are other spin-offs, but my concern is that it is never quantified.

Dr Mikhailovich: Another issue that I come across is that, in terms of the application of restorative justice principles within a criminal justice context, there seems to have been a separation of the application of those principles in crimes of violence, in domestic violence. In the school context, there has been the application of those in relation to assaults and bullying and the boundary between violence and bullying is not clearly defined in the school context.

MRS DUNNE: It is probably a continuum.

Dr Mikhailovich: It is a continuum. Again, there is not a lot of information within the school context to say when it is appropriate to apply restorative justice processes and where the line is that you do not use these processes.

THE CHAIR: We cannot have a conversation here about that but, if you want to know more about that, there has been a lot of research overseas about different settings in which it is used and the ACT will be using it in other settings with more violent crime, sexual abuse and all sorts of things in the next stage; so it is only a staged process in the ACT as far as the level of crime is concerned and it has started at the soft end, obviously.

MR GENTLEMAN: In fact, from next year.

MRS DUNNE: But the point that Dr Mikhailovich makes is true: for the most part, restorative practices in the justice context in Australia generally tend to eschew the violent end of the spectrum.

THE CHAIR: We all need to look at the research and see how it is practised in other places here and overseas and we all need to understand that, I think. You can do whatever you want as far as research is concerned, but we need to be aware of the whole context. You can do whatever you want to do. I think that there is a lot of evidence from different jurisdictions and different places where it has been tried, but we cannot really have a conversation about it among ourselves.

Dr Mikhailovich: No, I am not suggesting that we have a conversation. I am just suggesting that there are differences of opinion on when it should be applied and under what circumstances.

THE CHAIR: I am agreeing with you and saying that that is why we need to look at the variety of material out there and see what others are saying. Thank you very much for your time.

TONI NOBLE and

CATHY DAVIS

were called.

THE CHAIR: Welcome to representatives from the Australian Catholic University to this hearing on style of practice in new settings. You should understand that these hearings are legal proceedings of the Legislative Assembly protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means you are protected from certain legal action such as being sued for defamation for what you say in a public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

If there are any questions on notice, we ask you to get your replies back within five business days. I would not imagine you would get those before next week, given that today is Friday.

Would one of you like to make an opening statement?

Dr Noble: Would it be suitable if we start by talking about our backgrounds and the context in which we both work? I am Dr Toni Noble from the Australian Catholic University, Sydney campus. I work in the faculty of education. I work a lot in schools, working with all school systems, independent, state and Catholic schools. I do a lot of consultancy work as well as conducting research in schools.

My interest has always been focused on how to help schools, in particular teachers, create positive classroom and school environments. I look very much at a whole school approach. Restorative practices are one of the tools, I guess, for helping to build positive school environments. Cathy, would you like to comment?

Dr Davis: My name is Cathy Davis. I am a lecturer in the School of Social Work here in Canberra at the Australian Catholic University. Thank you for giving us the opportunity to present here.

We actually thought that the Australian Catholic University was well placed to provide some information at the hearing, not just about our involvement in teacher education, but also in the ACT in recent years we have been involved in providing education in justice studies to many people in corrections, including juvenile justice. We have our recently established Institute of Child Protection Studies. We also run a number of courses in partnership with the office of child youth and family services.

In looking at the terms of reference, our assumption was that we are not just talking about restorative justice as it applies to the education system, but also in terms of the juvenile justice system and, of course, the use of restorative justice principles in family group conferencing within the child protection services. I guess the comments that we have really cover all of those areas.

THE CHAIR: Do you want to make any more introductory remarks?

Dr Davis: Just in terms of the general field of restorative justice, the principles or the ideology of it are very tempting. It is certainly an ideology that Toni would agree with that would fit very much with the philosophy of the Australian Catholic University. My comments, though, would be highlighting the fact that the research evidence on the effectiveness of restorative justice is actually quite mixed.

Having said that, I do not think that particularly means that restorative justice practices do not work in the settings that I have mentioned. I think instead it highlights the fact that there is a paucity of good research evidence, not just a paucity of good research evidence, but problems in terms of comparing like studies with like studies. There are often very different ideas about what constitutes effectiveness. Often measures of effectiveness are quite poorly defined in terms of: how would we know if restorative practices were working well in schools or in juvenile justice? Is it all about how the offender feels in juvenile justice situations? Is it about how the victim feels? Is it about reoffending? There is a lot of confusion about how you would actually measure effectiveness.

The other general point I would like to make is that in terms of the development of restorative practice programs there has often been too much emphasis on having this nice ideological feeling and rushing off and putting in place programs without really spending a lot of time trying to tease out the readiness of a school or a particular organisation to institute such a program. Regardless of whether or not you are looking at a school or a correctional facility or whatever, it really has to be a whole of organisation approach. It has got to be something where there are shared values and where everyone really has some commitment.

I am not just talking about teachers within a school, but obviously the kids in a school, the parents and the broader community. Everyone has a vested interest in it. I think often we actually see mixed research findings because there really has not been enough time or consideration given to the planning and implementation processes. So a general comment would be, for whatever direction the ACT is going now, I would put more of my eggs in the basket of planning and implementation and then the ongoing monitoring and evaluation, rather than just setting up a myriad of programs—not that I am suggesting you were going to do that. I often think that our planning and implementation processes are somewhat neglected.

MRS DUNNE: Correct me if I am putting words in your mouth, but what you are actually saying is that the selection of restorative practices for an institution is, in a sense, a very personal thing for that institution. It relates to that institution and it may not be a good idea, for instance, for, say, the whole government education structure to say, “We will implement restorative practices in our schools.” That may be not appropriate in some schools and highly appropriate in others. Would you see it as part of a suite? Sometimes, especially in politics, people see things as holy grails, the silver bullet, and although you might see good outcomes in particular areas, or what look like good outcomes, it may not necessarily translate into every context.

Dr Davis: I agree wholeheartedly with that. When you talk about restorative justice, you are not just talking about one particular beast. You are talking about a whole variety. There might be some basic principles and philosophical ideas that underpin it, but I think

you are talking about a whole suite of tools, a whole suite of potential programs, some of which might be suitable for some organisations and some which are not going to be suitable.

I think the other element in that, too, is about an organisation's readiness. So, depending on where they are in terms of that readiness—and I think you assess the readiness in terms of leadership, organisational structure, culture and the emotions of the staff involved and the various stakeholders—you might decide that the best tool or the best type of program at a particular time is this, rather than that. As you say, it is often a problem when something comes along or people get really enthused about the ideology of something and then there is often the danger of deciding that one size fits all. I do not think that is the case. The principles might be good everywhere, but you how operationalise those principles I think will be quite different.

THE CHAIR: At the moment we have a situation where it seems to be driven from the grassroots, from the schools themselves. They have made a commitment or have decided, for whatever reason, that they will make a commitment towards that. It does not seem to be—

MRS DUNNE: It does not seem to be particularly top down.

THE CHAIR: top down at all. Would you see that that would be the best approach from your point of view or that that would not sit necessarily with the idea of having it taught in your education setting for everybody to learn that process? Can you see those two approaches marrying somehow?

Dr Davis: I think those two approaches can marry. Toni can answer this better than I can in terms of teacher education.

Dr Noble: Not necessarily better, but I have got something to add.

Dr Davis: I think you can always marry different approaches. What you do ideally with your graduates, whether it be teacher education or social work or correctional officers or whatever, you try and actually teach people about a range of skills and about a range of processes that are involved in doing anything, whether it is consultation, liaison, planning, looking at the best implementation, et cetera. I think it is excellent if things come from the grassroots but, again from the grassroots, I would be asking: what does restorative justice mean to you? What do you think this would look like in your school? How would we actually look at what would fit best for this particular culture, for this neighbourhood where your students come from, et cetera?

Dr Noble: Just building on what Cathy is saying about the grassroots, I am intrigued to know who is actually driving it at the grassroots level. Is it coming from shared distributed leadership within the school, the executive, or is it coming from the teachers? Do the students have a say? Are the parents involved? Is it a whole school approach or is it just one or two teachers?

First, can I throw that back to you? When you say “grassroots”, what did you mean by that?

MRS DUNNE: People keep asking us questions when it is our job to ask you questions.

THE CHAIR: This is such a fascinating subject, we could probably get into a conversation. Unfortunately, we have to stop ourselves from doing that. Could you make a statement?

Dr Noble: Just going back to that grassroots level, I have a number of comments to make. Firstly, I refer to the literature on school change. If we are going to implement anything new, it needs to be at a whole school level. So if we look at the literature that says: what are the best programs in terms of prevention—and that is prevention of school violence, social skills, training and anti-bullying programs—the research analyses indicate that there are a lot of common factors that accord with the school change literature. The best programs are whole school. What we mean by “whole school” is what we have both been saying, that it is not just involving the teachers, but it is articulated vision that is shared amongst staff and also includes students, parents and even the broader community.

One of the other variables that come out of this research is that the best programs are embedded in the curriculum so that it is not seen as separate. A lot of schools feel that they have already got a very crowded curriculum. If they are going to do something new, it has to be seen logically to link to the everyday practice. If you can embed it in the curriculum, you get much better results. I would say that this is also in accord with the restorative practices.

The other thing that the literature says, when talking about whole school, is that it needs to be a K to 12 or a K to 6 approach so that the students revisit the key concepts, the key strategies and the key skills again and again in developmentally appropriate ways. When I am talking about restorative practices, I am taking a very broad view, from informal practices, which would be strategies like cooperative learning strategies, circle time strategies and peer mediation, to more formal restorative conferencing.

In terms of the top down, I think the school change literature would also say that the best change occurs if it is bottom up and top down, and that is coming back to Cathy’s statement: what are the values and what is the vision that the whole school has? Nothing survives if there is not a big buy-in from most of the key stakeholders.

THE CHAIR: So your particular area of expertise is with the social skills?

Dr Davis: Teaching social skills and I guess a particular interest in restorative justice that is more in terms of the course that we actually teach correctional officers and justice studies people, which is our Bachelor of Social Science in Justice Studies. That and also our work within the Institute of Child Protection Studies, which of course encompasses family group conferencing. As I said, I see it more broadly across the whole youth sector.

THE CHAIR: In those particular settings, would there be a different approach, then? Would it be necessary to introduce it across the whole of a department, for instance, the justice department and the child protection department? Is it necessary to introduce it for everybody to be trained in its use and everybody to be familiar with its use?

Dr Davis: I think everyone has to be trained in its use but again, in terms of its use, I would be saying: well, use of what? I would be talking about a whole lot of different tools and strategies. I think within our juvenile justice system it is a much better way to go in terms of looking at a system that is based on restorative justice principles, rather than a punitive-type principle. But having said that, I think there are always ands, ifs and buts. I think you have to look at the nature of the crime. You have to actually look at where victims fit in this, what victims' opinions are. There is a whole range of stakeholders in whatever setting you actually look at.

Again, I do not see it as a one-size-fits-all model. I guess I would like to think that our juvenile justice system actually was based on the broader restorative justice principles, which includes things like respect and encouraging people to take responsibility and which actually look at relationships. I think we can actually put those broad principles in a whole lot of different youth settings. How you then actually operationalise that in practice I think depends on juvenile justice, the nature of the offender, the nature of the crime and victims' attitudes.

Similarly, if you look at the use of restorative justice in the child protection system, particularly in the use of family group conferencing, again I do not think there is a one-model-fits-all. The literature again is quite mixed in terms of family group conferencing. A lot of the evidence from overseas with Maori culture is really very positive. It is very mixed, though, with indigenous cultures. Someone in their wisdom thought that if it works with Maoris, it would work brilliantly with indigenous people. But that is just not so.

There are some parts of Australia where specific models have been developed for particular indigenous communities and they seem to have worked well, but again it often seems to depend on variables like: is it a remote or rural area; is it an area where the indigenous people identify as belonging to one tribe? I guess I am just using that as an example to emphasise more about the teaching of tools to people, rather than saying that everyone will use the same model, and again to highlight the role not just of planning and looking carefully at implementation and making sure that there is a lot of consultation with the various stakeholders, but also making sure that, whatever programs or models or tools or whatever are introduced, there is ongoing monitoring and evaluation to actually see if things are working or if you need to introduce new things or to actually make changes. Does that make sense or is that complicated?

MR GENTLEMAN: Dr Davis, in your opening you suggested that at this stage you have not seen any tests or feedback on how restorative practices have been working. We have received a submission from the ANU, and I would like to quote a little bit of it for you. It talks about a series of controlled tests and it gives conclusions. There are five conclusions.

One deals with the statistically significant and substantial benefits for crime victims as measured by interviews with victims in person or by telephone. I should let you know that this trial goes up to 2004, but I am not sure when it actually started. The second conclusion deals with statistically significant and substantial reductions in repeat offending in some tests in some social settings with some demographic groups as measured by police arrest or charge data.

The third conclusion deals with statistically significant or substantial increases in repeat offending in other tests in some social settings with some demographic groups as measured by police arrests or charge data. The fourth conclusion deals with consistent and substantial reductions in crime victims' stated desire for physically violent revenge against offenders. The last conclusion deals with several tests and demographic comparisons in which restorative justice makes no statistically significant difference to repeat offending. There was a finding there that it did not work. I think that is the best way of saying it.

Dr Davis: I think there are good studies around that say yes, it works. There are some other studies that say it does not work quite so well. I thought my comment was that I thought the research evidence was mixed. I am certainly familiar with John Braithwaite's work, if it is John Braithwaite's submission from the ANU, and also the big study that was done in Canberra, the RISE study, which was not on young people but was on adult drunk drivers, actually. Similarly, there is a lot of South Australian research that has been done in terms of the youth justice system. There is a whole lot of research around.

Some of the research says yes, there are some good results, and some of the research did not actually find good results. That is what I was saying. The research evidence is quite mixed. What I was arguing for is that we really need more research and we need to try to ensure that when we are researching things, we are using the same sorts of measures. What some of the studies are looking at in terms of effectiveness is quite different from other studies.

There have been a lot of studies. The study you just quoted said that victims were really happy, but there is certainly a whole bunch of American studies where victims have not been very happy. There have been some studies that actually suggest that this will work better in terms of property crimes, but in terms of crimes of violence you do not actually go there. There are some studies that have looked at the outcome indicators in terms of recidivism, reoffending, and have actually found that you can somehow link recidivism rates with how the actual offender felt during diversionary conferencing. For instance, if the offender actually felt that he was not being treated with respect or that no one was listening to him, you are more likely to get offending behaviour.

There are other studies that say it is not so much how the person actually felt they were being treated. It is actually linked more to their early life experiences and what actually happens in their social situation afterwards. So, yes, there is some good evidence but there is also some other evidence that raises all sorts of other questions.

I guess my interest in it is that, because there is some good evidence, it is the way to in terms of the principles. But again I would argue that the way to really actually look at the effectiveness of restorative justice is to spend much more time on planning, to actually look at which particular models or tools are going to work best in a particular situation, rather than using the one-size-fits-all and to actually make sure that there is a lot of time given to implementation. You cannot just put in a program, and that is that. You cannot actually assume that everyone working in the program or working in the organisation is going to share those values or that everyone actually has the skills to be able to implement or work in a particular way. There is a need for ongoing training. You also have to monitor and evaluate very carefully and you have to be very clear about what your outcome indicators are. It is not just whether you feel better. I sound a bit rude

there. There has got to be some harder evidence.

MRS DUNNE: I think there is a lot in what you say, especially in the criminal justice setting. You have to be really careful about what it is that you are setting out to do. Is it just making the victim feel better or are you actually trying to effect reform and reforming practices that might prevent recidivism and might actually set somebody on a new path. With all due respect to the victim, who is important, it might socially be much more important to avoid recidivism rather than making the victim feel good. They are the sorts of things that we have to be very careful about what it is that you are setting out to do and how you measure it.

Dr Davis: That is right, and that is why again I think that whole planning and conceptualisation thing is so important. That is why I said I find problems with the literature because often you cannot compare one study with another because there have been different ideas about what constitutes effectiveness.

THE CHAIR: So setting those evaluation tools in place before you can start.

Dr Davis: That is right. I always think personally that the planning and implementation things are often far more important—you cannot say far more important. Evaluation is the key, of course. But often people miss those steps, whereas I think you really have got to put a lot of time and energy into really thinking through exactly what sort of program is going to fit best in this environment. How do we actually maximise the chances of success? What do we actually mean by success? How will we actually know whether it has worked and how are we going to control for all those extraneous factors that might be intervening?

THE CHAIR: You cannot evaluate something unless you decide where you want to go in the first place and what you are trying to—

Dr Davis: It sounds very obvious, but I think unfortunately we often do not do that.

THE CHAIR: Any more questions?

MRS DUNNE: No. I think I am right, thank you. I think we have covered it all. Actually, there is something. The last group raised it and I did not follow it up, but I thought you might have something to say on it. I think we may have touched on this. The University of Canberra made some comments about the fact that there was a lack of uniformity in application. I suppose this is the thing that we are talking about. Dr Mikhailovich actually said that that was important, but I wanted to come back and ask her whether she thought it was important as a plus or a negative. I suspect from what I am hearing from you that diversity is important and it is a positive so long as it is controlled and understood.

Dr Noble: You cannot have uniformity, can you? I think different settings require different procedures.

Dr Davis: Diversity is important in terms of, I guess, matching what you develop to the particular needs and characteristics of that particular environment. But I think uniformity is important in terms of having some common performance indicators so that you can

actually measure the outcomes of this study versus that study. That was one of the things that I talking about.

MRS DUNNE: Yes. That absolutely precisely answers my question.

THE CHAIR: At the moment we are trying to compare apples with oranges, to test bananas against grapefruit or whatever. That is why we have got this problem.

MRS DUNNE: Yes.

THE CHAIR: That is very unscientific language. Did you have any more questions, Mr Gentleman?

MR GENTLEMAN: No. Thank you very much for coming.

THE CHAIR: Thank you very much for your time.

MRS DUNNE: Thank you.

The committee adjourned at 12.15 pm.