

A school peer mediation program as a context for exploring therapeutic jurisprudence: can a peer mediation program inform the law?

Volume I

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A thesis submitted in fulfilment of the requirement for
the degree of Doctor of Philosophy



2012

Faculty of Law

University of Technology, Sydney

Certificate of Authorship/Originality

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Acknowledgment

Marilyn Scott, Faculty of Law, University of Technology, Sydney

Richard Buchanan Brown BSC, for assistance with statistical and mathematical data.

Dr Stephen Bush, Department of Mathematical Sciences, University of Technology, Sydney, for assistance with statistical and mathematical data.

The staff and students of the Vale (pseudonym) School.

Dr Olav Nielssen, Forensic and Clinical Psychiatrist.

Dr Christina Ho, Senior Lecturer, Social Inquiry Faculty of Arts and Social Sciences, University of Technology, Sydney.

Dr Narelle Smith, Course Director, Bachelor Mathematics and Computing Department of Mathematical Sciences, University of Technology, Sydney.

Dr Shirley Saunders, University of Technology, Sydney.

Dr Gillian Begg, for proof reading services provided at the University of Technology Sydney Law Faculty.

David Smith (Halcyon Words), for formatting and copy editing/proof reading services.

Thesis Publications

Publications presented within this thesis

McWilliam, Nicky, 'A school peer mediation program as a context for exploring therapeutic jurisprudence: can a peer mediation program inform the law?' (2010) 33(5–6) *International Journal of Law and Psychiatry* 293.

Conference papers

Postgraduate Research Students Conference September 12, 2008, University of Technology, Sydney Australia.

The 4Rs Conference September 30–October 3, 2008 University of Technology, Sydney Australia.

XXXI International Congress of Law and Psychiatry June 28–July 3, 2009, New York University Law School, New York City, USA.

Non-Adversarial Justice: Implications for the Legal System and Society Conference May 4–7, 2010, Melbourne, Australia.

XXXII International Congress of Law and Psychiatry July 17–23, 2011, Humboldt University Berlin, Germany.

The Australian & New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL New Zealand) and The Royal Australian & New Zealand College of Psychiatrists (Faculty of Forensic Psychiatry) November, 17–19, 2011, Wellington, New Zealand.

Lectures

The College of Law Applied Family Law Program workshop, April 21, 2010, The College of Law Sydney.

The College of Law Applied Family Law Program workshop, September 29, 2010, The College of Law Sydney.

The College of Law Applied Family Law Program workshop, April 19, 2011, The College of Law Sydney.

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Abstract

This work is an exploratory study of a school peer mediation program, which was implemented as an alternative to a disciplinary approach to managing antisocial behaviour and destructive conflict in a school community. The study explores the effects of this program on the wellbeing of members of the school community by examining the perceptions of all students and staff as well as a sample of parents and former students. Drawing on therapeutic jurisprudence, the study examines whether the component parts of the program, separately or together, promote intended or unintended therapeutic effects for individual constituents and for the community as a whole. The therapeutic value of the component parts of the program are each explored separately from the outcomes of the individual conflict situations. Quantitative and qualitative data analyses from three data collection techniques were employed, using therapeutic jurisprudence as an organising and analytic tool, to detect and examine the therapeutic effects of the program. From the data collected, clear parallels can be drawn between the wellbeing benefits of the school peer mediation program and the aims and objectives of alternative dispute resolution processes being incorporated into problem solving areas in the legal system. The increasing prevalence of alternative dispute resolution processes in the legal system gives relevance to this thesis. Study findings emphasise the importance of mediation training and provide insights into how to optimally configure peer mediation programs for development and adoption in schools and other community settings. The study also highlights the lack of attention paid by the legal system to valuable scholarship in the area of school conflict resolution and peer mediation, which may have implications for the understanding and development of legal processes. The thesis briefly outlines a pilot project for a corrections community which arose as a direct response to the findings and is a practical application of the study findings.