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

UNIVERSITY OF TECHNOLOGY SYDNEY

2012

Faculty of Law

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Certificate of Authorship/Originality

I certify that the work in this thesis has not previously been submitted for a degree nor has it been submitted as part of requirements for a degree except as fully acknowledged within the text.

I also certify that the thesis has been written by me. Any help that I have received in my research work and the preparation of the thesis itself has been acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

Signed

Nicole McWilliam
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

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.


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.

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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.
Chapter 1. Introduction

In this study, the interdisciplinary framework of therapeutic jurisprudence is used as an organising and analytic tool to explore how the law can interact with conflict management and resolution in an educational setting. In so doing, this thesis introduces an original dimension to legal research, debate and scholarship by reporting an exploratory study (the Study)\(^1\) of a peer mediation program (the Program) implemented in a primary school community (the School).\(^2\)

The Study explores the therapeutic effects of the Program on members of the School, for example, staff, students, parents and former students (the Constituents). Qualitative and quantitative data from perceptions of the Study Participants — all students and staff at the school, as well as a sample of parents and a sample of former students — were collated using three data collection techniques. The Study identifies and examines the effects on Constituents of the component parts of the Program, as well as the effects of the specific elements that comprise each component part.

The purpose of the Study is to explore concepts germane to therapeutic jurisprudence literature that are held to underlie a therapeutic process, and to examine these concepts in the real life setting of a school peer mediation program. The Study also looks at how different components of the Program affect the wellbeing of Constituents and the School. This exploration will enable greater understanding of the underlying mechanism of the Program and how it functions. The Program comprises components — including the peer mediation process component, which is a learned structured problem-solving process — that involve student Peer Mediators who facilitate disputing students to work together towards a constructive consensual outcome. Consensual outcomes via the peer mediation process component create benefits for Constituents and the community, and these are examined in the context of existing research.\(^3\)

\(^1\) Certain defined terms are used throughout the thesis. See Appendix A. Definitions in Volume II.

\(^2\) See Section 4.1.2 for details of the school under study.

\(^3\) Charles T Araki, 'Dispute Management in the Schools' (1990) 8(1) Mediation Quarterly 51, 59; Daniel R Crary, 'Community Benefits From Mediation: A Test of the “Peace Virus” Hypothesis' (1992) 9(3) Mediation Quarterly 241; see generally David W Johnson and Roger T Johnson, 'Conflict Resolution and
The Study explores advantages conferred on Constituents and the School by components and intrinsic elements of each Program component. This provides the opportunity to examine whether there is therapeutic value gained from the individual components and from intrinsic elements of each component, in themselves, beyond the outcome of individual conflicts. The therapeutic value is also explored in relation to how these components and elements are configured.

Therapeutic jurisprudence, outlined in Chapter 2, focuses on the law itself as a social force potentially enhancing or inhibiting therapeutic outcomes for those who come into contact with the law.\(^4\) Therapeutic jurisprudence posits that the application and operation of the law, including legal rules and their implementation, as well as the roles of those administering the rules, can have both physical and psychological effects on individuals and communities who are exposed to the legal system either directly or indirectly,\(^5\) whether it is intended or not.\(^6\) This research is designed to investigate how therapeutic effects on individuals are brought about via processes, in order to understand how the therapeutic value of processes can be optimised. It is important to note that while the promotion of the wellbeing of individuals and the community is to be considered,\(^7\) therapeutic jurisprudence argues that therapeutic considerations should be considered and balanced along with other considerations depending on the circumstances.\(^8\)

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\(^8\) D Finkelman and T Grisso, 'Therapeutic jurisprudence: From idea to application' (1994) 20 New England Journal on Criminal and Civil Confinement 243, 249; Wexler and Winick, above n 5, 979, 984; Wexler and Winick, above n 4, xvii.
The nature of peer mediation programs is described in Chapter 2. Key areas also outlined in Chapter 2 are the history, criticisms and classification of peer mediation programs. Peer mediation programs generally provide training in both a forum and a process for student conflict management, and/or resolution via a peer mediation process. The literature is clear that these programs are not a panacea\(^9\) for resolving all conflict, but these programs provide for the application of constructive conflict skills, behaviours and strategies. These include judgement or impulse control, self-esteem, interpersonal relationships, attention seeking behaviour, day-to-day management skills and general functioning. The skills, behaviours and strategies learned through these programs have been shown to influence psychological health and adjustment factors.\(^10\) Individuals who lack these skills, behaviours and strategies have been documented to be associated with antisocial and destructive behaviour.\(^11\)

Constructive conflict behaviour is based on values such as respect for self and others, accepting difference, accountability, personal integrity and self-determination, which are also recognised as deficient amongst those who engage in destructive and antisocial behaviour.\(^12\) Moreover, reciprocal peer interaction provided by a peer mediation program has been documented as providing support, positive relationship opportunities, and modelling and reinforcement for pro-social development.\(^13\)

There are clear parallels to be drawn between the peer mediation programs in schools and the alternative dispute resolution processes\(^14\) in the legal system. Some parallels that


\(^12\) Peggy Fulton Hora and William G Schma, 'As Demonstrated by Drug Courts, Judges can Improve the Psychological Well Being of People Subject to the Legal Process and, in Turn, Make Their Own Jobs More Rewarding' (1998) 82(1) Judicature 9, 12; King, above n 6, 5.


\(^14\) See Chapter 3.1 for a definition of alternative (non-adversarial) dispute resolution processes in the legal system. 'Alternative' in alternative dispute resolution (ADR) originally referred to an alternative to adjudication or judicial determination of a dispute. Most proponents prefer dispute resolution (DR) or the
have been identified are operational features, orientation, principles, agenda, components and values. Chapter 3 brings together therapeutic jurisprudence and peer mediation by identifying and emphasising the connections.

The relevance of this research is by virtue of the increasing popularity and prevalence of alternative dispute resolution processes in all areas of the law and legal practice. Generally lacking in a unifying concept or theory, most alternative dispute resolution processes emanate from multiple and complementary disciplines. The processes are developed from various mediation models: evaluation, negotiation, conciliation and arbitration. In general, alternative dispute resolution processes are distinguished from traditional dispute resolution processes by the fact that they arise from approaches to social control that have their roots in the critique of the practicalities and formalities of the adversarial paradigm and the authoritative court system paradigm.

There is identifiable reluctance in some areas of the legal profession to support the legal system’s expansion to encompass and accommodate alternative dispute resolution processes. However, alternative dispute resolution processes permeate legislation, and options for public and private dispute resolutions are available in civil and criminal areas of the law including police, corrections and court operations, and are

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1 A' to refer to 'appropriate', 'additional' or 'assisted'. See Michael King et al, Non-Adversarial Justice (The Federation Press, 2009) 89.
15 King, above n 6, 2, 5, 7, 9, 19; Wexler and Winick, above n 6, 7.
16 Susan Daicoff, 'The role of therapeutic jurisprudence' in Dennis P Stolle, David B Wexler and Bruce J Winick (eds), Practicing Therapeutic Jurisprudence (Carolina Academic Press, 2000) 466.
17 Ibid 471.
20 David Spencer and Michael Brogan, Mediation Law and Practice (Cambridge, 2006) 290.
21 Ibid 383.
22 Ibid 408.
becoming increasingly relevant to legal\textsuperscript{25} and judicial\textsuperscript{26} practice. Pre-filing mediation, problem-oriented courts, dispute resolution provisions in contractual obligations, court-directed mediation and other problem-solving processes are now part of the day-to-day lexicon in the legal system.\textsuperscript{27}

The shift\textsuperscript{28} in the legal framework towards alternative models of dispute resolution,\textsuperscript{29} which allow individuals, inter alia, various levels of autonomy and participation with a lack of formality\textsuperscript{30} in the management of their issues or grievance, calls for a better understanding of the therapeutic effects of these processes on individuals and communities who are involved either directly or indirectly. It has already been well documented that this cultural change in the law has led to greater appreciation of the benefits of mediation — that less time is required to deal with matters, there are lower legal costs for the parties to disputes, and earlier settlements are facilitated.\textsuperscript{31}

There is an awareness of the anti-therapeutic effects of the law on those involved in implementing and administering the law, including judges,\textsuperscript{32} lawyers,\textsuperscript{33} juries,\textsuperscript{34} as well
as those who find themselves involved with the law.\textsuperscript{35} Research does show that emotional and physical stressors experienced by members of the legal profession and those who come into contact with the law are related to specific characteristics of the legal system and legal processes.\textsuperscript{36} There is also emerging research,\textsuperscript{37} including the present research, which points towards the health promoting effects of non-adversarial processes on individuals and communities.\textsuperscript{38} The topic of health, and particularly emotional and mental health and the legal system, is significant\textsuperscript{39} because of public awareness\textsuperscript{40} about the health issues of those involved in the criminal justice system,\textsuperscript{41} especially juveniles who have a significantly higher risk of involvement in the legal system and of recidivism.\textsuperscript{42}

This awareness gives specific relevance to peer mediation programs such as the Program explored in the Study. The learned skills, behaviours and strategies required to participate in the peer mediation programs are relevant to personal and emotional development.\textsuperscript{43} For example, empathy or perspective reversal is a critical competency


\textsuperscript{35} Wayne Martin, 'Mental Health and the Judicial System' (Paper presented at the Arafmi Breakthrough series, Western Australian Supreme Court, 2011) 5.

\textsuperscript{36} Amiram Elwork and G Andrew H Benjamin, 'Lawyers in Distress' in David B Wexler and Bruce J Winick (eds), \textit{Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence} (Carolina Academic Press, 1996) 569.


\textsuperscript{38} King et al, above n 14, 18.

\textsuperscript{39} Martin, above n 35, 1.

\textsuperscript{40} Ibid.

\textsuperscript{41} Kelly Richards, 'What makes juvenile offenders different from adult offenders?' \textit{Trends & Issues in Crime and Criminal Justice No. 409} (Australian Institute of Criminology, 2011).

\textsuperscript{42} Makkai and Braithwaite, above n 11, 83; ibid.

for cognitive, emotional and social development.\textsuperscript{44} Training in and application of peer mediation procedures has been shown to increase an individual’s ability to regulate their own behaviour,\textsuperscript{45} giving them a developmental advantage over peers who haven’t been so trained.\textsuperscript{46} Highlighted in the Study findings is the critical importance of training to participate effectively in the Program in order to optimise therapeutic outcomes for all Constituents and the community. Improved communication skills are also benefits identified in research studies of peer mediation programs.

Offenders who are unable to engage in dialogue, make choices, express themselves or who do not understand what is happening have been shown to experience disadvantage in police questioning or when they are in contact with court for minor offences. The outcomes of poor communication skills for offenders are often reduced access to legal options,\textsuperscript{47} harsher penalties\textsuperscript{48} and increased rates of reoffending. With respect to civil areas of the law — for example, separating parents in family law processes\textsuperscript{49} — research shows that parents who are unable to negotiate consensual arrangements via dispute resolution processes without recourse to the court system are least equipped to cope with future difficulties regarding parenting arrangements.\textsuperscript{50}

The Study looks for any indications from reported Constituent perceptions that the enhancement of Constituent wellbeing underpins the Program. It is recognition and identification of this wellbeing experience that will link the Study to research and literature that examines the same experience in non-adversarial processes in the legal

\begin{footnotesize}
\textsuperscript{44} David Johnson and Roger Johnson, 'The socialization and achievement crises: are cooperative learning experiences the solution?' in Leonard Bickman (eds), \textit{Applied Social Psychology Annual} (Sage Publications, 4 ed, 1983) 127.
\textsuperscript{45} Maxwell, above n 43, 149, 151.
\textsuperscript{48} New South Wales Ombudsman, above n 47.
\textsuperscript{49} Ruth Weston et al, 'Care-time arrangements after the 2006 reforms: Implications for children and their parents' (2011) 86 \textit{Family Matters} 19–32.
\textsuperscript{50} Ibid.
\end{footnotesize}
system, and specifically to processes described in therapeutic jurisprudence literature.\textsuperscript{51} These processes, such as problem-solving courts,\textsuperscript{52} mediation\textsuperscript{53} and other creative problem-solving processes,\textsuperscript{54} are specifically recognised in the literature as practical applications of therapeutic jurisprudence.\textsuperscript{55} Further, the Program appears to incorporate critical therapeutic elements that are central to non-adversarial processes in the legal system that are suggested in the literature, such as providing participant involvement in decision making,\textsuperscript{56} allowing participants to have a voice\textsuperscript{57} and validation of their voice.\textsuperscript{58} If the Program is working with similar mechanisms to the non-adversarial processes in the legal system, then researchers can apply insights from Study findings to the legal system and other community settings.

It is anticipated that Study findings can be extrapolated to promote understanding and development of alternative dispute resolution processes in the legal system. The application of the Study findings would also extend to developers and administrators of peer mediation programs. Insights into the optimal design features can be customised for effective peer mediation programs for implementation in school and other community settings. Arguably, such adaptability would positively influence the uptake of these programs, as it would enable administrators to systematically develop and disseminate information for effective programs.

\textsuperscript{51} King et al, above n 14, 25–8.
\textsuperscript{52} Hora and Schma, above n 12, 9, 10.
\textsuperscript{54} King et al, above n 14, 74.
\textsuperscript{56} Nathalie Des Rosiers, ‘From Telling to Listening: A Therapeutic Analysis of the Role of Courts in Minority-Majority Conflicts’ (2000) Spring Court Review 54, 55; King, above n 6, 20.
\textsuperscript{57} R Tyler, ‘The Psychological Consequences of Judicial Procedures: Implications for Civil Commitment Procedures’ in David B Wexler and Bruce J Winick (eds), Law In a Therapeutic Key: Developments in Therapeutic Jurisprudence (Carolina Academic Press, 1996) 3, 440.
\textsuperscript{58} Wexler and Winick, above n 6; King, above n 6.
The Study also reinforces the value and effectiveness of the peer mediation program as an early intervention and prevention program for conflict management in communities. It thereby creates increased constructive management of conflict amongst individuals in a societal sense and has positive implications for the legal system.\textsuperscript{59}

Chapter 4 describes the Study research methodology and data gathering techniques, while the implementations of these methodologies and techniques to explore the Program are described in Chapter 5. Chapter 6 sets out the findings from each of the three data collection techniques used in the Study, and the limitations of the Study are identified in Chapter 7. The discussion of the findings is presented in Chapter 8, and Chapter 9 presents the conclusions of the Study. The strength of the Study is the originality of the research topic, and the variety of age groups and Constituents whose perceptions are collated in the Study. An additional strength is the use of a real-life setting of a functioning school community, in comparison to the artificiality that could occur in a tightly controlled experimental study.

Chapter 10 briefly outlines a practical application of findings of the Study in conjunction with, and building on, established research. The proposed collaborative project is for a pilot peer mediation program in a corrections community in Sydney,\textsuperscript{60} New South Wales. The pilot program is based firstly on the premise that interpersonal conflict is ubiquitous amongst individuals in community environments,\textsuperscript{61} and secondly on the basis that constructive responses to conflict can motivate individuals to be creative and positive about problem solving, provide an opportunity for personal development, and enhance the community environment by strengthening personal relationships.\textsuperscript{62} This collaborative pilot project builds on, and is a direct application of this doctoral study of how a school peer mediation program can inform the law in the context of therapeutic jurisprudence.

\textsuperscript{59} Johnson and Johnson, above n 46, 417, 437; David Spencer, \textit{Essential Dispute Resolution} (Taylor and Francis, 2nd ed, 2005) 45; Spencer and Brogan, above n 20, 460.

\textsuperscript{60} The corrections community is a low security drug prison facility.


\textsuperscript{62} Ibid 422.
Chapter 2. Therapeutic Jurisprudence and Peer Mediation

2.1 What is therapeutic jurisprudence?

2.1.1 An approach to the law

Therapeutic jurisprudence is an approach to legal scholarship, legal practice and law reform. It has its origins in the theoretical research work in the area of mental health law conducted by legal academics David B. Wexler and Bruce B. Winick. It examines how the rituals, processes, systems, and rules, both substantive and procedural, as well as the roles and behaviours of those who participate in the development and implementation of the law, including judges, lawyers, and court personnel, have an effect on the psychological, emotional and physical wellbeing of those who come into contact with the law. Therapeutic jurisprudence posits that, whether intended or not, there can be a causal link between legal intervention and therapeutic outcomes. Therefore therapeutic jurisprudence considers the law as it is formulated, applied or

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64 Wexler and Winick, above n 5, 979, 981; Winick, above n 63, 645, 188.


67 Professor Bruce Winick, University of Miami School of Law. Hereafter “Winick”.

68 Wexler, above n 63, 125.


practiced in terms of how the law can act as a ‘therapeutic agent’ facilitating or impeding therapeutic outcomes.73

2.1.2 The law as a social force

The therapeutic jurisprudence perspective regards the law as a social force producing behaviours and consequences which can either have a beneficial (therapeutic) effect or a harmful (anti-therapeutic) effect on the wellbeing of individuals and the entire community who are in contact with the law.75

2.1.3 Interdisciplinary approach with research focus

Therapeutic jurisprudence is a “truly interdisciplinary”76 approach to law.77 It draws upon insights and perspectives from the social and behavioural sciences, which form an integral part of the therapeutic jurisprudential analysis, in order to comprehend the impact of the law on the wellbeing of individuals.79 In addition, therapeutic jurisprudence recommends conducting research, both empirical and otherwise,80 in order to test assertions of therapeutic jurisprudence in real life settings.

This interdisciplinary aspect of therapeutic jurisprudence distinguishes it from the traditional approaches to health law.81 Research findings and perspectives from social and behavioural sciences can be considered, with a view to both minimising anti-
therapeutic effects and facilitating the achievement of therapeutic ones. For example, psychologists often characterise the effects of involvement with the law and the legal system as “conflict, stereotyping and stigmatising”. Therapeutic jurisprudence emphasises the modification of rituals, processes, systems, and rules, as well as the roles of those who participate in the implementation of the law, in order to minimise these effects, and asserts that these rituals can be designed to promote the wellbeing of those who come into contact with the law. As such, therapeutic jurisprudence has often been described as the law of healing. Thus, therapeutic jurisprudence examines whether these rules and behaviours can be modified to enhance their therapeutic potential.

2.1.4 A normative perspective

Therapeutic jurisprudence is a normative perspective which seeks therapeutic outcomes whenever possible. However, therapeutic jurisprudence does not claim that the law should be concerned solely with therapeutic aims, or that therapeutic considerations should “trump” or be the only consideration when evaluating or developing rituals, processes, systems, and rules in the law. It argues that it is a legitimate aim, and where appropriate, while preserving due process principles, therapeutic considerations should be identified, understood, brought to

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83 King and Ford, above n 37, 1.
84 Perlin, above n 73, 407, 408.
85 Wexler and Winick, above n 8, 188–9.
87 Wexler, above n 68; Winick, above n 63, 645, 188.
88 Wexler and Winick, above n 8, xvii.
89 Slobogin, above n 75, 763; Wexler and Winick, above n 8, xvii; Winick, above n 63, 645; Bruce J Winick, Therapeutic Jurisprudence Applied: Essays on Mental Health Law (Carolina Academic Press, 1997).
91 Wexler, above n 68.
92 Perlin, above n 73, 407, 408.
the attention of decision makers and weighed up along with other relevant values. Therapeutic jurisprudence suggests we think about these issues and determine if they can be factored into the legal system. When questions of a conflict arise, therapeutic jurisprudence does not purport to determine the resolution, but “sets the stage for their sharp articulation”. Advocates of therapeutic jurisprudence hold that therapeutic jurisprudence should complement other legitimate views, interests and principles. One proponent of therapeutic jurisprudence has forcefully urged commentators, whom he described as having “persisted in making dismayingly modest claims for TJ”, resulting in “the heavy cost of muting — even crippling — TJ’s transformative potential”, to take a stronger position so that therapeutic jurisprudence can transform the law and the legal system.

2.1.5 A mechanism for enhancing the wellbeing of individuals in contemporary society

Therapeutic jurisprudence suggests that the legal system is a mechanism with the potential to enhance the wellbeing of individuals and groups such as communities, as well as society as a whole. Therapeutic jurisprudence can also be seen as an approach that adopts a jurisprudential view that can address the contemporary workings of society, and in so doing can offer “a new vantage point to some old problems”.

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93 Winick, above n 63, 645.
94 Wexler and Winick, above n 8, 191; ibid; Slobogin, above n 75, 763.
95 Wexler and Winick, above n 8, xvii.
97 Wexler and Winick, above n 8, xvii.
98 Wexler, above n 68.
100 Ibid.
101 Ibid.
102 King et al, above n 14, 27.
103 Bentley, above n 24, 7, 8.
It is argued in therapeutic jurisprudence literature that in order to understand legal issues, especially issues involved in contemporary law, decision makers — those practicing in and implementing the law — require “real world observations”\(^\text{104}\) and knowledge from relevant social and behavioural science research.\(^\text{106}\) Thus, when determining legal issues or considering law reform or modes of practice, decision makers can work from an informed perspective in order to account for the realities of people’s lives and the complexity of contemporary issues.

### 2.1.6 History

The term therapeutic jurisprudence was first used in 1987 in a paper delivered by Wexler in a workshop of The National Institute of Mental Health.\(^\text{107}\) Wexler had been publishing papers on this subject matter for seven years prior.\(^\text{108}\)

Wexler and Winick intended their work to “focus attention on an often neglected ingredient in the calculus necessary for performing a sensible policy analysis of mental health law and practice — the therapeutic dimension — and to call for a systematic empirical examination of this dimension”.\(^\text{109}\) Wexler and Winick proposed therapeutic jurisprudence to “stimulate discussion about the future of mental health law”,\(^\text{110}\) inform (health) law reform policy,\(^\text{111}\) “help shape the development of the law”\(^\text{112}\) and “to

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\(^\text{105}\) Finkelman and Grisso, above n 8, 243, 252.

\(^\text{106}\) Wexler, above n 68; Wexler and Winick, above n 8, xvii.


\(^\text{109}\) Wexler and Winick, above n 5, 979, 983.

\(^\text{110}\) Wexler, above n 65; Wexler and Winick, above n 5, 979, 981.


\(^\text{112}\) Winick, above n 63, 645, 663.
produce scholarship that is particularly useful for law reform" in the context of common law systems.114

Wexler and Winick felt legal policy makers needed to be made aware of “a frequently ignored aspect of mental health law”,115 which was the therapeutic impact of legal rules and practices. Traditional scholarship in this area of law focused largely on doctrinal analysis of the written law in cases and legislation in relation to the rights of the mentally ill. Drawing on psychology and psychiatry,116 Wexler and Winick looked at the effects on the individual participant who experiences a legal process or is involved in the legal system in the area of mental health law.117 Therapeutic jurisprudence research set in motion an examination of how the systems and processes of the law work to support or subvert the provision of mental health care118 of the individual patient.119

Wexler and Winick examined the deterioration of the United States constitutional foundation, which emphasised protection of the personal rights of mental health patients.120 They were concerned with whether the legal system was having negative social and psychological effects on individuals. Wexler and Winick looked at legal decision making, taking into account the therapeutic implications for individuals and on society as whole. Their study included, amongst other things, issues such as “economic factors, public safety and the protection of patients’ rights”.121 They looked at the question of whether mental health law itself required investigation and consideration in

113 Wexler and Winick, above n 8, xvii.
115 Wexler and Winick, above n 5, 979, 981.
117 Carson, above n 116, 124, 125.
119 Carson, above n 116, 124, 126; Finkelman and Grisso, above n 8, 243, 251.
120 Wexler and Winick, above n 5, 979, 981.
121 Wexler and Winick, above n 5, 982.
relation to contributing to discrimination against mentally disordered people. They argued that a new perspective was required to help minimise the stigma, prejudice and discrimination associated with mental health law. In so doing, Wexler and Winick looked at topics including the tension between coercion and autonomy reflected in commitment laws, and how a balance can be struck between these competing values; the standards for commitment; the commitment hearing and how lawyers, judges, and expert witnesses should play their roles; voluntary hospitalisation and its application; avoiding labelling; avoiding treatment being tantamount to punishment; avoiding “people rotting with their rights on”, and how international human rights limitations on commitment are construed. Wexler and Winick were interested in the way in which a mental health system designed to help people recover, or achieve mental health, often caused unintended adverse side effects.

Wexler and Winick looked at viewing the law through a lens that could be focused on clinical realities and hospitalisation in order to bring about outcomes that were more therapeutic for all individuals and society as a whole. Wexler said that therapeutic jurisprudence “tries to eschew doctrinal niceties and symmetries in favour of looking at a problem and trying to develop reasonably workable solutions”.

Wexler and Winick have always held that more empirical studies were required to enable legal policy or decision makers to focus on the social policy implications and

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122 Allan, above n, 24.
123 Ibid.
128 Wexler and Winick, above n 5, 979, 982.
functional effects of legal remedies. Proponents of therapeutic jurisprudence continue to encourage law academics to support their analyses and proposals with reference to empirical research.

2.2 The therapeutic jurisprudence framework

Wexler and Winick did not suggest using therapeutic jurisprudence as a strict framework, but rather as a flexible heuristic approach. The founders were intentionally non-directive in terms of specifying a framework or tight definitions of concepts so as to “give scholars wide latitude in selecting their scholarly agendas” and to allow “commentators to roam within the intuitive and common sense contours of the concept”. This permits researchers and commentators enormous scope for analysis, interpretation and debate.

2.2.1 Definition of therapeutic and wellbeing

Therapeutic jurisprudential theory has intentionally left the definition of ‘therapeutic’ very broad and flexible in order to promote research. Wexler reasoned that a “restrictive definition might simply be ignored by the research community or, far worse, might be taken seriously and might prematurely eclipse the issues that may be the subject to research”.

Wexler states that “empirical researchers will bear the brunt of this obligation” and suggests that individual researchers should work within the “broad intuitive boundaries of the concept” and “settle on a definition of therapeutic” and “be fairly explicit about


131 Carson, above n 116, 124, 125.

132 Wexler, above n 4, 811–816; Winick, above n 63, 645, 656.


134 Winick, above n 63, 645, 663.

135 Wexler, above n 4, 811, 812.

136 Wexler and Winick, above n 8, 656.

137 Wexler, above n 76, 765; Wexler, above n 4, 811–15.
what definition is being used and why”. Wexler even encouraged research developments “far beyond” the rough research definition of ‘therapeutic’ that he proposed in his writings, and which he recognised as being “very rough around the edges”. However, Wexler in his early writing did state that if therapeutic jurisprudence is to retain a sense of identity, then the mental health and psychological aspects of health should be the focus (and ‘therapeutic’ ought not be “synonymous with simply achieving intended or desirable outcomes”). Wexler suggested that the appropriate scope is best captured by a definition suggested by Slobogin which is “the use of social science to study the extent to which a legal rule or practice promotes the psychological and physical wellbeing of the people it affects.” Winick stipulated, with respect to defining therapeutic, that “special efforts should be made to take account of the patient (or consumer) viewpoint concerning what is therapeutic”.

According to Slobogin, the meaning of therapeutic is synonymous with ‘beneficial’ and anti-therapeutic is synonymous with ‘harmful’ in the sense of enhancing or improving the “psychological and physical wellbeing of a person”. Another commentator’s interpretation is that people involved in the legal dispute should feel better afterwards than they did before. Or at the least “there is no reason why people should feel ‘worse’ after dealing with the justice system”. With respect to wellbeing, King discussed the concept of wellbeing taking “a very broad or a very narrow focus”.

138 Wexler, above n 4, 811, 813.
139 Wexler, above n 4, 815.
140 Ibid.
141 Wexler, above n 4, 814.
142 Ibid.
143 Slobogin, above n 75, 763.
144 Winick, above n 63, 645, 656–7.
145 Slobogin, above n 75, 763.
146 Des Rosiers, above n 56, 54.
147 Ibid 55.
148 Dr Michael King was a senior lecturer at Monash University Victoria Australia and serves as a magistrate in Western Australia. He has practised as a lawyer for Legal Aid WA, Aboriginal Legal Service (WA) and in private practice.
149 Michael S King and C Lou Tatasciore, ‘Promoting Healing in the Family: Taking a Therapeutic Jurisprudence Based Approach in Care and Protection Applications’ (Paper presented at The Cutting
suggested that wellbeing is a composite of many elements relating to an individual, the sum of which is a healthy human being.\textsuperscript{150} A narrow focus, King suggested, would be examining a specific parameter of wellbeing, such as satisfaction with the legal process or the resolution of underlying issues in a legal problem. In many cases the resolution of a certain problem may well be a pre-requisite for the resolution of the conflict or prevention or management of its recurrence.

King also argued that wellbeing could also encompass specific aspects of dysfunction such as recidivism, substance abuse, and anger management.\textsuperscript{151} He proposed examining multiple parameters of wellbeing, and has also explored the idea of exploring wellbeing in terms of what it means to be a healthy human being.\textsuperscript{152} However, it has also been suggested that wellbeing could be explored in terms of promoting participant satisfaction, self-actualisation and self-determination.\textsuperscript{153} This view looks at the enhancement of skills necessary to fulfil personal goals, in terms of the iatrogenic\textsuperscript{154} effects of participant satisfaction and the “therapeutic value of choice”.\textsuperscript{155} The reasoning is that those who are involved in making a choice about their situation feel more committed and are more likely to abide by it and benefit from it.

### 2.2.2 Commentary on therapeutic jurisprudence

Therapeutic jurisprudence has been described as “a mechanism, vector, prism, lens, philosophy and heuristic for viewing the content of the law and legal process and as

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\textsuperscript{150} Ibid.

\textsuperscript{151} Ibid.

\textsuperscript{152} King and Ford, above n 37.


having the potential for reform of the law". It has been suggested that it is a school of social enquiry, a new conception of the law, a legal construct, an analytical framework, and a law of healing. There is debate amongst commentators as to whether therapeutic jurisprudence is a legal theory or not. The founders refer to therapeutic jurisprudence as a school of “social enquiry” rather than a worked out concept.

Nevertheless, since its introduction over twenty years ago, therapeutic jurisprudence has been influential in academic discourse, literature and debate. The approach by therapeutic jurisprudence was always intended to be broad in application. Wexler’s and Winick’s early scholarship mentions applications of therapeutic jurisprudence not only for the core content areas of mental health, but for “the entire legal gamut”. Therapeutic jurisprudence has also integrated with other fields to explore synthesises of...
fields and their applications, for example with collaborative law, holistic law, preventative law, and restorative justice.

Therapeutic jurisprudence is now playing a role in an extremely wide range of areas, mostly, but not confined to, informing legal procedures, rules, institutions and persons involved in the law. Therapeutic jurisprudence is connected with “pro-active” judges and developments in restorative justice and has been applied in systems and processes in relation to the operation of the specialised problem-oriented courts, mainstream courts, administrative tribunals, appellate procedures, and corrections. Included in therapeutic jurisprudence literature are disparate non-legal


176 Bentley, above n 24, 7; Hora and Schma, above n 12, 9.


178 King and Ford, above n 37; Rottman and Casey, above n 177, 14.


181 Des Rosiers, above n 56, 54.

182 Birgden, above n 160, 367.
areas such as social work,\textsuperscript{183} nursing,\textsuperscript{184} narrative medicine,\textsuperscript{185} multi-sensory law,\textsuperscript{186} correctional services\textsuperscript{187} and education,\textsuperscript{188} where researchers, practitioners and scholars are looking through the therapeutic jurisprudential lens to assess the therapeutic effect of processes on individuals in their particular field.

2.2.3 Practical applications

Therapeutic jurisprudence principles are increasingly being recognised as influencing, and in some cases underpinning, the development and practice\textsuperscript{189} of many established,\textsuperscript{190} developing,\textsuperscript{191} and emerging alternative legal and non-legal processes, most of which reflect a dissatisfaction and frustration with the traditional legal system and its approach.\textsuperscript{192} Commentators have referred to this as representing a new legal paradigm in Western legal systems,\textsuperscript{193} which “reflects the fact that there are shifting jurisprudential and social philosophies within the law”.\textsuperscript{194} This shift in the law has been, in part, attributed to increasing findings of the systemic failure of the traditional legal and government mechanisms and jurisprudential methodologies. These have not been able to effectively address the complexity of certain human conflict and the resulting

\begin{thebibliography}{99}
\bibitem{185} Brookbanks, above n 159, 74.
\bibitem{187} See generally Birgden, above n 160, 367.
\bibitem{188} Nicky McWilliam, ‘A school peer mediation program as a context for exploring therapeutic jurisprudence: can a peer mediation program inform the law?’ (2010) 33(5-6) \textit{International Journal of Law and Psychiatry} 293.
\bibitem{189} Hora, Schma and Rosenthal, above n 55, 439, 448; Michael S King, 'Therapeutic Jurisprudence In Australia: New Directions In Courts, Legal Practice, Research, And Legal Education' (2006) 15 \textit{Journal of Judicial Administration} 129, 132.
\bibitem{190} Mediation, problem-oriented courts and in particular drug treatment courts, restorative justice.
\bibitem{191} Humanitarian law.
\bibitem{192} Freiberg, above n 23, 205.
\bibitem{193} Ibid.
\bibitem{194} Ibid.
\end{thebibliography}
social problems, and have therefore led to unsatisfactory outcomes. The alternative approaches have developed as substitutes, alternatives or are complementary to the traditional models. There is an expanding movement in the law “towards a common goal of a more comprehensive, humane and psychologically optimal way of handling matters”. In USA this has been called the comprehensive law movement, and in Australia, non-adversarial justice.

These processes include various permutations of mediation and other alternative dispute resolution processes. These include problem-oriented courts such as indigenous courts, drug treatment courts, mental health courts, domestic violence courts, procedural justice and judicial practices, as well as the day-to-day practices of judges, social workers, health care workers, solicitors, doctors, police, courts and corrections.

These processes lack “an overarching theme or narrative”, a single or unifying foundation or model upon which each has been generated, however, most have certain shared features to inform their creation. Most offer a new agenda, embracing new values, tools, behaviours and methods for identifying and managing legal issues, and there are certain features, which have been suggested in therapeutic jurisprudence literature to be therapeutic, that these interventions and practices share.

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195 Bentley, above n 24, 7.
197 Alexander and Benjamin, above n 33.
200 Tyler, above n 57, 3, 14.
Consistently mentioned in the literature is participant involvement in process, validation (the idea that participants perceive the process to be fair) and participant representation. Participation includes, for example, participant involvement in decision making, importance of self-regulation and self-determination, behavioural contracting, emphasising accountability for behaviour, supporting positive behaviour and personal change, the role of apology, and the educative, preventative, healing and rehabilitative potential of the process. Validation includes, for example, adopting a non-coercive approach, procedural fairness of the process, creative and personalised responses to problems, cognitive training procedures, attempting to detect and address underlying issues which may be the cause of conflict, dysfunction or antisocial behaviour, a problem-solving approach.

204 Des Rosiers, above n 56, 54, 55; King, above n 6, 20.
205 King et al, above n 14, 29.
206 Tyler, above n 57, 3, 440.
207 Des Rosiers, above n 56, 54, 55; King, above n 6, 20.
208 Wexler, above n 43, 93.
209 Hora and Schma, above n 12, 9, 12.
210 Freiberg, above n 23, 205, 210.
211 King, above n 169, 335, 336.
212 McGuire, above n 173, 108, 111.
214 King and Tatasciore, above n 149, 10.
215 Wexler, above n 43, 93.
217 King and Ford, above n 37, 5; above n 149, 1, 3, 9, 14.
218 Freiberg, above n 202, 196, 198.
219 King and Ford, above n 37.
220 Birgden, above n 160, 367, 370.
221 Wexler, above n 43, 93.
222 King and Ford, above n 37; King and Tatasciore, above n 149.
and an emphasis on preserving relationships.\textsuperscript{224} Representation includes, for example, communication for understanding and engagement;\textsuperscript{225} participants having a “voice”;\textsuperscript{226} participant motivation;\textsuperscript{227} and personalised responses to problems.\textsuperscript{228}

Many of the legal processes which incorporate some or all of the features mentioned above emerged before therapeutic jurisprudence originated. Therefore they had not been designed with the idea of therapeutic jurisprudence in mind. However, by applying the principles of therapeutic jurisprudence to these processes we can gain new perspectives and explanations as to how they may be working and how they confer some, or even all, of their beneficial effects: that is to say, the effects which enable them to achieve outcomes for constituents who are involved in these processes.

Therapeutic jurisprudence is increasingly being applied to these processes and “the growing understanding and articulation of therapeutic jurisprudence has provided an infrastructure not only to explain past events but to provide the foundation for future courses of action”.\textsuperscript{229}

\textbf{2.2.3.1 Problem-oriented courts – drug courts}

Drug courts, which were the first problem-oriented courts to develop, were introduced in the USA in 1989\textsuperscript{230} at the grass roots level by practical, creative and intuitive judges\textsuperscript{231} as a means of preventing local courts from being overwhelmed by drug cases, with the pressure for their establishment coming primarily from the judiciary.\textsuperscript{232}

\textsuperscript{223} Farole et al, above n 179, 57–76.
\textsuperscript{224} Des Rosiers, above n 56, 54, 55.
\textsuperscript{225} Ibid 56; Deborah Tannen, \textit{The Argument Culture: Moving from Debate to Dialogue} (Random House, 1998).
\textsuperscript{226} Tyler, above n 57, 3, 440.
\textsuperscript{227} King, above n 6, 5.
\textsuperscript{228} Birgden, above n 160, 367, 370.
\textsuperscript{229} Freiberg, above n 28, 6, 10.
\textsuperscript{231} David B Wexler and Michael S King, ‘Promoting Societal and Juridical Receptivity to Rehabilitation: The Role of Therapeutic Jurisprudence’ (2011) \textit{Court-Supervised Treatment Alternatives to Incarceration}
The first drug court established in NSW was as a result of political pressure exerted on the government in 1998 by a Sydney barrister, Ross Goodridge, who argued that the criminal system had failed to deal with drug crime and that the drug courts as set up in the USA would be a useful response to the ‘revolving door’ for drug addicts in relation to their involvement with the law. Therapeutic jurisprudence developed at the same time as the drug courts, as a theoretical perspective looking at the therapeutic and anti-therapeutic impact of the law (legal rules, legal procedures, and the roles of legal actors). Although therapeutic jurisprudence was not a consideration when they were established in both Australia and the USA, it is argued that drug treatment courts, which adopt special processes to support, empower and motivate participants for the promotion of management and resolution of drug use-related problems, were practicing therapeutic jurisprudence even before the term was invented.

Other examples of problem-oriented courts include those dealing with family violence and mental health. These courts adopt special processes to promote the resolution of problems such as family abuse, violence and mental health. Therapeutic jurisprudence concepts have been acknowledged as the framework for these problem-oriented courts, and key commentators state that the establishment of drug treatment courts “represents a significant step in the evolution of therapeutic jurisprudence”.

2.2.4 The critics

There have been various critiques published since therapeutic jurisprudence emerged. The uncertainty of the definition is an ongoing criticism, and has been called “the definitional dilemma” by Slobogin. Other critics maintain that research is a

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Huddleston, Marlowe and Casebolt, above n 230.

Wexler, above n 107, 961, 962.

Wexler and King, above n 231.

In the United States there are over 2000 problem-oriented courts of various forms. Taken from King et al, above n 14, 142.

Ibid.

Hora, Schma and Rosenthal, above n 55, 439, 448.

Slobogin, above n 75, 763, 775. See also Section 2.3.1.
difficult task since therapeutic jurisprudence is not “specifically and precisely” defined and conceptualised. Critics hold that with respect to empirical research, it is difficult to validly, accurately and consistently examine therapeutic jurisprudence. Proponents of therapeutic jurisprudence do acknowledge that empirical research is a difficult task in the context of designing therapeutic jurisprudence research, which “represents testable questions and provides meaningful answers”.

Roderick and Kroimholz also take issue with the definition and go further to hold that by not specifically defining ‘therapeutic’, therapeutic jurisprudence as a construct does not have an adequate conceptual framework. Sales and Shuman have suggested that therapeutic jurisprudence offers no new insights into the law since it is only a perspective and relies on existing jurisprudential methods to achieve its goals.

Arrigo takes issue with therapeutic jurisprudence’s normative dimension, arguing it is “egregiously flawed”, since therapeutic jurisprudence’s view that law can function therapeutically wrongly assumes law’s legitimacy by “establishing an ethical dilemma significantly compromising, eroding and, arguably, undoing the justification for the doctrine in the first place”.

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241 Ibid 201.
242 Finkelman and Grisso, above n 8, 243, 249.
243 Ibid 250.
244 Roderick and Krumholz, above n 240, 201, 205.
245 Ibid 211.
247 Ibid.
249 Arrigo, above n 174, 23, 24.
250 Ibid 25.
Brakel\textsuperscript{251} suggests that therapeutic jurisprudence lacks content and that its approach beyond the mental health area lacks intellectual coherence.\textsuperscript{252} Brakel also compares mediation to therapeutic jurisprudence and says that mediation is presented as a way of solving the problems of the adversarial process.\textsuperscript{253} Therapeutic jurisprudence has also been criticised for being "cultic and new age"\textsuperscript{254} and that the term therapeutic jurisprudence has New Age connotations.\textsuperscript{255}

Conversely, it is important to acknowledge that Wexler and Winick have also been criticised for being too modest with their scholarship. The founders have always held that therapeutic jurisprudence is an exploration into the effect of the law on the wellbeing of those who come into contact with it. However, Freckleton\textsuperscript{256} posits that the breadth, inclusiveness, internationalism, cross discipline nature and modesty are the strengths of therapeutic jurisprudence.

### 2.3 What is peer mediation?

Peer mediation is mediation conducted by peers or, in the school context, by fellow students. Different models have been developed and are practiced by different schools, for example, in relation to the numbers of mediators who facilitate the process and from where the mediators are sourced.\textsuperscript{257} School peer mediation programs are school based, student centred,\textsuperscript{258} conflict resolution education programs that emphasise students’ participation in, and management of, their own and their peers’ interpersonal conflicts via a peer mediation process.\textsuperscript{259}


\textsuperscript{252} Ibid 461.

\textsuperscript{253} Ibid 467.

\textsuperscript{254} Freckelton, above n 156, 575, 591.


\textsuperscript{256} Freckelton, above n 254.

\textsuperscript{257} See Section 2.3.1.


\textsuperscript{259} Johnson and Johnson, above n 3.
The training component which can be infused into, or can be an adjunct to, the school curriculum comprises elements that generally teach students about the nature of conflict as well as train students in skills, behaviours and strategies to constructively orient themselves to interpersonal conflict.

In general, the training component of these programs experientially teaches the rudiments of conflict management and the rules and stages involved in a mediation process. Through these programs students are taught a repertoire of positive and constructive communication skills and integrative negotiation strategies in order to positively and effectively achieve their goals and to secure outcomes in conflicts, that all disputants can live with and trust.

School peer mediation programs train students to respond to conflict in a non-adversarial way at the point of detection or as soon as students become aware of the conflict. Students are taught to voluntarily engage in productive decision making in a structured peer mediation process with fellow students as mediators, as an alternative to having a decision imposed upon them. The programs provide students with the opportunity to be responsible, autonomous and accountable for their own behaviour. Students are trained with the aim of developing conversational competence which enables them to constructively assert opposing ideas and sustain effective long-term collaborative relationships.

The skills required to participate in a peer mediation process are learned skills.

Instinctively, people respond to conflict in destructive ways that ignore the importance of ongoing relationships since they negotiate positions by trying to win or

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261 Maxwell, above n 43, 149.
262 Ibid 150.
263 Ibid 152.
avoid losing. Within the learned peer mediation process student mediators facilitate communication, so disputants can explore shared understanding and are challenged to explore mutually satisfying solutions that will preserve ongoing relationships.

The peer mediation process component is made available for students as a process and a forum to apply and practice learned skills, behaviours and strategies in relation to their own interpersonal disputes and grievances. Student Peer Mediators are trained in a peer mediation component of a Program, and act as neutral mediators to facilitate the mediation process.

2.3.1 Classification

There are at least three recognised ways to classify conflict resolution and peer mediation programs in schools, although many programs are amalgams of all three. The first category includes cadre or total student body programs: cadre programs being ones in which only a small number of students are trained to serve as mediators, while in the total student body approach each member of the student body is trained to be a mediator.

The second, a separate peer mediation program, operates as an adjunct to the school curriculum, in which conflict resolution ideas and alternatives to destructive conflict resolution, mostly including peer mediation, are incorporated into the curriculum.

The third category includes skills-oriented approaches, academically oriented approaches or structural change approaches. The skills-oriented approach is a little used teaching practice. It teaches students conflict resolution techniques and skills


267 Johnson and Johnson, above n 3, 459, 460.

268 Johnson and Johnson, above n 46, 417, 421.

269 Jack Levy, 'Conflict Resolution in Elementary and Secondary Education' (1989) 7(1) *Mediation Quarterly* 73, 80; Maxwell, above n 43, 149.

270 Opotow, above n 61, 416, 435.

required for constructive conflict management with fellow students.\textsuperscript{272} The academically oriented approaches concentrate on cognitive skills for intellectual analysis of conflict.\textsuperscript{273} The curriculum for this approach includes teaching students how to think critically\textsuperscript{274} and positively and to constructively assert opposing views.\textsuperscript{275} Changing the school structure to allow for a cooperative and collaborative context for conflict management is an example of a structural change approach.\textsuperscript{276}

\textbf{2.3.2 History}

Peer mediation programs in schools originated in the USA in the 1980s,\textsuperscript{277} and were established as part of violence prevention programs in schools. They were established mainly in response to the severity and frequency of student conflicts at school including bullying, violence, truancy and vandalism.\textsuperscript{278} The origins of these school programs are found in USA research-based peer mediation programs and these programs were supported and developed by USA anti-violence programs, USA anti-nuclear war activists and members of the legal profession.\textsuperscript{279} Traditionally, punitive, exclusionary and reactive measures or sanctions of behavioural control via the school administration or discipline system were school responses to antisocial behaviour both in the classroom and the playground. These traditional responses were proving to be ineffective\textsuperscript{280} and

\begin{itemize}
\item \textsuperscript{272} Maxwell, above n 43, 149, 151.
\item \textsuperscript{273} Johnson and Johnson, above n 271, 51.
\item \textsuperscript{274} R W Paul 'Critical Thinking: Fundamental to Education in a free society' (1984) September Educational Leadership 4, 5.
\item \textsuperscript{275} Opotow, above n 61, 416, 430.
\item \textsuperscript{276} David W Johnson and Roger T Johnson, 'Constructive Conflict in the Schools' (1994) 50(1) Journal of Social Issues 117, 118.
\item \textsuperscript{279} Johnson and Johnson, above n 3, 459, 460.
\item \textsuperscript{280} S V Horowitz and S K Boardman, 'The role of mediation and conflict resolution in creating safe learning environments' (1995) 21(2) Thresholds in Education 43, 46; Maxwell, above n 43, 149; Smith et al, above n 258.
\end{itemize}
many educators responded to the need for alternative approaches based on dispute resolution and management through communication and mutual understanding.281

The practice of peer mediation programs in schools developed originally, separately and apart from relevant theory and research.282 Theoretical perspectives on conflict283 posit that conflict is inherent in all human relationships284 and that conflict is a necessary and positive aspect to development and to relationships.285 Most school peer mediation programs were implemented and conducted at the grassroots level286 by dedicated educators on the basis of the hope — rather than any data or theory — that peer mediation would alleviate the frequency and severity of conflict.287 Programs were based on eclectic models that were modified by individual schools.288 Many differences developed between programs employed at schools, with no unifying theory. This separation from theoretical perspectives has caused research and methodological issues289 since studies have been unable to test a single theory, and there are limitations when defining the nature of the programs and assessing the effectiveness of programs.290 It has also limited the potential for widespread adoption and propagation of peer mediation programs.

281 Smith et al, above n 258.
282 Johnson and Johnson, above n 3, 459, 494.
283 There are numerous theoretical perspectives on conflict, and most of them can be represented as either Human Development Theories or Social Psychological Theories. Ibid, 463.
284 Johnson and Johnson, above n 46, 417, 420.
287 Johnson and Johnson, above n 46, 417.
289 Hall, above n 288; Johnson and Johnson, above n 288.
290 Johnson and Johnson, above n 3, 459, 494.
2.3.3 The elements and values of mediation

There is no universally accepted practice of mediation.\textsuperscript{291} There are differences in opinion as to the key elements or underlying values that characterise the debates\textsuperscript{292} with respect to mediation in general.\textsuperscript{293} Training components are generally made up of conflict resolution educational elements, skills oriented elements, peer mediation training elements, and specific learning objectives. Effective pedagogical methods such as cooperative learning may also be included in the training component.\textsuperscript{294} Confidentiality, voluntariness, empowerment, neutrality and a unique solution are five core elements consistently mentioned in peer mediation practice.\textsuperscript{295} Commentators variously question these elements, depending on factors such as the circumstances of the mediation, the environment and the degree of involvement of the mediator(s).\textsuperscript{296} However, the central tenet of the peer mediation process is that those involved in the conflict should be given a participatory role in determining the management and the outcome of the conflict which affects their lives.\textsuperscript{297}

Furthermore, most school peer mediation programs are based on values such as respect for self and others, validation, transparency, accepting difference, personal integrity, cooperative problem-solving in a competitive school framework, and a belief that conflict management behaviour is a strong predictor of academic outcome.\textsuperscript{298}


\textsuperscript{292} Charlton, above n 291, 3.

\textsuperscript{293} A Pikas, 'The Common Concern Method for Treatment of Mobbing ' in E Munthe and E Rowland (eds), \textit{Bullying an international perspective} (David Fulton, 1989) 15.

\textsuperscript{294} Sandy, above n 260, 237, 239.

\textsuperscript{295} Spencer and Brogan, above n 20, 84.

\textsuperscript{296} Astor and Chinkin, above n 18, 84.

\textsuperscript{297} Cameron and Dupuis, above n 285, 1, 11; Johnson and Johnson and Dudley, above n 264, 89, 98; Sandy, above n 260, 237, 239.
2.4 Existing research

There was a large amount of research and scholarship in the area of peer mediation over the period of 1980–2000. Studies conducted over this period remain relevant to this thesis and are consistently referred to in current commentary.\(^{299}\) Several research studies conducted over a broad range of primary, middle and high schools suggest that school peer mediation programs can produce positive outcomes.\(^{300}\) Research indicates that the better students understand the nature of conflict, the better they are able to manage conflict.\(^{301}\) Research also shows that the strategy used to approach conflict is a better predictor of the outcomes of the conflict than is the type of conflict or the frequency with which the conflict occurs.\(^{302}\) Several studies show that untrained students lack the knowledge and skills to manage their conflicts.\(^{303}\) Research indicates that constructive and positive resolution or management of conflict is not instinctive\(^{304}\) but requires an understanding and a capability to apply necessary behaviours, skills and strategies.\(^{305}\) Untrained students of all ages instinctively use destructive conflict strategies to resolve conflicts.\(^{306}\) Conflict resolution and management requires informed use of learned behaviours, strategies and skills, and the wrong time to teach these is during a conflict.\(^{307}\) Adding a neutral third party, mediator(s) and participation in peer mediation

\(^{299}\) Abbas Tumuklu et al, 'Does peer-mediation really work? effects of conflict resolution and peer-mediation training on high school students' conflicts' (2009) 1(1) Procedia - Social and Behavioral Sciences 630, 638; Sandy Cahir et al, Conflict Resolution in Schools: In any school community there is the potential for conflict <http://www.vadr.asn.au/peer.pdf>.

\(^{300}\) Crary, above n 3, 241; Johnson and Johnson and Dudley, above n 264, 89; Smith et al, above n 258.

\(^{301}\) Johnson and Johnson, above n 3, 459, 462.


\(^{303}\) Johnson, Johnson and Dudley, above n 264, 89, 96; Opotow, above n 61, 416, 434.

\(^{304}\) De Cecco and Richards, above n 265; L Krappmann and H Oswald, 'Negotiation Strategies in Peer Conflicts: A Follow-up Study in Natural Settings' (Paper presented at the Biannual Meeting of the Society for Research in Child Development, Baltimore, MD, April 23-26, 1987); Johnson, Johnson and Dudley, above n 264, 89, 95.


\(^{306}\) De Cecco and Richards, above n 265; Krappmann and Oswald, above n 304.

\(^{307}\) Johnson, Johnson and Dudley, above n 264, 89, 98.
similarly requires a knowledge and application of certain procedures, behaviours and skills.\textsuperscript{308}

Studies have shown that training students in conflict management and mediation results in students learning positive and constructive skills and behavioural strategies,\textsuperscript{309} and that trained students, even those as young as primary or elementary school age,\textsuperscript{310} do in fact apply these learned skills and strategies to resolve their own conflicts during a mediation process at school.\textsuperscript{311} Studies also indicate that as a result of training and application, students retain knowledge and skills\textsuperscript{312} and generalise learned behaviours and skills which they spontaneously\textsuperscript{313} transfer to non-classroom and non-school conflicts.\textsuperscript{314} Successful programs are also credited for contributing to increased academic performance of students and enhanced school and classroom climate.\textsuperscript{315}

The skills required for mediation are particularly relevant to social and emotional development including self-regulation, self-esteem and self-discipline.\textsuperscript{316} They include active listening, questioning, analysing, empathising, communicating clearly and logically, managing anger, controlling impulses and thinking creatively.\textsuperscript{317} Improved

\begin{footnotesize}
\begin{enumerate}
\item Cameron and Dupuis, above n 285, 1, 8; Hall, above n 288, 36, 45; Johnson and Johnson, above n 46, 417, 433; Johnson and Johnson, above n 3, 459, 472; Maxwell, above n 43, 149.
\item Johnson and Johnson, above n 3, 459, 478.
\item Johnson and Johnson, above n 305.
\item Johnson, Johnson and Dudley, above n 264, 89, 97; David W Johnson et al, 'Using conflict managers to mediate conflicts in an inner-city elementary school' (1995) 12(4) Conflict Resolution Quarterly 379; Johnson and Johnson, above n 305, 673; Laurie Stevahn et al, 'Effects of Integrating Conflict Resolution Training into English Literature on High School Students' (manuscript submitted for publication, University of Minnesota, Cooperative Learning Centre, 1995); Laurie Stevahn et al, 'Effects of Conflict Resolution Training Integrated into English Literature on Middle-School Aged Students' (manuscript submitted for publication, University of Minnesota, Cooperative Learning Centre, 1995).
\item Johnson, Johnson and Dudley, above n 264, 89, 96; David W Johnson, Roger T Johnson and Bruce Dudley, 'Teaching Students to be Peer Mediators' (1992) 50(1) Educational Leadership 10.
\item Johnson, Johnson and Dudley, above n 264, 89, 96; Johnson, Johnson and Dudley, above n 313; Johnson et al, above n 311, 803, 814.
\item Bickmore, above n 9, 33, 37; Johnson and Johnson, above n 3, 459, 486.
\item Maxwell, above n 43, 149, 151; Sandy, above n 260, 237, 239.
\item Maxwell, above n 43, 149, 152.
\end{enumerate}
\end{footnotesize}
school climate is also associated with these programs, although some researchers maintain that the actual assessment of school climate is impossible to determine given the continual presence of other factors.

2.4.1 Research conducted with primary school students

There are numerous research studies in the area of peer mediation research with primary or elementary school students. Results of studies demonstrate that young children of primary school age (elementary age in the United States) can be taught skills required for mediation and that most of the 8–11 year old mediators were able to master mediation techniques.

2.4.2 Students provide a resource for each other and for the community

School peer mediation programs are a positive way of harnessing peer involvement and the loyalty and trust of the peer group from an early age. Within the structured peer mediation process, Peer Mediators can maintain their own vernacular and understanding of the peer dynamic in order to facilitate dialogue in mediation. The adult (teacher) is distant from student conflicts and often sees students’ conflicts as simple, irrational and less significant. However, conflicts involve deep personal information and information about students and their history. Conflicts occur amongst students due to a variety of unrelated factors, in the same way that conflict unfolds amongst adults in

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319 Cameron and Dupuis, above n 285, 1, 8.
320 See generally Bickmore, above n 9, 33; Johnson and Johnson, above n 313, 10–13; Johnson and Johnson, above n 305, 673.
321 Johnson, Johnson and Dudley, above n 264, 89, 98.
322 Bickmore, above n 9, 33, 36.
323 Opotow, above n 61, 416, 429.
325 Julie Demers, 'Negotiating Skills Can Be Learned: An Increasing Number of Canadian Universities are Offering Courses on the Art and the Science of Negotiations' (2002) 76(8) CMA Management 33, 35.
wider society. These factors include cultural differences, misunderstandings, lack of information, rumours and hearsay. These factors can lead to conflict, lack of tolerance and lack of respect for fellow students.

Peer mediation programs provide students with a positive way of dealing with this behaviour and, importantly, to experience themselves as a resource in meaningful and involved roles within the peer group and the school community. Participation is very important so that through reciprocal interaction, peers can experience each other in terms of exchange of information and communication. In so doing, students can uncover ways in which individuals can change in order to manage conflict and form strong connections that can strengthen the community.

2.4.3 Criticisms of peer mediation programs

It is important to note the limitations of peer mediation programs in general, and the potential for liability. Both these topics are under-researched. There are conflict situations which are inappropriate for peer mediation and may put mediators and disputants at emotional and/or physical risk. Ethical issues may arise about the power balance and the limits of confidentiality, voluntarism and neutrality.

Opponents of peer mediation programs are not confident that training or experience is sufficient for students to effectively mediate. The training of students to exercise autonomy must be balanced with providing developmentally appropriate and ongoing training as well as supervision. A more concerning claim by critics is that many

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326 Ibid.
327 Pikas, above n 293.
328 Benard, above n 13, 5.
329 Opotow, above n 61, 416, 438.
330 Hall, above n 288, 36.
331 Cameron and Dupuis, above n 285, 1, 12.
332 Hall, above n 330, 36, 45.
334 Ibid.
students do not have the necessary emotional or cognitive intelligence to take on this role since the mediation process often uncovers deep personal issues.\textsuperscript{335}

Liability may arise where student mediators — in particular, primary or elementary school students — lack the cognitive and emotional maturity required to deal with conflict which is referred to them.\textsuperscript{336} There is also resistance to peer mediation on the basis of protecting students from the pressures of dealing with disputes, in the belief that disputes are often very complex and mediation sometimes does not reveal hidden issues and student mediators do not have the training or maturity to bring these to the surface.\textsuperscript{337} Similarly, student conflict may be a surface manifestation of deeper social or emotional problems which require professional or medical attention, rendering some conflict situations inappropriate for mediation.\textsuperscript{338} These concerns, however, can be overcome by targeted training and a balance of adult involvement with close attention to the student constituency and the school environment.\textsuperscript{339} Maintaining student autonomy and full participation is, however, also necessary for the functioning of the program.

Opponents also assert that there is a risk that mediators will imitate traditional patterns of authority such as assigning blame and imposing their judgements or view.\textsuperscript{340} This can be monitored during the operation of the program and an emphasis may be made to mediators about their role as mediators. Most importantly, advocates of these programs concede that the training component is important; however, “good training is not enough”.\textsuperscript{341} The success of programs is dependent on the dedication and support of administrators as well as on-going development, school support and continual appraisal of purpose.

\textsuperscript{335} Hall, above n 330.
\textsuperscript{336} Ibid 46.
\textsuperscript{337} Ibid 45.
\textsuperscript{338} Ibid.
\textsuperscript{339} Bickmore, above n 9, 33, 36.
\textsuperscript{340} Ibid.
\textsuperscript{341} Ibid 37.
Chapter 3. Study Area: Therapeutic Jurisprudence, School Peer Mediation Programs and Alternative Dispute Resolution Processes

Connections exist between school peer mediation programs, therapeutic jurisprudence and alternative dispute resolution processes. There are also some features that make distinctions between them. Modifications and changes in all areas of the law as a consequence of the proliferation, legislative support for, and institutionalisation of non-adversarial dispute resolution practices\(^342\) give relevance to this thesis. These modifications and changes call for not only information about the therapeutic effects of these processes on individuals, but also for information regarding the prerequisites for involvement in these non-adversarial processes.\(^343\)

Alternative dispute resolution processes is a vague and ill-defined term which refers to philosophical and practical innovations that alter features of the legal system.\(^344\) These processes, some of which are established and others which are emerging, are united in the main by their orientation to adjudication and authoritative dispute resolution.\(^345\) In general, the distinguishing feature is that the individuals who are parties in the process have some level of participation themselves in the process. Non-adversarial processes focus on non-court dispute resolution but also include tribunals, ombudsmen and specialised court processes as well as processes annexed to court where participants are involved to some extent in the process.\(^346\)

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\(^{342}\) King et al, above n 14, 13–19; Scott, above n 25, 213; Spencer and Brogan, above n 20, 377.

\(^{343}\) Freiberg, above n 23, 205.

\(^{344}\) Ibid 207; King et al, above n 14, 5.

\(^{345}\) Berman, above n 203, 20; Aubrey Fox and Robert V Wolf, above n 203; Freiberg, above n 202, 196, 197.

\(^{346}\) T Buck, 'Administrative Justice and Alternative Dispute Resolution: The Australian Experience' (Research Series No 8/05, United Kingdom Department of Constitutional Affairs, United Kingdom 2005).
3.1 Alternative dispute resolution processes in the legal system

Numerous different permutations of alternative dispute resolution processes have been appropriated by the legal system, and permeate legislation, legal and judicial practice and court operations. Alternative dispute resolution processes include combinations of negotiation, mediation and other (alternative) dispute resolution processes, problem-oriented courts (indigenous courts, drug treatment courts, mental health courts, domestic violence courts), procedural justice, and judicial practices as well as the day-to-day practices of those associated with the legal system, including judges, social workers, health care workers, solicitors, doctors, police, courts and correctional workers. Processes such as pre-filing mediation, problem-oriented courts, dispute resolution contractual obligations, court directed mediation and other problem-solving processes are part of the day-to-day legal lexicon. These processes have been classified into groups such as facilitative, advisory, determinative and hybrid, and are determined by the various roles played by practitioners.

Some commentators argue that non-adversarial processes operating in the legal system are only in the very early stages of development. Although there has been a shift from the “myopic legal confinement”, this shift has been criticised as being a “relatively restrictive paradigm” where, particularly in civil and family law, their underlying philosophy of increased communication and participant involvement does not displace the predominant adversarial and adjudicative approach.

347 Freiberg, above n 199, 8.
348 Tyler, above n 57, 3.
349 Freiberg, above n 200, 12.
350 Ibid.
351 National Alternative Dispute Resolution Advisory Council (Australia) 2003, Dispute Resolution Terms in Alternative Dispute Resolution, Attorney-Generals Department, Barton.
352 King et al, above n 14, 89.
353 Freiberg, above n 199, 8, 10.
355 Ibid.
Other observers and practitioners maintain that these practices have moved beyond the experimental mode and a shift has occurred into the mainstream of the law.\textsuperscript{356} Some have gone as far as to suggest that a “paradigm shift” has occurred\textsuperscript{357} and that these non-adversarial processes are playing a role in reduced use of court processes,\textsuperscript{358} and a phenomenon called “The Vanishing Trial”.\textsuperscript{359}

A large amount of work has been published which has raised concerns about the need to protect the qualities and strengths of the elements and values of mediation and other alternative dispute resolution processes from institutional pressures. One concern is the particular acceptance of these processes, especially mediation by the legal system, as a method for solving legal disputes.\textsuperscript{360} Proponents of mediation suggest there is a danger that mediation “will become bureaucratised and technique centred and lose much of its adaptive vitality”.\textsuperscript{361}

There is also reluctance in some areas of the legal system to support this expansion of practices and procedures in the legal system to encompass the non-adversarial style and philosophy. Some of the reasons for this reluctance include the view that adversarial bargaining is a better fit to the culture and practice of law;\textsuperscript{362} that mediation is taking the legal system out of the public preview;\textsuperscript{363} and that these changes are undermining the development and improvement of the common law.\textsuperscript{364} Other criticisms are that these changes are reducing the accountability of corporations and government,\textsuperscript{365} and also that there is a blurring of the judicial roles of courts in deciding cases according to the rule

\begin{enumerate}
\item Freiberg, above n 199, 8, 10.
\item David Spencer, 'Vanishing Civil Trials in the NSW District Court: Fact or Fiction?' (Paper presented at the Australian Law Teachers Association Conference, Melbourne, 04-07 July 2006).
\item Peter S Adler, 'In Theory: Is ADR A Social Movement?' (1987) 3(1) Negotiation Journal 59, 70.
\item Scott, above n 25, 213.
\item Spencer, above n 358; also in Spencer and Brogan, above n 20, 486–92.
\item Adler, above n 361, 59, 67.
\item Freiberg, above n 23, 205, 208.
\end{enumerate}
of the law with the state sponsoring and mandating consensual-mediated or quasi-mediated outcomes.\textsuperscript{366} There is also debate about the long-term sustainability of multiple informal dispute resolution forums, each with their own rules and standards,\textsuperscript{367} and the challenges of the adversarial court system having a central constitutional role in the political system built upon the concept of the separation of powers.\textsuperscript{368} Further, critics assert that mediation promotes the acceptability of a compromise situation which can cause financial or psychological harm to minorities or those who have been morally or otherwise aggrieved.\textsuperscript{369}

\subsection*{3.2 School peer mediation programs and mediation in the legal system}

School peer mediation programs are often grouped under the broader umbrella\textsuperscript{370} of alternative dispute resolution processes\textsuperscript{371} and are identified as challenging authoritative social control and procedural formalism.\textsuperscript{372} Yet peer mediation programs were developed and stand separate and apart, in practice and research, from mediation and alternative dispute resolution in the legal system.\textsuperscript{373} The research on mediation and alternative forms of dispute resolution in areas such as family law, criminal and victim reconciliation, industrial relations disputes, and international relations have not been connected to the development of school peer mediation programs or research. There is limited literature referencing the value of the studies in the area of school conflict resolution and peer mediation education, or linking school peer mediation research or school peer mediation theory, practice or research to the field of mediation in the legal system\textsuperscript{374} and mediation in general.\textsuperscript{375} Lawyers have been involved in the development

\begin{thebibliography}{9}
\bibitem{366} Spencer and Brogan, above n 20, 383.
\bibitem{367} Press, above n 27, 903, 911.
\bibitem{368} Freiberg, above n 23, 205, 208.
\bibitem{369} Adler, above n 361, 59, 67.
\bibitem{370} Araki, above n 3, 51.
\bibitem{371} Ibid.
\bibitem{373} Johnson and Johnson, above n 3, 459, 495.
\bibitem{374} For example, international mediation, workplace mediation, family mediation.
\end{thebibliography}
and practice of school peer mediation, and commentators have suggested peer mediation programs could be evaluated by using similar models employed for court annexed mediation.

Importantly, the mediation process is distinctive wherever it is practiced, with the central importance being that those involved in conflict should be given a participatory role in determining the management and the outcome of the conflict.

3.3 Alternative dispute resolution processes in the legal system and school peer mediation programs

Alternative dispute resolution processes in the legal system and school peer mediation programs share many features and characteristics which allow parallels to be drawn for comparison in the present research.

Both alternative dispute resolution processes and school peer mediation programs:

- Employ informal processes that are often comprised of various permutations of negotiation, mediation and other non-adversarial processes.
- Challenge traditional paradigms of social control, offering a new (reform) agenda embracing new values, tools and methods for identifying and managing issues that traditional methodologies and systems have not been able to effectively address.

375 Johnson and Johnson, above n 3, 459, 495.
378 Spencer and Brogan, above n 20, 97.
379 Araki, above n 3, 51–2; King et al, above n 14, Chapter 7 generally.
381 Bentley, above n 24, 7; McMahon, above n 286, 196, 199.
• Have an emphasis on procedural justice in so far as the circumstances in which individuals will positively respond to authority figures.\textsuperscript{382} Research shows that individuals value affirmation by authority figures as competent human beings.\textsuperscript{383}

• Recognise that conflict, including antisocial behaviour, often requires a social, personal and support approach rather than punitive and disciplinary solutions.\textsuperscript{384} Both peer mediation programs and non-adversarial processes in the legal system show a general trend of shifting the focus from the traditional system of sanctions, discipline and punishment to interaction, dialogue and problem-solving.\textsuperscript{385}

• Recognise the right and ability of individuals to be responsible for managing their own issues and determining outcomes.\textsuperscript{386}

• Attempt to detect and address underlying issues which may be the cause of conflict and dysfunction or antisocial behaviour.\textsuperscript{387}

• Create an environment for non-adversarial style communication dialogue and problem-solving, seeking to promote a more comprehensive resolution or management of conflict.\textsuperscript{388}

• Draw on the behavioural sciences to use processes and skills to orient, educate, facilitate, motivate, inspire and support individuals to achieve constructive outcomes to problems. Distinguishing features of school peer mediation programs are: i) the training component, which generally operates as part of the program, and ii) that peers are involved in the implementation of the peer mediation process as Peer Mediators, giving students the opportunity to play a role in the Program.

\textsuperscript{382} Opotow, above n 61, 416, 430; Tyler, above n 57, 3.
\textsuperscript{383} Tyler, above n 57, 3, 10.
\textsuperscript{384} Bentley, above n 24, 7.
\textsuperscript{385} Ibid 8; Maxwell, above n 43, 149.
\textsuperscript{386} Cameron and Dupuis, above n 285, 1, 3; King, above n 6.
\textsuperscript{387} Hall, above n 288, 36, 45; King and Ford, above n 37.
\textsuperscript{388} Johnson, Johnson and Dudley, above n 264, 89, 90; Michael S King and Kate Auty, 'Therapeutic Jurisprudence: An emerging Trend in Courts of Summary Jurisdiction' (2005) 30(2) \textit{Alternative Law Journal} 69, 70.
• Lack ‘an overarching theme or narrative’ or a single or unifying foundation or model upon which each has been created. \(^{389}\) Peer mediation programs and non-adversarial processes in the legal system are generally isolated programs based on principles, forms and models and are community-specific, tailored to the needs of the particular environment\(^ {390}\) and are modified for use by individual institutions. Non-adversarial dispute resolution processes in the legal system have their roots in a critique of the legal system,\(^ {391}\) and developed largely for administrative reasons due to the expense, delays, and complexity of legal proceedings as well as disillusionment with the formality and conventions of court and legal processes. School peer mediation programs developed independently from the legal system\(^ {392}\) as a result of violence in schools.\(^ {393}\)

• Share elements in the way they function and in their protocols, which are described in therapeutic jurisprudence literature as critical features of therapeutic processes.\(^ {394}\) These include participant involvement in the process;\(^ {395}\) participants being able to have a “voice” or represent themselves,\(^ {396}\) including communication for understanding and engagement;\(^ {397}\) and participant satisfaction and motivation,\(^ {398}\) which is due in part to procedural fairness of the process\(^ {399}\) and validation of the process.\(^ {400}\)

• Can involve individual choice, goal setting and behavioural contracting.\(^ {401}\)

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389 Freiberg, above n 199, 8; Freiberg, above n 202, 196, 197; Johnson and Johnson, above n 3, 459, 494.
391 Astor and Chinkin, above n 18, 4.
392 Johnson and Johnson, above n 3, 459.
393 Ibid.
394 King, above n 6, 2, 5, 9, 19.
395 Cameron and Dupuis, above n 285, 1, 11; King and Tatasciore, above n 149, 4.
397 Crawford and Bodine, above n 396; Tannen, above n 225.
398 Crary, above n 3, 241, 249; King, above n 6.
400 King et al, above n 14, 29.
401 King and Tatasciore, above n 149; Crary, above n 3, 241.
3.4 Does therapeutic jurisprudence underpin peer mediation programs?

Figure 3.1 illustrates the possible outcomes of parallels between school peer mediation programs and alternative dispute resolution processes in the legal system. It sets out diagrammatically the reasoning that has led the author to ask the question, does therapeutic jurisprudence underpin peer mediation programs?

There are strong parallels identified between school peer mediation programs and alternative dispute resolution processes in terms of the mechanics of the processes as set out in Section 3.3. There are many and disparate alternative dispute processes in the legal system, which lack a unifying framework. Many of these alternative dispute resolution processes emerged in the legal system before therapeutic jurisprudence originated. Therefore they had not been designed with the idea of therapeutic jurisprudence in mind.

However, therapeutic jurisprudence is increasingly being applied to alternative dispute processes in the legal system. By applying the principles of therapeutic jurisprudence to these processes, new insights can be achieved, as well as an explanation as to how the processes may be working and how they confer some, or even all, of their beneficial effects, especially those that enable participants to achieve outcomes which contrast with traditional and or existing legal processes. For example, problem-oriented courts, such as drug courts, in general lack a unifying narrative or framework to inform their creation. Although drug and other problem-oriented courts have not been designed with the idea of therapeutic jurisprudence in mind, therapeutic jurisprudence is increasingly being applied to these legal processes and is increasingly acknowledged as underpinning them. In fact, drug courts have been said to be practical applications of therapeutic jurisprudence, as the drug court processes play a role in promoting the

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402 Freiberg, above n 23, 205, 211; King et al, above n 14, 23.
403 Freiberg, above n 23, 205, 211; King et al, above n 14, 23.
404 Wexler and Winick, above n 5, 979, 989.
406 Hora, Schma and Rosenthal, above n 55, 439, 448; King et al, above n 14, 23.
This claim is supported, because drug treatment court processes motivate participants to take responsibility for the management and resolution of issues underlying the legal problem with the guidance of the court and the assistance of health and other professionals. In so doing, the drug court processes encourage the management and resolution of underlying issues and promote the wellbeing of participants.

School mediation programs resemble drug treatment courts in many ways. Peer mediation programs may work by means of a similar mechanism to drug treatment

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407 Hora, Schma and Rosenthal, above n 55, 439, 448.
408 King and Tatasciore, above n 149, 4.
410 King and C L Tatasciore, above n 149, 5.
411 See Chapter 3.3.
courts, in particular by involving participating individuals in processes which will affect their lives.

Peer mediation programs also developed independently of a unified framework or concept, and therapeutic jurisprudence may go some way towards filling the gap by providing an underpinning concept or framework, as shown in Figure 3.1. If therapeutic jurisprudence can explain how peer mediation programs are working, then by studying peer mediation programs as well as existing research in the area, insights may be gained into how the processes that comprise a peer mediation program mediate their effects, and how therapeutic outcomes are optimised. Study of a peer mediation program may:

- enhance the standing of school peer mediation programs by linking them to the concepts of therapeutic jurisprudence
- generate insights applicable to legal processes such as drug treatment courts
- assist in the development and establishment of similar programs in community settings
- enable better understanding of the mechanics of similar processes in the legal system in order to optimise therapeutic consequences of the law
- suggest future areas and methods of research into this growing part of the legal system in relation to the therapeutic consequences of the law.

3.4.1 Therapeutic outcomes and the law

Commentators have questioned why therapeutic outcomes are relevant to the law. It is becoming increasingly accepted that therapeutic consequences enhance the efficacy of legal processes, promoting legal outcomes such as crime prevention, respect for the law, healing of victims and their families. Further, due to the complexities of law-related social and human problems, the adversarial nature of the traditional legal system

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413 King et al, above n 14, 27.
is unable to effectively address the fundamental causes of problems,\textsuperscript{414} as the fundamental causes of problems are often due to an absence of wellbeing which contributed to the individual’s dysfunction and led to their involvement in the legal system.\textsuperscript{415} Therefore a therapeutically and socially oriented legal system is desirable. Processes such as drug treatment courts attempt to deal holistically with matters by looking to the fundamental causes of the legal problem and partnering with treatment or support providers in order to reduce recidivism. It is becoming clear from the literature that promotion of wellbeing is one of the main reasons why these sorts of processes are effective.\textsuperscript{416} Therefore the effects of processes on an individual’s wellbeing are becoming an important consideration.\textsuperscript{417}

Similarly, the traditional disciplinary system in schools does not effectively handle the complex and interpersonal and community issues that arise in school conflict. Students have difficult and complex feelings which lead to interpersonal conflict, and these are not being addressed by the traditional school disciplinary system. The peer mediation programs in schools are addressing conflict which is either not being managed or may have been considered too trivial to warrant the attention of the traditional school system.\textsuperscript{418} The peer mediation program is also a means of involving students themselves in a process from which they can constructively address their own and their peers’ conflicts in their own language and in their own way.

\textsuperscript{414} Bentley, above n 24, 7.
\textsuperscript{415} King, above n 399, 172.
\textsuperscript{417} See generally Alexander and Benjamin, above n 197.
\textsuperscript{418} Cameron and Dupuis, above n 285, 1, 9.
Chapter 4. Study Methodology

4.1 Introduction

A number of issues worthy of further research in this Study were identified in Chapter 3. These issues included the following: How does a peer mediation program work to enhance effectiveness? How do the processes which comprise a peer mediation program mediate the Program’s effects? Is it possible to identify whether peer mediation programs have therapeutic consequences for those involved in the peer mediation program, and if so, how can these therapeutic outcomes be optimised? A research design was employed that was able to capture the phenomena within the real life context of a school community.

The exploratory study reported in this thesis (the Study) aimed to explore the effects of a peer mediation program (the Program) on members of a primary school (the School) community — staff, students, parents and former students (Constituents). This exploration of the effects of the Program was achieved through an examination of perceptions of students and staff at the school, as well as a sample of parents and a sample of former students (Study Participants).

Data from Study Participant perceptions of the Program, and from the author’s observations of Study Participants, were collected by multiple data collection techniques (set out below). Component parts of the Program and also specific elements that comprise each component part were identified and explored for potential therapeutic value.

A crucial issue in terms of the research is that it was an innovative, interdisciplinary area of study. As such, multiple data collection methods were required that would effectively identify and explore the phenomena.

4.1.1 Therapeutic jurisprudence: the framework for the Study

The Study used therapeutic jurisprudence as an organising and analytic tool for research to explore how a peer mediation program operates. The Study explored whether a peer mediation program operates by promoting the wellbeing of constituents in the school community, and if so, whether this was a practical application of therapeutic
jurisprudence. It was anticipated that by doing this research a picture would emerge of how different components of the peer mediation program affect Constituent wellbeing. This could facilitate greater understanding of the underlying mechanism of a peer mediation program and how it achieved its purpose. It is further postulated that this knowledge will enable the researcher to refine the understanding of therapeutic jurisprudence, which may also have study implications for similar processes in other community settings.

If therapeutic jurisprudence can be shown to explain how the Program works to enhance wellbeing of Constituents, this would greatly assist developers of peer mediation programs, because information about how the Program works could be applied to obtain the optimal design features of these programs in general. This would enable administrators to systematically develop and establish effective programs for all institutions in their jurisdiction.

The focus of the Study is an exploration of how therapeutic jurisprudence is used to shape a peer mediation program, and the impact of this on Constituents. This is explored by an examination of how each component and its intrinsic elements have a therapeutic value, and if, separately and in concert, they are perceived by Study Participants to confer therapeutic effects on themselves and other Constituents. These effects may be conferred directly or indirectly, and may be intended or not.

The study examined the therapeutic potential of the Program as a whole, the peer mediation process and certain peer process elements of the peer mediation process. The study also examined the effect of the Program, as perceived by Study Participants, on the School community environment and climate as a whole.

A comprehensive evaluation of the peer mediation process component is required for its therapeutic potential for all students, regardless of whether or not they have experienced the mediation process in regard to their own disputes. This is necessary in order to explore the effect of the peer mediation process component on students who have not
participated in the process, since therapeutic jurisprudence posits that a process can indirectly affect individuals.419

The Study also explored Study Participant perceptions of the Program’s effect on the School community as a whole, to determine whether the Program became a social force in the community. In the same way, the Study explored effects on Constituents and sub populations who may also be indirectly affected by the Program as a whole.

Additionally, the Study aimed to investigate whether certain peer mediation process elements result in the promotion of wellbeing for Constituents who are involved in the peer mediation process, in order to see if each element may be fine-tuned to enhance its therapeutic value. Three elements and their application in the peer mediation process are explored in the Study: participation, representation and validation. As identified in Chapter 3, these are the elements that are consistently mentioned in therapeutic jurisprudential literature as underlying a therapeutic process.420 The Study looked for any indications that Study Participants perceived other elements of the process as affecting their wellbeing. Other elements such as voluntarism and transparency may be explored, since these are other elements which feature in therapeutic jurisprudence literature as potentially underlying a therapeutic process.421

Study Participant constituent groups and sub-populations need to be treated separately in order to examine how each is distinct in regard to its relationship to, and experience of, the Program, the peer mediation process element, the training component and other components of the Program. Additionally, the study explored Study Participant perceptions of the Program’s effect on the School community as a whole to determine if the Program became a social force in the community.

4.1.1.1 Lines of enquiry

Four lines of enquiry were considered:

420 Wexler and Winick, above n 6; King, above n 6.
421 Hora, above n 23, 23.
• Focus 1: to explore whether Constituents perceive the Program to have a therapeutic effect on their wellbeing and, where relevant, the wellbeing of other members of the School community.

• Focus 2: to explore whether members of the school community perceive the peer mediation process to have a therapeutic effect on the wellbeing of students.

• Focus 3: to explore whether Constituents perceive certain process elements of a peer mediation process to have intrinsic and distinct therapeutic effects on the wellbeing of students.

• Focus 4: to explore whether Constituents perceive the Program to have a therapeutic effect on the wellbeing of the School community as a whole.

Focus 1

Therapeutic jurisprudence suggests that each Constituent group and subpopulation of the School community is distinct in relation to the Program, and each will perceive the Program to have different therapeutic effects for themselves, and, where relevant, for other constituent groups and sub-populations.

Focus 2

The Study examined sub-populations of the student constituency who are involved in and/or experience the peer mediation process. All members of the student constituency participate in the Program, but only Peer Mediators and Process Participants participate in and directly experience the peer mediation process. The Study explored the therapeutic effect of the peer mediation on both Process Participants and Process Non-Participants as well as on the Peer Mediators. Therapeutic jurisprudence suggests that those who participate in and experience the peer mediation process will perceive

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422 For example, perceptions from Parents and staff in relation to Students’ wellbeing.


424 Wexler and Winick, above n 8, 815–16.
therapeutic effects from the process regardless of the outcome sought.425 It also suggests that those involved indirectly will be affected by the process.426

**Focus 3**

Therapeutic jurisprudence suggests that processes which feature certain elements are likely to positively affect the wellbeing of those directly or indirectly involved in the particular process, regardless of whether such outcomes were intended, sought or desired.427 Therapeutic jurisprudence suggests that constituents and sub-populations in the School community who participate in and experience the peer mediation process component of a peer mediation program will perceive therapeutic effects from intrinsic and distinct process elements.428

Figure 4.1 illustrates this diagrammatically by showing the Program components: training component, Peer Mediator training component and peer mediation component, all operating within the School community. Figure 4.1 further illustrates the intrinsic elements of the peer mediation process component. The Study considered three process elements that have been proposed in the therapeutic jurisprudence literature as potentially underlying a therapeutic process. These, as incorporated in the peer mediation process, are shown in Figure 4.1: participation (P), representation (R) and validation (V).

The Study also looked for any indications that Participants perceived other elements of the peer mediation process affecting students’ wellbeing. Other elements are represented as “etc” in Figure 4.1. The Study will explore if these elements can be fine-tuned to maximise therapeutic effects for students.

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425 Wexler, above n 70, 18, 20.
426 Wexler, above n 419, 17, 24–26; Winick, above n 89, 3; King, above n 6, 19–20.
427 Brookbanks, above n 159, 74; King, above n 6, 19–20.
428 Daicoff, above n 16, 470; Hora, above n 23, 51.
Figure 4.1 Lines of enquiry: Focus 3

Note: V = validation, P = participation, R = representation, etc = other process elements.

**Participation**

Students who participated in the peer mediation process were able to participate in all areas of the Program and were actively involved in deciding outcomes which would affect their experience at the School.

**Representation**

Each party in the peer mediation process is allowed to present their version of reality without fear of interruption and is expressly asked how they feel about what has occurred.

**Validation**

The peer mediation process validates each party’s version of reality, does not ascribe blame and works to cooperatively solve disputes in a manner acceptable, fair and respectful to all parties involved in the peer mediation process.

The Study explored whether these three process elements resulted in a perception by Constituents and sub-populations of increased wellbeing of students who participated in the peer mediation process.
Focus 4

Therapeutic jurisprudence suggests that rules, rituals and behaviours in a community become a social force affecting the wellbeing of all members of the community who are involved, whether directly or indirectly, or whether it was intended or not. Focus 4 of the Study explored the question of whether the Program becomes a social force or a distinctive culture which, in turn, has a therapeutic effect on the School community as a whole.

4.1.2 The School

Vale Public School (pseudonym) is a New South Wales Government State primary school (the School). It is located in the Northern Suburbs of Sydney, Australia. Further school details are outlined in Section 5.1.

4.1.3 The Program: “Our Caring School”

The Program, “Our Caring School” is a modified version of a peer mediation and social skills program called “Empowering Kids”. It was developed by psychologist and mediator trainer, Sue Berne, as an anti-bullying program and tailored by the School according to staff feedback and experiences of the School with the Program, as well as staff perceptions on how the Program was working for the students. The Program was developed between 1996 and 1999 and fully implemented by 2000. It was recognised by the School staff as an effective conflict management program for the School. According to anecdotal reports from staff the Program achieved its purpose and function, which was to train a community of students in constructive ways to orient themselves to interpersonal conflict. Included in the program was the training of all students to participate in a mediation program as disputants, and a cadre of students as Peer Mediators.

429 Wexler, above n 70, 18, 20.
430 Wexler, above n 68.
432 Johnson, above n 277; Johnson and Johnson, above n 277.
433 See Appendix G. National Awards for Quality Schooling 2004 documentation from Vale Public School in Volume II.
434 Ibid.
In 1996, a report was compiled by the School to address behaviour at the School as existing programs were not effective in addressing conflict. Since the implementation of the “Our Caring School” Program, the School has conducted two further internal reports — a combination of written and anecdotal data — which documented that within the first five years there was a significant reduction in physical violence and bullying and students started to generalise learned communication and role reversal skills. These internal reports also documented other benefits for the School, such as students developing a positive attitude towards school, increased academic performance and greater self-confidence. These reports also described the Program as a positive outlet for children to express themselves by discussing and venting their feelings.

Staff reported anecdotally that the Program had instituted change and created a safer, more stimulating and friendlier School environment. Reports document reduction in staff and principal discipline referrals, suspensions, and detentions. However, since the Program operates as an alternative to the school discipline system, discipline referrals, suspensions and detentions will logically be reduced.

School enrolments had declined to 171 students partly due to housing redevelopment into industrial and commercial developments in 1996. However, the staff reported that the success of the Program was the reason for enrolments rising significantly by 2005 with an increase to 201 students. The School has received recognition and has won awards for the Program. While it seems contradictory for a co-operative problem-solving peer mediation program to enter awards within a competitive framework, the recognition of the Program further enhanced wellbeing and enhanced school climate.

435 Ibid.
436 Vale Public School internal school surveys with staff and students conducted by the assistant principal.
438 See n 433.
439 Ibid.
4.1.4 Constituents

The Constituents and sub-populations of the School were as follows:

- Students
  - Mediation Process Participants
  - Mediation Process Non-Participants
- Peer Mediators
- Staff
  - Teaching Staff
  - Non-Teaching Staff
- Former Students
- Parents of students.

4.2 Data collection techniques

The following data collection techniques were developed for the Study:

I. Written surveys

- Students
- Staff
- Peer Mediators
- Former Students
- Parents and Guardians.

II. Recorded interviews

- Students
- Staff
- Peer Mediators
- Former Students
- Parents and Guardians.

III. Observations

- Students
- Peer Mediators.
4.2.1 Written surveys

The written surveys were developed mainly using multiple-choice questions and selected open-ended questions. The multiple-choice question format was employed to allow the collection of data that could be easily coded and analysed, and for the standardisation of answers for all respondents in order to analyse results. This was done either by asking broad open questions (e.g. ‘How did you feel after peer mediation?’) and giving the subject a range of answers to choose from (including ‘None of the above’ or ‘Don’t know’), or by asking a more specific question and providing a range of graded responses.

Open-ended questions allowed respondents the opportunity to add their own comments about aspects of the Program that they may feel were not addressed by the multiple-choice questions, and/or to reiterate any points they feel were particularly important about the Program. These open-ended questions were designed to be very general in relation to respondents’ attitudes and perceptions of the Program, or various processes which comprise the Program.

Because the Study considered the ways in which the promotion of wellbeing in Constituents contributed to the Program achieving its objectives, exploration of a large portion and range of the School was required in order to generate meaningful results. Because this effect may be small, the researcher aimed to recruit as many respondents as possible. The researcher chose to develop a multiple choice written survey in consultation with the Vale School assistant principal, who had taken responsibility for the program since its inception at the school, as well as school staff. A written survey was perceived by the principal and the researcher to be the most efficient and structured way of collecting data for such a large range of Constituents and age groups. Careful attention was paid to ensure that the student written surveys were age and development appropriate. The data collected from the multiple-choice questions was coded and entered into the Statistical Package for the Social Sciences (SPSS) computer software. It was then analysed in terms of descriptive statistics, namely, frequencies for relevant questions and cross tabulations. Respondents’ answers were analysed to determine if therapeutic effects could be detected.
4.2.1.1 Students

The researcher aimed to employ recorded interviews as another technique for collecting data complementing the data from the written surveys. The combination of techniques allowed for cross validation of data and a more in-depth understanding of constituents’ perceptions.

A pilot study was conducted in June 2004 by administering draft student surveys to a sample of students not attending the School who were of similar age and development to the School respondents. The purpose of the pilot study was to test the surveys for their appropriateness for this age group and to ensure that students could understand and answer the questions.

Three surveys were developed for the student Constituency at the School:

- Years 1–6: Peer Mediation Student Survey
- Years 3–6: Student Questionnaire
- Year 6: Peer Mediation Student Survey, Year 6 Supplementary Questions.

Years 1–2 answered one written survey. Years 3–5 answered two written surveys. Year 6 answered three written surveys.

These surveys were developed in accordance with age and development appropriateness for the ranges of students. School staff offered assistance with formulating these written surveys. Following an initial consultation with school staff, it was anticipated that the Years 3–5 and Year 6 would provide the most important and useable data from the written surveys. The majority of this year range would be able to complete the written surveys unassisted and would understand the questions. Year 6 could provide significant information since many of this sub-population would have been involved in the Program for six years. It was anticipated that Years 1–2 would require extended time to complete the written surveys and would require additional teacher support at the time of the administering the written survey.

In consultation with the assistant principal, the researcher decided not to include Year K (Kindergarten) in the Study as it would be difficult to elicit meaningful responses. Most importantly, Year K is only tangentially involved in the Program.
Sub-populations of students

According to therapeutic jurisprudence, it would be expected that the therapeutic potential of the Program and the peer mediation process would be different for those students who availed themselves of the peer mediation process for their own disputes, compared with those students who did not avail themselves of the peer mediation process.

The Study explored whether the Program had therapeutic potential for all students, whether or not they experienced the peer mediation process in relation to their own disputes. The Peer Mediation Student Survey asked the students if they had participated in the peer mediation process on one or more occasions during the past school year. Based on their responses to this question, the student Constituency was grouped into two sub-populations:

- Process Participants
- Process Non-Participants

Students who had not had peer mediation in the past school year were modelled as being the same as students who had never had peer mediation. This ensured that students’ recollections and feelings regarding the peer mediation process were reasonably fresh so that any therapeutic effects would be easier to observe.

The two sub-populations were treated as two distinct populations (those who had recently participated in the peer mediation process and those who had not) even though they answered the same questionnaire.

4.2.1.2 Staff

A pilot study was conducted by administering sample staff surveys to a sample of adults to check that the surveys could be readily understood and completed correctly. After the initial consultation with staff, the researcher decided to administer the same staff survey to all staff at the School notwithstanding there are non-teaching members of staff who are not directly involved in the Program. This allowed the inclusion of perceptions of Constituents in the school community who are indirectly involved with the Program. It was anticipated that staff would provide important information in relation to:
• their perception of the Program and how it affects them in terms of their work,
their attitudes towards the Program and their emotional wellbeing in relation to
the Program
• their perceptions about the effects of the Program on students.

4.2.1.3 Former Students

The Former Student written survey was constructed by the researcher with the
assistance of the assistant principal of Vale Public School. A pilot study was conducted
by administering sample former student surveys to a sample of non-former students of
similar ages to Former Students who may participate in the Study. This was done to test
that the surveys were appropriate for, and could be understood by, this age group.

The written surveys for the Former Students addressed their attitudes towards the
Program and their recollections and perceptions of the benefits of the Program for them
and for the School. The written survey would elicit information in order to determine if
there was any retention of knowledge from the Program, and the usefulness of the
Program in their daily lives and at high school.

4.2.1.4 Parents

The Parent Survey was developed by the researcher with the assistance of the assistant
principal of Vale Public School. The aim was to elicit responses which would assist the
researcher in the exploration of effects on Constituents (Parents) who have an interest in
the students of the Program as well as on their own children.

This aim was perceived as being two-fold:

• to gauge the indirect effects of the Program on Constituents (parents) who are
  removed from direct involvement with the Program
• to gauge the effects of the Program on students as perceived by Constituents
  who are not directly involved in the Program.

A pilot study was conducted by administering a sample from the Parent Survey to a
sample of adults to check that they could be readily understood and completed correctly.
4.2.2 Recorded interviews

Recorded interviews were conducted to provide data on Study Participant perceptions, opinions and feelings about the Program and components of the Program. Recorded interviews were included as they could provide a greater understanding for the researcher of the mechanisms that underpin the efficacy and outcomes of the program.

In addition, since the Study explored perceptions of Constituents, it was considered useful and important to try to draw out different information through spoken interviews. It was also felt that some students’ perceptions might be more effectively drawn out from interviews than from written responses to a questionnaire. Some previous studies in the area of therapeutic jurisprudence make use only of verbal anecdotal reports.440

It was envisaged that a sample of each of the Constituents and sub-populations under study would be able to participate in the recorded interviews. The recorded interviews were audio- and video-taped by the researcher. The audio was necessary for the purposes of transcription to allow for further study of the dialogue and communication between individuals. The video component was required so the researcher could view the interviews in terms of the respondent’s non-verbal responses such as body language, eye contact, facial expressions and delivery of answers. These non-verbal responses to interview questions may provide clues as to the attitude or perception of the respondent. Research does suggest that non-verbal behaviour represents a large proportion of meaningful communication, which is often woven into the verbal signals.441 These aspects of the interview were also important in terms of determining individuals’ attitude, any anxiety they felt as well as their level of comfort with being interviewed about the Program.442

440 Farole, above n 223, 57.
442 Attached to this thesis is a DVD containing video clips that relate to selected transcripts, as summarised in Table C.2 in Appendix C.2, Volume II.
4.2.3 Observations

The main purpose of the observations was to see the Program in practice to ensure, as much as possible, that the information about the Program provided to the researcher was accurate and representative of actual events. The observations also allowed the researcher to observe the functioning protocols and dynamics of the Program and the component parts of the Program. The events being observed were, in the most part, process driven, such as a lesson on peer mediation, or the peer mediation process. Any effect that the presence of the observer may have on the events being observed was kept to a minimum by standing at a distance from the event or standing in a corner or at the back of the room. As with recorded interviews, the observations were included in the Study to provide a greater understanding for the researcher of the mechanisms that underpin the efficacy and outcomes of the program. The observations were used to assist in identifying further issues that the other data may be able to answer and to validate statements from other data and also to provide further areas to explore.

The observations were audio- and video-taped by the researcher. As with the interviews, the audio was necessary for the purposes of transcription to allow for further study of the dialogue and communication between individuals. However, it was anticipated that it may not be possible to transcribe dialogue for all observations. It was anticipated that some observations may be training sessions, while others may be student interaction and student peer mediation in progress. The video component was required so that the researcher could view and examine the observations in detail in terms of the participants’ non-verbal responses such as body language, eye contact, facial expressions and interaction. These non-verbal responses in observations were considered to be important to explore, especially because communication is a core skill taught for peer mediation. Non-verbal communication may provide clues as to the attitude or state of mind of participants.
Chapter 5. Study Implementation

5.1 Study site: the School

Vale Public School (pseudonym) is a multicultural school community where approximately 65% of the students are from non-English speaking backgrounds, the largest group being Tongan, at 20% of the student body. It is a transient community with up to 20% of students spending only six to twelve months at the school and some of them returning for brief periods from year to year.

More than 50% of students are from low socio-economic backgrounds, with 12% of students having emotional, learning and social issues. This site was chosen by the author after research on the World Wide Web for a school that conducts a peer mediation program. The author approached the school principal, who welcomed the proposal of research about the peer mediation program conducted at the school. The Program, “Our Caring School,” was already in existence, having been developed as an anti-bullying program by the assistant principal in 1999 in order to reduce the unacceptable levels of physical violence and bullying. The goal was to create a positive, safe and productive learning environment by educating the students to use strategies to constructively deal with and to resolve conflict. The choice to study an already existing program fitted the Study’s methodological approach in that it had the potential to provide quality data on the focus issues of the Study.

5.1.1 Conducting the Study

The Study was conducted by the author over two academic years (November 2004—November 2006). The School assistant principal and the School in general provided assistance and support throughout the Study. The author was given access to School

443 See n 433.
444 Ibid.
445 Ibid.
446 See Interview 69.
447 See n 433.
grounds during School hours in order to conduct the Study with Constituents who volunteered to be Study Participants.

5.1.2 Constituents

5.1.2.1 Students

The students’ year levels range from Year 1 (6 year-olds) to Year 6 (12-year-olds). Students were divided into sub-populations of Process Participants and Process Non-Participants. Year 6 Peer Mediators also make up a sub-population of the Student constituency. All Year 6 students take part in the Peer Mediator training component of the Program and are Peer Mediators.

Process Participants

Process Participants are students who have participated in the peer mediation process. Students participate in the peer mediation process either as Year 6 Peer Mediators or as disputants voluntarily participating in the peer mediation process to manage or resolve their own interpersonal conflicts. Process Participants are involved in the entirety of the Program.

Process Non-Participants

Process Non-Participants are students who have participated in the Program, including the training, but have not participated in the peer mediation process.

The Study explored any perceived therapeutic effects that Process Non-Participants may experience as a result of the peer mediation process. These effects could be direct effects experienced as participants in the Program and/or indirect effects from the peer mediation process in which their fellow students participate. It is important to note that not all Year 6 students had the opportunity to experience peer mediation as a Peer Mediator. Peer Mediators are approached by disputants or members of staff randomly as and when a conflict situation arises.

Peer Mediators

Peer Mediators are a sub-population of the student constituency. Peer Mediators are Year 6 students, and they act as administrators and Peer Mediators of the peer mediation process. According to therapeutic jurisprudence, the Peer Mediators, as administrators
and mediators of the peer mediation process, would perceive therapeutic effects from participating in the process. As members of the School community and peers of the other students, Peer Mediators would also experience the therapeutic effects experienced by Process Non-Participants. All Year 6 students train as Peer Mediators and they are available for peer mediation during school time at the School.

5.1.2.2 Staff

Staff were grouped into two sub-populations: Teaching Staff and Non-Teaching Staff.

Teaching Staff

Teaching Staff comprises all staff, including the principal, who take classes with the students. The members of this sub-population represent authority within the School and are seen as such by the students. They deliver peer mediation and conflict resolution training to the students and ensure that peer mediation protocols are followed.

The Study explored whether this sub-population is affected by the Program and the peer mediation process. As a result of the Program, Teaching Staff are largely relieved of the responsibility for resolving and managing minor student conflicts. Because students elect to avail themselves of the peer mediation process, it is the students’ responsibility to resolve and manage conflict.

It is important to determine if this sub-population perceive therapeutic effects of the Program for themselves. Whether, as a consequence of the Program and the peer mediation process, Teaching Staff have an improved sense of wellbeing because the potentially emotionally draining task of resolving and managing student conflict has been removed from their workload. Secondly, it is important to determine whether they have a reduced sense of wellbeing because they feel the Program has undermined their authority and/or their sense of being needed or carrying out their role as a member of staff at the School.

In addition, the Teaching Staff are independent observers of the students’ behaviour and interactions and will therefore have perceptions and insights into how the students are affected by the Program and the peer mediation process. Any changes in the School environment as a result of the Program, as reported by Teaching Staff, are of critical
importance to the Study. Members of staff may be able to perceive any shift in the attitudes and wellbeing of students while at the School.

**Non-Teaching Staff**

Non-Teaching Staff comprise administrative and technical staff at the School who are part of the School community but who do not have direct classroom contact with the students. Non-Teaching Staff are also independent observers of the students’ behaviour and interactions, and will therefore have perceptions and insights into how the students are affected by the Program. Any changes in the School environment as a result of the Program, as reported by Non-Teaching Staff, will be of use to the Study as they are indirectly involved in the Program. Therapeutic jurisprudence posits that a process can affect the wellbeing of individuals who are indirectly involved. Members of this sub-population may be able to perceive any shift in the attitudes and wellbeing of students while they are at the School.

The Study explored perceptions of Non-Teaching Staff in relation to the Program in terms of how it affects their enjoyment of work and their wellbeing in the School environment in which they work. It investigated how these staff members perceive the School environment and whether they attribute this in any part to the Program.

**5.1.2.3 Former Students**

As alumni of the Program, Former Students have participated in the Program, including the training sessions, and have served as Year 6 Peer Mediators. As they have since graduated, their recollections of their experiences of the Program and beliefs about how this continues to affect their behaviour are relevant to the Study. Alumni of the Program are students who have graduated from primary school and who are attending their respective high schools. Former students who, upon interview, were found to have been involved in high school peer mediation programs were not included in the data analysis.

**5.1.2.4 Parents**

Therapeutic jurisprudence suggests that Parents and Guardians of the students will be affected by the Program in terms of their perceptions of how the Program affects their children. Parents are part of the School community but they are the ultimate non-participants. Parents and guardians do not participate in the Program and they would not
usually spend any significant amount of time in the School environment during times when the Program is active at the School. Whether Parents perceive that their children have benefited from the Program and whether this corresponds to an increase in their own wellbeing will be explored.

5.1.3 The Program: “Our Caring School”

The Program comprises the peer mediation process and training components and all other necessary aspects to implement the Program. Figure 5.1 shows the Constituent groups, some of the components of the Program and some of the sub-populations in the School community, all of which are explored in the Study.

Figure 5.1 Components and Constituent groups of the Program

The students are further divided into those who have participated in the peer mediation process and those that have not. The eldest year group, Year 6, are the Peer Mediators who administrate the peer mediation process for the other students.
The entire student body at the School from Year 1 to Year 6 participate in the Program; however, not all students necessarily participate in a peer mediation process. Participation in a peer mediation process is dependent on whether students experience conflict and whether they choose to participate in relation to managing and resolving their own conflict. The peer mediation process is voluntary. Figure 5.2 illustrates how students voluntarily elect (or not) to avail themselves of peer mediation in relation to their interpersonal conflict. Those who do not experience the peer mediation process still participate in the Program, but either they do not experience conflict or they experience conflict but choose not to go through the peer mediation process.

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Figure 5.2 The peer mediation process for students

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448 Kindergarten is seen as a separate unit from the rest of the school and was not included in the Study. See Section 4.2.1.1.

449 The intrinsic elements of the peer mediation process were illustrated in Figure 4.1 in Chapter 4, which further illustrates the intrinsic elements of the peer mediation process component.
5.1.4 The peer mediation process component

The peer mediation process is both a process and a forum for the peer mediation process to take place. That is to say, the peer mediation process is a physical place for disputants to meet for participation in a peer mediation process. It is also a process for disputants to apply and practise learned skills, behaviours and strategies for resolving and or managing their own disputes.

The peer mediation process also operates as an alternative to the school discipline system where appropriate. Students can be referred to peer mediation by the school discipline system although, importantly, participation is voluntary. The referral system takes a different approach to the traditional school disciplinary system, in that students are afforded the opportunity or the choice to engage in peer mediation as an alternative to having a decision imposed on them.

The peer mediation process emphasises, amongst other things, procedural justice, future-focused problem solving, accountability for behaviour and behavioural change. The peer mediation process aims to identify, manage and resolve issues underlying and contributing to each conflict situation.

The peer mediation process has a significant impact on student interpersonal conflict, such as interpersonal conflict which would have been considered too trivial to warrant the attention in the traditional school discipline system, and therefore would have remained unresolved or been mismanaged at the point of detection. If left unmanaged or unresolved, the residual, underlying relational issues may be externalised in more destructive forms of conflict.

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450 A peer mediation process is not an appropriate forum for resolution of certain conflict situations, for example, cases involving extreme violence, drugs and risks to a person’s safety. See also Cameron and Dupuis, above n 285, 1, 10; Cahir et al, above 299.

451 Maxwell, above n 43, 149, 153.

452 Cameron and Dupuis, above n 285, 1, 9.

453 Cameron and Dupuis, above n 423. This article documents comments from students, including a comment from one disputant: “if we hadn’t gone to mediation we’d probably still be fighting because the problem wasn’t solved.”
As indicated in Chapter 3, there are, however, criticisms and limitations of peer mediation programs. It is important to note the limitations of peer mediation programs in general and the potential for personal and School liability. Issues requiring resolution or management may be surface manifestations of deeper and serious matters which may require professional or legal attention. These matters would be inappropriate for mediation, and Student mediators may be unable to detect the seriousness of these sorts of issues. For example, student conflict may be a result of social or emotional problems which require medical attention. Student mediators — in particular, primary students — may lack the cognitive and emotional maturity required to deal with conflict that is referred to them. Also, there are conflict situations that are inappropriate for peer mediation and may put mediators and disputants at emotional and/or physical risk. Ethical issues may arise in relation to the power balance and the limits of confidentiality, voluntarism and neutrality. These issues have been recognised by commentators of peer mediation programs and have been addressed in the design and operation of the Program: for example, by implementing staff screening and monitoring processes, by closely assessing the types of conflicts best suited to peer mediation and also by identifying conflicts which should be excluded from the Program.

The study addresses the issue of age appropriateness of the Program in the staff questionnaire.

5.1.4.1 How does the peer mediation process work?

The peer mediation process component is based on a problem-solving, co-mediation model of mediation for two or three Peer Mediators. It is a structured, non-disciplinarian process that involves two or three impartial and non-authoritative, trained student Peer

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454 Ibid 36; Hall, above n 288, 36.
455 Cameron and Dupuis, above n 423, 45.
456 Ibid.
457 Cameron and Dupuis, above n 285, 1, 10; Cahir et al, above n 299.
458 Hall, above n 288, 36, 45.
459 Ibid.
460 See Teacher Questionnaire in Appendix B, Volume II.
Mediators who facilitate the expression of grievances between students who are experiencing conflict.

During peer mediation, Peer Mediators follow a learned, delineated process and attempt to elicit and explore underlying issues which may be causing the dispute. By employing learned skills, behaviours and strategies, Peer Mediators open lines of communication to enable parties to brainstorm, problem-solve and negotiate in order to craft mutually satisfying solutions. Students actively participate in the process and they are given a “voice” in the resolution of their conflict, which means they are active participants in a process that will affect relationships with fellow students and their lives in the School. By following the protocol during a peer mediation, trained student mediators follow a learned process in which they attempt to elicit and explore the underlying issues with each disputant explaining his/her feelings, needs and position. This creates the possibility for ongoing dialogue, brainstorming and negotiation.

At the conclusion of the peer mediation process, an agreement regarding future behaviour, ideas and goals is drafted by the Peer Mediators in the parties’ own words. The agreement is a way of concluding the mediation process; however, it may be an agreement to return to mediation at a later point if necessary for further discussion.

5.1.5 The training component

All students and staff at the School take part in the training component of the Program. The training sets out the framework and cooperative\(^{461}\) context of the Program. It establishes a consensus of acceptable and constructive responses to conflict at the School and is reinforced by the day-to-day running of the procedures of the Program. The training component of the Program is also infused into the School curriculum.

The training of skills, behaviours and strategies is based on an experiential and “building block” approach to learning, where basic ideas, attitudes and values are built upon through group dialogue, practise and review. Most importantly, students are given the opportunity to apply and integrate learned training in actual conflict situations that they experience. This provides meaning and a connection for students. As with any

educational program, the training component is comprised of elements which are designed and configured to meet the specific needs of the School community with respect to the age and development of students. Literature in the area of conflict resolution education suggests that careful consideration must be given to the curricula in terms of “the purpose, audience and the outcomes” and thorough knowledge and understanding of the behaviours, as well as the attitudes, intellectual and emotional capabilities, learning styles and values of the students.

The training elements include training in conflict, the effects of conflict, how to identify conflict, constructive responses to conflict and the consequences of behaviour in response to conflict. Students are taught a repertoire of skills, behaviours and strategies in order to positively assert their needs while constructively creating realistic solutions to conflicts, which will preserve ongoing relationships in the School community.

Specific elements such as theory-based teaching techniques are utilised in the Program, such as cognitive training, perspective reversal, values learning, constructive assertiveness training, impulse control, critical thinking, active listening and cognitive problem solving.

Training is mainly experiential, involving role play, modelling, simulations, games, reasoning exercises, critical incidents and group discussion. Students also learn the protocols of the peer mediation process, such as the rules and stages of the process, and how to participate in it, which include confidentiality, being impartial, note-taking, following a process, and the importance and implications of a behavioural contract. Students are taught when and how to voluntarily avail themselves of the peer mediation process in relation to conflict they experience. Ground rules are established based on respect for others’ feelings and ideas, and for confidentiality.

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462 Levy, above n 269, 73.
463 Ibid 75.
464 The Program was originally set up to concentrate on bullying behaviour amongst students, both overt and covert.
465 Johnson and Johnson, above n 313.
There is a separate training component which caters to a cadre of the student body: Year 6 students, who are the oldest students at the School, being 11–12 years old, are trained as Peer Mediators. Additional training takes place in individual Year 6 classrooms and at additional training sessions throughout the year. Peer mediator training includes feedback and debriefing sessions about mediations, which take place at School. Year 6 students are taught skills, behaviours and strategies necessary to facilitate a mediation process as co-mediators, including how to be impartial, maintain confidentiality and follow a learned delineated structure in facilitating the mediation.

Staff members (usually those on playground duty) serve as mediators for the Year 6 students.

5.1.6 The School community and therapeutic jurisprudence

For the purposes of the Study, the School becomes a model with which to explore and analyse the therapeutic potential of processes for the community and for different Study Participants. Students are obliged to attend School and therefore be a part of the Our Caring School Program. The Program has rules and there are clear distinctions between Constituent groups and sub-populations.

For the purposes of the Study, the Constituents who volunteered to be Study Participants are further described in Section 5.1.7.2.

5.1.7 How the Study was conducted

5.1.7.1 Preparatory procedure

Approvals

Approval from the following bodies was applied for and acquired:

- Vale Public School (Pseudonym for the School)
- Department of Education and Training (SERAP number 06.117)
- University of Technology, Sydney Human Research Ethics Secretariat (HREC REF NO 2005-0071, Dr Robert Stevens, Manager, Schooling Research).

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466 See Section 4.1.3.
Introductory liaison re implementation of Study at the School

Following receipt of relevant approvals, liaison with the School was undertaken, which led to the following introductory steps:

- preliminary meeting at the School between the researcher and all members of the School staff
- School staff were briefed on the stages of the Study and how to explain the Study to the students
- School staff decided to explain the Study to students in assembly and in the students’ regular classes
- days and times were set aside for the various stages of the Study.

Information forms and consent forms

The School staff distributed the following forms (see Appendix B, Volume II):

- Research Study Information Form to Parents and guardians of students attending the School
- Parent/Guardian Consent Form to Parents and guardians of students attending the School
- Research Study Information Form to students attending the School
- Research Study Information Form to Former Students of the School
- Voluntary Participation Form to Former Students of the School
- Parent/Guardian Consent Form to Parents and guardians of Former Students of the School (where applicable)
- Research Study Information Form to staff of the School
- Voluntary Participation Form to staff of the School.

The School staff assisted with retrieving the following completed documents:

- Parent/Guardian Consent Form from students attending the School
- Voluntary Participation Form from Parents and guardians of students attending the School
- Voluntary Participation Form from staff of the School
- Voluntary Participation Form from Former Students of the School
• Parent/Guardian Consent Form from Parents and guardians of Former Students of the School.

5.1.7.2 Study Participants

The Study Participants (n = 316) are those Constituents who took part in the Study, and comprise the following:

- 153 students from Years 1–6, of which 81 (53%) were male, 72 (47%) female
- total staff constituency at the School (n = 18)
- sample of Parents and Guardians (n = 121)
- sample of Former Students (n = 24).

For the purposes of the Study, all Study Participants were divided into Constituents and sub-populations:

- Process Participants (n = 74)
- Process Non-Participants (n = 79)
- Peer Mediators (n = 23)
- Teaching Staff (n = 16)
- Non-Teaching Staff (n = 2)
- Former Students (n = 24)
- Parents and Guardians (n = 121).

The total number of Participants is 339, comprising 316 Study Participants listed above and 23 Peer Mediators who are also students (Process Participants/Non-Participants). The numbers of individuals in the groups and sub-groups is shown in Table 5.1.
Table 5.1 Study Participant groups and sub-groups

<table>
<thead>
<tr>
<th>Group</th>
<th>Number¹</th>
<th>Sub-group</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 2</td>
<td>25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 3</td>
<td>24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 4</td>
<td>28</td>
<td>Process Participants</td>
<td>74</td>
</tr>
<tr>
<td>Year 5</td>
<td>24</td>
<td>Process Non-Participants</td>
<td>79</td>
</tr>
<tr>
<td>Year 6 (also Peer Mediators)</td>
<td>23</td>
<td>Peer Mediators (12 male, 11 female)</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>81 (53%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Female</td>
<td>72 (47%)</td>
</tr>
<tr>
<td>All students (Years 1–6)</td>
<td>153</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Teaching Staff (13 female, 3 male)</td>
<td>16</td>
</tr>
<tr>
<td>All staff</td>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-Teaching Staff</td>
<td>2</td>
</tr>
<tr>
<td>Former Students</td>
<td>24²</td>
<td>(aged 12–19 years; 15 male, 16 female)</td>
<td></td>
</tr>
<tr>
<td>Parents</td>
<td>121</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>316</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes

¹ Student numbers are the totals in each year. Due to absences etc. the numbers responding to any particular questionnaire may be different to those here and are numerated in the text. The actual School Study population was 156.

² Former students who attend high schools which conduct a peer mediation program were disqualified from the Study and their data was not included in the analysis.

5.1.8 Response rate

All members of the student and staff constituencies at the School at the time of the Study volunteered to participate after they were given the option to decline participation. Therefore the response rate for staff and students was 100%. Eighty Former Students were contacted randomly from the School record lists provided by the assistant principal and invited to volunteer for the Study. The response rate for Former Students was 38.8% (n = 31). However, if Former Students had been exposed to a peer mediation program at high school the researcher excluded these responses from the data to remove any potential influence these high school programs may have on the exploration of the effects of the Program at the School. Seven Former Students indicated that they did have a peer mediation program at their high school, so the constituency under study was reduced from 31 to 24.
Three hundred surveys were distributed to Parents and Guardians via students with accompanying information letters inviting parents to volunteer to participate in the Study. The response rate for Parents was 40% (n = 121).

5.1.8.1 Composition of the Study

The following data collection techniques were used and are summarised in Table 5.2.467:

I. Written surveys
- Students
- Staff
- Peer Mediators
- Former Students
- Parents and Guardians.

II. Recorded interviews
- Students
- Staff
- Peer Mediators
- Former Students
- Parents and Guardians.

III. Observations
- Students
- Peer Mediators.

Table 5.2 Data collection techniques employed across various Study Participant groups

<table>
<thead>
<tr>
<th>Participants</th>
<th>Written surveys</th>
<th>Recorded interviews</th>
<th>Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Staff</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Peer Mediators</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Former students</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Parents</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

467 When choosing and evaluating methods of data collection, general reference was made to R Sapsford and V Jupp, Data Collection and Analysis (Sage, 1996).
**Written surveys**

The written surveys (n = 339) were the most important of the data collection techniques employed in the Study. The surveys allowed all students and staff at the School to be questioned, as well as significant samples of both Parents and Former Students. The surveys provided for a structured response from each individual, which allowed a standardised approach for analysing results. This was important, given the different age ranges of the respondents.

**Recorded interviews**

Video recorded interviews (n = 99) were conducted at the School with a sample of invited Study Participants. Anecdotal reports from the Study Participants were collected to ensure that all the details of the Program were understood.

**Conduct of recorded interviews**

The researcher personally conducted all interviews, asking questions from a list of interview questions prepared for each Constituent group and sub-population under study. The recorded interviews\(^{468}\) were informal in nature, following a semi-structured protocol in order to put subjects — especially younger students — at ease. This allowed subjects to feel open to talk about what was important to them. It is postulated that some viewpoints or opinions on unexpected aspects of the Program or the peer mediation process could affect conclusions drawn from the research. One approach used to capture this was to allow interview subjects freedom to discuss aspects they felt were important or relevant. Some children were interviewed more than once due to their peer dynamics: a student may be in both an individual interview and one or more group interviews.

**Observation of the Program in action in the School environment**

Observations of various aspects of the Program, including a student training day, a presentation and students conducting the peer mediation process, were also made.\(^{469}\)

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\(^{468}\) Attached to this thesis is a DVD containing video clips that relate to selected transcripts, as summarised in Table C.2 in Appendix C.2, Volume II.

\(^{469}\) See discussion in Section 4.2.
Collection of data

All Study Participants (n = 339) participated in the written survey part of the Study. A sample of Study Participants (n = 99) participated in the recorded interview part of the Study. A sample of students participated in the observation part of the Study. Some of the observations were chosen in consultation with the assistant principal of the School, such as the student training day, which comprised Year 6, and the presentation, which was a mix of all year groups and was attended by students who were interested in the presentation. However, the observations of the peer mediation process in action and students’ problem solving were unplanned observations captured on videotape by the researcher during her time at the School.

![Data collection techniques diagram]

**5.1.8.2 Written surveys**

Six written surveys were undertaken as part of the Study. Copies of all the written surveys are set out in full in Appendix B, Volume II.

The six written surveys were administered as follows:

- Questionnaire 1: Peer Mediation Student Survey, which was completed by students in Years 1–6 (n = 153)
- Questionnaire 2: Peer Mediation Student Survey, Year 6 Supplementary Questions, which was completed by students in Year 6 only (n = 23)
- Questionnaire 3: Student Questionnaire, which was completed by students in Years 3–6 (n = 100)
- Questionnaire 4: Staff Questionnaire, which was completed by Teaching Staff (n = 16) and Non-Teaching Staff (n = 2)
- Questionnaire 5: Former Student Questionnaire, which was completed by Former Students (n = 31)\(^{470}\)
- Questionnaire 6: Parent Questionnaire, which was completed by Parents of students (n = 121).

A summary of the surveys completed by each constituent group is shown in Figure 5.4.

---

**Figure 5.4 Summary of written surveys**

**Students**

The students answered their questionnaires in their usual classrooms under exam conditions to ensure that their answers were their own. All children present at school that day completed the questionnaires, so the responses can be considered to represent the complete student population.

\(^{470}\) Seven Former students were disqualified from the data analysis because of the existence of a peer mediation program in their high school. Therefore Former Students n = 24.
Prior to administering the survey, the researcher read out and explained a set of instructions to each class. The regular class teacher answered any questions from the class. The regular classroom teacher and, where applicable, classroom aides assisted the students while they were completing the surveys.

**Staff**

All Teaching Staff were asked to participate and all completed a questionnaire. The two Non-Teaching Staff working at the School were invited to participate, and both completed a questionnaire. All staff completed their written surveys at school in the staffroom and were instructed to answer the written survey themselves without discussion with other staff members.

**Former Students**

Former Students were contacted through the School and invited to participate in the survey via the *Former Student Voluntary Participation Form*471 and, if they were under 15 years of age, were asked to return a completed *Parent/Guardian Consent Form*. If the Former Student was over 15 years of age then a *Parent/Guardian Consent Form* was not required. Former Students who wished to participate arranged a time to come into the School with the researcher, where they answered their written survey in exam conditions under the supervision of the researcher. The survey was conducted at the School before and after school hours and during the school holidays over a period of three weeks. Prior to administering the survey, the researcher read out and explained a set of instructions to each Former Student.

**Parents**

Parents were invited to participate in the survey via the *Parent Voluntary Participation Form*472 that the teachers had given their students to take home. All Parents who wished to participate were sent one questionnaire per family, of which 121 were returned. The researcher could not control which Parent completed the questionnaire, and it is likely that both Parents completed the questionnaire together for some students. This is mainly

471 See Appendix B, Volume II.
472 See Appendix B, Volume II.
because the majority of students at the School come from blended and composite families. Parents were very enthusiastic about completing the survey and the researcher welcomed parent participation.

**Questionnaire 1: Peer Mediation Student Survey**

All students in Years 1–6\(^{473}\) were surveyed to establish their perceptions on the peer mediation process and to explore whether the Program had any identifiable effects on the wellbeing of these Constituents beyond that of the resolution of their disputes.

Questionnaire 1 asked students how they felt about issues associated with the Program. There were sixteen multiple-choice questions and one open-ended question. The questionnaire can be found in Appendix B, Volume II.

**Different data sets: Sub-populations of students**

According to therapeutic jurisprudence, it is to be expected that the therapeutic potential of the Program and the peer mediation process would be different for those students who availed themselves of the peer mediation process for their own disputes, compared with those students who did not avail themselves of the peer mediation process.

In order to differentiate between these two sub-populations of student Constituents (i.e. those who had experienced the peer mediation process and those who had not), Questionnaire 1 asked the students if they had participated in the peer mediation process on one or more occasions during the past school year. Based on their responses to this question, the student Constituents were grouped into the following two sub-populations:

- 74 students in Years 1–6 who had peer mediation in the past school year at the time of the survey
- 79 students in Years 1–6 who had not had peer mediation in the past school year at the time of the survey.

Those students who had not had peer mediation in the past school year were modelled as being the same as students who had never had peer mediation. This ensured that

\(^{473}\) See Table 5.1, Table 5.3, Table 5.4 for breakdown of groups and sub-groups.
students’ recollections and feelings regarding the peer mediation process were reasonably fresh so that any therapeutic effects would be easier to observe.

The two sub-populations were treated as two distinct populations (those who had recently participated in the peer mediation process and those who had not), even though they answered the same questionnaire.

Tables 5.3 and 5.4 set out the year and sex breakdown of Process participants and Process Non-Participants. Of the boys who responded to the survey, 46 out of 81 (56.8%) did not participate in the mediation process, while of the girls who responded to the survey, only 33 out of the 72 (45.8%) were non-participants, with 54.2% participating.

<table>
<thead>
<tr>
<th>Year of Student</th>
<th>Boy</th>
<th>Girl</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>9</td>
<td>12</td>
<td>21</td>
</tr>
<tr>
<td>2</td>
<td>8</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>3</td>
<td>5</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>4</td>
<td>2</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>5</td>
<td>6</td>
<td>8</td>
<td>14</td>
</tr>
<tr>
<td>6</td>
<td>5</td>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>35</strong></td>
<td><strong>39</strong></td>
<td><strong>74</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year of Student</th>
<th>Boy</th>
<th>Girl</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>2</td>
<td>6</td>
<td>7</td>
<td>13</td>
</tr>
<tr>
<td>3</td>
<td>6</td>
<td>9</td>
<td>15</td>
</tr>
<tr>
<td>4</td>
<td>17</td>
<td>3</td>
<td>20</td>
</tr>
<tr>
<td>5</td>
<td>5</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>6</td>
<td>8</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>46</strong></td>
<td><strong>33</strong></td>
<td><strong>79</strong></td>
</tr>
</tbody>
</table>
Questionnaire 2: Peer Mediation Student Survey, Year 6 Supplementary Questions

All students in Year 6 were asked to complete an additional questionnaire relevant to their role as Peer Mediators. Therapeutic jurisprudence implies that their involvement as Peer Mediators would expose them to the possibility of experiencing different therapeutic effects to those experienced by other participants. The questionnaire is set out in full in Appendix B, Volume II.

Questionnaire 2 asked Peer Mediators how they felt about issues associated with the peer mediation process and their role as administrators. There were six multiple-choice questions and one open-ended question. Questionnaire 2 was an attachment to Questionnaire 1; therefore, there was no requirement for Questionnaire 2 to include general or neutral questions on peer mediation.

Questionnaire 3: Student Questionnaire

Students in Years 3–6 were given an additional survey. Questionnaire 3 is set out in full in Appendix B, Volume II. This survey was conducted on the following day to Questionnaires 1 and 2. On the day of conducting Questionnaire 3, there were two additional Year 3 students, one additional year 5 student, one less Year 4 student and one less Year 6 student, resulting in 100 in total. These variations were due to absences because of illness or extra classes, or having been absent for Questionnaires 1 and 2. The number of students from each year is shown in Table 5.5.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of students</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>26</td>
</tr>
<tr>
<td>4</td>
<td>27</td>
</tr>
<tr>
<td>5</td>
<td>25</td>
</tr>
<tr>
<td>6 (Peer Mediators)</td>
<td>22</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100 (51 male, 49 female)</strong></td>
</tr>
</tbody>
</table>

The main focus of Questionnaire 3 was to conduct a more thorough exploration into how these older students felt about the School environment in a questionnaire that was
not overtly concerned with peer mediation. The questions in Questionnaire 3 were more generally framed and did not specifically refer to the mechanics of the Program but to Students' feelings about the Program, the School and Constituents at the School. The purpose of this Questionnaire was to attempt to address any bias that may occur as a result of students' favourable views of peer mediation affecting their perceptions of the School environment — a possible outcome of exploring this in Questionnaire 1 where the questions were Program specific. Ideally, Questionnaire 3 would have been administered a reasonable period of time after Questionnaire 1; however, restrictions on access to the students prevented this.

**Questionnaire 4: Staff Questionnaire**

This questionnaire, called the *Staff Questionnaire*, was responded to by all staff. Table 5.1 sets out a breakdown of staff respondents. Fifty per cent of Teaching Staff had been at the School for eight years or longer.

**Different data sets: sub-populations of staff**

Teaching Staff and Non-Teaching Staff were treated separately for the purposes of collation and analysis of results, although they all answered the same questionnaire. They were asked 46 questions (43 multiple-choice and 3 open-ended questions) to try to establish if they had perceived any benefits to their wellbeing and, where relevant, to other Constituents' wellbeing as a result of the Program.

**Questionnaire 5: Former Student Questionnaire**

The 24 Former Students were aged 12–19 and had all previously attended the School and been involved in the Program. They were not all enrolled in the same high school at the time of the survey. See Table 5.6 for the frequencies of ages for this group.
Table 5.6 Age distribution of Former Students

<table>
<thead>
<tr>
<th>Student age (years)</th>
<th>Number</th>
<th>Percentage of group</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>13</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>14</td>
<td>5</td>
<td>21</td>
</tr>
<tr>
<td>15</td>
<td>5</td>
<td>21</td>
</tr>
<tr>
<td>16</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>17</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>19</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>24</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

This constituency was studied in order to investigate the long-term therapeutic effect of the Program and also to determine whether there was retention of learned skills, behaviours and strategies.

**Questionnaire 6: Parent Questionnaire**

Questionnaire 6 was completed by 121 Parents of children enrolled at the School. Questionnaire 6 asked 13 questions (11 multiple-choice and 2 open-ended questions) to ascertain whether the Parents had received any therapeutic benefits from their children’s exposure to the Program.

Parents were asked to indicate how many children they had at the School. Of the 121 Parents who participated in the Study, one did not answer this question, 59 (49%) had one child attending the School, 48 (40%) had two children at the School, and 13 (11%) had three or more children at the School. This indicates at least 194 students; yet at the time of the Study the School population was 156. One possible explanation for this difference is that the School also has a Kindergarten, which was not studied. Another possible explanation is that Parents reported the number of their children currently attending the School as well as those who had previously attended.

**5.1.8.3 Recorded interviews**

There were a total of 85 interviews conducted, but only 63 of these were used: 22 interviews were disqualified from the Study for reasons summarised in Table 5.7.
<table>
<thead>
<tr>
<th>Constituents</th>
<th>Interviews conducted (individuals)</th>
<th>Interviews used in study (individuals)</th>
<th>Reason interview was not used in Study</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1–6 students</td>
<td>31 (31)</td>
<td>22 (22)</td>
<td>Subject matter outside scope of Study (9 students)</td>
</tr>
<tr>
<td>Year 1–6 students (group)</td>
<td>22 (56)</td>
<td>15 (42)</td>
<td>Subject matter outside scope of Study (7 groups/24 student interviews)</td>
</tr>
<tr>
<td>Former Students</td>
<td>7 (7)</td>
<td>7 (7)</td>
<td>-</td>
</tr>
<tr>
<td>Former Students (group)</td>
<td>12 (29)</td>
<td>7 (18)</td>
<td>High school has peer mediation program (5 groups/11 student interviews)</td>
</tr>
<tr>
<td>Teaching Staff</td>
<td>11 (10)</td>
<td>10 (10)</td>
<td>1 interview was repeated due to interruptions</td>
</tr>
<tr>
<td>Parent</td>
<td>1 (1)</td>
<td>1 (1)</td>
<td>-</td>
</tr>
<tr>
<td>Parent (group)</td>
<td>1 (2)</td>
<td>1 (2)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total interviews</strong></td>
<td><strong>85</strong></td>
<td><strong>63</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Total individuals</strong></td>
<td><strong>135</strong></td>
<td><strong>99</strong></td>
<td></td>
</tr>
</tbody>
</table>

Notes

1 There are 50 transcribed interviews in Appendix C, Volume II. Some of these are excerpts of interviews, and all those referred to in the thesis are reproduced in Appendix C. There are some interviews that were conducted which were not used in the Study. Interviews were not used if they were a repeat for some reason, participants did not want to be recorded, parental consent form requested that any interview was not recorded, or the participants did respond appropriately to the interviewer’s questions about peer mediation. Examples of inappropriate responses are: subject matter of interview was totally unrelated to the Study, or the student(s) did not want to talk at all.

2 Some participants (students and former students) took part in both individual and group interviews.

**Students**

Interviews were conducted at the School over a period of six months during class time, recess and lunchtime. Although respondents were informed that the Program was being studied, they were not informed of the purpose of the Study.

Students from whom the Student Parent/Guardian Consent Form had been obtained were asked to volunteer to be interviewed. Interviews were conducted randomly. Students were interviewed in groups and individually. Some students requested to be interviewed with their friends.

Most interviews were recorded on video. Video recordings were not made of some interviews for the following reasons:
• Student Parent/Guardian Consent Form was not obtained
• Consent Form requested that video recordings of the student not be made
• equipment failure
• researcher error.

During the interviews, the researcher asked the students questions from the List of Student Interview Questions. Often the interview questions were modified from the List of Student Interview Questions in order to:

• put the student at ease
• be less formal
• be age-appropriate
• follow the train of thought of the student
• be understood by the student
• motivate the student
• fit in with the group/peer dynamic (when more than one student was interviewed)
• enquire about issues or topics which other students did not address in interviews.

Staff

Teaching Staff were invited to participate in the interviews and all who agreed to participate were interviewed. Non-Teaching Staff were not approached for interview.

Teaching Staff were asked questions from the Staff Interview Question List. Often these questions were modified in order to:

• maintain an informal atmosphere
• put members of the Teaching Staff at ease
• follow the interests of the particular member of the Teaching Staff
• fit in with the group/pair dynamic (if more than one member of Teaching Staff)
• enquire about issues or topics which other Teaching Staff did not address in interviews.

Video recordings were made of most interviews. Video recordings were not made of some interviews for the following reasons:
• Teaching Staff member requested that a video recording not be made
• equipment failure
• human error.

**Former Students**

Former Students from whom the *Parent/Guardian Consent Form* had been obtained were asked to volunteer to be interviewed. Interviews were conducted at the School directly after the Former Students had completed the written survey.

All students who volunteered to participate in the interviews were invited to be interviewed. Some students were interviewed in groups either because of time constraints or because the Former Students requested to be interviewed with their friends.

During the interviews the researcher asked the Former Students questions from the *List of Former Student Interview Questions*. Often the interview questions were modified in order to:

- put the Former Student at ease
- be less formal
- be age appropriate
- follow the train of thought of the Former Student
- be understood by the Former Student
- fit in with the group dynamic (if more than one Former Student)
- enquire about issues/topics that other Former Students did not address in interviews.

Video recordings were made of most of these observations. Video recordings were not made of some observations for the following reasons:

- no *Student Parent/Guardian Consent Form* obtained ( Former Students under 18)
- Consent Form requested no video recordings of the Former Student to be made
- equipment failure
- lack of time
- human error.
Parents

Parents who had completed a *Parent Voluntary Participation Form* were invited to participate in the interviews, which were conducted randomly at the School when Parents were available.

Parents were asked questions from the *Parents Interview Question List*. Often these questions were modified for the following reasons:

- to keep the atmosphere informal
- to put Parents at ease
- to follow the interests of Parents
- to fit in with the group/pair dynamic (if more than one Parent was interviewed)
- enquire about issues or topics which other Parents did not address in interviews.

Video recordings were made of most interviews. Video recordings were not made of some interviews for the following reasons:

- Parent requested that a video recording not be made
- equipment failure
- human error.

### 5.1.8.4 Observations

The following six observations were made:

- two observations of a peer mediation training day
- one observation of a peer mediation process
- one observation of Year 6 students giving class presentations on peer mediation and on being a Peer Mediator
- one observation of two students resolving their own dispute using methods learned from the Program
- one observation of students completing a class project about themes of harmony and empathy.

Observations of students’ behaviours and interactions with each other and with staff were also conducted randomly during class time, during mediations, in the playground, and around the School during school hours.
Video recordings were made of most of these observations. Video recordings were not made of some observations for the following reasons:

- *Student Parent/Guardian Consent Form* was not obtained
- Consent Form requested that video recordings of the student not be made
- equipment failure
- human error.

Over a period of six months during school hours the researcher randomly conducted observations of students (Years 1–6) in their daily life at school. Observation studies were conducted during:

- peer mediation training days
- peer mediation classes
- the peer mediation process
- recess and lunchtimes in the School playground
- random times during school hours.

**Staff**

Observations made of students during class time also featured members of the Teaching Staff.

### 5.1.9 Data analysis

#### 5.1.9.1 Written surveys

The data collected from the multiple-choice questions was coded and entered into Statistical Package for the Social Sciences (SPSS) computer software. It was then analysed in terms of descriptive statistics, namely, frequencies for relevant questions and cross tabulations. Respondents’ answers were analysed to determine if therapeutic effects could be detected.

Answers to the multiple-choice questions relevant for each therapeutic value were grouped together and each group analysed separately to see if the responses to the questions were complementary, and to determine whether a therapeutic effect existed.
Because multiple responses were permitted for some questions, the numbers of responses (frequencies) reported in the data do not equal the number of respondents. The data presented for these questions is the percentage of respondents who chose the particular response to the question, thus the columns in the tables do not equal 100%.

Responses to open-ended questions, which are set out in Appendix D, Volume II, were categorised as being positive, negative or neutral towards the Program. These responses were checked for general agreement with the overall impression from the multiple-choice answers. As these responses constitute data that could have implications for the generation of conclusions applicable to other processes, they were considered in the same way as the responses to interview questions, as outlined below.

### 5.1.9.2 Recorded interviews

The recorded interviews were analysed to determine whether the interview subjects were positive towards the Program. They were also analysed for:

- therapeutic effects of the Program
- analysis of the Program and experiences that could help develop a working model of the Program
- insights from the Program that could be applied to other processes.

The data gathered from these recorded interviews complements the written survey data, and was analysed to determine if a greater understanding of the mechanisms that underpin the efficacy and outcomes of the Program may be detected. Relevant verbatim quotes are presented in Section 6.1.1.2 and discussed in Chapter 8 Discussion.

### 5.1.9.3 Observations

Recorded observations were compared with procedural protocols supplied to the researcher to check that they were in accord. Any observations that are relevant to the therapeutic effects conferred to Constituent and sub-population groups are presented in Chapter 6 Findings.
Chapter 6. Findings

The findings are separated into four sections corresponding to the lines of enquiry of the Study:

- Findings of perceived therapeutic effects of the program in its entirety on constituents and sub-populations (Section 6.1).
- Findings of perceived therapeutic effects of the peer mediation process on students (Section 6.2).
- Findings of perceived therapeutic effects of elements of the peer mediation process on constituents and sub-populations (Section 6.3).
- Findings of perceived therapeutic effects of the program on the school community as a whole (Section 6.4).

For each of the lines of enquiry, the findings for therapeutic effects on relevant constituent groups/sub-populations are presented (in Appendices in Volume II) from the selected data collection techniques of written surveys, interviews and observations. Transcribed interviews and a transcribed observation are found in Appendix C. A summary of interviews and observations is found in Table C.1 in Appendix C. Responses to open-ended questions from written surveys are found in Appendix D.

6.1 Findings of perceived therapeutic effect of the program on Constituents and sub-populations

The following Constituents and sub-populations were studied:

- Process Participants (Section 6.1.1)
- Process Non-Participants (Section 6.1.2)
- Peer Mediators (Section 6.1.3)
- Teaching Staff (Section 6.1.4)
- Non-Teaching Staff (Section 6.1.5)
- Former Students (Section 6.1.6)
- Parents (Section 6.1.7).

Note that, within each constituent group or sub-population that is presented, there may be relevant data presented from other constituent groups or sub-populations. For
example, in Section 6.1.1 Process Participants, data is presented from staff, Parents, Former Students and Peer Mediators in relation to Process Participants.

Note that percentage totals in tables may not equal 100 due to rounding. Also, for some multiple choice questions, more than one response was allowed, so the number of responses may be greater than the number of respondents. In tables presenting this data the column *Percentage of respondents* will sum to more than 100% and no total is given.

### 6.1.1 Process Participants

#### 6.1.1.1 Written surveys

**Questionnaire 1: Peer Mediation Student Survey**

**Multiple choice questions: effects of the Program on students’ wellbeing**

**Question F**

The findings in Table 6.1 show that 104 out of 122 (85%) responses from the 74 Process Participants indicated that they were feeling happy after peer mediation for one or more of the reasons listed. Eight Process Participants (10.8%) indicated that they felt sad after peer mediation for some reason, and a further two Process Participants indicated that they felt sad after peer mediation for one reason and happy for another.

#### Table 6.1 Process Participants’ responses to Questionnaire 1 Question F: *How did you feel after peer mediation?*

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Happy because I told my story</td>
<td>44</td>
<td>60.3</td>
</tr>
<tr>
<td>Happy because I tried to sort it out</td>
<td>37</td>
<td>50.7</td>
</tr>
<tr>
<td>Happy because it was fun</td>
<td>23</td>
<td>31.5</td>
</tr>
<tr>
<td>Sad because it didn’t sort out the problem</td>
<td>8</td>
<td>11.0</td>
</tr>
<tr>
<td>Sad because I didn’t get to tell my side</td>
<td>1</td>
<td>1.4</td>
</tr>
<tr>
<td>None of these</td>
<td>9</td>
<td>12.2</td>
</tr>
<tr>
<td>No answer</td>
<td>1</td>
<td>1.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>122</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Note: The numbers of responses (frequencies) reported in the data do not equal the number of respondents, as multiple responses were permitted for some questions. The data presented for these questions is the percentage of respondents who chose the particular response to the question, thus the percentage of respondents column does not equal 100.*
Question G

The results in Table 6.2 show that 77.0% of Process Participants felt that peer mediation is a good way to sort out problems. Two responses (2.7% of Process Participants) disagreed. The results show that 63.5% of Process Participants thought that it makes students feel better to talk at peer mediation, and 37.8% of Process Participants thought that peer mediation is fun.

The findings indicate that a substantially higher percentage of the Process Participants who completed the peer mediation survey responded positively, rather than negatively or neutrally, on the peer mediation program. Positive feelings were suggested by 92.3% of the responses to the question “What do you think about peer mediation?” Only 4.9% of the Process Participants’ responses suggested they felt negatively regarding peer mediation: they felt sad to talk about how they feel, or they felt as though it didn’t sort out their problems. Four (2.8%) of the responses were answered as “none of these” as best reflecting what they thought about peer mediation.

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>It's a good way to sort out problems</td>
<td>57</td>
<td>77.0</td>
</tr>
<tr>
<td>It's good fun</td>
<td>28</td>
<td>37.8</td>
</tr>
<tr>
<td>It makes students feel better to talk</td>
<td>47</td>
<td>63.5</td>
</tr>
<tr>
<td>It makes students feel sad to talk about how they feel</td>
<td>5</td>
<td>6.8</td>
</tr>
<tr>
<td>It does not sort out problems between students</td>
<td>2</td>
<td>2.7</td>
</tr>
<tr>
<td>None of these</td>
<td>4</td>
<td>5.4</td>
</tr>
<tr>
<td>Total</td>
<td>143</td>
<td></td>
</tr>
</tbody>
</table>

Question H

The results in Table 6.3 show that 61 (82.5%) of Process Participants indicated that they enjoyed learning about peer mediation at least some of the time, and 56.8% of Process Participants enjoyed learning either all the time or most of the time. However, 13 responses (17.6% of Process Participants) reported not really enjoying or never enjoying learning about peer mediation.
A significantly higher percentage of Process Participants’ (82.5%) indicated that they enjoyed learning about peer mediation than those who reported they did not (17.6%).

Table 6.3 Process Participants’ responses to Questionnaire 1 Question H: Do you enjoy learning about peer mediation?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>29</td>
<td>39.2</td>
</tr>
<tr>
<td>Most of the time</td>
<td>13</td>
<td>17.6</td>
</tr>
<tr>
<td>Sometimes</td>
<td>19</td>
<td>25.7</td>
</tr>
<tr>
<td>Not really</td>
<td>10</td>
<td>13.5</td>
</tr>
<tr>
<td>Never</td>
<td>3</td>
<td>4.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>74</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question I**

The data in Table 6.4 shows that 100% of Process Participants thought that talking about how they feel makes students feel better at least some of the time. Most Process Participants (73%) thought that students feel better most or all of the time. No Process Participants reported “not really” or “never”. Therefore there was a trend for Process Participants to answer positively.

Table 6.4 Process Participants’ responses to Questionnaire 1 Question I: Do you think students feel better when they talk about feelings at peer mediation?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>23</td>
<td>31.1</td>
</tr>
<tr>
<td>Most of the time</td>
<td>31</td>
<td>41.9</td>
</tr>
<tr>
<td>Sometimes</td>
<td>20</td>
<td>27.0</td>
</tr>
<tr>
<td>Not really</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>74</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question J**

The findings in Table 6.5 show that 71 (96%) of Process Participants felt that the Peer Mediators are helpful at least some of the time. Some 67.6% of Process Participants
thought that Peer Mediators are helpful all the time, while 28.4% of Process Participants agreed that Peer Mediators are helpful some of the time. Only three (4.1%) Process Participants felt that Peer Mediators aren’t really helpful, or are not helpful at all.

<table>
<thead>
<tr>
<th>Table 6.5 Process Participants’ responses to Questionnaire 1 Question J: Do you think peer mediators are helpful?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Answer</strong></td>
</tr>
<tr>
<td>------------------------------</td>
</tr>
<tr>
<td>Yes all the time</td>
</tr>
<tr>
<td>Some of the time</td>
</tr>
<tr>
<td>Not really</td>
</tr>
<tr>
<td>Not at all</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

**Question K**

Table 6.6 shows 65 responses (87.8% of Process Participants) indicated that the Peer Mediators are responsible and helpful, and only five responses (6.8% of Process Participants) indicated that the Peer Mediators are not helpful. Some 48.6% of Process Participants like telling the Peer Mediators how they feel, compared to 6.8% that don’t. More Process Participants’ responses suggested they felt that the Peer Mediators are responsible and helpful than did not.

<table>
<thead>
<tr>
<th>Table 6.6 Process Participants’ responses to Questionnaire 1 Question K: What do you think of the peer mediators?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Answer (multiple responses permitted)</strong></td>
</tr>
<tr>
<td>----------------------------------------------------------------</td>
</tr>
<tr>
<td>Responsible and helpful</td>
</tr>
<tr>
<td>Not helpful</td>
</tr>
<tr>
<td>I like telling them how I feel</td>
</tr>
<tr>
<td>I don’t like telling them how I feel</td>
</tr>
<tr>
<td>None of the above</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>
**Question M**

The results in Table 6.7 show that 58 (78.4%) of Process Participants felt that learning about peer mediation is helpful in the classroom to some degree. A significantly larger number of Process Participants felt that learning about peer mediation is helpful in the classroom than those that did not.

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes a lot</td>
<td>33</td>
<td>44.6</td>
</tr>
<tr>
<td>Yes a little</td>
<td>25</td>
<td>33.8</td>
</tr>
<tr>
<td>No</td>
<td>9</td>
<td>12.2</td>
</tr>
<tr>
<td>Don't know</td>
<td>5</td>
<td>6.8</td>
</tr>
<tr>
<td>No answer</td>
<td>2</td>
<td>2.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>74</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question N**

The results in Table 6.8 show that 64 (86.5%) of Process Participants felt that learning about peer mediation is helpful in the playground to some degree, while 6 (8.1%) of Process Participants disagreed.

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes a lot</td>
<td>33</td>
<td>44.6</td>
</tr>
<tr>
<td>Yes a little</td>
<td>31</td>
<td>41.9</td>
</tr>
<tr>
<td>No</td>
<td>6</td>
<td>8.1</td>
</tr>
<tr>
<td>Don't know</td>
<td>4</td>
<td>5.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>74</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question P**

The results in Table 6.9 show that 62 (83.8%) of Process Participants felt that learning about peer mediation will be useful at some time when they are older.
Only a minority of the Process Participants (5.4%) reported believing that learning about peer mediation will “not really” or “not at all” help when they are older, and 10.8% of Process Participants responded with “don’t know”. More Process Participants felt that learning about peer mediation will help them when they are older than did not.

Table 6.9 Process Participants’ responses to Questionnaire 1 Question P: Do you think learning about PM will help you when you are older?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes all the time</td>
<td>36</td>
<td>48.6</td>
</tr>
<tr>
<td>Sometimes</td>
<td>26</td>
<td>35.1</td>
</tr>
<tr>
<td>Not really</td>
<td>3</td>
<td>4.1</td>
</tr>
<tr>
<td>Not at all</td>
<td>1</td>
<td>1.4</td>
</tr>
<tr>
<td>Don’t know</td>
<td>8</td>
<td>10.8</td>
</tr>
<tr>
<td>Total</td>
<td>74</td>
<td>100</td>
</tr>
</tbody>
</table>

Open-ended questions

Question Q: Can you write down what you think of peer mediation?

The responses of both Process Participants and Process Non-Participants were merged for the open-ended question. The respondents were free to write about peer mediation in general. These responses were categorised as positive, negative and neutral, and are presented in Table 6.10. Comments are set out in full in Table D.1 in Appendix D, Volume II.

Out of 153 respondents, 152 wrote something for this question. Out of these 152 responses, 5 (3.3%) responses were categorised as negative (all male students). All 147 remaining responses (96.1%) were positive regarding the Program.

Responses were categorised as positive if they contained or implied any encouraging, upbeat or optimistic signals or elements. A response was categorised as negative if the answer implied an element of reluctance, lack of enthusiasm or negativity towards the Program. None of the answers to this question were categorised as neutral — indicating that students’ responses were either a positive or a negative opinion about the Program.

For example, one response, “Peer mediation is helpful sometimes but not all the time” (Student 89, Year 5 female, and Process Participant), was categorised as positive as
there was an indication of an encouraging element to the Program and an acknowledgment that the Program was sometimes helpful. This answer was from a Process Participant, so having participated, this Student made an assessment about a positive element, “helpful”, of the Program “sometimes”.

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Positive</td>
<td>147</td>
<td>96.1</td>
</tr>
<tr>
<td>Negative</td>
<td>5</td>
<td>3.3</td>
</tr>
<tr>
<td>Neutral</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No answer</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td>Total</td>
<td>153</td>
<td>100</td>
</tr>
</tbody>
</table>

Referring to Table 6.10, of the five responses categorised as negative to Questionnaire 1 open-ended Question Q, Can you write down what you think of peer mediation, all were from male students, three were from Process Non-Participants and two were from Process Participants. It is unsurprising that the three Non-Participants made negative comments about the program, as they had chosen not to participate. The split by year group was Year 2, one negative comment; Year 3, one negative comment; Year 4, one negative comment; Year 5, two negative comments; Year 6, no negative comments.

The following are examples of negative comments:

- I don't like peer mediation. (Student 18, Year 2 male, Process Participant)
- My friend said they don't help at all. (Student 58, Year 3 male, Process Non-Participant)
- My problem was not solved. (Student 85, Year 4 male, Process Non-Participant)
- I think peer mediators only take one side and don't listen to the other. (Student 114, Year 5 male, Process Non-Participant)
- I think it is a waste of time. (Student 130, Year 5 male, Process Participant).

474 See Appendix D, Volume II.
The high proportion of positive responses supports the findings from the multiple choice questions that the Program is viewed favourably by the student constituency. Also, 22 comments (14%) support the assertion that the benefits of Program are conferred to a significant degree by the promotion of wellbeing. These comments were not split evenly between year groups but were found most in Year 1 (six comments) and Year 6 (seven comments), with lower numbers in the other years (Year 2, one comment; Year 3, four comments, Year 4, two comments; Year 5, two comments). Given the context of the other answers, in the Year 1 case this may be due to younger children being more disposed to talking about their feelings rather than problem solving as a measure of outcome. They generally reported that they are happy and feel better as a result of having the Program at the school and after a peer mediation, rather than having solved a problem as a result of peer mediation. For the Year 6 Peer Mediators, this result may be due to them being in a position to see how the wellbeing of participants is improved by the Program since they are dealing with student conflict on an ongoing basis at the School.

The following are examples of comments related to the promotion of wellbeing relating to the Program:

- Year 6 are good. I enjoy talking about my problems but it's not fun (Student 7, Year 1 female)
- Peer mediation is excellent. (Student 6, Year 1 male)
- I like peer mediation. (Student 11, Year 1 female)
- Peer mediation is cool. Year 6 helps us. I like peer mediation. It's cool. (Student 25, Year 1 female)
- Peer mediation is helpful because it makes people feel good. (Student 17, Year 2 male)
- Year 6 are peer mediators and they can help you feel better. (Student 106, Year 4 male)
- I think peer mediation is a good program because it helps people feel better about themselves. (Student 5, Year 6 female)
- I think peer mediation is a good helpful thing; all schools should have peer mediators to help kids share their feelings. (Student 20, Year 6 female)
- I think that peer mediation is a really good help to have better behaviour, and making the victim feel safe at school. (Student 22, Year 6 male)
- Peer mediation is a good program. It helps me a lot when I have problems fights and disagreements. (Student 14, Year 6 female).

Questionnaire 4: Staff Questionnaire

Multiple choice questions

This questionnaire was completed by both Teaching Staff and Non-Teaching Staff. These two subgroups are treated as two different sub-populations for the purposes of this Study.

Teaching Staff

As independent observers of student behaviour, Teaching Staff (n = 16) are well placed to observe any effects on their wellbeing while at school. The results from some questions from the Staff Questionnaire concerning student wellbeing are presented below.

Question R

Table 6.11 shows that 100% of Teaching staff felt that students try to solve their conflicts in positive ways at least some of the time.

Table 6.11 Teaching Staff responses to Questionnaire 4 Question R: Do students try to solve their conflicts in positive ways?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most of the time</td>
<td>12</td>
<td>75.0</td>
</tr>
<tr>
<td>Sometimes</td>
<td>4</td>
<td>25.0</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>100</td>
</tr>
</tbody>
</table>

Question S

Table 6.12 shows that 87.6% of Teaching Staff felt that the students have good or excellent conflict resolution skills, while none of the Teaching Staff felt that students have bad conflict resolution skills.
Table 6.12 Teaching Staff responses to Questionnaire 4 Question S: How do you rate student conflict resolution skills at this school?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td>Good</td>
<td>13</td>
<td>81.3</td>
</tr>
<tr>
<td>OK</td>
<td>2</td>
<td>12.5</td>
</tr>
<tr>
<td>Bad</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question T**

Table 6.13 shows that 100% of Teaching staff felt that students are provided with an environment in which to solve their own conflicts positively most or all of the time.

Table 6.13 Teaching Staff responses to Questionnaire 4 Question T: Are students provided with an environment to solve their own conflicts positively?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>5</td>
<td>31.3</td>
</tr>
<tr>
<td>Most of the time</td>
<td>11</td>
<td>68.8</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question W**

Table 6.14 shows that 100% of Teaching Staff felt that it is a good idea to teach the students about conflict resolution and conflict management.

Table 6.14 Teaching Staff responses to Questionnaire 4 Question W: Do you think it’s a good idea to teach about conflict resolution and conflict management?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>16</td>
<td>100</td>
</tr>
<tr>
<td>Most of the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>
**Question X**

Table 6.15 shows that none of the Teaching Staff felt that the students are too young to learn these skills.

<table>
<thead>
<tr>
<th>Table 6.15 Teaching Staff responses to Questionnaire 4 Question X: Do you think primary school students are too young to learn about conflict resolution and conflict management?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Answer</strong></td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>Maybe</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Don’t know anything about it</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

**Question ZL**

Table 6.16 shows that 93.8% of Teaching Staff stated that they had noticed some degree of positive change in student behaviour due to the peer mediation program.

<table>
<thead>
<tr>
<th>Table 6.16 Teaching Staff responses to Questionnaire 4 Question ZL: Have you noticed a change in student behaviour towards one another due to the peer mediation program?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Answer</strong></td>
</tr>
<tr>
<td>Yes definite positive change</td>
</tr>
<tr>
<td>Somewhat positive change</td>
</tr>
<tr>
<td>Negative change</td>
</tr>
<tr>
<td>No change</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

**Question ZM**

Table 6.17 shows that 87.8% of Teaching Staff stated that they had noticed some degree of positive change in student behaviour in the classroom due to the peer mediation program.
Table 6.17 Teaching Staff responses to Questionnaire 4 Question ZM: Have you noticed a change in classroom behaviour due to the peer mediation program?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes definite positive change</td>
<td>8</td>
<td>50.0</td>
</tr>
<tr>
<td>Somewhat positive change</td>
<td>6</td>
<td>37.5</td>
</tr>
<tr>
<td>No change</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td>Negative change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don’t know</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZN**

Table 6.18 shows that 93.8% of Teaching Staff stated that they had noticed some degree of positive change in students’ attitudes due to the Program.

Table 6.18 Teaching Staff responses to Questionnaire 4 Question ZN: Have you noticed a change in students’ attitudes due to the peer mediation program?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes definite positive change</td>
<td>7</td>
<td>43.8</td>
</tr>
<tr>
<td>Somewhat positive change</td>
<td>8</td>
<td>50.0</td>
</tr>
<tr>
<td>Negative change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No change</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZO**

The findings presented in Table 6.19 show that 81.3% of Teaching Staff stated that they had noticed some degree of positive change in students’ moods due to the peer mediation program.
Table 6.19 Teaching Staff responses to Questionnaire 4 Question ZO: Have you noticed a change in students' moods due to the peer mediation program?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes definite positive change</td>
<td>6</td>
<td>37.5</td>
</tr>
<tr>
<td>Somewhat positive change</td>
<td>7</td>
<td>43.8</td>
</tr>
<tr>
<td>No change</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td>Negative change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No answer</td>
<td>2</td>
<td>12.5</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>100</td>
</tr>
</tbody>
</table>

**Question ZP**

As Table 6.20 shows, 100% of Teaching Staff stated that the students enjoy learning about peer mediation at least some of the time.

Table 6.20 Teaching Staff responses to Questionnaire 4 Question ZP: Do you think the students enjoy the peer mediation program?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>3</td>
<td>18.7</td>
</tr>
<tr>
<td>Most of the time</td>
<td>12</td>
<td>75.0</td>
</tr>
<tr>
<td>Sometimes</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don't know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>100</td>
</tr>
</tbody>
</table>

**Non-Teaching Staff**

As independent observers of student behaviour, the two Non-Teaching Staff are well placed to observe any effects of the Program on their wellbeing while at school. Some questions from the Staff Questionnaire concerned student wellbeing.

**Question R**

Both Non-Teaching Staff members felt that students try to solve conflicts in a positive way most of the time (Table 6.21).
Table 6.21 Non-Teaching Staff responses to Questionnaire 4 Question R: Do students try to solve their conflicts in positive ways?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most of the time</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Sometimes</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question S**

Both Non-Teaching Staff members thought that the students' conflict resolution skills are good (Table 6.22).

Table 6.22 Non-Teaching Staff responses to Questionnaire 4 Question S: How do you rate student conflict resolution skills at this school?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Good</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>OK</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bad</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question T**

Both Non-Teaching Staff members thought that the students are provided with an environment to solve their own conflicts positively most of the time (Table 6.23).

Table 6.23 Non-Teaching Staff responses to Questionnaire 4 Question T: Are students provided with an environment to solve their own conflicts positively?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Most of the time</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>
**Question W**

Both Non-Teaching Staff members thought that it is a good idea to teach the students about conflict resolution and conflict management (Table 6.24).

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Most of the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZB**

Both Non-Teaching Staff members thought that the conflict resolution program helps with teaching and supervision (Table 6.25).

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>In most areas</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>In some areas</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZC**

Both Non-Teaching Staff members thought that they were better able to understand the students as a result of learning about conflict resolution and management (Table 6.26).
Table 6.26 Non-Teaching Staff responses to Questionnaire 4 Question ZC: Do you think that you are more able to understand your students and conflicts from learning about conflict resolution and management?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Maybe</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don't know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZD**

Both Non-Teaching Staff members thought that it is beneficial for them to learn about conflict resolution and management (Table 6.27).

Table 6.27 Non-Teaching Staff responses to Questionnaire 4 Question ZD: Do you think in is beneficial for you to learn about conflict resolution and management?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Most of the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sometimes</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZL**

Both Non-Teaching Staff members noticed a definite positive change in student behaviour towards one another as a result of the peer mediation program (Table 6.28).

Table 6.28 Non-Teaching Staff responses to Questionnaire 4 Question ZL: Have you noticed a change in students’ behaviour towards one another due to the peer mediation program?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes definite positive change</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Somewhat positive change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negative change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>
**Question ZM**

Both Non-Teaching Staff members noticed a somewhat positive change in student classroom behaviour as a result of the peer mediation program (Table 6.29).

**Table 6.29 Non-Teaching Staff responses to Questionnaire 4 Question ZM: Have you noticed change in classroom behaviour due to the peer mediation program?**

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes definite positive change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Somewhat positive change</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>No change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negative change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZN**

Both Non-Teaching Staff members noticed a somewhat positive change in students’ attitudes as a result of the peer mediation program (Table 6.30).

**Table 6.30 Non-Teaching Staff responses to Questionnaire 4 Question ZN: Have you noticed a change in students’ attitudes due to the peer mediation program?**

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes definite positive change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Somewhat positive change</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Negative change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZO**

Both Non-Teaching Staff members reported that they had noticed no change in students’ moods due to the peer mediation program (Table 6.31).
Table 6.31 Non-Teaching Staff responses to Questionnaire 4 Question ZO: Have you noticed a change in students' moods due to the peer mediation program?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes definite positive change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Somewhat positive change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No change</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Negative change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZP**

Both Non-Teaching Staff members thought that students enjoy the peer mediation program sometimes (Table 6.32).

Table 6.32 Non-Teaching Staff responses to Questionnaire 4 Question ZP: Do you think the students enjoy the peer mediation program?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most of the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sometimes</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don't know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Open-ended questions**

There were two open-ended questions in Questionnaire 4. For the purposes of the open-ended questions, the comments of the Teaching Staff and the Non-Teaching Staff were merged (see Table D.4 in Appendix D, Volume II).

**Question ZJ: Would you like to add your own comments about this (conflicts at school)?**

Out of 18 respondents, 8 people (44%) wrote a comment. The following comments referred to the therapeutic effects for peer mediation process participants:

- Students who are bullied, isolated or unable to communicate effectively will have low self-esteem and will be very quiet or unable to complete work, or
sometimes complete all work but not well, and will perhaps not be able to
present to the class as they are very nervous of the reaction of their peers.
Conflict in the playground always presents as conflict (obvious or hidden from
teachers) in the classroom. (Teacher 4, female)

- We are now dealing with conflict before it becomes bullying. (Teacher 8, male)
- Kids love to be empowered to resolve conflicts. (Teacher 9, female)
- Conflict resolution skills which children can use will improve significantly the
teaching/learning environment. (Teacher 11, male).

**Question ZT: Do you have any suggestions to make the Peer Mediation/anti-
bullying program more successful?**

Out of 18 respondents, 8 people (44%) wrote a comment: these were not the same eight
who responded to Question ZJ, although there was some overlap (six people). The
following comments referred to the therapeutic effects for peer students:

- I have been teaching at this school for 16 years. I have seen the code of ethics
  change in the playground. Where once this was a tough school where the
  strongest ruled, it is now a calm place (sometimes) where all children are
  respected. The children feel happy, safe and secure. They know they will be
  listened to. (Teacher 3, female)

- While it's highly valuable, it needs to be understood it's not the full solution and
  some children — while they do need to be included fully in the program — do
  not have the mindset to understand mediation. However the value of the
  program as a whole to them is still of immense importance. (Teacher 5, female).

Of the eight responses, only four were actual suggestions for improvement and two of
these were abstract suggestions to associate peer mediation with building self-esteem,
and to encourage students to resolve their own conflicts. The other two
recommendations were to allow students to choose their Year 6 Peer Mediator and to
start a book to track peer mediations. Explanations as to how this would improve the
program were not offered by the respondents.

As well as these responses, two members of staff said that staff should make more use
of it, with one stating that staff should be constantly reminded about it as referrals to
peer mediation decrease as the school year progresses.
Questionnaire 6: Parents’ Questionnaire

Ideally, Parents will notice and be affected by any change in their child’s wellbeing. Some questions in Questionnaire 6 are reported here.

Multiple choice questions addressing student wellbeing

Question 2

The results of Table 6.33 show that of the parent group, 93.4% thought that their child was happy at school all or most of the time.

Table 6.33 Parent responses to Questionnaire 6 Question 2: Is your child/children happy at school?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes all the time</td>
<td>55</td>
<td>45.5</td>
</tr>
<tr>
<td>Yes most of the time</td>
<td>58</td>
<td>47.9</td>
</tr>
<tr>
<td>Sometimes</td>
<td>6</td>
<td>5.0</td>
</tr>
<tr>
<td>No, not really</td>
<td>1</td>
<td>0.8</td>
</tr>
<tr>
<td>Don’t know</td>
<td>1</td>
<td>0.8</td>
</tr>
<tr>
<td>Total</td>
<td>121</td>
<td>100</td>
</tr>
</tbody>
</table>

Question 10

Table 6.34 shows that a majority of parents, 103 (76.9%), thought that peer mediation had made a difference to how students get on at school at least some of the time, compared to 9 (7.6%) of the parents who did not think it had made a difference. Seventeen (14%) of the parents did not know if peer mediation had made a difference to how students get on at school.

Table 6.34 Parent responses to Questionnaire 6 Question 10: Do you think peer mediation has made a difference to how students get on at school?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, all the time</td>
<td>33</td>
<td>27.3</td>
</tr>
<tr>
<td>Yes, most of the time</td>
<td>45</td>
<td>37.2</td>
</tr>
<tr>
<td>Sometimes</td>
<td>15</td>
<td>12.4</td>
</tr>
<tr>
<td>No, not really</td>
<td>9</td>
<td>7.4</td>
</tr>
<tr>
<td>I don’t know</td>
<td>17</td>
<td>14.0</td>
</tr>
<tr>
<td>No answer</td>
<td>2</td>
<td>1.7</td>
</tr>
<tr>
<td>Total</td>
<td>121</td>
<td>100</td>
</tr>
</tbody>
</table>
**Question 11**

Findings in Table 6.35 show that a majority of parents (79.4%) thought that peer mediation had made school more enjoyable for their child at least some of the time, compared to 7.5% who thought it had not made school more enjoyable, and 12.5% who didn’t know.

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, all the time</td>
<td>37</td>
<td>30.6</td>
</tr>
<tr>
<td>Yes, most of the time</td>
<td>49</td>
<td>40.5</td>
</tr>
<tr>
<td>Sometimes</td>
<td>10</td>
<td>8.3</td>
</tr>
<tr>
<td>No, not really</td>
<td>9</td>
<td>7.5</td>
</tr>
<tr>
<td>I don’t know</td>
<td>15</td>
<td>12.5</td>
</tr>
<tr>
<td>No answer</td>
<td>1</td>
<td>0.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>121</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question 12**

Table 6.36 reveals that a majority of parents (71.9%) thought that the peer mediation program had been successful most or all of the time. Only a minority (6.6%) of parents thought that the peer mediation program had not been successful, while 20.7% parents did not know whether the peer mediation program had been successful or not.

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, all the time</td>
<td>40</td>
<td>33.3</td>
</tr>
<tr>
<td>Yes, most of the time</td>
<td>47</td>
<td>39.2</td>
</tr>
<tr>
<td>No, not really</td>
<td>8</td>
<td>6.7</td>
</tr>
<tr>
<td>I don’t know</td>
<td>25</td>
<td>20.8</td>
</tr>
<tr>
<td>No answer*</td>
<td>1</td>
<td>0.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>121</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

* One parent did not provide a response to this question.
Open-ended question

Question 13: Do you have any comments about the peer mediation program?

Of the 121 respondents to the survey, 48 (40%) wrote an answer to this question (see Table D.6 in Appendix D, Volume II). Of the 48 responses (data presented in Table 6.37), 3 were negative (6%), with the parents stating that they did not think that the peer mediation program is effective. Ten responses were neutral (21%). The most common neutral comments were an expression of lack of information or ignorance regarding the details of the Program and a request that information be more freely available to parents. The latter point correlates to the high frequency of ‘I don’t know’ answers throughout the questionnaire. The remaining 35 responses (73%) were positive regarding the program.

Table 6.37 Parent responses to Questionnaire 6 Open-ended Question 13: Do you have any comments about the peer mediation program?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Positive response</td>
<td>35</td>
<td>73</td>
</tr>
<tr>
<td>Negative response</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Neutral response</td>
<td>10</td>
<td>21</td>
</tr>
<tr>
<td>Total</td>
<td>48</td>
<td>100</td>
</tr>
</tbody>
</table>

Some examples of the comments made by parents are given below (see summary in Appendix D, Volume II).

Positive comments

- *I think peer mediation has worked really well at helping my child resolve differences with her peers.* (Parent 1 of one girl)
- *I think peer mediation is excellent. To be kind to others, plus not everybody is the same and are always treated the same. Rules are great, no favouritism.* (Parent 74 of one girl)
- *I think it’s a very good program. Older children have learned some leadership responsibilities — good development for them.* (Parent 114 of one boy, one girl)
- *I support my son for the program, it helps him a lot now and when he goes to high school.* (Parent 75 of one boy)
• I believe it’s a great program, our children benefit from it. It should be in all schools. It helps children in their growing years. (Parent 106 of two boys).

Neutral comments
• Parents should be more informed about the program. (Parent 91 of one girl)
• [There should be] information via newsletter or information night on peer mediation for parents. (Parent 98 of one girl)
• I would be happy to find out more information, perhaps by a sheet or booklet with reference to the types of ideas taught in peer mediation. (Parent 86 of one boy)
• I don’t really understand about peer mediation. (Parent 102 of two boys)
• As I haven’t had that much to do with it I don’t know how well it works, but I believe it will do well. (Parent 104 of one boy)
• We get mixed messages about the usefulness of the peer mediation program – sometimes it does not change the situation or the offending behaviour, sometimes things change... Many times my kids won’t report or complain of bad behaviour in others because they will have to go to peer mediation which they think will inflame the situation and expose them to more danger. (Parent 116 of one boy, one girl).

Negative comments
• In my opinion it doesn’t work. (Parent 96 of one girl)
• I do not think peer mediation really works with real bullying. I think it might settle down children but the problem is not solved. After it’s done so many times it loses its effectiveness. (Parent 108 of one girl)
• Children who bully others are not going to stop because another child tells them to work it out together. (Parent 113 of one girl).

Five of the parents’ comments (4%) stated that they had noticed improvements in their children’s wellbeing as a result of the program without being prompted to do so. These responses are given below:
• The peer mediation program has made (my child) more confident in himself. (Parent 78 of one boy, one girl)
• (My child has benefited from being trained to facilitate the program. The program has) increased her self-esteem and her capacity to mediate a variety of situations. Skills to be extrapolated to many areas of life now and in the future. (Parent 80 of one girl)

• As parents we think it’s very successful. It’s especially good to see the older kids taking time out for the younger students. It makes them feel less alienated especially in the first few years. (Parent 83 of one boy)

• The peer mediation program has helped my son a lot with his anger management and to deal with conflict with friends and other students. (Parent 121 of one boy).

6.1.1.2 Recorded interviews

Students

Students were interviewed individually (22 interviews) and in groups (15 interviews). Students were asked questions about the peer mediation program, their perceptions of it and how they react to conflict.

Individual interviews

Of the 22 students interviewed, 21 (95%) were positive about the peer mediation program. One (5%) was not asked about their feelings regarding the peer mediation program during their short interview.

Group interviews

Of the 15 group interviews, 14 (93%) were positive about the peer mediation program; one group did not discuss it.

During the interviews many comments regarding participant wellbeing were recorded:

• Think it helps when you talk, makes people understand how I feel, I think. (Interview 1)

• Peer mediation helps people feel better about themselves. (Interview 3)

• It’s [peer mediation] helpful when I know what to do [inaudible] when something bad happens...because when someone is being mean to me or something, I’d know what to do then. (Interview 1)
• Peer mediation solves a lot of problems and it can make people who are enemies, friends. (Interview 7)

• They [students] cooperate, they listen to each other, they won’t try and lie and take over their story and tell lies I think, they speak in turns. (Interview 5)

• Peer mediation is when people solve your problems and it makes them feel better. (Interview 6)

• Peer mediation is good because it helps other children so they can become friends. (Interview 10)

• Peer mediation helps because it solves problems and it makes people feel better. (Interview 24)

• Peer mediation makes everyone feel better. (Interview 6)

• It makes me feel better that I have somewhere to go if I feel sad or unhappy. (Interview 4)

• I think peer mediation is a good program because it helps people feel better about themselves. (Interview 3)

• Peer mediation is a good thing because it stops bullying. (Interview 2)

• Peer mediation is successful because last year there were only two fights that I saw all year, so I think it’s improving over the years. (Interview 2)

• Peer mediation is good because it helps you figure out problems and the people that organise the peer mediation give up their time to solve our problems and so I think that’s good and that’s nice. (Interview 5)

• It makes me feel sad when you see kids having disagreements because you know how they feel. (Interview 83)

• I feel like hitting other students when I get angry but I just walk away. (Interview 5)

• After peer mediation then they actually dig out their feelings and so both of them know how the other feels and so then they see and they feel upset about it so they say sorry, make up and become friends again. (Interview 80)

• Sometime students solve the problems themselves without peer mediation, they just sit down and ask each other how they feel, and what would have happened if that didn’t happen. They end up being friends again. (Interview 80)

• Every time I’ve gone to peer mediation I have never, when we come out, not been friends with the person. (Interview 8)
• The first time we had peer mediation it didn’t work and then we did another one last week, it did work, and we are now friends. We always play together, sometimes work together, and sit beside each other. Before we did it we argued, made faces, pushed each other when we walked but when we had peer mediation all that stopped. (Interview 24)

• Peer mediation is fun because you get to cooperate with other kids that you wouldn’t normally see in the playground that often. (Interview 2)

• Without peer mediation we’d just stay enemies for ages. (Interview 8)

• I think peer mediation works because they don’t like the person at first but then they end up becoming friends and that makes them happy again. (Interview 78)

• Peer mediation has definitely helped me in everyday life; I know how to solve problems now more than I did before. (Interview 83)

• You need to learn both sides of the story and make a solution. (Interview 85)

• I really want to be a peer mediator because when you solve the problems of two people they are really happy. (Interview 27)

• When friends have fights peer mediation can help them realise that they didn’t mean to fight and become friends again. It’s really cool. (Interview 8)

• Peer mediation teaches people not to be so hard on each other and what to do if you’re in a tight situation. Peer mediation taught me to think differently about things. (Interview 2)

• Peer mediation wouldn’t only work in school. It could also work at work or in courts. (Interview 7)

• My uncles used to scare me a lot and I get really scared really fast and I sat down and talked a little to them and now they don’t scare me anymore. I felt that I could talk to them after learning about peer mediation. (Interview 79)

• If there was no peer mediation there would be much more bullying. There is not much bullying in the school anymore. (Interview 78).

Teaching Staff

Teachers were interviewed individually; ten interviews were conducted. Teachers were all in favour of the peer mediation program and most had anecdotes from personal experience to highlight its effectiveness. Comments relating to student wellbeing were the following:
• One of the benefits for the school has been an improved understanding by the children of their responsibility for their own actions and how their actions affect other children. (Interview 23)

• You've only got to sit the children down and explain to them that somebody's being picked on and we all need to help each other and they all seem to come together and understand how that must feel. (Interview 49)

• Kids now know what is expected of them and how to talk about it. (Interview 68)

• There's no doubt that empathy has improved as a result of the peer mediation program. We used to have a hard time in the classroom, now children are helpful and courteous. (Interview 69)

• Kids get a lot from peer mediation and they see that they can have control over how things are going to go in an interaction with their peers. (Interview 18)

• Some kids think if they can solve it themselves they don't need to go to peer mediation so that's really good. (Interview 18)

• I think the children are prepared to work at relationships and try to solve problems. (Interview 18)

• You see the bigger kids helping the younger students, and the younger students are brave enough to give input because they feel safe in that little group so when they go out into the playground I do notice the younger students gravitate to the people they've got to feel safe within the playground. And the older students are quite protective of the younger students. (Interview 49)

• I can testify having been here over ten years to the improvement of the inter-relationships kids have with each other and with the staff and with the effect on the school as a whole. (Interview 23)

• By the time they get to year six they have learnt skills they can use in high school and indeed for the rest of their lives. (Interview 23)

• In fact, one of the students in year six actually took some of the worksheets home to give to his mum and dad to try and resolve their problems at home. (Interview 50)

• Students retain information on peer mediation throughout the year and into the next. (Interview 18)
• We did a survey last year and found that the majority of the kids in the school had been bullied at some time and felt that they had benefited from the peer mediation program. (Interview 23)

• There has been an increase in the level of confidence and performance in the children in a wide range of areas and the peer mediation program has been a significant factor in this. (Interview 23)

• One little girl had a lot of anger management problems, peer mediation gave her a forum to express her feelings so she could calm down. (Interview 22)

• They do learn something they come back calmer and are able to learn. (Interview 22)

• When they come to peer mediation they are really angry, hurt and frustrated because something’s happened and they feel they need revenge. After some time talking about it quite often they discover the reason it happened was just an accident and someone did not stop to apologise or explain. (Interview 69)

• The school has a lovely atmosphere and is a good environment. (Interview 80)

• Peer mediation has resulted in a significant lift in the academic standards that have been achieved. (Interview 50)

• It has become part of the culture within the school, where once they would have turned to being violent or abusive they now look for other ways of solving the problem. (Interview 50)

• Prior to the peer mediation program the only means of dealing with disputes was through physical action, name calling, calling their friends or relatives to get gangs. We were having 60 kids a week on detention, now we spend the whole time teaching. (Interview 69)

• The children are aware of the expectations regarding behaviour and it is always in the back of their minds. (Interview 80).

Parents

Three parents were interviewed. Comments relevant to the wellbeing of participants were the following:

• I think my daughter got a lot of benefit from it, I think it has helped equip her for high school. (Interview 87)
• *I find that my son's skills in resolving problems have improved. I think it has definitely enhanced his communication skills.* (Interview 87)

• *They feel good when they have helped the little kids sort it out.* (Interview 87)

### 6.1.1.3 Observations

Whilst in the school, the researcher observed two students attempting to resolve a dispute that had occurred between them. They told the researcher that "*we’ve been having a little bit of a fight and we just need to sort it out because it’s getting a little bit too hard for us to cope with.*" They invited the researcher to observe and make a video recording of their discussion.

The students then proceeded to go over their respective versions of events and tried to discover the root of the dispute. The students were actively engaged with each other and making a genuine attempt to solve their problem independently of a peer mediation process whilst making use of the skills learnt in the program. The problem was resolved and the students both reported feeling much better for resolving the dispute.

A video recorded observation was also made of a peer mediation process in action. The participants in the process were actively engaged at all points and made full use of all opportunities to participate in the process. The problem in this case was resolved.

### 6.1.1.4 Is there a therapeutic effect conferred to Process Participants

Therapeutic effects that are reported consistently are increased empathy, enhanced anger management skills, improved communication skills, preserved and enhanced relationships between students; conflict resolution skills that can be applied to different situations; and an enhanced school environment.

In Chapter 8, Discussion, these findings will be explored to assess students' experience of these therapeutic effects and how their experience may assist in understanding how the Program achieves its results.

### 6.1.2 Process Non-Participants

Students (n = 79) who did not participate in the peer mediation process to resolve a dispute still participated in the peer mediation Program (mandatory for all students).
6.1.2.1 Written surveys

Questionnaire 1: Peer Mediation Student Survey

Multiple choice questions

Question G

The results in Table 6.38 show that 68.4% of non-participants felt that peer mediation is a good way to sort out problems, compared to 77.0% of participants (Table 6.2). Further, 51.9% of non-participants thought it makes students feel better to talk at peer mediation compared to 63.5% of participants, while 19.0% of non-participants thought peer mediation is fun compared to 37.8% of participants.

Table 6.38 Process Non-Participants' responses to Questionnaire 1 Question G: What do you think about peer mediation?

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>It's a good way to sort out problems</td>
<td>54</td>
<td>68.4</td>
</tr>
<tr>
<td>It's good fun</td>
<td>15</td>
<td>19.0</td>
</tr>
<tr>
<td>It makes students feel better to talk</td>
<td>41</td>
<td>51.9</td>
</tr>
<tr>
<td>It makes students feel sad to talk about how they feel</td>
<td>3</td>
<td>3.8</td>
</tr>
<tr>
<td>It does not sort out problems between students</td>
<td>3</td>
<td>3.8</td>
</tr>
<tr>
<td>None of these</td>
<td>15</td>
<td>19.0</td>
</tr>
<tr>
<td>Total</td>
<td>131</td>
<td></td>
</tr>
</tbody>
</table>

Question H

Table 6.39 shows that 69.6% of non-participants enjoyed learning about peer mediation at least some of the time, compared to 82.5% of participants (Table 6.3).
Table 6.39 Process Non-Participants’ responses to Questionnaire 1 Question H: Do you enjoy learning about peer mediation?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>16</td>
<td>20.3</td>
</tr>
<tr>
<td>Most of the time</td>
<td>17</td>
<td>21.5</td>
</tr>
<tr>
<td>Sometimes</td>
<td>22</td>
<td>27.8</td>
</tr>
<tr>
<td>Not really</td>
<td>12</td>
<td>15.2</td>
</tr>
<tr>
<td>Never</td>
<td>11</td>
<td>13.9</td>
</tr>
<tr>
<td>No answer</td>
<td>1</td>
<td>1.3</td>
</tr>
<tr>
<td>Total</td>
<td>79</td>
<td>100</td>
</tr>
</tbody>
</table>

Question I

Table 6.40 shows 88.6% of non-participants thought that students feel better when they talk about feelings at peer mediation at least some of the time, compared to 100% of participants (Table 6.4).

Table 6.40 Process Non-Participants’ responses to Questionnaire 1 Question I: Do you think students feel better when they talk about feelings at peer mediation?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>16</td>
<td>20.3</td>
</tr>
<tr>
<td>Most of the time</td>
<td>30</td>
<td>38.0</td>
</tr>
<tr>
<td>Sometimes</td>
<td>23</td>
<td>29.1</td>
</tr>
<tr>
<td>Not really</td>
<td>3</td>
<td>3.8</td>
</tr>
<tr>
<td>Never</td>
<td>6</td>
<td>7.6</td>
</tr>
<tr>
<td>No answer</td>
<td>1</td>
<td>1.3</td>
</tr>
<tr>
<td>Total</td>
<td>79</td>
<td>100</td>
</tr>
</tbody>
</table>

Question J

Table 6.41 shows that 87.3% of non-participants thought that Peer Mediators are helpful at least some of the time, compared to 96% of participants (Table 6.5).
Table 6.41 Process Non-Participants' responses to Questionnaire 1 Question J: Do you think peer mediators are helpful?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes all the time</td>
<td>47</td>
<td>59.5</td>
</tr>
<tr>
<td>Some of the time</td>
<td>22</td>
<td>27.8</td>
</tr>
<tr>
<td>Not really</td>
<td>2</td>
<td>2.5</td>
</tr>
<tr>
<td>Not at all</td>
<td>6</td>
<td>7.6</td>
</tr>
<tr>
<td>No answer</td>
<td>2</td>
<td>2.5</td>
</tr>
<tr>
<td>Total</td>
<td>79</td>
<td>100</td>
</tr>
</tbody>
</table>

**Question K**

Table 6.42 shows that 88.5% of non-participants felt that Peer Mediators are responsible and helpful, which is similar to the 87.8% of Process Participants who felt that Peer Mediators are responsible and helpful (Table 6.5). Also, 37.2% of non-participants said that they like telling the Peer Mediators how they feel, compared with 48.6% of participants.

Table 6.42 Process Non-Participants' responses to Questionnaire 1 Question K: What do you think of the peer mediators?

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents†</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible and helpful</td>
<td>69</td>
<td>88.5</td>
</tr>
<tr>
<td>Not helpful</td>
<td>3</td>
<td>3.8</td>
</tr>
<tr>
<td>I like telling them how I feel</td>
<td>29</td>
<td>37.2</td>
</tr>
<tr>
<td>I don't like telling them how I feel</td>
<td>7</td>
<td>9.0</td>
</tr>
<tr>
<td>None of the above</td>
<td>4</td>
<td>5.1</td>
</tr>
<tr>
<td>No answer</td>
<td>1</td>
<td>1.3</td>
</tr>
<tr>
<td>Total</td>
<td>113</td>
<td>—</td>
</tr>
</tbody>
</table>

**Question M**

Table 6.43 shows that 82.2% of non-participants thought that learning about bullying and peer mediation helps them in the classroom to some degree, compared to 76.4% of participants (Table 6.7).
Table 6.43 Process Non-Participants' responses to Questionnaire 1 Question M: *Does learning about bullying and PM help you in the classroom?*

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes a lot</td>
<td>31</td>
<td>39.2</td>
</tr>
<tr>
<td>Yes a little</td>
<td>34</td>
<td>43.0</td>
</tr>
<tr>
<td>No</td>
<td>5</td>
<td>6.3</td>
</tr>
<tr>
<td>Don't know</td>
<td>8</td>
<td>10.1</td>
</tr>
<tr>
<td>No answer</td>
<td>1</td>
<td>1.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>79</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question N**

Table 6.44 shows that 73.4% of non-participants thought that learning about bullying and peer mediation helps them in the playground to some degree. This can be compared with 86.5% of participants (Table 6.8).

Table 6.44 Process Non-Participants' responses to Questionnaire 1 Question N: *Does learning about bullying and PM help you in the playground?*

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes a lot</td>
<td>29</td>
<td>36.7</td>
</tr>
<tr>
<td>Yes a little</td>
<td>29</td>
<td>36.7</td>
</tr>
<tr>
<td>No</td>
<td>10</td>
<td>12.7</td>
</tr>
<tr>
<td>Don't know</td>
<td>10</td>
<td>12.7</td>
</tr>
<tr>
<td>No answer</td>
<td>1</td>
<td>1.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>79</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question P**

Table 6.45 shows that 81% of non-participants thought that learning about peer mediation will be helpful when they are older, which is similar to the 83.8% of participants that held this view (Table 6.9).
Table 6.45 Process Non-Participants' responses to Questionnaire 1 Question P: Do you think learning about PM will help you when you are older?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes all the time</td>
<td>33</td>
<td>41.8</td>
</tr>
<tr>
<td>Sometimes</td>
<td>31</td>
<td>39.2</td>
</tr>
<tr>
<td>Not really</td>
<td>5</td>
<td>6.3</td>
</tr>
<tr>
<td>Not at all</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don't know</td>
<td>9</td>
<td>11.4</td>
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<tr>
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<td>1.3</td>
</tr>
<tr>
<td>Total</td>
<td>79</td>
<td>100</td>
</tr>
</tbody>
</table>

Open-ended question

Question Q

The responses of the 79 students in this population were included with the responses of the Process Participants and presented in Section 6.1.1.1 Question Q: Can you write down what you think of peer mediation?

6.1.2.2 Recorded interviews and observations

The comments previously reported, that refer to the effects of the peer mediation program on students, apply to this group as all students participate in the peer mediation program.

As students at the school comment on the effects of the Program they will refer to non-participants as well as participants.

6.1.2.3 Is there a therapeutic effect conferred to Process Non-Participants?

Therapeutic effects of the Program are consistently reported for this population: increased empathy, enhanced anger management skills, improved communication skills, conflict resolution skills that can be applied to different situations, and enhanced school environment.
6.1.3 Peer Mediators

As Peer Mediators, the Year 6 students administrate the peer mediation process. Data was generated to investigate the possibility of increased therapeutic effects being conferred to this population as a result of administrating the peer mediation process.

6.1.3.1 Written surveys

Questionnaire 2: Peer Mediation Student Survey, Year 6 supplementary questions

Multiple choice questions

Question R

Table 6.46 shows that 78.3% of Peer Mediators felt that they were role models to the younger students, and 43.5% felt that they made a contribution to the school.

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make a contribution to the school</td>
<td>4</td>
<td>17.4</td>
</tr>
<tr>
<td>Be a role model to younger students</td>
<td>12</td>
<td>52.2</td>
</tr>
<tr>
<td>Be responsible</td>
<td>8</td>
<td>34.8</td>
</tr>
<tr>
<td>Practice skills that were taught in class</td>
<td>3</td>
<td>13.0</td>
</tr>
<tr>
<td>All of these</td>
<td>6</td>
<td>26.1</td>
</tr>
<tr>
<td>None of the above</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>33</strong></td>
<td></td>
</tr>
</tbody>
</table>

Question S

Table 6.47 shows that 82.6% of Peer Mediators indicated that after a peer mediation they felt that they had helped students or staff. Only one (4.3%) felt that they did not help anyone.
Table 6.47 Peer Mediators' responses to Questionnaire 2 Question S: After peer mediation how do you feel?

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>That you helped students sort things out</td>
<td>19</td>
<td>82.6</td>
</tr>
<tr>
<td>That you helped teachers</td>
<td>6</td>
<td>26.1</td>
</tr>
<tr>
<td>That you helped the school community</td>
<td>6</td>
<td>26.1</td>
</tr>
<tr>
<td>That you didn’t help anyone</td>
<td>1</td>
<td>4.3</td>
</tr>
<tr>
<td>None of the above</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>32</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Question T**

Table 6.48 shows that 78.3% of Peer Mediators felt that they helped students to talk out their problems, and 69.6% of them believed that they helped students to talk about their feelings.

Table 6.48 Peer Mediators' responses to Questionnaire 2 Question T: After peer mediation do you feel you...?

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helped students talk things out</td>
<td>12</td>
<td>52.2</td>
</tr>
<tr>
<td>Practiced skills taught in class</td>
<td>5</td>
<td>21.7</td>
</tr>
<tr>
<td>Encouraged students to talk about feelings</td>
<td>10</td>
<td>43.5</td>
</tr>
<tr>
<td>All of these</td>
<td>6</td>
<td>26.1</td>
</tr>
<tr>
<td>None of the above</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>33</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Question U**

Table 6.49 shows that 69.6% of Peer Mediators enjoyed their role at least some of the time.
Table 6.49 Peer Mediators' responses to Questionnaire 2 Question U: Do you enjoy being a peer mediator?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes all the time</td>
<td>2</td>
<td>8.7</td>
</tr>
<tr>
<td>Some of the time</td>
<td>14</td>
<td>60.9</td>
</tr>
<tr>
<td>Not really</td>
<td>1</td>
<td>4.3</td>
</tr>
<tr>
<td>Don't know</td>
<td>2</td>
<td>8.7</td>
</tr>
<tr>
<td>No answer</td>
<td>4</td>
<td>17.4</td>
</tr>
<tr>
<td>Total</td>
<td>23</td>
<td>100</td>
</tr>
</tbody>
</table>

**Question V**

It was found that 60.9% of Peer Mediators thought that the role will help them in other areas of their lives (Table 6.50).

Table 6.50 Peer Mediators' responses to Questionnaire 2 Question V: Do you think being a peer mediator will be useful in other areas of your life?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes all the time</td>
<td>2</td>
<td>8.7</td>
</tr>
<tr>
<td>Some of the time</td>
<td>12</td>
<td>52.2</td>
</tr>
<tr>
<td>Not really</td>
<td>3</td>
<td>13.0</td>
</tr>
<tr>
<td>Don't know</td>
<td>2</td>
<td>8.7</td>
</tr>
<tr>
<td>No answer</td>
<td>4</td>
<td>17.4</td>
</tr>
<tr>
<td>Total</td>
<td>23</td>
<td>100</td>
</tr>
</tbody>
</table>

**Question W**

It was found that 52.2% of Peer Mediators thought that the role will help them when they are older (Table 6.51).
Table 6.51 Peer Mediators’ responses to Questionnaire 2 Question W: Do you think having been a peer mediator will be useful when you are older?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes all the time</td>
<td>4</td>
<td>17.4</td>
</tr>
<tr>
<td>Some of the time</td>
<td>8</td>
<td>34.8</td>
</tr>
<tr>
<td>Not really</td>
<td>5</td>
<td>21.7</td>
</tr>
<tr>
<td>Don’t know</td>
<td>2</td>
<td>8.7</td>
</tr>
<tr>
<td>No answer</td>
<td>4</td>
<td>17.4</td>
</tr>
<tr>
<td>Total</td>
<td>23</td>
<td>100</td>
</tr>
</tbody>
</table>

**Open-ended question**

**Question X: If you think the experience of being a peer mediator will be useful in the future, can you write down why?**

Of the 23 students in this sub-population, 16 students (69.5%) wrote a response to this question (see Appendix D, Volume II). All of the 16 responses suggested that peer mediation would be useful in the future, referring to their ability to mediate future problems, such as fights or bullying. Three of the 16 responses (18.75%) referred to their experience of being a Peer Mediator specifically being useful for high school.

**6.1.3.2 Recorded interviews**

The beneficial effects of being a Peer Mediator were raised consistently in interviews.

**Year 6 Peer Mediators**

- *I feel as a peer mediator responsible and like a hero because I’m helping younger kids.* (Interview 43)
- *As a peer mediator I feel responsible for helping other kids.* (Interview 43)
- *We feel responsible and trustworthy, also it is fun to solve other people’s problems.* (Interview 19)
- *I’ve learnt more about bullying and it has helped me to understand how people feel.* (Interview 25)
- *Having been through peer mediation process it has changed the way we deal with conflicts.* (Interview 19)
- *Being a peer mediator lets us help more people and teaches us how to think about things.* (Interview 21)
• I hope the skills I have learnt as a peer mediator will stay with me forever. (Interview 25)
• The best way to resolve conflict is to listen to the other person’s opinion and work it out. (Interview 76)
• I feel happy because I can actually help stop the bullying and any problems that happen in the school. (Interview 34)
• You feel much better after peer mediation because you are getting much more friends because you are solving problems. (Interview 76)
• Being a peer mediator makes me feel much more confident and happy that I can deal with any fights that happen. (Interview 76).

Students
• I want to be a peer mediator when I grow up. (Interview 19)
• I like being a peer mediator so I can help people. (Interview 19)
• I really want to be a peer mediator because when you solve the problems of two people they are really happy. (Interview 27)
• Because [when you are a peer mediator] you get to cooperate with other kids that you normally don’t see in the playground that often. (Interview 2).

Former students
• It was awesome. When you are a peer mediator you realise you can actually help people even though you are only a primary school pupil. (Interview 35)
• You have to think of solutions for other people’s problems, which teaches you to help yourself. (Interview 35)
• We were older and able to set an example to the younger kids and they’d listen to people who were older. (Interview 32)
• I think we sorted it out in a more child-friendly way, sometimes they hold back in front of teachers. (Interview 32)
• I think they listened to us more because the teachers were older and scarier, we were like them. (Interview 32).
Staff

- By being peer mediators the Year 6 students understand peer mediation in a way that people who aren't in the program or who are just participants in the process would never understand. (Interview 23)
- You see that Year 6 children become more confident and much more articulate, their problem-solving skills become much improved and how they approach people in their personal skills and interaction are much more improved. (Interview 50)
- I feel the number of children who have gone onto leadership roles at their high school, such as school councilors and prefects, is disproportionate to the number of children we have here. (Interview 50)
- In fact, one of the students in year six actually took some of the worksheets home to give to his mum and dad to try and resolve their problems. (Interview 50)
- It’s a good program for the older kids as they get a lot of value from it and learn to sort out their own problems as well. (Interview 22)
- They learn to use language which allows a younger child to express their feelings. (Interview 22).

6.1.3.3 Observations

Observation 4

A Year 6 class presentation about peer mediation and what it means to be a Peer Mediator was observed. The following are quotes from the Year 6 children:

- I feel good, positive, responsible and proud. We feel these things because we are solving other people’s problems.
- Other kids feel good about [Vale] because they feel safe in the school because they get kids to solve their problems.
- Its good because they can all solve the problem because they can hear both sides of the story and help work out what is best for everyone.
- We never have to be friends only we have to just understand that it’s good to say how you feel in a nice way to each other.
- When I solve a problem I feel happy, proud, responsible, joyful, knowing I did the right thing to help kids.
• Other kids who want to have peer mediation know that they are not in trouble, that we trust them, that they can rely on Year 6, that they won’t have the bad feeling anymore, that they can express themselves, that they won’t feel embarrassed that it’s confidential.

6.1.3.4 Is there a therapeutic effect conferred to the Year 6 Peer Mediators?

The findings suggest that there is a therapeutic effect conferred to Peer Mediators. Some therapeutic effects are consistently mentioned by the respondents to the study:

• Feeling proud and responsible for helping their peers
• Feeling good about themselves as they are making the school safer and more fun
• Increased empathy
• Improved communication skills
• Preserved and enhanced relationships with other students
• Mediation skills that can be applied to different situations
• Enhanced school environment.

6.1.4 Teaching Staff

Some questions from the Teaching Staff Questionnaire concerned with students’ wellbeing are listed below.

6.1.4.1 Written surveys

Questionnaire 4: Staff Questionnaire

Multiple choice questions which refer to staff wellbeing

Question E

Responses (Table 6.52) are concentrated around the ‘in fits and spurts’ response. It is clear that teachers do still spend time sorting out student conflicts, but that they do not feel this is a significant drain on their time.
Table 6.52 Teaching Staff responses to Questionnaire 4 Question E: Do you feel you spend a lot of time sorting out student conflicts?

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Most of the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sometimes</td>
<td>5</td>
<td>31.3</td>
</tr>
<tr>
<td>In fits and spurts</td>
<td>8</td>
<td>50.0</td>
</tr>
<tr>
<td>Rarely</td>
<td>4</td>
<td>25.5</td>
</tr>
<tr>
<td>Never</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td>I refer to discipline system</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Question F**

Responses (Table 6.53) here are grouped around the ‘rarely’ response. This indicates that teachers are able to handle the level of conflict occurring in the school.

Table 6.53 Teaching Staff responses to Questionnaire 4 Question F: Do you ever feel overburdened with the demands of dealing with student conflicts?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Most of the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sometimes</td>
<td>2</td>
<td>12.5</td>
</tr>
<tr>
<td>In fits and spurts</td>
<td>5</td>
<td>31.3</td>
</tr>
<tr>
<td>Rarely</td>
<td>7</td>
<td>43.8</td>
</tr>
<tr>
<td>Never</td>
<td>2</td>
<td>12.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question L**

The majority of teachers felt that dealing with student conflict is a part of the job (see Table 6.54). However, a significant minority (25.1%) reported that they felt either anxious, upset or nervous as a result. It is also possible that teachers who answered that it is part of the job were affected emotionally to some degree.
Table 6.54 Teaching Staff responses to Questionnaire 4 Question L: How do you feel when you have to sort out student conflicts?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anxious</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td>Upset</td>
<td>2</td>
<td>12.5</td>
</tr>
<tr>
<td>Nervous about making the right decision</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td>None of these</td>
<td>2</td>
<td>12.5</td>
</tr>
<tr>
<td>Part of the job</td>
<td>10</td>
<td>62.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question M**

Table 6.55 shows that 81.3% of teachers reported that dealing with student conflict affects them emotionally at least some of the time.

Table 6.55 Teaching Staff responses to Questionnaire 4 Question M: Does it affect you emotionally to deal with student conflicts?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td>Sometimes</td>
<td>12</td>
<td>75.0</td>
</tr>
<tr>
<td>Rarely</td>
<td>2</td>
<td>12.5</td>
</tr>
<tr>
<td>Never</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question N**

Table 6.56 shows that most teachers are only affected by student conflicts during the day of the conflict. A small number are affected for longer and a severe incident may affect a teacher emotionally for a significant length of time afterwards.
Table 6.56 Teaching Staff responses to Questionnaire 4 Question N: Sorting out student conflict affects me emotionally for...?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>A few minutes</td>
<td>9</td>
<td>56.3</td>
</tr>
<tr>
<td>The day of the conflict</td>
<td>3</td>
<td>18.8</td>
</tr>
<tr>
<td>A few days</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td>A long period of time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Still affected by some</td>
<td>2</td>
<td>12.5</td>
</tr>
<tr>
<td>Not at all</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No answer</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question O**

Teachers generally reported (Table 6.57) that dealing with student conflict can be a distraction from teaching. Only two teachers thought that it never distracted them from their teaching.

Table 6.57 Teaching Staff responses to Questionnaire 4 Question O: When you sort out student conflict does it distract you from teaching?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most of the time</td>
<td>2</td>
<td>12.5</td>
</tr>
<tr>
<td>Sometimes</td>
<td>9</td>
<td>56.3</td>
</tr>
<tr>
<td>Rarely</td>
<td>3</td>
<td>18.8</td>
</tr>
<tr>
<td>Never</td>
<td>2</td>
<td>12.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question P**

The response data shown in Table 6.58 indicate that dealing with student conflicts can affect a teacher’s private life, although this is not a common occurrence.
Table 6.58 Teaching Staff responses to Questionnaire 4 Question P: When you sort out student conflict does it affect your private life?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sometimes</td>
<td>2</td>
<td>12.5</td>
</tr>
<tr>
<td>Rarely</td>
<td>5</td>
<td>31.3</td>
</tr>
<tr>
<td>Never</td>
<td>9</td>
<td>56.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question Q**

Teachers may also be emotionally affected by students being disciplined. (see Table 6.59).

Table 6.59 Teaching Staff responses to Questionnaire 4 Question Q: Do you feel emotionally affected when students enter the discipline system?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most of the time</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td>Sometimes</td>
<td>2</td>
<td>12.5</td>
</tr>
<tr>
<td>Rarely</td>
<td>8</td>
<td>50.0</td>
</tr>
<tr>
<td>Never</td>
<td>5</td>
<td>31.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZA**

Most teachers (87.5%) felt that teaching would be more enjoyable if students solved their own conflicts without teacher intervention (Table 6.60).

Table 6.60 Teaching Staff responses to Questionnaire 4 Question ZA: Would teaching be more enjoyable if students tried to solve their own conflicts?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>4</td>
<td>25.0</td>
</tr>
<tr>
<td>Most of the time</td>
<td>10</td>
<td>62.5</td>
</tr>
<tr>
<td>Sometimes</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td>Don't know</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>
**Question ZB**

Table 6.61 shows that 100% of teachers felt that the peer mediation program helps in at least some areas of teaching and supervising the students.

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>12</td>
<td>75.0</td>
</tr>
<tr>
<td>In most areas</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td>In some areas</td>
<td>3</td>
<td>18.8</td>
</tr>
<tr>
<td>No</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don't know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZC**

Table 6.62 shows that 75% of teachers felt that they had benefited from learning about conflict management in terms of understanding the students; 25% disagreed.

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>12</td>
<td>75</td>
</tr>
<tr>
<td>Maybe</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No</td>
<td>4</td>
<td>25</td>
</tr>
<tr>
<td>Don't know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZD**

Table 6.63 shows that 100% of teachers think it is beneficial for them to learn about conflict resolution and management.
Table 6.63 Teaching Staff responses to Questionnaire 4 Question ZD: Do you think it is beneficial for you to learn about conflict resolution and management?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>16</td>
<td>100</td>
</tr>
<tr>
<td>Most of the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sometimes</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>100</td>
</tr>
</tbody>
</table>

Question ZR

Table 6.64 shows that 81.3% of teachers found the Peer Mediators helpful at least some of the time. No teachers said that they weren’t helpful.

Table 6.64 Teaching Staff responses to Questionnaire 4 Question ZR: Have you found the Year 6 peer mediators helpful in dealing with conflict and bullying?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>2</td>
<td>12.5</td>
</tr>
<tr>
<td>Most of the time</td>
<td>4</td>
<td>25.0</td>
</tr>
<tr>
<td>Sometimes</td>
<td>7</td>
<td>43.8</td>
</tr>
<tr>
<td>Not really</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don’t know</td>
<td>3</td>
<td>18.8</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>100</td>
</tr>
</tbody>
</table>

6.1.4.2 Recorded interviews

Some of the interviews addressed the wellbeing of teachers and how this is affected by the peer mediation program at the school.

Teaching Staff

- Having the students deal with their conflicts allows you not to take on board that baggage. (Interview 22)
- I am employed to teach them to read and often they are bad at communicating and there's a lot of frustration and anger, so my time is spent sorting out behaviour issues rather than teaching them to read. (Interview 66)
- Peer mediation gives students power to solve problems and takes it away from me which is a good thing. (Interview 22)
- It's good for teachers as we're no longer embroiled in these disputes. They're developing a whole new range of skills to deal with it. (Interview 69)
- Having to sort out fighting kids can be stressful. (Interview 66)
- I will sometimes lie in bed and think about how I dealt with a conflict situation at school. (Interview 75)
- The peer mediation program has definitely decreased my workload. (Interview 75)
- The peer mediation program reduces the burden on us teachers to an extent. (Interview 86)
- In the past severe behavioural problem have affected me quite seriously. (Interview 86).

6.1.4.3 Is there a therapeutic effect conferred to the Teaching Staff?

The findings collected suggest that the peer mediation program has therapeutic effects for the teachers. Consistently mentioned effects are reduced emotional burden, reduced workload, increased job satisfaction, benefit from learning about conflict resolution and its applicability to their own lives, and enhanced school environment.

6.1.5 Non-Teaching Staff

6.1.5.1 Written surveys

Questionnaire 4: Staff Questionnaire

Multiple choice questions

The two non-teaching members of staff answered Questionnaire 4: Staff Questionnaire. As members of the school community they will benefit from any improvements in the school environment and will be aware of how the students interact.
Question B

Both non-teaching members of staff reported that they enjoy working in the school most of the time (Table 6.65).

Table 6.65 Non-Teaching Staff responses to Questionnaire 4 Question B: Do you enjoy working in the school?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most of the time</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Sometimes</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>2</td>
<td>100</td>
</tr>
</tbody>
</table>

Question R

Both non-teaching members of staff felt that students try to solve conflicts in a positive way most of the time (Table 6.66).

Table 6.66 Non-Teaching Staff responses to Questionnaire 4 Question R: Do students try to solve their conflicts in positive ways?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most of the time</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Sometimes</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>2</td>
<td>100</td>
</tr>
</tbody>
</table>

Question S

Both non-teaching members of staff thought that the students’ conflict resolution skills are good (Table 6.67).
Table 6.67 Non-Teaching Staff responses to Questionnaire 4 Question S: How do you rate student conflict resolution skills at this school?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Good</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>OK</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bad</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>2</td>
<td>100</td>
</tr>
</tbody>
</table>

**Question T**

Both non-teaching members of staff thought that the students are provided with an environment to solve their own conflicts positively most of the time (Table 6.68).

Table 6.68 Non-Teaching Staff responses to Questionnaire 4 Question T: Are students provided with an environment to solve their own conflicts positively?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Most of the time</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>2</td>
<td>100</td>
</tr>
</tbody>
</table>

**Question W**

Both non-teaching members of staff thought that it is a good idea to teach the students about conflict resolution and conflict management (Table 6.69).

Table 6.69 Non-Teaching Staff responses to Questionnaire 4 Question W: Do you think it’s a good idea to teach about conflict resolution and conflict management?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Most of the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>2</td>
<td>100</td>
</tr>
</tbody>
</table>
**Question ZB**

Both non-teaching members of staff thought that the conflict resolution program helps with teaching and supervision (Table 6.70).

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>In most areas</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>In some areas</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZC**

Both non-teaching members of staff thought that they were better able to understand the students as a result of learning about conflict resolution and management (Table 6.71).

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Maybe</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZD**

Both non-teaching members of staff thought that it is beneficial for them to learn about conflict resolution and management (Table 6.72).
Table 6.72 Non-Teaching Staff responses to Questionnaire 4 Question ZD: Do you think it is beneficial for you to learn about conflict resolution and management?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Most of the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sometimes</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>2</td>
<td>100</td>
</tr>
</tbody>
</table>

**Question ZL**

Both non-teaching members of staff had noticed a definite positive change in students’ behaviour towards one another as a result of the Program (Table 6.73).

Table 6.73 Non-Teaching Staff responses to Questionnaire 4 Question ZL: Have you noticed a change in students’ behaviour towards one another due to the peer mediation program?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes definite positive change</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Somewhat positive change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negative change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>2</td>
<td>100</td>
</tr>
</tbody>
</table>

**Question ZM**

Both non-teaching members of staff had noticed a somewhat positive change in student classroom behaviour as a result of the peer mediation program (Table 6.74).
Table 6.74 Non-Teaching Staff responses to Questionnaire 4 Question ZM: Have you noticed change in classroom behaviour due to the peer mediation program?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes definite positive change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Somewhat positive change</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>No change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negative change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don't know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZN**

Both non-teaching members of staff had noticed a positive change in students' attitudes as a result of the peer mediation program (Table 6.75).

Table 6.75 Non-Teaching Staff responses to Questionnaire 4 Question ZN: Have you noticed a change in students' attitudes due to the peer mediation program?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes definite positive change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Somewhat positive change</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Negative change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZO**

Both non-teaching members of staff reported that they had noticed no change in students' moods due to the peer mediation program (Table 6.76).
Table 6.76 Non-Teaching Staff responses to Questionnaire 4 Question ZO: Have you noticed a change in students’ moods due to the peer mediation program?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes definite positive change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Somewhat positive change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No change</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Negative change</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZP**

Both non-teaching members of staff thought that students enjoy the peer mediation program sometimes (Table 6.77).

Table 6.77 Non-Teaching Staff responses to Questionnaire 4 Question ZP: Do you think the students enjoy the peer mediation program?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Most of the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sometimes</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Rarely</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

### 6.1.5.2 Is there a therapeutic effect conferred to the non-teaching members of staff?

The findings collected suggest that there is a therapeutic effect for the non-teaching members of staff due to the peer mediation program. They reported that they had noticed a beneficial effect on students due to the peer mediation program and that they enjoyed working in the school most of the time. The non-teaching members of staff appear to derive a therapeutic effect from the positive effect that the peer mediation program has on the school environment. They also reported that they had learnt something about conflict management and resolution themselves from the program and
felt that this was beneficial to them. Consistently mentioned effects were the benefit from learning about conflict resolution and its applicability to their own lives, and the enhanced school environment.

6.1.6 Former Students

If students learn skills and techniques from the peer mediation program that will help them later in life, then former students should be able to recognise that they have acquired these skills and that they have benefited from them.

6.1.6.1 Written surveys

Questionnaire 5: Questionnaire: Former Students

Multiple choice questions

Question D

In describing their interaction with others (Table 6.78), 83.3% of former students felt that they get on well with others.

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>I get on well with others</td>
<td>20</td>
<td>83.3</td>
</tr>
<tr>
<td>I work hard to get on well with others</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>I find it difficult to get on well with others</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>From time to time I find it difficult, but I can sort it out</td>
<td>2</td>
<td>8.3</td>
</tr>
<tr>
<td>From time to time I find it difficult, and I find it hard to sort it out</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>I do not get on well with others</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>I don't know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No answer</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>Total</td>
<td>24</td>
<td>100</td>
</tr>
</tbody>
</table>

Question E

Table 6.79 shows that 87.5% of former students felt that they are able resolve a conflict by talking it through some or most of the time.
Table 6.79 Former Students' responses to Questionnaire 5 Question E: Do you think you are able to resolve a fight or disagreement by talking it out?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>13</td>
<td>54.2</td>
</tr>
<tr>
<td>Sometimes</td>
<td>8</td>
<td>33.3</td>
</tr>
<tr>
<td>Rarely</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>No</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>No answer</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>Total</td>
<td>24</td>
<td>100</td>
</tr>
</tbody>
</table>

*Question F*

Table 6.80 shows that 69.2% (18/26) of the Former Students' responses were that they do attempt to resolve conflicts through talking it out.

Table 6.80 Former Students' responses to Questionnaire 5 Question F: What would you do if you had a fight or disagreement with another student?

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Let them know how you feel by talking about it and try to sort it out</td>
<td>11</td>
<td>54.8</td>
</tr>
<tr>
<td>Try to let them know how you feel and talk about it but often another student would not respond</td>
<td>7</td>
<td>29.2</td>
</tr>
<tr>
<td>Retaliate with physical violence</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>&quot;Get back&quot; at them when you can</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>Try to force them to accept your point of view</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>Keep away</td>
<td>3</td>
<td>12.5</td>
</tr>
<tr>
<td>Tell friend</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Tell staff member</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Tell a family member, family friend or guardian</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>Use any conflict management resources available in your school</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Do nothing</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>Total</td>
<td>26</td>
<td>-</td>
</tr>
</tbody>
</table>

*Question G*

Table 6.81 shows that 59.2% (16/27) of the Former Students' responses were that they would attempt to talk about a problem with a student that made them upset or angry.
Table 6.81 Former Students’ responses to Questionnaire 5 Question G: *What would you do if another student upset you or made you angry?*

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Let them know how you feel by talking about it and try to sort it out</td>
<td>9</td>
<td>37.5</td>
</tr>
<tr>
<td>Try to let them know how you feel and talk about it but often another student would not respond</td>
<td>7</td>
<td>29.2</td>
</tr>
<tr>
<td>Retaliate with physical violence</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>&quot;Get back&quot; at them when you can</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>Insult them</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Try to force them to accept your point of view</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>Keep away</td>
<td>3</td>
<td>12.5</td>
</tr>
<tr>
<td>Tell friend</td>
<td>3</td>
<td>12.5</td>
</tr>
<tr>
<td>Tell staff member</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Tell a family member, family friend or guardian</td>
<td>2</td>
<td>8.3</td>
</tr>
<tr>
<td>Use any conflict management resources available in your school</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Do nothing</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Question H**

Table 6.82 shows that 100% of Former Students thought that students feel happier if they can talk about issues at least some of the time.

Table 6.82 Former Students’ responses to Questionnaire 5 Question H: *Do you think students feel happier when they can talk out issues?*

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>11</td>
<td>45.8</td>
</tr>
<tr>
<td>most of the time</td>
<td>10</td>
<td>41.7</td>
</tr>
<tr>
<td>Sometimes</td>
<td>3</td>
<td>12.5</td>
</tr>
<tr>
<td>No</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>24</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question L**

Table 6.83 shows that 100% of Former Students felt that skills they learnt in primary school help them to get along with others now to some degree.
Table 6.83 Former Students’ responses to Questionnaire 5 Question L: Were you taught skills in primary school which help you get on with others now?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>19</td>
<td>79.2</td>
</tr>
<tr>
<td>A little</td>
<td>5</td>
<td>20.8</td>
</tr>
<tr>
<td>No</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>24</td>
<td>100</td>
</tr>
</tbody>
</table>

**Question O**

Table 6.84 shows that 66.6% of Former Students believed that they sort out fights or disagreements in a different way to other students at high school who had not had peer mediation; of these, 45.8% of students attributed this to skills learnt in primary school.

Table 6.84 Former Students’ responses to Questionnaire 5 Question O: Do you think you sort out fights or disagreements with other students at high school in a different way to other students at high school?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>5</td>
<td>20.8</td>
</tr>
<tr>
<td>Yes, because of skills learned at primary school</td>
<td>11</td>
<td>45.8</td>
</tr>
<tr>
<td>Yes, because I try hard to get on with other students</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Yes, because my family has taught me how to get on with other people</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No, we all sort them out the same</td>
<td>2</td>
<td>8.3</td>
</tr>
<tr>
<td>No</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>Don't know</td>
<td>5</td>
<td>20.8</td>
</tr>
<tr>
<td>Total</td>
<td>24</td>
<td>100</td>
</tr>
</tbody>
</table>

**Question P**

Table 6.85 shows that 79.2% of former students felt that high school is very different compared to primary school in terms of conflicts.
Table 6.85 Former Students’ responses to Questionnaire 5 Question P: Is your high school very different to your primary school in terms of the amount of interpersonal conflict amongst students?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>19</td>
<td>79.2</td>
</tr>
<tr>
<td>Not really</td>
<td>5</td>
<td>20.8</td>
</tr>
<tr>
<td>No</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>24</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZJ**

Table 6.86 shows that 95.8% of students thought that it is a good idea to teach students about positive conflict management. One thought that it was not a good idea.

Table 6.86 Former Students’ responses to Questionnaire 5 Question ZJ: Do you think it is a good idea to teach students about positive conflict resolution and conflict management?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>23</td>
<td>95.8</td>
</tr>
<tr>
<td>No</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>24</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZK**

Table 6.87 shows that 91.7% of students thought that it is a good idea to teach students about positive conflict management at primary school.

Table 6.87 Former Students’ responses to Questionnaire 5 Question ZK: Do you think it is a good idea to teach students about positive conflict resolution and conflict management at primary school?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>22</td>
<td>91.7</td>
</tr>
<tr>
<td>No</td>
<td>2</td>
<td>8.3</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>24</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>
**Question ZL**

Table 6.88 shows that 91.7% of former students thought that learning about positive conflict management had helped them at high school to some degree.

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>13</td>
<td>54.2</td>
</tr>
<tr>
<td>In some circumstances</td>
<td>9</td>
<td>37.5</td>
</tr>
<tr>
<td>No</td>
<td>2</td>
<td>8.3</td>
</tr>
<tr>
<td>Don't know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>24</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZM**

Table 6.89 shows that 91.7% of former students felt that they use the skills they learnt in primary school to resolve conflicts.

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>13</td>
<td>54.2</td>
</tr>
<tr>
<td>In some circumstances</td>
<td>9</td>
<td>37.5</td>
</tr>
<tr>
<td>No</td>
<td>2</td>
<td>8.3</td>
</tr>
<tr>
<td>Don't know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>24</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZN**

Table 6.90 shows that 70.8% of former students felt that the peer mediation program had helped them with school work, getting along with students, anger management and understanding others in general. Further, 87.5% thought it had helped them to get along with students, and 83.3% thought it helped them to understand others in general.
Table 6.90 Former Students’ responses to Questionnaire 5 Question ZN: Do you think learning about positive conflict resolution and conflict management has helped you with...?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>School work</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Getting along with students</td>
<td>4</td>
<td>16.7</td>
</tr>
<tr>
<td>Anger management</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Understanding others in general</td>
<td>3</td>
<td>12.5</td>
</tr>
<tr>
<td>All of the above</td>
<td>17</td>
<td>70.8</td>
</tr>
<tr>
<td>None of the above</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>I have never learned about this</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>24</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZO**

Table 6.91 shows that 70.8% of students felt that they are better able to understand other students as a result of the peer mediation program. The remaining 29.2% thought this was possible, while no students felt that this was not the case.

Table 6.91 Former Students’ responses to Questionnaire 5 Question ZO: Do you think you are able to understand other students’ points of view because you learnt about conflict resolution/management?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>17</td>
<td>70.8</td>
</tr>
<tr>
<td>Maybe</td>
<td>7</td>
<td>29.2</td>
</tr>
<tr>
<td>No</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>24</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZP**

Table 6.92 shows that 83.3% of students thought that it is beneficial to learn about conflict resolution and management, while the remaining 16.7% believed that it is possibly beneficial.
Table 6.92 Former Students’ responses to Questionnaire 5 Question ZP: Do you think it is beneficial to learn about conflict resolution/management?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>20</td>
<td>83.3</td>
</tr>
<tr>
<td>Maybe</td>
<td>4</td>
<td>16.7</td>
</tr>
<tr>
<td>No</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don't know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>24</td>
<td>100</td>
</tr>
</tbody>
</table>

6.1.6.2 Recorded interviews

Former students were asked about their feelings regarding the peer mediation program at Vale, and how they feel it has affected them in later life.

Former Students

- I get on better with people because of the skills I learnt at [Vale]. (Interview 35)
- It has helped me by holding me back when I want to hit someone. I just have to talk it out. (Interview 38)
- A lot of students who have not had peer mediation do not know how to control their anger. (Interview 38)
- You make friends more easily if you deal with conflict more calmly. (Interview 31)
- Peer mediation builds character, we learnt about how to deal with certain situations between friends and fights. I still use those skills. (Interview 30)
- Peer mediation helped me understand how other people feel, why people bully, what goes on. (Interview 29)
- If I hadn't done peer mediation I wouldn't know how to sort it out, I would just keep it to myself and that's not good, it's better to talk about it. (Interview 34)
- Since leaving [Vale] hardly anyone gets into fights. (Interview 28)
- I can definitely see [a] difference in my own behaviour and that of others who did not have a peer mediation program. (Interview 29)
- The skills I learnt at [Vale] really helped me in high school. (Interview 33)
- If I ever have a fight it is easier to sort through it. You learnt how to problem solve and how to mediate with people. (Interview 36)
- Definitely peer mediation was good carrying it from primary school to high school. You can see the people that haven't had the experience of dealing with conflict. (Interview 42).
6.1.6.3 Is there a therapeutic effect conferred to the former students?

The findings collected demonstrate that the majority of former students felt that the peer mediation program has benefited them in later life. The therapeutic effects that are consistently reported are enhanced mediation and conflict resolution skills, increased communication skills, and increased empathy.

6.1.7 Parents

Parents will be affected by the wellbeing of their children. If parents believe that the peer mediation program is beneficial to their children, or if they perceive any positive effects on their wellbeing due to the program, this should in turn enhance their wellbeing.

6.1.7.1 Written surveys

Questionnaire 6: Parents' Questionnaire

Multiple choice questions

Parent responses are reported in Section 6.1.1.1. Questions from Questionnaire which are relevant to the therapeutic effect of the Program on Parents are set out in Table 6.93.

<table>
<thead>
<tr>
<th>Table</th>
<th>Question</th>
<th>Percentage of respondents</th>
<th>With response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 6.33</td>
<td>2</td>
<td>93.4</td>
<td>Thought that their children are happy at school at least most of the time</td>
</tr>
<tr>
<td>Table 6.34</td>
<td>10</td>
<td>76.9</td>
<td>Thought that peer mediation has made a difference to how students get on at school at least some of the time</td>
</tr>
<tr>
<td>Table 6.35</td>
<td>11</td>
<td>79.4</td>
<td>Thought that peer mediation has made school more enjoyable for their child at least some of the time</td>
</tr>
<tr>
<td>Table 6.36</td>
<td>12</td>
<td>71.9</td>
<td>Thought that the peer mediation program had been successful all or most of the time</td>
</tr>
</tbody>
</table>
Open-ended question

Question 13: Do you have any comments about the peer mediation program?

Examples of parents’ comments have been reproduced previously in Section 6.1.1.1, with 73% being positive regarding the program.

6.1.7.2 Is there a therapeutic effect conferred to the parents?

The findings collected suggest that the majority of parents are positive about the peer mediation program, and feel that it has enhanced the wellbeing of their children. Parents seem to especially value the skills that Year 6 Peer Mediators learn. Therefore the program appears to have a therapeutic effect on parents as it has a beneficial effect on people closely connected to them: their children.

6.2 Findings of perceived therapeutic effects of the peer mediation process on students

The therapeutic effect of the peer mediation process was also examined as a separate component of the Program. The two sub-populations to which the students belong, Process Participants or Process Non-Participants, were compared in terms of their relationship to the peer mediation process.

6.2.1 Process Participants

Question F

A majority of Process Participants reported feeling happy after peer mediation, for one or more reasons. The findings in Table 6.94 show that from the multiple responses permitted in Question F, there were 104 positive responses out of 123 (85%). Eight responses (10.8% of the Process Participant responses) indicated that they felt sad after peer mediation because it didn't sort out the problem and one response (1.4 % of the Process Participant responses) indicated they felt sad because they didn’t get to tell their side of the story.

It was found that 55 out of 74 Process Participants (74.3%), (data not shown) reported feeling happy after peer mediation for one or more of the reasons listed above.
Table 6.94 Responses to Questionnaire3 Question F: How did you feel after peer mediation?

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Happy because I told my story</td>
<td>44</td>
<td>59.5</td>
</tr>
<tr>
<td>Happy because I tried to sort it out</td>
<td>37</td>
<td>50.0</td>
</tr>
<tr>
<td>Happy because it was fun</td>
<td>23</td>
<td>31.1</td>
</tr>
<tr>
<td>Sad because it didn't sort out the problem</td>
<td>8</td>
<td>10.8</td>
</tr>
<tr>
<td>Sad because I didn't get to tell my side</td>
<td>1</td>
<td>1.4</td>
</tr>
<tr>
<td>None of these</td>
<td>9</td>
<td>12.2</td>
</tr>
<tr>
<td>No answer</td>
<td>1</td>
<td>1.4</td>
</tr>
<tr>
<td>Total</td>
<td>123</td>
<td></td>
</tr>
</tbody>
</table>

It is important to note that nine responses (12.2% of the Process Participant responses) answered “none of these” indicating that none of the multiple responses answered the question for them of how they felt after mediation. Taking into account the written survey, interviews and observations, the findings suggest that the Program promotes the wellbeing of Process Participants in the peer mediation process.

6.2.2 Process Non-Participants

Non-Participants indicated that they were aware of therapeutic benefits of the peer mediation program, although to a lesser extent than Participants in the process.

Figure 6.1 charts the different responses of both peer mediation Process Participants and Process Non-Participants to questions from one of the written surveys. Questions relating to students’ wellbeing from Questionnaire 1 are plotted along the x axis and the percentages of students who reported therapeutic effects on the y axis. It reveals that, as a general trend, a greater proportion of peer mediation Process Participants report a perceived benefit to their wellbeing than peer mediation Process Non-Participants. In general, the therapeutic effects conferred upon both subgroups of students are similar in nature but different in magnitude. However, most values rise above the 50% mark, indicating that non-participant students benefit indirectly.

For example, 88.6 % of peer mediation Process Non-Participants (Question I), as opposed to 100% of peer mediation Process Participants, thought that students feel better when they talked about feelings at peer mediation at least some of the time (Question I). Also, 51.9% of peer mediation Process Non-Participants thought students
felt better if given a chance to talk about how they feel (Question G), compared to 63.5% of peer mediation Process Participants (Question G). These findings support the literature on the therapeutic implications of mediation and highlight the indirect effect on peer mediation Process Non-Participants.

![Figure 6.1 Comparison of Participants' and Non-Participants' Questionnaire 1 responses](image)

**Questions regarding students' wellbeing from Questionnaire 1 are plotted along the x axis with the percentages of students who reported therapeutic effects on the y axis.**

6.2.2.1 Written surveys

Open-ended question

Students

*Question Q: Can you write down what you think of peer mediation?*

This opened-ended question has been discussed in Section 6.1.1.1, where the responses of both Process Participants and Process Non-Participants were merged. The respondents were free to write about peer mediation in general. These responses were

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categorised as positive, negative or neutral and are presented in Table 6.10. Comments are set out in full in Table D.1 in Appendix D, Volume II.

Referring to Table 6.10, of the five negative responses to this open-ended question, all were from male students, three were from Process Non-Participants and two were from Process Participants. One explanation as to why the Process Non-Participants may not have liked the Program, and were therefore less positive, is that they did not participate. The five negative responses are set out below:

**Negative**

- *I think it is a waste of time.* (Student 130, Year 5 male)
- *I don't like peer mediation.* (Student 18, Year 2 male)
- *I think peer mediators only take one side and don't listen to the other.* (Student 114, Year 5 male).
- *My problem was not solved* (Student 85, Year 4 male)
- *My friend said that they don't help at all.* (Student 58, Year 3 male).

However, the positive responses are of interest to the Study and are grouped below.

**Positive**

**Solves problems and sorts things out**

- *I think peer mediation is very good because that we can solve the problem.* (Student 27, Year 1 female)
- *I like peer mediation because they sort things out and solve the problems.* (Student 7, Year 2 male)
- *I think peer mediation is great because they help me and also they solve the problem and they make me and my friends come back together.* (Student 6, Year 2 female)
- *Peer mediation is good to solve problems.* (Student 10, Year 2 male)
- *I think peer mediation is good because it can solve problems.* (Student 13, Year 2 male)
- *I think it is helpful because it made me sort out things and it made me happy again. It was great peer mediation.* (Student 61, Year 3 female)
- *It is helpful to children who need peer mediation for their problems.* (Student 107, Year 5 male)
• *I think peer mediators are really good because they sort things out easily.* (Student 113, Year 5 female)

• *I think that peer mediation is a very good thing to have at school because it helps people work out their problems.* (Student 123, Year 5 female)

• *I think peer mediation is helpful because they settle things like fights and arguments.* (Student 73, Year 3 male).

**Talk about problems**

• *Year 6 are good. I like Peer Mediation. I enjoy talking about my problems.* (Student 1, Year 1 female)

• *Peer mediation is really good because it's a chance to talk to people.* (Student 118, Year 5 female).

**Helps with friends**

• *I think peer mediation is good because you can solve problems and be friends again.* (Student 18, Year 6 male)

• *Peer mediation is helpful sometimes with friends.* (Student 92, Year 4 female)

• *I think peer mediation helps other students and me to cooperate and to be friendly again.* (Student 72, Year 3 female)

• *Peer mediation is helpful when you have trouble with your best friend.* (Student 121, Year 5 female)

• *They are helpful because they make people friends again.* (Student 91, Year 4 female student)

• *I think peer mediation is a really good thing because it helped me a lot to get along with the people I fight with so I can make more friends.* (Student 55, Year 3 female).

**Other**

• *It's quite fun to do it and it really helps children solve problems and it's great fun to do it with children, and I feel proud when and even responsible to children.* (Student 13, Year 6 female student)

• *It helped me so I think that they are great.* (Student 128, Year 5 female)

• *It really helped me when I got in a fight.* (Student 129, Year 5 female)

• *Peer mediation helped me a lot.* (Student 110, Year 5 male)
• I think peer mediation is helpful when kids get into fights. (Student 96, Year 4 female)

• Peer mediation is a good program; it helps me a lot when I have problems, fights and disagreements. (Student 14, Year 6 female)

• I think that it is good because year six can help other students solve their problems. (Student 2, Year 6 male).

**Question D: (Have you ever had Peer Mediation for any other reason this year?)**

• Someone was teasing me because of my weight. (Student 84, Year 4 male)

• I wasn’t X’s friend because she said she wasn’t mine and when she found out that I wasn’t her friend then she began to cry, so we had peer mediation. (Student 116, Year 5 female).

• I kicked the ball and it hit someone. (Student 120, Year 5 male)

• X and Y and myself because we were bullying. (Student 121, Year 5 female)

• People were talking about me. (Student 9, Year 6 female)

• I spread a rumour to other children about my friend. (Student 13, Year 6 female)

• Because someone was calling me bad names. (Student 20, Year 6 female).

### 6.2.2.2 Recorded interviews

**Students**

Of the 64 students interviewed, the comments were overwhelmingly positive about the peer mediation process in relation to themselves and fellow students. Below are some examples of comments taken from the interviews with students:

• *It was fun...because you get to cooperate with other kids that you normally don’t see in the playground that often.* (Interview 2)

• *It teaches people not to be so hard on each other for just little reasons, and what to do if you’re in a tight situation.* (Interview 2)

• *Peer mediation can really help like, stop make you, say, just think of something else.* (Interview 2)

• *We just try to stop the bullying and stuff, really as much as possible...we ask them how the fight was started, how did you respond to it and who was the victim and that’s all.* (Interview 2)
• It’s about problem solving, if two people have a problem or they’re fighting over something... You talk about it and someone will say sorry and then the other person will say sorry and they’ll sign the paper... You get to solve problems that you had... You’ll talk about them and you’ll say what you think. (Interview 3)

• Peer Mediators, they write on a piece of paper who’s the bully and who’s the victim. Sometimes there’s witnesses. (Interview 4)

• We ask them questions and then we make them be friends again... We get the two people and we get these papers and then we read out the rules... It makes everyone feel better... We tell them to tell us what happened and how did they first get into fights. (Interview 6)

• Peer Mediation is not about blame, it is about changing the behaviour, not about saying the bully is a bad person. It’s not the person we dislike but the behaviour and Peer Mediators do not take sides and deal with bullying behaviour only. (Interview 21)

• I really like helping other kids get through their years in school. (Interview 21)

• It solves a lot of problems and it can make people who are enemies, friends... If you’re in a fight you can go to peer mediation and solve it... You talk about what has happened and then you try and solve your problem. (Interview 7)

• I’ve been in it a couple of times because I got into some fights and people have made me angry.... It helps solve your problems and they tell us how to make friends again... It’s good people it helps you figure problems and people that organise peer mediation, they take up their time to solve and deal with our time and so I think that’s good and that’s nice... They cooperate, they listen to each other, they won’t try and lie and take over their story and tell lies I think, they speak in turns.... So they can tell their own parts of the story... (Interview 5)

• It solved my problems... Because when friends, they have fights and, peer mediation, they realised that they didn’t mean to do it and become friends again. It’s really cool... You say sorry and because that person did something and they didn’t realise that, meant to hurt our feelings. They didn’t know they were going to tease us. Then we shake hands... You tell them that you’re upset and that you’re not happy with what they did to you. You tell them that they hurt your feeling and then you realise that they didn’t know that they were hurting our
feelings... Every time I've gone to peer mediation I have never, when we come out, not been friends with the person. (Interview 8)

• The first time we did Peer Mediation it didn’t work and then we did another one last week, it did work, we are now friends. We always play together, sometimes work together, sit beside each other. Before we did it we argued, made faces, pushed each other when we walked but when we had the peer mediation all that stopped. (Interview 24)

• X was whipping his watch at me, and I didn’t do anything to him and then me and X got friends. (Interview 7)

• We were in Italian and some people were making fun of me and we had to go to peer mediation. Another time because I was a suspect in a fight. (Interview 7)

• I heard their side of the story. (Interview 4).

Former Students

All of the comments of the 22 Former Students interviewed were positive about the peer mediation program in relation to the effects on students. The following are examples of comments below taken from interviews with students.

• It was Year 4 when I started coming here, I had a bit of a problem with one particular person and basically it was resolved with the peer mediation. (Interview 29)

• When I was first at [Vale], I had come from a school in New Zealand which didn’t have any bullying programs so I was new to peer mediation. I had a positive reaction to it, I thought it was help. The peer mediators didn’t tell you what to do, they give you suggestions. Sometimes it is hard to make things better because you don’t know what to do about it so it’s good to have an outside perspective. (Interview 35)

• There was one about two boys who were best friends. One always offered the other his snack even though he really wanted it. He became upset when his friends didn’t offer to share it back with him so he came to talk to us about it. We talked them through it, I suggested to the friend who had the snack to tell the other boy’s mother to buy him his own snack. So they were friends again. (Interview 35)
• It was really awesome. When you are a Peer Mediator you realise you can actually help people even though you are only a primary school student. (Interview 35)
• By doing Peer Mediation you are able to see from the bully and victim’s perspective. (Interview 62).

Staff

Of the 11 members of staff interviewed, the comments were overwhelmingly positive about the peer mediation program in relation to the effects on students. The following are examples of comments taken from interviews with staff:

• The kids get a lot from it and I think they can see that they can have power in situation... They can have control over, perhaps how things are going to go with their peers in an interaction and they can see that it’s OK to be cranky, or irritable but that there are ways of diffusing situations and then getting their power back or their control back in a situation. (Interview 18)
• One little girl who I had last year had a lot of anger management problems and a lot of arguments in the playground. The mediation process did help her with her academic work because I was found that before mediation [training] I was finding she would come into the classroom and would be very angry, couldn’t sort herself out, take us half an hour to calm down whereas when she was mediated she would then come into the classroom and would be more calm and from that she could learn.... Because she would have a forum to express what she was feeling then she could calm down and come into the classroom and learn... (Interview 22)
• I had a little girl and a little boy – they had a terrible confrontation one instance in my very first week here the little boy stamp on the girls lunch box – so they needed to sort out their problems why he did it and in response to what. (Interview 22)
• They do learn something they do come back calmer and they go up with these scowls on their faces and they come down looking and feeling calmer and they can get straight back into a lesson. (Interview 22).
Year 6 Mediators

Of the 64 students interviewed, those who talked about having been a Peer Mediator, or about the Peer Mediator’s role in a peer mediation, made positive comments about the peer mediation process in relation to themselves and fellow students. The following examples are comments taken from interviews with students:

- Some of the girls were saying that they don’t want to be friends any more. One of them are saying that one of the girls aren’t the other one’s friend and we had to solve their problem... We come up with ideas of solving the problem and they all agreed to be friends afterwards. (Interview 19)

- A and B were leaving C out and pulling and teasing him a bit. C came to the mediators because he had a problem with those two and then, that they were leaving him out of the group and we also discovered that C was shouting at them and swearing at them. That’s why they were leaving him out of the group. (Interview 21)

- When my friends weren’t my friends and when they started spreading a rumour about me... I was crying and two Year 6 girls came up and took me to those girls who had been spreading the rumour and asked them if they could be my friend and they said no. They just walked around and ignored me. We had to have peer mediation and after peer mediation we were hugging and being friends and so everyone knew that what they said was a lie. (Interview 24)

- My first one was about girls who was being left out of the group, the girl who was the bully was being difficult and so we had to get [the assistant principal] to sort it out. (Interview 25)

- It was between two girls, they were both the bullies and the victims. They didn’t want to listen, when somebody talks, the other one wouldn’t listen. They were friends in the morning and then in the afternoon they were fighting. One girl was crying and so she came to the teacher, she wanted to have Peer Mediation. Mr. T brought me and another girl and the other day they were friends again. (Interview 26)

- There was one where two kids were tackling each other but they started getting too rough, one punched the other. The peer mediation sorted it out by asking them not to tackle each other and to play another game. (Interview 63).
Parents

From the three Parents interviewed, the comments were overwhelmingly positive about the peer mediation program in relation to their children and students at the School. The following examples are comments taken from interviews with Parents:

- *I think my daughter [girl’s name] got a lot of benefits out of it. Not that the peer mediation always worked but just learning the process of solving things and that I mean most of the time it does work but just when you need three or four peer mediations and just learning the process of solving problems and I think it has equipped her for high school.* (Interview 87: Group Parents: two females)

- *Yeah I support that and I have [boy’s name] who is in Year 6 now and I find that his skills in resolving problems have improved. He often tells me about any peer mediation session and we joke about peer mediation sessions between himself and his sister so I’ll use that as an excuse to get them to sort each other out without too much conflict. I think it has definitely enhanced his communication skills really and try to maybe appreciate how other people feel.* (P1, Interview 87, Group Parents: two females)

- *Not only them sorting it out but with the little ones, I know when [daughter’s name] was in year six and she was actually one of the peer mediators they feel good when they have helped the little kids sort it out.* (P2, Interview 87, Group Parents: two females)

- *As a parent I can see the school as a whole has a different atmosphere at the school with all the kids learning peer mediation.* (P1, Interview 87, Group Parents: two females)

- *Any instruction is a little tedious for them you know, I don’t know if they enjoy it but they do benefit from it, they are aware of the benefits.* (P1, Interview 87, Group Parents: two females)
6.2.3 Is there a therapeutic effect of the peer mediation process conferred to the students?

The findings collected suggest that the majority of Constituents are positive about the peer mediation program, and feel that it has enhanced the wellbeing of students. Parents seem to especially value the skills that Year 6 Peer Mediators learn. With respect to the students, Process Non-Participants indicate that they are aware of therapeutic benefits of the peer mediation program, although to a lesser extent than participants in the process. Three Process Non-Participants made negative comments. It is unsurprising that these Non-Participants made negative comments about the program, as they had chosen not to participate.

6.3 Findings for the therapeutic effects associated with discrete process elements

If beneficial therapeutic values exist that are not directly due to the outcomes of the process, then these may explain any difference in efficacy between this process and a process without these characteristics, when the outcomes of the processes are the same.

Three potential therapeutic elements of a process were directly investigated:

- **Participation** – Participants in the peer mediation process are able to participate in all elements of the process from start to finish, and are actively involved in the peer mediation process in deciding outcomes with respect to conflict which involves their lives.

- **Representation** – The peer mediation process allows all parties to give their version of reality without fear of interruption, and parties are expressly asked how they feel about what has occurred and how it affects them.

- **Validation** – The peer mediation process validates all parties’ versions of reality, does not ascribe blame and works fairly and cooperatively to solve disputes in a manner which is fair, acceptable and respectful to all parties.

The data collected in order to investigate the therapeutic effect associated with each of these elements is presented below.
6.3.1 Therapeutic element 1: Participation

This element concerns students’ participation in all areas of the Program, and, most importantly, their active involvement in the peer mediation process. This element involves students being able to participate in deciding outcomes which would affect their experience of conflict and their experience at the School. The protocol upholds these values in the rules, but the Study investigated whether this happened in reality and whether students felt a therapeutic effect because of it.

6.3.1.1 Written surveys

Questionnaire 1: Peer Mediation Student Survey

Multiple choice questions

Questions F and G are the questions concerned with the participation element. These were both multiple choice questions. Relevant responses for this element were ‘feeling happy after peer mediation’ in Question F, and ‘peer mediation is a good way to sort things out between students’ in Question G. The happiness or satisfaction reported by the students in Questions F and G could come from participation or involvement in the Program as a whole or some aspect of the Program, not just because students were active participants in the peer mediation process. The causal link between happiness and satisfaction with participation is not established in the data. It would be speculative to assert that this is due to the students’ participation in the peer mediation process.

However if students report happiness after participating in the process and report satisfaction with the function of the process, it implies that their wellbeing is promoted to some extent due to their participation in the process.

Question F: How did you feel after peer mediation?

The responses to this question are presented in Table 6.1 and can be summarised:

- 50.0% of students felt happy after peer mediation as they had tried to resolve their problem (out of six possible answers, multiple responses permitted).
- 60.3% of students felt happy after peer mediation as they had told their side of the story (out of six possible answers, multiple responses permitted).
• 31.5% of students felt happy after peer mediation as they thought it was good fun (out of six possible answers, multiple responses permitted).

• 74.3% of students reported feeling happy after peer mediation for one or more of the reasons listed above.

• 10.8% of students (eight students) indicated that they felt sad after peer mediation for some reason.

• 2.7% of students (two students) indicated that they felt sad after peer mediation for one reason and happy for another.

The majority of students surveyed felt happy for some reason after participating in the peer mediation process. This finding supports the existence of the therapeutic potential of the peer mediation process although the data does not definitively establish a causal link to the peer mediation process. Happiness reported in the data could relate to any aspect of the Program or to the Program as a whole.

**Question G: What do you think about peer mediation?**

The responses to this question are presented in Table 6.2 and can be summarised:

• 57 out of 143 students’ responses (77.0% of respondents) indicated that students felt peer mediation was a good way to sort out problems (out of six possible answers, multiple responses permitted).

• 2 responses (2.7% of respondents) indicated that students’ felt peer mediation was not a good way to sort out problems (out of six possible answers, multiple responses permitted).

The data show that the majority of students believe that peer mediation is a good way to sort things out between students. This finding supports the assertion that students may be able to derive a therapeutic benefit from some aspect of the Program or from the Program as a whole. The causal link between therapeutic benefit and the peer mediation process has not been established from this data.

**Questionnaire 4: Staff Questionnaire**

**Open-ended question**

**Question ZJ: Would you like to add your own comments about conflicts at school?**

One comment referred to this element of the process:
• The kids love to be empowered to resolve conflicts. (Teacher 9, female).

6.3.1.2 Recorded interviews

Students

During the interviews, students were asked questions in order to gauge how students were affected by being able to participate in all stages of the peer mediation process. Some comments relevant to this therapeutic effect on students are reproduced below:

• Now it has been happening quite a lot some children know how to solve problems between themselves. (Interview 80)
• It makes students feel good to have a say in the peer mediation. (Interview 82)
• Peer mediation works because it gives people enough time to express what they feel. (Interview 82)
• Peer mediation makes people feel better because you get to solve the problems you had. (Interview 3)
• Peer mediation works by making people feel better. (Interview 6)
• It makes me feel good if I can go (to the peer mediators) if I feel sad or unhappy. (Interview 4)
• If one of the kids made me feel sad, I would go and ask one of the Year 6s if I can have peer mediation. (Interview 3)
• I think peer mediation is a good program because it helps people feel better about themselves. (Interview 3)
• With peer mediation at primary school there was always someone to tell. (Interview 42)
• Sometimes people don’t want to tell the teachers their feelings but would rather tell their friends. (Interview 80).

Teaching Staff

Teachers are uniquely placed to observe the therapeutic value to students as a result of students participating in the process and taking the lead in resolving their own disputes. Some comments to this effect that came up in the written interviews are reproduced below:

• (Having learnt the skills of peer mediation) the students often solve problems themselves without having to go to peer mediation. (Interview 18)
• The 5th year will often try to sort out their own problems without having to involve the Year 6 peer mediators because sometimes they can see that as losing face. (Interview 18)

• They talk about problems and try to sort out issues on their own and then they go to peer mediation if it doesn’t work. Some definitely work through disagreements on their own and get a kick out of it. (Interview 50)

• They eventually get to the stage where they do it themselves (solve disputes) without peer mediation. (Interview 49)

• All students enjoy working things out for themselves within their peer groups because then there is no adult intervention. (Interview 50)

• A lot of children realise they have a say in solving their problems and that’s empowering. (Interview 68)

• Kids get a lot from Peer mediation and they see that they can have control over how things are going to go in an interaction with their peers. (Interview 18)

• Some kids think if they can solve it themselves they don’t need to go to Peer mediation so that’s really good. (Interview 18)

• Most of them know how to go about resolving the conflict themselves and it gives them a lot of pride. (Interview 68)

• Often the Year 6 students will go out to do the peer mediation and the kids will say “it’s alright we solved it already”. (Interview 69)

• Some kids don’t trust adults that much but talking to a slightly older child allows them to get things off their chest. (Interview 22).

6.3.1.3 Observations

The observation of two students resolving a dispute by talking it through and attempting to understand the origin of the conflict has been reported above (Section 6.1.1.3). The two students reported that they needed the skills learnt from peer mediation to do this, and were happy to resolve the dispute themselves without the need of peer mediation as they had the skills to deal with it.
6.3.1.4 Have the findings demonstrated that the participation process element is therapeutic?

The findings collected from the spoken interviews show support for the peer mediation process having therapeutic potential, in that the wellbeing of students can be promoted by their ability to participate fully in the peer mediation process.

The happiness or satisfaction reported by the students in Questions F and G in the written surveys could come from participation or involvement in the Program as a whole or from some aspect of the Program — not just because students were active participants. The causal link between happiness and satisfaction with full participation in the peer mediation process is not established in the data. However if students report happiness after participating in the process and report satisfaction with the function of the process, it implies that their wellbeing is promoted by some aspect of the Program and it would be speculative to say that this is due to their participation in the process.

6.3.2 Therapeutic element 2: Representation

This element concerns students participating in the peer mediation process and involves participants being allowed to present their version of reality without fear of interruption. It includes participants being able to express how they feel about what has occurred and how it affects their feelings and interactions at the School. The protocol upholds these values in the rules, but the Study investigated whether this happened in reality and whether students felt a therapeutic effect because of it.

6.3.2.1 Written surveys

Questionnaire 1: Peer Mediation Student Survey

Questions F, G and I are concerned with the element of representation (Tables 6.1, 6.2, 6.4). Question I allowed one response per respondent only. Relevant responses for this element were students who ‘feel happy after peer mediation as I am able to tell my side of the story’ in Question F, students who thought that ‘it makes students feel better to talk about how they feel’ in Question G, and students who responded positively to Question I. The finding that a majority of students believe that talking about their feelings makes students feel better supports the assertion that the ability for students to represent their side of things promotes their wellbeing (Table 6.4).
Multiple choice questions

Question F: How did you feel after peer mediation?

The responses to this question are presented in Table 6.1 and can be summarised:

- 60.3% students were happy they could tell their side of the story.
- 1.4% of students were sad that they could not tell their side of the story.

The responses to Question F demonstrate that participants derived some wellbeing from being able to represent their side of the story as part of the peer mediation process.

Question G: What do you think about peer mediation?

The responses to this question are presented in Table 6.2 and can be summarised:

- 63.5% of students thought that students feel better if given a chance to talk about how they feel.
- 6.8% students thought that students feel sad if they have to talk about how they feel.

The responses to Question G support the assertion that discussing feelings during peer mediation promotes wellbeing.

Question I: Do you think students feel better when they talk about feelings at peer mediation?

The responses to this question are presented in Table 6.4 and can be summarised:

- 31.1% of students thought that it always makes students feel better to talk about how they feel during peer mediation.
- 41.9% of students thought that talking about how they feel during peer mediation makes students feel better most of the time.
- 27.0% of students thought that talking about how they feel during peer mediation makes students feel better sometimes.
- 100% of students thought that talking about how they feel makes students feel better at least some of the time.

The finding that 100% of students thought that students will feel better at least some of the time through talking about how they feel clearly supports the existence of the therapeutic value of representation.
Questionnaire 3: Students’ Questionnaire

Students in Years 3–6 (n = 100) answered Questionnaire 3, in which six questions are relevant to this process element.

Multiple choice questions

Question O

Table 6.95 shows 162 out of a total of 175 responses (93%) to this question indicated that after talking about a disagreement with other students, Students felt the problem had been sorted out, that they felt better or that they were able to tell their side of the story, while 13 (7%) of all responses were negative.

Table 6.95 Student responses to Questionnaire 3 Question O: If you have a fight or disagreement with other students and you talk about it together, then how does that make you feel?

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents†</th>
</tr>
</thead>
<tbody>
<tr>
<td>I feel the problem is sorted out</td>
<td>49</td>
<td>49</td>
</tr>
<tr>
<td>I feel better</td>
<td>64</td>
<td>64</td>
</tr>
<tr>
<td>I feel I have been able to tell my side of the story</td>
<td>39</td>
<td>39</td>
</tr>
<tr>
<td>I feel no different than if I had sorted it out in another way</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>I don’t feel the problem has been sorted</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>I have never sorted out a problem this way</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>175</strong></td>
<td></td>
</tr>
</tbody>
</table>

† Number of responses = percentage of respondents as n = 100.

Question P

Table 6.96 shows that 81% of total responses were positive, indicating that students feel better after talking about a fight or disagreement.
Table 6.96 Student responses to Questionnaire 3 Question P: When you talk about a fight or disagreement how do you feel?

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents†</th>
</tr>
</thead>
<tbody>
<tr>
<td>Happy</td>
<td>39</td>
<td>39</td>
</tr>
<tr>
<td>Better</td>
<td>65</td>
<td>65</td>
</tr>
<tr>
<td>Proud</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td>Angry</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Silly</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>None of these</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>I have never talked about a fight or disagreement</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>167</strong></td>
<td></td>
</tr>
</tbody>
</table>

† Number of responses = percentage of respondents as n = 100.

**Question U**

Table 6.97 shows that 113 out of 175 (65%) responses for this question expressed that students thought they would feel better or happy after talking about it if they were upset by another student. There were 15 (8.6%) responses that were negative (‘angry’ or ‘silly’). There were 19 (10.9%) of responses that indicated that either they didn’t know what they would feel, or that their feelings would be none of those listed.

Table 6.97 Student responses to Questionnaire 3 Question U: When other students make you feel sad or upset how do you think talking about it would make you feel...?  

<table>
<thead>
<tr>
<th>Answer (multiple responses permitted)</th>
<th>No. of responses</th>
<th>Percentage of respondents†</th>
</tr>
</thead>
<tbody>
<tr>
<td>Happy</td>
<td>47</td>
<td>47</td>
</tr>
<tr>
<td>Feel better</td>
<td>66</td>
<td>66</td>
</tr>
<tr>
<td>Proud</td>
<td>28</td>
<td>28</td>
</tr>
<tr>
<td>Angry</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Silly</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>None of these</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Don’t know</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>175</strong></td>
<td></td>
</tr>
</tbody>
</table>

† Number of responses = percentage of respondents as n = 100.

**Question V**

Table 6.98 shows 76% of students thought that students feel happier when they try and talk about how they feel.
Table 6.98 Student responses to Questionnaire 3 Question V: Do you think students feel happier when they try and talk about how they feel?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents†</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td>Most of the time</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Sometimes</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td>Not really</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Never</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>No answer</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

† Number of responses = percentage of respondents as n = 100.

**Question ZB**

Table 6.99 shows that 63% of students thought that it would make school more enjoyable if students were able to talk about fights or disagreements.

Table 6.99 Student responses to Questionnaire 3 Question ZB: Do you think it would make school more enjoyable if students were able to talk about fights and disagreements?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents†</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>53</td>
<td>53</td>
</tr>
<tr>
<td>Sometimes</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Not really</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>School is never enjoyable</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>I don’t know</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>We already talk about fights &amp; disagreements</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>No answer</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

† Number of responses = percentage of respondents as n = 100.

**Question ZC**

Table 6.100 shows 75% of students thought that school would be more enjoyable if students were able to talk about how they feel.
Table 6.100 Student responses to Questionnaire 3 Question ZC: Do you think it would make school more enjoyable if students were able to talk about how they feel?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents†</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>61</td>
<td>61</td>
</tr>
<tr>
<td>Sometimes</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Not really</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>I don’t know</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>We already talk about how we feel</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>No answer</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

† Number of responses = percentage of respondents as n = 100.

Open-ended question

Question Q: Can you write down what you think of peer mediation?

Some comments related to representation are reproduced below:

- Year 6 good. I enjoy talking about my problems but it’s not fun. (Student 7, Year 1 female)
- Year 6 are peer mediators and they can help you feel better. (Student 106, Year 4 male)
- I think peer mediation is a good helpful thing, all schools should have peer mediators to help kids share their feelings. (Student 20, Year 6 female)
- I enjoy talking about my problems. (six Year 1 students).

6.3.2.2 Recorded interviews

Students

Student comments during spoken interviews gave some further insights into the therapeutic value of representation. These are given below:

- If I could talk about the way I feel that would make me feel more happy and comfortable. (Interview 1)
- I think it makes (other students) feel happy if they can talk to someone else and express how they feel. (Interview 82)
- We solve problems by talking about them and saying what we think. This makes people feel better about themselves. (Interview 3)
• If I hadn’t done peer mediation I wouldn’t know how to sort it out I would just keep it to myself and that’s not good it’s better to talk about it. (Interview 34)
• I think it makes them feel happy if they can talk to someone else and express how they feel. (Interview 82)
• In peer mediation we ask students what is wrong to let their feelings come out. (Interview 25)
• I was happy after peer mediation because I got to say my side of the story and my friend got to say his. (Interview 77)
• It helps bullies not to be bullies anymore because they can talk about their problems and so they don’t need to fight anyone else. (Interview 79)
• Sometimes people don’t want to tell teachers their feelings but would rather tell their friends. (Interview 80)
• If I hadn’t done peer mediation I wouldn’t know how to sort it out I would just keep it to myself and that’s not good it’s better to talk about it. (Interview 34)
• With peer mediation at primary school there was always someone to tell. (Interview 42).

Teaching Staff

• Some kids don’t trust adults that much but talking to a slightly older child allows them to get things off their chest. (Interview 22).

6.3.2.3 Have the findings demonstrated that the process element of representation is therapeutic?

The results certainly suggest that students believe that being able to express their feelings and point of view will make them feel better. As these are students who have been through the peer mediation process themselves, these responses also correspond to how they felt during the process and are not purely an estimation of how others would feel. The findings support the existence of this therapeutic value.

6.3.3 Therapeutic element 3: Validation

This element concerns the students being made to feel that they are equals, and that the process is fair and does not ascribe blame. The element also concerns students being made to feel that the process works in a manner which is respectful to all parties. The
protocol upholds these values in the rules, but the Study investigated whether this happened in reality and whether students felt a therapeutic effect because of it. As this is a subtle concept, the written surveys did not address it directly, but it was a focus of recorded interviews with students.

6.3.3.1 Written surveys

Questionnaire 6: Parents’ Questionnaire

Open-ended question

One response to the open-ended question addressed this element of the process:

- I think peer mediation is excellent. To be kind to others, plus not everybody is the same but always treated the same. Rules are great, no favouritism.. (Parent 74 of one girl).

6.3.3.2 Recorded interviews

Students

- The most important thing in peer mediation is not to take sides or blame anyone and not forcing them to be friends. (Interview 19)
- Peer mediation is not about blame, it is about changing the behaviour, not about saying the bully is a bad person. (Interview 21)
- There was a set of instructions including not to take sides. (Interview 34)
- Students felt they could discuss things with us. (Interview 34)
- Peer mediation is about looking at things from a neutral perspective. (Interview 41)
- I remember not to take sides or assume anything. (Interview 42)
- Peer mediation works because it is a fair chance at speaking. (Interview 77)
- Peer mediation works because they are able to sit down with people. They all listen who want to listen and they feel like they don’t have to fight any more to say what they want. (Interview 27)
- When I had PM it was fair because I got to say my side of the story, and my friend got to say his and that made me very happy. (Interview 77).
Teaching Staff

- The fact that the mediator tries to take neither side seems to encourage the children to try and spend more time talking to each other and trying to resolve the issue. (Interview 50).

6.3.3.3 Observations

The observation of the peer mediation process showed that the process followed the protocol and that this element of the process was utilised. Both participants were treated equally and had their versions of events validated by the Peer Mediators.

The observations of the peer mediation training days included several mentions by the teacher of the importance of not taking sides in peer mediation and that the process is not intended to allocate blame. Rather, it is a problem-solving forum where all participants need to be treated fairly in order to achieve the best result for everyone. These concepts seemed to be understood by the children.

The observation of the two students spontaneously resolving their dispute showed that two students, who were not yet in Year 6 and so had not been trained as Peer Mediators, were able to treat each other as equals and validate each other’s version of events without being instructed to do so in order to resolve their dispute.

6.3.3.4 Have the findings demonstrated that the process element of validation is therapeutic?

The results suggest that students require that they be treated fairly and have their versions of events validated before they are able to resolve a dispute to their mutual satisfaction. Students clearly value the fact that Peer Mediators do not seek to attach blame in mediation, but rather try and work out problems with a focus on the future. Students appear to benefit from both giving their side of the story and hearing the other person’s, and they realise that this can only happen if they are both treated equally. Thus, the findings support the existence of this therapeutic value.

6.3.4 Other therapeutic elements of the process suggested by the research

In the Study, Constituents reported other elements of the process that they felt affected their wellbeing. These were reported without prompting. Three elements of the peer
mediation process that were consistently raised by Constituents as affecting their wellbeing were:

1. **Transparency** – Participant’s ability to hear other versions of reality and have the reasons for events leading up to the peer mediation explained to them
2. **Training** – Training in the process and understanding what is expected of participants in the process
3. **Voluntarism** – The process being voluntary.

### 6.3.4.1 Potential therapeutic process element 1: Transparency

This element of the process was a recurring theme in interviews with students and Teaching Staff.

**Recorded Interviews**

**Students**

- *I feel better because I heard their side of the story.* (Interview 4)
- *You tell them that they hurt your feelings and then you realise that they didn’t know they were hurting our feelings. Without peer mediation we’d just stay enemies for ages.* (Interview 8)
- *You don’t know how people feel unless you ask them and that helps to sort out problems.* (Interview 85)
- *We asked her if she could say sorry to make the other person feel better.* (Interview 78)
- *Saying sorry helps because it means that they didn’t do it on purpose it was an accident and that they still want to be your friend.* (Interview 80)
- *Peer mediation helps by letting students hear the other point of view. Peer mediation helps, you see them playing with each other afterwards.* (Interview 83)
- *Finding out how they felt as well as me made me realise we could be friends* (Interview 83)
- *Our problem got solved by learning how they felt and what actually happened.* (Interview 83)
- *Hearing the other person’s view can make you think you are not the only victim.* (Interview 83).
Teaching Staff

- You can see their body language and facial expression change as they’re explaining and listening to the other point of view. (Interview 69)
- When they come to peer mediation they are really angry, hurt and frustrated because something’s happened and they feel they need revenge. After some time talking about it quite often they discover the reason it happened was just an accident and someone did not stop to apologise or explain. (Interview 69).

Have the findings demonstrated that this process element is therapeutic?

The fact that process participants can hear other people’s versions of events certainly seems to be therapeutic for a number of people. Some students identify this as being more important than being able to give their own version of events. The findings suggest that allowing participants to hear other people’s versions of events and the explanations for all events leading up to a dispute can be therapeutic.

6.3.4.2 Potential therapeutic process element 2: Training

The training component in both peer mediation and conflict resolution is an important part of the peer mediation program. Students cannot participate in the peer mediation process without being trained. The purpose, in part, of the training component is to enable students to participate in the peer mediation process component. However, as discussed previously, training helps to enable students to resolve their conflicts informally without using a formal peer mediation process. Thus, application of learned skills from the training component, within or outside the school environment, can be thought of as an unintended beneficial effect of the Program. Transference of learned skills has implications for wider society as students disseminate their skills in positive conflict resolution after leaving the School.

Written surveys

Questionnaire 3: Students’ Questionnaire

Students in Years 3–6 answered this questionnaire; three of the questions investigate how students apply the skills of peer mediation.
Multiple choice questions

**Question J**

Table 6.101 shows that 79% of students have tried to sort out a fight or disagreement by talking it out at least some of the time.

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents†</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Most of the time</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>Sometimes</td>
<td>33</td>
<td>33</td>
</tr>
<tr>
<td>Not really</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>I try to</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>I don’t know how to</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>No answer</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

† Number of responses = percentage of respondents as n = 100.

**Question L**

Table 6.102 shows that 77% of students felt that they do get the chance to tell their side of the story in a conflict at least some of the time.

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents†</th>
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</thead>
<tbody>
<tr>
<td>All the time</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Most of the time</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Sometimes</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td>Not really</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Never</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>No answer</td>
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<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

† Number of responses = percentage of respondents as n = 100.

**Question M**

Table 6.103 shows that 82% of students do try to talk about a fight or disagreement they have with the other student.
Table 6.103 Student responses to Questionnaire 3 Question M: *If you have a fight or disagreement with other students do you try and talk about it together?*

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents$^+$</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Most of the time</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Sometimes</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Not really</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>I try to</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>I don't know how to</td>
<td>2</td>
<td>2</td>
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<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

$^+$ Number of responses = percentage of respondents as $n = 100$.

**Questionnaire 4: Staff Questionnaire**

Teachers recognise the importance of training and believe that it is beneficial to them.

**Multiple choice questions**

**Question ZC**

Table 6.104 shows that 75% of teachers felt that they are better able to understand the students as a result of the peer mediation program.

Table 6.104 Teaching Staff responses to Questionnaire 4 Question ZC: *Do you think that you are more able to understand your students and conflicts from learning about conflict resolution and management?*

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>12</td>
<td>75</td>
</tr>
<tr>
<td>Maybe</td>
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<td>0</td>
</tr>
<tr>
<td>No</td>
<td>4</td>
<td>25</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Question ZD**

Table 6.105 shows 100% of teachers felt that it was beneficial for them to learn about conflict resolution and management.
Table 6.105 Teaching Staff responses to Questionnaire 4 Question ZD: Do you think it is beneficial for you to learn about conflict resolution and management?

<table>
<thead>
<tr>
<th>Answer</th>
<th>No. of responses</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All the time</td>
<td>16</td>
<td>100</td>
</tr>
<tr>
<td>Most of the time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sometimes</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rarely</td>
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<tr>
<td>Never</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>100</td>
</tr>
</tbody>
</table>

Recorded Interviews

Students

An interesting aspect of the training component that has not yet been discussed in the findings was raised by one of the Peer Mediators in a recorded interview (Interview 26):

S: *I don’t use peer mediation skills with my brother and sisters at home because it wouldn’t work. They don’t know it. They don’t know the mediation process.*

I: *So do you think you have to know the process for it to work?*

S: *Yep.*

Previous studies have demonstrated that positive methods of conflict resolution are not intuitive. This Peer Mediator feels that he cannot resolve disputes with his siblings as they do not have the necessary skills, even though he has been trained to mediate disputes. This may account for some of the former students indicating that they do not use the skills they learnt in primary school if students at their high school do not have these skills and still tend to manage conflicts in a destructive manner.

Observations

Observation 1: Observations of the peer mediation training day underlined the importance of training students before they can participate in the program. Students being observed resolving their dispute spontaneously without a formal peer mediation process indicated that the training they had received in these techniques had enabled them to resolve their dispute. An observation of the process showed that the students
responded well to the process as they knew what was expected of them at each step and how they could shape the outcome.

Observations 2 and 3: Observations of the peer mediation process underline the importance of the training component in teaching the students the rules, protocols and stages of the mediation. Students are aware of what is expected in terms of behaviour, and conduct during the mediation.

**Have the findings demonstrated that this process element is therapeutic?**

This process element of training was seen to be crucial in underlying the success of the peer mediation program. As constructive methods of conflict resolution are not instinctive, students need to be taught these skills, and once they are taught them this can be seen to have a beneficial effect on their wellbeing for years to come.

**6.3.4.3 Potential therapeutic process element 3: Voluntarism**

This element concerns the peer mediation process being voluntary for students. Therefore student disputants are able to choose to manage or resolve their own disputes by opting to go through the peer mediation process component of the program. Students can voluntarily avail themselves of the peer mediation process if and when they detect conflict. Also students can opt to use the peer mediation process rather than have their issues dealt with by the School disciplinary system via the Teaching Staff.

Although the peer mediation program and associated training are mandatory parts of the school curriculum, (as is also being a Peer Mediator whilst in Year 6), participation in the peer mediation process is voluntary.

However, it is important to note that this element was not originally intended to be explored in the Study but emerged unexpectedly as a potential therapeutic process element. As voluntarism was not part of the original methodology the Study did not directly address this potential therapeutic process element. Study Participants were not directly asked about their perceptions of the process being voluntary. More research to produce data directly on this point is required in order to draw clear inferences or conclusions on this potential therapeutic element.

Even though the peer mediation process component of the Program is voluntary, and this is communicated to students in training (where Students learn about the concept of
voluntarism) and in the actual mediation protocols, the Study did reveal that students did not perceive it to be voluntary.\textsuperscript{476} In addition, the Study did not reveal that the students perceived any coercion with respect to participation in the peer mediation process. However, more research is required to explore this accurately.

Although outside the scope of the Study, it is interesting to comment that, it is difficult to see how students can derive a benefit from being able to opt out of a process if they do not perceive that this option is open to them. For example, data from Staff responses indicate that some students are not aware that peer mediation is a voluntary process as they appear to be under the impression that it is obligatory. The protocol clearly states that it is a voluntary process and that students may seek to have the matter dealt with through the School’s discipline system.

Importantly, the data shows consistently and very clearly that the majority of students are highly motivated to participate in all aspects of the Program. They find it fun, helpful, enjoyable, relaxing and it makes them feel better. Further, 96.1\% of students responded positively in how they felt about the Program in their responses to Question Q from Questionnaire 1 (Table 6.10). From interviews, it is apparent that the peer mediation process has become an accepted way for students to respond when they identify conflict and that those who have experienced the peer mediation program may now take it for granted that the peer mediation process is how they are to approach disputes. Staff support this proposition (see Interview 86).

As mentioned, more research is necessary for accurate data on this potential therapeutic element including comparing data on voluntary participation with compulsory participation in the peer mediation process. More research is required to explore if voluntarism is an element in the process which is relevant to promotion of wellbeing in this community. This area of voluntarism requires confirmation by means of more research, however the author speculates that it is possible that the value of voluntarism in the Program may be weak because the students were not aware that the process is

\textsuperscript{476} Judge Jeri Beth Cohen, Dade County Court, Florida, USA, and Astrid Birgden, Director, Compulsory Drug Treatment Correctional Centre, NSW Department of Corrective Services, NSW, Australia: both separately commented at the 31st Congress of the International Academy of Law and Mental Health, New York University, 28 June–4 July 2009, that participants in compulsory processes often perceive a process to be voluntary if it is successful.
voluntary. It is equally possible to speculate that the age group under study were not really able to understand the concept of the process being voluntary. For example, a suggestion by a staff member to a student to attend the peer mediation process may be interpreted by students as being compulsory. For example, a comment from a student, “If there’s a problem (a teacher) decides to have the peer mediation, not the people who are fighting” (Interview 2). Another explanation is that the students embrace the process as the only process available to them to resolve or manage interpersonal disputes as they perceive that such disputes may be considered too trivial for the school discipline system to address. These suggestions are speculative since any inferences or conclusions cannot be drawn from the data available from this Study. This may be a useful insight for future research.

6.3.4.4 Choice

Similarly the potential therapeutic element of choice (which was not originally intended to be explored in the Study), emerged in the Study as a potential therapeutic process element. The effect of choice with respect to participating in the peer mediation process (as the peer mediation process is a voluntary process for students) and also the effect of choices as to how to manage or resolve a problem.

More data is required to draw inferences or conclusions in relation to the potential therapeutic element of choice since it is outside the scope of the Study. However with respect to the choice for participation, the Study data did suggest that it may not be the choice but the participation in the process that may important. More research is required to confirm this, however, the Study did demonstrate that Process Participants experience a greater therapeutic effect than the Process Non-Participants. So the author speculates that it would appear that students may be advantaged if they participate, even if they mistakenly think they are obliged to participate.

With respect to choices to be made during the peer mediation process, entering the process with a clear idea of the likely outcomes and the scope of those outcomes also seemed to be a benefit for students as shown in interviews with staff. For example, in comments from Interview 50 set out below, a teacher emphasised that certainty was important for this Process Participants.
Staff comments in interviews raise the point that students approach the process with one outcome in mind — amicable resolution of the problem — and presenting them with a range of choices appears to have an iatrogenic effect. This is interesting in that it seems to suggest that having a choice may be far from being beneficial for some participants. The idea of choice may be harmful to the participants by making them insecure and less likely to be satisfied with the outcome of the process. For example a comment from a member of staff (Interview 50):

*The concept of alternatives tends to make students insecure and make it difficult for them to decide whether what they are accepting is good enough. When they try to resolve an issue they will focus on reaching an agreement oblivious to other alternatives and will really only want to resolve the problem and they will devote the attention to this aspect.*

The therapeutic element of choice was not originally intended as a part of the Study; however, it is clearly a matter of some interest for further research. More directed questions would be necessary for future research for generating data to determine the value of this potential therapeutic element. Questions relevant to this value which could have been included in written surveys and interview questions are, for example, “Do you feel that you are able to choose how you handle conflicts in your school? If so what do you think about this?” or “Do you think students who have a disagreement should have to go through peer mediation or is it better that students should be able to choose?”

6.4 Findings of perceived therapeutic effect of the program on the school community as a whole: does the Program become a social force in the community?

The Study looked at whether Constituents perceived the program to have an effect on the whole School community environment. The relevant data collection techniques examined for this section were open-ended written survey questions, interviews and observations. The researcher sought Constituent opinions and comments in relation to the atmosphere and climate of the whole school community in the context of the Program.
6.4.1 All students

Students were not divided into any sub-populations for this examination. Students (n = 153) were treated as one Constituent group for the purpose of this examination.

6.4.1.1 Written surveys

Questionnaire 1: Peer Mediation Student Survey

Open-ended question

Question Q: Can you write down what you think of peer mediation?

The responses of both Process Participants and Process Non-Participants were merged for the open-ended question, as they were free to write about peer mediation in general. Out of 153 respondents, 152 wrote something for this question. Out of these 152 responses, 58 responses (38%) referred to the program in relation to the atmosphere of the whole school community. Of these responses, 100% were positive about the effect of the Program on the school community as a whole.

Examples of these responses are given below:

- *I think that peer mediation is an important thing in the world because they can solve things.* (Student 59, Year 3 female)
- *I think peer mediation is a really good thing because it helped me a lot to get along with the people I fight with so I can make more friends.* (Student 55, Year 3 female)
- *I think peer mediation is good to learn and makes people feel happy and calm.* (Student 63, Year 3 female)
- *I think peer mediation is good for other people and to get to know each other and becoming friendly.* (Student 65, Year 3 male)
- *Peer mediation is very good, because it will help the world to stop the world to be very hurtful.* (Student 71, Year 3 male)
- *I think peer mediation helps people.* (Student 116, Year 5 female)
- *I think peer mediation is a very good think because it helps people work out problems.* (Student 107, Year 5 female)
- *I think it helps make the school a better place and a kind school by having peer mediators.* (Student 15, Year 6 female)
- *I think peer mediation is good to help the students get along.* (Student 7, Year 6 female)
- *It helps children get along and solve problems in the future.* (Student 10, Year 6 female)
- *I think peer mediation is a good program because it helps people feel better about themselves.* (Student 5, Year 6 female)
- *I think peer mediation is a good helpful thing that all schools should have peer mediators to help kids share their feelings.* (Student 20, Year 6 female)
- *I think that peer mediation is really good help to all the bullies and victims to have better behaviour and making the victim feel safe at school.* (Student 22, Year 6 male).

### 6.4.1.2 Recorded interviews

Individual and group interviews were examined for opinions and comments in relation to the atmosphere, culture and climate of the whole school community in the context of the Program. Out of the 22 individual interviews and 16 group interviews (total 38 interviews), 36 interviews made reference to students being able to preserve relationships in the school community and to positively interrelate with other students at the School as a result of the Program. One group and one individual interview did not refer to this issue at all.

Examples of comments made in interviews are given below:

- *It solves a lot of problems and can make people who are enemies, friends.* (Interview 7)
- *If you are in a fight you can go to peer mediation and solve it.* (Interview 7)
- *Because when friends have fights and peer mediation they realise they didn’t mean to do it and become friends again. It’s really cool.* (Interview 8)
- *Well we’d probably just stay enemies for ages [If we didn’t go to peer mediation].* (Interview 8)
- *No you don’t have to be friends if you don’t want to. You just make sure you are happy and that they won’t do it again. You don’t have to be friends. It’s really fun.* (Interview 8)
• If there was no peer mediation there would be much more bullying. There is not much bullying in the school anymore. (Interview 78)

• Well last year there were only two fights in the whole school, that’s all I saw last year. (Interview 2).

6.4.1.3 Observations

From the six observations, the students were able to articulate peer mediation protocols unprompted and were aware of positive and constructive ways to approach conflict.

6.4.2 All staff

Staff were treated as one Constituent group for the purpose of this examination.

6.4.2.1 Written surveys

Questionnaire 4: Staff Questionnaire

Open-ended questions

Question ZJ: Would you like to add your own comments about this (conflicts at school)?

Question ZT: Do you have any suggestions to make the peer mediation program more successful?

For the purposes of this examination the responses to these two open-ended were merged. Out of 18 respondents, all 18 wrote something for this question. Out of these responses, there were six responses (39%) that referred to the Program in relation to the atmosphere of the whole school community. Of these responses, 100% were positive about the effect of the Program on the school community as a whole.

The following are examples of comments:

• I have been teaching at this school for 16 years. I have seen the code of ethics change in the playground. Where once this was a tough school where the strongest ruled, it is now a ‘calm place’ (sometimes) where all children are respected. The children feel happy, safe and secure. They know they will be listened to. (Teacher 3, female)

• Conflict resolution skills which children can use will improve significantly the teaching/learning environment. (Teacher 11, male)
• While it’s highly valuable, it needs to be understood it’s not the full solution and some children — while they do need to be included fully in the program — do not have the mindset to understand mediation. However the value of the program as a whole to them is still of immense importance. (Teacher 5, female)

• We are now dealing with conflict before it becomes bullying. (Teacher 8, male)

• Staff need constant reminding of peer mediation programs so that they refer appropriately. Referrals [to discipline] drop off as the year goes on. (Teacher 8, male).

6.4.2.2 Interviews

Out of the ten interviews with individual staff members, 100% of the members of staff referred to the positive school environment as a consequence of the Program.

Examples of comments made by members of staff in interviews are given below:

• There’s definitely a roll on factor, the curriculum spirals out and so the children are beginning to know the answers and the questions so it becomes part of their life. (Interview 18)

• It’s just second nature to them, so by the time they are actually mediators in the sixth grade...it is second nature and they can see both sides of an argument for instance. (Interview 18)

• The students are definitely remembering things and it’s not as if what you are presenting is brand new. I also try to link my literature in with the peer mediation so I try and find a book that matches and the kids relate to the literature and the peer mediation at the same time. (Interview 18)

• There are lots of benefits to our school from the Program...an improved understanding by the children of their responsibility for their own actions and how their actions affect other children. (Interview 23)

• Significant lift in academic standards that our children have achieved. (Interview 50)

• There has been an increase in the level of confidence and performance of the children in a wide range of areas and the peer mediation program, which is I guess the essential socialising agent right across the school, has been a significant factor. (Interview 23)
• You can see as [the students] are explaining and listening to the others point of view, you see their body language and face change. (Interview 69)

• Not necessarily everything gets to peer mediation and sometimes another child may interrupt and that diffuses the situation and it doesn’t need to get to peer mediation or they try and talk things out before they get to peer mediation. (Interview 18)

• I believe that things like our detention rates and things like that, for things like physical fights, have gone down over the years from the moment that the school introduced peer mediation to now where it’s quite established and it’s just an accepted fact... (Interview 18)

• I find that this program is really relevant for this school because it’s just another forum for the kids to get things off their chest. (Interview 22)

• There are lots of benefits to our school from the program; probably our school has changed significantly over the last decade. One of the benefits for the school has been an improved understanding by children of their responsibility for their own actions and how their own actions affect other children. (Interview 23)

• I can testify having being here over ten years to the improvement of the inter-relationships kids have with each other and with the staff and with the effect of the school as a whole. (Interview 23).

6.4.3 Former Students

6.4.3.1 Recorded interviews

The researcher examined the recorded interviews with Former Students to explore if they perceived the School environment to be enhanced by the Program. Out of the six interviews with Former Students, each of the six interviews provided the researcher with comments relating to the School environment in the context of the Program.

The following are some examples of comments:

• If there was any disagreement it would be looked at straight away. (Interview 28)
• [At Vale] I learnt how to sort things out without resorting to violence. (Interview 28)

• If I hadn't done peer mediation I wouldn't know how to sort it out, I would just keep it myself, that's not good, it's better to talk it out. (Interview 34)

• We learnt about just how to deal with certain situations between friend and fights...just learning to accept people. Their differences. (Interview 30)

• [As a result of the Program] you learn to deal with [conflict] more easily and if there's a problem you don't get all worked up about it and start really disliking that friend, you work it out between them. (Interview 31)

• [I benefited from primary school] because you learn to deal with it more calmly, more easily. Instead of getting all worked up about it you do it more slowly. (Interview 31)

• Ours [the environment] was different because we there was a set of instructions to tell you not to take sides and stuff and you had to sign it. We came up every second half of lunch and we discussed it, but we knew what to do and read out as it was in our brains as we did heaps of them [when we were in Year 6 and peer mediators]. (Interview 34)

• [Peer mediation] has helped me by holding back when I want to hit someone. I just have to talk it out. (Interview 38)

• We learned how to deal with [two] children who were having an argument, how to let them explain the situation, they meet each other half way. (Interview 38)

• It was a good school because I wasn't the one left out because of my culture, this school has opened my culture for me to appreciate it. (Interview 38).

### 6.4.4 Parents

The researcher examined findings from the open-ended question from the written survey to determine if parents perceived that the Program had a positive effect on the environment and climate of the School community.
6.4.4.1 Written surveys

Questionnaire 6: Parents’ Questionnaire

Open-ended question

Question 13: Do you have any comments about the peer mediation program?

Of the 121 respondents to the survey, 48 wrote an answer to this question (40%). Of the 48 responses, three (6%) were negative, with parents stating that they did not think that the peer mediation program is effective. Ten responses (21%) were neutral. Most commonly these were an expression of ignorance regarding the details of the program and a request that information be more freely available to parents. Of the remaining 35 responses (73%), which were positive regarding the Program, 22 referred to the Program in terms of enhancing and positively affecting the School environment.

The following are examples of positive comments:

- *I think they should continue with whatever they’re doing which is a good thing for the students and the school.* (Parent 72 of two girls)
- *Yes, I believe it has made a difference; people are being less of a bully and learning to cope better with arguments.* (Parent 73 of one boy)
- *I think peer mediation is excellent. To be kind to others, plus not everybody is the same and always treated the same. Rules are great, no favouritism.* (Parent 74 of one girl)
- *I think it helps the children understand friendship and play together.* (Parent 79 of one boy)
- *My child has benefited from being trained to facilitate the program. Increased her self-esteem and the capacity to mediate a variety of situations. Skills to be extrapolated to many areas of life now and in the future.* (Parent 80 of one girl)
- *The child is able to communicate and how to help others. Understanding how to treat others better.* (Parent 82 of one boy)
- *As parents we think it’s very successful. It’s especially good to see the older kids taking time out for the younger students. It makes them feel less alienated especially in the first few years.* (Parent 83 of one boy)
- *I think peer mediation is successful at [Vale] because the students are more respectful than at other public schools I know. I don’t really hear from my kids about any concerns.* (Parent 88 of one boy, six girls)
• If this program continues it will improve time at school for many students. (Parent 93 of one girl)

• Good program, it should be in all schools. Helps children in growing and understanding. (Parent 94 of two boys)

• I think it is a really good program. Especially for kids this young. My kids come home every day and tell me all about their school day. All the fun stuff and the not so happy moments. The peer mediation program has taught them to talk to someone about any problems they may have and I am glad at the end of the day I get to listen to all their stories and complaints. Thanks to everyone who helps with the program. Keep up the good work. (Parent 95 of one boy, one girl)

• The peer mediation program has helped my son a lot with his anger management and to deal with conflict with friends and other students. (Parent 121 of one boy)

• Good effective way for students to handle issues they may have with other students as a first step before Teaching Staff. (Parent 101 of one boy)

• I believe it's a great program, our children benefit from it. It should be in all schools. It helps children in their growing years. (Parent 106 of two boys)

• I think it is really good that the kids are given the skills to problem solving with their peers. It encourages maturity in this area for high school and into their adult lives. Is [school name] one of the few schools that have this program? My friend's children don't seem to have this at their schools in the area. (Parent 112 of two boys).

The following are examples of negative comments:

• Mostly my children have reported that they don't enjoy participating in the peer mediation groups, and that attending peer mediation for the resolution of problems was a waste of time. (Parent 115 of one boy, one girl)

• I do not think peer mediation really works with real bullying. I think it might settle down children but the problem is not solved. After it's done so many times it loses its effectiveness. (Parent 108 of one girl)

• We get mixed messages about the usefulness of the peer mediation program — sometimes it does not change the situation or the offending behaviour, sometimes things change. We have been lucky that our kids have not been
subject to sustained bullying and have not had to test the effectiveness of the program. Many times my kids won’t report or complain of bad behaviour in others because they will have to go to peer mediation which they think will inflame the situation and expose them to more danger. (Parent 116 of one boy, one girl).

6.4.5 Have the findings demonstrated that the Program has become a social force in the community?

From the data above there is a strong indication that the program has become a social force in the School community. All Study Participants accept the intervention of the Program and recognise the Program as being integral to the community. Importantly, students report that they want to participate, and enjoy their association with the Program. Students report they have developed skills, behaviours and attitudes through the training component, and therefore benefit from the Program. The data clearly shows that students are responsive and receptive to the Program.

Similarly, staff support the Program and recognise the benefits of the Program for the students, for themselves and for the community. Staff attitudes are vital for training, sharing and modelling behaviour, as well as for referrals to the mediation process component. The majority of Parents are aware of the Program and recognise the positive effects conferred on their children and the community. Former students who attend high schools which do not conduct a peer mediation program, opine that their high schools are inadequately addressing conflict management and therefore adversely affecting the high school community climate.

Examples of Former Students’ comments are given below:

- *At my school there are two other people who are from [Vale] and we have completely different friends and I think we sort things out differently* (Interview 28)
- *They just expect us to know it because we are grown up, mature.* (Interview 30)
- *A lot of the kids just don’t know how to control their anger. With girls it’s a bit different, they just gossip a lot more and they don’t really care about how the other person feels, it’s just more about their emotions. They don’t really care about how the other person is taking it, and how to solve it, they just care*
anymore and they just want to be angry at them constantly. They don’t really try to solve it. (Interview 38)

• By doing peer mediation you are able to see from the bully and victim’s perspective. (Interview 41)

• You don’t always have to go to the teacher, small problems can be fixed just among friends. But if it does get out of hand go and tell somebody; with peer mediation from primary school there was always someone to tell. With high school there wasn’t really someone to go and tell so if high schools could sort out some kind of programme that would be really good. (Interview 42).

The data reveals that indicators such as academic levels, discipline issues, Constituent interaction and communication are improved as a result of the Program, and this in turn improves the atmosphere of the community.

6.5 Summary of Findings

The findings from the Study indicate that the Program in its entirety is perceived by Constituents to have therapeutic effects for themselves and for the community. Component parts of the Program and their intrinsic elements were identified and were also perceived by Constituents to have separate therapeutic values which contribute separately and in concert to the overall effect of the Program. Students in the School community perceive therapeutic value from the Program beyond the consensually mediated outcomes of disputes via the peer mediation process component.

Process Participants perceive a greater therapeutic benefit than Process Non-Participants; however, Constituents who were are not directly involved in various components of the Program still perceived therapeutic effects from some components. Unintended outcomes from the Program, including effects on Constituents such as Non-Teaching Staff who are not directly involved in the Program components, were also recorded. Constituents perceive the Program to positively affect the School community climate, including academic performance, and report that the Program promotes a distinctive and positive culture or social force in the School.

The training component of the Program is vital to the effective functioning of the Program and component parts of the Program, especially the peer mediation process component. The skills, behaviours and strategies learned in the training component were
crucial tools required for therapeutic effects to be optimised, or realised at all, by students. Students, Former Students and staff consistently mentioned the self-empowering aspect of the Program for Students.

Additionally, the Student self-governing and self-regulatory aspect of the Program was consistently mentioned by staff and students as being a major benefit, and a main reason therapeutic effects were conferred on Constituents. However, the Study confirmed that the environment and the roles of Constituents must be configured to support and facilitate the Program in order for therapeutic effects to be optimised or realised at all. The appropriate design, implementation and operation of the training component are pre-requisites for the effective functioning of the program for the specific community.
Chapter 7. Limitations of the Study

The findings of the Study need to be interpreted with caution and consideration paid to points set out below.

7.1 Exploratory study

The exploratory nature of the Study may limit the conclusions that can be generalised to all schools or community settings.

7.2 Unique and original study

The Study is an original study. There were no precedents to follow. The methodology was designed by the author with assistance from Dr Christina Ho.  

7.3 Snapshot study

The Study was a snapshot study of the school community over an eight month period. Further research using a longitudinal design is needed to clarify the effects of the interaction between the Program, its effects on Constituents and resulting health-promoting behaviours. Also, the researcher was only able to gather data at times that were convenient for the school and during school term times, which meant that there were periods of time when the researcher could not obtain data from Study Participants.

7.4 External validity

The beneficial effects of the Program may be generalisable to most individuals and settings, but the effects of the Program can be very dependent on factors such as the characteristics of the individual, the method of application and implementation of the Program, and the environmental setting of the Program. How these factors are taken

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477 Dr Christina Ho, Senior Lecturer, Social Inquiry, Faculty of Arts and Social Sciences, University of Technology, Sydney.
into account in the design, configuration and implementation of the Program can have a major effect on external validity.\textsuperscript{478}

\section*{7.5 Small sample size}

The Study was only conducted in one school, and therefore the Study numbers sampled are not large. However, the Study represents the totality of the School population. Further research is needed with larger samples to confirm the findings, and also in numerous different schools which conduct a peer mediation program.

\section*{7.6 Study Participants}

The findings of the Study may need to be interpreted with caution because of the potential for self-selection bias and Study Participant interest in the Program. This is particularly relevant with respect to staff, Former Students and Parents — Participants who may not be representative of communities in wider society.

\textbf{Students}

Student Study Participants were children aged five to twelve years. Age appropriate interaction, data collection techniques and communication strategies were thoroughly researched in consultation with the School staff in order to maximise the value of the information and data collected from the Study Participants. The written surveys and interviews were structured and formulated to accommodate the developmental ages of the children. Existing literature also guided the researcher to respect children’s competencies.\textsuperscript{479}

The researcher acknowledges the following with respect to involving young children directly in research. The researcher had a duty, obligation and responsibility toward the children in terms of any disclosure with respect to harm or information about harm.\textsuperscript{480}


\textsuperscript{479} Virginia Morrow and Martin Richards, 'The Ethics of Social Research with Children: An Overview' (1996) 10(2) \textit{Children & Society} 90, 100.

\textsuperscript{480} \textit{Children and Young Persons (Care and Protection) Act} 1998 (NSW); ibid 97.
Also, the researcher had to ensure that the children did not suffer any adverse effects at any stage from the research process.\textsuperscript{481}

Children’s competence and vulnerability as respondents to surveys and interviews have been questioned in existing scholarship\textsuperscript{482} in relation to the following:

- Survey and interview questions asked by the researcher could lead to a whole range of answers dissociated from the research.
- The validity and accuracy of children’s responses have been challenged in existing research with children.\textsuperscript{483} However, there is also a large body of work that argues that children’s views ‘can and ought to be taken seriously’\textsuperscript{484} and that children have valid opinions and views about their lives and the world.\textsuperscript{485}
- Children may be anxious in the setting of a research study, which is out of their sphere of experience.\textsuperscript{486}
- Children may feel intimidated and uncomfortable talking in front of peers and adults, especially for the younger children.\textsuperscript{487}
- Children have been perceived as poor informants, not able to fully understand written or oral questions about ‘many of the issues which confront their daily lives’.\textsuperscript{488}
- Children may not share information they perceive as sensitive in the Study format.
- Children may experience fear or upset or become distressed in a research environment.\textsuperscript{489}

\textsuperscript{481} Morrow and Richards, above n 479, 100.
\textsuperscript{483} Amanda Keddie, ‘Research With Young Children: Some Ethical Considerations’ (2000) 1 Journal of Educational Enquiry 72, 73.
\textsuperscript{486} S Hood, P Kelley and B Mayall, ‘Children as research subjects: A risky enterprise’ (1996) 10(2) Children & Society 117, 118.
\textsuperscript{487} Keddie, above n 483, 72, 78.
\textsuperscript{488} Mathews, Limb and Taylor, above n 485, 311, 314.
• Children may be more susceptible to being impressed or over-awed by being asked their perceptions, opinions and feelings, and may be more likely to over-emphasise positive feelings. However, the findings will show if this is true: if a sizable minority of responses are negative. If this does occur it gives this idea some credence but it doesn’t necessarily mean a false positive.

• Children may not feel that they are in a position to dissent.

• It is difficult to capture the ‘natural’ social setting of peer group interactions when there is a researcher intervening.

Concerns with the ethical, moral and safety implications of researching children have been researched widely in established research, and were acknowledged and recognised. These were also documented in the application for university ethics approval.

Motivational prompts were used to put students at ease and to stimulate discussion. Motivational prompts may cause children to want to satisfy the researcher with certain information. The researcher was informed about this sort of self-reflexive participation and constructive engagement with children during research study.

7.7 Respondents ability to recall past events

Recalling past feelings is in some cases a weakness of the Study. For example, the Study asked Study Participants to report on how the peer mediation program made them feel, and this may have taken place a while before they were asked about it. However, given the nature of wellbeing, this is also strength of the Study. Student Study Participants may well not like having to go through a mediation process if the dispute

489 Keddie, above n 483, 72, 80.
490 Ibid.
491 Morrow and Richards, above n 479, 90, 101.
492 Keddie, above n 483, 72, 73.
493 See generally Priscilla Alderson and Virginia Morrow, Ethics, Social Research and Consulting with Children and Young People (Barnado’s 2004); Amos J Hatch, ‘Ethical conflicts in classroom research: Examples from a study of peer stigmatization in kindergarten’ in Amos J Hatch (ed), Qualitative Research in Early Childhood Settings (Praeger, 1995); Keddie, above n 483, 72.
494 Nicole McWilliam, UTS HREC REF NO 2005-0071.
495 Hood, Kelly and Mayall, above n 486, 117, 119.
was one that was quite upsetting to them. If they are asked to recall their feelings immediately after the mediation process, the conflict may still be foremost in their minds and therefore colour their feelings of the peer mediation process. When asked at a later date to recall how they feel about the process, the student may look back on it more dispassionately and see how talking about their feelings, although uncomfortable at the time, allowed them to solve the problem and has helped them to interact with classmates since. As wellbeing is subjective, it would be ideal to be able to measure how students feel about peer mediation immediately after the mediation and then again sometime afterwards.

7.8 No incentive provided

Study Participants were not provided with any incentive to answer truthfully. Equally they were not provided with an incentive not to answer truthfully.

7.9 Study conducted at school

The Study was conducted in school classrooms and on the school campus and during school hours and so Study Participants may have felt constrained rather than answering all questions freely. As with any questionnaire, respondents give the answers they think the researcher would like. To minimise this effect, questions were generally not specific and gave respondents a range of possible answers including a ‘don’t know’ option where appropriate.

7.10 Lack of a control group

The School is not compared in terms of the constituencies and sub-populations with related populations in another school community with or without a peer mediation program. Because it is exploratory, the Study is not seeking to prove the efficacy of the peer mediation program. The Study explores whether a peer mediation program and its component parts have therapeutic value for individuals and the whole population of a school community. In this sense, showing that constituencies and sub-populations under

496 See Chapter 7.6.
study perceive a benefit in their wellbeing is enough to persuade us that such therapeutic value exists.

7.11 Implementation of the Program

The success of the Program may be partially attributable to the efforts of dedicated staff at the School who work far beyond their employment brief. The work and commitment of the staff must be factored into this Study when looking to apply results to other communities. This is recognised as being a factor with respect to many of the school-based conflict resolution programs.497

7.12 Ambiguity about the definition of wellbeing and therapeutic

The nature of wellbeing498 is subjective and transient, as respondents in a good mood will rate answers higher than they would if they were in a bad mood, for reasons that may be wholly unrelated to the environment under study. Will a report of feeling better actually mean the person feels better, and if so, how? In the Study, if the respondent reports wellbeing, happiness or feeling better, and if they think they feel better, it must follow that they do, as feeling is subjective. Equally, if a process makes someone feel better about themselves then they will experience a real benefit as a result, even if they cannot qualify why they feel better or attribute a reason for it.

497 Johnson and Johnson, above n 3, 459, 496.

498 For discussion of definitions of wellbeing and therapeutic, see Section 2.2.1.
Chapter 8. Discussion

8.1 The Program as a whole

8.1.1 Therapeutic effects of the Program conferred on students

The findings clearly show the therapeutic potential of the peer mediation process contributed to a greater benefit via the Program for those students who had availed themselves of the mediation process for their own disputes (Process Participants) compared with those students who had not (Process Non-Participants).

Figure 8.1 illustrates the two sub-populations to which the students belong: either peer mediation Process Participants or peer mediation Process Non-Participants. Process Non-Participants, while participating in the Program, did not directly experience the peer mediation process. The findings show clearly that both subgroups experienced therapeutic effects from the Program, except for the peer mediation process component. Process Non-Participants take part in the experience at all process levels of the Program except the peer mediation process. Therefore, Process Participants have the benefit of the peer mediation process which is an additional opportunity to gain therapeutic effects. Process Participants experience the benefit of the immediate and personally relevant process of the peer mediation process.

For example, 88.6% of peer mediation Process Non-Participants (Table 6.40), as opposed to 100% of peer mediation Process Participants (Table 6.4), thought that students felt better when they talked about feelings at peer mediation at least some of the time. Also, 51.9% of Process Non-Participants’ responses (Table 6.38) indicated that students felt better if given a chance to talk about how they feel, compared to 63.5% of peer mediation Process Participants’ responses (Table 6.2). These findings support the literature on the therapeutic implications of mediation499 and highlight the indirect effect on Process Non-Participants.

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499 Waldman, above n 475, 345; Waldman, above n 53, 155.
Therefore, Process Non-Participants indicated that they were aware of the therapeutic benefits, although to a lesser extent than Process Participants. Participants learn more skills through the experience of the process and derive greater benefit from practicing learned procedures from the Program as a whole, compared to those who do not participate in the process.

Interestingly, the comments from the students indicate that both Process Participants and Non-Participants were affected by the peer mediation process which contributed to the effects on them as a result of the Program (Interview 16). The findings show that Process Non-Participants were engaged in the debrief or post-process discussions of the peer mediation process subsequent to a peer mediation process. For example, a comment from a Non-Participant to an open-ended survey question, Can you write down what you think about Peer Mediation? was “My friend said that they don’t help at all” (Student 58 Year 3 male). Therefore, students who had not participated in the peer mediation process were aware of the process and students’ perception of the process.

Some of the therapeutic effects of the program that were consistently reported by students are detailed below. These are empathy, anger management skills and impulse control, improved communication skills, preservation and enhancement of student
relationships, enhanced school environment, conflict resolution skills, enhanced enjoyment of the school environment and personal confidence.

8.1.1.1 Increased empathy

The level of empathy will affect the way information and insights are effectively exchanged and the way conflict is managed in a constructive or destructive way.\textsuperscript{500} Findings of this therapeutic effect were strong amongst all students, and appear to have been affected by all the major aspects of the peer mediation program: training, acting as a Peer Mediator and the peer mediation process. In the training, students were taught that when there is a conflict they must try to understand the points of view of others and to negotiate by first understanding the perspective of others, including feelings and needs. Students reported that they found it beneficial to understand people better, as it enabled them to have more fulfilling relationships. Students consistently made comments like “it has helped me to understand how people feel” (Interview 25) and “You don’t know how people feel unless you ask them and that helps to sort out problems” (Interview 85). Another clear example from the interviews is the following:

I: What makes them realise, what exactly is it?

S: You tell them that you’re upset and that you’re not happy with what they did to you. You tell them that they hurt your feeling and then you realise that they didn’t know that they were hurting our feelings.

I: If you didn’t go to peer mediation, what would happen?

S: Well we’d probably just stay enemies, for ages. (Interview 8).

Teaching Staff were certain that empathy had been conferred to students via the Program (Interviews 69 and 75). Teaching Staff reported that students developed an appreciation for the feelings of students and others as a result of the Program. For example, the following is a comment from an interview:

[The students] are taught about empathy. They talk about how they felt when they’re in a situation. They put their point across and then they realise and go ‘oh I

\textsuperscript{500} Johnson and Johnson, above n 271, 51, 62.
didn't realise that 'or 'that happened to me too, I felt like this' so they really understand each other. (Interview 75).

Staff at the school emphasise during the training that the Program is more about understanding points of view and giving respect rather than just the actual solution. It is important to note that the actual solution to the mediation is a consensual agreement which satisfies all disputants and manages the problem; however, it is more important to the Constituents that the process has increased the understanding between the disputants of any underlying issues which caused the problem. Interview 50 addresses this point, for example:

• You see that Year 6 children become more confident and much more articulate, their problem-solving skills become much improved and how they approach people in their personal skills and interaction are much more improved.
• The fact that the mediator tries to take neither side seems to encourage the children to try and spend more time talking to each other and trying to resolve the issue.
• They talk about problems and try to sort out issues on their own and then they go to peer mediation if it doesn't work. Some definitely work through disagreements on their own and get a kick out of it.

Observation 5

In this recorded observation, students are engaging in a negotiation where they are not adversaries but are partners trying to cooperate, to develop common understanding of each other’s feelings and perspectives and to craft a fair agreement that is mutually advantageous.

They assert their needs but at the same time they are both listening attentively and speaking to be understood. They are both making an effort to take the perspective of the other and to monitor the success of doing so. They appear to be listening to each other’s meaning and emotion in such a way that the other party feels understood. They are communicating their thoughts and feelings in such a way that each one is demonstrating

501 Transcript in Appendix C, Volume II; clip of Observation 5 on DVD.
understanding. They do not assume that the other understands what’s going on, so each
one is asking questions, proposing alternative solutions, and exploring the responses.

The students also use learned strategies and skills such as neutral ‘opening’ and
‘informing’ statements to encourage the other student to open up: "Yeah but why should
we fight like that? We shouldn’t really fight", and “Because I think you are angry at me”.
Each student encourages the other student to talk about her concerns and wants. Then
each student tries to see that the other’s position and demands are valid (or not). Both
students elicit positive nods from each other and the body language is not aggressive.

They work together and generate a variety of options from which to create a solution
“opening doors and producing a range of potential agreements satisfactory to each
side”.502 In this the students generate options such as “we should just say ‘hi’, be friends,
play be friends”, “we can say ‘hi’ from today lunchtime”, “me and you play a little at
lunch” (Observation 5).

This recorded observation clearly demonstrates empathetic behaviour and importantly,
transference of understanding of empathy as an aspect of peer mediation to a more
general and informal approach to managing and solving disputes. This transference of
training of mediation skills, behaviours and strategies indicates students are able to
generalise procedures in actual conflicts. Published studies have reported trained
students spontaneously using the negotiation and mediation procedures at home with
their siblings and friends,503 and there are comments in the Study from students and a
parent in interviews which mention students trying to use learned skills from peer
mediation training in non-school and non-classroom settings (Interviews 26, 19 and 87).
However, the Study clearly reveals that all participants in the process require shared
knowledge of the procedures and protocols. For example,

M: I don’t use peer mediation skills with my brother and sisters at home because it
wouldn’t work. They don’t know it. They don’t know the mediation process.
(Interview 26).

502 Fisher, Ury and Patton, above n 266, 83.
503 Johnson and Johnson, above n 313, 10.
8.1.1.2 Enhanced anger management skills and impulse control

The data collected from Constituents strongly supports the existence of these therapeutic effects on staff and students. Students perceived that they had become comfortable with their feelings of anger, hurt and frustration, and they had become open to expressing them. Students commented repeatedly that they were able to assert their feelings and emotions while maintaining respect for the feelings and experiences of others. Commentators in the area of peer mediation confirm that peer mediation programs foster self-discipline and self-regulation.504 An example of a comment from a student is, “because when someone is being mean to me or something, I'd know what to do then...and I won't get so angry” (Interview 1). Parents also mentioned this therapeutic effect, an example being “The peer mediation program has helped my son a lot with his anger management and to deal with conflict with friends and other students.” (Parent 121 of one boy).

One reason for the positive results of the Program, as described anecdotally by Constituents, is that the skills, behaviours and strategies encourage students to stop, think, plan ahead and learn strategies to manage their anger (Interview 42). Acquiring skills and behaviours and the ability to plan has been discussed with respect to programs such as re-entry moot court505 and other corrections environment programs.506 Successful programs in corrections help offenders develop self-management systems which include strategies to help individuals cope with their heightened emotional responses.507

Teaching Staff commented that improved anger management skills complement students’ academic work and facilitated learning. For example,

*She [a student] had a lot of anger management problems and she was having a lot of arguments in the playground... After she was mediated she would then come into*

the classroom and would be a little bit more calm and from that she could learn. No one can learn if they are really angry. (Interview 22).

This relates to “responsivity” to treatment\(^{508}\) or readiness for rehabilitation\(^{509}\) discussed in therapeutic jurisprudential literature with respect to how the legal processes may impact behaviour and the willingness of individuals to participate in rehabilitation.\(^{510}\) The Study findings point out that the peer mediation process, in the right circumstances (that is, as part of the operation of the entire program), can in itself operate to benefit students for engagement and concentration for learning.

### 8.1.1.3 Improved communication skills

The strategy used to resolve or manage disputes has been found to be the best predictor of the outcome of the dispute, rather than the type of dispute or frequency of conflict.\(^{511}\) It has been identified in research that conflicts become negative when they are handled destructively from the point of identification and are allowed to escalate.\(^{512}\) Increased communication skills not only make such destruction and escalation less likely, but they will also be beneficial for students in a variety of non-conflict situations.\(^{513}\) Examples of comments from a couple of parents illustrate this point:

[My] child is able to communicate and to help others. Understanding how to treat others better. (Parent 82 of one child).

The peer mediation has taught [my kids] to talk to someone about any problems they may have and I am glad at the end of the day I get to listen to all their stories and complaints. (Parent 95 of two children).

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509 Wexler, above n 508, 111, 112.

510 Birgden, above n 96, 283, 287; Wexler, above n 508, 111, 112.

511 Johnson and Johnson, above n 3, 459, 472.


513 Sandy, above n 260, 237, 239.
Communication skills taught through the Program allow the students to assert their needs and ideas constructively and to brainstorm creative ideas so that all parties are satisfied with the outcome (Interview 50). The Program operates by training students that certain behaviours are privileged and accepted while others are marginalised. The power of positive and constructive communication and dialogue is valued in the School and modelled by staff as a way of asserting needs and wants and as a way of generating mutually desired and or satisfying outcomes. For example, “Peer mediation works because they are able to sit down with people. They all listen and want to listen and they feel like they don’t have to fight any more to say what they want.” (Interview 27).

A contrast can be made with the legal system, with respect to prisoners in a corrections community. Research shows that prisoners in a corrections setting lack these key learned communication skills for handling conflict.514 According to forensic psychiatrist Olav Nielssen,

There is often the lifelong experience of observing and using violence and intimidation to achieve personal goals. Long term prisoners have often developed an antagonistic attitude to correctional programs, which are perceived to be to achieve the goals of the criminal justice system, rather than their own goals. Hence it will be important to try to overcome the inherent suspicion of therapeutic programs and the institutional habits of the inmates.515

8.1.1.4 Preserved and enhanced relationships between students

The preservation and enhancement of relationships is an important part of conflict resolution. It can make a conflict a positive event by improving or even creating and reinforcing mutually beneficial relationships. Studies have shown how a competitive and adversarial relationship can become cooperative and beneficial by the introduction of shared goals and experiences.516 The peer mediation process provides this in a mutually respectful environment which does not seek to attach blame, but instead

514 See Interview with Olav Nielssen, Appendix C.3, Volume II.
515 See Appendix E.2, Volume II.
focuses on negotiating and problem solving. The result is to maximise mutual benefit which increases the quality of the relationships.\footnote{Johnson and Johnson, above n 46, 417, 435.}

Students report that relationships are fostered between different age groups as a result of the Program. Importantly for the Study it is recognised that the school becomes more like a connected community rather than a collection of isolated year groups that do not identify with each other: “you get to cooperate with other kids that you normally don’t see in the playground that often”. (Interview 2).

The Program allows students to coordinate efforts and establish relationships that allow them to work together. It is acknowledged that cooperation through problem solving increases the likelihood of constructive outcomes.

The Program generally provides a context for focusing on long term integrative strategies which strengthen and improve relationships. This is illustrated below from an excerpt of an interview (Interview 50) from a staff member:

I: Do you think the students learn to negotiate on their own?

T: Definitely. They talk about problems and try to sort out issues on their own and then they go to peer mediation if it doesn’t work. Some definitely work through disagreements on their own and really get a kick out of it. They learn this in training and can apply it to their own issues. When this happens friendships usually become stronger but having said that its usually good friends who talk on their own — but not always — it’s getting better with all students. Also students enjoy working things out for themselves within their peer groups because then there is no adult intervention.

From the findings of the Study, the Program fosters strong cooperation and relationships between students as well as between staff and students. For example: “Year 6 are good helpers” (Student 2, Year 1 female) and “I think [peer mediation] is great and it helps little kids to talk to other big kids.” (Student 6, Year 6 female).

8.1.1.5 Enhanced school environment

The enhanced school environment was clearly perceived by all Constituents as a result of the Program operating in the School environment. This perception may be
attributable to the sum of all the therapeutic effects that constituents experience, rather than a single therapeutic effect in itself. Constituents perceived the experience of the component processes to be beneficial for both themselves and the community as a whole, regardless of the outcome of the peer mediation process. Intrinsic elements of components were identified and perceived by Constituents as having a separate therapeutic value, which contributed to the overall therapeutic value of component processes and the Program as a whole. Therefore, the data reveals that individual therapeutic effects were perceived by the Constituents and that these effects lead to an overall enhancement of the School environment.

In the school model it is easy to study the beneficial effects of the Program. In wider society this effect may be harder to see. The findings suggest that the environment is enhanced by inter alia reduced open conflict in the school environment, reduced tension in the classroom environment, and increased communication between students and enjoyment and satisfaction with the Program. This is exemplified by comments from a Teaching Staff member:

...so they can solve the problem themselves. I think the children are prepared to work at relationships and trying to solve problems and because they've got some skills, they're prepared to give things a go... there's always a willingness of the kids to try and work things out. I believe that things like our detention rates and things like that, for things like physical fights, have gone down over the years from the moment that the school introduced peer mediation to now where it's quite established and it's just accepted fact, peer mediation, Term 1, all the units of work and yet you have access to that program all year. (Interview 18).

Staff confirm that the effects of the Program maximise the opportunity for learning and for academic performance for all students: “they do enjoy it [the Program] and it carries through to the classroom” (Interview 75), and “Academic work I really think has changed this school and the attitude of the children towards their work has changed. I can see that because of the computer system and technology used there's been a growth in their story writing”. (Interview 49). Existing peer mediation studies\(^{518}\) report finding that peer mediation programs increase academic performance and improve

\(^{518}\) Johnson and Johnson, above n 271, 51, 62.
students’ lives on a social level. Research also shows that the stress created by interpersonal conflicts at school often causes attendance and academic work to suffer.\(^{519}\)

The data shows that students enjoy being involved in the Program (Table 6.3), feel good when they participate (Table 6.2 and response from Student 5 Year 6 female) and gain enjoyment out of participating (Student 25 Year 1 female). The data also reveals that the Program is held in high esteem by the students and that they are proud to be associated with the Program (response from Student 25 Year 1 female). These positive attitudes to the Program contribute enormously to the enhanced School environment. In this way the Program harnesses positive peer group pressure in order to privilege the constructive procedures and behaviours promoted and practiced in the Program. Below is an example of a comment from a staff member which illustrates the enhanced School environment as a result of the Program:

*I can testify having been here over ten years to the improvement of the interrelationships kids have with each other and with the staff and with the effect on the school as a whole.* (Interview 23).

### 8.1.1.6 Conflict resolution skills that can be applied to different situations

Students clearly learn to resolve conflicts in the Program and there is evidence that they apply these skills on their own and spontaneously to conflict situations without having to avail themselves of the peer mediation process (Interview 26; Observation 5). The following comment from a student exemplifies that students are aware that they are generalising learned procedures: *Well sometimes, now that it has been happening quite a lot children know how to solve between themselves* (Interview 80).

An understanding of conflict and training in constructive procedures for interpersonal interaction assists students in applying learned skills both at School and outside the School setting. A teacher in Interview 50 commented that one student had requested if peer mediation would be a possibility for his separating parents.

However, students recognise that it’s difficult to apply learned procedures with those in their family or outside the school who have not been trained. It was in the context of

\(^{519}\) Opotow, above n 61, 416, 434.
application of learned skills outside the school setting that many students commented on trying out procedures with their siblings (Interview 26). Consistently mentioned by students was that a lack of training in mediation skills in individuals prevents trained students from resolving conflicts the way they would prefer, or at all (Interview 26). However, parents did report that procedures learned by their children were sometimes helpful at home (Interview 87).

Former Students also mentioned that they cannot apply learned skills of peer mediation to conflicts at high school because there is not a shared understanding and expectation of how to approach conflict. For example, the following is an extract from an interview with a Former Student:

MS: It has helped me by holding me back when I want to hit someone, I just have to talk it out like they taught me in primary school.

I: How does that work when you have to talk about it?

MS: I talk to my mates.

I: Do you find that other people in high school don’t want to talk it out?

MS: Yes, they just want to get into it (punches fist into palm). (Interview 38 part 1).

This underlines the fact that training in the process is crucial for all parties to participate or be effectively involved in the process.

Observation 5 demonstrates students who were transferring learned skills and managing their conflict in the corridors of the school. This spontaneous use of learned mediation skills, strategies and behaviours in relation to their day-to-day disputes is reported by students in interviews (Interview 80), and demonstrates how students spontaneously bypass the formal mediation process to conduct an informal dispute resolution process: an enhanced negotiation.

Research in previous studies has also confirmed retention and transfer of learned procedures in settings outside the school.\textsuperscript{520} Literature from existing studies confirms that the more students master the mediation skills such as integrative negotiation and

\textsuperscript{520} Johnson et al, above n 311, 803, 815; Johnson, Johnson and Dudley, above n 264, 89, 96.
empathetic listening, the more they are able to independently regulate their own behaviour so there is less monitoring and control required from adults.\textsuperscript{521} Researchers in childhood psychology make it clear that self-regulation of behaviour is “one of the really central and significant cognitive development hallmarks of the early childhood period”\textsuperscript{522} and therefore learning mediation skills, behaviours and strategies will help to achieve this developmental hallmark. Researchers indicate that peer mediation programs are about engaging students in self-regulation and this is fostered when individuals are given the opportunity to be involved in decisions which involve them directly. This in turn contributes to an individual being able to develop responsibility and accountability for their own actions.\textsuperscript{523}

### 8.1.1.7 Increased enjoyment of the school environment

Students’ responses from surveys indicate that they enjoyed the Program. With respect to Process Participants and Process Non-Participants, positive feelings were suggested by 92.3% and 88.6 % of responses, respectively, in response to the question, “What do you think about peer mediation?” (Table 6.2).

The Study results showed that 81.3% (Table 6.18) of Teaching Staff stated that they had noticed some degree of positive change in students’ moods due to the Program. It is important to note that the Program under study is well conducted and run by committed staff, and therefore this may be a reason why Constituents derive enjoyment from the Program. Scholarship in other peer mediation studies reports the importance of support of these programs by staff, as well as the enjoyment staff derived from these programs.\textsuperscript{524}

All students, staff and parents advanced opinions that they felt a sense of safety and security in the School community. This sense was attributed to students being able to approach conflict constructively. Constituents also reported that they had less fear of destructive conflicts arising in the School community:

\textsuperscript{521} Johnson and Johnson, above n 46, 417, 435.
\textsuperscript{522} Flavell, above n 504, 64.
\textsuperscript{523} Maxwell, above n 43, 149, 151.
\textsuperscript{524} Johnson and Johnson, above n 3, 459, 488.
• We are now dealing with conflict before it becomes bullying. (Teacher 8, male)

• Well last year there were only two fights in the whole school, that’s all I saw last year. (Interview 2)

• I have been teaching at this school for 16 years. I have seen the code of ethics change in the playground. Where once this was a tough school where the strongest ruled, it is now a calm place (sometimes) where all children are respected. The children feel happy, safe and secure. They know they will be listened to. (Teacher 3, female).

Parents feel confident that their children will be safe and will be treated fairly in relation to issues that arise. For example, “[everybody] is always treated the same. Rules are great and no favouritism.” (Parent 74 of one girl).

8.1.1.8 Increased confidence

Increased confidence experienced by students was reported by students, staff and Parents:

• I think peer mediation is a good program because it helps people feel better about themselves. (Student 5 Year 6 female)

• Peer mediation is helpful because it makes people feel good. (Student 17, Year 2 Male)

• The peer mediation program has made [my child] more confident in himself. (Parent 78 of one boy, one girl)

• [The program has] increased her self-esteem and her capacity to mediate a variety of situations. Skills to be extrapolated to many areas of life now and in the future. (Parent 80 of one girl)

• As parents we think it’s very successful. It’s especially good to see the older kids taking time out for the younger students. It makes them feel less alienated especially in the first few years. (Parent 83 of one boy).

The examples of comments above show that in general, trained students who are able to manage disputes constructively through the peer mediation process or on their own feel satisfied and fulfilled, and feel a sense of contribution to the School. Research supports these findings in that the ability to manage conflicts constructively is an essential aspect
of psychological health and adjustment, and that improvement in the relations with others leads to improved self-esteem and self-confidence.

Interestingly, with respect to the peer mediation process component, a staff member commented that sometimes confidence can be adversely affected: “The concept of alternatives tends to make students insecure and make it difficult for them to decide whether what they are accepting is good enough.” (Interview 50). This comment seems to apply to the choices students are expected to make with respect to negotiating during peer mediation (see Section 8.2.2.3 for further discussion on choices).

### 8.1.2 Is there a therapeutic effect conferred on the Year 6 Peer Mediators?

Peer mediators consistently mentioned particular therapeutic effects that they perceived were related to their role as Peer Mediators.

#### 8.1.2.1 Feeling proud and responsible for helping their peers

Peer Mediators’ responses to survey questions indicate that they feel proud and responsible because they are able to help the younger students, and this is noticed by both teachers and parents. Over 78% of Peer Mediators indicated that they felt they had helped students to talk out their problems (Table 6.48). Also almost 70% of Peer Mediators believed that they had helped students to talk about their feelings (Table 6.48).

The data also shows that 34.8% of Peer Mediators felt that they had the opportunity to be responsible (Table 6.46). This extra responsibility seems to benefit them and they notice that it helps them make friends. One student said during an interview: “I feel as a peer mediator responsible and like a hero, because I’m helping younger kids” (Interview 43).

Teachers and parents speculate that being a peer mediator helps the students with leadership roles in later life and makes them more considerate and articulate. Parents in particular seem to value these attributes. In terms of the experience and responsibility

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526 Johnson and Johnson, above n 3, 459, 489.
gained, parallels can be drawn with participants in the teen courts, which are specialised court processes operating in certain states in the United States of America. In these teen courts, judges, jury members and defence counsel benefit from participation through “peer review, acceptance of responsibility and personal identification with the legal system”.  

8.1.2.2 Satisfaction in the process

Peer Mediators reported that they learnt how to reflect on how the recipient of a message may feel, and they acknowledge that this makes communication more effective and assists in the mediation process. Sixty one per cent of Peer Mediators felt that the role would help them in other areas of their lives (Table 6.50). Fifty two per cent of Peer Mediators thought that the role would help them when they were older (Table 6.51). A similar sense of satisfaction is reported in research on drug court judges, which indicates that they feel a sense of personal satisfaction in contributing to an addict’s recovery in a process available in the criminal justice system.

8.1.2.3 Feeling good about themselves as they are making the school safer and more fun

Peer Mediators also recognised that peer mediation makes the school safer and that they play a large part in this, which also seems to boost their self-esteem and make them feel happy. Peer mediators commented that they feel good about themselves as they are making the school safer and more fun. This, coupled with the additional training and skills they acquire in their role as a Peer Mediator, results in a definite boost to their wellbeing and younger children notice this.

The students reported that they respect and trust the Peer Mediators, with many saying they are looking forward to becoming one when they enter Year 6 (Interview 19). Mediation is commonly characterised as empowering both for Peer Mediators and for students, in that it allows disputants to sort out their own issues in a structure while using their own vernacular. This combination of process and language accommodates a certain level of trust in the Peer Mediators, which in turn makes Peer Mediators feel

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527 Hora and Schma, above n 12, 9.

528 Ibid 12.
good about themselves. Parallels can be drawn with teen courts. Studies confirm that teen attorneys take their role very seriously, learn “respect for the system” and learn from the experience overall.

Similar to the role of the Peer Mediator, the role of the teen attorney may be therapeutic in the sense of providing fellow teens with the opportunity to tell their side of the conflict. This is echoed in the findings in relation to Peer Mediators in the Study, who feel satisfaction and pride in the school process. In the same way, it has been suggested that interaction in teen courts between teens is therapeutic for the attorney. Peer Mediators and teen attorneys expand their knowledge of the underlying reasons for conflict. Data from other studies also show that Peer Mediators were committed to the Program and that they felt mediation was the best way to deal with conflict at school.

8.1.3 Is there a therapeutic effect conferred to Teaching Staff?

The findings suggest that therapeutic effects for the teachers exist due to the peer mediation program. Those effects that are consistently mentioned by Teaching Staff are detailed below.

8.1.3.1 Reduced emotional burden

Teachers recognise that student conflicts can cause them emotional disturbance (Interviews 22, 86, 76, 75) and that peer mediation makes it less likely they will be called on to arbitrate, blame or make a decision about a dispute (Interview 69). For example, when asked about dealing with student interpersonal conflict, a teacher replied,

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529 Cameron and Dupuis, above n 285, 1, 9.
532 Ibid 292.
533 Ibid.
534 Cameron and Dupuis, above n 285, 1, 8.
It’s just stressful in an emotional way as with anything I mean it involves emotions so it ultimately affects your emotion there is no way of coming to it any other way and I have even walked into the staffroom one day because you have to keep that front and that thing and you walk in and just meltdown and your body shakes and that is an emotional response. But it’s not always like that you know that’s just sometimes. (Interview 86).

The Program also makes the occurrence of destructive disputes less frequent, with part of the Programs’ effectiveness being the corresponding beneficial effect on the wellbeing of the staff. For example, when asked about how it makes a member of staff feel when kids constructively sort out their issues, the reply was “Oh it’s rewarding it completely reinforces what you do really” (Interview 86).

Staff report that students’ attitudes towards them is improved, and there are decreased barriers between them and good communication has developed as a result of the Program. Comparisons can be drawn between teachers, as authority figures, and judicial staff in the legal system. The roles and functions of the judiciary are changing in several jurisdictions, which is a response to deal more effectively and holistically with socio-legal problems.535 There is recognition of “the role of the law as a social instrument and changing public expectation”536 not only for effective legal processes537 but for the health and wellbeing of legal judicial officers.538

With respect to judges, social isolation can contribute to emotional burden or the idea of the “loneliness of command”539 because of the feeling of being disconnected and not being appreciated.540

536 Ibid.
537 Hora and Schma, above n 12, 9, 11.
540 Eells and Showalter, above n 538.
8.1.3.2 Reduced workload

Teachers report that the Program reduces their workload and so makes their job easier and less stressful (Interview 69). This may not be immediately obvious, as the program would place extra demands on class time, but teachers clearly feel that the result is overall beneficial. For example, the following comments are from a Teaching Staff member:

*I: And do you think it’s decreased your workload as a teacher?*

*T: Yeah definitely. I would hardly deal with the he said, she said in the Infants class. That’s what wears you down and you don’t get that as much. It might be a bit in class but they’re good kids and they really care about each other. I don’t know whether that’s the peer mediation and it sets up the kids and they talk to each other about things or they get genuinely upset about hurting someone’s feelings.* (Interview 75).

8.1.3.3 Increased job satisfaction

Staff report that the job is more enjoyable as a result of students resolving conflicts themselves, and also because the program has made the school environment more pleasant. Of the teachers surveyed, 14 (87.5%) felt that teaching would be more enjoyable if students solved their own conflicts without staff intervention (Table 6.60). The perception of reduced workload accompanied by reduced emotional burden has reportedly increased job satisfaction, which may be a result of the previous therapeutic effects of reduced emotional burden and reduced workload. It may be that the reduced emotional burden produces a sense of reduced workload, in that Teaching Staff feel the burden is lightened. The reduction of workload may be due to the shift in the dispute resolution responsibility. For example,

*Often they will come to us with the problem still, but we will give them guidance as to how to sort the answer out for themselves. The peer mediators do that role so a lot of that time we’re able to pass responsibility onto the peer mediators who in many cases solve the problem by just allowing children to express their own points of view.* (Interview 69)

Staff do not resent the redistribution of power from themselves to the students; on the contrary they are glad of it.
Staff also comment on how the Program has established a consistent response process and structure at the school in relation to conflict and dispute situations. For example, the following comment came from a member of the Teaching Staff:

*When we got started here, the important thing clearly was that everybody followed the same sorts of procedures and had the same sorts of responses for the incident. In the olden days, someone would say “don’t do it again”, “don’t be a naughty boy”, or “don’t be a naughty girl” someone else would say well you’re on detention, someone else would say “see the principal” and someone else would say “I don’t want to know about it”. Whereas now we have a really firm structure that the teachers can follow and the kids know all the steps in it. It takes out all emotion for us. We don’t think about who’s right and who’s wrong. It allows us to know in the end the problem will be better solved than us trying to impose a judgment.*

(Interview 69)

Further examples of Teaching Staff comments in relation to this increased job satisfaction for Teaching Staff include the following:

- **Peer mediation gives students power to solve problems and takes it away from me which is a good thing.** (Interview 22)
- **It’s good for teachers as we’re no longer embroiled in these disputes. They’re developing a whole new range of skills to deal with it.** (Interview 69)
- **Here the teachers have the same tools to use and it’s all consistently applied.** (Interview 75).

The findings suggest that therapeutic effects for the Teaching Staff are directly attributable to the Program. Teaching Staff generally felt that teaching was more enjoyable if students solved their own conflicts without teacher intervention. Parallels can be drawn with lawyers and judicial officers in problem-solving courts, who consider a problem-solving approach in a court setting to have increased their levels of satisfaction with their work.541 There are comparable findings from research with drug court judges, who report that the human interaction which contributes to an addict’s recovery becomes an “invigorating, self-actualizing and rewarding exercise instead of a

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stressful, isolating, unsatisfying experience of watching the same people repeatedly recycle".542

Consistent with previous studies at an elementary school in the USA, Teaching Staff at the School had positive attitudes towards the peer mediation program.543 Peer mediation commentators suggest that staff who share the attitudes they are promoting and model constructive behaviour make their job easier and more enjoyable.544

Parallels can be drawn with judicial officers in the legal system, where the level of job stress is commonly associated with the degree of judicial satisfaction.545 Drug court judges have expressed views that their experiences with the problem-solving approach in the court room have enhanced their experience in the court room as well as improved the effectiveness of the judicial process.546 A research study in relation to judicial satisfaction compared family law judicial officers with those working in drug courts, who more often employ therapeutic elements in their judging, including being proactive and engaged with participants.548 Many factors that are usually related to judicial stress were not as commonly observed in drug court judges.549 The study concluded that the therapeutic effects of the drug court processes carried over to judicial officers, and in so doing increased their job satisfaction and overall health.550 This accords with a survey of judges in relation to job satisfaction, where the highest job satisfaction was found in judges who endorsed and practiced with a social science and educational orientation to their work.551

542 Hora and Schma, above n 12, 9, 12.
543 R Brown, 'Conflict Resolution: A strategy for reducing physical confrontation in public schools' (Unpublished work, Indiana State University, 1992). Taken from Johnson and Johnson, above n 3, 459, 488.
544 Sandy, above n 260, 237, 240.
545 Hora and Chase, above n 541, 8, 13.
546 Ibid.
547 Ibid.
548 Farole, above n 223.
549 Hora and Schma, above n 12, 9.
550 Hora and Chase, above n 541, 8, 13.
Stress amongst legal professionals has also been flagged as being related to the adversarial nature of the legal system. One approach to address this issue has been to design and implement more alternative dispute resolution processes which are less anti-therapeutic. 552

8.1.3.4 Benefit from learning about conflict

All 100% of Teaching Staff at the School thought it was beneficial for students to learn about conflict resolution and management (Table 6.14). All Teaching Staff felt that by learning to teach peer mediation they were also developing skills and behaviours for themselves (Table 6.63). One teacher commented that her children did not have the benefit of conflict resolution training and this training had helped her with her children (Interview 49). Research from other programs confirms that staff appreciated the educative value of the Program and have used skills learned as a means of resolving their own conflicts outside the school community. 553

8.1.4 Is there a therapeutic effect conferred to the Non-Teaching Staff?

The findings suggest that Non-Teaching Staff also experience therapeutic effects due to the Program. As members of the school community, they perceived therapeutic effects from the Program and reported their awareness of the way the students interact in a constructive way as a result of the Program. They reported that they are inspired by the training component and have benefited from being indirectly exposed to the Program.

The findings collected from Non-Teaching Staff suggest that there is a therapeutic effect for them due to the peer mediation program. They appear to derive a therapeutic effect from the positive effect that the peer mediation program has on the students and the school environment. They also report that they have learnt something about conflict management and resolution themselves from the program, and feel that this is beneficial to them. They report that there is a beneficial effect on students due to the peer mediation program and that this made their jobs more enjoyable. Data from Non-


553 Cameron and Dupuis, above n 285, 1, 7.
Teaching members of staff indicates that 100% of this sub-population enjoy working in the School most of the time (Table 6.65).

They also felt that they had learned something from the Program that was applicable to their own lives. This demonstrates how a sub-population relatively removed and not directly involved in the Program but still in the community can be positively affected by the therapeutic effects on other Constituents. Parallels, again, can be drawn with the legal system with respect to legal and judicial officers experiencing personal benefit from innovative protocols and legal processes.554

8.1.5 Is there a therapeutic effect conferred on the Former Students?

The findings demonstrate that the majority of former students feel that the peer mediation program has benefited them in later life. Former Students consistently report retention of skills and knowledge experienced in the Program. This has been reported in many studies of peer mediation programs555 as well as application of skills and knowledge after a period of time. The point being made here is that this makes the Program beneficial to wider society, not just the School community.

The therapeutic effects that are consistently reported are outlined below.

8.1.5.1 Enhanced mediation and conflict resolution skills

A key point is that students who have left the school recognise that they did acquire skills and learn behaviours and strategies as a result of the peer mediation program, and still feel that these are useful to their lives. Of Former Students, 91.7% thought that learning about positive conflict management has helped them in high school to some degree (Table 6.88). Moreover, 66% of Former Students (Table 6.84) believed that they sorted out fights or disagreements in a different way to students who had not participated in a peer mediation program at school. For example,

554 Farole et al, above n 179, 57, 63.

555 Johnson and Johnson, above n 3, 459, 478.
It's helped me because I can help other people if there is a disagreement. When I was at primary school I learnt how to sort things out without resorting to violence. (Interview 28).

The data collected demonstrates that the majority of former students feel that the peer mediation program has benefited them in later life and confirms existing research in the area of school peer mediation, namely, that the training and knowledge can be retained and applied in different situations.

Students clearly learn to resolve conflicts and apply these skills to situations other than at school. They also recognise a lack of these skills in others once they leave school, and that this is sometimes a problem which prevents them from resolving conflicts the way they would prefer. Given that former students have all been trained as Peer Mediators, the fact that they cannot necessarily apply the skills of peer mediation to conflicts underlines the fact that training in the process is crucial for all parties involved in the process.

8.1.5.2 Increased communication skills

As above, students recognise that they retain these skills and attribute them to the Program. All of the Former Students thought that students were happier if they could talk about issues at least some of the time. Additionally, 70% of Former Students felt that the Program has helped them with school work, getting along with other students, anger management and understanding others in general (Table 6.90). Also 87% of Former Students felt that the Program has helped them to get along with students and 83% felt it has helped them to understand others in non-school surroundings (Table 6.90).

8.1.5.3 Increased empathy

Results show that 71% of Former Students felt that they were better able to understand other students as a result of the Program (Table 6.91). Empathy is one of the skills learned and experienced in the Program which Former Students mentioned was retained by them. This is also beneficial for society as more empathic people will make a society

556 Johnson and Johnson, above n 313, 10.
a more accepting place. This societal benefit is analogous to the beneficial effect on the School community.

Some examples of comments by Former Students in relation to this therapeutic benefit are given below:

- I think it helps me understand how other people feel, what goes on, and why people bully and that sort of thing. (Interview 29)

- [kids who haven’t had peer mediation training] don’t really care about how the other person is taking it, and how to solve it, they just don’t care anymore and they just want to be angry at them constantly. They don’t really try to solve it. (Interview 38 Part 2).

### 8.1.5.4 Anger management and impulse control

In a society where anger levels and lack of impulse control are frequently associated with anti-social or destructive behaviour, enhanced anger management skills are extremely pertinent. Factors which have been associated with offending include poor judgement and impulse control. The Study indicates that anger management and impulse control are attributable effects from the Program, and Former Students report that they are still able to control their anger using skills learnt previously in primary school, thereby demonstrating that this knowledge and associated skills are retained and applied (Interview 38 Part 2 and Part 3). Former Students are no longer directly involved with the Program; however, the effect of learning anger management skills from the Program is retained by them. Anger management skills not only benefit the individuals they come into contact with, but also enable the students to form better relationships with others.

Former Students also attributed some degree of their social skills development to the Program. This is also beneficial for society as those who have learned these skills will

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557 Appendix E.2, Volume II, Psychiatric considerations in peer mediation training in a prison setting: Statement from Dr Olav Nielsen, 17th October 2011.

558 Martin, above n 35, 5.
make society a less volatile place. This societal benefit is analogous to the positive effect on the School community, and is clearly a desirable situation.

The following are some examples of students’ comments in relation to these therapeutic effects:

- *It has helped me by holding me back when I want to hit someone. I just have to talk it out...Do you find that other people in High school don’t want to talk it out? Yes they just want to get into it* [former student gesticulates as if he is punching someone]. (Interview 38)

- *A lot of students who have not had peer mediation do not know how to control their anger.* (Interview 38).

### 8.1.5.5 Improved social skills

Former Students attributed some degree of their social skills to the Program. They maintained the Program had had an effect on their lives even years after they had left the school: “[As a result of the Program] you learn to deal with [conflict] more easily and if there’s a problem you don’t get all worked up about it and start really disliking that friend, you work it out between them.” (Interview 31).

### 8.1.6 Is there a therapeutic effect conferred on the Parents?

The majority of parents were positive about the peer mediation process. Parents did comment that the school could do more to educate parents on the program and to also share information on the effectiveness of this and similar programs, as this has been previously demonstrated (Parent 86, one child). Parents noticed positive effects (Parent 74, one child) on their children’s wellbeing due to the program, and as they have to live with the children and have an inherent interest in their welfare, this can only be a positive effect for the Parents. Therefore it can be asserted that the beneficial effects of the Program were indirectly satisfying for Parents. However, 76.9% of Parents thought that peer mediation had made a difference to how students get on at School (Table 6.34). Parents commented that the Program was an enjoyable experience for their children: 79.4% of Parents thought that peer mediation had made School more enjoyable for their child at least some of the time (Table 6.35). As mentioned above, one student even took the worksheets home in an effort to help his/her parents resolve their differences.
(Interview 50), so it is clear that the lessons of the program can be disseminated outside of the school environment and that the skills and techniques taught to one member of a family will affect the other members to a degree.

8.2 The peer mediation process component

The peer mediation process is both a process and a forum for peer mediation to take place. Students voluntarily avail themselves of the peer mediation process, and apply and practise learned skills, behaviours and strategies in resolving and managing their own conflicts. The peer mediation process also operates as an alternative to the school discipline system where appropriate,\footnote{A peer mediation process is not an appropriate forum for resolution of certain conflict situations, for example, cases involving extreme violence, drugs and risks to a person’s safety. See generally Richard Cohen, Students Resolving Conflict (GoodYear Books, 1995).} and students can be referred to peer mediation by the school discipline system although, importantly, participation is voluntary. The referral system takes a different approach to the traditional school disciplinary system, in that students are afforded the opportunity to engage in peer mediation as an alternative to having a decision imposed on them.

The peer mediation process emphasises, amongst other things, procedural justice, future-focused problem-solving, accountability for behaviour and behavioural change. The peer mediation process aims to identify, manage and resolve issues underlying and contributing to each conflict situation. The Program allows students to constructively communicate their grievances and their root causes for discussion. This benefits the disputants who are directly involved by allowing them to address the root causes and thereby avoid future errors from the same underlying problem.

The peer mediation process has a significant impact on students’ interpersonal conflict, which is considered too trivial\footnote{Cameron and Dupuis, above n 453, 84, 89.} to warrant the attention of the traditional school discipline system\footnote{Cameron and Dupuis, above n 285, 1, 10.} and which would otherwise have remained unresolved or be mismanaged at the point of detection. Similarly, the traditional school system may discipline students for antisocial or other offending behaviour without addressing
underlying needs, wants, concerns and creating opportunities for those needs to be satisfied.

Student conflicts may seem petty and trivial to an outsider or an adult but they are real, meaningful and important in the lives of students. Student conflicts are not dissimilar to adult disputes, and the underpinning emotions and reasons for engagement in disputes are the same as for adults.\textsuperscript{562} Conflicts in general harbour deep and important emotional issues and often larger concerns than the actual conflict.\textsuperscript{563} If left unresolved, the residual, underlying relational or personal issues of the dispute may be externalised in other more destructive forms of interpersonal and personal conflict.\textsuperscript{564}

Literature on non-adversarial forms of dispute resolution documents how the conflict experience is a valuable resource to motivate and explore underlying issues which may be causing conflict.\textsuperscript{565} Alternative dispute resolution processes in the legal system, such as mediation and problem-solving court processes, engage individuals in dialogue to assist participants in an examination of their issues, to widen their perspectives and, importantly, examine underlying issues. Problem-solving courts explore related social issues which may be the cause of the problem or dysfunction.\textsuperscript{566}

The Study found that the success of the peer mediation process is measured subjectively by both subgroups of students (peer mediation Participants and peer mediation Non-Participants) relative to how they felt about the process, the degree to which they enjoy (or how they perceive) the benefits, and their perceived fairness of the process and resolution. The data showed 85% of students’ responses indicated that they felt happy for some reason after participating in the peer mediation process (Table 6.1), while 12% of students’ responses indicated that they felt sad after peer mediation for some reason. Furthermore, 100% of students thought that talking about how they feel makes students feel better at least some of the time (Table 6.4):

\textsuperscript{562} Catherine Marshall and Jay Scribner, 'It's all Political' (1991) 23(4) \textit{Education and Urban Society} 347.
\textsuperscript{563} Opotow, above n 61, 416, 431.
\textsuperscript{564} Cameron and Dupuis, above n 285, 1, 9. This article documents comments from students, including a comment from one disputant: “if we hadn’t gone to mediation we’d probably still be fighting because the problem wasn’t solved.”
\textsuperscript{565} King et al, above n 14, 92–4.
\textsuperscript{566} Bentley, above n 24, 7, 14; King, above n 399, 172, 175.
I: *How does peer mediation work?*

S1: *It makes them feel better.* (Interview 6).

The study indicated that students could judge the peer mediation process as fair and even when the outcome of the process was unfavourable from their standpoint. Students reported that being given the opportunity at peer mediation to voice their opinions and ideas in relation to issues was a very satisfying feeling (or they perceived it to be so).

According to Study Participants, many different outcomes may be regarded as successful conclusions to a peer mediation, such as the venting of emotions, being acknowledged, constructive dialogue, identification of issues, validation of opinions, establishment of lines of communication, formation of an in-principle agreement, or the resolution of some or all issues. These findings are confirmed by scholarship in the area of mediation, which indicates that the success of the mediation process depends on the parties' views of the process, their experience of the process and their purpose in participating in it.\(^567\)

Study data reveals that Process Participants learn more skills and apply learned skills, and, importantly, assume primary responsibility for decision making, accept responsibility for their actions and create solutions for future behaviour during the peer mediation process. Process Participants can build on their experience of the peer mediation process. Therefore they derive greater benefit from the Program as a whole compared to those who do not participate in the process, even if the outcome of the process is inconclusive or unfavourable to them. The importance of process participation is also documented with respect to problem-oriented courts, and the literature states that participants derive benefit if they are recognised and respected as sources of creative solutions.\(^568\)

Students also reported that they liked problem solving. By following the protocols of the peer mediation process, the students have the opportunity to engage in dialogue and

\(^{567}\) What constitutes success in mediation within the legal system is controversial. Shapira, above n 360, 243, 268.

problem solving. Deborah Tannen explored the need to create a culture of dialogue (as opposed to a culture of argument or critique) to bring about effective creative problem-solving,\(^569\) and Wexler draws on her work with respect to the legal system and proposes therapeutic jurisprudence as an alternative model to the argument culture.\(^570\) Tannen cited mediation, problem-solving and alternative dispute resolution as positive approaches to interaction that bring about positive results.\(^571\) Tannen also mentions the increasing support for problem solving and mediation generally in the community and in the legal system.\(^572\) According to Wexler, this represents "a growing dissatisfaction with the argument culture".\(^573\)

Another interesting perception from students is that the peer mediation process is regarded as a venue where they can feel safe and good about themselves: "Peer mediation makes everyone happy and confident" (Interview 76). Problem-solving courts have also been described in this way, as "becoming a therapeutic venue", and the venue has been said to promote participant self-esteem.\(^574\) Staff report that the mediation process has a calming effect on students:

*The mediation process did help her with her academic levels because I was finding that before mediation [training] she would just come into the classroom and would be very angry, couldn't sort herself out, it would take us half an hour to calm down, whereas when she was mediated she would then come into the classroom and would be a little bit more calm and from that she could learn. No one can learn if they are really angry and carrying these feelings inside but because she would have a forum to express what she was feeling then she could calm down and come into the classroom and then learn.* (Interview 22).

One Teaching Staff member commented:

*At this school it's good because I know that with the other teachers it will be followed up and there's somewhere for the kids to go whereas I feel with my own

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\(^569\) See generally Tannen, above n 225; Wexler, above n 129, 263, 264.

\(^570\) Wexler, above n 129, 263.

\(^571\) Tannen, above n 225, 163.

\(^572\) Ibid 165.

\(^573\) Wexler, above n 129, 263, 276.

\(^574\) King and Tatasciore, above n 149, 5.
children, there probably wasn’t anywhere for them to go and get any help, they had to deal with it on their own. (Interview 49).

8.2.1 Therapeutic effects associated with discrete process elements

Data was collected in relation to each of the three elements: participation, representation and validation, to explore whether discrete elements of the peer mediation process component of the Program are perceived by Study Participants to have an associated therapeutic value.

If beneficial therapeutic values exist which are not directly due to the outcome of the peer mediation process, then these may explain any difference in efficacy between the peer mediation process and a process without these characteristics, even though the outcome of each process may be identical.

8.2.1.1 Participation

Allowing students to participate and be involved in decision making in all stages of the peer mediation process clearly helps them to take ownership of the process and apply themselves to generating a positive outcome for all parties. Participants appear to take responsibility for making the outcome positive for everyone. They realise that they have the power to determine the final result themselves and tend to seek the best result for everyone overall. Involvement in decision making develops self-discipline and responsibility in students, and this has been documented in existing research in the area of peer mediation.575 Current research in the area of procedural justice shows clearly that participation enhances wellbeing, specifically when activities are personally valued and have benefits beyond what is tangible.576 It has also been documented that some critical aspects of optimal health and wellbeing include the personal meaning from participation in processes which affect an individual’s life.577

It is important to note that, without the appropriate training and information, a participant cannot optimise their experience of the process. This is reported in results of

575 Maxwell, above n 43, 149, 150.
576 Tyler, above n 57, 3, 10.
577 Wexler and King, above n 231.
existing peer mediation studies, where students trained in negotiation and mediation were able to make choices from a wider range of options in relation to their behaviour at the point of detection of conflict. Training and application of training through the Program allows students to have alternatives besides “passivity or aggression” for managing and resolving disputes. A leading therapeutic jurisprudential commentator supported this view, stating that “empowering people to make choices implies making sure they have complete information.” This demonstrates that components of the process are complementary, and, while separate beneficial effects may exist, the whole is greater than the sum of its parts.

8.2.1.2 Representation

Research shows that allowing participants the opportunity to express their feelings and give their versions of reality is satisfying and increases their willingness to accept an outcome. The importance of fair procedure and giving individuals a “voice” has been recognised as important in the American legal system. In the context of resolving conflicts between hospital patients, it was found that patients perceived the dispute resolution process as fair when they were able to tell their story, and when they felt that the outcome was affected by what they had said.

The majority of students felt it was important to express how they felt about the dispute. This is illustrated in the findings in Table 6.4, which is a frequency table of Process

578 Johnson and Johnson, above n 46, 417, 434; Roderick, above n 376, 86, 90.
579 Roderick, above n 376, 86, 90.
580 Slobogin, above n 75, 763, 773. Slobogin also states at 773, in relation to decision-making, that “[g]iving people multiple options may cause anxiety and perhaps even be debilitating.”
582 Ibid 6.
585 Ibid 919.
Participant responses to the written survey question, *Do you think students feel better when they talk about feelings at peer mediation?*. The data from these responses and 10 other questions were plotted on the graph in Figure 6.1. In response to this question, 100% (74) of peer mediation participants thought that talking about how they feel makes students feel better at least some of the time.

It became apparent, from answers to open-ended questions and from interviews, that the method of expression was also important. The study revealed that students would like to be given the opportunity to relay their version of events in their preferred way. For example, the following comment was made in an interview with a student:

I: *How do you think it makes them feel when they can express how they feel and their opinion or tell their side.*

S: *It makes them feel good. Because they have a say in the peer mediation thing as well.* (Interview 82).

However a small number of students from the study reported that they did not feel better for having expressed their feelings during peer mediation. This element of the process, designed to enhance their wellbeing, has instead been iatrogenic\(^{586}\) for these students — it has made them feel worse.\(^{587}\) However, in light of the other findings generated by the study, it is clear that most students value being able to express their feelings and versions of reality at peer mediation.

One possible explanation for this negative response by students who ultimately felt worse following the mediation may be that these students dislike talking about how they feel and would rather not participate in a process they find intrusive. Facing one’s peers may be embarrassing and unpleasant. Also, students may feel that being disciplined by staff or an administrator is traditional and what they are used to. Another possible inference is that, while all people will feel better if able to express themselves, the preferred methods of doing this will differ from person to person.

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\(^ {586}\) In medical terminology, an ‘iatrogenic effect’ describes an adverse consequence for a patient occasioned unintentionally by the actions of a medical professional.

\(^ {587}\) Schma et al, above n 154.
Existing research on peer mediation programs has shown that young people are more likely to be honest with their peers than with authority figures, and are more likely to take responsibility for their actions when they feel their peers understand the context of a conflict and the complex feelings resulting from the conflict. This was evident in the Study from comments from students and staff:

S: *Cos sometimes people don't want to tell teachers their feelings but they would rather tell their friends. And if they tell their friends and it actually works. And they can express their feelings.*

I: *And why does it work with friends?*

S: *Cos friends know you a lot more and they know how you react to something.*

(Interview 80).

Honesty and support from peers is recognised in research on adolescent interpersonal negotiation and teen courts. There has also been work in the area of procedural justice in relation to authority figures such as judges and police, and how people value affirmation and consideration from these authority figures of their opinion or evidence.

Younger students reported that they “looked up” to the Year 6 mediators and that they wanted to be like them. Results from research on teen courts likewise indicate that “confronting defendants with a jury of their peers helps promote the acceptance of responsibility”.

The findings of the study support the view that all individuals will derive benefits from being able to express themselves, but that each individual will have their own preferred methods of doing this. Students in existing research have reported that they preferred to discuss issues amongst themselves in their own language and vernacular, and that once a dispute is reported to an adult the outcome is unpredictable and therefore causes stress.

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588 Benard, above n 13.
590 Schiff and Wexler, above n 531, 287, 291.
592 Schiff and Wexler, above n 531, 287.
and anxiety.\textsuperscript{593} The Study data helps us to understand these complexities, and could potentially assist in identifying and developing the process most likely to be therapeutic. Ideally, a process would provide options for participants to tailor the process to their personal preferences. This would increase wellbeing and consequently affect the efficacy of the process.

8.2.1.3 Validation

This element is seen to be crucial to the Program, and students recognise that peer mediation would not work if it were not a fair process and if all parties were not able to give their side of events without fear of interruption or their view being trivialised (Interview 77, 34). Parents also feel encouraged and value this element: "\textit{Everybody is the same and always treated the same, the rules are great there is no favouritism}" (Parent 74 of one girl).

During the interviews, students were asked questions in order to try to gauge how being able to participate in all stages of the peer mediation process made them feel.

The following are examples of comments made in interviews relating to this element:

- \textit{Peer mediation is about looking at things from a neutral perspective.} (Interview 41)
- \textit{I remember not to take sides or assume anything.} (Interview 42)
- \textit{Peer mediation works because it is a fair chance at speaking.} (Interview 77).

The findings certainly suggest that students require that they are treated fairly and have their versions of events validated before they are able to resolve a dispute to their mutual satisfaction. The students clearly value the fact that Peer Mediators do not seek to attach blame in mediation, but rather try and work out problems with a focus on the future. Students appear to benefit from both giving their side of the story and hearing the other person’s, and they realise that this can only happen if they are both treated equally. The concept of validation has been researched with respect to workers’ performance appraisal and promotion, and results confirm that concerns about fairness

\textsuperscript{593} Opotow, above n 61, 416, 428.
of the process are separated from the outcome of the performance review.\textsuperscript{594} Similarly, the fairness of the process has been identified as a significant concern to participants in studies of litigants who are directed to court-annexed processes.\textsuperscript{595}

8.2.2 Further elements suggested by the findings

8.2.2.1 Transparency

Transparency in the Study refers to both the transparency of events or versions of reality and transparency of process. It is both the ability of Process Participants to be informed of all the events leading up to the conflict, which may be relevant to understanding it, and the ability of participants to understand and be informed of all aspects of the conflict management process being used and the implications of their participation in it.

The therapeutic value of being made aware of other students' versions of reality was strongly apparent from the verbal data acquired, especially from the recorded interviews. In interviews, students and staff often reported that the students being able to hear other people's versions of reality was more therapeutic than being able to express their own. For example,

Yeah they definitely enjoy being here they have real ownership of it and it's a nice to be. We had some graffiti on the school recently and some of the boys were pointing at it going that's my favourite one. And we talked to them to explain it was sort of disrespecting them and then they all pulled together and thought oh yeah that's my school. So I think they do enjoy and it carries through to the classroom and they're good kids because of it. (Interview 75).

The following is another example from a student:

I: How do you think would be the best way to sort it out?

FS: Listening to the other person's opinion and work it out so everyone has a say about what they think happened.

I: And how do you think that makes everybody feel?

FS: Everyone feels happy and confident.

\textsuperscript{594} Tyler, above n 583, 41, 44.

\textsuperscript{595} Ibid 45.
I: And why?

FS: Because everyone feels it’s fair and no one feels left out. Then next time everyone knows how to listen because it makes us all feel better. Maybe then no more fights going on and everyone is happier. (Interview 76).

This idea of sharing of information seemed to be very beneficial to the students, and is an insight that can be applied to other processes. The following is an example of a comment from an interview with a member of staff:

They talk about how they felt when they’re in a situation. They put their points across and then they realise and go ‘oh I didn’t realise that’ or ‘that happened to me too, I felt like this’ so they really understand each other. (Interview 75).

Another example came from a student:

I: Why do you think peer mediation works?

S: Because it gives people enough time to express what they feel and their problems can be solved really easily once you find out what they have trouble with or something. (Interview 82).

This comment demonstrates that a common reason for the escalation of conflict to unacceptable levels is a knowledge deficiency in the parties through lack of communication and miscommunication.596

8.2.2.2 Voluntarism

Although this element was not originally intended to be explored in the Study and was therefore not part of the original methodology, voluntarism emerged in the Study as a potential therapeutic process element in relation to the peer mediation process and the Program as a whole. More research is necessary to form any conclusions or draw inferences about this element. However, the Study did produce data which indicated that many students are not even aware that the peer mediation process is voluntary. Voluntarism is raised in therapeutic jurisprudential literature in the sense that offering a process to an individual on a voluntary basis can provide benefits of trust and confidence in the process. Study data does point out that that students exhibit

596 Deutsch, above n 461.
motivation and commitment to the peer mediation process, not only to participate but to practice learned skills facilitating goal achievement. Cognitive and social psychology provide a theoretical explanation as to how people who are directed to perform tasks do not feel personally committed or responsible for achieving goals. The students are motivated, committed and willing to responsibly participate in the Program. Data does indicate that this is because the Program is held in high esteem by the peer group and by the School. It is also a highly prized Program which provides the students with enjoyment and satisfaction. This is made clear by an interview comment by a member of staff:

*When I have been on playground duty I have noticed that the children kind of refer to that and utilize it as well. They initiate it, so they'll think can we have the mediation or can we talk amongst one another and suggest it deliberately to themselves and to others so that's really good.* (Interview 86).

Whether the element of voluntarism contributes to this or makes the peer mediation process more or less therapeutic would require research and exploration and is outside the scope of the Study. What the Study did demonstrate is that the value of voluntarism should be explored by process developers, as they would need to be aware that this may be of potential therapeutic value.

### 8.2.2.3 Choice

Similarly, the value of choice was not originally intended to be explored in the Study, however Study data indicated that choice may be a potential therapeutic process element. The Study did not directly address this potential therapeutic process element in relation to the peer mediation process or the Program as a whole.

Choice is an element of mediation, as voluntary participation is part of the philosophical basis of the mediation process — the “willingness” factor, which may maximise the effectiveness of the mediation process. There is a large amount of literature on the psychological value of choice, and the positive value of allowing individuals to exercise

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598 Spencer and Brogan, above n 20, 265.
choice concerning matters that affect them.\textsuperscript{599} Winick writes about choice in medical decision making, "allowing the patient to exercise choice inevitably enriches and improves the quality of the decision making process".\textsuperscript{600} Mediation is commonly offered as an alternative to traditional processes.\textsuperscript{601} However, mandatory and court directed/annexed mediation, where parties are referred without consent, are included in legislative schemes and court powers.\textsuperscript{602} Although the idea of compulsory mediation is a "contradiction of terms", proponents suggest that the opportunity to open up lines of communication for possible resolution or to narrow issues down for litigation must be beneficial for parties.\textsuperscript{603}

More research directly relating to the potential therapeutic value of choice is required in order for inferences to be made. However, the study does raise the question of how some choice in terms of potential outcomes of the peer mediation process may be relevant. It may be that the most therapeutic processes would have a limited range of possible outcomes, which are communicated and understood from the start.

An observation made by one of the Teaching Staff in Interview 50 was interesting in this regard. This teacher commented that students seem to be confused and insecure when given a choice of outcomes, and that this appeared to make them feel stressed and doubtful about being able to achieve the optimal result for themselves. For these students, choice, while part of the mediation philosophy, may be subsumed by the greater need for security and certainty. In this interview the teacher explained that students of primary school age, who are still developing cognitively, require guidelines and limits to feel secure, safe and supported. Ambiguity, the teacher explained, is very difficult for primary school aged students; however, the students are able to pick up on


\textsuperscript{600} Winick, above n 155, 99, 115.

\textsuperscript{601} Spencer and Brogan, above n 20, 85, 265.

\textsuperscript{602} For example, Family Law Act 1975 (Commonwealth) and Family Law Regulations 1985 (Commonwealth), Civil Procedure Act 2005 (New South Wales) and Practice Note SC Gen 6, Retail Leases Act 1994 (New South Wales); Federal Court of Australia Act 1976 (Commonwealth) and Federal Court Rules 1979 (Commonwealth).

\textsuperscript{603} Spigelman, above n 28, 40.
8.3 Training component

The training component of the Program is crucial for the effective functioning of the Program, not only for the management of conflict but also for optimising the therapeutic value of the Program for all Constituents. The impact of the Program on Study Participants highlights the critical importance of training and motivating students to participate effectively so as to optimise outcomes for themselves and other Constituents. Although only a cadre of students serve as Peer Mediators in the Program and receive peer mediation training, all students receive the training component of the Program. In addition, the findings show that the students look forward to and enjoy the training, and 100% of Teaching Staff thought that the students enjoyed learning about peer mediation at least some of the time (Table 6.20).

The study found that absence of the training component of the Program would compromise the therapeutic effects of the whole Program for all Constituent groups. Students require training in order to optimise the potential benefit from the Program, and to realise any benefit at all from the Program, they require all necessary information regarding the process and the expectations of them made by the process. Training demonstrates the likely outcomes of the process and how they can influence the process before it begins. Students recognise this training requirement and do not feel comfortable applying learned procedures with individuals who are untrained (Interview 26 and Interview 19).

The training component comprises elements required to train students to be able to make effective and constructive responses to conflict, as well as to participate in a peer mediation process. The study reveals that the component elements can be fine-tuned to maximise results of the training for specific communities. As with any educational program, the outcome will be optimal if it is designed to meet the specific needs of the individuals and their age and developmental levels. Educators in the field of peer mediation suggest the training component must be sufficiently flexible to accommodate
different teaching styles, and to meet any unique needs and constraints of particular communities.\textsuperscript{604}

Elements such as skills training activities are based on various social learning and educational and psychological training.\textsuperscript{605} The younger the students are when they are involved in the program, the more likely it is that constructive conflict resolution behaviour will, in time and with practice and application,\textsuperscript{606} become instinctive or reflexive, and the more likely it is that they will negotiate good agreements when a conflict situation arises.\textsuperscript{607}

Constructive and positive resolution and management of conflict is not instinctive,\textsuperscript{608} but requires training, understanding and application of effective procedures, and most importantly, the application of these learned behaviours, strategies and skills.\textsuperscript{609} Conflict skills, behaviours and strategies do not inevitably result from maturation.\textsuperscript{610} Untrained students of all ages either instinctively use reactive and destructive conflict strategies to resolve conflicts,\textsuperscript{611} or are unable to communicate their feelings, exchange information or orient themselves constructively in a conflict.\textsuperscript{612} Untrained students instinctively respond to conflicts in destructive ways\textsuperscript{613} and negotiations often take the form of

\textsuperscript{604} Cameron and Dupuis, above n 453, 84, 89.

\textsuperscript{605} Social Learning Theory asserts that by observing the behaviour modelled by others, one learns behaviour. By watching other people, students learn both aggressive as well as pro-social skills. Seeing "how it's done" is a central component of this theory. Cognitive Behaviourists assert that for change to occur, it's insufficient for students to be shown new behaviours; there must be a dialogue about why to use the new skills and how to integrate these new behaviours into day-to-day living. Psychological Skills Training combines both social learning theory and the core assertions of cognitive-behaviourists into a psychological skills training approach that employs four techniques: modelling, role playing, performance feedback, and transfer of training.

\textsuperscript{606} Sandy, above n 260, 237, 240.

\textsuperscript{607} Johnson and Johnson, above n 46, 417, 436; M Shulman and E Mekler, \textit{Bringing up a Moral Child: Teaching your Child to be Kind, Just and Responsible} (Addison-Wesley, 1985) 41.

\textsuperscript{608} Johnson and Johnson, above n 311, 803; Johnson, Johnson and Dudley, above n 264, 89, 95.

\textsuperscript{609} Johnson and Johnson, above n 305, 673, 678.

\textsuperscript{610} Opotow, above n 61, 416, 423.

\textsuperscript{611} Johnson, Johnson and Dudley, above n 264, 89, 91; Opotow, above n 61, 416, 421.

\textsuperscript{612} Opotow, above n 61, 416, 441.

\textsuperscript{613} Johnson and Johnson, above n 46, 417, 455.
"positional bargaining". This approach ignores the importance of on-going relationships, as the untrained students negotiate positions by either trying to avoid or to win, so that these negotiations either bring about one-sided losses or one-sided gains.

Commentators talk about building constructive repertoires of responses to replace socially undesirable behaviours in response to conflict. Therapeutic value is achieved through the training component of the Program focusing on the development of skills, and a repertoire of constructive strategies and behaviours. Training elements include integrative negotiation, empathy, role reversal and problem solving. Integrative or principled negotiation is “a basic means of getting what you want from others. It is back and forth communication designed to reach an agreement when you and the other side have some interests that are shared and others that are opposed.”

This element of the training component focuses on long-term goals and the preservation and maintenance of relationships rather than on “winning” or being “right” in the short term. Research confirms that children as young as primary school age can be taught to negotiate integratively and retain the knowledge.

There is a strong emphasis on empathy and perspective reversal in order to encourage disputing students to address the interests of all parties, resolve conflicting interests fairly and take into account how others may be affected (Interviews 69, 75). Students are trained to approach the conflict as problem solvers and view the problem from the perspective of each party’s interests.

From discussions with the Teaching Staff at Vale Public School, it is important to note that students might have difficulty understanding mediation skills, especially empathy, as the following example explains:

T: But there are some children it’s not going to work or it will never work because they have too much going on in their head or their family and asking them to

614 Fisher, Ury and Patton, above n 266, xv.
615 Ibid 13 note 1.
617 Fisher, Ury and Patton, above n 266, xi.
618 Johnson and Johnson, above n 305, 673, 678; Johnson, Johnson and Dudley, above n 264, 89, 98.
understand the complexity of what they have to do, they can’t cope, they can’t empathise because of everything else going on in their lives. (Interview 68).

Some of the mediation skills are cognitive skills such as empathy, and these competencies are developed at different ages with different children.619 Empathy with respect to conflict situations may also not develop at all with some individuals if they have been through trauma or suffer neglect. This has been recognised in adult offenders who are unable to empathise or trust.620 Also, individuals often view conflicts from very different perspectives depending upon such things as cultural background, economic position, and religious beliefs. While all the exercises might not work for all children, they do provide the necessary practice in constructive behavioural modelling. It takes a lot of practice and learning for students to respond behaviourally in an empathetic way that allows for problem solving.621 Constantly practicing empathy role plays and working with the older children is a way to integrate them into everyday behaviour. The following excerpt from an interview with a teacher is an example:

T: And then you notice with the younger children that as they get older they are starting to help each other and they are very cooperative and you’ve only got to sit the children down and explain to them that somebody’s being picked on and we all need to help each other they seem to all come together and understand how that must feel…and it’s also when there is a big argument between children it’s great having fifth graders who’ll take the children off and work through the situation together without us having to be involved…and they even get to the stage when they do that themselves.

I: What about thinking skills?

T: Oh, what is good is when we do the peer mediation groups are the peer groups where they get in all different levels and that’s quite good because you see the bigger kids helping the little kids and the little kids are brave enough give input because they feel safe in that little group. And even when they go out in the playground I do notice the little kids do gravitate they feel people they’ve got people they feel safe with in the playground. They’ve got people they know from their groups. (Interview 49).

619 Johnson et al, above n 311, 803, 806.

620 Appendix E.2, Volume II, Psychiatric considerations in peer mediation training in a prison setting. Statement from Dr Olav Nielssen, 17th October 2011.

621 Johnson and Johnson, above n 305, 673, 677.
Interestingly, Teaching Staff members believe that due to the Program, some of the younger students are learning to act empathetically before they actually have the cognitive ability (Interview 49). This means that the younger students are mimicking constructive behaviours and acting them out in relation to their own conflicts (Interview 22). This can be linked to cognitive training skills programs in the criminal justice system, where antisocial behaviour in individuals is seen to be associated with a lack of role modelling of constructive behaviours in response to a problem in order to plan a constructive course of action.622 623

In conversations with members of staff, it was also explained to the author that most students at the school have to cope with many social and personal issues that require social or medical attention. This is exemplified by comments from staff members:

- *Many conflicts involve special needs students.* (Teacher 13, female)
- *But there are some children.... have too much going on in their head or their family and asking them to understand the complexity of what they have to do, they can't cope, they can't empathise because of everything else going on in their lives.* (Interview 68).

Because of these issues, some students may require referrals for support and extra guidance.

In the school environment, the elements of the training component are important to the extent that students develop respect for themselves and their interests and respect for another’s interests. This inhibits the use of antisocial and destructive behaviour and also helps students to see their conflicts in perspective.

To maximise effectiveness and therefore beneficial effects of the training component on Constituents, the Program environment must be structured to allow Constituents to employ their learned skills, behaviours and strategies, and the whole community must possess a shared understanding of procedures and processes in order for the Program to

622 Wexler, above n 43, 93, 94.
623 Ibid 95.
624 Maxwell, above n 43, 149, 151.
operate productively. The following comment from a staff member (Teacher 3, Table D.4) exemplifies this:

*The children who attend the Intensive Reading Class are referred from other schools in the district. Often it is very noticeable that these children have not benefited from a conflict or peer support program. I have witnessed racist remarks, taunting behaviour, lack of respect for rulers and an inability to tell the truth from these visiting children.*

Therefore, the structure of the environment must be congruent with the training in order to maximise the therapeutic benefits from the Program. Structuring the community for the program is also discussed with respect to the re-entry moot court and restorative circle. This structuring is in line with research which examined the perceptions of school climate, where Peer Mediators and staff perceived the school community climate as a whole to have changed as a result of a peer mediation program. In the same way, programs such as the modified restorative circle and re-entry moot court programs operate in an environment which is structured to facilitate these programs. For example, parole and release decisions are made with regard to and around the processes of the restorative circle and re-entry moot court programs. This allows participants to be motivated to partake in the programs and to optimise the outcomes from the programs and their rehabilitation. The study of the restorative circle produced data which showed that participation in the program left participants feeling motivated and optimistic with positive beliefs about future opportunities.

### 8.3.1 Learned protocols for the mediation process

*First the Year 6 will read a piece of paper and we can’t yell at anyone or say that they did something that we’re not having peer mediation about and then we’ll have our goes and peer mediation will say whose fault, like they’ll say *“well we think*

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625 Johnson and Johnson, above n 46, 417, 418; Spencer and Brogan, above n 20, 170.
626 Wexler, above n 505, 191.
627 Walker, above n 506, 12.
628 Crary, above n 3, 241, 250.
629 Wexler, above n 505, 191, 197.
630 Walker, above n 506, 12.
that you should say sorry because..." and they think you should make up because of these reasons, and stuff like that. (Interview 3).

With respect to the Program, many student comments in recorded interviews revealed that the conditions in the environment had to be framed in such a way that would allow use of learned procedures.

This is supported by many comments made by students in recorded interviews, such as "I don't use peer mediation skills with my brother and sisters at home because it wouldn't work. They don't know the process". (Interview 26, Peer Mediator).

The school provides an arena in which frequent and continuous practise of negotiation can take place and negotiation procedures can be reinforced so as to become automatic guides for behaviour in real life conflicts. Staff at Vale Public School have altered the disciplinary responses to the students in order to encourage the students to discover needs that have not been satisfied and to develop plans to meet those needs and resolve their conflicts.

With regard to changes to disciplinary approach, parallels may be drawn with problem-oriented courts and other creative non-adversarial processes in the legal system. Through these initiatives, courts and other legal apparatus can respond more effectively to individual matters where complex and often overlapping personal and social issues are involved. For example, in order to deal more effectively with underlying factors in matters, judges and courts communicate respect for individuals before them and interact with them as individuals. It has also been reported in research that courts can promote compliance with requirements and motivation for intervention by providing individuals with information for their better understanding of the situation in which they find themselves.

The Study also confirms research that has shown that constructive skills, behaviours and strategies should not be taught while individuals are embroiled in a conflict or when

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631 Bentley, above n 24, 7.
632 Ibid 14.
633 Martin, above n 35.
634 Ibid 8.
individuals are not receptive to this training. Drug court literature talks of a “teachable moment”\(^{635}\) or a window of opportunity where a drug addict may be receptive to intervention. Waiting to train individuals until they are obliged to participate is not ideal, as individuals will not be receptive to training while embroiled in conflict. This can be compared to an individual’s readiness for rehabilitation or intervention.\(^{636}\)

Similarly, research into modified restorative circles reveals the importance of participants feeling optimistic about the success of the program for reform in order to maximise the possibility of responsivity,\(^{637}\) readiness for rehabilitation\(^{638}\) and the success of the Program.\(^{639}\)

Analogous to the Program, the modified restorative circle program inculcates the “will” in participants to take part in the process and to adapt to the norms of the community. As documented in previous research,\(^{640}\) both the “will and the “way” is required.\(^{641}\) Negotiation literature makes it clear that individuals also have difficulty designing creative and optimal solutions while under pressure or in the presence of an adversary.\(^{642}\) Importantly, participants require familiarity with conflict management and mediation skills, behaviours and strategies as soon as the conflict is recognised.

The importance of training was evidenced in the observations, as briefly summarised by the extracts below.

**Observation 5**

The author by coincidence happened to observe two students in the classroom corridor using integrative negotiation and brainstorming creative solutions in an effort to resolve a dispute — using skills they had learned from the Program without invoking a formal

\(^{635}\) Birgden, above n 96, 283.
\(^{636}\) Wexler, above n 508, 111, 113.
\(^{637}\) Birgden, above n 96, 283, 287.
\(^{638}\) Wexler, above n 508, 111, 112.
\(^{639}\) Wexler, above n 505, 191, 194.
\(^{640}\) Birgden, above n 96, 283, 290.
\(^{641}\) Wexler, above n 505, 191, 194.
\(^{642}\) Fisher, Ury and Patton, above n 266, 12.
peer mediation process (transcript in Appendix C.1, clip of interview on DVD attached in Appendix C.2, Volume II). The author observed the students as they listened to each other’s story and ideas, demonstrating the use of the learned mediation protocols. The students were clearly angry and hurt but were keen to deal with their dispute as they had been trained in the Program. The students’ approached the conflict as a problem to be solved, with each student asserting her interests, needs and feelings, and listening to the other’s perspective. The two students would not have had this course of action available to them had they not received training as part of the Program. The students had a common interest in maintaining the friendship. Addressing their common interest, one student said “how we should get back to being friends” and the students reconciled hurt feelings, with “you’re angry at me because I told people and I’m angry at you because you told people”, and they worked together to find an agreeable solution: “I really think next time we get angry at each other we should tell each other that we are getting angry and ask each other”, and “But I don’t want to do that again OK. Next time we have a fight you come up and tell it to my face”, without locking into positions or destroying the relationship. The negotiation was a win-win, “I think we should be friends now”, with the interests and needs of each party being met. The students examined their own as well as other parties’ interests in order to develop a knowledge base from which to craft mutually acceptable solutions. The students analysed and examined the affects that the other parties involved in the conflict and their interests had on them individually and together.

**Observation 1: peer mediation training day**

Observations of the peer mediation training day underlined not only the importance of training to optimise the therapeutic value of the process, but also the importance of training to deal constructively with conflict. This further confirms that participants require familiarity with conflict management skills as soon as the conflict is recognised.

**Observation 2: the peer mediation process**

The students involved as peer mediation Process Participants and Peer Mediators responded well to the process as they knew what was expected of them at each step and how they could shape the outcome. The Process Participants were actively engaged in dialogue at all points and made full use of all opportunities to participate in the process.
This demonstrates that students do learn from the training component and are able to manage their own conflict situations via a peer mediation process. One teacher stated that “kids had really taken on board what they had been using during the year.” (Interview 50).

This observation also shows the proper use of the program, which has been designed by paying careful attention to purpose, outcomes, student age and the type of school community.

8.4 Social force

The findings indicate that the Program has become a social force in the school environment. The data from students and Teaching Staff strongly indicates that the Program has become a strong presence in the School. All Teaching Staff were of the opinion that the mere awareness of the existence, availability and operation of the peer mediation process has had a positive effect on students and Teaching Staff. The Program has created a culture in the School, as illustrated by the following two comments by Teaching Staff members:

*[the Program] has set a benchmark and there is certain standard and the children are well aware of the expectations and it is always in the back of their minds and when I have been on playground duty I have noticed that the children kind of refer to that and utilise it as well. They initiate it, so they'll think can we have the mediation or can we talk amongst one another and suggest it deliberately to themselves and to others so that's really good.* (Interview 86).

*And as they develop their own skills as peer mediators they contribute to the school and it just has a build-up and it gains its own momentum. You see that year six children become more confident and they become much more articulate, their problem-solving skills I believe become improved and also how they approach people in their personal skills and interaction are much more improved.* (Interview 50).

The data shows that Constituents express their acceptance and enjoyment of the Program by their motivation to be involved. For all staff, the positive social and emotional effects of the Program on Constituents makes the culture of the school
pleasant and therefore makes their job more satisfying. This is recognised in literature on positive change in environments\textsuperscript{643} and also in peer mediation literature.\textsuperscript{644}

The findings suggest that the majority of parents are positive about the Program and feel that the "School as a whole has a different atmosphere with the kids learning peer mediation" (Interview 87). Parents seem to especially value the skills learnt as preparation for high school and for enhancing the home environment (Interview 87). Parents also comment on the benefits for Year 6 Peer Mediators, who take their role very seriously and derive enormous satisfaction from being a resource for the School (Interview 87).

This observation of peer mediators deriving satisfaction from the process is apparent in literature in relation to judicial, court and legal personnel who adopt therapeutic jurisprudential practices or perspectives to their work.\textsuperscript{645} The literature documents that personal and professional fulfilment for administrators of the law can result from engaging in or providing non-adversarial processes, including involving participants, allowing participants to have a voice and by adopting a less formal approach.\textsuperscript{646} It is posited that these elements of the process create a positive atmosphere. Accommodating this new approach is a mechanism which respects, empowers and involves participants in decision making, and this approach is more likely to be more effective than a paternalistic or punitive system.\textsuperscript{647} These courts have been referred to as "therapeutic forums",\textsuperscript{648} where those involved in the law can feel safe, acknowledged and respected.\textsuperscript{649} By deriving new skills and new ways of looking at legal issues, those practicing a more therapeutic approach can promote the taking of responsibility by citizens and can inspire reintegration for those who find themselves involved in the

\textsuperscript{644} Sandy, above n 260, 237.
\textsuperscript{645} Hora and Schma, above n 12, 9, 10.
\textsuperscript{646} King and Guthrie, above n 552, 30, 35; Michael King, 'What can mainstream courts learn from problem-solving courts?' (2007) 32(2) Alternative Law Journal 91, 93.
\textsuperscript{647} King et al, above n 14, 211; Hon Greg Smith SC MP Attorney General, Minister For Justice, 'NSW Drug Court Judge Wins Prime Ministers Award' (Media Release, 24 June 2011).
\textsuperscript{648} King and Tatasciore, above n 149, 5.
\textsuperscript{649} King, above n 399, 172, 173; Fife-Yeomans, above n 409, 20.
law.\textsuperscript{650} Judges who are more attuned to direct communication and who are positive in interactions with those before the court report increased satisfaction in their work, as well a feeling of achieving positive results through their work for those involved in the law.\textsuperscript{651} These practices promote a more open, understanding and positive culture in the community.\textsuperscript{652}

Commentators also talk about improved mental health for participants and for judicial and legal personnel associated with these practices.\textsuperscript{653} This is important, as there is growing concern that problem-oriented court personnel, especially judges, can become isolated with emotionally difficult and unstimulating work with repeat offenders.\textsuperscript{654} Some personnel working in problem-oriented courts also express concern in relation to being labelled either as specialist or soft touch courts, which are sometimes perceived as lacking in status in comparison to traditional courts.\textsuperscript{655}

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{650} Hora and Chase, above n 541, 8; King, above n 69.
\item \textsuperscript{651} Jelena Popovic, ‘Complementing Conventional Law and Changing the Culture of the Judiciary’ (2002) 20(2) \textit{Law in Context} 121, 130; Fife-Yeomans, above n 409, 20.
\item \textsuperscript{652} Deborah J Chase and Peggy Fulton Hora, ‘The Implications of Therapeutic Jurisprudence for Judicial Satisfaction’ (2000) 37(1) \textit{Court Review} 12, 13.
\item \textsuperscript{653} Ibid; King and Ford, above n 37.
\item \textsuperscript{654} Popovic, above n 651, 121, 132.
\item \textsuperscript{655} Ibid 131.
\end{itemize}
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Chapter 9. Conclusions

9.1 The Study

The Study has explored the Program through the therapeutic jurisprudence lens which looks at the impact of the processes which comprise the Program, as well as components and intrinsic elements of the Program, on the wellbeing of Constituents in the School community.\(^{656}\)

The purpose of the Study was to explore concepts which have been said to underlie a therapeutic process and to show how these concepts, in a real life setting, have been used to develop an effective process. By teasing out and identifying component parts of the Program, the Study explored how these parts and their intrinsic elements manifest themselves in the School community. This has enabled the researcher to consider how the Program actually functions in the school microcosm and how the component parts affect the wellbeing of those connected to the Program: the community and individual Constituents.

Findings from the Study have provided information which can assist in determining certain components and elements which represent an effective and therapeutic process. This information can be used to design and evaluate processes with the therapeutic jurisprudential aim of maximising therapeutic potential.\(^{657}\) More research is required; however, as it follows that by studying the therapeutic potential of the Program, questions have been raised about the appreciation of the intrinsic therapeutic value of processes, and about how processes in general affect the wellbeing of all members of a society. By further studying the components and elements of the processes identified in the Study, researchers can find ways to modify and fine tune the composition and configuration of these processes to develop a framework by which processes may be evaluated to discern and maximise therapeutic effects on community constituents.

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\(^{656}\) Wexler and Winick, above n 5, 979, 990; Wexler and Winick, above n 8, xvii.

\(^{657}\) Wexler and Winick, above n 8, xvii.
9.2 Therapeutic jurisprudence: a conceptual framework for the Program

The thesis draws comparisons between the Program in the School community and the alternative dispute resolution processes in the legal system, such as problem-oriented courts, which began with drug courts that arose from a grass roots movement by practical, creative, and intuitive judges which aimed to break the cycle of drug addicted offenders in the criminal justice system. In the same way, peer mediation programs were developed to reduce the frequency and severity of destructive conflict in schools. Therapeutic jurisprudence began contemporaneously with drug courts as an academic approach, and within a decade leading advocates of therapeutic jurisprudence proposed therapeutic jurisprudential concepts to be the conceptual framework for drug courts and problem-oriented courts. The practices and composition of problem-oriented courts show strong parallels to the Program.

Study findings consistently underline the proposition that the Program works effectively because of the therapeutic effects being perceived by those involved in it, both directly and indirectly to a significant degree, by the promotion of wellbeing. Therefore the therapeutic jurisprudence framework seems to underpin the Program, since the Program comprises component processes and elements which promote wellbeing, which in turn supports, empowers and motivates participants in the promotion, management and resolution of disputes. The skills, behaviours and strategies required for mediation are particularly relevant, not only to personal and cognitive development, but to a positive, constructive and civil environment.

Additionally, the Program is based on principles and ethical behaviours such as respect for self and others, understanding of behaviour, accepting difference, personal integrity, self-regulation, autonomy, and self-determination, which have been shown to enhance wellbeing. There is growing evidence that a wide range of psychological and physical

658 Wexler and King, above n 231.
659 Wexler, above n 107, 961, 962.
660 Hora, Schma and Rosenthal, above n 55, 439, 448.
661 King and Ford, above n 37; Zhang, above n 10, 99, 113.
health risks are associated with individuals who lack these values, skills and behaviours. Persistent offenders, and in particular, young people, who are disproportionately represented in the justice system, typically lack these skills and behaviours which would assist in the development of self-management systems to break their bad habits and to form new effective ones. The increase in juvenile conflict leading to involvement in the justice system calls for this sort of training. Studies of offender rehabilitation programs demonstrate that effective training in intervention techniques can influence an individual’s wellbeing. Findings from school peer mediation research reveal that similar cognitive skills can be learned at a young age.

Constituents’ attitudes are overwhelmingly positive towards the Program, indicating that there is motivation, satisfaction and confidence with the component processes and outcomes of the Programs and that there is a positive effect on the community. Constituents report that the component processes are enjoyable and educative as well as therapeutic, both for Constituents who experience the component processes and for those who indirectly have a similar experience by being involved and indirectly interacting in the School community. Staff and Parents are affected by the Program and its component parts, indirectly benefiting from the constructive procedures learned and applied by students. It is significant that staff report that as a result of the Program they feel increased job satisfaction, with alleviation of stress and the emotional burden of student conflict, and perceive an enhanced work environment. Further, with respect to student interaction, staff and parents perceive decreased barriers with respect to communication, and increased accountability for behaviours, which results in improved health-promoting behaviours and quality of life.

662 Alexander and Benjamin, above n 197.
663 Richards, above n 41.
665 Wexler, above n 43, 93.
666 Birgden, above n 96, 283, 297; Wexler, above n 505, 191, 193; Wexler, above n 43, 93, 105.
667 Johnson and Johnson, above n 46, 417, 435; Johnson, Johnson and Dudley, above n 264, 89, 98.
9.3 The Program is a social force

Consistent with therapeutic jurisprudential literature, the Program has become a social force in the community, and has a therapeutic effect on Constituents involved both directly and indirectly. The Program is perceived by Constituents to be a social force in the school community, impacting on the wellbeing of all Constituents. The social order of the community is established in part by the Program, and in particular through the training component which equips students with the learned skills, behaviours and strategies to participate in the Program. In so doing the Program mechanisms promote the development and maintenance of norms which increase constructive communication, decrease barriers, establish acceptable community behaviours and expectations and foster cooperation. The research suggests that the Program accomplishes a preferred structure for disputants which becomes embedded in the community system as normal behaviour.

9.4 Process and outcome

Findings from the Study confirm that students can realise adverse or challenging outcomes to conflict situations and at the same time perceive these outcomes to be satisfying, effective, instructive and fair. Furthermore, other Constituents, removed from the conflict situation experience, similarly perceived a benefit indirectly for themselves and for the community as a whole. To this end, and consistent with therapeutic jurisprudence literature, a well-researched and designed process can enhance the wellbeing of everyone connected both directly and indirectly to the process, regardless of the outcome of the process. Through the therapeutic jurisprudence lens, processes can be analysed and evaluated while recognising that according to therapeutic jurisprudence, therapeutic effects are not the only, or even the most important, criterion to consider. It is increasingly acknowledged that the therapeutic value of a legal process should be weighed up along with other important values, especially since

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668 Wexler and King, above n 231.
669 Wexler and Winick, above n 8, xvii.
670 Perlin, above n 73, 407.
there is growing evidence that wellbeing can be associated with the experience of legal processes. 671

Therefore, the therapeutic value of processes experienced by those involved in the law directly and indirectly is becoming increasingly relevant. 672 In particular, the experience of a process itself is significant as a separate entity to the outcome of the process. Therefore, elements which make up the process itself can be examined for the effect on the wellbeing of those connected to the process, regardless of the outcome. For example, procedural justice processes encompass intrinsic elements, some of which translate to open dialogue, 673 an ethic of care 674 and transparency. 675 There are findings that the above mentioned elements increase the likelihood that both the individuals involved and the community as a whole 676 will respond positively to adverse outcomes 677 because of the perception that the process is fair. 678

9.5 Structure of the environment

The Study found that the Program environment must be structured to allow students to practice and apply learned skills, behaviours and strategies and the whole community must possess a shared understanding of procedures and processes in order for the Program to operate productively or operate at all. This is supported by existing literature in therapeutic jurisprudence, which states “common vocabulary, framework and conceptual scheme help effective implementation application and growth”. 679 Students in the Study strongly opined that the Program laid down rules that were fair for interpersonal interaction.

671 Benjamin and Alexander, above n 33; Tyler, above n 57, 3.
672 King et al, above n 14, 22.
673 King, above n 399, 172, 173.
674 Wexler and Winick, above n 6, 1077.
675 Tyler, above n 583, 41, 42.
676 King et al, above n 14, 14.
677 Makkai and Braithwaite, above n 11, 83, 95.
679 Wexler, above n 70, 18, 22.
9.6 Peers as a resource

The School, by embracing peer mediation as a procedure for conflict management, has not only recognised and shown respect to students, as Peer Mediators, as a valued resource, but has shown respect to the student constituency and student culture by allowing them to regulate their own behaviour via the Program. On the other hand, opponents to peer mediation programs are not confident that training or experience is sufficient for students to be mediators. There is also resistance to peer mediation by others on the basis that students need protecting from the pressures of dealing with disputes. The argument is that students’ disputes are often very complex, and mediation sometimes does not reveal hidden issues and student mediators do not have the training or maturity to bring these issues to the surface. On the other hand, there is persuasive evidence that these concerns can be overcome by the careful design and composition of the program and specified use of the program for particular issues, as well as paying careful attention to mediator training and role definition. 680

Staff at the School recognise that students are able to participate in managing and resolving issues and that the hands on participation can be beneficial. Staff also recognise that students’ disputes are invested in emotional issues which may not be understandable to an adult. This is recognised in peer mediation literature. 681 The following comment from a teacher provides an example:

*I think that any program that allows children to sort out their own problems is a good thing. It's not coming from an adult, which can be seen as too confrontational so when they are sorting out their problems themselves they use language that they would just use themselves anyway.*

*An adult’s perspective might not be the right thing to do so it’s a good thing in that it just allows children to talk to each other as children and sort out the issues that they have because we often forget what they are going through.* (Interview 22).

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680 Bickmore, above n 9, 33, 36.

681 Opotow, above n 61, 416, 424.
Valuing peers as a resource in the Program allows students to be motivated to learn constructive and creative behaviours which will assist in their socialisation and development as well as relationships and learning.  

9.7 Training

The Study raises important questions as to whether individuals involved in participatory legal processes are capable of optimising outcomes, or are even equipped to participate or make choices, without the explicit knowledge or understanding of what is required to participate effectively in the processes. Study findings highlight the critical importance of training students in dispute resolution skills, behaviours and strategies in order for them to participate effectively and to optimise the therapeutic effects and results for themselves and other Constituents. With the current shift in the legal system towards more participatory legal processes, conflict resolution skills, behaviours and strategies are more widely required and will be more useful than ever before, and this is a trend set to continue.

The Study found that the absence of the training component of the Program would compromise the therapeutic effects of the Program for all Constituent groups. Students required training in order to realise any benefit or to optimise the potential benefit from the Program. In experiencing such training they benefit from the amount of available and relevant information regarding the process, expectations of them made by the process, and from the likely outcomes of the process and their ability to influence the outcome.

The Study highlights that participants require instruction and training, not only in the skills, behaviours and strategies, but importantly in order to gain an understanding of what is required to participate in the system. There is current literature and debate on

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682 Ibid 426.
683 Freiberg, above n 23, 205, 219; King, above n 189, 129.
this topic in relation to modifications in the curriculum and pedagogy of law schools and the skills, behaviours and strategies required by members of the profession.

9.8 Design of programs

Study findings provide valuable insights into how the mechanics and configuration of components and the elements of non-adversarial processes may be fine-tuned. Training can be tailored to maximise the therapeutic effects on the wellbeing of participants and other constituents and the community. This may enable developers of similar processes to those that comprise the Program to evaluate and design processes with a greater understanding of how different components and the intrinsic elements of a process will affect its overall therapeutic potential. Different school communities require programs to suit the particular demographic, objectives and requirements of the specific school environment as well as the characteristics, capabilities and requirements of constituent groups.

9.9 Early intervention

The Study confirms that in general day-to-day interaction in communities where conflict is ubiquitous and inevitable, there would be more positive long term health and wellbeing outcomes to conflict if individuals had training in constructive responses to conflict at the point of detection of the conflict.

Findings confirm that outcomes from conflict management are influenced by an individual’s communication and behavioural choices in response to conflict. Existing literature in the area of school peer mediation confirms “that using one’s own competencies to resolve one’s conflicts in a constructive way may increase [the child’s]

685 Freiberg, above n 23, 205, 220; King, above n 189, 129, 137.
686 Freiberg, above n 23, 205, 220.
687 Johnson and Johnson, above n 313, 10, 11; Levy, above n 269, 73, 74.
688 Opotow, above n 61, 416.
689 Spencer, above n 59, 45.
690 Johnson et al, above n 311, 803, 815.
ego strength and ability to cope with stress and adversity". With respect to training, the Study confirms existing research that competencies in communication and responses to conflict are learned, not instinctive. Research establishes that these skills, behaviours and competencies can be taught, and to children as young as elementary or primary age. The Study also confirms research that shows that this training is retained when students are able to use and apply procedures in their daily life. Importantly, the research bears out the view that training should not be carried out while individuals are embroiled in a conflict, as individuals are less likely or unable to be receptive to this training. Drug court literature talks of a “teachable moment” or a window of opportunity where a drug addict may be receptive to intervention. Similarly, literature on negotiation techniques makes it clear that one’s creativity is inhibited when one feels under pressure, and in this situation one would have difficulty designing creative and optimal solutions under pressure.

Consistent with existing research, the Study found that the structure of the environment, with a shared community understanding and expectation of conflict resolution procedures and processes, was essential in order for effective training and therefore functioning of the Program. Research on modelling is consistent with this, indicating that individuals follow cues, both learned and available, about appropriate behaviour and respond positively to expectations. In environments where competencies such as constructive communication are taught and valued, individuals

691 Johnson and Johnson, above n 305, 673, 679.
692 Johnson et al, above n 311, 803, 814; Johnson, Johnson and Dudley, above n 264, 89, 95.
693 Demers, above n 325, 33, 34; Johnson and Johnson, above n 46, 417, 434.
694 Johnson and Johnson, above n 305, 673, 679.
695 Johnson and Johnson, above n 46, 417, 435.
696 Johnson, Johnson and Dudley, above n 264, 89, 98.
697 Birgden, above n 96, 283, 287.
698 Fisher, Ury and Patton, above n 266, 12.
699 Ibid.
700 Wexler, above n 505, 191, 192; Wexler, above n 508, 111, 112.
can learn and model these behaviours in order to constructively assert needs and wants as a way of generating desired outcomes.\(^{702}\)

### 9.10 Community settings as loci for peer mediation programs

“If schools systematically teach all students to negotiate and mediate, future generations will be more skillful in managing conflicts and be more open to using mediation as a means of resolving disputes.”\(^{703}\)

Study findings provide valuable insights into how to recommend the adoption of peer mediation programs not only in schools but in other community settings. These community settings are important loci for these interventions, which model and foster norms of constructive behaviour, including social and communication skills.\(^{704}\)

The Study confirms that “there would probably be less disputation if a large cross-section of the [wider] community understood the principles of negotiation and the process of mediation”,\(^{705}\) and highlights the importance of schools and community settings as a locus for peer mediation style programs. The earlier in their development and education that individuals are taught the skills, behaviours and strategies to approach and manage conflicts constructively, the more likely they are to use constructive interpersonal conflict management techniques and mediation in response to conflicts.\(^{706}\) An expert in the area of corrections believes that “the high level of violence and intimidation and the effect of impaired capacity to deal with conflict among many prisoners suggests that a similar program would be particularly useful in a prison setting”.\(^{707}\) Moreover, young people have a unique capacity (compared with adults) to


\(^{703}\) Johnson, Johnson and Dudley, above n 264, 89, 98.

\(^{704}\) Wexler, above n 505, 191, 199; Wexler and Michael King, above n 231.

\(^{705}\) Spencer, above n 59, 46.

\(^{706}\) Johnson and Johnson, above n 46, 417, 437.

\(^{707}\) Appendix E.2, Volume II, Psychiatric considerations in peer mediation training in a prison setting: Statement from Dr Olav Nielssen, 17th October 2011.
be trained and to be rehabilitated.\textsuperscript{708} The lower levels of intelligence and high incidence of intellectual impairment amongst offenders in prison does present challenges for these sorts of programs in a corrections setting.\textsuperscript{709} However, it is this demographic of people who would benefit from these programs, since they are often deficient in social skills, often as a result of neglect and trauma experienced during their upbringing as well as trauma in adult life, including the trauma of imprisonment.\textsuperscript{710} The consequences of early life neglect and abuse can include an impaired capacity for empathy and trust and would be candidates for these programs.\textsuperscript{711} Literature in relation to people with social skills deficits and intellectual disabilities document limited pre- or post-court based diversionary and education programs, or legislative support.\textsuperscript{712}

With respect to civil areas of the law, including contractual obligations, family law, industrial relations disputes, and international relations, individuals are now required by legislation and/or contractual obligations to negotiate consensual arrangements via dispute resolution processes. Study findings reveal that individuals are not equipped to participate without knowledge and training. For example, leading research in family studies\textsuperscript{713} reveals that individuals who are unable to participate in dispute resolution processes without the assistance of the court present with coping and future difficulties regarding parenting arrangements.\textsuperscript{714}

Findings from the Study may assist in the development and adoption of programs for training in community settings, not only in schools but in the public, private and commercial sectors.

\textsuperscript{708} Richards, above n 41; Wexler, above n 43, 93, 96.
\textsuperscript{709} Appendix E.2, Volume II, Psychiatric considerations in peer mediation training in a prison setting: Statement from Dr Olav Nielssen, 17th October 2011.
\textsuperscript{710} Ibid.
\textsuperscript{712} Martin, above n 35, 10, 18, 19, 20.
\textsuperscript{713} Weston et al, above n 49.
\textsuperscript{714} Ibid.
9.11 Valuable scholarship

Although distinguished from existing scholarship, the Study draws to attention the lack of consideration given by the legal system to research of school peer mediation programs and conflict resolution education in general.\footnote{Johnson and Johnson, above n 3, 459, 495.} Study findings provide support for a large amount of existing research in the field of school peer mediation, including that interpersonal conflict in communities is inevitable,\footnote{See generally Deutsch, above n 461.} that the response mechanisms used to approach interpersonal conflict will affect individuals and the community,\footnote{De Cecco and Richards, above n 265; Laursen and Hartup, above n 302, 281; Krappmann and Oswald, above n 304.} and that effective orientation to conflict can cause individual behaviour and community change\footnote{Opotow, above n 61, 416.} which impacts on the health and wellbeing of individuals and the community.\footnote{Deutsch, above n 512; Hinde, above n 525; Wexler, above n 508, 111; Zhang, above n 10, 99, 101.}

The present research has benefits for developers of peer mediation programs, because the more that is known about how these programs work, the more likely it is that insights will be gained into the optimal design features of these programs for schools and other community settings.

Study data confirms that the whole community benefits from the Program, as therapeutic benefits are conferred upon all Constituents over and above the resolution of the disputes, not only by the disputants themselves but by all the individuals within the community in which the Program operates. Therefore, systems such as the Program have a therapeutic effect on the societies or communities in which they operate, as well as on the individuals within the community or society.

The findings from the Study would positively influence the uptake of these sorts of programs. They have been shown to be efficacious,\footnote{Johnson and Johnson, above n 3, 459, 497.} and this can enable administrators to systematically develop and disseminate effective programs to various communities.

With more information on how peer mediation programs work, a framework for
evaluating existing programs and developing new ones could be systematically implemented. This would enable a more widespread adoption of such programs and optimise the processes that are used. These sorts of programs provide an important early intervention strategy, as conflicts between individuals are an inevitable consequence in communities and societies.

There is valuable research in the area of school conflict resolution education, and insights gained from this scholarship should not remain confined to the domain of social science. When conveyed through the lens of the therapeutic jurisprudence framework, the Study may have the capacity to not only inform the law but also to inform processes in general which may enhance the wellbeing of communities and individuals.

9.12 Not a panacea

It is important to mention that although the Study findings are encouraging, negotiation or mediation via peer mediation programs is not a panacea and it is not to be expected that individuals, once trained, can manage every problem.\textsuperscript{721} A member of the Teaching Staff commented:

\[ \text{[But]} \text{there are some children it's not going to work or it will never work because they have too much going on in their head or their family and asking them to understand the complexity of what they have to do, they can't cope because of everything else going on in their lives. So those kids that keep going back to the peer mediation in the end, they say it doesn't work. (Interview 68).} \]

The idea of using peer mediation is an attractive notion, but it is often accused of promising too much.\textsuperscript{722} These issues should not negate or detract from the enormous benefits to Constituent wellbeing of these programs, which arm individuals from a young age with a repertoire of constructive ways to orient themselves to and appreciate conflict. The following comment from a Teaching Staff Member from the open-ended question exemplifies this:

\textsuperscript{721} Tricia S Jones and Randy Compton, \textit{Kids Working it Out: Strategies and Stories for Making Peace in our Schools} \textit{Association for Conflict Resolution} (Jossey-Bass, 2003) 91.

\textsuperscript{722} Adler, above n 361, 59, 60.
While it’s highly valuable, it needs to be understood it’s not the full solution and some children – while they do need to be included fully in the program – some do not have the mindset to understand mediation. However the value of the program as a whole to them is still of immense importance. (Teacher 5 female).

The views of the minority in the Study are important in examining the impact on wellbeing for all Constituents. For example, findings such as that 10.8% of Process Participants feel sad after peer mediation (see Table 6.94). Five (3.3%) responses were categorised as negative from Student responses to Questionnaire 1 Question Q: Can you write down what you think of peer mediation? (see Table 6.10). These minority views (see Interview 68) are important to acknowledge, that “not unlike mediation, [therapeutic jurisprudence is not]...a cure for the all-too-real ills of the adversarial system.”723

With respect to the application of this study’s findings to a community setting, it is acknowledged that the range of emotional and psychological problems found among individuals may present a particular challenge in providing peer mediation training in a particular setting.724 It is also recognised that there is a requirement for mediators to monitor for self-defeating responses to emotional distress triggered by the scenarios used in the program, and that any program may have to be adjusted to check that each participant has understood the material.725

9.13 Can the findings inform the law?

Findings from the school model can inform the law. The parallels between the Program and alternative dispute resolution legal processes, in particular the newly emerging practices in law, including those described in therapeutic jurisprudence literature,726 underscore the relevance of this research as a legal thesis. Study findings can be extrapolated to examine similar practices in the legal system as well as to inform development of practical applications of therapeutic jurisprudence in the legal

723 Brakel, above n 251, 458, 469.
725 Ibid.
726 Hora, above n 23; Wexler and Michael King, above n 231; King, above n 6.
system. Also, many innovative legal processes currently being developed are, in the majority, developed as isolated programs and are not centrally controlled. This research may be able to contribute by assisting administrators in generating a systematic approach to the development of these legal processes, which would greatly assist in their widespread dissemination. This cohesive approach would accelerate the propagation of processes that promote wellbeing, increase positive outcomes and be beneficial to communities and, in turn, to wider society. This proposition is represented diagrammatically in Figure 9.1.

Figure 9.1 PMP influence on wider society

At the top of the diagram in Figure 9.1 is the concept of therapeutic jurisprudence, which has a weak direct effect on society, but which is able to influence the legal system, which in turn has a strong effect on the society whose laws it processes. Therapeutic jurisprudence has provided the conceptual framework for understanding the mechanics and workings of a peer mediation program, which in itself has a very weak

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See Chapter 10. Practical Applications of the Study.
effect on society; however, research into peer mediation programs may be able to give us insights into legal processes and thereby have an impact on the legal system.

In conclusion, the Study has demonstrated that peer mediation programs are therapeutic agents for all Constituents under study. It has provided some information regarding how the wellbeing of one Constituent group can affect another. Its findings have demonstrated that discrete elements of a process have associated therapeutic effects and that the therapeutic effect of a process should be able to be optimised. More research is required, but it may be possible to develop a framework which would enable the systematic development and evaluation of processes in order to predict how therapeutic they are likely to be without lengthy and costly empirical studies.

While a great deal more research and evaluation is required to validate firmly the therapeutic effects of processes on individuals and communities, the Study has provided valuable findings which can inform the law.
Chapter 10. Practical Applications of the Study

10.1 Generic community conflict management and peer mediation model

A generic community conflict management and peer mediation model\textsuperscript{728} has been developed by the author in consultation with Dr Olav Nielssen, a forensic and clinical psychiatrist.\textsuperscript{729} This has been developed in accordance with findings from the Study as well as from established academic theories and other evidence based research. This project came about following the author presenting a paper at the XXXI International Congress of Law and Psychiatry June 28–July 3, 2009 New York University Law School, New York City, USA.

The director of a therapeutic drug treatment facility at a corrections centre in New South Wales invited the author to submit a proposal for a conflict resolution peer mediation program for the drug treatment facility. Dr Olav Nielssen, working in the corrections area,\textsuperscript{730} collaborated with the author to write the Generic Conflict Management and Peer Mediation Program.\textsuperscript{731} Dr Olav Nielssen wrote a short statement about the psychiatric considerations in a program of peer mediation training in a prison setting.\textsuperscript{732}

With respect to the application of study findings to a corrections community,\textsuperscript{733} it is acknowledged that the range of psychiatric and psychological problems found among offenders presents a particular challenge in providing peer mediation training in this setting. It is also recognised that there is a requirement to monitor for self-defeating

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\textsuperscript{728} Appendices in Volume II: Appendix E.1 Generic Conflict Management Program 2 Peer Mediation (The Program). See also Appendix E.2 Psychiatric considerations in peer mediation training in a prison setting: Statement from Dr Olav Nielssen, 17th October 2011. See also interview transcript Appendix C.3, Volume II.

\textsuperscript{729} See interview transcript Appendix C.3, Volume II.

\textsuperscript{730} Appendix E.2, Volume II, Psychiatric considerations in peer mediation training in a prison setting: Statement from Dr Olav Nielssen, 17th October 2011. See also interview transcript Appendix C.3, Volume II.

\textsuperscript{731} Appendix E.1, Volume II, Generic Conflict Management Program 2 Peer Mediation (The Program).

\textsuperscript{732} Appendix E.2, Volume II, Psychiatric considerations in peer mediation training in a prison setting: Statement from Dr Olav Nielssen, 17th October 2011.

\textsuperscript{733} See Chapter 10.
responses to emotional distress triggered by the scenarios used in the program. Any program may have to be adjusted to check that each participant has understood the material. It will also be important to try to overcome the inmates’ inherent suspicion of therapeutic programs and their institutional habits.734

This program is based on the following:

1. Theories of:

   • integrative negotiation735
   • perspective reversal736
   • constructive & positive conflict737
   • cooperation738
   • self-regulation739
   • therapeutic jurisprudence.740

2. Research outcomes:

   • poorly managed conflicts have negative outcomes741
   • constructive responses to conflict are learned skills, behaviours and strategies742
   • the ability to manage conflicts constructively is an important aspect of psychological health743

734 Appendix E.2, Volume II, Psychiatric considerations in peer mediation training in a prison setting: Statement from Dr Olav Nielssen, 17th October 2011.
737 Deutsch, above n 461.
739 Flavell, above n 504.
740 Wexler and Winick, above n 5, 979.
742 Johnson and Johnson, above n 305, 673; Opotow, above n 61, 416, 423.
743 Zhang, above n 10, 99, 113.
• engagement in communication, language and dialogue
• systems and processes have an impact (positive or negative) on all community constituents
• systems and processes become a social force in a community and cause norms of behaviour to shift.

10.2 Summary of the generic program

The model can only operate if the community environment structure is congruent and supports the application and operation of the entire program.

It is necessary that there be a shared understanding of the culture and operation of the program in the community amongst all constituents. Certain behaviours are privileged and others are marginalised.

The model is a whole community model involving collective learning in a cooperative community environment context. The whole community involvement challenges constituents to interact outside the boundaries of traditional roles. The program is infused into the day-to-day structure and functioning of the community.

The program represents a therapeutic-preventative paradigm, consistent with rehabilitative approaches in the criminal law. However, the model is a generic conflict management and peer mediation model which can be tailored for implementation to any public or private community/environment, including commercial, educational, workplace and community organisations.

745 King and Ford, above n 37.
746 McWilliam, above n 188, 293, 305.
747 Bagshaw, above n 744, 130, 140.
The programs is based on the premise that conflict is ubiquitous amongst individuals in all community environments, and provides that constructive responses to conflict can motivate individuals to be creative and positive about problem solving, provide an opportunity for personal development, and enhance the community environment by strengthening personal relationships. Each of the components of the model can be fine-tuned according to the needs of the community/environment, as can each of the elements which comprise each component. For example, the training component is styled to the specific educational requirements of the constituents. However, participation in the program is predicated on some capacity for learning and the ability to give informed consent.

Communication and dialogue are important elements in the program. Outcomes via the program are generated by participants applying learned skills, behaviours and strategies with respect to inter-relational dialogue and participating in a peer mediation process. Language and communication in social functioning and interactions between all community constituents will influence the social construction of the environment and play an important role in building the culture of the program.

10.3 Proposal for a pilot

A proposal for a pilot community conflict management and peer mediation program has been submitted to a compulsory drug treatment correctional centre at a therapeutic correctional facility.

A drug treatment prison would appear to be an especially suitable location for training in conflict training and management, because the lack of appropriate conflict management skills has been identified as having an important role in the cycle of offending and drug use. This program aims to arm individuals for re-integration and to maximise the likelihood of removing or reducing barriers to achieving and maintaining re-integration in the community. The program and the training are

750 Opotow, above n 61, 416, 433.
751 Bagshaw, above n 744, 130, 140.
752 Richards, above n 41.
753 Wexler, above n 505, 191; Wexler, above n 43, 93, 102.
tailored to suit the educational and intellectual needs of the constituents. This is particularly relevant since a recent New South Wales study of 800 young offenders on community-based orders in New South Wales found that the over-representation of juveniles with intellectual disabilities was particularly high among indigenous juveniles, and that juveniles with an intellectual disability are at a significantly higher risk of recidivism than other juveniles.754

The program addresses social skills deficits, poor judgment or impulse control, difficulties with interpersonal relationships, attention seeking behaviour, inadequate day-to-day management skills, and communication difficulties, which are said to exacerbate the susceptibility of a person with intellectual disability to exploitation and offending behaviour.755 Importantly, a pre-requisite to participation in the pilot study is some capacity for learning and the giving of informed consent.

10.4 The program: a generic community conflict management and peer mediation training model

10.4.1 Aims of the program

The program aims to provide the following:

1. An awareness of and appreciation of conflict (differences between people, viewpoints, ideas and behaviours)

2. Education, training, and experience in skills, behaviours and strategies that are constructive ways to respond to conflict in the community

3. Education, training and experience in the mediation process, so individuals can participate in, and also facilitate a mediation process

4. A forum for individuals to voluntarily participate and apply and practice learned skills, behaviours and strategies in relation to their own conflicts and issues

5. Community and peer recognition of an individual’s achievements

754 Richards, above n 41.
755 Cockram, above n 47, 163; Vanny, Levy and Hayes, above n 11, 261, 263.
6. An opportunity for individuals to participate in evaluation of their own
   behaviour and of the program as a whole.

10.4.2 Objectives of the pilot

A. To implement a community conflict management and peer mediation program at
   the facility, which will be trialled for six months.

B. To provide ongoing support, assessment, development and evaluation of
   community conflict management and peer mediation program at the facility for
   six months.

C. To evaluate the pilot and include any future recommendations in a report.

The program is relevant to recent research which correlates a community social climate
with rehabilitation intervention programs. According to Olav Nielssen, the
program addresses many of the behaviours that are thought to make prison such an un-
therapeutic environment, and which in turn reduces the effectiveness of other
rehabilitation programs. The Program is consistent with rehabilitation models such as
re-entry moot court, relapse prevention planning and restorative circle programs.

The programs support the view that “for many offenders, a central problem that is
linked to their offending behaviour is their lack of, or failure to apply a number of
problem-solving skills”. These skills include anger management and impulse control
and “the ability to identify when they have a problem, to think of alternative courses of
action, to plan the steps toward solution of a problem, to anticipate consequences and to
consider the effects of their actions on others.” The program complements the courses
which already operate at the prison, most of which are based on the concept of

756 Andrew Day et al, ‘Assessing the social climate of Australian prisons’ Trends & Issues in Crime and
Criminal Justice No. 427 (Australian Institute of Criminology, 2011).
757 See Appendix C.3, Volume II, Transcript of Interview with Dr Olav Nielssen.
758 Wexler, above n 505, 191.
759 Walker, above n 506, 12.
760 McGuire, above n 507, 117.
761 Ibid.
therapeutic jurisprudence; thus, there is the adoption of a systemic and whole organisation perspective to change.\textsuperscript{762}

10.5 Presentation of the model for the generic community conflict management program and pilot peer mediation training model

The model for the generic community conflict management and peer mediation training program was presented at the \textit{International Congress on Law and Mental Health} in New York, June, 2009 and the \textit{International Congress on Law and Mental Health} in Berlin, July, 2011, and at 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) Joint Conference “Crime and Punishment” 17–19 November, 2011 in Wellington, New Zealand (see Appendix F, Volume II).

This development of the model for a generic community conflict management program and the piloting this program is a significant application of the findings of this doctoral research. This clearly demonstrates the application of the thesis research in the context of informing the legal system.

\textsuperscript{762} Hager and Johnsson, above n 702, 493, 495.