

pk
by P K

Submission date: 05-Apr-2021 10:45PM (UTC-0700)

Submission ID: 1551675585

File name: Restorative_justice_in_schools_Autosaved.edited.docx (33.73K)

Word count: 4285

Character count: 23680

Restorative justice in schools

Institutional affiliation

Name of lecturer

Name of student

Submission date

Introduction

Education plays an essential role in creating an all-around individual. Through education, individuals acquire skills and behaviours that help the individuals fit in society. Apart from developing life skills, education helps moulding individuals' behavior and therefore is an essential element of society. Schools have experienced increased cases of aggressive behaviors that have affected students' performance in schools, and thus there is a need to address such behaviors. Aggressive behaviors refer to any physical, verbal, or non-verbal behaviors that can cause damage to other students (Kaur & Niwas 2017). The late research shows there are increased aggressive behaviors among secondary school students who have affected this stage of education. This trend is higher in private schools than the government schools, although the cases have increased tremendously in public schools. These behaviors have outstanding effects on the victims and the offenders. I, therefore, suggest the use of restorative justice in government schools to deter the increased cases of aggressive behaviors among learners. This paper will discuss restorative justice and how it works to correct behaviors, implement them, and apply it in a school setting. The paper will also look at the shortcoming of restorative justice that may affect its effectiveness in ensuring justice in school. Good grades are the aim of all schools and learners, and thus the paper will look at how restorative justice can improve performance in public schools.

To aid in understanding restorative behavior, various questions can be asked. First, we can ask ourselves why do students engage in aggressive behavior? What are some of the common aggressive behaviors students show or engage in? What are the effects of these acts on both the victims and actors? What is restorative justice? How has it been used to ensure fairness? How can we apply restorative justice in schools to minimize the case of aggressive behaviors?

Can this solve the problem of aggressive behavior among learners? What are some of the shortcomings of the theory, and how can they be solved or reduced? Answering these questions will help us understand the use of restorative justice in schools and its effects on moulding students' behaviors. It will also equip schools with knowledge on handling victims of aggressive behaviors and how to improve performance using restorative justice in schools. As such, can restorative justice help to eliminate aggressive behavior in government schools? How can restorative justice improve grades in school?

10

Restorative justice

In criminology and criminal justice, restorative justice theory is based on the adverse outcomes of crime activities. The harm caused by these acts is estimated and determined if the damage can be solved. The approach focuses on the harm done to the victims and the victims' needs to eliminate the harm. Also, it focuses on the person responsible for the injury and how he/she can be used in solving the damage. As such, the theory brings together the offenders and victims in the process of justice. During the process of justice, ways of restoring justice to the victims are developed. The offender is required to accept his/her crime actions and therefore accept to take responsibility for the harm caused (Wachtel 2016). This theory raises how many individuals will accept their harmful actions and accept taking responsibility for these actions. Although this theory is applicable in school, there is a big question of whether students will accept their acts and take responsibility for those actions.

Origin of the restorative theory

The modern theory of restorative justice has its roots in restorative practice, that is, it is aimed at repairing the harm of criminal acts. It originated in the 1970s as a mediation process

between offenders and victims. The theory was first used by Albert English in 1977 and described three approaches to attaining justice. Canada and the United States were the first nation to adopt and implement restorative justice, but it has been adopted by more than 100 countries of the world. In his approach to restorative justice, English's retributive justice approach was based on punishment for the offenders, distributive justices based on the use of therapy to treat the offenders. At the same time, he established restorative justice to reconstitute unity and reconcile the offenders and the victims of acts of crime (Gavrielides & Artinopoulou 2016).

In Canada, the first attempt was made by Mark Yantzi in 1974, where he brought two teenage offender and their victims together. The victims showed positive responses, and thus the first attempt reconciliation was completed. This has developed over the years to reach its status that includes communities offenders' families and victims and their friends in the process of collaborative justice. The approach has been implemented in schools, prisons, criminal cases where victims testify in courts and get immediate responses from the offenders and social work cases. In school, restorative justices use the same model used in criminal justice.

Pillars of restorative justices

Depending on the crime's context, restorative justice is found on three primary pillars: care for the victim, responsibility, and community participation. Care for the victim involves repairing the harm caused by the criminal act and making them feel safe in front of the offender. The offender is not expected to reoffend the victim after reconciliation is done. Care for the victim is also done by focusing on the impacts caused by the crime and the extent to which the harm has affected the victim. This helps in restoring the dignity of the victim. The second pillar of restorative justice is responsibility. In this pillar, the offender must be responsible for the acts

of crime and the damage caused by his/her actions. In this pillar, the offender should respect the rights of the victim and treat them with dignity. The participant during reconciliation should show support to all and thus eliminate any incidence of victimization.

During the process of justice, community participation should be allowed. Both the offender and the victim are social beings, and thus the community should be involved in making plans for repair of the harm caused by the crime. Also, the process should not discriminate against the offender and make him or her feel isolated from the entire community. Isolating the offender will make him insecure and may hinder the process of justice and the plans to repair the harm. Because the offender is a human being, he/she should be allowed to express his views, but he should be made aware of the actions done. This will ensure the victim views the offenders as a human being and thus accept his support. As such, the offender is accepted as a member of the community. In case of denial of the offences, the community should educate the offender to reaccept his actions and ensure he/she transforms into a better person acceptable in society. The community also trains the offender on nonviolence activities and ways of solving problems and minimized the chances of reoccurrence of the crime (Rosenblatt 2015).

In schools, restorative justices use the school community: the learners, teachers, and non-teaching staff, to solving and maintaining justice within the school and outside the school. The teachers should employ effective restorative justice to all learners while handling bullying and other aggressive behavior. They should not make the learners feel insecure while interacting with others or describe them as inhuman. Through restorative justice, the bully will understand his/her mistakes, and thus accepting will help deter other learners from exercising the same act. Some schools may take stern actions against the offender, which may affect the learner's academic

performance, and some may drop out of school. The learners should accept the offender as a member of the school community and thus continue their learning.

Principles of restorative justice

To achieve justice, participants should ensure a high level of professionalism and ensure no one is harmed. Neither the offender nor the victim should be discriminated against or victimized during restorative justice. As such, restorative justice is guided by six principles: respect for all participants, safety, neutrality, voluntarism, restoration, and accessibility of the process to all.

The restoration principle is used as a guide to the aims and ⁵ purpose of the process. The primary purpose of restorative justice is to communicate and repair the damage caused by offences. Practitioners of restorative justice should develop interventions that will solve and repair the harm on victims. Any other purpose outside this aim of restorative justice should be withdrawn as it will alter the process of giving justice. The aim to repair and restore dignity in victims should guide restorative justice practices in schools. Participants in restorative justice should ensure affected learners have recovered from the harm done to them by the offenders. The restorative justice process should avoid punishments to ensure justice as it may interfere with the required results.

Another principle in restorative justice is respect for all participants. Respect entails recognizing that all participants are human beings and thus should be treated with dignity. All human beings have varied characters and desires which should be respected in the process of justice. The principle of respect requires the process of restorative justice to be conducted respectfully and should not interfere with personal traits or desires. Any participant who is

disrespectful should not be allowed to take part in the process. Any act of disrespect may affect the outcome of justice and thus interfere with the whole process. When using restorative justice in schools, respect is given in three forms; between teachers and learners, learners and learners, and learners to teachers or any other individual taking part in the process of justice. If one does not respect the party, the process is interfered with, and the victim may fail to repair or recover from the process. This may result in acts like dropping out of schools or revenge from the victims to the offender. As such, the process of justice does not achieve its mission of restoring peace between the offender and victim (Bevington 2015).

Voluntarism is the third principle that guides the process of restorative justice. In this principle, participants seek restorative justice at free will. They also take part in the process at their will and are not forced to participate. Before taking part in the process, every participant should understand the purpose of restorative justice and thus decide if they will participate or ignore the process. The practitioner's responsibility is to ensure all participants are aware of the mediation process's requirements and purpose. They should also avoid forcing the participant to participate in restorative justice as such acts may affect the person. In schools, teachers tend to move learners to participate in restorative justice, resulting in a failure to give justice. When using restorative justice in schools, teachers, who are the main practitioners of restorative justice, should refrain from forcing victims and offenders to participate in the process of justice. They should ensure the participants participate at free will. This will ensure everyone is safe, and thus, justice is given to all.

Safety is vital for all participants in the process of justice, not only for the victims but all the offenders and any other participant. Some participants may be aggressive when seeking justice and thus threaten the safety of other participants. As such, practitioners are required to

assess the processes and ensure they are safe. This may require the practitioner to acquire training in the process of justice and dispute mitigation measures. When seeking justice in schools, practitioners of justice tend to engage participants in the process of justice without estimating the dangers of engaging people in mitigation processes without prior knowledge (Payne & Welch 2015). As such, they end up threatening the lives of learners and teachers taking part in the process. Take an example of a parent involved in restorative justice of his son who has been molested and abused by a teacher with prior knowledge of what happened. How will the process be? Such an act will threaten the safety of the teacher and thus affect the process of justice.

When giving justice, practitioners should take a neutral ground in the process of restorative justice. This ensures the process is fair and unbiased to all participants. The fact that practitioners are human beings and can be biased should not affect restorative justice. Some practitioners may be biased on the harm caused by the offences and thus interfere with the process. For example, the practitioner may see the injury as minor due to personal perceptions and fail to consider the damage caused. Also, he/she may overvalue the damage and thus affect influence the process. Individual perceptions about harm should not be allowed in restorative justice for the process to be fair. Acts of biasness in schools are ordinary when giving justice to students. Teachers or any other participant tend to favour some students while victimizing others. This results in unfair practices that end up injuring one student. As such, teachers and restorative justice practitioners in schools should take neutral grounds to ensure the process is impartial, fair, and unbiased.

Human beings are safe when they have the accessibility to justice. Restorative justice should be available to all individuals seeking justice. Some individuals may be denied the chance

to access restorative justice based on gender, race, political stand, social status, or offending history. As practitioners seek to give justice, they should provide restorative justice to all regardless of their ethnic background, social class, race, or gender. Everyone has a right to seek justice. The United States has experienced multiple cases of discrimination in justice and courts on these bases and thus, in turn, been transferred to our schools. This has denied many people access to justice. This principle of accessibility requires all people to be given similar treatment and be allowed to seek and receive restorative justice without discrimination. In our schools, restorative justice should be given to all learners to ensure harmony among the learners and between learners and teachers (Hopkins 2015). The consequences of denial of justice should not be underestimated in schools as it can cause more damage to the victims, offenders, and even the other learners.

Approaches of restorative justices in schools

Restorative justice withdraws its powers from the fact that a crime or causes harm to the victim and thus should seek justice in the form to repair the harm. As such, both victims and offenders are affected by the crime or offence. They should therefore participate in the process of healing and repair of the damage. Since it was initiated, restorative justice has created more satisfaction for the victim and has enabled offenders more accountable for their offences. Various approaches have been employed to carry out restorative justice and include community service, victim assistance, peacemaking circles, offender-victim mediation, and family conferencing. Similar models have been used ² in schools.

In the United States, implementing restorative justice in schools has replaced traditional punishment and suspension methods. The traditional forms of discipline have been associated

with increased cases of school drops and reoffending. Many previous researches have not answered the question of whether restorative justice has worked in schools, but their proposals suggest success in their use. Although most of the schools that have implemented restorative justice are at very early stages, there are indicators that restorative justice greatly impacts schools, learners, and the learners' academic performance. Those practicing restorative justice do not employ one model but have used varied models depending on the offence's nature. The most crucial aspect that has been considered is the learners to learner relationships. As such, how restorative justice impacted various aspects of the school and learning process.

Restorative justice and discipline

Discipline is a critical aspect in the education systems ² in the United States and across the globe. Indiscipline is associated with poor academic performance and high levels of violence. Implementing restorative justice has proved that it has a positive impact on discipline among the learners. It has been discovered 84% of schools that have implemented restorative justice have experienced a drop in out-of-school suspensions among the learners. Another 19% has recorded a decline in the overall suspensions given to students in a year. ⁶ As the number of suspensions declined, the number of expulsions in schools has reduced; for example, Oakland Cole Middle school has eliminated expulsion after introducing restorative justice. Also, there is a reduction of referral violence that occurs among learners. Apart from the decrease in suspensions, the number of aggressive behaviors such as violence has dropped significantly with the implementation of restorative justice practices. Schools that have implemented restorative justice have reported a 58% drop in the instance of aggressive behaviors among learners (Fronius et al., 2019). This has led to an increase in the level of conduct and discipline of learners in and out of school. Though

it can be said that restorative justice has not entirely eliminated indiscipline in schools, to the more significant part, it has minimized indiscipline in schools.

Punishment and suspensions have been given to deter learners from committing aggressive behaviors while in schools. These measures have been punitive to learners, and thus they were taken to ensure zero tolerance to indiscipline in schools. It is expected that when these measures are taken, the learners will refrain from the indiscipline activities and thus mould their behaviors. For a long time, punishments have been unable to eliminate the reoccurrence of the behaviors being punished for. As such, students have been got committing the same crimes after they are punished. In schools where restorative justice and practices have been implemented, the reoccurrence of indiscipline cases has reduced. This is because these practices bring understanding among the participants, and thus the offenders are aware of their deeds and thus are ready to take responsibility for their offences. As such, restorative justice has improved discipline in schools and among learners. Good behavior is associated with better grades and better academic performance as there is a significant impact of restorative justice on discipline. Learners concentrate more on academics than indiscipline activities that waste a lot of learning time. In return performance is improved (González et, al. 2019).

Restorative justice and absenteeism

Many learners in schools have experienced chronic absenteeism that has affected their academic performance among them. The punitive measures are taken to ensure zero tolerance may create unappealing circumstances that may deter learners' schooling. Many learners take punishments and suspension as a way of hurting their bodies instead of corrective measures. As such, they avoid school to escape the mistakes and punishments. In return, the learners result in

continuous absenteeism. This impacts negatively on their education and academic performances and thus total failure. In some cases, the learners may drop out of school in fear of the punitive disciplinary measures taken. This results in increased school dropouts at lower stages of education (Lustick 2017).

To reduce absenteeism among learners, many schools have opted to practice restorative justice when correcting learners. This is because the previous measures taken have failed and have contributed to more absenteeism than before. Apart from handling indiscipline cases in schools, restorative justice has been employed to tackle absenteeism among the learner. Some learners experience chronic absenteeism that requires quick intervention to save the learners' education. A learner is engaged in a group where challenges are addressed, and measures are taken to help the learner retain his/her learning activities. Upon implementation of restorative justice schools, there is improvement in absenteeism. Schools have reported a 50% reduction of absenteeism among learners who participate in restorative practices compared to an increase of 62.3% of absenteeism among learners who do not participate in restorative justice (Bevington 2015). Although there is no clear indication of the effect of restorative justice on performance, it is clear that it has helped keep learners in school.

Restorative justice and school climate

Conducive and enabling school environments inspire and motivate learners to learn and desire to be in school continuously. As such, a good learning climate encourages learners to be in school and avoid absenteeism. Also, where there is a conducive environment, social-emotional interaction among learners and teachers is created. This results in a positive growth of learners' behaviors are enhanced; thus, a healthy residence is ensured. As such, administrators strive to

create a conducive environment for learning. Due to schools' previous disciplinary measures to reduce indiscipline cases in schools, some learners may find it challenging to study in such schools. As such, many end up dropping out of school or engaging in illicit activities in and outside the school environment.

Restorative justice has proved to be good in enhancing the school climate for better learning. Schools are characterized by dramatic cases that may interfere with the school environment and thus affect learning. Kaur & Niwas (2017) argue that fighting among learners may bring tension to the victims and the whole school. As such, measures or controlling such instances in the schools should be developed and handle with care. So how has restorative justice helped to create an enabling environment? Students participating in restorative justice acquire skills and techniques to solve problems and avoid making drama in the school peacefully. Also, after an offence, the offender-victim relationship is restored after restorative justice. This creates harmony among the learners and thus creates a conducive environment for learning. Though there is limited evidence ⁷ on the effect of restorative justice on school climate, pilot research in Minnesota showed improved school climate in schools that implemented restorative justice to solve school problems (Payne & Welch 2015). As such, learners live in the school without fear or interference that may limit their learning period.

Restorative justice and academic performance

Good academic performance in schools is the dream of every student attending school. Many experience poor results due to various reasons that either keep them out of school or interfere with their learning process. As such, they may find themselves underperforming as compared to their expectation. Poor grades may discourage learners from continuing with

education, and thus some may drop out. Indiscipline cases and absenteeism are known to contribute to poor academic performance, and therefore educators and learning try to eliminate them among the earning. This is because a lot of time is spent outside the classroom or school trying to cover the damage caused by acts of indiscipline or absenteeism. As such, how has restorative justice impacted academic performance?

Restorative justice has influenced almost all aspects of education, learners, and school. Educators and educational administrators agree that good academic performance does not result only from the classroom work done or given. It encompasses other aspects like discipline and adherence to the school rule. Restorative justice has influenced these areas and thus improving the academic performance of the learners. Because learners have spent more time on academics than indiscipline punishments or suspension, there are great improvements in their performance. The graduating learners estimate this at every stage of education. Compared to schools who not implemented restorative justice, schools that have implemented restorative justice have witnessed an increased number of graduates with better grades since its implementation. As such, academic performance is elevated (Weaver & Swank 2020).

Limitation of restorative justice in schools

Although restorative justice has proved to be a better method of seeking justice, not all people can access it. It is only used by those offenders who have accepted their crimes. This may be affected if the victim rejects the offer to restorative justice as it is based on all participants' free will. This is the most significant shortcoming of restorative justice in schools, as learners may be unwilling to participate in it.

Another limitation is that the victim may gang up with friends and hurt the offender, affecting the process of justice and its mission. If the offender does not show mercy or fail to support the victim, psychological harm may affect the victim. Also, it poses a challenge where learners gang up against the offender, thus threatening the offender's life.

Conclusion

Restorative justice has suddenly taken over the world, so many people do not understand its use in ensuring justice. In the education sector, restorative justice is relatively new, and thus its implementation should include experts who can analyze and handle issues effectively. This will improve the process of justice and enhance the learning environments and thus improve the learners' academic performance. Good behavior in society is essential, and therefore, restorative justice will mould learners' behavior and ensure they fit in the community. As such, ⁴the use of restorative justice should be emphasized in all schools and school programs.

Reference

- Bevington, T. J. (2015). Appreciative evaluation of restorative approaches in schools. *Pastoral Care in Education, 33*(2), 105-115.
- Fronius, T., Darling-Hammond, S., Persson, H., Guckenburg, S., Hurley, N., & Petrosino, A. (2019). Restorative Justice in US Schools: An Updated Research Review. *WestEd*.
- Gavrielides, T., & Artinopoulou, V. (2016). *Reconstructing restorative justice philosophy*. Routledge.
- González, T., Sattler, H., & Buth, A. J. (2019). New directions in whole-school restorative justice implementation. *Conflict Resolution Quarterly, 36*(3), 207-220.
- Hopkins, B. (2015). From Restorative Justice to Restorative Culture. *Social Work Review/Revista De Asistentia Sociala, 14*(4).
- Kaur, D., & Niwas, R. (2017). Aggressive behaviour of secondary school students in relation to school environment. *International journal of advance research, 5*(5), 801-809.
- Lustick, H. (2017). "Restorative justice" or restoring order? Restorative school discipline practices in urban public schools. *Urban Education, 0042085917741725*.
- Payne, A. A., & Welch, K. (2015). Restorative justice in schools: The influence of race on restorative discipline. *Youth & Society, 47*(4), 539-564.
- Rosenblatt, F. F. (2015). *The role of community in restorative justice*. Routledge.
- Wachtel, T. (2016). In pursuit of paradigm: A theory of restorative justice.

Weaver, J. L., & Swank, J. M. (2020). A case study of the implementation of restorative justice in a middle school. *RMLE Online*, 43(4), 1-9.

ORIGINALITY REPORT

4%

SIMILARITY INDEX

2%

INTERNET SOURCES

1%

PUBLICATIONS

2%

STUDENT PAPERS

PRIMARY SOURCES

1	Submitted to Concordia University Student Paper	2%
2	"Handbook on Promoting Social Justice in Education", Springer Science and Business Media LLC, 2020 Publication	<1%
3	tcwrite.smumn.edu Internet Source	<1%
4	Submitted to University of Bristol Student Paper	<1%
5	escholarship.org Internet Source	<1%
6	files.eric.ed.gov Internet Source	<1%
7	onlinelibrary.wiley.com Internet Source	<1%
8	scholarworks.waldenu.edu Internet Source	<1%

9

www.unodc.org

Internet Source

<1%

10

"The Palgrave International Handbook of School Discipline, Surveillance, and Social Control",
Springer Science and Business Media LLC,
2018

Publication

<1%

Exclude quotes On

Exclude matches Off

Exclude bibliography On