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FAMILIES AND SCHOOLS THAT ARE RESTORATIVE AND RESPONSIVE

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Introduction

This chapter seeks to normalise responsive regulation as a natural part of family life and identify restorative practice as an integral part of problem solving that makes responsive regulation work in family settings. Intuitive understanding of responsive regulation and restorative justice are more widespread in western culture than human service professionals recognise. For instance, the familiarity of these ideas in the child-rearing space has made it more natural to translate ideas of responsive regulation and restorative justice into the school setting to deal with bullying through whole-of-school approaches. Yet there are obstacles to expanding the reach of the approach, involving ideology, low trust in the community, state-led technocratic regulation and overly zealous political control.

Normalising Responsive Regulation and Restorative Practices

What responsive regulation does not mean is consistency in *the way we respond* to problem behaviour. Expressed baldly like this, responsive regulation sounds like bad parenting. Ideal child-rearing practices always place consistency at the top of the list. What consistency means in the parenting context, however, is that a parent is consistent in setting standards for a child, in particular, being consistent in pointing out to a child what is acceptable and unacceptable behaviour. In other words, shouting in a sibling's face is not acceptable at home, nor in the park with a stranger, nor at school with a teacher.

It does not follow that if one is consistent in calling out misbehaviour, consistency in what one does to manage the behaviour is best practice. As a child in the 1950s I remember the response of parents and authority to misbehaviour being very consistently punitive—a smack or the strap or the cane. What changed in parenting over the next half century was the practice of authoritarian parenting, that is, a parenting style that both consistently called misbehaviour to account *and* consistently responded in a punitive fashion. In the second half of the last century, a tome of research relegated authoritarian parenting to the scrap heap, at least in the eyes of western experts (Darling & Steinberg, 1993; Larzelere, Morris, & Harrist, 2012; Power, 2013; Rudy & Grusec, 2006; Steinberg & Silk, 2002). In its place

emerged a philosophy of good parenting best described as democratic parenting (also referred to as authoritative parenting by Baumrind, 1978). A less efficacious form of *laissez faire* parenting also made its presence known in these bodies of research, arguably more as a reaction against authoritarian parenting than a coherent philosophy of how to raise a child who could fit into society.

While *laissez faire* parenting was permissive on both calling out misbehaviour and correcting it, democratic parenting called out misbehaviour but then evoked a range of strategies for its correction, the central plank being dialogue with the child directed toward understanding the misbehaviour and its consequences. The child might be asked “Why did you do that?”, “Did you see what effect it had?”, “Have some time out while you cool down”, “Straight home and bed for you”, “No more watching cartoons on television, it is teaching you bad habits”. The array of responses was endless because the assumption was that in order to change the behaviour, a parent needed to work with the child both to understand its causes, explain why the behaviour was undesirable and to rechannel behaviour down a more socially accepted path.

Repeated displays of a particular form of misbehaviour were also better managed through democratic parenting. Should unacceptable behaviour continue, a parent is held responsible first and foremost for its correction in western culture. Nagging or just repeatedly and consistently responding in the same way without changing the behaviour is not good enough. A parent with a democratic parenting style in such circumstances was likely to respond with a plan of action: “If you do this again, we need to consider other ways . . .”; “If you do this again, we will have to develop strategies together for you to practice at home . . .”; “If you do this again, we will go together and talk to your teacher . . .”; “If you do this again, I think it is reasonable to remove some of your privileges—do you agree that . . .”. A democratic parenting style, in response to persistent misbehaviour, will escalate the intensity of the intervention to change the behaviour. In general, a parent will increase the dialogue, increase remedial action, involve others and increase the seriousness of consequences until the problem starts abating. All the while, the parent relates to the child with respect and affection. Democratic parenting requires warmth in the relationship to be effective; hostility is counterproductive (Power, 2013; Rudy & Grusec, 2006; Shin, 2009).

Democratic parenting of this kind is an example of responsive regulation: Consistently staying on message to correct misbehaviour, but being responsive by analysing the situation and selecting discerningly from an array of possible strategies to correct the behaviour. In the democratic parenting tradition this would extend to being willing to ask for help and build a community of support around the child and parent if need be to get things on track. There is consistency in disapproving of a behaviour but not disapproving of the child herself. There is critical self-reflection on the part of the parent, but not total self-condemnation for herself as a parent. Her worth is reflected in the efforts she invests to correct the child’s misbehaviour.

A parent’s response will differ with different children, in different contexts and with variation in seriousness of the harm of the misbehaviour. This is at the heart of responsive regulation. The crucial question is always to account for the response, to explain one’s actions, not to do the same thing repeatedly regardless of context. If a child shouted at her mother and then crumpled into a ball of shame, no further disapproving action from a parent is required. The child disapproves of herself. Lesson learnt. If a child escalates in violent outbursts against her mother, in spite of efforts by a bevy of family and professionals to remedy the situation, intervention may be necessary to separate mother and child for a while. Whichever the scenario, the priority is to prevent harmful behaviour. To do otherwise is to harm the child—she is likely to be tagged a behavioural problem, a bully. While stopping the harmful behaviour, social scaffolding for the child remains critical so that she can learn that certain behaviour

is unacceptable and needs to be controlled. The child through being supported while held accountable for her actions learns to self-correct. In other words, the process allows the child to learn about being regulated by others and self, to trust and be trusted, to use one's social scaffolding to build one's character and understand social life.

Learning this process of self-regulation through social scaffolding from others is an essential part of learning to fit into society (Bandura, 1986, 1997). And it never stops. Learning to follow school rules and getting on with fellow students and teachers morphs into understanding employer expectations and working well alongside others, which morphs into being a good citizen in the community, in time being a good parent oneself, and lastly, if life is long, being a loved and cared-for person in a nursing home.

Does this process of self-regulation mean we become automatons of compliance? There is not much evidence of that in the world. The real question surrounds the conditions under which we break out from being automatons (Braithwaite, 2009). Do we do it in rage or on an impulse to release tension or get something we want? Do we break out because we didn't quite appreciate the significance of the rules and their meaning? Or do we think through our non-compliance, sometimes taking advantage of the system, sometimes rebelling because we object to how the system operates. Non-compliance can result from one or more of these conditions. Non-compliance can be a force for good, if the system is out of sync with people's needs. The hope of democratic parenting is not that non-compliance will not occur but rather that non-compliance can be discussed, is well reasoned, explicable and does not do harm to others; and when it occurs, people learn from their mistakes and self-correct.

Why What Is Good for Families Is Good for Schools and Society

It is through continuous socially informed learning with others that responsive regulation is useful not only for problem solving in families but also for protecting our democracy and human rights. Responsive regulation is sensitive to non-compliance that stems from rage or ignorance or defiance or political protest. Different responses are made depending on circumstance. Sometimes coordination is imposed or coerced through responsive regulation to safeguard stability and ensure smooth transitions to new laws or policies. But that is not done without deliberation, transparency and accountability. Sometimes as a result the rules are changed. Responsive regulation pushes us toward compliance, but not without providing opportunity for us to reflect on the system with which we are expected to comply. If rules are unfair or oppressive, or expect too much of a person, the process of responsive regulation allows for dialogue to explain behaviour and consider alternative, more acceptable pathways for the future.

Dialogue is necessary to familiarise an authority with context so that it is possible to be responsive. In order to understand context, authorities have to unshackle from official accoutrements and trappings and connect with the lives of people—listen, understand and work with them to find a better pathway forward. Restorative justice circles for resolution of conflict and restorative practices more generally are examples of mechanisms for building shared understandings of context and commitment to a pathway forward.

The purpose of this first section to the chapter is to reiterate a very simple point from some 30 years ago (J. Braithwaite, 1989). Every parent who has read a 'how to book' on raising a child knows about responsive regulation. They also know the basics of restorative justice—to acknowledge harm, understand consequences and find a way forward that repairs the harm and/or relationships. Responsive regulation and restorative justice are practiced within families routinely and mindlessly, in the family

room or at the dining room table. It is therefore not surprising that these ways of thinking and engaging have been most readily translated into schools. Hopkins (2002) refers to restorative justice in the UK as “a natural development of where many schools are already or are moving towards” (p. 146). It is more surprising that restorative justice and responsive regulation have not reached further into practices of our human service institutions.

Formal Schooling—a Tough Gig

The value of formal education has been valorised to the point that adults often forget the challenge schooling poses for children. It is here that they face the extraordinarily difficult, and often-underestimated, task of learning to “fit in” with people who they don’t know while also participating in a structured set of learning activities many of which they can’t do the first time round. In the process of learning, children watch their peers closely, not only for guidance and assurance, but also inevitably as a point of comparison. Competition and cooperation define work and play. It is normal for children to become involved in games where one person wins and next time another person wins. Bullying younger kids, weaker kids, kids who look different, those who fit in less well, or learn more slowly, or too quickly becomes mixed up with the game where there is a tussle for being the best. As Dixon and Smith (2011) put it, bullying is part of a game of one-up/one-down. The problem lies when children become locked in a relationship with one consistently ‘up’ (that is, bullying) and the other consistently ‘down’ (being bullied).

Bullying is a relational problem of domination. As such it is different from the one-up/one-up game where children are pitting themselves against each other, competing on a task, and learning the art of being a winner sometimes, and a loser at other times. We need to learn to have a healthy appetite for one-up/one-up play and steer away from one-up/one-down play. This is one of the lessons we have to learn at school. It lends itself well to resolution through restorative justice and responsive regulation.

What We Know About Bullying

Bullying is not just a school problem. This is partly why its management within schools is difficult. Increasingly, bullying is recognised as a societal problem from the streets housing the homeless to the homes of Hollywood’s rich and famous. Bullying is linked to sexual harassment and assault, domestic violence, workplace harassment, HR dismissal tactics, rage toward health providers (from ambulance to hospital), police culture, child protection practices, youth and refugee detention facilities, prisons, trolling and social media, and of course, our education systems from kindergartens to universities.

Bullying refers to one individual or group repeatedly seeking to dominate another person, physically or psychologically, in jest or in order to control another’s behaviour. A well-accepted definition is: Bullying involves persistent, offensive, abusive or intimidating behaviour that makes the target feel threatened, humiliated, stressed or unsafe (Di Martino, Hoel, & Cooper, 2003). A substantial body of empirical research has shown the deleterious effects of bullying on people’s health and well-being, ranging from loss of confidence, withdrawal from social life, low life satisfaction and unhappiness through depression, anxiety, mental and physical disorders, and, in some cases, suicide (Hymel & Swearer, 2015 for children; Balducci, Fraccaroli, & Schaufeli, 2011 for adults).

Public anti-bullying campaigns in recent years have reached their peak with media coverage of tragic outcomes such as bullying-induced suicide. At such times, public outcry converges on messages

of law and order and punishment of offenders: The simple solution is perceived to be stopping bullies through enforcing anti-bullying laws (present across countries, for one US example see www.nytimes.com/2011/08/31/nyregion/bullying-law-puts-new-jersey-schools-on-spot.html). Somewhere missing from the public discourse are two important empirical findings which limit the likely success of simply enforcing anti-bullying laws, as important as they may be for setting acceptable standards of conduct.

First, bullying and victimisation for a significant proportion of children and adults go hand in hand. There are a minority of individuals who are persistent bullies. But those who are most socially and psychologically at risk are bully-victims. They flip between being the victim and the bully and back again, carrying the insecurities and social awkwardness of victims and the aggressiveness and impulsivity of bullies (Olweus, 1993).

Second, and this is often overlooked, most of us learn about the harm done by bullying through experience, through our own mistakes in competitive playfulness or social insensitivity. Soft bullying is part of everyday life and results in self-correction. Serious bullying is a pattern of hurtful behaviour that is not self-corrected when we see the pain we cause others. The factors that determine whether we learn or we don't learn are many and complex. Moreover, they interact. Family child rearing and family relationships matter, school culture, teaching and peer relations matter, personality matters and highly contextual issues like what is happening when bully and victim meet matters. And then there are sites of bullying beyond the school which adds to the complexity—walking to and from school, parks, public transport and on the internet. Against this body of research that has accumulated over some 40 years, legislation or anti-bullying organisational policy is an inadequate response. Learning not to bully involves more than learning a rule and fearing punishment for breaking the rule.

The Phenomenon of the Bully-Victim

A substantial literature documents the bully-victim as being most at risk psychologically and socially (Haynie et al., 2001; Kumpulainen & Räsänen, 2000; Veenstra et al., 2005). Both Helene Shin and Eliza Ahmed have made a significant contribution to understanding how children become bully-victims and why children caught in bullying incidents need understanding and responsiveness from authorities as early as possible; not neglect until an incident triggers school expulsion or police intervention.

Shin has been analysing biennial survey data on bullying conducted as part of Growing Up in Australia: the Longitudinal Study of Australian Children (LSAC). The survey, supported by the Australian government, set out to track growth and development of 10,000 children and families from all parts of Australia (www.growingupinaustralia.gov.au/). Shin has focused on one cohort of the study (Cohort K), around 4,000 children who were aged 12–13 years at Wave 5, 14–15 years at Wave 6 and 16–17 years at Wave 7. The Wave 7 survey was conducted in 2015–16.

The majority of children reported involvement in bullying in the past month as victim or offender or both in the 12–13 age group (60%). Middle school is the time when bullying is often reported to peak (see Olweus, 2013; Wang, Iannotti, & Luk, 2012). Around half (29%) reported being victims but not bullies, while a further 25% reported that they were both victims and bullies. This reflected a substantial proportion of at-risk children: The story became more dire when cyberbullying was taken into account.

In the LSAC analyses undertaken by Shin and her colleagues, cyberbullying, while far less common than traditional bullying in this age group, nevertheless was linked to traditional bullying and the children most likely to cross-over were bully-victims (Shin, Braithwaite, & Ahmed, 2016). In cyber space,

they were most likely to be victims. The risks facing this most vulnerable group increased with time rather than decreased (Braithwaite & Shin, 2018). At follow-up, many children in the Wave 5 sample had transitioned out of being part of bullying encounters: At 16–17 years of age, only 1 in 3 reported involvement. But the trajectory of those who had not was toward being a victim or bully-victim. Children who found themselves in the bully-victim role, particularly on-line, reported lower school belonging, higher depression, self-harm and suicide ideation, and poorer overall health and parental relationships. Such children also spent more time on-line, presumably on social media.

Shin's work has been important in showing diverse needs within the group of children affected by bullying. They need a responsive regulatory approach that is sensitive to context and a complex range of issues that span school life, home life, use of the internet and peer interactions. And those in greatest need—bully-victims—need assistance in managing their relationships which appear to be causing distress both at home and at school. For this group, restorative practices hold particular appeal. But given the risk to bully-victims of being engulfed in continuing bouts of bullying with serious mental and physical health consequences, more options for intervention are likely needed.

Eliza Ahmed used the Life at School Survey (1969–1999), an earlier study of 32 schools in Canberra, Australia, to draw similar conclusions about the different needs of children caught up in bullying incidents (Ahmed & Braithwaite, 2004a, 2004b, 2005, 2006, 2012). Ahmed developed the schema for grouping children as bullies, victims, bully-victims and nonbully-nonvictims. While the bully-victim numbers were smaller in this sample, their risks were evident. Bully-victims tended to report more authoritarian parenting and family disharmony, not liking school, being in trouble at school and seeing little control of bullying at school. The bullying problem arose from many sources, both social and individual. Ahmed collected data from children aged 9–12 years in primary school, and then with Brenda Morrison followed up these children 3 years later when they were in secondary school.

Like Shin, Ahmed followed the trajectories of children who had been classified as bully only, victim only, bully-victim and nonbully-nonvictim. Those who were bullying when they were aged 9–12 years were likely to be still bullying when aged 12–15 years. There was a tendency for bully-victims, if they changed groups, to transition to the bullying-only group (Ahmed & Braithwaite, 2012). Since this time, most schools have introduced anti-bullying programs and bullying has become a point of concern for parents in selecting a school for their children. Children may be less locked into roles of bullying and victimisation today than was the case at the time of Ahmed's study. In this respect it is of note that Rigby and Smith (2011) report a drop in bullying from 1990 to 2009 which they consider in part due to a stronger focus on the better management of bullying.

While Ahmed's work was conducted before the explosion in school anti-bullying programs, the research design has some distinctive features that explain why anti-bullying laws and policy is not enough and why schools need to invest in the integration of social-emotional-relational interventions along with effective disciplinary control measures. Ahmed provides deeper insights into the emotional architecture that can hold children in the bullying space. This emotional architecture is sustained by factors associated both with how the school is run and how children engage with each other. Those wishing to find someone to blame for bullying will be disappointed: The answer is complex.

The Emotional Architecture That Sustains Bullying

Ahmed's data showed that students who believed there was tolerance of bullying at school (no action was taken to stop it) were more likely to have transitioned into bullying (as bullies or bully-victims)

3 years on. These findings support Ttofi and Farrington's (2011) meta-analysis which highlighted the effectiveness of anti-bullying programs that implemented social control measures in the school (school rules, supervision, teacher training) as opposed to programs that focused on improving the social skills of students. But Ahmed's data shows that it is also important for children to accept bullying as a socially undesirable practice that they want to avoid. In other words, preventing bullying also requires active and on-going efforts at self-regulation within schools.

The emotional architecture identified by Ahmed as critical to whether or not bullying becomes a problem at school is shame management. Shame describes the emotion that we feel when we have failed to live up to a shared social standard either in relation to a moral code or a performance standard. Sometimes we break codes without realising it is a shared standard of proper conduct. School is full of such learnings for young children. Learning not to bully is a specific case of our journey to civility.

Revised reintegrative shaming theory sets out conditions for learning what is appropriate behaviour and what is not, so that we can find our place in society and enjoy it as a source of support and productive activity. The key feedback loop on which we rely is shaming (sensing or imagining others' disapproval). Shaming works for us when we learn how to manage it well (Ahmed et al., 2001). J Braithwaite argued for shaming that was reintegrative (disapprove predatory actions, support the predatory person) not stigmatising (disapproving and socially rejecting the whole person). Both kinds of shaming can impact a person's ethical identity (goodness and capability of self) if the criticism comes from a respected source (Harris, 2011). But reintegrative shaming provides us with the social scaffolding to learn and recover. Stigmatising shaming grinds us into the dirt, breaking spirits and capacity to recover because of its holistic condemnation of us.

Just as shame can be delivered in different ways, shame is *received and interpreted* differently by different individuals. Adaptive shame management means that when we feel shame, we interpret it in these terms: If the criticism is true, we acknowledge the problem and seek to correct it or make amends. If the criticism is not true, we seek to clear our name. When shame is not managed in a socially adaptive way, others are blamed for the problem, responsibility is denied and anger is displaced onto others. Shame acknowledgement is most likely to occur when a person feels safe to openly face wrongdoing or failure, that is, under conditions of reintegrative shaming and supportive social bonds. Shame displacement is most likely when a person's ethical identity is threatened, when shaming is stigmatising and a person feels unsafe to share failings with others. Children involved in bullying as victims or bullies are the least likely to feel safe at school, and some will feel unsafe at home. Special efforts are required to create "safe space" for resolution and learning.

Ahmed and colleagues used shame acknowledgement and displacement to explain a pattern of bullying others at school in studies in both Australia and Bangladesh. Shame displacement and bullying tolerance accompanied transition into bullying. Shame acknowledgement and control of bullying marked desistance from bullying. Effects of shame management and social control were not uniform across groups of bullies, victims, bully-victims and nonbully-nonvictims. Interventions may need to be flexible and responsive to prior bullying experiences. One-shot anti-bullying programs with before-and-after measures of empathy and social responsibility will not suffice. Interventions involving supervision and sanctioning may create a safer school environment quickly, but developing shame management capacities will take time and be shaped by belonging and liking for school and family, and bullying experiences. Shin and Ahmed's work suggests that some children abandon hope for an existence beyond a bullying culture. Reigniting hope may require skill and imagination and patience. At the same time, harm to other children must be contained. Reigniting hope and controlling harm over

extended periods of time requires a long-range plan of action that is inclusive and flexible to accommodate different circumstances. It can't be restricted to restorative justice interventions or to off-the-shelf anti-bullying programs.

The kind of approach being advocated here could benefit from responsive regulatory thinking: See the child, observe the family and school experiences of that child, note the consequences of the child's behaviour, listen to the child and together develop a plan of action with a range of interventions for learning the art of self-regulation, with help from appropriate social scaffolding at school and at home. If an intervention does not work, possible explanations are reviewed and something else is tried. What is tried with one child will be different from another. This is more likely to be the case if the problem is serious and persistent because the bullying troubles are likely to be underpinned by a complex set of factors. Responsiveness should follow a pattern which escalates intrusiveness or intervention, starting with conversation that allows a child to correct his or her own mistakes and ending with a child losing valued privileges in order to protect others from harm. Such privileges are restored as soon as harm is redressed or eliminated.

Soft Bullying—We Probably Have All Done It!

Most of us learn not to bully by accident. As children we try bullying as part of the game that Roz Dixon and Peter Smith (2011) call one-up/one-down. If we are smarter, stronger and faster we may well try our hand at dominating unfairly (beyond the rules of competitive play). But for most of us we very quickly realise that is not the right way to behave. We may experience retaliation, or a teacher, parent or friend may call us to account, or we may directly see that we have caused harm and lost a friend. In the normal course of events, we try to make up for it and we learn that bullying did not feel so good, it did not bring rewards, and we decide not to try it again. This is called soft bullying in that we do it naively or carelessly without thinking things through and are easily dissuaded from doing it again. In contrast, serious bullying is not a mistake. It is repeated, possibly even escalated in response to the hurt caused to another.

Ahmed's data from 1996 and 1999 illustrated this principle well. In 1996, children told us of their bullying efforts, mostly done in groups, not alone. When asked about their feelings of shame at the time, and whether they acknowledged shame or displaced shame, they did both. Children who bully have a taste of both acknowledgement and displacement. This is the important part of experiential learning—and a part that resonates with adult experience. Shame makes us all vacillate—did we do the wrong thing or was it someone else's fault? We "toggle" between feelings of acknowledgement and displacement as we sift through our recollections of the event and try to make sense of our experience. The important point here is that if children have the opportunity to experience both acknowledgement and displacement, then teachers and parents have a role to play in turning these experiences into positive learning experiences. Teachers and parents can capitalise on these experiences to encourage learning of positive shame management; and they can place checks on actions that may inadvertently open the door to negative shame management.

The central thesis therefore is that the majority of children learn from their experience of bullying another child. If they are open to school efforts to counter bullying, they will develop shame management skills that lessen their desire to bully others. They will learn to find safety and acknowledge shame (Ahmed & Braithwaite, 2012). Others, particularly those who cannot find safe space at school, are more likely to cling to shame displacement and continue bullying.

So after a school implements all the preventive measures that Ttofi and Farrington (2011) find effective, and after investing in developing interpersonal skills from showing respect for others, expressing needs, to peaceful conflict resolution and shame management, what happens when bullying continues?

Managing Institutional Resistance

There are likely to be both cultural and individual scenarios where bullying persists and proves difficult to contain. Highly competitive schools that honour power and domination and exercise social control through status hierarchies and the rule book historically have been incubators of bullying, harassment and sexual abuse. Government enquiries across the western world into child sexual abuse in the Catholic Church and other religious and charitable institutions provide evidence of the kind of educational culture that allows bullying (among other undesirable forms of domination) to take hold. In short, it is difficult to outlaw dominating through bullying with another form of domination emanating from authority.

Olweus's (1993) whole-school approach to countering bullying addresses specifically the problem of bullying school cultures and has had a profound impact in communities where the value-focus is on social harmony and cooperation for learning and development. With Olweus's whole-school intervention, adults are expected to assume the role of responsible and authoritative role models (Olweus & Limber, 2010). They show warmth and offer support to students. At the same time, they are strong in setting limits on unacceptable behaviour by using non-physical, non-hostile negative consequences in response to breaking rules. Importantly, the whole-school approach has the goal of eliminating domination from relations among students, teachers, parents and administrators. Morrison (2007) has extended the whole-school approach in a restorative and responsive regulatory direction, moving from preventive measures to resolution with those children affected, and then to broadening the circle to include others to resolve more persistent and serious problems (professionals, other school members, parents). Morrison argues for greater empowerment of children in creating safe space at school. The approach has received considerable support internationally (Schiff, 2018). Not all schools, however, have been won over to this pedagogical approach. Values loom large in how individuals and institutions deal with bullying (Braithwaite, 2000; Morrison, 2007). Wong et al. (2011) attribute the greater success of whole-school restorative justice interventions in Hong Kong to the schools being part of a broader Chinese culture where collective values are held in high regard.

Values refer to ideal goals in life and modes of conduct. They guide us when we need a moral compass to tell us what is best. These values are both social and personal in nature and cluster around two themes, both of which are important for our social adaptation (Braithwaite, 1985, 1997, 2009b). The first are harmony values relating to getting along with others, cooperation, being considerate and helpful to others, finding peaceful and respectful ways of resolving conflict, and having an interest in well-being and self-improvement. The second cluster of values relate to security, ensuring that in competition for scarce resources, self-interest is accommodated and there are rules to determine how the game is played. Security values tout a society that is strong, united, with a stable order, with pathways for competition for status and success. The former set of values tend to be more strongly endorsed than the latter, but both types of values are considered desirable. Different values guide our behaviour in different contexts as we assess how best to advance our social survival. Harmony values, for instance, have strength when trust and social coherence are strong in a community. When the world is seen as a more

threatening and adversarial place, security values gain ascendancy—security values underpin actions that protect from those who would do us harm.

It follows that some educational settings are going to have a higher tolerance for a bullying culture than others depending on the degree to which security values are allowed to be prioritised over harmony values in the educational agenda. Moreover, a drift into a bullying culture will be more likely when institutional values confer legitimacy on forms of domination, even if bullying is not one of the approved forms.

Military academies, some elite private schools, schools run by some religious sects may fall into this category and need a set of interventions specifically tailored to the bullying problem at hand. The law and its enforcement through school inspectorates and accreditation boards may have a crucial role to play in ensuring a school allocates time and resources to address bullying effectively. This would be yet another example of responsive regulation at work. Voluntary cooperation cannot always be assumed. A school culture may not easily accommodate anti-bullying programs and resistance may be of an order where such programs sit on a book shelf without being meaningfully implemented. In such cases, there is little to be gained by an authority “nagging”. Firmer action and intervention are needed which may involve legal coercion to address bullying. Possibly legal action is required against those who have allowed abuse to occur in the school. Responsive regulation favours voluntary, cooperative interventions, but makes coercive measures available, should harm persist.

Using Responsive Regulation with Difficult Behaviour

The above case involves respected institutions with considerable power resisting the introduction of anti-bullying policies and procedures. The individual scenario, in schools at least, is more often about socially marginalised children with behaviours that are difficult to manage. Many schools are challenged by children, who for want of a better term, have been seriously damaged or have entrenched behavioural problems and who are unresponsive to normal interventions. Invariably such children are subject to a barrage of interventions—disapproval, intense interrogation, separation from others, detention, counsellors, doctors and medication, suspensions—and then they are expelled. The battle with the child often extends to being a battle with the parent as well (Braithwaite et al., 2003). Parents can adopt “dismissive defiance” (Braithwaite, 2009a) toward authorities which means that they cut themselves off from relational resolution of the kind made possible by a restorative justice framework.

Some school authorities have opted for punitive measures to control difficult children. Schiff (2018) describes the tension in the US between schools favouring a restorative justice approach and schools that have chosen, or been forced into (under pressure from school boards and government) a zero-tolerance bullying policy backed up with suspension and expulsion. Schiff assembles evidence of the harmful effects of the more punitive approach. Punishment can appear arbitrary to students, consistently applying a rule rather than consistently calling out unacceptable behaviour. Families become estranged from school, students risk feeling less connected, they may fall behind in lessons and school achievement, become involved in risky, delinquent or illegal behaviour, and become involved in the justice system. In short zero-tolerance bullying policies provide children with a “school-to-prison” pipeline.

The US appears to be following a different path to other countries through becoming embroiled in a highly adversarial and polarised debate between advocates of policies supporting punishing and harmful social control measures and those favouring a dialogic approach to teach children to respect and support each other and resolve conflict peaceably (Morrison & Riestenberg, in press; Schiff,

2018). Zero-tolerance bullying policy with its heavy reliance on suspension and expulsion is akin to authoritarian parenting and appears to be equally ineffective. Children who have come from communities plagued by poverty, underemployment, violence, poor nutrition and family breakdown are re-traumatised by a punitive, uncaring school system. Needless to say, such children dislike school as much as the schools dislike them. Undoubtedly, US schools have become something of an outlier in the western world because of the high incidence of school shootings and the understandable fear that it generates. That said, US data is showing that restorative approaches are proving successful in reducing school suspensions (Gregory et al., 2018; also see Morrison & Riestenberg, in press; Schiff, 2018).

Much international research in the field of bullying is around the effectiveness of particular programs. There is a debate around using programs in their “pure form” or mixing components of programs, adapting them to context. Most schools appear to combine different components (Smith, 2016). Components include improving positive peer-to-peer relations and bystander intervention, teaching emotion regulation and conflict resolution, building social skills around empathy, respect and tolerance and developing teacher and parent skills for bullying prevention and resolution (Smith, 2016). Other components place a stronger emphasis on imposing control over bullying through better supervision, school rules and disciplinary sanctions, improving teacher-student relations and classroom management and introducing cooperative group work among students (Ttofi & Farrington, 2011). There has been a tendency to contrast social-emotional and relational interventions with the use of control and disciplinary measures, somewhat reminiscent of the US debate discussed above, but not as extreme: Smith (2016) suggests professional epistemological differences may underpin “either-or” thinking around these two forms of bullying prevention, sometimes referred to as anti-punitive and punitive measures. This chapter urges a combination of social-emotional and disciplinary interventions integrated around responsive regulation and the principles of respect and procedural justice. This makes room for sanctions that encourage children to take new non-bullying pathways and should be distinguished from the punishments described by Schiff (2018) that cut off opportunities for rehabilitation and destroy children’s lives.

A responsive regulatory approach demands that productive options be made available for children who cannot fit into a mainstream school so that their education can continue in settings where they are safe and other students are safe. While such schools exist in most developed countries, access to them is rarely recognised as a necessary part of an anti-bullying social policy. More often, nothing is done for expelled children until a crime is committed (which almost inevitably occurs) and then problem children are locked up in youth detention centres away from society and away from any capacity to learn to find a productive niche in the world. Such institutions for young people are punishment by default. A responsive regulatory approach if adopted would map out a different trajectory. Punishment and incarceration would neither be accepted as the answer after school expulsion nor would it be allowed to become the default position. A responsive regulatory approach would not hesitate to place restrictions on a child’s freedom if that child was likely to inflict harm on self or others. A child would be regulated, but that regulation would be designed to be non-stigmatising, educational, engaging and meaningful to the child. As David Best and Amy Musgrove (Chapter 12 this volume) would describe it, it would be regulation for recovery through creating an environment of safe normalcy for children needing to learn to find their place in social life. School-day treatment programs for delinquent and at-risk youth, following a restorative practice philosophy, have been successful in reducing reoffending (McCold, 2005).

The Flushing Action of Responsive Regulation

In the age of Trump we have heard much of draining swamps, but when problems persist within our institutions there is something to be said for flushing out the system. “Flush out” means to force out of hiding or make something more transparent and public. Bullying programs and policies are packaged and sold to meet legal or regulatory requirements. They may be implemented fully or partially, with self-evaluations and continuous improvement being practiced in some cases, but probably not in the majority of cases. Too often anti-bullying programs sit in the background, not connecting to core educational goals and their achievement (Nickerson & Rigby, 2017).

Review and adaptation to integrate a school’s range of responses and to clarify the part that schools play in reducing bullying is a flushing exercise. Justifying and explaining an anti-bullying practice to others who may use other practices, some of which may be competing rather than complementary, means that different efforts to prevent bullying can be compared and contrasted, contested and streamlined to build into an integrative whole.

Within a responsive regulatory framework, options for dealing with bullying must be integrated. Responses are proportional, are differentiated in terms of severity and intrusiveness, and are geared toward reining in harmful behaviour, while furthering educational objectives. Students and parents are given a clear understanding of a school’s approach and how the success of the approach should be judged.

Responsive regulation is often organised in terms of regulatory pyramids of sanctions and supports (see Chapter 2). First and foremost, educational materials about the cause and consequences of bullying are shared with everyone in the school. The first step of a pyramid is universal exposure to the standards of behaviour expected with explanations for why such standards are important. Step 1 ensures everyone associated with the school is on the same page in terms of what constitutes bullying, how it harms and how it should be dealt with as part of the core educational purpose of the school. Dialogue and consultation with teachers, parents and students might tweak or revise such an approach to build consensus around expectations and disciplinary consequences.

When specific instances of bullying occur, subsequent steps of management come into play as pyramids of sanctions and supports. On the supports pyramid, Step 2 might mean that students are praised for de-escalating a bullying incident or preventing an incident. A child who is known to bully others might be rewarded for walking away and not reacting to a bullying trigger. Appointing children to a position of honour as a school monitor or mediator might constitute Step 3, a further way of acknowledging positive contributions from students which creates a culture that prevents bullying. Continuing to show approval and support for pro-social activities by children gives rise to a supports pyramid as part of the school’s anti-bullying regulatory approach. This activity is best institutionalised within a whole-school approach to bullying prevention: Everyone is working toward a positive and respectful school culture where domination of another in an arbitrary, non-accountable way is renounced.

On the sanctions pyramid, there can be many steps; and usually there are in schools, even if they are not formally recognised as such. Students might correct each other with a stop bullying message. Next a student might be called out for possible bullying by a supervising teacher or monitor. A little more intrusive might be an intervention where a teacher asks a child directly if they bullied another and why. More intrusive still might be an informal conversation of the teacher with all those involved in a bullying incident. Next might be a request to see the teacher after school or during the lunch break. Further bullying incidents might attract time out and detention. If the problem continues, parents might be involved, or

other lead teachers, or the principal. If bullying is not curbed through these measures, restorative justice conferences might be organised in the school with an action plan to prevent recurrence. They might range from being small and informal with only a few participants to being full, formal conferences with a range of participants from inside and outside the school. Morrison (2007) presents a full description of how circles for managing bullying can be expanded within a school and how students are held accountable and be required to make amends for the harm they have caused. The values of mutual respect and concern for the well-being of others are present at every step of the sanctions pyramid.

School suspension might become a tool of last resort, short of expulsion from school. Such a measure might be deemed necessary to minimise harm, not as a measure to punish a child. School suspensions and expulsions are least desirable and become flags that a school's anti-bullying practices are probably neither well integrated into educational purposes nor effectively preventing the development of a bullying school culture. In such circumstances, a school with suspensions and expulsions has been flushed out as needing to re-evaluate its efforts to prevent bullying within its educational core. US evidence shows reduced rates of suspension and expulsion when restorative justice programs are implemented, though it is of note that the racial disparity between black and white Americans remains problematic (Gregory et al., 2018; Schiff, 2018).

Community Support for Interventions

Having a suite of interventions and strategies to prevent bullying organised into hierarchies from the least intrusive (education and persuasion) to the most intrusive (expulsion) has community support. In a study of parents whose children took part in the Life at School Survey, parents were asked which of the following they thought was best for designing anti-bullying interventions:

- (a) Discussions involving teachers, students and parents to sort out problems between children who bully and the children who are bullied
- (b) Enforcing strict rules that forbid bullying and through disciplining guilty parties
- (c) Discussions first and then through stricter enforcement of rules if the problem is not resolved

All measures received strong support from parents with the combination strategy receiving endorsement from 93% of parents (Braithwaite, 2000). This result was explained in terms of harmony and security values. Some parents favoured a more relational approach, others favoured rules and sanctions. They could agree, however, on a regulatory pyramid which gave relational strategies a chance, followed up by sanctions if the relational approach did not work. As for dissenters, they favoured a more permissive, non-interfering approach.

These findings regarding parents' wishes are consistent with the proposition at the beginning of this chapter: Parents naturally use the principles of responsive regulation and restorative justice. The findings are also worth noting for another reason. Job and Reinhart (2003) in a general population study of trust in major institutions found that trust rippled out from families. If families adopted child-rearing practices that fostered trust within them, that capacity to trust would spread out to other institutions as children matured. It would seem to be in the interests of our major institutions to emulate family practices. But they do not. Why do human service institutions that impinge on schools—institutions of justice, health, recreation and worship—struggle to adopt a responsive regulatory and restorative justice approach?

Institutional Impediments

Problems of ideology that stem from values of harmony pitted against values of security may create tensions for governments formulating policy and regulatory philosophy. This means in effect that the political right will argue against regulation, espouse freedom and use law and punishment as a safety net to provide security. The political left will argue for protections and cooperation in safeguarding public interest, and will be reticent to use punishment, preferring a more democratic process for holding people accountable, providing reparation and resolving conflicts. Ideology may partly explain the polarisation that Schiff (2018) and Morrison and Riestenberg (in press) describe in US school policies. It cannot be the whole explanation, however. The majority of people are pure advocates for neither ideologies of left nor right. They prefer an institutional framework which gives both sides a chance to restore order (Braithwaite, 1997). That said, if a political system becomes hyper-adversarial, a regulatory philosophy that is an amalgam of left and right ideologies may be difficult to progress.

A further impediment to a responsive regulatory and restorative justice approach being pursued by governments is low trust. Low trust expressed by citizens toward their democratically elected governments is well documented globally, widely discussed and appears persistent, if not on a downward trust trajectory (OECD, 2013). Governments become sensitive to public exposure of any material that suggests that the “untrustworthiness” of government may be justified. So less widely acknowledged is that governments have low trust in citizens and want to exercise control over public discourse. Trust is relational and so lack of trust works both ways.

Governments have engaged in new forms of regulation which rely on big data, surveillance, risk management, documentation and compliance schedules to strengthen their capacity to control and know about issues of concern to them. Service outsourcing means that the provision of support from government to communities has become distant and impersonal. Examples of predatory capitalism garnering public funds for private profit have bred further distrust. Auditing technologies to check that providers are actually delivering contracted services interferes with capacity for responsiveness. Governments through their technocratic regulation come to understand little of context, and rely on crude metrics to impose solutions to problems that are intricate, complex and constantly changing their form. The metrics are combined with other forms of intelligence to assess the likelihood of non-compliance. Regulatory attention follows risk. Too often the priority is to ensure government pre-empts harm, imposes a solution and if not obeyed, punishes accordingly. As with authoritarian parenting, the regulatory philosophy is one of suspicion of citizens, particularly those who are thrown up by risk indicators, with a standard and consistent repertoire for punishments for wrongdoing.

The above description of how technocratic regulation has come to dominate governance practices worldwide provides insight into why and how government education departments and related agencies exert downward control on schools in ways that are the antithesis of what one might expect under a restorative justice approach. Suspension and expulsion for rule violation are decisions that can be imposed on schools by government, along with reporting and data collection requirements to hold schools and principals accountable through record surveillance. Disempowered principals and teachers can be forgiven for caving into such systems, even though their actions are detrimental to children and the teaching profession. Teachers lose their professionalism (they know children do not learn in a climate of low trust and fear), children lose motivated and inspired teachers and suspended and expelled children enter the pipeline to prison.

It is worth remembering that at the centre of these technocratic regulatory webs are highly adaptive and knowing human beings, adaptive in both pro-social and anti-social ways. If the regulatory controls put in place by government are seen to be non-beneficial or worse still, counterproductive, if they generate rather than deliver injustice, and if they elicit ridicule rather than a sense of moral obligation, cooperation from the community is unlikely to be genuine (Braithwaite, 2017). Responsive regulation and restorative justice require community input and cooperation. Also required is empowerment of the community to participate and initiate solutions. Working with government to develop a regulatory system that is more in touch with the real lives of citizens may be a step too far while government focuses on audit and control and citizens are sceptical about government intentions. In short, technocratic regulation can crush buy-in from citizens in local communities who of their own accord might well work collectively to resolve local problems.

Conclusion

The school environment is one where restorative and responsive regulatory ideas have been embraced as common sense, at least within the confines of the classroom. The school setting in effect extends best practice parenting, namely democratic or authoritative parenting as opposed to authoritarian parenting. Schools, like families, are sites of learning for cognitive development, social relationships and psychological well-being. A globalised, fast-changing world requires humans to excel at 'learning to learn'. At the heart of learning to learn is curiosity and awareness of new knowledge, rising to the challenge of mastering new knowledge, and trying and failing in the process until learning is consolidated. At school, as in the family, children need safety and supportive infrastructure for such learning to effectively take place.

School, however, is likely to be an intimidating and demanding setting for many children. Rules and schedules have to be learnt. New relationships have to be formed, not always with friendly people. The authority of a teacher is in itself a new experience for children when they first go to school. Students build a new identity in this strange, demanding environment, an identity which over the years will be constantly challenged by new people and new knowledge. In such an environment, bullying invariably will occur as an outlet for frustration, aggression, pent-up emotion or shame displacement.

Managing bullying is approached through both organisational and personal lenses. An organisational lens draws attention to the importance of leadership from the principal to control bullying, school rules and enforcement of rules, a skilled teaching workforce, quality teachers who are good at imparting new knowledge and maintaining classroom control, good supervision of children in and outside the classroom, and fostering cooperative and positive relationships among all members of the school community. A personal lens sets out explicitly to develop a child's social and psychological capacities. Programs are used to teach children to respect each other, to practice tolerance, control their anger, mediate in fights between other children and to better manage their negative emotions in the face of disappointment or provocation. Some encourage children to develop coping skills, to stand up for themselves or practice forgiveness. The approach empowers children to create safety in their school environment.

A merging of these two different kinds of lenses is commonly practiced in schools. When restorative justice and responsive regulation are practiced together, the organisational and personal lenses are fully integrated. Sometimes the integration is less perfect than desired. Sometimes, authoritarian regulatory practice is imposed from above, silencing school communities and rendering them powerless. When the integrity of a school's anti-bullying measures is disrupted, it is not uncommon for the

source to be a knee-jerk reaction from government spurred by a media scandal and political imperatives for law and order.

But government does not bear all the blame. In part government interference occurs when there is failure in school communities across districts to work together and evaluate their anti-bullying measures and their effectiveness through a regulatory lens. Sometimes schools are quite happy to pass on children who they have failed to discipline to other schools or to authorities known for their more punitive approaches. Schools, like all institutions, engage in risk management—moving the problem along to someone else. Also of note is that schools, like many human service organisations, do not like to think of themselves as regulators.

Regulation simply means steering the flow of events—as kindly and transparently as possible. When do we do it? When harm is imminent. Regulation, when owned by people who care about the well-being of others, is no more than responsible care. In investigating the nature of emotional work, Lyndall Strazdins (2000) delineated three dimensions which are relevant to our family and work lives. Our emotional work encompasses companionship, also support. Both strengthen the feeling of connection we have with others. Emotional work also involves regulation—keeping people safe when their judgement lapses or when they are simply unaware of impending danger. Regulatory emotional work is not always comfortable, nor are we routinely thanked for it. It does, however, prevent harm when undertaken with care and respect.

Note

1. Olweus (1991) and Smith and Sharp (1994) define bullying as deliberate, repeated and harmful abuse of power where bullies' superior power may be physical or psychological (Egan & Todorov, 2009, p. 200). Technically soft bullying does not fit the definition of deliberately inflicting hurt on others. Soft bullying nevertheless gives rise to the feedback loop, "I hurt someone, I dominated them, I won't do that again".

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