

CBC ST JOHN'S, PARKLANDS	
Document number	
Co-ordinating Manager	HEAD OF COLLEGE
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POLICY TITLE	D:6 RESTORATIVE JUSTICE POLICY
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Approved by	BOG
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Related policies	COUNSELLING POLICY / CODE OF CONDUCT FOR STUDENTS AND STAFF MEMBERS

1. DOCUMENTS GUIDING THE POLICY

The Constitution of the Republic of South Africa, Chapter 2, the rights to life and the right to be treated with dignity.

2. SCOPE AND PURPOSE OF THE POLICY

Creating the right scaffolding for restorative justice.

2.2 To create a positive environment in which:

- Teachers must be positive role models
- Manage behavior, restore relationships, heal brokenness, and create community.
- Rooted in Code of Conduct
- Requires effective and holistic education

2.3 Fosters relationships with trust and understanding:

- Respect, compassion, empathy, mutual responsibility, and a sense of belonging.
- Parents are indispensable partners
- Teaches generosity towards others

2.4 Develop Leadership

- Develops self-knowledge and reflective skills.
- It creates a new understanding of justice
- Creates a sense of independence.
- Empathy

3. THE FUNCTIONS OF THE BOARD OF GOVERNORS IN RESTORATIVE JUSTICE

- 3.1. The internal disciplinary committee refers students to the BOG.
- 3.2. The BOG is responsible for the development and regular revision of the code of conduct.
- 3.3. The BOG creates a disciplined and goal orientated environment to ensure teaching and learning.
- 3.4. The BOG is ensuring that the disciplinary practices of the school follow South African Constitution and the South African Schools Act, as well as the prescriptions of the CSO.
- 3.5. The BOG appoints a disciplinary committee.
- 3.6. The disciplinary committee Conducts fair hearings in which the focus is on positive intervention as a restorative option.
- 3.7. The Board keeps and safeguards full minutes of disciplinary hearings.

4. THE COLLEGE MANAGEMENT STRUCTURE

4.1 The term “College Management” refers to the following persons: Head of College, Deputy Head, HR Manager, Teaching and Learning Co-ordinators and the Campus Manager.

- 4.1.1. Responsible for establishing the concept of positive behaviour within the College.
- 4.1.2. Ensure that all staff, parents, and students are aware of the policies regarding positive behaviour.
- 4.1.3. Ensure that the restorative justice policy is implemented.
- 4.1.4. Ensure that student behaviour and student issues are discussed regularly.
- 4.1.5. Ensure that record is kept of student behaviour.
- 4.1.6. Organise staff development sessions regarding the management of students’ behaviour.
- 4.1.7. Liaise with parents.
- 4.1.8. Ensure fairness and consistency in the process.
- 4.1.9. Application of discipline.
- 4.1.10. Supervise the prefects and LRC with managers.
- 4.1.11. Responsible for regular formal meetings with grade heads, senior teachers, phase leaders, etc.
- 4.1.12. Conduct discussions about disciplinary tendencies and concerns in the school.
- 4.1.13. Provide feedback regarding recommendations and interventions to Ethos

5. RESPONSIBILITY OF GRADE HEADS

- 5.1 Organise regular scheduled meetings with grade register teachers to identify possible referrals to the Ethos or Counsellors.
- 5.2 Organise interviews with parents to discuss student behaviour and needs.
- 5.3 Control and manage the administrative system of disciplinary referrals and interventions
- 5.4 Report to the management structure on disciplinary tendencies and concerns.

6. RESPONSIBILITY OF CLASS TEACHERS

- They must create and maintains student-centred, controlled, and orderly classrooms.
- They must prepare well to create positive learning experience.
- Teachers must expect students to cooperate.
- Disciplinary measures must have clear and firm consequences.
- Praise must be given as much as criticism.
- Teachers must ensure that students are disciplined only according to the Code of Conduct and ethos.
- Discipline must be fair.
- Teachers must seek support and guidance from managers for students with special needs.
- Be pro-active.

7. RESPONSIBILITY OF PREFECTS AND LRC MEMBERS

- Develop and promote a positive student culture.
- Encourage fellow students to participate and are responsible for the sound functioning of the school.
- Promote good discipline by holding regular student meetings and discussions.
- Use communication channels to discuss student frustrations and fears.
- Promote positive communication with teachers and school management.
- Create clubs and special projects to promote student involvement.
- Act as ambassadors in the school and community.
- Liaise with class teachers about student issues and student grievances.

8. THE TWO CONTEXTS OF RESTORATIVE JUSTICE

A: Transgressions directly against the interest of a second party, E.g., bullying, assault, defamation of character, theft, insolence, disrespectful behaviour etc.

B: Transgressions against the school system – not necessarily another person., e.g. undermining school rules in terms of grooming or late coming.

- No direct harm is done to a second party, however every offence, albeit impersonal, affects other individuals.

9. PURPOSE OF RESTORATIVE JUSTICE

- Create encounters between the offender/s and the person who was harmed.
- Makes them aware of the impact of their behaviour.
- Repairs relationships through restitution: Apology > Changed behaviour and attitude > inclusion - >generosity
- Creates a positive environment in which positive behaviour thrives.

10. OUTCOMES OF RESTORATIVE JUSTICE

- Students learn how to interact and manage their relationships with adults and peers.
- They become better equipped to understand how their actions impact others and how to monitor future behaviour. (Emotional intelligence)
- Restorative practices encourage accountability, improve school safety, help strengthen relationships and create more positive outcomes for students and the school community.
- Teaches children social and emotional competence.
- Students who behave in more pro-social ways and demonstrate higher levels of social competency also achieve better academically.
- Students who are socially competent are more likely to have productive relationships with their teachers and peers.

11. THE POLICY GOVERNS POSSIBLE CONFLICT OF INTERESTS BETWEEN THE RIGHTS OF THE VICTIM AND THE RIGHTS TO THE OFFENDER.

The balancing of rights in these circumstances is inevitable, and dignity plays an important role in balancing the conflicting rights through the limitation clause (Clause 36 – Constitution)

The rights of the teacher must always be weighed against that which is in the interest of the maintaining of an effective, collaborative teaching and learning environment.

Student behaviour which conflicts with the rights of the teacher must always be evaluated against the background of the characteristics typical of a child, i.e.:

- Absence of discernment.
- Absence of rational thought.
- Emotional immaturity
- Impulsive behaviour.

The normative values governing restorative justice are:

- Building peace
- Respect
- Solidarity (shared, awareness and responsibility)
- Active responsibility

12. THE OPERATIVE VALUES GOVERNING RESTORATIVE JUSTICE ARE:

- Resolution
- Protection (brings inclusion and empowerment)
- Encounter
- Assistance
- Moral education
- Create encounters, collaboration, and amends behaviour.

13. THE FOCUS OF RESTORATIVE JUSTICE

- **The violation of people** and interpersonal relationships – not the breaking of rules
- The **rights** of the **victim**.
- A **redress of wrongs** in which the transgressor plays an active role.

- The initiative for reconciliation, as well as the action steps must be initiated and **bought into by the transgressor**.
- **Accountability**, which implies the understanding the impact of one's actions, taking responsibility for one's choices and suggesting ways to make amends.
- The violation of people and interpersonal relationships – not the breaking of rules
- The rights of the victim.
- A redress of wrongs in which the transgressor plays an active role.
- The fact that the initiative for reconciliation, as well as the action steps must be initiated and bought into by the transgressor.
- Accountability, which implies the understanding the impact of one's actions, taking responsibility for one's choices and suggesting ways to make amends.

14. THE STEPS OF RESTORATIVE JUSTICE

- Call the student in.
- Ask the student if he/she understands why he/she is called in.
- Let him/her explain why.
- Audi alteram partem – listen to both the offender and the “victim”.
- Ask if they understand the consequences of their action/s. (See “Five magic questions”)
- Call in the other party who has been wronged and the teacher/prefect who reported the offence and hear their account of the events.
- The violation of people and interpersonal relationships – not the breaking of rules should be the focus.
- Safeguard the rights of the victim.
- A redress of wrongs should be the outcome in which the transgressor plays an active role.
- The fact that the initiative for reconciliation, as well as the action steps must be initiated and bought into by the transgressor.
- Accountability, which implies the understanding the impact of one's actions, taking responsibility for one's choices and suggesting ways to make amends.