

CHAPTER 16

STRENGTHENING RIGHTS AND PARTICIPATION OF CHILDREN

A Finnish perspective on a restorative approach to education

Maija Gellin

1 INTRODUCTION

In Finland, the health and social care and youth work activities are locally organized to enable easy access to care when needed. Early prevention work is highlighted to increase the safety and health of every individual, from infants to seniors. Following this alignment, the rates of juvenile delinquency showed a decreasing trend until the end of 2018 but a slight increase in the 2019 statistics. However, the number of young people in prisons is very low.¹ According to data with the Finnish Criminal Sanctions Agency, three persons aged fifteen to seventeen years were held in custody as sentenced prisoners in 2018 and none in 2019. In 2018, 39 persons aged 18 to 21 were held in custody, and in 2019 there were 40 such persons. In 2018, there were ten remand prisoners aged fifteen to seventeen, and in 2019 there were 33. In 2018, remand prisoners aged 18 to 21 numbered 154, and in 2019, 173 (Criminal Sanctions Agency, 2018: 28; 2019: 28).

The Juvenile Punishment Act entered into force in 2005. Juvenile punishment, included in the Criminal Code of Finland, is a specific sentence for offenders under the age of 18 years. A juvenile punishment can last from four to twelve months and consists of supervision appointments, guidance and support to promote coping in society and orientation to employment. Eleven new juvenile punishments entered into force in 2018, compared with seven in 2019. (Criminal Sanctions Agency, 2018: 4, 42; 2019: 42).

In 2016 the national crime prevention Program *Working Together for Safer and More Secure Communities* was prepared by the Finnish National Council for Crime Prevention in the ministry of justice. The basic aim of the program is (1) to clarify the role of crime prevention in other municipal plans; (2) to improve crime prevention cooperation and networking with public authorities, businesses, organizations and citizens; (3) to increase crime prevention expertise at the local and national levels; (4) to promote the

¹ The minimum age of criminal responsibility in Finland is 15 years.

consultation of local residents and nongovernmental organizations in the planning of crime prevention measures and (5) to improve the opportunities of citizens to influence and participate in preventing crime and increase the sense of safety and security in their communities. The focus is on situational crime prevention. The advantage of situational prevention actions lies largely in the fact that the measures may provide realistic, often practical and cheap solutions. The basic experience is that criminal activity is often a complex situational event in which a young person may have behaved violently and also experienced violence at that moment or earlier.

The same individuals can be both offenders and victims, so it is important in crime prevention to examine crimes, offenders and victims of crime as a whole. Early intervention methods include services for individuals, families, schools and communities in order to minimize the effects of risk factors. For example, maternity and child health clinics use various assessment forms to identify risk factors that are hazardous to the development of children, such as parental alcohol use and relationship conflicts. As an active response to these risks, within the day care system, children may be granted a place in day care if this is considered important for their development, while guiding parents to the health or social care systems if needed. To steer young people away from criminal activities, various forms of help have been developed, such as multiprofessional preventive practices by youth work, police and social work as well as various forms of mediation in crimes and disputes (Ministry of Justice, 2016: 9-13).

2 THE FINNISH EDUCATION SYSTEM

The Finnish education system is highly valued globally, topping the rankings of the international test PISA (the Program for International Student Assessment) in the early 2000s. Many teachers from abroad try to learn from the Finnish system. The value and success of the Finnish school system is grounded in the Constitution of Finland, in which free education is addressed as a fundamental right of every citizen. This right to free and common education for every child is a significant and unique basis in Finnish society. Parents can rely on this right without worrying about the costs, equality and quality of the school system and education. In addition, Finnish teachers are highly respected professionals with an academic education that focuses on research-based studies and active practice as well as a high range of theoretical knowledge.

Some key factors can be found to explain the high standards and achievements of the Finnish school system. The Finnish education system consists of nine years of basic education (comprehensive school), which is compulsory, and upper secondary education, which is either general upper secondary education or vocational education and training. In addition, higher education is provided by universities and universities of applied sciences. The first premise is the equal education system for every child, where

the same learning targets apply to every school. Instead of competition, the Finnish system relies on collaboration, trust and collegial responsibility in and between schools (Sahlberg, 2015: 19-23). The Finnish teaching profession is based on continuous professionalization of teaching and school leadership that requires advanced academic education, solid scientific and practical knowledge and continuous on-the-job training. The quality of education is not evaluated by the level of literacy and numeracy test scores alone. Instead, education is designed to emphasize whole-child development, equity of education outcomes, well-being, and arts, music, drama and physical education as important elements of the curriculum (Sahlberg, 2015: 135-182; Sahlberg & Johnson, 2019).

2.1 *Strengthening of children's participation in education*

Despite these high standards of education, conflicts, bullying and misbehavior are a part of daily life in Finnish schools, as they are all over the world. In Finland, the obligation to intervene in conflict and abusive behavior in schools is based on the Basic Education Act, which states that a pupil has the right to a safe study environment (Basic Education Act 1998/268, Chapter 7, 29 §). The government's proposal in its explanatory memorandum, clarifies the content of 29 §: this provision obliges the organizers of education to ensure not only that the facilities intended for teaching are safe, but also that students are not subjected to violence or other harassment at school (HE 86/1997, 64). On the other hand, the Finnish Constitution (Chapter 2, 6 §) requires children to be treated equally as individuals so that they can express their views and have influence in their own life. The Finnish Constitution thus upholds Article 12 of the UN Convention on the Rights of the Child.

In the Finnish Core Curriculum for Basic Education (Opetushallitus 2014), the objectives of broad-based competence, such as learning how to learn, communication and expression of self, are established. Respect for human rights, the ability to appreciate interaction and the expression of one's own views are the skills needed in an increasingly diverse society. According to the Core Curriculum, a school's mission is to strengthen the involvement and active citizenship of students so that they can hone their participation and communication skills while providing a safe environment for the school community. Mediation is emphasized in chapter 3.3 of the Core Curriculum, which highlights the values of participation and influencing and building a sustainable future. The chapter points out that pupils must be given the opportunities to learn to work together and to practice negotiation, mediation and conflict resolution, and critical reflection (Opetushallitus, 2014; 20-24).

In 2018, the Finnish Ministry of Education published a report that presents development proposals related to regulatory change needs, strengthening of the

participatory culture and the development of multidisciplinary cooperation, including restorative practices and mediation as an important part of daily activity. Mediation efforts are aimed at both restorative conflict management and prevention of exclusion by returning the parties to their community without stigma. Mediation reinforces a respectful, tolerant and supportive atmosphere aimed at reducing the need for punishment. Mediation produces a culture of conflict management that enables children and students to participate in decision-making on issues related to their own lives and to practice mediation and conflict resolution skills. With regard to mediation, development proposal number 9c includes the need to further strengthen the culture of mediation in schools and day care (Opetus- ja kulttuuriministeriö, 2018: 24-26, 66-67).

3 A CRITIQUE OF PUNISHMENT-BASED DISCIPLINARY CULTURE AND ZERO TOLERANCE

In Finland, critical discussion of the effects of punitive and zero-tolerance practices has been increasing. The development of decision-making policy at the societal level has also affected school and education policy in Finland. The shift from welfare policy to risk policy has taken place since the mid-1990s, with greater demands to ensure the safety of citizens, increase criminal justice resources, empower different types of voluntary security groups and increase the severity of penalties (Harrikari, 2008: 99-134). In the field of education this development has led to the discussion of increasing sanctions and implementing zero-tolerance policies, although the international and national research results of the effectiveness of these policies have not been convincing (e.g. Welsh & Payne 2018, 215-234; Skiba et al. 2018, 235-252). For example, with regard to the effects on young people Finnish researchers have reported an increasing risk of exclusion from society, a greater likelihood of drifting into risky behavior, the development of a criminal identity, the emergence of criminal subcultures as well as the increasing experiences of inequality and injustice, all of which drive young people toward misbehavior (e.g. Ellonen, 2008: 51-97; Korander, 2014: 184-213; Vesikansa & Honkatukia, 2018: 133-138).

The Finnish Basic Education Act (37§) identifies only punitive measures as disciplinary methods for schools. A punitive approach is still common when solving conflicts, although the National Core Curriculum emphasizes pupils' participation in conflict management, mediation and problem solving. On the other hand, the premise is that the law gives a framework to the school discipline system and the curriculum provides the content, which offers the guidelines for everyday pedagogy in schools. In the last ten years many practices in positive pedagogy and social skills learning have been introduced in schools to promote inclusion, including the restorative approach and practices, all of which are aimed at decreasing the need for using sanctions and

increasing pupils' participation and opportunities for decision-making. Vesikansa and Honkatukia (2018) state that conflicts are a natural part of young people's development. It follows that pedagogically sustainable solutions should be found to deal with them. The exclusion of misbehavior in the classroom may ensure others' peace of mind and learning, but there is no evidence to support the benefits of such a policy. A more humane approach is necessary, and this challenge applies to the entire culture of the educational field (Vesikansa & Honkatukia, 2018: 143).

The restorative approach differs from punishment-based disciplinary culture and zero-tolerance programs. Instead of sanctions, face-to-face meetings, ownership and an understanding of the effects of behavior, both from the individual and from the community's perspective, are emphasized. The UN report *Promoting Restorative Justice for Children* (2016) highlights children's rights. Restorative justice emphasizes the significance of what has happened for both human relations and for the future and seeks solutions to prevent the recurrence of the harmful event. Restorative justice procedures are appropriate for dealing with children's situations, regardless of whether the offense is minor or serious (United Nations, 2016: 1-2).

The guidelines of the Council of Europe on child-friendly justice affirms that friends treat each other well, trust each other and listen to and understand each other, so child-friendly practices should seek to implement these ideals of friendship (European Union, 2010: 7). Liefwaard, Rap and Bolscher (2016) reviewed Directive EU / 2016/800, published by the Council of Europe, on procedural guarantees in criminal proceedings against children suspected of having committed a criminal offense. The Directive stresses that a child's sense of dignity must be promoted in juvenile justice proceedings and that the child's innate right to dignity must be respected (Liefwaard et al., 2016: 81-83).

4 ACCESS TO MEDIATION SERVICES IN FINLAND

In Finland, the development of mediation services has supported the development of child-friendly justice. The best interests of the child and other rights of the child, particularly the right to influence decision-making, are emphasized. According to several Finnish researchers (e.g. Ervasti & Nylund, 2014; Gellin, 2019; Iivari, 2010; Pehrman, 2011), mediation can be defined as a voluntary and informal procedure in which a neutral and external third party helps the parties to reach a mutually satisfactory agreement. The central premise of restorative mediation is that everyone who has been affected by a crime will be offered, with the help of a mediator, an opportunity to discuss what happened, its implications and measures needed to repair the harm.

In Finland, mediation is promoted at various levels of society. The Law on Mediation in Criminal Cases and Certain Disputes (2005/1015) came into force in 2006, although

the mediation services had already been available to citizens since 1984, at least in urban areas around the country. Following the introduction of the law, victim-offender mediation services are now available free of charge to all citizens throughout Finland. The service is coordinated by the National Institute for Health and Welfare (THL). The mediation offices in Finland are staffed by mediation professionals, but mediation processes are facilitated by voluntary mediators. According to THL statistics, in 2018, 15,526 cases were referred to mediation, of which 30 percent of suspects were under the age of 21 and 9 percent of the proportion of suspects were under the age of 15. The report states that, although the under-15s are not criminally responsible, they are nevertheless obliged to compensate the damage they cause. Mediation also enables the young to take moral responsibility for their actions and can thereby reduce the risk of reoffending. Almost half (49 percent) of all mediated cases were violent crimes, 33 percent of which were violent cases in close relationships. In addition, mediation was used in cases of property damage and theft (10 percent), unlawful threats (7 percent) and violations of peace of homes (4 percent). Other unspecified cases accounted for 12 percent, and disputes accounted for 5 percent of all cases (Terveyden ja hyvinvoinnin laitos, 2019).

In addition, the Law on Court Mediation (2005/663) entered into force in Finland in 2016. Court mediation can be used, for example, in inheritance disputes or in matters of compensation for damage or in custody disputes. About 2000 cases are solved in court mediation every year, and about half of the cases relate to custody of children. The family mediation program, FASPER, has modeled the mediation required by the Marriage Act (234/1929), paying special attention to the realization of the best interests of the child. In this mediation practice the parents are participants, but the position of a child and his or her needs are the focus. Meanwhile, the Centre for Neighbourhood Mediation offers a mediation service for conflicts between neighbors and families and conflicts between different population groups in residential areas, and over 300 cases are mediated annually by the staff members. To increase the availability of this service, the staff of the Centre for Neighbourhood Mediation is also training members of local housing companies and active residents to use a restorative approach. Youth workers in different organizations also produce guidance on mediation or mediation activities for conflicts that happen in the free time after school. Street mediation is used in larger shopping malls for the misbehavior of young people (for example, cases of vandalism, thefts and rule breaking or threatening or shouting at other customers). In schools and day care centers, the VERSO program has trained pupils and staff members to mediate the everyday conflicts and bullying.

Figure 16.1. Access to mediation services in Finland (Gellin, 2019: 31).

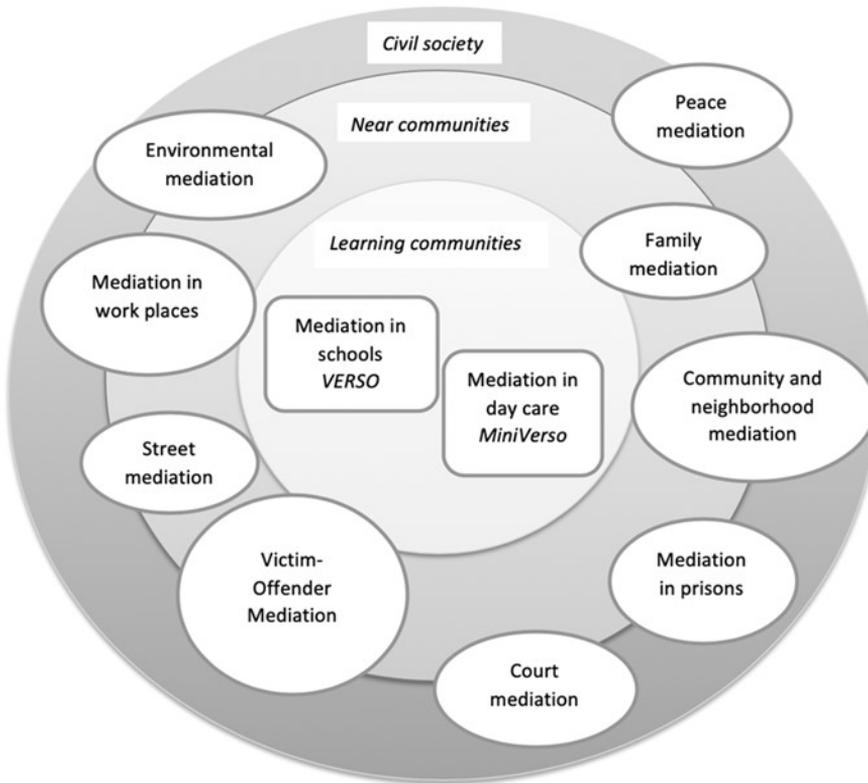


Figure 16.1 illustrates the mediation services provided by Finnish society. With regard to children's rights, the Finnish mediation services offer important avenues for juveniles to be heard and to enable their participation. In the figure, level one comprises those learning communities that are legally provided to children. For example, in a day care unit or a school that implements restorative practices, children and their parents learn the basis of mediation early on. The second level covers communities in which children live and interact outside of their learning communities as part of their families, friends or leisure activities. The third level describes the mediation services in civil society in general. However, the boundaries between the various levels and services are porous and partially overlap with different stages of life and everyday events. Strengthening the culture of mediation in Finnish society contributes to transparency and continuity in practices of conflict management, while strengthening citizens' empowerment in their local social communities and in civil society (Gellin, 2019: 30-32).

5 RESTORATIVE JUSTICE AND RESTORATIVE PRACTICES STRENGTHENING
CHILDREN'S RIGHTS

Ervasti and Nylund (2014) have examined Nordic conflict management and mediation practices from the perspective of restorative justice. Rather than finding guilt, restorative mediation enables parties to discuss how the imbalance in a human relationship caused by an act can be restored. Fairness, in this sense, means rebuilding relationships, restoring the situation and looking to the future (Ervasti & Nylund 2014: 486-489). Chapman and Chapman (2016) point out that if carefully implemented, restorative process can increase a victim's willingness to overcome their anger and demands for punishment. The process itself can free people tied down by emotions, making forgiveness possible. If the victim feels that the offender is showing respect, empathy and a desire to compensate for the harm caused, forgiveness appears to be an opportunity to move forward (Chapman & Chapman, 2016: 135-152).

Restorative justice in education can be described as an approach that enables the involvement of all parties affected by a conflict or misbehavior. However, in the field of education professionals speak more of the restorative approach and restorative practices than restorative justice. The term restorative approach refers not only to restorative practices but also to philosophical values, such as fostering positive relationships, fairness, respect and taking responsibility, as the basis for restorative practices (e.g. Gellin, 2019; Hopkins & Gellin, 2016; McCluskey, 2018; Morrison & Vaandering, 2012; Woods & Stewart, 2018).

In the Finnish field of education, the restorative approach and mediation are the most used concepts professionally associated with the practices of restorative justice. In Finland, a program called VERSO has been offering training in the use of the restorative approach and mediation in schools nationwide since 2001. The restorative approach is practiced in a school context through mediation and restorative circles, as well as conference processes. In schools, mediation can be guided by students trained as peer mediators to resolve tensions between students and also by adult or conference processes under the guidance of staff members trained as mediators when conflicts between students and school staff or adults and/or school staff and parents arise (Gellin, 2019: 70-77).

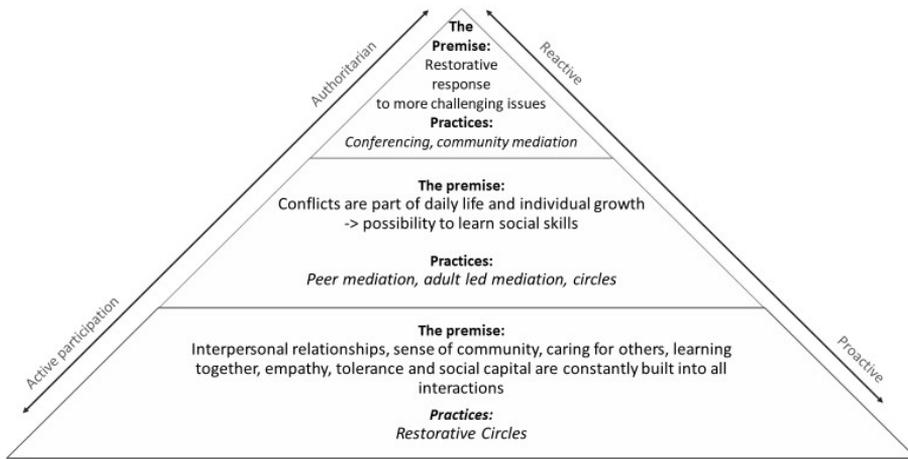
Figure 16.2. Restorative practices in Finnish schools (Gellin, 2019: 72).

Figure 16.2. illustrates the restorative practices in Finnish schools that follow the VERSO program, which was developed within the framework of the Finnish Red Cross in 2000-2004. In 2005, the Finnish Forum for Mediation (NGO) received funding from the ministry of education to further develop the program. Since 2007, the program has received more permanent funding from the ministry of social affairs and health. The first level aims to have an effect on daily work in classrooms, where social relations and togetherness are strengthened by using restorative circles in teaching and cultivating the sense of community. At the second level, the conflicts are seen as possibilities to learn social skills. Through peer mediation, disputes between students are resolved as early as possible, and when needed adult-led mediation is also available. If a conflict escalates to a more serious level, conferencing or community mediation can be used to solve it. Mediation aims to both restoratively manage conflict and also prevent exclusion by returning the parties to their school communities without stigmatizing them. In the field of education, mediation strengthens a respectful environment, which aims to reduce the need for disciplinary procedures. Mediation produces a culture of conflict management that enables children to participate in a supported way in decision-making on issues related to their own lives and to practice mediation and conflict resolution. In restorative processes, children can learn to use their right to be heard, to participate, to express thoughts and emotions and to achieve solutions at the level of their age and development, thus strengthening their sense of justice and community. From this perspective, the restorative approach offers practices that are aligned with children's rights.

6 RESEARCH AS AN IMPORTANT PART OF THE IMPLEMENTATION OF A RESTORATIVE APPROACH

Evaluation is an integral part of the VERSO program, during both the development and the implementation of the restorative practices in schools and day care. Furthermore, the ministry of social affairs and health, as a financier, requires statistics relating to program effectiveness every year. The results of the evaluation have been published in an electronic report on the website of the VERSO program since 2017. The staff of the VERSO program collect numerical data on training and participants, and evaluation data on training quality in every training session as a part of their work. However, the focus in the annual reports is on the activity in the field. Data for annual reports is collected through sampling by anonymous electronic inquiries from the schools and day care units that are applying the program. The collected data contains quantitative information about cases addressed in peer mediation, the characteristics of cases, numbers of agreements made and agreements kept. Also, numbers of peer mediators, adult advisors and mediators as well as the number of parties in mediation are recorded. In addition to quantitative data, qualitative data is collected. Information on experiences with restorative practices, use of restorative circles and mediation, success and challenges, as well as the opinions of the parties involved in mediation are collected through structured questionnaires and open questions. Staff members of the VERSO program analyze the collected data and prepare the annual reports as a part of their responsibilities.

According to the statistics, training in the use of restorative practices and mediation through the VERSO program was completed in a total of 804 basic education schools (pupils 7 to 16 years old) by the end of 2019, and of this number 67 new schools started implementing the program in 2019. About 342 different trainings (starting, maintenance and advanced trainings) were organized by the VERSO program in 2019, in which there were a total of 6,387 participants, 2,621 of whom were aged 7 to 17, and 3,766 participants were adults.

Data was collected through sampling of the parties to the mediation done in schools, with the aim of evaluating the implementation of restorative values and children's rights and the way they were experienced in mediation processes. The exceptional situation at the beginning of the year 2020 caused by the COVID-19 virus pandemic limited the amount of responding schools this year. A total of 73 students, aged 8 to 15 years, from 7 different schools managed to respond to the enquiry before the schools were closed in March in Finland. Figures 16.3 and 16.4 display some results from the 2019 statistics, and Figure 16.5 illustrates recent developments based on a comparison of some responses with the 2017-2019 surveys. The summary of the findings of the annual report 2019 is available in English on the website of the VERSO program (<https://sovittelu.com/vertaissovittelu/in-english/>).

Figure 16.3. Opinions of the parties participating in peer mediation 2019 (N = 73); focusing on the process.

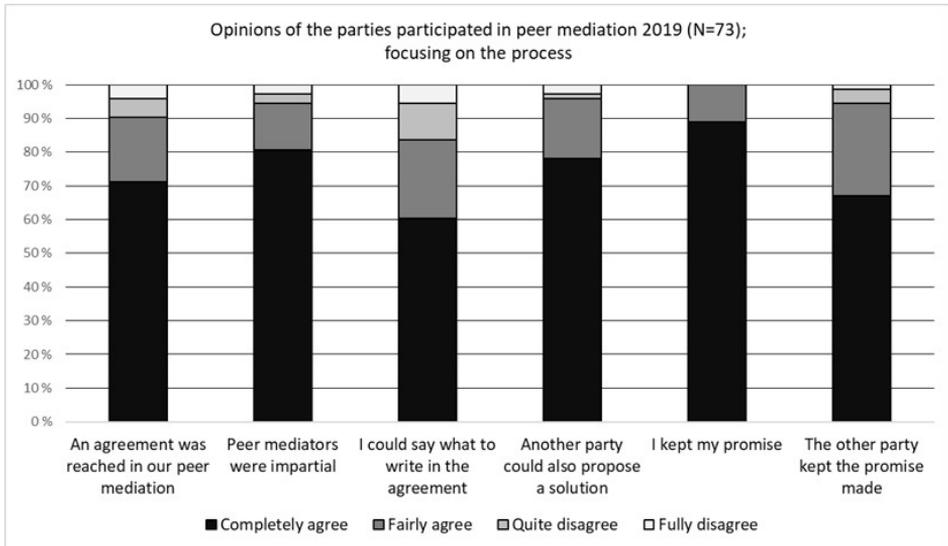


Figure 16.3 describes the responses of the parties concerning the mediation process. We had responses from 73 pupils who had participated as a party to a conflict in peer mediation. According to the results, 90 percent of the parties completely or fairly agreed with the statement *An agreement was reached in our peer mediation*. In addition, 94 percent of respondents completely (80 percent) or fairly (14 percent) agreed that *peer mediators were impartial*. The figure describes that 83 percent of respondents agreed completely (60 percent) or fairly (23 percent) with the statement *I could say what to write in the agreement*, and 11 percent and 6 percent, respectively, quite or fully disagreed with the statement. Most (95 percent) of the parties completely or fairly agreed that another party could also propose a solution. When asked about keeping promises made in peer mediation, 89 percent of respondents totally and 11 percent fairly agreed with the statement *I kept my promise*.

Figure 16.4. Opinions of the parties participating in peer mediation 2019 (N = 73); focusing on child’s rights.

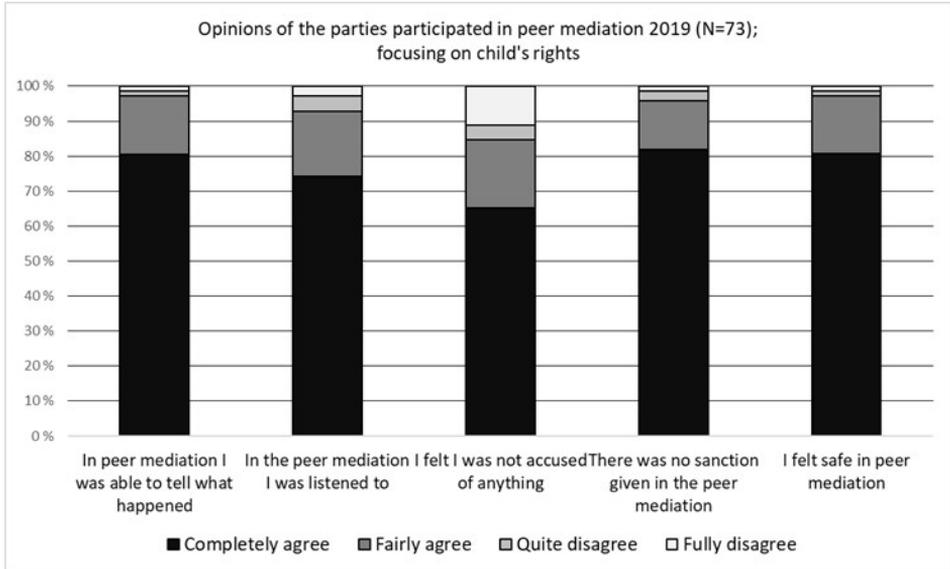


Figure 16.4 reflects the opinions of the parties involved in peer mediation from the child’s rights perspective. There were also answers from 73 parties. Most (98 percent) of the respondents completely (81 percent) or fairly (17 percent) agreed with the statement *In peer mediation I was able to tell what happened*. Also, most (93 percent) of the parties completely (74 percent) or fairly (19 percent) agreed with the statement *In the peer mediation I was listened to*. In addition, 85 percent of respondents totally (65 percent) or fairly (20 percent) agreed with the statement *I was not accused of anything*, while 4 percent quite disagreed and 11 percent totally disagreed with this statement. Almost all (96 percent) the respondents either completely (82 percent) or fairly (14 percent) agreed with the statement that *there was no sanction given in the peer mediation*. In regard to the experiences of safety, 98 percent of the respondents said that they completely (81 percent) or fairly (17 percent) agreed that *they felt safe in peer mediation*, and only 2 percent disagreed with the statement. (VERSO-Programme: Annual Report, 2019: 9).

Figure 16.5. A three-year comparison of the views of the parties in the peer mediation regarding children’s rights; comparing the percentages of participants’ ‘completely agree’ responses.

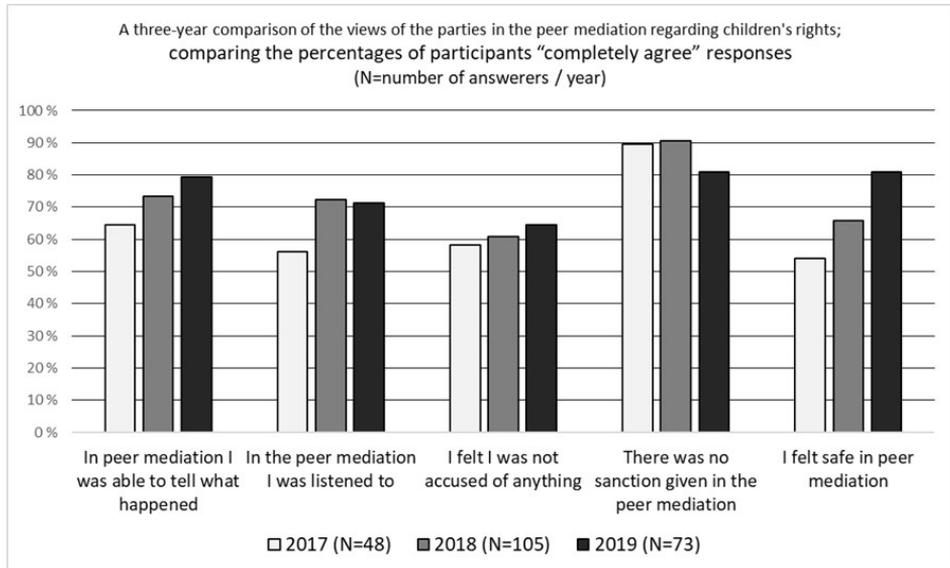


Figure 16.5 shows a three-year comparison of the answers of the parties in the peer mediation. From the children’s rights perspective, parties are reporting increasing experience of being able to explain their own views. The feeling of being safe in peer mediation has also increased during the past three years. The comparison shows that there is a decrease in the view *There was no sanction given in the peer mediation*, although more and more of the parties felt that they were not accused of anything in peer mediation (VERSO-Programme: Annual Report 2019: 9).

On the basis of this data, we can conclude that there are several indications that give promising information about strengthening children’s rights to be heard, to participate in decision-making and to be respected as experts of their own life at their age level in the daily practice in schools through the implementation of a restorative approach. However, more and wider data must be collected to observe and evaluate these developments.

7 THE RESTORATIVE SCHOOL CULTURE – REALISTIC OR UTOPIAN?

Restorative practices like circles, peer mediation and adult-led mediation in education are generating promising results. The rights of the child to be heard and to participate in a way that influences decision-making are also well respected when the restorative principles are followed in daily school practice. On the other hand, we can ask whether

the results are promising because of the use of restorative methods alone or whether we need a more comprehensive restorative school approach and change of school culture to ensure that the full benefits of a restorative approach are reaped in schools. What values and principles are required in implementing a comprehensive restorative approach? These were the questions that guided my doctoral research after 15 years of experience as a restorative approach trainer in Finnish schools.

7.1 *The methodology and data collection*

The aim of my doctoral research was to observe how the restorative approach had been implemented in schools, what advantages such practices had brought to schools, how restorative principles were understood, and what challenges had occurred during several years of practice. The research was carried out with the Grounded Theory (GT) process. GT research approaches the phenomenon under study by creating a theory that can be assumed to work in a hypothetical context where it is used (Glaser & Strauss, 1967: 3, 249). GT research is a process that requires the simultaneous promotion of data aggregation, data coding and data analysis. The researcher is in constant interaction with their data, ensuring that a new theory is created on the basis of the data. GT, unlike other research methodologies, does not generally follow a logical order of progression, but the collection, coding and analysis of research data are in constant motion, complementing each other (Glaser & Strauss, 1967: 41-43). Although all kinds of data can be utilized in the GT process, the material collected through interviews is the most common. For this research, the data was collected from school staff members (N = 37), who had participated in advanced trainings of the VERSO program during the years 2010-2012. This includes written learning diaries collected from participants (N = 24) and interviews with an additional 13 participants. Before the start of data collection, it was ensured that all informants confirmed that they had implemented restorative practices at least one year before this research (Gellin, 2019: 85-88).

7.2 *The findings*

The results of the research provide a perspective on the discourse of well-being and conflict management in school communities. Both successes and challenges were reported. According to the results, the restorative approach had influenced the mindset of the teachers so that they had adopted respectful encounter, active listening, restorative circles and mediation in their daily profession and pedagogy. The data shows that the restorative approach had changed the attitudes of the teachers towards pupils in a way that children were seen as being actively involved in matters concerning their own lives. Restorative mediation was experienced as a positive and cooperative approach to conflict

management. The restorative approach had changed the way the participants in a conflict were seen. Instead of seeking bullies or children who were bullied, the teacher, as a restorative facilitator, could work without labelling the parties and could support their capability to solve their conflict themselves. The teachers observed that after changing from a punitive role to a facilitative role, it was significantly easier to support the parties in their efforts to keep their promises and change their behavior. The data confirmed the necessity of proper training in order to achieve success in implementing a restorative approach. The interviewees considered the training they had received to be of very high quality (Gellin, 2019: 163-164).

The results also exposed the challenges of implementing the new restorative thinking and practices. The critical attitudes of some school staff members and parents sometimes made it difficult to use these practices. Not all adults are ready to change the sanction-based methods to restorative ones. Further, some adults could not trust the active role and expertise of pupils or participatory methods used in the restorative approach. The interviewees realized that the adoption of new practices requires planning and training but reported that there was not always time for that. The results indicate that sharing reflections and information with colleagues regularly is essential in implementing the restorative approach in daily school practices (Gellin, 2019: 162).

8 THE RESTORATIVE ENCOUNTER IS A TWO-WAY PROCESS

GT research aims to produce a theory that answers the research question, but it is important to ensure that the theory created by its methodology can also be verified and tested in contexts other than those in which it is produced. The interest in this research was to find the answer to the main question of how a restorative approach can be implemented in a community and what it produces. GT analysis revealed that *the restorative encounter* was a key concept. The restorative encounter is always a two-way process with three dimensions. It includes the adoption of restorative thinking, the understanding of restorative participation as a key factor in line with children's rights, and the use of restorative mediation as a conflict management method.

Figure 16.6. The dimensions of the restorative encounter (Gellin, 2019: 156).

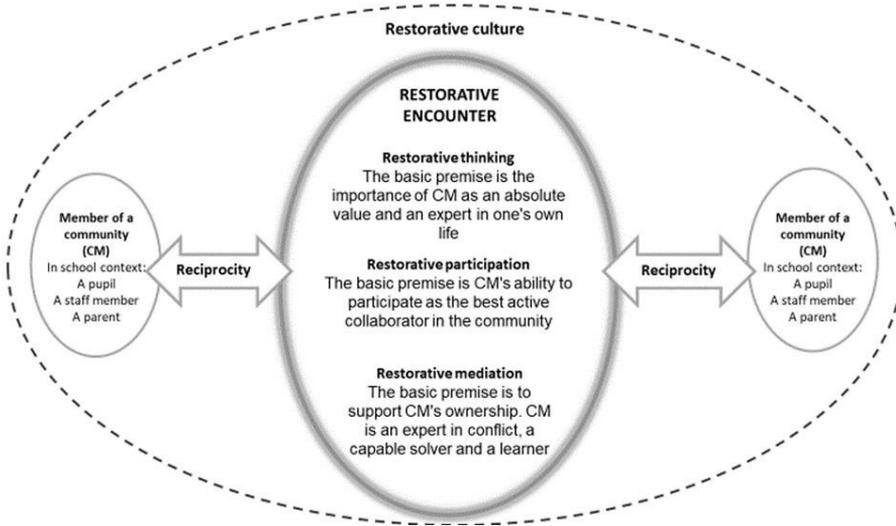


Figure 16.6 illustrates the dimensions of a restorative encounter. *Restorative thinking* emphasizes the view that the individual is valued as an expert in his or her own life without preconceived notions. This means that in encounters and interactions, community members (CM) value each other as they are, making it possible to listen to each other and understand their perspectives, even if they do not agree on everything. The experience of being valued and heard reinforces and maintains CMs' own image. In this way, restorative thinking also strengthens human relationships in encounters at different levels.

Restorative participation culminates in collaborative action in daily life in schools. Encounters and interactions take place in positions where individuals are in their community. Through restorative participation, the identities of the participators are respected as such regardless of their positions. All members of a community are seen as actors who can develop and learn through successes and failures in their cooperation with others.

The basic principle in *restorative mediation* is that conflicts are understood to be related to social relations and that they are thus accepted as part of human growth. When a conflict is experienced, the situation is understood as an opportunity for change that strengthens an individual's growth and learning. Restorative encounters do not stigmatize, but instead there is a mutual interest in increasing the understanding of CMs so that solutions support the development of CMs' self-image and capability to take responsibility for behavior and agreements. By strengthening these three dimensions when developing professional skills of school staff and social skills of children, schools

can succeed in changing the school culture into an encompassing restorative school approach where children's rights are respected.

9 CONCLUSION

It is important to address children's rights in education. A school is a place for children to learn not only academic skills, but also social and conflict management skills for their future. Furthermore, it is where children develop their skills to act for and use their rights to be heard, to participate and to be respected as valuable individuals regardless of their age or position. The research results shared in this chapter highlight the importance of preventive and integrative action. The results show that it is possible to shift from a culture in which the focus is on sanctions to one in which a proactive and restorative attitude is cultivated. The restorative approach has contributed to the experience of dignity of an individual and the importance of a sense of community, which removes prejudice, increases understanding and responsibility, and brings respect to members of the community despite their differing views. In this respect, results inform the discussion on positive pedagogical tendencies that aim to increase positive interaction and the fulfilment of human rights among CMs.

However, the discussion on the means of achieving a restorative approach or encounter should continue along with the promotion of related research. One of the challenges that emerged from my study was the criteria for evaluation and quality of the implementation of the restorative approach in Finland's schools. The local and formal theoretical models created as part of my dissertation contribute to providing a critical platform for the realization of such a restorative approach. On the one hand, the results of this study provide some insights into what the evaluation of a restorative approach could be based on, while, on the other, the results could advance the current debate among researchers about the concern of using the concept of *restorative justice* randomly. The concern is about connecting the concept to different activities to restorative justice without critically observing and understanding the principles and background of restorative justice. This can lead to a situation where real restorative values of different practices can no longer be detected or assessed. It is necessary to examine the conditions for the implementation of a restorative approach.

Broadly, this chapter puts the relationships of children and young people and the importance of their restoration at the center of education. The school creates both visible and invisible frames, rules and norms within which it is important not only to look at how to maintain these frames but also to focus on the skills of maintaining relationships, solving conflicts and respecting human rights. Instead of a culture of accusation and sanctions, a culture of respectful and restorative encounters must be built in order to support the growth and development of children and young people,

regardless of their position in a conflict or their social or economic circumstances. At the individual level, the skill of being able to participate in a restorative encounter is essential in both education and conflict management. The immediate impact of the culture of a restorative encounter has a clear link to enhanced learning and participation as well as the increasing experiences of respecting children's rights. At the community level, experiences with restorative encounters generate quality and social capital that reinforce well-being throughout the community, beginning in schools and extending to the whole society.

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