

Completing the Circle



Conferencing For Children at Risk

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"Headlines... Read All About It"

Youth charged in blaze at yacht club

Fire destroyed clubhouse

"I don't know why anyone would want to hurt the Yacht Club or the members" says Yacht Club Director.

Girl steals \$250 from school fund

10 year old assaults staff

Boys throw garbage can in front of moving bus...break car window

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Acknowledgements

The following manual is designed to be used in a Child and Youth Worker curriculum as part of a first year course on Legislation and Social Issues facing children and youth and as part of a third year Community Interventions course.

It is based on a two year pilot research project which used the model of Restorative Justice Conferencing applied to problematic behavioural situations in schools and the community, involving children under 12. This research was:

- ✓ supported through a contribution agreement from the Department of Justice, Canada
- ✓ coordinated by Rick Kelly of the Child and Youth Worker in the Centre for Community Development and Services in George Brown College, Toronto, Ontario
- ✓ staffed by Jennifer Rose and Connie Langille, conference facilitators
- ✓ researched by the Centre for Education and Human Services, Waterloo, Ontario
- ✓ additional research support provided by Mala Sooran

It is also based on the work of many others who are part of a global alliance to further Restorative Practices. While there are many individuals and organizations those that were key to our work included:

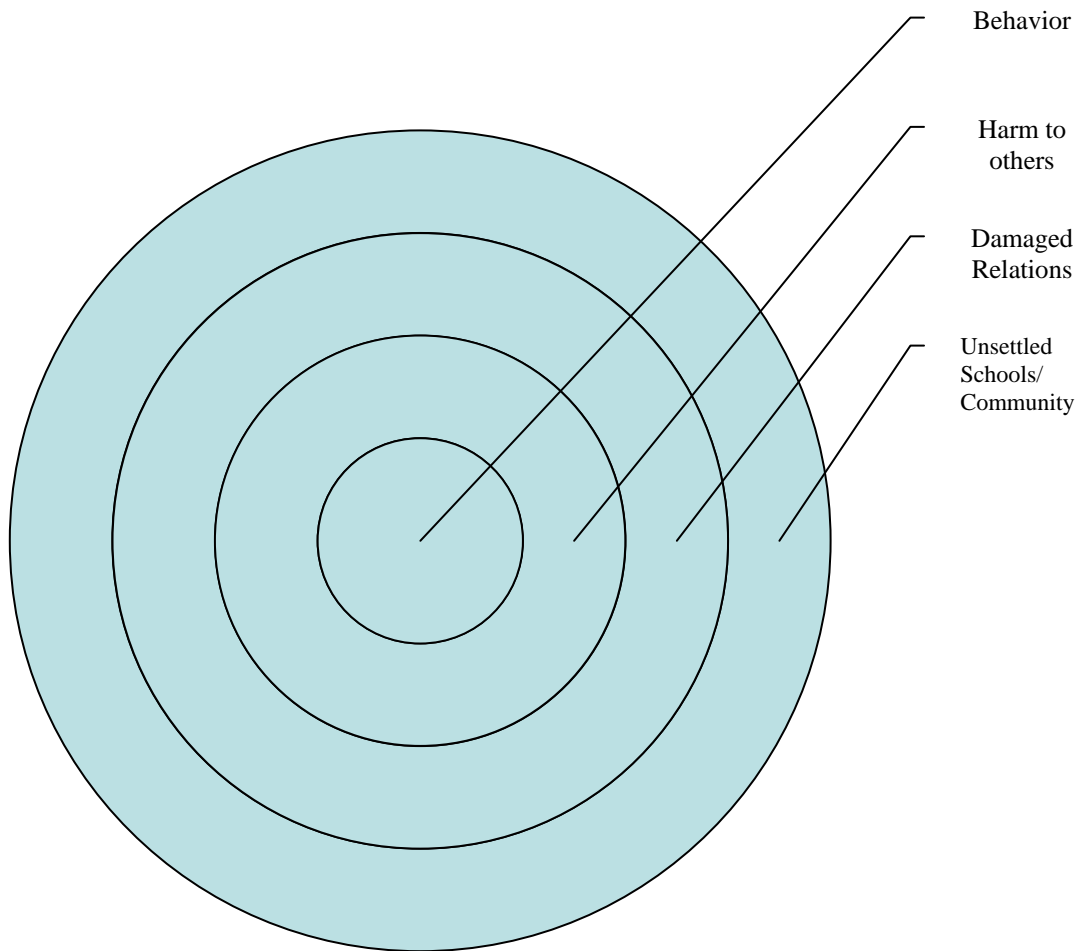
- ✓ the International Institute for Restorative Practices
- ✓ Lynn Zammit, Director, "Choices" program, Waterloo Regional District School Board
- ✓ Art Lockhart, Professor, Police Foundations Program, Humber College

Nothing happens in a pilot project without the "Champions" on the ground. These included such people as

- ✓ John Wilhelm, Lilian Kurnick, Frank Delao, Elida Farelli, Lori Dyni, Sister Mary Jane Racz and Rosemary Johnson from the Toronto Catholic District School Board
- ✓ Mark Dooner, Angel Yuin and Lori Moore from the Toronto District School Board
- ✓ Doris Hahn and Liz Bursey from the Hincks-Dellcrest Children's Mental Health Centre
- ✓ Jeanette Schmid from the George Hull Centre

1) Introduction: Setting the Scene

Young persons committing serious acts that cause harm to others, although not at the age of legal criminal responsibility, are on a trajectory where the likelihood of such actions continuing is high. These behaviors can be labeled as criminal like, or, as in the actual quote from the headlines, experienced as actions that have caused harm to others, damaged relationships and unsettled local schools and/or communities.



In fact the latter view captures both the unacceptability of such behaviour as well as the many dynamics involved when such problematic incidents occur.

Restorative Justice Conferencing is a method by which the harm which has been inflicted on others and, all other people who have been affected by a serious incident, are brought together to repair that very harm. It is a structured, facilitated method and approach which is based on the beliefs and principles of Restorative Justice. These include the following beliefs and principles:

- ✓ Behaviors that cause physical or psychological harm are acts that violate individuals, relationships and community bonds
- ✓ The person causing the harm has an obligation to make amends
- ✓ The person(s) or systems affected have a right to be heard with respect to the impact on themselves
- ✓ The person causing the harm needs to be given the opportunity to accept responsibility and respond in a meaningful way to repair the harm
- ✓ Individuals have the capacity to respond collectively to acts that have caused harm in a way that will repair the harm
- ✓ The focus is on reparation, reconciliation, reintegration and ultimately restoration.

Restorative Justice Conferencing has been seen to be effective when used with a variety of different behaviours, in a variety of settings, with diverse cultural groups and with different age groups. A growing body of experience and research is demonstrating the effectiveness of such an approach as an early intervention with children under 12.

1.1) Children under 12 and Restorative Justice Conferencing

There is a growing body of experience and literature which describes the use of this model and approach with children under the age of 12. What follows is a brief outline of the developmental issues for children that are ideally suited to be enhanced by the use of this model.

1.2)The Pre-teen Years: Child development

Children in the immediate years leading up to the age of 12 are on a developmental path which has a number of milestones and challenges.

Lev Vygotsky, in his development of Piaget's theories of child development, believes that "cognitive development results from a dialectical process whereby a child learns through problem-solving experiences shared with someone else, usually a parent or teacher but sometimes a sibling or peer." (Cole, 1978)

In other words he has described this process as one where the adult provides "scaffolding" which is placed in a zone of development which is near to their developmental ability ("proximal zone of development") but is also able to expand their capacity. Child development is then enhanced and supported.

In addition children, between the ages 9-12, are developing in their ability to:

- ✓ understand their own and other's perspective
- ✓ decipher what is right from what is wrong
- ✓ respond to other's feelings
- ✓ learn and be motivated by positive expectations, encouragement and reinforcement.

This sets the stage for the introduction of Restorative Justice Conferencing as a tool for taking problematic behaviours and situations and turning them into positive child development learning opportunities.

1.3 Restorative Justice Conferencing

Restorative Justice Conferencing is an effective response supporting learning and the development of positive and pro-social attitudes and skills, when used when critical problem behaviors that affect others occur.

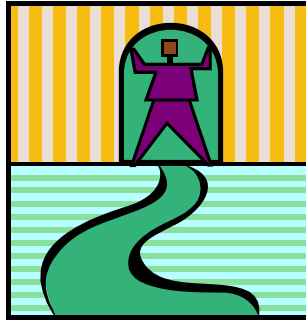
Restorative Justice Conferencing

- ✓ brings all affected parties together
- ✓ has a central unifying solution focused goal of repairing the harm



- ✓ allows the individual child to take responsibility for their actions
- ✓ allows the persons affected to express their thoughts and feelings
- ✓ facilitates a supportive environment for everyone to participate in and
- ✓ supports the development of a plan of action to repair the harm and ensures everyone participates in.

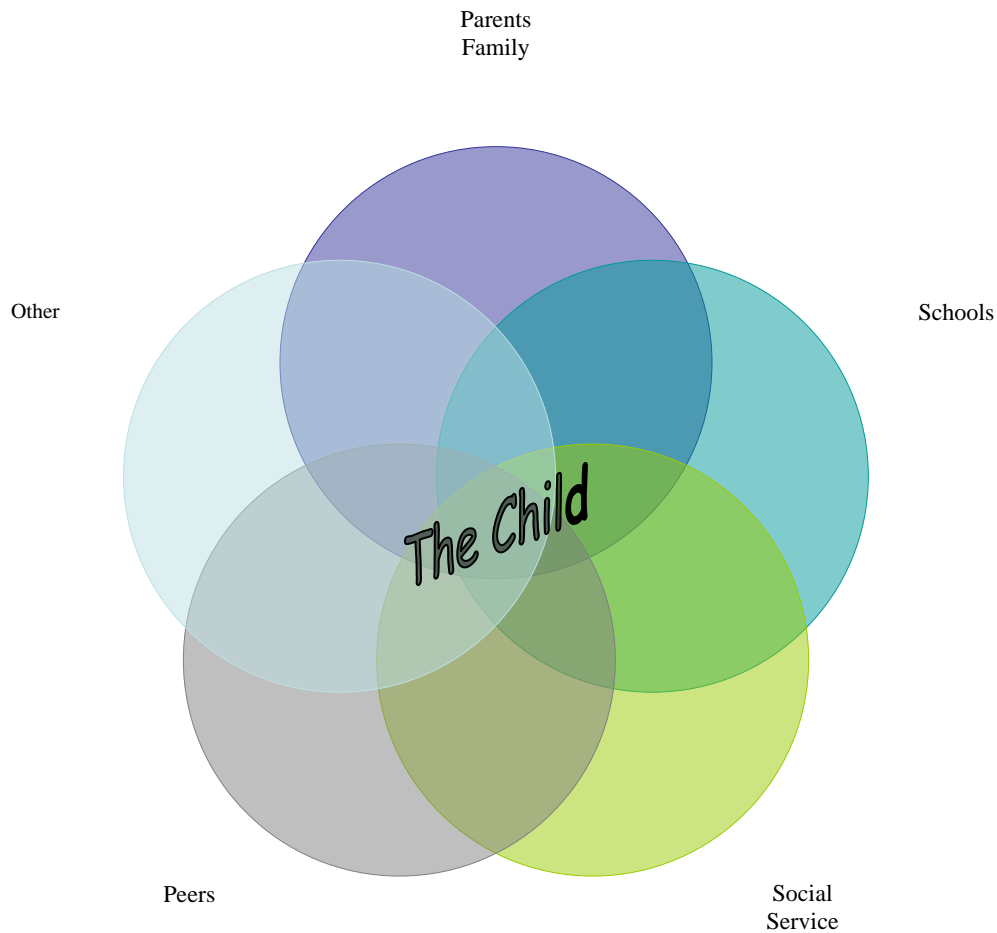
Restorative Justice Conferencing addresses the key stages of development for this age group 10-12, at a critical time in a child's life. In addition it supports the development of a pathway that has a positive direction and leads to positive outcomes.



When problem behaviours are handled in a manner that focus more on consequences, punishment or exclusion this often reinforces low self esteem, poor problem solving, isolation and the ongoing presence of similar problematic behaviors.

Restorative Justice Conferencing takes the challenges presented in problem behaviors for children and utilizes these events as opportunities for learning.

2. Partnerships in Child Development: An Ecological Perspective



2.1 Parents/Guardians/Family

Parents, guardians and the family are central to the development of children. Serious problem behaviours on the part of their children can represent a developmental crisis for others. A crisis for children often becomes a crisis for the parents and the family. These situations can often pose challenges that extend beyond the capacity of the family to cope.

Restorative Justice is based on a collaborative approach. It is an effective way of engaging parents/families that also expands their ability to respond to their children.

It is a way of engaging parents regarding fears they may have about their child and the future that problematic behaviors represents. Parents see it as a meaningful way of having their child face the consequences of their behavior.

Parents of children who have been victimized can see it as a way of becoming more assertive in relation to others and a step towards resolving issues.

2.2 School Responses



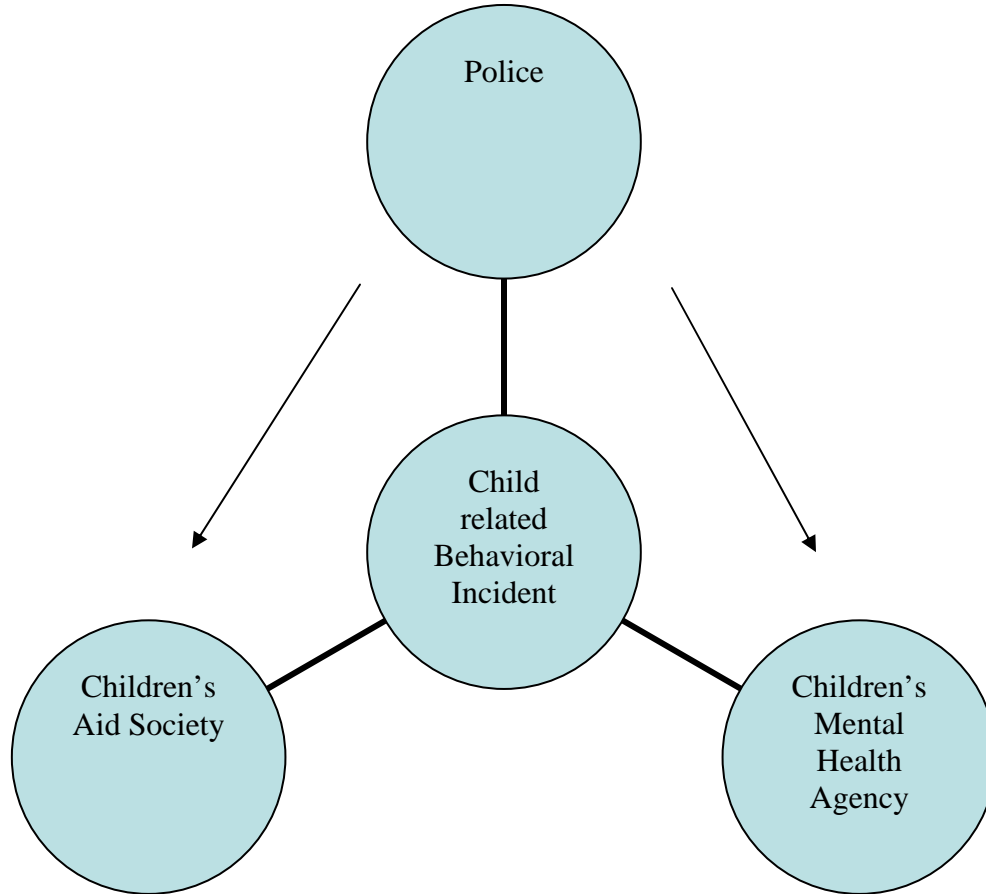
Schools have a mix of practice and policy which guides their responses to behavioral and serious discipline problems. Within this range of responses there are both enlightened and legislated processes at work. Within the Safe Schools legislation there is discretion on the part of school administrators to respond to some of the behavioral situations by incorporating the practices of Restorative Justice.

Schools need to utilize Restorative Justice Conferencing as part of their repertoire to address behavioral and discipline issues. The reasons for doing so include the following:

- ✓ it is good child development practice
- ✓ it can be effective with challenging behavioral situations
- ✓ it is a way of working in partnership with parents and families
- ✓ it is a way of working with communities
- ✓ it is a response that can be used in a variety of different ways and to achieve different results
 - at the time of an incident
 - as a way of building the culture of a school
 - as a vehicle for helping children involved in more serious incidents re-enter the school

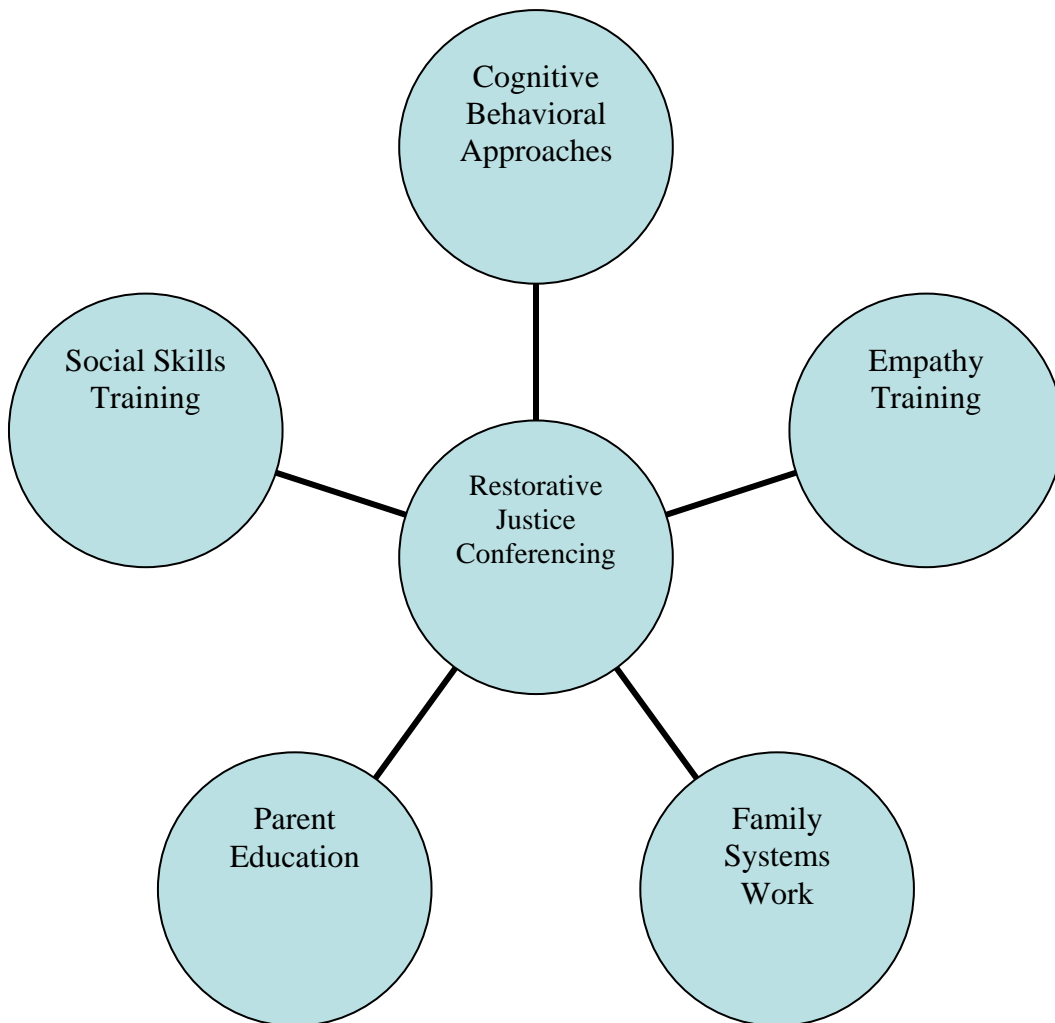
2.1.2 Police and Agency Responses

Children under 12 who are involved in serious behavioral incidents can find themselves having contact with any number of agencies or services. They may have contact with the police, but due to the fact that they are under the age of criminal responsibility, they may be referred to either to a Children's Mental Health agency or Children's Aid Society depending on the nature and severity of the issue.



In the context of this contact Restorative Justice Conferencing can be a useful addition when employed in conjunction with other approaches that are implemented (family work, individual child treatment).

Restorative Justice Conferencing complements a variety of social-skills, cognitive-behavioral, empathy focused, parent education and family systems approaches.



Restorative Justice Conferencing can

- ✓ enhance work with children by
 - supporting pro-social attitudes and behaviours
 - encouraging the development of empathy
 - fostering a sense of responsibility
 - developing problem-solving skills
 - reinforcing a sense of positive self-esteem

- ✓ enhance work with parents and families by
 - assisting them to support their child
 - encouraging them to have expectations regarding their child's responsibility
 - providing them a way of problem-solving around challenging child related incidents

3. Being Child Friendly: Areas for Consideration

3.1.1 Language



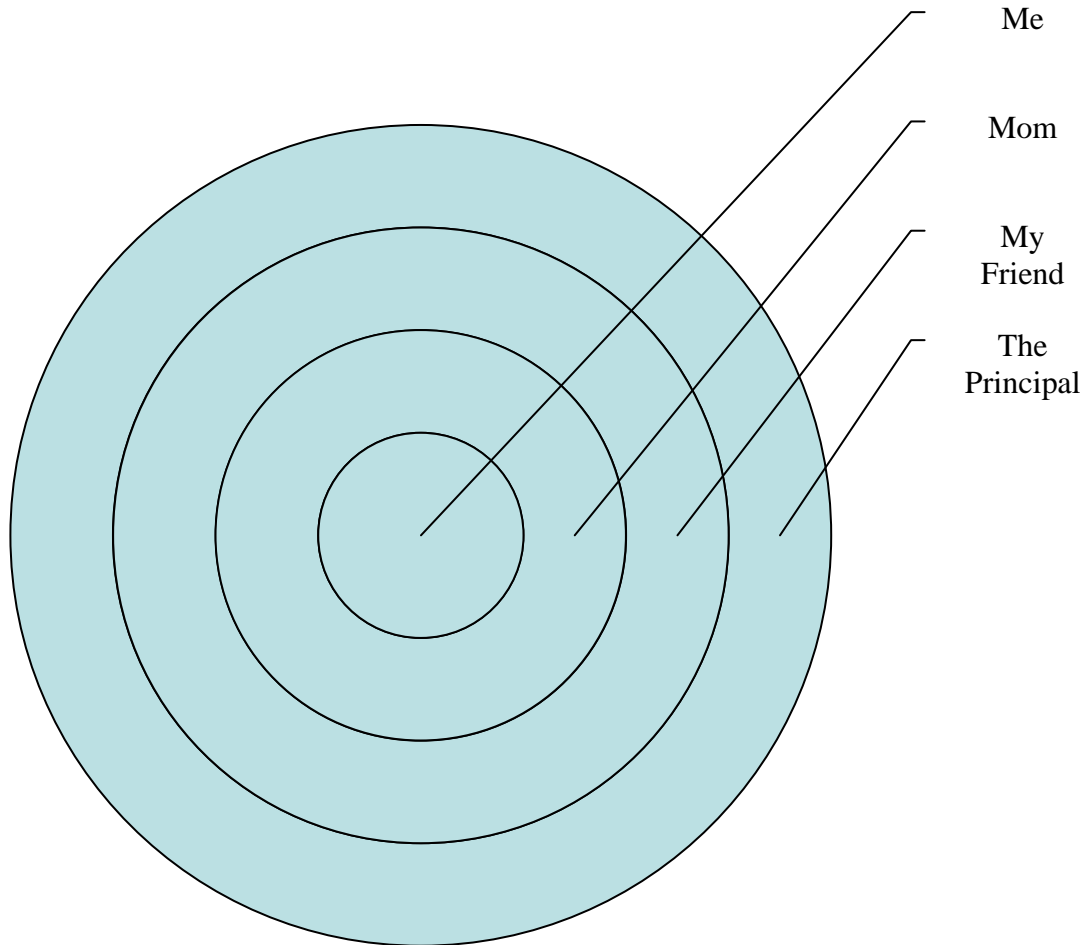
Children in this age group tend to be concrete and literal in their thinking and in their use of speech. It is important that the words and language builds on this level of understanding.

Words need to be used that do not have an abstract aspect to them. Rather than asking a child "what experiences did they have", it is more understandable to them to ask "what happened at the time of the incident?"

When addressing the issue of feelings it is important to ask an open ended question e.g "how did you feel?". It can also be helpful to assist children who struggle with identifying their feelings. This can be done with feelings sheets (see Appendix) where they can pick a feeling or by using more directed questions e.g "did you feel.....?".

3.1.2 Pictures of Support

It is helpful to have children draw the people who are in their circle of a support.



This should be done at the time that the child is being prepared for the conference. This can aid in helping the child to identify who they have in their life to support them and who they want to invite to the conference. Let them draw it however they want to after giving them a few simple instructions. Large paper is helpful for the children to draw on.

It is also helpful when used as part of the follow-up process. It allows everyone to see what meaningful changes in the supports that may have been generated as a result of the conference

3.1.3 Talking Sticks



Children who participate in conferences from this age group are more easily overwhelmed, intimidated and simply outnumbered by the numbers of adults. Talking sticks (or stones or feathers) are a way of ensuring the person talking is the only one talking. It is used to designate who is to speak at the time by them holding the stick and then passing it on when they are done.

Extending control to the child who has caused the harm can be done by asking them in the preparation phase to identify what they would like to use as a talking device. It can be an item of their choice or it can be selected from a number of possibilities that are offered to them.

3.1.4. Time Frames



Conferences need to happen soon after an incident wherever possible. This allows the process to have the most impact for this age group. Details, thoughts and feelings are fresh and easily recalled and conveyed to others. This level of responsiveness also encourages more participation on the part of child who has caused harm.

In order for there to be a timely response schools and other systems need to have Restorative Justice Conferencing integrated into their repertoire of practices and as part of the culture and values of the system or program. This allows it to be offered as one of a range of choices. This also assists in the timeliness of its offering.

3.1.5 Peers as Supports

In conferences adults are often the majority of participants. To offset this imbalance ask the child if they would like a peer friend to support them during the process. The peer needs to be prepared and agree to participate as everyone else has, which is as someone who wants to “repair the harm”.

4. Situations for Conferencing

Incidents

Incidents can include any of the following

- ✓ aggression against other children or adults
- ✓ threats to cause harm
- ✓ extortion
- ✓ bullying
- ✓ damage to property
- ✓ acts of mischief which have serious consequences
- ✓ racist remarks or acts

These incidents may be defined by legislation e.g. the Safe Schools Act. However individuals implementing the laws often have a certain degree of discretion when responding to the situations. School personnel can recommend conferencing as an option to the children involved in an incident.

Context

Some of the behaviors can be part of a pattern of behaviors. However there needs to be a single current incident to focus the conference around. While the pattern is part of the backdrop to the issue, the focus is the specific issue.

Groups

One pattern that is common in this age group is the fact that some incidents arise as part of group actions. This fact does not change the core process and purpose of Restorative Justice Conferencing. It however changes the amount of work and the potential number of participants who can be involved. It increases the number of people who are consenting to participate and those who are not. The process can be worthwhile even if all of the children who have caused the harm are not participating.

Contraindications

Some situations are not eligible for conferences if:

- ✓ the child refuses to take any responsibility for their actions
- ✓ the person who has been harmed refuses to participate

5. The Conferencing Process

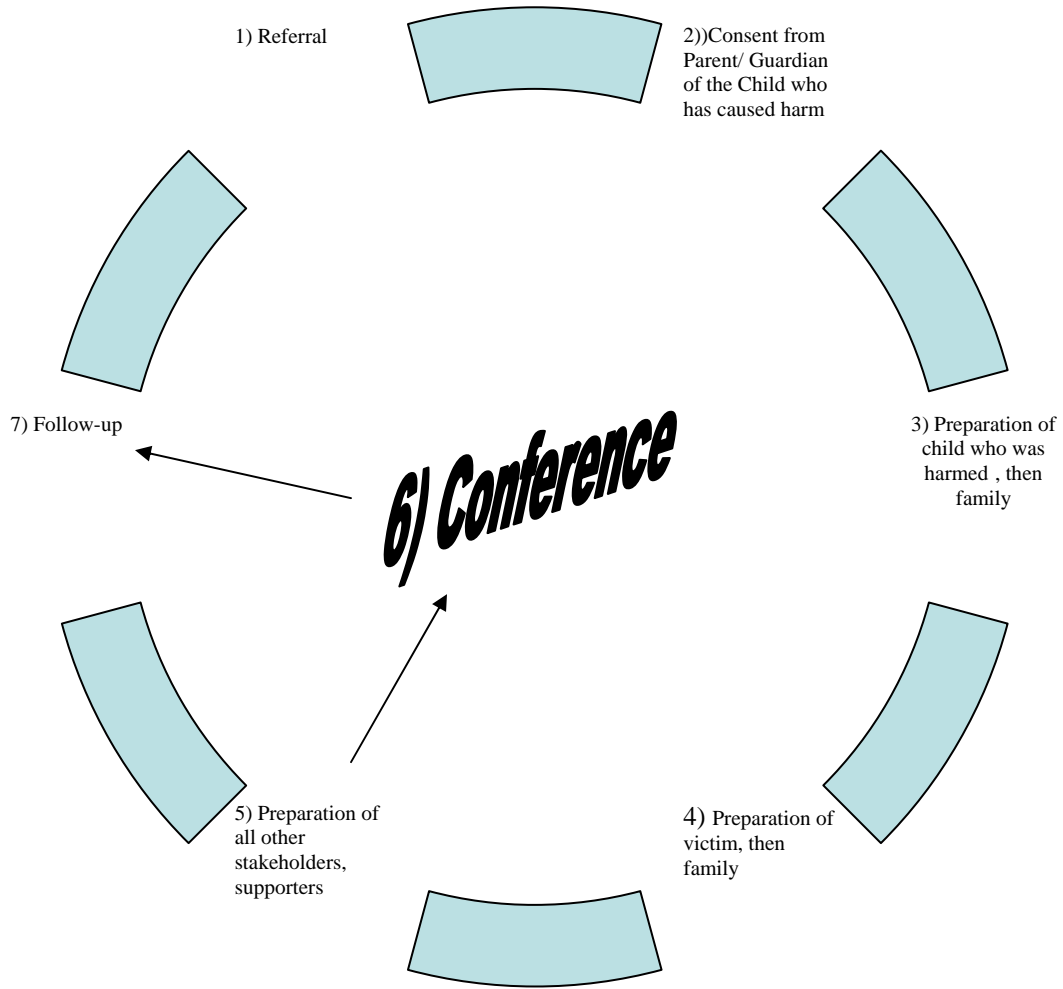
5.1 The Role of the Facilitator

The role of the facilitator has impact and effects on two levels. One level is obvious: the actual role and work that the facilitator does. The work of the facilitator is to orchestrate a process which supports meaningful involvement of all participants towards the final goal of repairing the harm that has occurred. With respect to children in the 9-12 age, it is important that the facilitator be prepared to play a more active and creative role. This involves

- ✓ using language that is concrete and specific
- ✓ moving from open ended (how did you feel?) to closed questions (did you feel_____?)
- ✓ eliciting comments and thoughts from other participants that encourages children participants to speak out (what do you think J. was feeling?)
- ✓ using empty chairs to signal key persons who cannot attend conferences and then focusing questions about thoughts, feelings, impacts to this person
- ✓ highlighting what is positive ("....she did apologize before the conference. What do people think about this?")
- ✓ ensuring that all aspects of the incident are and its impacts are reviewed in the development of the plan to repair the harm

The second element of the facilitator's role is that the facilitator represents the fundamental principle and purpose of Restorative Justice which is to "repair the harm". Explicitly stating this objective and referring to it at different points in the process makes an association between the purpose of the process and the facilitator. In this way the role is seen to provide an element of safety and support which is provided to all participants, each of whom is likely to experience some level of anxiety or vulnerability.

5.2 From Referral to Preparation to Conference



5.2.1. Referrals: The Participants

The list of participants must include:

- ✓ the child who has caused harm
- ✓ their parent(s)/guardian/family
- ✓ the victim
- ✓ their parent(s)/guardian/family
- ✓ the referral source

and can include:

- ✓ peer supports
- ✓ other supports
- ✓ other concerned stakeholders

The first contact with each stakeholder is the moment at which the work and the process of restoring justice begin. It is the point at which each person can begin to take on a different role with respect to a behaviour and incident that has caused harm and put at least one individual on a pathway to further problems.

The checklist for each contact outlines items to cover with each individual. The checklist of topics also functions as both an assessment of where each person is at with respect to their own feelings and reactions to the behaviour in the question as well to what they think that conferencing can provide.

For the children involved, the preparation process and topics are critical to assist the child in seeing their role differently, whether it has to do with seeing options to redress the harm or to speak to the harm they have experienced. Preparation minimizes barriers to participation and enhances individual's contributions both during and subsequent to the conference.

The order of who is contacted and who makes first contact to the child involved and the victims will be decided after receiving the referral call. If the referral person is central to the process than the preparation work will begin with them and decisions made about who will first approach the child who committed the offending behaviour and the person who was harmed. The facilitator will be the one to establish a rapport with participants and does the preparation work.

5.2.2. Preparation

5.2.2.1 Checklist of topics to be covered in the preparation

A)Referral Sources (School Personnel/ Children's Mental Health Agencies

- What happened
- Their assessment of :
 - The situation
 - What actions are required
- Reason for a conference
- Benefits
- How the conference works
 - What is said
 - Who is there
 - Their role in the conference
 - After the conference
 - Support to the children/families
 - What's in a plan
- Who should first contact the person(s) doing the harm
- Would they recommend other participants

B) The Child Who Has Caused Harmed

- What happened
- Acceptance of Responsibility
- Awareness of impact on others
- What they might do about the incident
- Reason for a conference
- Benefits
- How it works
 - What is said
 - Who is there
 - Who they can bring for support; other adults/friends
 - What's in a plan
 - Expectations and their role
 - Rights
- Hopes

- ❑ Fears
- ❑ Needs
- ❑ Consent and agreement

C) The Parent(s) and Family/Guardian

- ❑ What happened
- ❑ What they might like to see happen in relation to the incident
- ❑ Reason for a conference
- ❑ Benefits
- ❑ How it works
 - What is said
 - Who is there
 - Who they can bring
 - What's in a plan
 - Expectations and their role
 - Rights
- ❑ Hopes
- ❑ Fears
- ❑ Needs
- ❑ Consent and agreement

D) Child and Family Supporters

- ❑ What happened
- ❑ What they might like to see happen in relation to the incident
- ❑ Reason for a conference
- ❑ Benefits
- ❑ How it works
 - What is said
 - Who is there
 - Why they should come
 - What's in a plan
 - Expectations and their role
 - Rights
- ❑ Hopes
- ❑ Fears
- ❑ Needs
- ❑ Consent and agreement

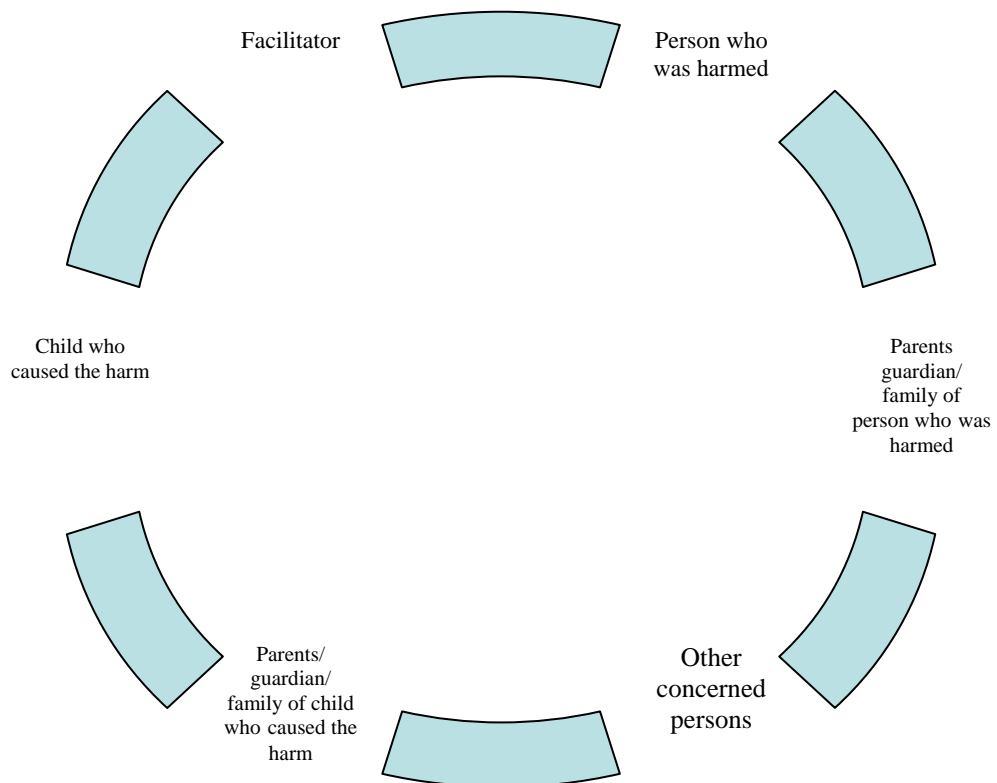
E) The Person(s) who have been harmed

- What happened
- Feelings
- How it has affected them
- What they might like to say about what happened in relation to the incident
- What they would like to see happen
- Reason for a conference
- Benefits
- How it works
 - What is said
 - Who is there
 - Why they might like to come
 - What's in a plan
 - Expectations and their role
 - Rights
- Hopes
- Fears
- Needs
- Consent

Repeat Checklist for Parent(s), family and supporters of person who has been harmed.

5.2.2.2 Preparation Details

- ❑ Set Time
- ❑ Arrange Location
- ❑ Have contract for the plan and copies (or photocopier)
- ❑ Bring Additional forms for consents
- ❑ Bring Refreshments
- ❑ Outline seating plan



- ❑ Contact additional support persons who should attend the conference.

5.2.3 The Conference Script

Three Phases and Nine Steps

Step 1: Introduction

Step 2: The Child Who Caused Harmed

Step 3: The Person Who Was Harmed

Step 4: The Supporters of the Person Who Has Been Harmed

Step 5: The Supporters of the Child Who Caused Harmed

Step 6: The Child Who Caused Harmed

Phase 1

Step 7: Developing a Plan to Repair the Harm



Brainstorm



Agree

Step 8: Closing the Conference

Phase 2

Step 9: Refreshments and informal discussion

Phase 3

Step 1: Introduction

Facilitator

"I would like to welcome and thank everyone for coming to this conference today. As you know my name is _____.

I would like to emphasize why we have all agreed to be here today. We are all here today to participate in something that will repair the harm

In order to do this while we are here, and afterwards, we must show respect, listen to each other and work together to create a plan that will make things better.

Each person will be given a turn to speak and to talk about how this incident has affected them. Everyone will also have a chance to talk about what they think can be done to make things better so that we can build a plan together for after the conference.

I would like each person to introduce themselves as they receive the "Talking _____".

Start with the child who caused the harm.

Step 2: The Child Who Caused Harmed

Once the introductions have been made the facilitator passes the "talking _____" to the child who caused the harm.

(Name of the child) _____, "Can you tell us how you got involved in the situation that took place ___ weeks ago?

Can you tell everyone what happened?

What were thinking about and feeling at the time?

Since then what have you been thinking about and feeling?

Who has been affected by what you did?

How do you think they have been affected?"

The facilitator ask the speaker to pass the "talking_____ to the person who was directly harmed by the situation.

Step 3: The Person Who Was Harmed

The facilitator now asks the person who was hurt by the incident to speak.

Name of the individual " _____ Would you tell us how you became involved in the incident that was just described?

What were you thinking and feeling when it took place?

What have you been thinking and feeling since then?

Besides yourself who else has been affected by this incident?"

The facilitator thanks the speaker and asks them to pass the "talking_____" to the parent/supporter next to them.

Step 4: The Supporters of the person who was harmed

In order, begin with the primary supporter/parent of the individual who has been harmed by the incident, asking the following questions:

Name " _____, would you tell us how you became involved/heard about this incident?

What were you thinking and feeling when you heard about this incident?

What have you been thinking about and feeling since that time until now?

Who else has been affected by this incident?

How have they been affected?"

The facilitator thanks the speaker and asks them to pass the "talking_____" to the next supporter and asks them the same questions.

Step 5: The Supporters of the child who caused the harm

In order, begin with the supporters of the child who committed the offending behaviour ask them the following questions:

Name " _____, would you tell us how you became involved/heard about this incident?

What were you thinking and feeling when you heard about this incident?

What have you been thinking about and feeling since that time until now?

Who else has been affected by this incident?

How have they been affected?"

The facilitator thanks the speaker and asks them to pass the "talking _____" to the next supporter and asks them the same questions.

Step 6: The Child who caused the harmed

*This moment is a critical juncture in the process since it focuses attention to those who have been affected as a result of what the child has done. The impact of the feelings at the moment can be lead to an awareness and acceptance of responsibility on the part of the child or to a defensive posture. Supporters of the child may join with the child in either way, encouraging responsibility or defensiveness.

The asking is intended to create the opportunity for a sincere apology which recognizes the extent to which others have been affected.

*It is an opportunity for others to see the child in the light of being affected positively by others and their feelings. It gives a certain power to the experience (and their voice and feelings) of those who have harmed by the incident.

*It sets the context for a healthy discussion of a plan that meaningfully addresses the hurt and feelings of those affected.

When the last person has spoken the facilitator receives the "talking _____" and says:

"We have had an opportunity to hear from everyone who has been involved and affected by this incident. Before we move to the next step where we create a plan that will begin to fix things, I would like to ask _____ (the child who has caused the harm) if there is anything that they would like to say to anyone in the group?"

Step 7: Developing a plan to repair the harm

- ✓ **Brainstorm possible actions**
- ✓ **Agree**

Once the child has responded the facilitator receives the "talking _____" and says:

"Now that we have heard from everyone here today we will begin the next steps to creating a plan that will change what has happened and how people are feeling. We are going to start this next step by hearing from everyone about what it is that they need and would like to have come out of today's conference."

Ask the person who was harmed "what would they like to see come out of today's conference?"

Ask the child who has caused the harm to respond.

Ask the rest of the participants to discuss what would be in the final agreement and plan.

As suggestions are made it is important to ask the child who has caused the harm what they think and if they think they can follow through. This is an opportunity for negotiation and support with others.

It is important that what is agreed to is clear, doable and has clear deadlines and follow-up arrangements.

Review the final plan and seek acknowledgement from each person.

Step 8: Closing the Conference

"Before I formally close the conference I would like to provide everyone with a final opportunity to speak. Is there anything anyone wants to say?"

Step 9: Refreshments and informal discussion

After participants have spoken thank them for their contributions and direct them to the refreshments. Let them know that you will be typing up the plan for everyone to sign and have a copy of.

This is a time often when relationships of support continue to develop as people have had the opportunity to experience each other in a different light.

6. Staying on Track: Quality Control

A number of tools can be used to ensure that the Restorative Justice process is achieving its goals and objectives. These tools allow the facilitator to have different snapshots that capture the participants' perspectives and responses.

6.1 Pictures by the Children

As mentioned previously having children draw a picture (otherwise known as a sociogram) of the supports in their life prior to the conference and after the conference is a graphic way of seeing who is in the child's life and what changes have occurred.

6.2 Risk Assessment: Earl 20B

A tool developed by Earls Court Child and Family Centre allows the facilitator to assess the level of risk for a particular child. This provides both an assessment of the individual child and family dynamics and supports.

6.3 Process Observations

A number of tools can be used to track the process (mood and events) of the conference and also the specific responses made by various participants to others at critical junctures during the meeting. (see Research Report)

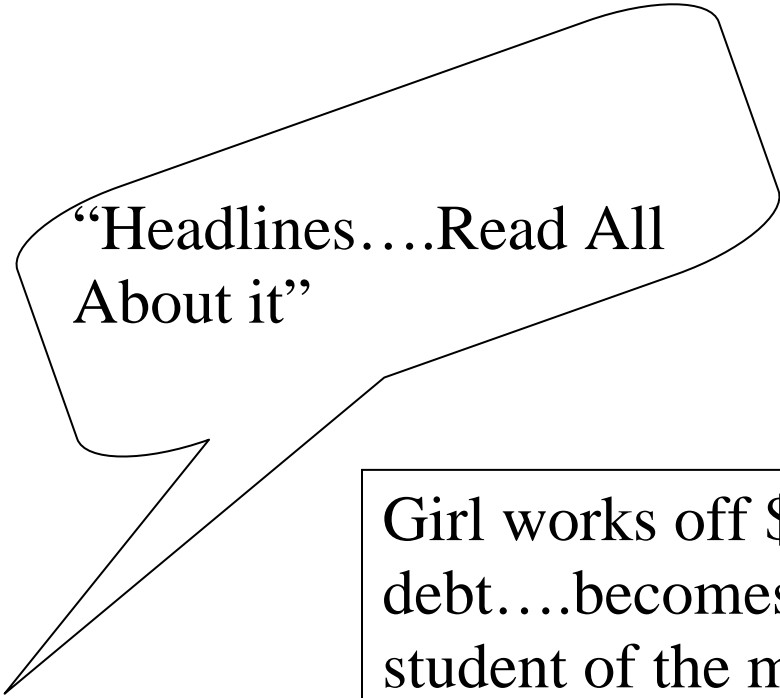
6.4 Follow-up

Post conference questionnaire

A post questionnaire based on the work of RISE and has been modified for use with conference participants. It allows one to get direct feedback from participants regarding their thoughts and feelings about the process and events in the conference. (see Research Report)

The Plan

One of the most direct indicators that the process has been effective is the status of the plan. The degree to which it is implemented is a statement regarding the end result of the conference. It is the final word as to whether or not the "harm has been repaired".



“Headlines....Read All About it”

Girl works off \$250 debt....becomes student of the month

Boys accept responsibility for throwing garbage can....vindicated in window breaking incident

Boy apologizes for destroying others property....others hear how he did not know why he had to change schools and leave his neighbourhood and friends.

You Say You've Got Feelings

Appendix A



Helpful Resources

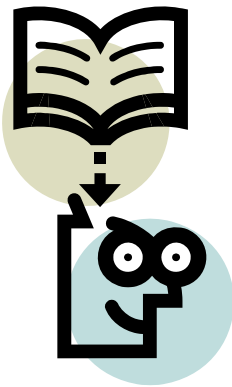


Websites

www.aic.gov.au ;Australian Institute of Criminology.(Has good articles on school related issues and initiatives)

www.restorativepractices.org ;International Institute for Restorative Practices formerly Real Justice. (Excellent library of articles, events and videos.)

<http://canada.justice.gc.ca/en/ps/yj/> (Department of Justice/Youth Justice/Government of Canada)



Books

Restorative Justice: A Manual for Teachers, School Administrators, Police, Court Personnel, Community Organizations and Concerned Citizens; Lynn Zammit and Art Lockhart; funded by the National Strategy on Community Safety and Crime Prevention, 2001, Dept. of Justice, Government of Canada (Has a good list of resources.)

Returning to the Teachings; Rupert Ross, Penguin Books, 1996 (Presents the wisdom of North American aboriginal teachings.)



Videos

Bad Kids: How to Create A Criminal; National Crime Prevention Strategy; Department of Justice, Government of Canada (4 minute infomercial on the effects of labeling and systems abuse on children and youth)

Introduction to Conferencing; Real Justice (18 minute introduction to Restorative Justice Conferencing.)

Facing The Demons; produced by Dee Cameron Company (Provides a very poignant documentary into the lives of family and friends who been victimized through the murder of a 17 year old Matthew Marslew and the subsequent conference)