

## DOMESTIC VIOLENCE AND SCHOOL BULLYING: AN EXAMINATION OF THE INEXTRICABLE LINK BETWEEN THE TWO AND THE USE OF RESTORATIVE JUSTICE TO BREAK THE CYCLE

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### ABSTRACT

*Domestic violence, which takes place within the home environment, and school bullying, which takes place within the compulsory education system, are inextricably linked. They both involve unauthorised force or violence, either psychological, emotional or physical. They both cause harm to the victim, the perpetrator and the wider community. This paper discusses the causal link between these two acts of violence and proposes a system of restorative justice to break the cycle.*

Key words: School bullying, domestic violence, law enforcement, restorative justice.

### 1. Introduction & Rationale

Over the past several decades the issue of bullying in Australian and international schools has gained increasing prominence because of the impact that it has on a student's psychological well being, welfare and ability to succeed scholastically.<sup>1</sup> Concurrently there has also been an increased awareness of the issue of domestic violence and the impact that this has on all parties involved. This paper discusses the inextricable link between these two issues and the need to address the issue of school bullying via a system of restorative justice within the school itself to break the cyclical link between domestic violence and school bullying. This process has an impact on the educational provider, the individual's involved and wider society. Whilst the focus is on the Australian experience, it is submitted that there are implications which could be world wide.

Clear statistics have emerged that both domestic violence and school bullying have developed into significant issues impacting large numbers of people. Statistics from the Federal government of Australia indicate that 1 in every 4 children between the ages of 4 and 9 fall victim to school bullying,<sup>2</sup> and more than a quarter of students between the ages of 10 and 16 were bullied every few weeks or more during a school term.<sup>3</sup> Whilst the following statistics demonstrate the prevalence of domestic violence within Australian society. The Australian Bureau of Statistics estimated in 2013 that at least 23% of women in Australia had experienced domestic violence.

There can be little doubt that both domestic violence and school bullying are important social issues, but what is less well known is the cyclical link between the two issues. In this paper we state:

1.1 School bullying and domestic violence are both acts of violence that have devastating, potentially life threatening impacts upon all of the parties involved, but especially children. School bullying and domestic violence both have a significant impact on the psychological, emotional and academic development of the child<sup>4</sup>

<sup>1</sup> Lee A Beaty and Erick B Alexeyev, 'THE PROBLEM OF SCHOOL BULLIES: WHAT THE RESEARCH TELLS US' (2008) 43 ProQuest Social Science Journals, 1. <<http://njbullying.org/documents/beaty-adolesc-research3-08.pdf>>. Kevin Petrie, Student Peer Bullying: A Brief Overview Of The Problem And Some Associated Myths (2013) Research.avondale.edu.au, 4. <<http://research.avondale.edu.au/cgi/viewcontent.cgi?article=1118&context=teach>>. Also, Findlaw.com.au, Bullying At School (2015) <<http://www.findlaw.com.au/articles/230/bullying-at-school.aspx>>.

<sup>2</sup> Nobullying.com, General Bullying Statistics (2014) <<http://nobullying.com/general-bullying-statistics/>>.

<sup>3</sup> Qld.gov.au, Bullying And Cyberbullying Facts | People With Disability | Queensland Government (2013) <<https://www.qld.gov.au/disability/children-young-people/bullying/facts.html>>.

<sup>4</sup> For a better understanding of the impact of domestic violence on children see: Effects of domestic violence on children.

Penelope K Trickett and Cynthia J Schellenbach, Violence Against Children In The Family And The Community (American Psychological Association, 1998). See also, Kathleen J. Sternberg et al, 'Effects Of Domestic Violence On Children's Behavior Problems And Depression.' (1993) 29 Developmental Psychology. See also, David A Wolfe et al, 'The Effects Of Children'S Exposure To Domestic Violence: A Meta-Analysis And Critique' (2015) 6 Clinical Child and Family Psychology Review <[http://www.learningtoendabuse.ca/sites/default/files/Wolfe%20Crooks%20Lee%20\(2\).pdf](http://www.learningtoendabuse.ca/sites/default/files/Wolfe%20Crooks%20Lee%20(2).pdf)>. See also, John W. Fantuzzo and Wanda K. Mohr, 'Prevalence And Effects Of Child Exposure To Domestic Violence' (1999) 9 The Future of Children. See also, Stephanie Holt, Helen Buckley

1.2 Whilst domestic violence and school bullying are both defined as a crime, law enforcement traditionally, except in exceptional circumstances, is only applied to domestic violence. School bullying is usually captured and dealt with under the various and differing policies operating in individual schools.

1.3 Without knowing any better and by mimicking the behaviour of role models within the home, children potentially replicate the domestic violence they may witness in the home within the school they attend.

1.4 Used within the schooling environment by administrators of the school, restorative justice can improve the environment for the child by resolving school bullying conflicts in a more appropriate manner and break the nexus between domestic violence and school bullying.

We advocate for a recognition of the clear link between domestic violence and school bullying and promulgate the process of restorative justice as a means of breaking this cycle.

## 2. The similarities between school bullying and domestic violence

### 2.1 School bullying and domestic violence defined

School bullying and domestic violence are both acts of abuse and destruction. They both consist of an imbalance of power relations between the parties and an abuse of that power relationship. That is, the perpetrator uses their power over the victim to make them feel powerless, frightened, alone, intimidated and anxious. The perpetrator is in a position to manipulate their victim into doing anything that they want.

School bullying can be defined as a systematic abuse of power in a relationship formed at school characterised by:

1. Aggressive acts directed towards victims that a reasonable person would avoid
2. Acts which usually occur repeatedly over a period of time
3. Acts in which there is an actual or perceived power imbalance between attacker and victim(s), with victim(s) often being unable to defend themselves effectively from per attacker.<sup>5</sup>

Although not simply about physical abuse<sup>6</sup>, domestic violence can be defined as "...pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviour's that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone."<sup>7</sup>

### 2.2 The connection between school bullying and domestic violence

According to Baldry there is an inextricable link between school bullying and domestic violence.<sup>8</sup> That is school bullying often stems from situations in which the bully is exposed to inter-parental physical and psychological violence within the home and the student normalises these experiences and acts them out when in a schooling environment.

The following diagram demonstrates some of the key links between domestic violence and school bullying:

Diagram 1: Similarities of school bullying and domestic violence

<b>Bullying</b>	<b>Domination</b>	<ul style="list-style-type: none"> <li>• Power imbalance</li> <li>• Controlling</li> </ul>
	<b>Abuse</b>	<ul style="list-style-type: none"> <li>• Harm</li> <li>• Manipulation</li> </ul>
	<b>Intimidation</b>	<ul style="list-style-type: none"> <li>• Terrorising</li> <li>• Threatening</li> </ul>

and Sadbh Whelan, 'The Impact Of Exposure To Domestic Violence On Children And Young People: A Review Of The Literature' (2008) 32 Child Abuse & Neglect.

<sup>5</sup> Peter K Smith and Sonia Sharp, School Bullying (Routledge, 1994). Cited in, S.A Hemphill, J.A. Heerde and R. Gomo, 'A Conceptual Definition Of School-Based Bullying For The Australian Research And Academic Community' [2014] Australian Research Alliance for Children and Youth, 2. <[https://www.aracy.org.au/publications-resources/command/download\\_file/id/265/filename/A\\_Conceptual\\_definition\\_of\\_School-Based\\_Bullying\\_-\\_FINAL\\_JUNE\\_2014.pdf](https://www.aracy.org.au/publications-resources/command/download_file/id/265/filename/A_Conceptual_definition_of_School-Based_Bullying_-_FINAL_JUNE_2014.pdf)>.

<sup>6</sup> Santi Owen and Kerry Carrington, 'Domestic Violence (DV) Service Provision And The Architecture Of Rural Life: An Australian Case Study' (2015) 39 Journal of Rural Studies.

<sup>7</sup> Justice.gov, Domestic Violence | OVW | Department Of Justice (2015) <<http://www.justice.gov/ovw/domestic-violence>>.

<sup>8</sup> Anna C Baldry, 'Bullying In Schools And Exposure To Domestic Violence' (2003) 27 Child Abuse & Neglect.

Many of the physical, verbal and non verbal characteristics associated with school bullying and domestic violence are identical. The following diagram illustrates many of those similarities:

Diagram 2: Comparisons between school bullying and domestic violence

School Bullying	Domestic Violence
<b>Physical:</b> Hitting Pulling hair Spitting Throwing objects Pushing Biting Scratching Damaging property Pinching	<b>Physical:</b> Hitting Pulling hair Spitting Throwing objects Pushing Biting Scratching Damaging property Pinching
<b>Verbal:</b> Verbal insults Name calling Racist remarks Intimidation Abusive language Sexually suggestive remarks Abusive telephone calls Spiteful teasing Abusive electronic messages	<b>Verbal:</b> Verbal insults Name calling Racist remarks Intimidation Abusive language Sexually suggestive remarks Abusive telephone calls Spiteful teasing Abusive electronic messages
<b>Non-Verbal:</b> Threatening/obscene gestures Ignoring Removing and hiding belongings Isolating Manipulating and/or ruining friendships Deliberate exclusion from group or activity Financial controlling	<b>Non-Verbal:</b> Threatening/obscene gestures Ignoring Removing and hiding belongings Isolating Manipulating and/or ruining friendships Deliberate exclusion from group or activity Financial controlling

## 2.2 Bullying and domestic violence - the endless cycle of violence

Both bullying and domestic violence behaviours are learnt from an early stage in life. Children who are exposed to domestic violence, or bullied by their parents, siblings or members of their extended families without any form of intervention are much more likely to suffer from psychological harm and to continue to perpetuate this violence outside of the home. This is noted by Coleman who categorically states "Those who are bullied as young individuals end up having a greater probability of abusing in later years"<sup>9</sup> This then means that children who witness or are the victims of domestic violence are likely, without intervention, to normalise this type of behaviour and perpetuate it within the schooling environment. That normalised behaviour has an impact on their psychological development. Bullies may see their behaviour as not only normal, but as something that is praised or rewarded if it is normalised by parents.

Similarly Cohen notes that there "is a significant correlation"<sup>10</sup> between domestic violence and school bullying, but that this cycle or connection can be broken if intervention is taken at the school level, particularly by school administrators. This means that school administrators will be required to take positive action towards addressing the problem and to take steps towards its reoccurrence. Cohen notes "Kids who get effective treatment such as trauma focus, cognitive behavioural therapy or other effective treatments in childhood are not doomed to go on to have these negative power and control focused relationships in adulthood...They can go on to have positive equal relationships."<sup>11</sup> These comments from Cohen strengthen the point we make that there is an inextricable link between domestic violence and school bullying which, if not addressed through some restorative measures, will continue.

<sup>9</sup>Pittsburgh.cbslocal.com, Study Finds Connection Between Bullying, Domestic Violence (2011) <<http://pittsburgh.cbslocal.com/2011/06/06/study-finds-connection-between-bullying-domestic-violence/>>.

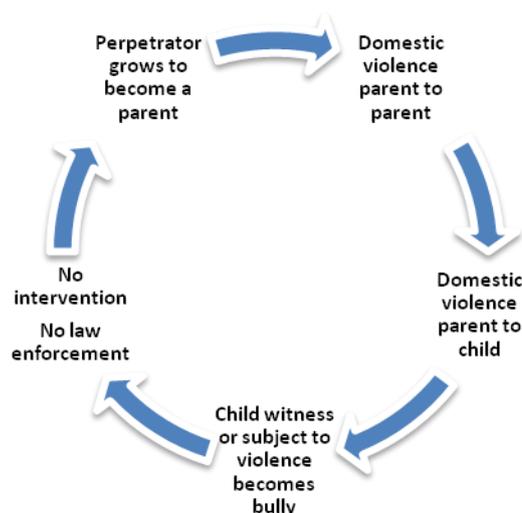
<sup>10</sup> As above, n 9.

<sup>11</sup> As above, nn 9- 10.

Children learn vital life skills by observing the interactions of their parents so that "parents are a very powerful role model for their children; children mimic the behaviour of their parents."<sup>12</sup> Figures from the Australian Human Rights Commission indicate that approximately 60% of family violence that occurs is witnessed by children and young adults.<sup>13</sup> When domestic violence becomes a way of life in a household, children are more likely to use violence towards each other in the home and in the schooling environment.<sup>14</sup> Thus an endless cycle of violence develops. By failing to intervene and allowing a bully to act within a schooling environment the bully's approach to defiance increases and there becomes the potential that they will go onto commit other offences as well as continue the same cycle within their new family when they become parents.

Certainly this is the view of Bowers, Smith and Binney, who as a result of a research study conducted towards the end of the twentieth century, found that children who bully are more likely to come from family environments where domestic violence occurred or was normalised.<sup>15</sup> The following diagram illustrates the perpetual nature of this cycle:

Diagram 3: Endless cycle of violence



The above diagram is also representative of the views of Kothari who clearly indicates the link between domestic violence and school bullying and advocates a breaking of this cycle when they state "If a child always falls victim to bullying, with no outside help or intervention, this child may grow to feel that this is the best they deserve to be treated in their relationships – hence making them more vulnerable to domestic violence later in life"<sup>16</sup> Hence we actively advocate of a strengthening of an intervention role for school administrators to break the cycle.

### 3. Law enforcement

#### 3.1 School bullying and domestic violence law enforcement

In this paper we indicate that law enforcement means that the prescribed court based and statutory laws are enforced by the relevant government authorities. In most instances this would mean the involvement of a state based police force, although this may vary in different parts of the world. In Australia there are a serious of stated based, but also federally based laws which are designed to protect an individual from physical violence, harassment, threats and intimidation, but we submit that these laws are not being consistently or uniformly applied in the schooling environment. Similar laws exist throughout the world.

#### 3.2 Relevant Australian Federal and State legislation

The problem with dealing appropriately with school bullying and domestic violence is not that there are a lack of appropriate laws, rather the problem is that these laws are not consistently applied with respect to school bullying. Throughout Australia there exists a plethora of legislation which relates to bullying, harassment, discrimination and violence. Inter alia, this includes:

<sup>12</sup> Joel Schwarz, Violence In The Home Leads To Higher Rates Of Childhood Bullying | UW Today (2006) Washington.edu <<http://www.washington.edu/news/2006/09/12/violence-in-the-home-leads-to-higher-rates-of-childhood-bullying/>>.

<sup>13</sup> AIHW, A Picture of Australia's Young People (2009). Cited in, Bullying.humanrights.gov.au, Children And Young People | Bullying (2015) <<https://bullying.humanrights.gov.au/violence-harrasment-and-bullying-children-and-young-people-5#fnB66>>.

<sup>14</sup> Schwarz, As above, n 12.

<sup>15</sup> L. Bowers, P. K. Smith and V. Binney, 'Perceived Family Relationships Of Bullies, Victims And Bully/Victims In Middle Childhood' (1994) 11 Journal of Social and Personal Relationships. Cited in Jodie Lodge, 'Children Who Bully At School' [2014] Australian Institute of Family Studies Child Family Community Australia.

<sup>16</sup> Chevon Kothari & Todd Herrenkohl (2007) 'The Link Between Bullying and Domestic Violence', <<http://www.anti-bullyingalliance.org.uk/media/2279/thelinkbetweenbullyinganddomesticviolence.pdf>>

1. Disability Discrimination Act 1992 (Cth)
2. Human Rights and Equal Opportunity Commission Act 1986 (Cth)
3. Racial Discrimination Act 1975 (Cth)
4. Racial Hatred Act 1995 (Cth)
5. Sex Discrimination Act 1984 (Cth)
6. Criminal Code 1899 (QLD)
7. Crimes Act 1900 (NSW)
8. Crimes Act 1958 (VIC)

### 3.3 Examples of legislation in context

There exists various versions of a Crimes Act throughout Australia which declare, from a statutory perspective, what matters would be considered a crime by each respective state. In the context of this paper it is relevant to discuss the matter of assault and to examine how this is dealt with via statutory law and then to examine how this is represented in a schooling environment. Take for example the provisions of assault as set out in legislation in New South Wales and Queensland.

Section 245(1) of the Criminal Code 1899 (QLD) deals with assault and provides for the following:

A person who strikes, touches, or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly, without the other person's consent, or with the other person's consent if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without the other person's consent, under such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect the person's purpose, is said to assault that other person, and the act is called an assault.

Section 59(1) of the Crimes Act 1900 (NSW) deals with assault and provides for the following:

Whosoever assaults any person, and thereby occasions actual bodily harm, shall be liable to imprisonment for five years.

From these sections, a fairly clear definition of assault could be taken that it is the use of unauthorised force by one individual against another individual. Whilst these provisions are enforced regularly against ordinary citizens, including those involved in domestic violence situation (with some discretion by relevant police enforcement agencies), they are rarely enforced against school students who may well engage in assault within the definition of these provisions but within the schooling environment. The point we make is that many types of school bullying involve assault as defined under statute law, but this is rarely enforced by the police. Rather the situations are dealt with by school administrators in ways which may not effectively resolve the physical and psychological problems which result.

Bullying which involves unauthorised physical contact is an example of assault, which depending upon its severity can lead to significant punishments. Whilst a child under 10 years of age is understood to lack the ability to understand the criminality of their actions (*doli incapax*) and cannot, save for exceptional circumstances, be charged with committing a criminal offence, there still remains a significant number of potential perpetrators who would be over the age of 10 years of age who could be charged with committing a criminal offence but are not prosecuted simply because they are a student. An argument could be made that this occurs because the assault is deemed to be of a minor nature, but as the various provisions above demonstrate there is no such prohibition under the law for deciding that something is a minor assault. Rather this is for the court to determine, rather than school administrators.

Of course assault is not necessary the only example of school bullying which may constitute a criminal offence. The following table proves some further examples of bullying activities which could also constitute criminal offences:

Table 1: Maximum penalties for bullying offences

Offence committed	Maximum penalty
Menacing, harassing or offensive use of the internet or a mobile: It is a crime, to use a phone or the internet to threaten, harass or seriously offend a person. A message or post could be considered offensive if it is likely to cause serious anger, outrage, humiliation or disgust.	3 years gaol
Threats and intimidation: It is a crime to intentionally frighten someone by threats or intimidation. This can be via your phone, text message, emails or online posts or threatening to kill someone.	10 years gaol
Stalking: Stalking occurs when a person receives repeated attention that intimidates or frightens them. Stalking can include making unwanted phone calls, emails, text messages and messages via social media platforms. Stalking is a crime in NSW if you intend to cause the other person to fear for their own safety.	5 years gaol
Defamation: It is a crime in NSW to publish untrue information about someone in order to cause them serious harm. <sup>17</sup>	3 years gaol

<sup>17</sup> Lawstuff.org.au, Lawstuff Australia - Know Your Rights - - Topics - Bullying - Cyber Bullying (2015) <[http://www.lawstuff.org.au/nsw\\_law/topics/bullying/cyber-bullying](http://www.lawstuff.org.au/nsw_law/topics/bullying/cyber-bullying)>.

### 3.4 Specific legislation for schools

In New South Wales, the Crimes Act contains specific provisions for some matters which may occur within a schooling environment. This includes section 60E, headed 'Assaults etc at schools' which states:

- (1) A person who assaults, stalks, harasses or intimidates any school student or member of staff of a school while the student or member of staff is attending a school, although no actual bodily harm is occasioned, is liable to imprisonment for 5 years.
- (2) A person who assaults a school student or member of staff of a school while the student or member of staff is attending a school and by the assault occasions actual bodily harm, is liable to imprisonment for 7 years.
- (3) A person who by any means:
  - (a) Wounds or causes grievous bodily harm to a school student or member of staff of a school while the student or member of staff is attending a school, and
  - (b) is reckless as to causing actual bodily harm to that student or member of staff or any other person, is liable to imprisonment for 12 years.

It is therefore evident that, at least at a governmental level, there is an awareness of dealing with these matters at a special level. However, what is also evident is that these special provisions are rarely enforced. What appears to be occurring is that either the schools themselves do not involve the police who could begin prosecution proceedings against an accused individual student who was suspected of committing one of these offences, or when the police are involved they use their discretion not to proceed to prosecution at all or when they do prosecute they choose not to lay charges under these specific provisions, but lay charges instead under more general provisions which carry lighter punishments.

So whilst all schools in Australia are required to design and implement their own bullying policies within the school, the policies contents and enforcement are matters left to the discretion of the school principal or school administrator. It is the school principle/administrator who, in consultation with the wider school environment, decides what the contents of the policy will be, how the policy will be presented to staff and students, how students will be educated about the policy, and how the policy will be enforced. That is, it may be the case that a school principle/administrator decides that there may be no legal repercussions if the policy is broken. The school principle/administrator therefore wields enormous power in dealing with school bullying matters.

It is the enforcement part of the policy which is critical. If the principal/administrator, for example, decides rarely to or never to enforce the policy then that policy is of little value. Unless the principal/administrator chooses to actively enforce the policy and follow through with the full legal consequences of actions that bullies have undertaken then there is once again little value to the policy. Protecting a school bully within the schooling environment may seem like the best thing to do for the bully, but this isn't necessarily the correct course of action to take.

A principal/administrator who chooses to suspend a student who was involved in bullying, may be following the stated policy but choosing to ignore the legal consequences of the activities of the offending student. In effect they are 'sweeping the problem' under the carpet and there is a stigma attached to bullying which can portray a negative image to the wider society and potentially have impacts on school enrolments and funding. Whilst this suspension may in the short term solve the problem that the school has of dealing with a disruptive situation, it does not permanently solve the problem.

It is only via actually enforcing the law that student's learn the consequences of their behaviour. That is, the school's and an individual principal's/administrator's discretion should be removed in deciding whether to report the criminal actions of students to the police. It should be a matter for the police, once they receive notification of a potential crime, to decide how to proceed with and resolve the matter as prescribed by the relevant law. A culture which does not promulgate a law enforcement regime sends a clear message to the bully that there are little to no consequences flowing from their actions.

### 4. Walgett case study

Walgett Community College<sup>18</sup> is an example of a school located in New South Wales which can be used to demonstrate a number of the points made in this paper. Including that the existing procedures of dealing with school bullying are ineffectual.

Over the past decade, although the school had a mandated bullying and harassment policy in place, it was demonstrated to not be working. Students at the school were failing academically, and exhibited significant social and psychological problems. Due to the systemic violence at Walgett Community College, which included serious violent instances which resulted in some children transferring to alternate schools hundreds of kilometres away, Walgett Community College has become the first school in the state to have a police officer permanently located on site.

There was a long history of bullying and violence amongst the students and between students and staff at the school. The school had attempted to often deal with bullying and violence matters within the school and this had failed. Hence all matters are now directly referred to the police that are stationed onsite. Whilst the decision to station police at the school has only recently

<sup>18</sup> Julie Power, Walgett Community College A Hotbed Of 'Violence And Criminal Behaviour' (2015) The Sydney Morning Herald <<http://www.smh.com.au/nsw/walgett-community-college-a-hotbed-of-violence-and-criminal-behaviour-20150422-1mqfvj.html>> accessed 18/9/2015.

occurred, the police involved are hopeful that they can provide a resolution to the problems that exist, with one police officer commenting "Over the past month there've been no incidents."<sup>19</sup>

## 5. Restorative justice

### 5.1. What is restorative justice?

At present there appears to be no universal definition of 'restorative justice'. It has been described by Marshall as "a process whereby all the parties in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implication for the future."<sup>20</sup> McCold and Wachtel describe it as "a process where those primarily affected by an incident of wrong doing come together to share their feelings, describe how they were affected and develop a plan to repair the harm done or prevent reoccurrence."<sup>21</sup> Therefore for the purposes of this paper the term 'restorative justice' shall be taken in its broad sense to mean that all parties come together in an attempt to resolve a conflict in an amicable, non judicially binding manner, designed to prevent a recurrence of the same type of instance.

### 5.2 The significance of implementing restorative justice in schools

It is unlikely that simply enforcing the established law without any type of early intervention will satisfy the desires of the wider community. That is, whilst there will always be a section of the wider society that was completely pro law enforcement and would only accept that an accused person was subject to the full force of the law, it is submitted that the majority of the community would be satisfied via discretion being used in law enforcement in conjunction with restorative justice principles. That is, not simply letting the perpetrator escape with out any consequences, but using the principles of restorative justice to 'educate' them about the consequences of their actions.

Restorative justice is best used to repair the damage done by the bully as well as addressing the needs of the victim, assisting in healing and reconciliation between the victim and the perpetrator. Restorative justice leads to a better understanding of why the abuse originally occurred as well as providing for strategies to ensure that its potential for reoccurrence is limited.

### 5.3 Examples of restorative justice that could be used

Whilst it is not the intention of this paper to discuss in detail the types of restorative justice that can be used within the schooling environment to break the cycle between domestic violence and school bullying, it is nonetheless useful to provide a few examples of the types of activities we suggest could be used to good effect. These include:

#### 5.3.1 Restorative justice example one

Conference/group mediation/early intervention: this involves a meeting with the victim, perpetrator and their parents/ guardians. This is done by giving the victim support and understanding, and encouraging the perpetrator to take responsibility for their own actions, and helping both the victim and perpetrator to reintegrate within the school and interact better with their peers.

#### 5.3.2 Restorative justice example two

Restorative practice: once the bully has been identified they will be made to do an assignment on the harm caused to the victim, which will also help the perpetrator to learn that their taunting and harassment comes with devastating consequences for their victim. During this stage the perpetrator will be encouraged to write an apology to their victim, family and wider school community. The letter for the victim will be read by the perpetrator to their victim and family during the mediation process.<sup>22</sup>

## 6. Conclusion

There can be no doubt that domestic violence and school bullying are linked in a concomitant way. Domestic violence and school bullying are both acts of violence. The current system lets down the victims, families, community and the perpetrator by not taking seriously actions towards the growing epidemic of bullying. School bullying needs to be appropriately addressed via law enforcement mechanisms, including restorative justice, from the beginning of schooling to teach children that their actions are serious and that there are real consequences if their actions breach the law.

Children learn bullying type behaviours such as discrimination, racism and violence from role models in their lives including their parents. If parents model this type of behaviour it is not unexpected that it would be replicated in the schooling environment. When schools then fail to properly deal with this same problem by involving law enforcement mechanisms it sends

<sup>19</sup> Philippa McDonald, Police Stationed Inside Troubled Walgett School (2015) ABC News <<http://www.abc.net.au/news/2015-07-05/police-stationed-inside-troubled-walgett-school/6590964>> accessed 18/9/2015.

<sup>20</sup> Tony F. Marshall, 'The Evolution Of Restorative Justice In Britain' (1996) 4 European Journal on Criminal Policy and Research, 21-43 (4).

<sup>21</sup> Paul McCold and Ted Wachtel, In Pursuit Of Paradigm: A Theory Of Restorative Justice (2003), 4. [http://www.iirp.edu/<http://www.iirp.edu/iirpWebsites/web/uploads/article\\_pdfs/paradigm.pdf>](http://www.iirp.edu/<http://www.iirp.edu/iirpWebsites/web/uploads/article_pdfs/paradigm.pdf>).

<sup>22</sup> This will also open the door for the perpetrator to speak about how they feel and give them the chance to make things right. Ken Rigby, 'What Can Schools Do About Cases Of Bullying?' (2011) 29 Pastoral Care in Education.

a clear message to children that this type of behaviour is acceptable. This is a cycle which is doomed to be repeated unless there is some type of intervention.

This paper has advocated the use of restorative justice in schools to address this problem and break the cycle. Whilst we acknowledge that there may be other methods besides restorative justice to achieve the same result of breaking the cycle, by using restorative justice children learn that they are breaking the law at an early stage in their lives and that there are serious consequences for their actions. We advocate that schools be obliged to use restorative justice mechanisms to teach all students that domestic violence is not normal behaviour, has profound consequences for all parties involved, is against the law, and is not acceptable.

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