

STUDENT COURT

Student Court- A Youth Diversion Project in Schools

Student Court is a diversionary restorative justice program for students at schools who have committed minor offences on school grounds. It is funded by the Law Society Public Purposes Trust and is the first of its kind in Australia. Participants waive their right to be suspended from school or referred to the police (and subsequently Children's Court) and agree to plead guilty to agreed facts and have the case heard and determined by their peers who are trained Student Court students in years 9, 10 and 11 from participating schools. At Student Court, students are appointed to various 'real life' court roles, including the prosecution, defence counsel, court staff and members of the jury. An adult Co-ordinator oversees the hearing. The Student Court jury ask restorative justice questions of the Participant, the Participant's family and the victim (if relevant) and retire to determine the appropriate restorative justice outcome.



The Program is influenced by the successful format of existing Youth Courts (also known as Peer Courts and Teen Courts) in the United States and was also influenced by Restorative Justice Initiatives in New Zealand Schools, including "Circle Sentencing". The Project also borrows from the successful Community Courts that were in operation in remote areas of the Northern Territory until 2014.

Akin to its US cousin, the goal of Student Court is to engage positive peer pressure to ensure those youths who exhibit offending behaviour receive the help they need and avoid further involvement in the justice system. It does so by first holding the Participant accountable for their actions by requiring them to accept responsibility and accept the outcome imposed by their peers. In this way,

Student Court sanctions emphasise restoration and encourage offenders to make amends through, amongst other things, the writing of apology letters and performing community service. In circumstances that demand a more holistic approach to repairing harm as a result of offending behaviour, the Court has the ability to link troubled teens to services, including counselling, tutoring, mentoring, anger management, and, in more extreme cases, drug and alcohol programs.

The Student Court gives victims an opportunity to explain to the court and participant how the offending behaviour has negatively impacted upon them. In encouraging a more active role for the victim, the Student Court has the ability to more satisfactorily resolve conflict and repair the harm caused as a result of the misconduct.



The Pilot Program in 2015 to 2016

Student Court was a successful pilot program in 2015 and 2016 when it was known as “Peer Panel”. It was funded by the Law Society Public Purposes Trust. The program showed that in the right environment, students have maturity and are able to display life skills that surprised and impressed even experienced observers.

Overall, The Peer Panel pilot was an overwhelming success as demonstrated by the smooth running of all Peer Panel hearings and by the feedback received from student Peer Panel members, adult observers, Participant’s (the young person facing Peer Panel) and by feedback received from school counsellors and Principals.

In particular, the pilot exceeded the aim of engaging young people to become active participants’ of the Youth Justice System and to provide an opportunity for young people to learn about the law as well as to provide a career pathway for young people interested in the law.

All of the Peer Panel students took their roles very seriously and were particularly thoughtful when considering issues surrounding confidentiality and conflicts of interest. Melinda Hazel, School Counsellor at Palmerston Senior College reported that *“The Peer Panel showed maturity; empathy and they take the process seriously”*. All Peer Panel members gained tremendous insight into the justice system and grew in confidence in their roles as the year progressed. The Outcomes imposed by jurors and the questions asked by jurors of participants at hearings demonstrated that the students had a sound grasp of Restorative Justice. They were able to fashion restorative questions and Outcomes to suit the circumstances of the case and showed a great degree of maturity and insight for students their age.

The Peer Panel Co-ordinator was continually surprised by the care and skill displayed by student defence lawyers when delivering the plea in mitigation and by the confidence displayed by Prosecutors when presenting the case. In particular, it was noted that all of the students at Palmerston Senior College who took on these roles showed the same degree of ability as lawyers appearing in courts in the Northern Territory.

The majority of Peer Panel members also reported that they benefited from hearing from guest speakers from the legal profession and from university students studying law.

Participants were also receptive of the Peer Panel process and reported that they felt valued and treated respectfully by both the Peer Panel members and by the adults involved in the case. They all reported that the Outcomes imposed by their peers were fair. Some participants were very shy and had difficulty answering questions asked of them but they generally warmed to the process as the hearing proceeded and participated more fully in Peer Panel towards the end of the process. The Co-ordinator observed that all Participants benefited from a compulsory de-brief with both the Peer Panel Co-ordinator and with the School Counsellor.

Students were asked to reflect on their experiences with Peer Panel at the end of the year, this is what they had to say:

“Participants become more accountable for their outcomes; outcomes are good because they get to understand what they did and don’t miss out on school”. **Student Feedback**

“Kids will listen more to their peers rather than the teachers “. **Student Feedback**

“You start seeing a different side to offending because you get their point of view of why they did it “. **Student Feedback**

“We saw it demonstrated in the community because I haven’t seen participants reoffend and they’re starting to attend school now; shows that they were held accountable and knew what they did wrong”. **Student Feedback**

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Student Court in 2018 and Beyond

The Law Society Public Purposes Trust have generously re-funded the program in 2018 to enable it to continue in 2 schools in Darwin and to make a real difference to the lives of young people in the Northern Territory. NAAJA is making approaches for funding to secure a 3 year, sustainable program to build capacity and extend the program's reach. It is hoped that Student Court can be held in more schools in Darwin, Palmerston, Katherine, Alice Springs and in communities thorough the Northern Territory.

As an extraordinary large proportion of young people facing the Children's Court in the Northern Territory have disengaged from school, it is imperative that students are given every opportunity to remain at school and not face suspension for offences that can be appropriately dealt with by means of diversion. Keeping young people at school is critical to their development as good citizens and should be the most important agenda for the future.