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**Encouraging school re-engagement: Exploring the operation of  
the legal mechanisms of a Third Party Policing school  
engagement intervention**

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## Abstract

Truancy is a major social issue linked to several risk factors at the individual, family, school and community/economic levels of analysis (Baker, Sigmon & Nugent, 2001). Truancy requires holistic and targeted interventions that recognise its complexity, along with the need for a sustainable program to minimise its long and short-term impacts on young people, their families, police and society in general (Nitschke, Mazerolle & Bennett, 2013).

A recent example of such an approach is the Ability School Engagement Program (ASEP): an experimental test of Third Party Policing (TPP), based in Queensland, Australia, where police and school partners collaborate to reduce truancy and associated crime problems (Mazerolle, 2014). The ASEP uses a Family Group Conference (FGC) forum to guide a procedurally just dialogue between police and schools, and parents and truants, to explore the underlying reasons for truancy, convey the effects and legal consequences of truancy, and to build the legitimacy of police and school authorities, with the explicit purpose of increasing the truants' capacity and willingness to re-engage with school. Research on the ASEP to date reports promising outcomes relating to significantly reduced absenteeism, official offending and self-reported delinquency among the ASEP conference participants (Mazerolle, Antrobus, Bennett & Eggins, 2017; Bennett, Mazerolle, Antrobus, Eggins & Piquero, 2017). These findings support the widely held view that collaborative, person-centred approaches that seek to address underlying contributors of truancy, as opposed to more punitive responses to truancy, are most likely to be effective (Maynard, McCrea, Pigott, & Kelly, 2013). Yet the mechanisms of these collaborative interventions are under-researched. Therefore, the requisite core components of a successful truancy intervention remains unclear.

In this dissertation I explore the operation of the legal mechanisms of the ASEP, focusing on the role of the school representatives in the FGCs to communicate parental legal responsibilities to ensure their children attend school. The key mechanism of TPP partnerships like the ASEP is the activation and escalation of latent legal processes. During the FGCs, school representatives communicate to the parents and their children that school attendance is mandatory under the Education Act 2006 (Qld), and explain, in a procedurally fair manner, the staged legal escalation framework that would be utilised in the event of continued truancy, potentially leading to prosecution and fines. The use of procedurally just

dialogue and restorative processes within the FGCs is expected to cultivate positive perceptions of the legitimacy of authorities and lead to subsequent compliance with the law (Mazerolle, 2014).

I begin my research with a contextual study (Study 1) that explores how Queensland schools, in a region where chronic truancy is particularly prevalent, initiate and escalate truancy legal processes set out in the Education Act. My sample comprises 55 cases of parents who were referred for police prosecution from the beginning of 2010 to 26 June, 2015. Taking a narrative analytic approach, I explore each case from initial school contact to the point of a prosecution recommendation. Study 1 results lead me to conclude that implementation of the school policies and procedures that operationalise the legislation lacks genuine engagement through dialogue. Schools and parents appear disconnected in the processes of problem resolution and schools do not appear to demonstrate to the parents their capacity to keep their children safe at school.

Expanding on these insights, in Study 2, I investigate, using narrative analysis, how the ASEP approach seeks to connect school representatives, parents and their truanting children to promote the legitimacy of authorities and the truancy laws. I use 47 ASEP FGCs, to examine communication of the legal consequences in the legitimacy-building process. I find universal school support for the truancy reduction goal of the TPP partnership; all schools emphasised the value of educational attainment. However, I also find variability in the communication of the legal processes, ranging from thorough explanation to reluctance to engage with the topic. My analysis reveals nuanced approaches to building legitimacy, where school representatives described how schools respond to truancy, how schools and families can work together to improve attendance, the impact of truancy on the ability of the school representatives to do their jobs, the rationale behind compulsory education and the impact of truancy on young people specifically. These findings suggest that schools are able to better engage with families than what appears to be the case outside of the ASEP.

The evidence I present in this dissertation suggests that for complex social problems like truancy, face-to-face, structured dialogue is an essential mechanism that promotes legitimacy. The ASEP FGCs present opportunities to establish genuine family-school connections, provide the structure to operationalise supports around barriers to school re-engagement, and promote the value of education, addressing truancy in a holistic way. Thus, my findings point

to structured dialogue as a safeguard against potentially harmful, backfire effects of school interventions that seek to communicate and activate legal action to address truancy.

## **Declaration by author**

This thesis is composed of my original work, and contains no material previously published or written by another person except where due reference has been made in the text. I have clearly stated the contribution by others to jointly-authored works that I have included in my thesis.

I have clearly stated the contribution of others to my thesis as a whole, including statistical assistance, survey design, data analysis, significant technical procedures, professional editorial advice, financial support and any other original research work used or reported in my thesis. The content of my thesis is the result of work I have carried out since the commencement of my higher degree by research candidature and does not include a substantial part of work that has been submitted to qualify for the award of any other degree or diploma in any university or other tertiary institution. I have clearly stated which parts of my thesis, if any, have been submitted to qualify for another award.

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**Publications during candidature**

No publications.

**Publications included in this thesis**

No publications included.

### **Contributions by others to the thesis**

The data employed in my research were collected as part of the Ability School Engagement Program Trial. Professor Lorraine Mazerolle, Dr Sarah Bennett and Dr Emma Antrobus contributed to this thesis in their capacity as advisors. They assisted with the development of ideas in the early phases of the PhD, during meetings and in giving written feedback on thesis drafts throughout my candidature.

### **Statement of parts of the thesis submitted to qualify for the award of another degree**

None

### **Research Involving Human or Animal Subjects**

The University of Queensland Human Research Ethics Committee A granted ethics approval for the Ability School Engagement Program Trial (UQ Ethics Project number 20100005000). See Appendix 1 for original letter of approval and Appendix 2 for updated letter of approval.

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**Key words**

School re-engagement, legitimacy, procedural justice, dialogue, restorative processes

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## **List of Abbreviations**

**ASEP** Ability School Engagement Program

**TPP** Third Party Policing

**FGC** Family Group Conference

**RCT** Randomised Controlled Trial

**QPS** Queensland Police Service

# Chapter 1

## The Research Agenda

### *1.1 Introduction*

In general terms, ‘truancy’ refers to habitual or unjustified absenteeism from school, for the whole or part of a school day (Nitschke, Mazerolle & Bennett, 2013). The truancy problem is global (see Askeland, Haugland, Stormark, Bøe, & Hysing, 2015; Balfanz & Byrnes, 2012; Solakoglu & Orak, 2016; Darmody, Smyth & McCoy, 2008; Thornton, Darmody & McCoy, 2013; Vaughn, Maynard, Salis-Wright, Perron & Abdon, 2013). Forrest and Edwards (2015) find that truancy is one of the most prevalent categories of delinquency among young Australians, and in the state of Queensland where the research for this dissertation is based, recent figures show that on any one day, approximately 40,000 (10%) young Queenslanders are absent from school, 15,000 (5%) without a legitimate reason (Queensland Government, 2013).

Truancy behaviour can be influenced by individual, family, school, economic and cultural factors (see Baker, Sigman & Nugent, 2001; Kearney, 2008). Truancy can be a precursor to a number of adverse life outcomes, such as compromised educational attainment (Cobb-Clark, Ryan, & Sartbayeva, 2012; Hancock, Shepherd, Lawrence, & Zubrick, 2013; Wilson, Malcolm, Edward, & Davidson, 2008; Zubrick, 2014), and involvement in delinquent/criminal behaviour (Garry, 1996; Henry, Knight & Thornberry, 2012; Homel, 2005; Jennings, Rocque, Piquero & Farrington, 2016; Mallett, 2016; Rocque, Jennings, Piquero, Ozkan & Farrington, 2016; Vaughn, Salas-Wright & Maynard, 2014; White, Fyfe, Campbell & Goldkamp, 2001), with lasting repercussions such as homelessness and social welfare dependence (see Stranger, 2002). Hence ensuring that young people remain in school is critical.

The impact of truancy extends beyond the truants themselves to their families (Zhang, Willson, Katsiyannis, Barrett, Ju, & Wu, 2010; Flaherty, Sutphen, & Ely, 2012; Gastic, 2008; Gunter & Bakken, 2010; Joan & Jeffrey, 2007; Reid, 2010; Lenzen & Brunner, 2013) and has implications for society in general in terms of crime rates, police resources and school resources (Alarid, Ruiz, & Sims, 2011). To minimise both direct and indirect and short and



long term impacts on truanting youth, their families, police, schools and society, the truancy problem needs to be addressed through targeted and holistic crime control and prevention efforts (Nitschke et al., 2013). Given its complex, multifaceted nature, no single government or support service agency has the capacity to address the many possible factors that are symptomatic and causally related to truancy. Mazerolle (2014) hypothesises that Third Party Policing (TPP) provides the necessary flexibility that can be used to target truancy in a manner that is theorized to achieve sustainable crime control gains in the long run. Key to the effectiveness of TPP approaches to truancy, she argues, is the multitude of differentially focused legal levers that authorities can utilise to deter truancy or encourage school re-engagement. Thus, '[b]roadly speaking, legal levers fall within two overarching categories: those that seek to deter truancy (taking the "stick" approach) and those that seek to encourage or normalize attendance' (taking the "carrot" approach; Nitschke et al., 2013, p. 4).

Deterrence-based, punitive responses to truancy, such as prosecution and subsequent fines, are generally thought to be both unsuccessful and unjust because they may exacerbate underlying factors contributing to the truancy and fail to adequately address issues that prevent the practical enforcement of the law (Jones, 2014; see also Piquero & Jennings, 2016; CF Wright, 2009). In essence, research demonstrates that collaborative interventions involving parents, truants, schools and police which articulate the consequences of truancy and provide incentives to re-engage in school show promise for reducing truancy and related outcomes such as offending (Baker et al., 2001; Bennett, Mazerolle, Antrobus, Eggins & Piquero, 2017; Development Services Group, 2010; Klima, Miller & Nunlist, 2009; Maynard, Brendel, Bulanda, Heyne, Thompson & Pigott, 2015; Maynard, McCrea, Pigott & Kelly, 2013). A recent example of one such intervention program is the Ability School Engagement Program (ASEP) which used a Family Group Conference (FGC) to implement a deterrent and engagement Third Party Policing approach between truanting youth, their families, police, schools and relevant social support agencies (see Mazerolle, Bennett, Antrobus, Eggins & Nitschke, 2012). The ASEP FGCs used a dialogue grounded in procedural justice (see Mazerolle, Bennett, Antrobus & Eggins, 2012) to cultivate perceptions of the legitimacy of authorities (see Bottoms & Tankebe, 2012) with the ultimate goal of increasing the capacity and willingness of young people to re-engage with school and reducing associated delinquent behaviour. In the ASEP, 102 young people identified for persistent school absenteeism, were randomly allocated to a control (business-as-usual) condition or an experimental condition (the FGC). Results of the ASEP trial to date show positive short-term

outcomes for the experimental group, compared to the control group, in relation to increased absenteeism (Mazerolle, Antrobus, Bennett & Egghins, 2017) and official offending and self-reported delinquency (Bennett et al., 2017).

The recent ASEP findings lend support for the notion that collaborative approaches that recognise truancy as a complex and heterogeneous issue are best practice (see Baker et al., 2001; Teasley, 2004). However, Maynard and colleagues (2013), in their review of truancy interventions, argue that quality evidence available to provide concrete support for this view is limited (see also Klima et al., 2009; Maynard et al., 2015; Petrisino, Guckenburg & Fronius (2012; and Tanner-Smith & Wilson, 2013). Bennett and colleagues (2017) also point to a lack of consensus among truancy scholars as to ‘what constitutes the core ingredients of successful interventions that best address truancy problems’ (Bennett et al., 2017, p. 2; see also Maynard et al., 2013). In this dissertation, I attempt to fill some of this gap in the literature by exploring the operation of the legal mechanisms of the ASEP. During the FGCs, school representatives identify school attendance as mandatory under the Education Act 2006 (Qld), and explain, in a procedurally fair manner, the staged legal escalation framework that would be utilised in the event of continued truancy, potentially leading to prosecution and fines. The use of procedurally just dialogue and restorative processes within the FGCs aimed to promote positive perceptions of the legitimacy of authorities, with the ultimate goal of subsequent compliance with the law (see Murphy, Tyler & Curtis, 2009; Tyler, 2006b; Tyler, Sherman, Strang, Barnes & Woods, 2007).

In this chapter I introduce my research agenda. In the following sections, I provide an overview of the ASEP, its theoretical underpinnings, the broad program research goals and results of the evaluation to date. I follow with an outline of my research aims and explain my contribution to the wider literature, in the context of a brief synthesis of prior research. I then outline my research design, and conclude the chapter with an overview of the structure of this dissertation.

## ***1.2 The Research Site: The Ability School Engagement Program Trial***

The ASEP trial took place in a Queensland Police Service (QPS) district which contains suburbs that are considered some of the most disadvantaged urban communities in Brisbane, by Australian metrics (Australian Bureau of Statistics: ABS Socio-Economic Indexes for

Areas: SEIFA; see Mazerolle, 2014). Several social and economic indicators demonstrate the disadvantaged nature of this community, including ‘low educational attainment and socio-economic status, high rates of unemployment, high rates of adult and youth offending, high rates of child protection incidents a prevalence of substance abuse, and an over-representation of state housing’ (Mazerolle, Bennett, Antrobus, Eggins & Nitschke, 2012, p. 6). Nearly half of the families in the area had unemployed parents, compared to a twenty percent average Australia-wide, and nearly forty percent of families received welfare benefits, compared to an Australia-wide average of seventeen percent (Australian Bureau of Statistics, 2006; Mazerolle et al., 2012). Most families involved in the ASEP had some form of police contact (91%, including 54% of truant young people and 62% their responsible guardians).

The ASEP thus developed out of shared beliefs, between the QPS and target schools, that delinquency and offending were associated with truancy, and that the existing approach to tackling truancy was ineffective (Bennett et al., 2017). Therefore, TPP provided a solid foundation on which to model the ASEP. TPP is an approach to crime control and prevention where the police partner with external entities to leverage the use of legal provisions and regulations to create or enhance crime control in places and situations where previous efforts have been ineffective or absent (Mazerolle, Kadleck & Roehl, 1998; Mazerolle & Ransley, 2005). TPP partnerships focus on risk identification and prevention, rather than on traditional, reactive policing strategies (Mazerolle & Ransley, 2005). TPP interventions aim to build crime control capacities and optimise ‘the capacity of police to target and focus their resources on the geographic, situational, and/or individual factors that underlie crime and disorder problems’ (Mazerolle, 2014, p. 342).

In the ASEP intervention, the police harness the capacity of the school partners to regulate truancy under the Education (General Provisions) Act 2006 (Qld). In responding to truancy, schools are required to follow the four stage escalation process explicitly stipulated in the Act. At the first stage of the process, after identifying unexplained or unsatisfactory absences or patterns of absences (Queensland Government, 2016), the school sends an information notice to parents/guardians of truant students, explaining parental responsibilities for making sure their truanting children attend school. The Queensland Government Policy and Procedure Register provides the following examples of what might constitute unexplained or unsatisfactory absences: if a student is absent for three or more consecutive days, exhibits a persistent pattern of unexplained absences or where a student’s persistent absenteeism is reasonably considered unacceptable by the school principal. If the truancy continues, the

second stage of the process involves the school principal initiating a formal attendance meeting with parents. At the third stage, the process escalates to a formal warning of prosecution notice to parents, and finally, at the fourth stage, a recommendation that the Education Department (referring to the Queensland Government's Department of Education and Training) prosecute parents. Prosecution can result in parents being fined \$AU660 for a first offence, and \$AU1320 for a second or subsequent offence<sup>1</sup>. Policies drafted by the Education Department operationalise this legislation and schools are required to implement these policies. School and police representatives from the target school district anecdotally believed that, before the ASEP trial began, truancy laws were being administered on an ad hoc basis, and that there was a general perception among staff that the laws were ineffective for reducing truancy (Mazerolle, Antrobus et al., 2017).

From the outset, the ASEP randomised controlled trial (RCT) was designed as a longitudinal experimental test of a TPP intervention (Mazerolle, 2014). In the trial, 102 young people were randomly allocated to a control (business-as-usual) condition or an experimental condition. Eligible trial participants ranged from ages ten to sixteen and displayed fifteen percent or higher absenteeism over three school terms with no legitimate explanation such as illness (Mazerolle, Antrobus et al., 2017; see Askeland et al., 2015). Eligible participants were identified from a central database of information about students in the public school system (OneSchool) at regular intervals (Mazerolle, Bennett & Eggins, 2011). There were a number of steps involved in gaining consent to participation in the trial. First, school representatives contacted eligible students to gain initial consent. The QPS officer dedicated to the ASEP then formally recruited 102 young truants and their responsible guardians between October 2011 and May 2013 (following a pilot program, see Mazerolle et al., 2011). Each case needed to include at least one responsible guardian who could provide consent, was willing to participate in a FGC if assigned, and agreed to complete follow-up surveys. The formal recruitment process involved a face-to-face interview between the QPS officer, the young people and their families. At each interview, the police officer described the ASEP in detail. After a twenty-four hour cooling-off period, participants formally consented to participating in the ASEP (Mazerolle et al., 2011).

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<sup>1</sup> These were the amounts at the time of the trial, based on the amounts ascribed to penalty units.

The control group did not receive the ASEP intervention. Rather, the control condition represented business-as-usual action by both the police (including street stops, referrals and other routine enforcement actions) and the schools (including routine application of the legal processes under the Education Act described above). In this approach, legal responsibilities are communicated via information and warning notices, and formal meetings with the school principal to discuss attendance problems. The experimental condition operationalised the key theoretical components of TPP: a partnership between police and participating schools that activated and escalated (where necessary) truancy legal levers. The intervention comprised three key components: a Family Group Conference (including conference preparation and the development of an action plan), monitoring of an action plan, and an exit meeting.

Participants in each FGC included the young person, their parents (and other family members in most cases), representatives from the QPS and target schools, and representatives from social support agencies where required, and were guided by a trained facilitator from the Department of Communities. The FGC, the primary vehicle of the intervention, provided a forum for a guided, child-centred dialogue to: (1) identify the main contributors to the young person's truancy, (2) convey the effects of truancy and communicate parental legal responsibility for school attendance, and (3) create an Action Plan to support families' efforts to re-engage the young person with school, and provide an opportunity to alleviate barriers to school re-engagement. This approach to reducing truancy identifies and addresses barriers, and develops solutions to bring about school re-engagement (see Dembo, Briones-Robinson, Barrett, et al., 2012). It also recognises collaborating with families as an important strategy to improve attendance (see Corville-Smith, Ryan, Adams, & Dalicandro, 1998; Epstein & Sheldon, 2002; Ladwig & Luke, 2014; McConnell & Kubina, 2014).

The ASEP FGCs demonstrated the collaborative partnership approach that the police and schools took to 'support the student in their efforts to achieve future educational or vocational goals and avoid offending or victimization risks associated with truanting' (Mazerolle, Antrobus et al., 2017, p. 471). The police and school representatives actively participated in the FGCs, explaining to the young people and their parent/s how truancy negatively affects young people, '(e.g., increased risk of offending, victimization and failure to develop positive social and educational outcomes) and conveying their sincere desire for the student to regularly attend school to improve [life outcome]' (Mazerolle, Antrobus et al., 2017, p. 473). The school representatives played a vital role in the FGCs; their participation in the circle forum was a clear demonstration that the school cared about truancy as a problem, and the

problems specific to that young truant and their family. School representatives were asked to express their personal concern for the young people, and to emphasise that school attendance is important for learning, the development of social skills and friendships, and to ensure the best future possible for young people. They were also responsible for communicating to the young people and their parents the legal consequences of truancy, including the possibility of the parents facing prosecution and a fine. The participation of the ASEP school representatives in communicating to families, through the FGCs and through their standard practices for enforcing the legislation, is the focus of this dissertation.

The TPP partnership and legal lever were brought together within the context of FGCs that applied restorative processes through a facilitated dialogue to identify what has been happening, factors contributing to the behaviour, its negative effects, consequences, and the development and agreement upon specific actions to support more positive outcomes in the future (see Cameron & Thorsborne, 1999; Sherman, Strang, Barnes, Woods, Bennett, Inkpen et al., 2015; Wachtel, 2013). The restorative processes also provided a platform to restore relationships that may have been harmed as a result of the truanting behaviour (e.g., family, school, community) (see Zehr, 2002). The FGCs also incorporated the four key principles of procedural justice – ‘treating participants with dignity and respect, demonstrating that authority decisions are made neutrally and with trustworthy motives, and allowing participants the opportunity for input’ (Mazerolle, Antrobus et al., 2017, p. 471; see also Mazerolle, Bennett, Davis, Sargeant, & Manning, 2013) – to foster perceptions of the legitimacy of the law (the Education Act) and the agents responsible for enforcement (police and schools) with the explicit purpose of increasing compliance with the law (see Braithwaite, 2002; Braithwaite, Harris & Ivec, 2009; Tyler et al., 2007).

The FGCs culminated in the development of Action Plans, which served as a tool to structure and support compliance, or school re-engagement. The Action Plan set tasks, identified by conference participants as important, for the young person and other relevant parties (school staff, family members or community organisations) to complete in order to increase the young person’s capacity to re-engage with school. The goals set out in the Action Plans included educational outcomes (such as improved school attendance) and reduced behavioural issues. Specific examples of actions are: ‘[young person] will pack her school bag the night before the next school day’, ‘I will talk to my counsellor about things that make me angry’ or ‘I will go to school each day unless I am genuinely sick’ (cited in Bennett et al., 2017, p. 9). Parent-directed actions included reward systems, parenting courses, and

committing to direct tasks (e.g., taking young person to doctor/youth centre) (Bennett et al., 2017). The Action Plans also include details of truancy and any additional legal levers that are relevant.

Following the FGC, the program-dedicated QPS officer ‘engaged with the students, their families and school staff to identify progress or transgressions from the action plan’ (Mazerolle, 2014, p. 357). Compliance with the Action Plans was monitored on an informal and ad hoc basis, where the ASEP police officer would check in with the young people, their families and school representatives by making phone calls, visiting the young people at their homes and by visiting the schools. The purpose of these informal conversations was to discuss how the items in the Action Plans were being implemented and identify any difficulties or concerns with complying with the actions. The police officer provided additional information and resources where required (Mazerolle, Antrobus et al., 2017).

Communication between police and the schools was critical: if, after the FGC took place, police identified that the young person continued to truant, the police would persuade school staff to initiate or escalate the truancy legal lever as mandated by the Education Act and operational policies and procedures (Mazerolle, 2014). The escalation of the legal levers built on the dialogue in the FGCs, as the goal of the ASEP intervention was to continue to try to gain willing compliance post the conferences. The communication of the legal levers in the FGCs also served to solidify the TPP partnership and its long-term gains; in the face of persistent truancy following the occurrence of the FGC, the third party school partner would, in a procedurally fair manner, escalate the legal processes.

Approximately six months after the FGC, participants took part in an Exit Meeting which employed a procedurally fair dialogue to review the Action Plan and recognise real accomplishment of agreed actions. The purpose of the Exit Meeting was to reflect on the achievements or finalisation of the actions in the plan, to see whether the young person’s school attendance had improved, and make note of any areas warranting ongoing support. The Exit Meeting provided an opportunity to reiterate the need for willing compliance and for a formal conclusion of the young person’s involvement in the ASEP.

### ***1.3 The Ability School Engagement Program Trial: Research and Results to Date***

The theory of TPP framed the ASEP intervention model. The primary researchers on the ASEP research team (Professor Mazerolle, Dr Bennett, Dr Antrobus and Ms Elizabeth Eggins) proposed that the forging of a TPP partnership that prioritised the activation of a single legal mandate (in the case of ASEP, the Education Act) would result in an increased and sustainable crime control capacity of police and third parties (the Education Department and the target schools) to reduce truancy and associated crime and disorder problems (see Mazerolle, 2014; Mazerolle & Ransley, 2006). Drawing on the substantial research on restorative processes and procedural justice, Professor Mazerolle and colleagues also proposed that the two core components of TPP (the partnership and the legislative and regulatory capacities of the third party school partners) could be brought together in a collaborative FGC setting, that facilitated a structured dialogue grounded in restorative processes that seek to repair relationships (see Braithwaite, 2003) and procedural justice, focusing on fair and transparent processes (see Bottoms & Tankebe, 2012). The FGC dialogue sought to promote positive perceptions of the legitimacy of authorities (see Bottoms & Tankebe, 2012; Mazerolle et al., 2012), and to ‘foster a genuine motivation for the young people and their responsible guardians to willingly comply with the law’ (Mazerolle, 2014, p 357; see also Jackson, Bradford, Hough & Murray, 2011; Murphy et al., 2009). Data collected for the ASEP research includes intake surveys of participating families, follow-up surveys (12 weeks, six months, one year and two years post random assignment), research observations and audio recordings of FGCs and Exit Meetings, post conference surveys of police, school and other agency representatives and official police and Education Department records (see Mazerolle, 2014).

This dissertation follows four publications on the ASEP Trial. Mazerolle (2014) explicates the characteristics and mechanisms of TPP as a long-term crime control strategy, using the ASEP trial as an example. In this paper, Mazerolle (2014) hypothesises that TPP interventions enhance both the short-term and long-term crime control capacity of police. In the short-term, the police build relationships with third parties who have access to legal levers and a stake in the problem. Mazerolle (2014) proposes that over time, these partnerships offer long-term solutions when third parties sustain the crime control gains beyond the lifespan of the initial police intervention. She argues that police-led partnerships (such as the ASEP) increase the third parties (in the case of the ASEP, the school representatives) perceptions of



the legitimacy of their available legal levers. The cooperative partnership, along with increased perceptions of the legitimacy of legal levers, are what trigger the sustainability of the TPP partnerships over time.

Mazerolle, Antrobus et al. (2017), report the primary outcome results of the trial. Using official school attendance and students' self-report survey data, they find that 'the police-school partnership intervention shows promise for reducing truancy and increasing students' willingness to attend school' (Mazerolle, Antrobus et al., 2017, p. 469). Results reveal greater decreases in truancy and increased willingness to re-engage in school by the FGC participants, 'compared to truanting students who underwent the business-as-usual standard approach for managing truancy' (Mazerolle, Antrobus et al., 2017, p471). Mazerolle, Bennett et al. (2017) evaluates the deterrent effects of the police-school partnership. Using the FGC transcripts and self-report survey data from participating truants and their parents, measured at baseline, three months post randomisation and again at six months post randomisation, they explore the impact of the partnership intervention on parental awareness of prosecution likelihood and students' self-reported willingness to attend school. In addition, Mazerolle, Bennett et al. (2017) find that increased parental awareness of the legal consequences of truancy had a moderating effect on their children's self-reported willingness to re-engage with school. They conclude that partnerships that engage truants and their parents to better understand the laws pertaining to school attendance are a promising approach to coproducing truancy reduction. Using official police and self-report student survey data, Bennett et al. (2017) assess the impact of the intervention on offending. Results indicate that the intervention reduces offending among the truant participants allocated to the experimental condition. Given the overwhelming evidence in the literature that identifies perceptions of legitimacy and procedural justice as important for willing compliance, the ASEP participants' perceptions of legitimacy is also part of the core research focus (see Antrobus et al., Forthcoming).

#### ***1.4 Moving Beyond Prior Research***

Collectively, the above research findings relating to the ASEP suggest that police-school partnerships that foster the willingness of young people to attend school should be considered in the development phase of future truancy prevention programs. Compared to participants who received the standard response to truancy, the young people who participated in the

FGCs showed increased engagement with school, reduced self-reported offending and official offending (see Bennett et al., 2017; Mazerolle, Antrobus et al., 2017; Mazerolle, Bennett et al., 2017). Both the control and experimental condition of the ASEP operated within the compulsory education legislative environment. Under the control condition, schools carried out their 'business-as-usual' approach to truancy by implementing the Education Department's policies and procedures. The experimental condition engaged truants and their families with the legislation by communicating legal responsibility and consequences for attendance by employing a dialogue of procedural justice. Dickson & Hutchinson (2010) question whether or not truancy laws are even necessary; they identify that legislation is 'merely part of a suite of measures' (Dickson & Hutchinson, 2010, p. 88). Referring to the Queensland context, Dickson and Hutchinson (2010, p. 88) assert that legislation is 'rarely called upon' despite increasing truancy. Therefore, examining what role legislation actually plays in the management of truancy is a necessary step forward in determining what works to make truancy interventions successful.

In TPP interventions like the ASEP, legislation, or legal levers, have a key part to play in realising the goals of the TPP partnerships. The legal levers, or laws, rules and regulations, that the third parties are able to access provide structure to the partnerships, and dictate the process for TPP intervention (Mazerolle & Ransley, 2005). An early systematic review and meta-analysis of TPP conducted by Mazerolle and Ransley (2005) suggests that the activation of third parties' legal levers motivates compliance by the groups/individuals that are the target of the interventions. In the case of the ASEP, activation of the legal lever occurred in the context of a FGC that incorporated restorative processes and procedural justice principles to convey the legal consequences of truancy, aiming to promote the legitimacy of authorities, with the ultimate goals of increasing the capacity for school re-engagement and reducing associated delinquent behaviour. By contrast, in areas such as tax compliance, the communication of the law by tax authorities seeks to channel the motivation of offenders to engage in behaviour change by threatening punishment. Studies indicate that the implementation of such deterrent measures can produce noncompliant behaviour, and are perceived as illegitimate (see Braithwaite, 2002; Murphy, 2004; Wenzel, 2006). Standard reminder letters have been identified as 'formal, friendly and unsympathetic [containing] short, brisk, authoritarian messages' (Wenzel, 2006, p. 345).

The ASEP results to date suggest that a restorative FGC approach, grounded in a dialogue of procedural justice, that explores the effects and consequences of truancy, may facilitate

school re-engagement and affect positive behaviour change in the long-term. These findings are in line with a substantial body of research that highlights the benefits of restorative and procedurally just approaches, as opposed to deterrence-focused strategies, in efforts to reduce truancy and related behaviours such as school violence, bullying and disruptive classroom behaviour (Bazemore, Stinchcomb, & Leip, 2004; Chory-Assad, 2002; Chory-Assad & Paulsel, 2004; Donat, Umlauf, Dalbert, & Kamble, 2012; Gouveia-Pereira, Vala & Correia, 2016; Karp & Breslin, 2001; Vincent, English, Girvan, Sprague, & McCabe, 2016).

Rosner (2011) points out that research evaluating restorative processes that incorporate procedural justice principles primarily consists of retrospective surveys and interviews with conference participants, focusing on post conference outcomes measured by indicators of satisfaction and respect. Rosner (2011) acknowledges that this body of research is ‘useful for identifying strengths and weaknesses of the restorative process’ (Rosner, 2011, p. 96).

However, the limitations of data collection prevent an analysis of the processes and interactions within the conferences. Thus, Rosner (2011) draws attention to the need for more research into the dynamics of restorative processes (see also Braithwaite, 2002, 2006; Daly, 2001; Daly & Stubbs, 2006; Harris, Walgrave & Braithwaite, 2004).

In this dissertation, I explore the operation of the legal mechanisms of a TPP intervention, namely, the ASEP. I propose that an analysis of the communication of the legal escalation framework by the school representatives, as part of the guided procedurally just dialogue in the FGCs will provide some much needed insight into the ‘core ingredients’ of a successful truancy intervention. In addition, research into the dynamics of the FGCs, where the third party school partners have a pivotal role, will advance theoretical knowledge and understanding of the role of and how third party partners, and legal levers, contribute to TPP approaches to crime control and reduction, and their long-term sustainability.

### ***1.5 The Present Research***

Research demonstrates positive outcomes of truancy interventions that adopt collaborative interventions that focus on addressing underlying issues, rather than punishment (see Kearney, 2008). However, the mechanisms, or how these outcomes are achieved, are under-researched. Therefore, it remains unclear what makes for a successful truancy intervention

(see Bennett et al., 2017). In this dissertation, I begin to address this gap in the literature. Specifically, I aim to explore:

- How the school representatives engage in processes of legitimacy building in the ASEP FGCs to encourage compliance;
- How the school representatives communicate the TPP legal levers in their processes of legitimacy building; and
- How the young people and their families appear to receive the messages conveyed by the school representatives in the ASEP FGCs.

I put forward that the dialogic approach to legitimacy, conceptualised by Bottoms and Tankebe (2012), provides a powerful theoretical perspective to explore how schools, in partnership with the police, cultivate positive perceptions of the legitimacy of authorities in a FGC setting. Drawing on the seminal work of Max Weber (1978), Bottoms and Tankebe (2012) argue that cultivating perceptions of legitimacy involves an ongoing dialogue of claims to legitimacy by power-holders (e.g., school staff) and iterative responses from citizens (the young people and their parents). According to this dialogic approach to legitimacy, the study of perceptions of legal authorities requires a consideration of citizens' views, a power-holder's understanding of their own legitimacy and the interaction between these two perspectives (Bottoms & Tankebe, 2012; see also Jonathan-Zamir & Harpaz, 2014; Wolfe & Nix, 2015). The power-holder dimension is arguably a necessary precondition of successful audience legitimacy. Before making a claim to legitimate authority, power-holders must first be convinced within themselves of their rightful power (Bottoms & Tankebe, 2013; Herbert, 2006; Weber, 1946, 1978; see also Kronman, 1983). The ongoing claim-response dialogue between power-holders and audiences also impacts on power-holders' perceptions of their own legitimacy in terms of how the audience responds to claims to legitimate authority. In a hypothetical legitimacy dialogue, a power-holder would make an initial claim to legitimacy, a citizen would respond, and 'this response, in turn, affects the power-holder's sense 'of their own moral right to rule and future claims to legitimacy' (i.e., self-legitimacy) (Jonathan-Zamir & Harpaz, 2014, p. 470). Hence in the context of the dialogic model, legitimacy can be defined as the recognition of, and confidence in, an entitlement to exercise power (see Bottoms & Tankebe, 2012; Tankebe, 2013).

Drawing on the work of Beetham (1991) and Coicaud (2002), Bottoms and Tankebe (2012) identified four key components that constitute the legitimacy dialogue: effectiveness,

distributive fairness, procedural fairness and lawfulness. The first three dimensions stem from the over-arching dimension of shared values, that is, that the law, and the actions of legal authorities, can be justified by their adherence to a society's shared values and beliefs (Tankebe, 2013). Lawfulness derives from the over-arching dimension of legality, that is, rightful power (Tankebe, 2013). Shared values and legality are the benchmarks against which power-holders form their self-beliefs, and audiences make legitimacy judgments. Important considerations for audience legitimacy judgments are '(1) the legality of the activities of law enforcement officials, and (2) whether and to what extent the law itself and the manner of its enforcement express the shared values of the community within which that law operates (Bottoms & Tankebe, 2012, p. 166). On the other hand, power-holders' self-legitimacy is contingent on their perception of their legal and moral right to rule; that the positions they occupy and the powers they wield are formally and legally correct, and are in line with a society's shared values (Bottoms & Tankebe, 2012). Bottoms and Tankebe (2013), in expanding on their 2012 paper, argue that thinking about legitimacy as a continuous claim-response dialogue helps us to see that social scientific analyses of legitimacy need to pay close attention to the empirical realities of the claims and responses in specific social contexts. Researchers adopting the dialogic approach to legitimacy must also acknowledge the variability of circumstances in which claims to and attributions of legitimacy are made. This is because any given dialogue has an element of unpredictability about it, precisely due to its interactive nature. Hence the specific content of the legitimacy dialogue varies, but there is an underlying structure comprising the three over-arching values of consent, legality and shared beliefs (Bottoms & Tankebe, 2013).

Perceived legitimacy is paramount to the application of TPP. Third parties need to accept and practice their role in crime control, that is activating and escalating the legal levers available to them. At the same time, there needs to be a recognition, by the general public that the third parties have leading governance in the enforcement of legislation (Mazerolle & Ransley, 2006). The confidence of third parties in their entitlement to exercise power is, according to the dialogic approach to legitimacy, a necessary prerequisite to public perceptions of the legitimacy of the third parties. So, in the case of the ASEP, the school representatives (the third party school partners) need to recognise and have confidence in their role in the intervention. One part of their role was to articulate the consequences, including the legal consequences, of truancy in the FGCs. One of the aims of the TPP intervention was to promote the legitimacy of authorities (with the ultimate goal of gaining willing compliance).

Authorities, in the ASEP context, include both the police and schools; it was important that the young people and their families recognised that both police and schools as authorities in relation to truancy. In this dissertation, I explore how the school representatives, in the FGCs, contributed to achieving that aim, that is, how they engaged in processes of cultivating positive perceptions of the legitimacy of the law that deems education to be compulsory for young people, the schools as the institutions that have a mandate to enforce the law, and of the school representatives themselves as power-holders.

The present research adds a qualitative component to the research of the ASEP trial, which was designed to experimentally test long and short-term impacts of a TPP intervention. Using the method of narrative inquiry, specifically the approach articulated by Polkinghorne (1995), I analyse, at the micro level, the interactional dynamics of processes of cultivating positive perceptions of the legitimacy of authorities that occurs in the context of a restorative FGC. These dynamics are the mechanisms that are hypothesised to bring about positive future outcomes of the ASEP. Analysing the transcripts generated from the audio recordings of the FGCs also presents a unique opportunity to analyse how the third party partners demonstrate their communication of the legal levers, and how third parties make claims to legitimacy. Research on TPP finds that the activation and escalation of the legal levers are key to the success of TPP partnerships (see Mazerolle & Ransley, 2005). Yet, prior to the ASEP trial, TPP had been silent on how compliant behaviours are encouraged by communication of the legal levers by third parties. TPP theory is also somewhat underdeveloped on what motivates third party engagement with police and their willingness to engage their legal levers in pursuit of crime control outcomes. This partnership aspect of TPP is beyond the scope of this dissertation. Rather, this dissertation focuses on the processes that activate willingness to comply with the third party's laws.

I begin my research with a contextual study of cases of chronic truancy that were recommended by schools for police prosecution. Insights from this study (Study 1) contextualise the legal levers by illustrating how schools activate and escalate the steps in the legal process in the 'business-as-usual' way. I draw on these insights to highlight the significance and implications of the findings of my analysis of the ASEP FGCs for truancy reduction and prevention efforts (Study 2). The data for my contextual study (Study 1) comprise the briefing notes and records of contact relating to truancy cases that were submitted to the Education Department by schools in one region in Queensland from the beginning of the 2010 school year to 26 June, 2015. In total, during this period the Director-

General consented to refer fifty-five cases for police prosecution. The aim of the briefing notes is to provide the Director-General with the necessary information to initiate prosecution proceedings, such as demographic details and family situation, the type of offence, (failure to enrol or failure to attend school), a brief outline of the school's interaction prior to prosecution, and any excuses offered for noncompliance. The records of contact provide significant detail around the steps that schools took to engage with parents before making a decision to refer the case to the department. Again employing a narrative analytic approach, I explore each case, from initial contact by schools to the point of a recommendation to prosecute, to establish how cases of chronic truancy reach that final stage of the legal process.

### ***1.6 Dissertation Outline***

In this chapter, I proposed a specific research agenda in the context of my research site, theoretical premises of my research and research design. Chapter 2 comprises a literature review, where I discuss the theory of TPP in detail, and the significance of restorative processes and cultivating positive perceptions of the legitimacy of authorities to gain willing compliance in TPP approaches. In Chapter 3, I provide a more detailed description of the method employed in Study 1 and I report on these findings in chapter 4. In Chapter 5, I describe the method employed in Study 2. I describe the findings of Study 2 in Chapter 6. In Chapter 7, I discuss the key findings of this dissertation and draw my final conclusions.

## Chapter 2

# Background to the Research: Building Legitimacy through Dialogue in Third Party Policing Interventions

### *2.1 Introduction*

In this dissertation, I explore the operation of the legal mechanisms of the ASEP, a TPP intervention into school truancy. In the ASEP, representatives from the QPS and target schools interacted with the young people and their families in a procedurally-fair manner to communicate the consequences of truancy. At the centre of the ASEP TPP intervention was a restorative FGC that aimed to cultivate positive perceptions of the legitimacy of authorities and encourage willing compliance with the law in the future. Authorities in the ASEP context are the QPS, the police representatives themselves, the law the police enforce, schools as educational institutions, the law that deems education to be compulsory for young people and the school representatives themselves. In the case of the ASEP, it was important that the young people and their families saw both the police and the schools as legitimate authorities in relation to truancy. Thus, the police and school representatives worked in partnership to promote the legitimacy of these authorities. Specifically, my research explores the dialogue between the school third party partners and the young people and their parents, to understand how the school representatives engaged in processes of legitimacy building to garner voluntary compliance with truancy laws.

Bottoms and Tankebe (2012) highlight the importance of ‘dialogue’ during frontline police-citizen encounters, in what they describe as the dialogic approach to legitimacy: a process where positive perceptions of authorities are cultivated during interactions between power-holders and citizens. These interactions are characterised by ongoing claims to legitimacy by power-holders and iterative responses by citizens. Bottoms and Tankebe (2012) identify procedural justice as a key element of the legitimacy dialogue (see also Tankebe, 2013). A procedurally-just interaction typically comprises four key ‘ingredients’ (see Tyler, 2004): ‘dialogue that encourages citizen participation in the proceedings prior to an authority reaching a decision (or citizen voice), leads people to perceive neutrality in decision making, shows that the authority demonstrated dignity and respect throughout the interaction, and



conveys that the authority has trustworthy motives' (Mazerolle, Bennett, Davis et al., 2013, p. 246).

A recent systematic review and meta-analysis of the empirical evidence of police-led interventions to promote police legitimacy identifies the dialogue component as an important vehicle for enhancing citizens' perceptions of procedural justice, and promoting citizen compliance, cooperation and confidence in police (Mazerolle, Bennett, Davis et al., 2012). Mazerolle and colleagues conclude that there are practical benefits of police using dialogue grounded in 'principles of procedural justice as a component part of any type of police intervention, whether as part of routine police activity or as part of a defined police crime control program' (Mazerolle, Bennett, Davis et al., 2012, p. 246).

While there is clear, demonstrated evidence that dialogue is vital to policing interventions, in the case of truancy interventions, 'what works' is less clear-cut. Maynard and colleagues (2013), in their systematic review of the research evidence, could not identify any types of intervention programs that stood out as being most effective. The general view is that interventions that are targeted and collaborative are best practice (see Baker et al., 2001; Teasley, 2004). As with truancy interventions, the processes at work behind the scenes to produce positive outcomes in relation to truancy are under-researched. Two key concepts are relevant to my research: TPP and legitimacy. Restorative processes, procedural justice, trust and compliance are concepts relevant to both of these over-arching themes. In this chapter, I review the various theoretical perspectives surrounding these concepts, and demonstrate how they all intersect in the context of the ASEP intervention. I begin by describing TPP and the manner in which TPP seeks to use legal levers, such as truancy laws, to gain guardianship/crime control benefits that were previously absent or under-utilised. Legitimacy is key to effective legal lever utilisation and gaining willing compliance (Mazerolle, 2014; Mazerolle & Ransley, 2006). In the proceeding section I outline a number of pathways to legitimacy, with particular reference to Bottoms and Tankebe's (2012) dialogic approach. I outline the key elements of the legitimacy dialogue, and subsequently refer to the ASEP as an example of how Bottoms and Tankebe's (2012) theoretical propositions translate into practice. I conclude by situating my research agenda within the findings and gaps of prior research, and propose a research design to address this agenda.

## ***2.2 Third Party Policing***

In TPP approaches to crime prevention and control (see Buerger & Mazerolle, 1998; National Academy of Sciences, 2017), police partner with organisations or individuals, relying on available civil, criminal or regulatory laws (known as legal levers) that enable the third party partners to take at least partial responsibility for crime control (Mazerolle & Ransley, 2005). In this dissertation, I explore the operation of the legal mechanisms of the ASEP: a TPP intervention that used a restorative FGC that incorporated procedural justice principles to foster a genuine motivation for altering patterns of truanting behaviour. Traditional police responses to truancy involve more reactive approaches, with the threat of punishment at the core of truancy prevention strategies (Weisburd & Eck, 2004). Examples of these strategies include curfews for school-aged children, street sweeps and truancy centres (Bennett et al., 2017). In traditional policing practice, police agencies employ ‘a limited range of approaches, overwhelmingly oriented toward enforcement, and make relatively little use of institutions outside of policing (with the notable exception of other parts of the criminal justice system)’ (Weisburd & Eck, 2004, p. 44).

TPP is one of many partnership approaches that emerged as a result of a transformation in governance experienced by western democracies in the latter part of the twentieth century (Mazerolle, Higginson & Eggins, 2013; see Mazerolle & Ransley, 2005 for a review). Two significant implications of this transformation were widespread formation of regulatory agencies and laws, (Braithwaite, 1999; 2000) and a blurring of boundaries between the traditionally distinct categories of criminal, regulatory, private and civil law (Cheh, 1998; Mazerolle & Ransley, 2005; see also Ransley, 2014).

A TPP partnership comprises the police (as the first party) and a third party (an external entity) that harnesses the legal powers of the third party in order to collaboratively prevent or control a crime or disorder problem (the second party) (Buerger & Mazerolle, 1998; Mazerolle & Ransley, 2005; Mazerolle, Higginson & Eggins, 2013). The public police play an active role in ‘establishing a partnership with third parties in order to harness their crime control or prevention capacity’ (Mazerolle et al., 2013, p. 4). The crime/disorder problem ‘is defined as the ultimate crime control or prevention target’ (Mazerolle et al., 2013, p. 4, see also Buerger & Mazerolle, 1998; Mazerolle & Ransley, 2005). The ultimate target of a TPP intervention can be an individual, place or a situation where criminogenic places, times and people converge (Mazerolle et al., 2013). This is consistent with routine activities theory,

which talks about motivated offenders, amenable places and suitable targets and the absence of guardianship (Mazerolle, 2014; see Cohen & Felson, 1992; Eck, 1994; Felson, 1995). The term ‘crime problem’ within TPP recognises that the occurrence of crime events is underpinned by multiple criminogenic elements. Hence, there are two key aims of TPP interventions: ‘to focus police resources on the one or more criminogenic factors’ (Mazerolle, 2014, p. 348) that enable the precipitation of crime problems, and to enhance factors that prevent the emergence or escalation of crime problems (Mazerolle, 2014). This reflects what Mazerolle & Ransley (2005) assert is the primary goal of governance networks, in the transformed world of crime control: the identification and management of risks, as opposed to the detection and correction of behaviour.

‘The key mechanism of TPP is activating or escalating ‘latent’ legal processes. These legal levers are often under-utilized or dormant (at least from a crime control perspective)’ (Mazerolle, 2014, p. 347). In TPP approaches, the police initiate, remind and encourage their third party partners to use their existing legal levers (Mazerolle et al., 2014). TPP partnerships may be ‘forged in an episodic manner’ (Mazerolle, 2014, p. 349), developed as part of a crime prevention and control program, or mandated by law (e.g., the UK Crime and Disorder Act 1998; Scottish Police and Fire Reform Act 2012) (Mazerolle et al., 2013). In TPP, the third party partners are the proximate targets, and the crime problem to be addressed is the ultimate target (see Mazerolle & Ransley, 2005). In the following subsections, I outline the two key theoretical components of TPP: partnerships and legal levers, with specific reference to truancy.

### **2.2.1 Types of TPP Partnerships**

At the centre of the TPP intervention approach lies the ‘third party’. The third party is an entity operating within a legal framework that has powers and responsibilities not directly available to the police. ‘A third party can be an individual (e.g., a bar staff member, property owner), an organisation (e.g., Pharmacy Guild), a business (e.g., a bar), a regulatory authority (e.g., liquor licensing authority, local council, school), a government department (e.g., education department), or a network of collaborating agencies’ (Mazerolle, 2014, p. 349). The value of third party partners to police crime control and prevention efforts lies in the third party partners’ access to legal levers that can be applied to control a crime or disorder problem (see Mazerolle et al., 2013).

TPP partnerships are characterised by the number of third parties involved, and the types of strategies the police employ to bring about the partnership (see the TPP partnership matrix in Mazerolle et al., 2013, 2014). ‘That is, TPP partnerships can involve single or multiple third parties and the techniques used to initiate or maintain TPP partnerships can range from collaborative to coercive’ (Mazerolle, 2014, p. 350). A TPP partnership involving multiple third parties that is established through engagement techniques promoting collaboration with police provides a multifaceted way to address a complex crime problem, and therefore has the potential to be effective (Mazerolle, 2014).

Truancy and juvenile antisocial behaviour is an example of a complex problem; police may need to engage with more than one third party (e.g., schools and parents) to exert pressure on the proximate targets to affect behaviour change in the ultimate targets. In this type of partnership, police could cooperatively engage with an education and/or child safety department to encourage them to use their legislative power to initiate prosecution proceedings against parents of truant children. In response, parents may be motivated to facilitate change in their children’s behaviour. At the other end of the spectrum, TPP partnerships may involve a single third party, where police use more coercive techniques to ‘forge and maintain the crime control partnership’ (Mazerolle, 2014, p. 350); there may be occasions where police need to engage with a less-than-willing third party that needs to be convinced (or threatened) to work with the police to prevent/reduce a crime and disorder problem (see, e.g., Read & Tilley, 2000).

Regardless of the type of TPP partnership, the fundamental premise remains: police are partnering with third parties to control and prevent crime through the implementation or enforcement of the third party’s legal levers. For partnerships to be sustainable, however, the partnership literature suggests that regular communication, clarity in roles, responsibilities and procedures, an understanding of the capabilities and limitations of all parties involved, and mutually beneficial goals are essential (see e.g., Claiborne & Lawson, 2005; Roussos & Fawcett, 2000; Sloper, 2004; Sridharan & Gillespie, 2004). Other research suggests that structure in partnerships is crucial (see Berry, Briggs, Erol & van Staden, 2011; Foster-Fishman, Salem, Allen & Fahrback, 2001; Meyer & Mazerolle, 2014; Rosenbaum & Schuck, 2012; Roussos & Fawcett, 2000; Stevenson & Mitchell, 2003; Zakocs & Edwards 2006). Specifically, relational coordination theory posits that there are three dimensions of relationships that are integral to a working partnership, namely, shared knowledge, shared goals and mutual respect (see Bond & Gittell, 2010; Gittell, 2006; Gittell, 2011; Gittell,

Fairfield, Bierbaum, Head, Jackson et al., 2000; Gittell, Weinberg, Pfefferle & Bishop, 2008). Mazerolle (2014) proposes that TPP partnerships that are centred around shared knowledge, mutually beneficial goals and mutual respect are likely to foster mutual perceptions of legitimacy. Referring to Sunshine and Tyler's (2003) research, she suggests that mutual legitimacy is an important antecedent to voluntary cooperation from third parties in the long run. Therefore, '[f]or policing, proactive engagement techniques that foster mutual perceptions of legitimacy are critical for establishing and sustaining long-term crime control' (Mazerolle, 2014, p. 346). The principal task of a third party in a TPP intervention is to activate and escalate legal levers – to be 'the partner and agent of crime control' (Mazerolle, 2014, p. 342, emphasis added).

### **2.2.2 Legal Levers**

TPP interventions are defined and shaped by legal levers. Legal levers can derive from legislation, regulations (delegated/subordinate legislation) or can arise from tort law or contractual relationships (Mazerolle & Ransley, 2005; Ransley, 2014). Examples include truancy laws, local council bylaws, health and safety codes and liquor licensing. The legal levers delineate the third parties available for partnership, define the procedural aspects of a TPP intervention, specify legal outcomes and articulate legal consequences for non-compliance. In TPP, police assume that conditions that allow a crime problem to flourish can be controlled when (or if) a third party uses their legal lever to regulate behaviour, whether that be individuals, groups of individuals, or characteristics of places or geographic areas (Mazerolle et al., 2013 p 9). For example, a police officer might respond to a group of people loitering outside a shopping centre during the day by encouraging the school to 'activate and/or escalate their truancy laws to pressure the young person to attend school' (Mazerolle et al., 2013 p 9).

Drawing on the responsive regulation literature, Mazerolle and her colleagues (Mazerolle et al., 2013; Mazerolle & Ransley, 2005) identify that the operation of TPP often closely aligns with Ayers and Braithwaite's (1992) and Braithwaite's (2006, 2011) concept of the regulatory pyramid. That is, legal levers are activated by techniques of education and persuasion, and in the event of persistent noncompliance, are escalated by more coercive techniques such as professional discipline, fines and prosecution (see also Parker, 2013). Ayers and Braithwaite (1992) suggest that it is desirable for regulatory agencies to do

everything possible to obtain compliance through persuasion, education and imparting knowledge. They also argue that any escalation through the regulatory pyramid should be undertaken with care and with opportunities for the targets to self-regulate and comply with the law of their own free will. Braithwaite (2006, 2011) argues that regulation ‘through the pyramid structure is both efficient and effective, provided regulators are willing and able to consistently initiate and escalate sanctions in response to non-compliance’ (Mazerolle et al., 2013, p. 10). The array of available sanctions, ranging from persuasive to coercive, potentially correspond to the capabilities and motivations of offenders (Mazerolle et al., 2013). For instance, education and persuasion is likely to have minimal effect on a ‘rational actor’ motivated by deterrence. Rather, this type of offender would be more likely to comply in the face of more deterrence-based sanctions like fines or civil actions (Mazerolle, 2014). Provided that citizens believe that the possibility of escalation through the pyramid is legitimate, legal levers should not need to be escalated beyond the lower levels of the pyramid (Braithwaite, 2011). Moreover, Braithwaite (2006, 2011) suggests that regulatory processes that use approaches incorporating principles of procedural justice from the outset will lead to voluntary compliance by promoting the legitimacy of both the regulator and the law being enforced.

The processes for building legitimacy and encouraging willing compliance and cooperation are also widely studied by criminologists. The process model of policing in particular highlights the powerful effects of procedurally just encounters on citizens’ perceptions of police legitimacy (Mazerolle, Bennett, Antrobus & Tyler, 2013; Mazerolle et al., 2012; Murphy, Hinds & Fleming, 2008; Reisig, Bratton & Gertz, 2007; Tyler, 2003). As Tyler and Fagan (2008, p. 236) put it, ‘When people cooperate with the police and other legal actors because of norms or values they share with the law, their behaviour may be linked more to intrinsic motivations and less to the influence of sanctions or incentives’.

### **2.2.3 TPP and Truancy**

In relation to truancy, there is a multitude of differentially focused legal levers available to authorities to use to deter truancy (deterrence-based legal levers that use punishment/the threat of punishment to force compliance), and encourage and normalise school attendance (engagement-focused legal levers (Nitschke et al., 2013). Two forms of corresponding TPP partnerships emerge: a formal approach ‘that aims to deter students from truancy by using

coercive or punitive legal levers in organised partnerships with other agencies’; and ‘an informal third-party policing approach, with police using legal levers to partner directly with parents’ (Nitschke et al., 2013, p. 8). The wide range of legal options available to police can present challenges for police, in terms of determining which legal levers will be most appropriate and effective for different truancy cases, thereby making it difficult to identify the appropriate third party partner with which to work to address truancy (Nitschke et al., 2013).

Schools can be a powerful third party partner for two reasons. Firstly, compulsory legislation confers power on schools to administer punitive, deterrence-focused legal levers. Secondly, schools have regular contact with families, putting them in the best position to gain knowledge and understanding of factors contributing to a specific young person’s truancy (Nitschke et al., 2013). Several nations, including Australia (Stranger, 2002), the United Kingdom (Jones, 2014) and the United States (see U.S. Department of Education, 2001: ‘No Child Left Behind Act’) have introduced compulsory education laws, mandating that children remain in an educational program or institution until they are between the ages of sixteen and eighteen (depending on the legislation), have reached a certain acceptable standard of education, or have found full-time paid employment (McCluskey, Bynum & Patchin, 2004; Tampa Police Department, 2016). Compulsory education statutes authorise fines for noncompliance. The deterrent effect of fines is the imposition of a punitive, financial consequence for enabling truancy. The threat of a fine seeks to place pressure on responsible guardians to ensure their children attend school (Hutchinson, Dickson & Chappell, 2011).

In addition to fines, there are a number of examples of deterrence-based legal levers provided for under various jurisdictional laws. For instance, legislation in New South Wales, the Northern Territory and the United Kingdom authorises parenting contracts, which implicate a parent/responsible guardian in altering a child’s truanting behaviour (Education Act 1990 (NSW) s22B; Anti-Social Behaviour Act 2003 (UK) s19; Education Act 2012 (NT) s23B). These contracts may require that parents undertake counselling or a parenting course in the event that their personal problems are found to interfere with their child’s attendance (e.g., Youth Justice Act (NT) s140E). In some jurisdictions, such as the Northern Territory and United Kingdom, parenting contracts are not enforceable if breached, but nonetheless may lead to voluntary compliance by establishing a moral obligation on parents and families. By contrast, parent-targeted control orders are court-issued and breaches of these orders can result in fines or even imprisonment (see Donoghue, 2011). Truanting young people can also be prosecuted for their truancy in some jurisdictions (Education Act 1990 (NSW) s22D(9)(b);

Education Act 2012 (NT) s23B(12); for a discussion of this in the US context, see Piquero & Jennings, 2016).

Most jurisdictions in Australia have laws that preclude the immediate imposition of penalties for noncompliance. For example, in Queensland, Victoria, Tasmania and New Zealand, policy stipulates a number of steps that must be taken, identifying prosecution as a last resort measure (Chilcott, 2009; Dickson & Hutchinson, 2010; New Zealand Ministry of Education, 2010). Since 1875, the Queensland State Government has compelled school attendance, and held parents accountable for their children's truancy (Queensland Government, 2014).

Queensland's current legislative response to truancy is depicted in the Education (General Provisions) Act 2006 (Qld), Chapter 9 Parts 1, 3 and 4; Chapter 10 Parts 1 through to 45; Section 4426 and in the Education (General Provisions) Regulation 2006 (Qld) Part 2 Section 8, and Part 4. Parents have a legal obligation to ensure their children are enrolled in and attend a state school or a non-state school, on every school day for the education program in which the children are enrolled (see Education (General Provisions) Act 2006, ss9, 10).

Children must attend school between the ages of 6.5 and 16 years (or the end of Year 10) – referred to as the Compulsory Phase of schooling (s 176). Parents must also ensure their children are participating in school, training or employment until they turn seventeen or achieve a prescribed qualification – referred to as the Compulsory Participation Phase of schooling (ss 231, 232, 234, 236-9). Queensland state schools operate for approximately 200 days each year. Students are expected to attend school on every one of those days unless there is a 'reasonable excuse' (ss 176, 239). A parent's failure to uphold these responsibilities can result in police prosecution and fines. At the time this research was conducted, the maximum penalty for a first truancy offence was \$660, and for a subsequent offence, \$1320 (even if the truancy offence relates to another child in the same family) (ss 176, 236, 239).

The Queensland Education Act indicates that a 'reasonable excuse' for noncompliance encompasses the situation where the child does not reside with the parent and that parent believes, on 'reasonable grounds' that the other parent is making sure that the child is attending school. A reasonable excuse will also encompass a situation where the parent is 'not reasonably able to control the child's behaviour to the extent necessary' to comply with the Act (s 176, 239; Dickson & Hutchinson, 2010). The law does not apply where absences from school are legitimate, for example, due to illness. Exemptions to penalties incurred also include suspension, exclusion or home schooling (ss 200-2, 240).



Compulsory education law in Queensland requires schools to keep detailed attendance records (Education (General Provisions) Regulation 2006 (Qld) ss18, 20–21; see also Education Act 1990 (NSW) s24; School Education Act 1999 (WA) s28; Education Act 1994 (Tas) s6(3); UK Department for Children, Schools and Families, 2008) and to track a young person's attendance throughout the day, contacting parents to acquire an explanation or to confirm an explanation given by the young person (Education (General Provisions) Regulation 2006 (Qld) s20(2)). If a school reasonably suspects that non-attendance is associated with a risk of harm to a young person, schools must report this to Child Safety Services (General Provisions) Regulation 2006 (Qld) s20(6)). Mandatory recording serves two important functions: regular roll calls and follow-ups signifies to young people and their families that schools take attendance seriously, and thus may trigger voluntary re-engagement; and more punitive legal levers can be initiated when records are kept accurately (Nitschke et al., 2013).

The Education Act prescribes various notice and meeting provisions that must be initiated before parents of truants can be prosecuted for an offence under the Act. The escalation of regulatory consequences for parent/guardian/s of children of compulsory school age or in the compulsory participation phase is essentially the same. The first, and least coercive, stage in the Education Department's legal lever is the school sending a letter home to the parent/guardian/s of the student reminding them of their duty to ensure that their child attends school each day (ss 178(2), 241(2)). If the truancy continues, the second stage, and slightly more coercive aspect of the lever, is the school requesting the parent/guardian/s attend a meeting at school to attempt to resolve the truancy (ss 178 (3, 4), 242 (3, 4)). If the truancy continues after this meeting, or if the parent/guardian/s refuse to attend the meeting, the third stage of the process is the school sending a letter warning the parent/guardian/s that they are liable to be prosecuted for their child's truancy (ss 178(4), 242 (4)).

After a decision has been made to prosecute, the case is referred to a police prosecutor who prosecutes the parent/guardian/s in the Queensland Magistrates Court (ss 179, 242). The initiation of this fourth stage of the available legal lever, parental prosecution, is the result of a cooperative effort between the Education Department and the QPS. The Magistrate hears the case and makes a determination as to whether to fine the parent/guardian/s.

The Education Department's Policies and Procedures Register provides authorised guidelines and directions to assist department and school staff in implementing the mandates of the

Education Act in Queensland schools. The policies relating to truancy specifically appear in the Education Department's Policy and Procedure Register, 'Managing Student Absences and Enforcing Enrolment and Attendance at State Schools' (Version 3.7 when this research was conducted). The policies present more opportunities for legislative compliance than the legislation itself, with informal and personal approaches with parents and students being a priority before referring a case for prosecution. The policy stipulates that the formal legal proceedings prescribed by the Education Act are only to be activated/escalated in the context of 'regular or persistent unexplained absences or absences where reason given is considered unsatisfactory' and 'after the failure of 'informal and personal approaches with student or parent' (Dickson & Hutchinson, 2010, p. 91). The policies include a number of informal and formal approaches to addressing truancy that operate outside the legislative framework, such as text message alerts, phone calls, school-based information letters and requests for meetings. Throughout the policy and legislative process, schools should be 'regularly attempting to contact parents and offering other avenues of support' (Dickson & Hutchinson, 2010, p. 9). The timelines in the policy anticipate a minimum of five weeks of failed negotiations between schools and parents before a case is referred for prosecution.

The Queensland Education Act aims to ensure that all children have universal access to high quality education that will enable them to both fulfil their potential and become well-informed members of the community (s 5). The focus is on state, parental and community responsibility to achieve these objectives (s 5(b)). The Education Department's policy instruments seek to address specific issues relating to, among other things, the education of teachers, quality of learning resources, behaviour at school and attitudes towards school attendance. These policy responses aim to address the broader legislative aims (Queensland Government, 2014).

The Education Department's policies are part of the Every Day Counts initiative (see Queensland Education Department of Education and Training, 2010): 'a state wide initiative that aims to assist in improving student attendance at school through a shared commitment by students, parents, caregivers, schools and the community to improve students' attendance at school'. Every Day Counts acknowledges that 'there is no quick and simple solution', nor a 'one size fits all' approach to improving school attendance (Queensland Government, 2013). Dickson & Hutchinson (2010) observe that the initiative positions truancy as the responsibility of the community, while the laws position it as a parental responsibility. Every Day Counts promotes four key messages:

- ‘all children should be enrolled at school and attend on every school day’
  - ‘schools should monitor, communicate and implement strategies to improve regular school attendance’
  - ‘truanting can place a student in unsafe situations and impact on their future employability and life choices’
  - ‘attendance at school is the responsibility of everyone in the community’.
- (Queensland Government, 2013, p. 36)

The above discussion of Queensland’s truancy legislative and policy environment illustrates the range of deterrence and engagement focused legal levers available to schools.

Queensland’s legislative and policy process align with the concept of the regulatory pyramid (see Ayers & Braithwaite, 1992): the process for addressing truancy under Queensland law begins with approaches that educate and persuade parents to comply with the law voluntarily, and then escalating to more formal approaches involving warnings, action and sanctions at the very top of the pyramid. Congruent with the general idea of the regulatory pyramid (see Braithwaite, 2006, 2011), the Education Department’s operational policies aim to foster willing compliance with the more benign approaches (the informal negotiations between schools and parents). Consistent with this regulatory pyramid of compliance, one of the underlying assumptions of TPP is that police should begin working with third parties at the voluntary compliance end of the continuum and then work their way up the pyramid, gradually escalating the legal levers in order to change the offending (or deviant) behavior (Mazerolle & Ransley, 2005).

In the ASEP TPP intervention, the police and schools collaborate at each step to action the legal lever available to the school to encourage the parent/guardian/s to ensure that the child re-engages in school and that they comply with the law. Parents were also engaged as third party partners in the ASEP, given the potential impact of parental condemnation of truancy on their children’s behaviour (see Reimer & Dimock, 2005). TPP partnerships that involve parents can be challenging to implement, because police need to find a non-threatening way to initiate contact and develop a rapport with parents.

In the ASEP trial, police engaged with parents as partners so that they better understood their responsibilities around their children’s school attendance, and consequences for noncompliance with the law. At the centre of the ASEP intervention was a FGC, where

school representatives explained the legal provisions to parents and their children in a procedurally fair manner. In the ASEP partnership, the schools and parents were both proximate targets. The school partners possessed legal levers that created a mandate for the schools to address truancy and associated criminogenic risk factors. The police wanted to work with the schools to conjointly address the truancy problem through activation and escalation of the school's legal lever as a way to indirectly target the underlying issues of each student's truanting behaviour' (Mazerolle, 2014, p. 356). The program-dedicated police officer met with families and schools prior to the FGCs for recruitment purposes and to begin to establish working relationships and build rapport. This police officer attended all FGCs, but in some situations, additional police representatives were present. These additional police representatives were specifically chosen to engage with particular families (e.g., an indigenous police officer to engage with an indigenous family, or a police officer with relevant experience with young people facing the kinds of issues that that young person was facing). Following the FGCs, the police officer monitored compliance with the Action Plan – the document that was created during the FGC that structured the way that the schools, police, parents and truanting young person would work together around compliance with the law. The police ASEP officer worked with schools and families to ensure the items in the Action Plan were being adhered to, and to provide further help and advice where needed. Careful attention was given to creating a structured partnership, with clearly defined roles and responsibilities and training provided around the preferred, procedurally fair mode of communication (Mazerolle, Bennett et al., 2017).

#### **2.2.4 Why a TPP Truancy Intervention?**

Mazerolle (2014) likens a TPP partnership that produces effective and sustainable crime control outcomes to 'the nitration of glycerin to produce the explosive ingredient of dynamite' (Mazerolle, 2014, p. 349). IN TPP, partnerships and legal levers need to interact in productive and legitimate ways in order to gain the effect: the control and prevention of crime and disorder problems in the long run. Legal levers and partnerships that operate outside of a TPP intervention are 'largely benign on their own, as are the chemicals nitrogen and glycerine' (Mazerolle, 2014, p. 345). As previously mentioned, the police and schools involved in the ASEP believed that truancy laws were being applied inconsistently due to perceptions of their ineffectiveness (see Mazerolle, Antrobus et al., 2017). Graduated

escalation processes, such as those in Queensland truancy law and policy, allows for appropriate consideration before using deterrence focused legal levers such as formal warning letters and prosecution referrals. At the same time, however, delays and inconsistencies in the application of these legal levers after truancy has occurred may weaken their deterrent power. Some jurisdictions, such as the UK, recognise this; legislation authorises local authorities to override steps in the escalation process to fast track prosecutions in cases where this is considered appropriate (Nitschke et al., 2013; UK Department for Children, Schools and Families, 2008).

The street-level bureaucrats literature (see Lipsky, 1980, 2010) and the parallel study of policy implementation (see Van Meter and Van Horn, 1972) demonstrates ‘the inevitable gap between law-in-the-books and law-in-action’ (Hunter, Bretherton, Halliday & Johnson, 2016, p. 81). Reasons for inconsistent or failure to activate legal levers include a lack of knowledge and procedures around legal provisions (see Baldwin & Black, 2007; Gofen, 2010; Weber, 2013), clarity of policy guidance and alignment with personal and professional values (see Bergen & Wile, 2004; Henderson & Pandey, 2013; Maynard-Moody & Musheno, 2003; Summers & Semrud-Clikeman, 2000; Tummors, 2011).

In his theory of street-level bureaucracy, Lipsky (1980) identified two distinct characteristics of street-level occupations: ‘face-to-face interactions with clients, and the ability to exercise discretion’ (Henderson & Pandey, 2013, p. 9) when implementing policies. ‘The essence of street-level bureaucracies is that they require people to make decisions about other people’ (Lipsky, 1980, p. 161). Discretion is thus necessary because ‘the nature of service provision calls for human judgement that cannot be programmed and for which machines cannot substitute’ (Lipsky, 1980, p. 161). Accordingly, the behaviour of street-level bureaucrats is not guided solely by the substance of statutes or policies; the situations they face are too complex to reduce to prescribed rules and directives (Evans & Harris, 2004). As Weatherly (1979) puts it:

A view of policy as determining front-line behaviour is insufficient for explaining what workers actually do and why, and how their activities affect clients. Of course, teachers do teach, caseworkers dispense public assistance, public defenders defend indigent clients, and doctors treat patients, and their work activities are certainly responsive to public policy. But their activities are also certainly responsive to a number of other influences over which the policy-maker and administrator may only have limited or no control (p. 9).

Thus, Lipsky (1980) argues that ‘public policy is not best understood as made in legislatures or top-floor suites of high-ranking administrators, because in important ways it is actually

made in the crowded offices and daily encounters of street-level workers' ( Lipsky, 1980, p. 257). Street-level workers occupy the final step in the policy implementation process, and are hence crucial to the success of public policy programs (Lipsky, 1980; Riccucci, 2005; Maynard-Moody & Musheno, 2003). In the end, the public policies that are carried out are 'the decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures' (Lipsky, 1980, p. 59; see also Prottas, 1979; Weatherly, 1979).

A study conducted by Pennay (2012) exploring attitudes of local council and police officers in Melbourne, Australia, towards the development and enforcement of public drinking laws is illustrative of Lipsky's (1980) analysis of the dilemmas faced by street-level bureaucrats. Pennay (2012) conducted 24 interviews with local police officers and local councillors, and found two contrasting ways in which they constructed public drinking laws. Some council and police officers supported public drinking laws because they 'enabled the maintenance of public order and maximised perceptions of safety among residents.' (Pennay, 2012, p. 185). others discussed their concerns about public drinking laws potentially discriminating against socially-disadvantaged populations, and therefore these laws conflicted with their personal ideologies of social equality. These findings highlight, as Pennay (2012) concludes, the tensions inherent in social policy that do not give solutions that are definitively right or wrong. In the context of policing public drinking, councillors and police officers face the dilemma of, on one hand, trying 'to negotiate the expectations of their professional role, their personal ideologies, and various impacts to the community', (Pennay, 2012, p. 185) and on the other hand, seeking 'to maintain the status quo, minimise social exclusion and maximising public order' (Pennay, 2012, p. 185).

The regulation of school attendance, or rather, the deterrence rationale behind prosecuting parents, is unequivocally controversial and prosecution-based legal levers seem to be infrequently used. News reports and research indicate that Australian states are reluctant to address truancy by parental prosecution (see Chilcott, 2009; Dickson & Hutchinson, 2010; Keller, 2011) with New South Wales being the exception (310 parents prosecuted in 2010, see McDougall, 2011). Internationally, the United Kingdom regularly prosecutes parents for their children's truancy (Morris, 2009) but rarely in the United States (see Kronholz, 2011) and New Zealand (Fisher, 2011; Nitschke et al., 2013; Rich, 2007).

There is scant research literature on the effectiveness of parental prosecution (see Kendal, White, Kinder, Halsey & Bedford, 2004). A handful of studies question the utility of legal initiatives to reduce truancy. For example, Zhang (2004) analysed official prosecution and attendance data in 43 Local Education Authorities from 1999 to 2002, to determine the immediate effects and long-term impacts of parental prosecution on truancy rates. Zhang (2004) concluded that increased parental prosecution ‘does not have meaningful immediate or long-term impacts on truancy’, and therefore, efforts to combat truancy should not solely rely on, or ‘rush towards’, parental prosecution (Zhang, 2004, p. 32).

Qualitative research on parental prosecution appears to draw similar conclusions. Jones (2014) conducted in-depth interviews with forty parents prosecuted for their children’s truancy in England and Wales. The study findings uncovered several ramifications of prosecution for the parents including over-representation of single mothers and increased physical and mental health concerns for both parents and children. Participants also experienced inappropriate support and lack of communication from schools. Common issues related to schools failing to appropriately respond to and informing parents of bullying incidents, limited for help for culturally and linguistically diverse families, and inadequate learning support for children with disabilities. Significantly, participants commented that the process leading up to prosecution lacked legitimacy; the education welfare officers who visited the family to interact and offer support were the ones who led the prosecutions against the parents or were witnesses against them. This dual role of helper and prosecutor made it difficult for the welfare officer to gain the family’s trust, and compromised the transparency of the process.

The above research findings in relation to the negative impact of prosecution on families perhaps sheds light on why schools in the ASEP district, and elsewhere may be reluctant to initiate legal proceedings against parents. Mazerolle (2014) proposes that chances of sustained crime control gains, (e.g., decreased truancy rates), are maximised when legal levers are activated the context of collaborative partnerships like TPP. She puts forward two reasons. Firstly, the formation of a productive and legitimate partnership can serve to alter a third party’s attitudes towards and awareness of their own legal levers. Secondly, these changed, more positive orientations towards the law can increase a third party’s willingness to utilise their legal levers, and escalate to the harsher sanctions where necessary. ‘Long-term sustainability of crime control gains thus occurs when a TPP partnership fosters the capacity and willingness of partners to use the full range of their legal levers in a consistent manner

that then becomes routine and entrenched within the third party agency operations' (Mazerolle, 2014, p. 351). On one hand, third parties may welcome the idea of using their available legal levers as it gives them the power to actively control and prevent problems that may be impacting on their core business. On the other hand, third parties may view the activation of legal levers in a negative light because it increases their responsibilities and place a strain on costs and resources (Mazerolle & Ransley, 2005). Therefore, the practical application needs to be supported by perceived legitimacy; that is, that third parties perceive the police, and the legal levers, as legitimate. Upon establishment of the TPP intervention, police and third parties, in partnership, need to cultivate perceptions of the legitimacy of the legal levers, and the third parties responsible for enforcement (the proximate targets) among the ultimate targets of the intervention. So, in the case of the ASEP truancy intervention, the school representatives need to see legitimacy in the police, and in their legal levers, in order that the goals of the partnership (i.e., reduced truancy and delinquency) be achieved.

### ***2.3 Legitimacy***

Broadly speaking, legitimacy is a term used to explain the stability of 'any structure at any level that emerges and is maintained by other basic social processes' (Zelditch, 2001, p. 40; see also Jackson, Bradford, Stanko & Hohl, 2012). Tankebe & Mes'ko (2015) highlight two reasons why legitimacy is important: it 'reduces what Coicaud (2013) calls tensions between power-holders and subordinates ... [and] it places constraints on power' (Tankebe & Mes'ko, 2015, p. 250). Therefore, recognition of the power of legal authorities by citizens depends on alignment with community norms and values. When citizens perceive criminal justice institutions to be legitimate, 'they recognise the system's authority to determine the law, govern through the use of coercive force if necessary, punish those who act illegally, and expect cooperation and obedience, meaning that legal authorities no longer need to send costly signals of strength, suspicion and sanction in order to secure compliance' (Tankebe & Mes'ko, 2015, p. 250)

In the social and political sciences generally, the theoretical and empirical literature highlights the multitude of approaches to defining and operationalising legitimacy, with no clear consensus emerging. Philosophical analyses show that institutions depend on legitimacy in order to develop, operate and reproduce themselves effectively (Easton, 1965). Empirical analyses in criminology concentrate on the antecedents and consequences of legitimacy



judgments, gaining popularity through Tom Tyler's 'Why People Obey the Law' (1990). Accordingly, legitimacy research in criminology highlights a number of theoretical pathways to legitimacy. The Tylerian model measures legitimacy in terms of trust and the obligation to obey (see e.g., Sunshine & Tyler, 2003; Tyler & Fagan, 2008), and legitimacy is key to understanding compliance and cooperation (Tyler, 2004). Tyler (2006) defines legitimacy as a perception of an authority that 'leads those connected to it to believe that it is appropriate, proper, and just' (Tyler, 2006, p. 375). Criminological research applying the Tylerian, process-based model of legitimacy primarily focuses on the day-to-day interactions between criminal justice agents, such as prison staff and police officers, and citizens (Tankebe & Mes'ko, 2015). These studies provide overwhelming support for the notion that procedural justice is the key antecedent of legitimacy judgments, and that positive perceptions of legitimacy, in turn, facilitates legal compliance and cooperation with legal authorities (Bradford, 2011; Hinds & Murphy, 2007; Hough, Jackson, Bradford, Myhill, & Quinton, 2010; Jonathan-Zamir & Weisburd, 2013; Liebling, with Arnold, 2004; Mastrofski et al., 1996; McCluskey, 2003; Mazerolle et al., 2013; Murphy, Hinds & Fleming, 2008; Murphy & Cherney, 2012a, 2012b; Papachristos, Meares, & Fagan, 2012; Piquero, Fagan, Mulvey, Steinberg, & Odgers, 2005; Reisig, Bratton, & Gertz, 2007; Reisig, Wolfe, & Holtfreter, 2011; Sunshine & Tyler, 2003; Tyler & Fagan, 2008). Procedural justice research suggests that people will obey laws, without the threat of punishment, when they feel that the criminal justice system is acting justly (Tyler, 1990). When people are treated fairly and respectfully, they will view legal authorities as legitimate and entitled to be obeyed; the result is that 'people become self-regulating, taking on the personal responsibility for following social rules' (Tyler, 2006b, p. 308).

Recent scholarship puts forward an extension of the above definition, suggesting that legitimacy is also concerned with motivating behaviours based on shared beliefs and goals between legal authorities and the general population – the normative justifiability of power (see e.g., Jackson et al., 2012; Tyler & Jackson, 2014). This conceptualisation of legitimacy recognises the goals of legal authorities as broader than just 'widespread public compliance with the law' (Tyler & Jackson, 2014, p. 78), to include motivating willing cooperation and public engagement in communities. Legal authorities seek to work with the public to produce social order, and conjointly 'build social, political and economic vitality' (Tyler & Jackson, 2014, p. 78). On this view of legal authorities, the law should not only serve to maintain social order, but also to facilitate the types of values and attitudes that will lead communities

to address social problems. Legitimacy, in this context, is thus operationalised as perceived obligation to obey and moral alignment (see Jackson, Bradford, Hough et al., 2012; Jackson et al., 2012) – citizens identify with authorities based on shared purposes, goals and values.

Applying insights from sociology and political science, (particularly the work of Weber, 1978; Beetham, 1991; Coicaud, 2002; Raz, 2009), Bottoms and Tankebe (2012) also seek to reconceptualise legitimacy. They suggest that legitimacy should be understood as arising from consent, legality, and shared beliefs. Referencing Weber's (1978) original discussion of legitimacy, Bottoms and Tankebe (2012) developed a dialogic model of legitimacy, where authorities and citizens engage in a continuous claim-response dialogue; power-holders do not simply anticipate obedience. The four dimensions of the legitimacy dialogue proposed by Bottoms and Tankebe (2012), and later elaborated by Tankebe (2013), are lawfulness, procedural fairness, distributive fairness and effectiveness. These elements derive from three over-arching concepts of consent, legality and shared beliefs. All are paramount to audience recognition and acceptance of authority, and a power-holder's confidence in their rightful entitlement to power. The implications of the dialogic model are three-fold. Firstly, it shifts the focus from the almost exclusive study of audience legitimacy, to the power-holder dimension as being of equal importance. Secondly, it shifts the research focus from the deference of citizens to legal authorities, 'suggesting a broader focus on social dynamics that can examine larger questions of power and the meaning of justice' (Pennington, 2015, p. 903). The third implication concerns measurement in future empirical studies; Bottoms & Tankebe (2012) caution researchers to be wary not to conflate concepts of obligation to obey, trust and legitimacy.

In this dissertation, I employ Bottoms and Tankebe's (2012) dialogic approach to legitimacy. I propose that it provides a useful theoretical framework with which to qualitatively explore the interactional dynamics at work through the process of school representatives attempting to address truancy. My research is interested in how third party partners, (in my case, schools) cultivate positive perceptions of the legitimacy of authorities in the context of a FGC, which lay at the heart of the ASEP, a TPP initiative to reduce truancy and associated antisocial behaviour. Like the dialogic approach, TPP requires that the third party partners, who are the agents of crime control and prevention in TPP, recognise themselves as a legitimate authority before fostering perceptions of legitimacy among the ultimate targets of the intervention. In the following subsections, I explain further the elements of the dialogic model of legitimacy, with specific application to the truancy problem. Laws cannot justify

themselves simply by their existence; in the words of Beetham (1991) ‘Without a common framework of belief ... the powerful can enjoy no moral authority for the exercise of their power, whatever its legal validity; and their requirements cannot be normatively binding, though they may be successfully enforced’ (Beetham, 1991, p. 69; see also Coicaud, 2002, p.p. 24-5).

### **2.3.1 Legitimacy as Dialogue**

The dialogic model of legitimacy recognises the dynamic and interactive nature of legitimacy (Jackson, Hough, Bradford & Kuha, 2015). It postulates that legitimacy is an iterative process of claim and response where an initial claim to legitimacy by power-holders is followed by ‘a perpetual discussion, in which the content of power-holders’ later claims will be affected by the nature of the audience response’ (Bottoms & Tankebe, 2012, p. 129). Audience responses might, in particular situations, point to legitimacy deficits; power-holders interpret these responses and may decide to change their practices, in effect making a revised claim to legitimacy (Nix & Wolfe, 2015). This claim-response dialogue extends Tyler’s (2011, p.257) concept of ‘teachable moments’ where, during an encounter with a police officer, an individual learns something about the law, legal authority and their position within the community (see also Jackson et al., 2015). For Bottoms and Tankebe (2013, p. 62), this encounter also represents a ‘teachable moment’ for the officer, who also learns something about their authority from the vantage point of a member of the public (for a recent study comparing the views of both police officers and citizens, see Bates, Antrobus, Bennett & Martin, 2015). Because legitimacy involves claims to legitimacy by power-holders and corresponding audience assessments of and responses to those claims, a complete analysis of the legitimacy of authorities necessitates a consideration of both the audience and power-holder perspectives. This is neatly captured in Beetham’s (2013, p. 19) definition: ‘[Legitimate power is] power that is acknowledged as rightful by relevant agents, who include power holders and their staff, those subject to the power and third parties whose support or recognition may help confirm it’. Beetham’s (2013) definition highlights that there can be multiple audiences involved in a legitimacy dialogue, both immediately and distally. The criminal justice literature recognises the role of third parties external to the direct power-holder-citizen interaction, that is, ‘the expectations for criminal justice held by the wider public, and articulated by politicians and the media, and the impact these may have in turn on

the mode of policing and discipline within prisons, whether reinforcing or undermining treatment that those subject to it regard as fair.’ (Beetham, 2013, p. 25-6).

Before power-holders can claim legitimacy among citizens, they must first have confidence in their own authority (Bottoms & Tankebe, 2012; 2013; Herbert, 2006; Weber, 1946, 1978). Power-holders have a need to, as Kronman (1983, p. 41) puts it, ‘persuade themselves that their fates are deserved and therefore rightful’ (see also Weber, 1946). It is not sufficient that the power-holder has power; ‘power-holders need to convince themselves that their power is rightfully held’ (Nix & Wolfe, 2015, p. 3), not only to secure citizen cooperation, but also in the interests of being satisfied in themselves that they are entitled to hold power (Nix & Wolfe, 2015; Wrong, 1995).

Thinking about legitimacy in dialogic terms warrants some discussion of the features of a dialogue. Brownlee (2011) identifies five ‘conditions for dialogue’ (Brownlee, 2011, p. 58). According to Brownlee (2011), a dialogue is a reciprocal exchange, a sustained conversation, and ‘a reason-giving, argument-based, progress-oriented interaction’, where participants are equally empowered and willing. Reciprocity involves mutual recognition by participants of each other’s communicative rights and duties; all participants must play an active role as communicator and listener in a dialogue. Unlike a simple question and answer exchange that may require only a ‘yes’ or ‘no’ response, a dialogue is a sustained, purposive conversation, where participants contribute, engage with others’ contributions and respond accordingly. This type of exchange does not require participants to reach a solution or an agreement, but rather, implies ‘a certain mutual orientation toward progress in common understanding.’ (Brownlee, 2011, p. 58).

Implicit in the conditions of reciprocity and participants being recognised as reasoning agents are notions of fairness and equality. Brownlee (2011) argues that being equally active and empowered does not mean that each participant ‘must have and make use of equal space in the communications.’ (Brownlee, 2011, p. 58). In a dialogue, equal participation means that all participants have an equal rights to speak when they wish, that participants recognise each others’ rights to speak, and that all participants are heard and understood. For Brownlee (2011, p. 59), ‘Communication is not only an other-directed activity, unlike expression, but a *successful* other-directed activity. Communication is the successful transmission of data from a communicator to a receiver, which, in a dialogue, is done with the intention of eliciting certain kinds of responses from the receiver and of attending appropriately to those

responses.’ In addition, participants in a genuine dialogue need to be willing to take part, so that each participant’s contribution to the discussion is taken seriously. Effective dialogue cannot occur where duress or manipulation are present (Brownlee, 2011).

The above five conditions for genuine dialogue closely align with Bottoms and Tankebe’s (2012) proposed features of a legitimacy dialogue. Drawing on the work of Beetham (1991) and Coicaud (2002), Bottoms and Tankebe (2012) identified effectiveness, distributive fairness, procedural fairness, and lawfulness as some of the likely main elements of a legitimacy dialogue in a liberal democracy. These elements derive from three over-arching dimensions of legitimacy: legality, shared values and consent. Power is thus recognised as legitimate when it is acquired and exercised with adherence to established rules; that the rules of power and its exercise serves general interests and conforms to socially accepted standards; and subjects recognise authority through actions expressive of consent (Beetham, 1991). The power conferred on school staff to escalate truancy matters, for instance, is sourced from legislation, regulations and operational policies drafted by the Education Department. The consent dimension of legitimacy is not the focus of this dissertation. However, I will make the cursory point that, on Beetham’s (1991) analysis, the young people re-engaging in school, or complying with the law, following their participation in the ASEP FGCs, could be seen as them giving express consent to education authorities. Of primary relevance to my research is the shared values dimension.

### **2.3.2 Shared Values**

Tankebe (2013) identifies that on Beetham’s (1991) analysis, shared values serve numerous functions in the legitimation process, including: to ‘be a reference point for interpreting existing law ... specify and institutionalize the rightful source of power and define the qualities appropriate to the assumption and exercise of that power.’ (Tankebe, 2013, p. 110). Values ‘express the identity of society’ and authorities must therefore exercise their power in a manner that protects and promotes this identity. ‘Conformity with the law bestows legitimacy only to the extent that the law is an expression of recognised and accepted values—recognised and accepted by both those in power and those subject to it’ (Tankebe, 2013, p. 110; see also Coicaud, 2002)

In their discussion of the over-arching dimension of shared values, Bottoms and Tankebe (2012) define values with reference to Spates' (1983) review of the origins of the concept of values, where Spates discusses Parsons' (1951) notion of values – 'those moral beliefs to which people [appeal] for the ultimate rationales of action.' (Spates, 1983, p. 28, cited in Bottoms & Tankebe, 2012, p. 142). To establish whether or not power is legitimate according to shared values, Bottoms and Tankebe (2012) devised a three-fold test,: '(1) any given exercise of power must be derived from a valid source of legitimate authority within that society, (2) the power should be exercised in a manner that is considered justified in the context of that society, and (3) the exercise of the power must be seen to serve a recognizable general interest, rather than simply the interests of the powerholder .' (Bottoms & Tankebe, 2012, p. 143). Bottoms and Tankebe (2012) identify that shared values 'set limits that define the conditions within which legitimate power may be exercised (negative effects) and furnish those who hold power with rules and resources within which they can seek to realise certain societal objectives (positive effects)' (Bottoms & Tankebe, 2012, p. 143). Applying the above test to the truancy context, I first conjointly consider two out of the three questions – does society recognise legislation that affords schools power to prosecute parents for truancy as a valid source of authority, and does the exercise of power by schools serve general interests, rather than school interests?

### **2.3.3 Shared Values in the Context of Compulsory Schooling**

The notion of compulsory education originated in an address delivered to law makers by Luther nearly 500 years ago. He argued:

'Dear rulers ... if the government can compel such citizens as are fit for military service to bear spear and rifle, to mount ramparts, and to perform other material duties in time of war, how much more has it a right to compel the people to send their children to school, because in this case we are warring with the devil, whose objective it is secretly to exhaust our cities and principalities of their strong men' (Luther, 1524, cited in Zhang, 2004, p. 27).

Luther (1524, cited in Zhang, 2004, p. 27) urged the councilmen to have a vested interest in education for a city's 'best and greatest welfare, safety and pastoral care and strength consist rather in its having many able, learned, wise, honourable and well-educated citizens than in mighty walls and magnificent buildings'.

Zhang (2004) explains that '[o]ne of the hallmarks of the Renaissance movement, which was reaching Northern Europe in the sixteenth century, was the rebirth of learning.' (Zhang, 2004,

p. 27). The Christian Reformation activists industriously promoted universal education as vital to raising responsible young adults. At that time, most programs of instruction were conducted in religious institutions run by the Roman Catholic Church. Parents were reluctant to send their children to these training institutions, due to corruption and abuse among the clergy (Zhang, 2004; see also Botsford, 1993). In 1530, Luther wrote an open letter to parents, to convince his 'beloved Germans' that the spiritual well-being of their children trumped their physical comfort (cited in Zhang, 2004, p. 28). As Zhang (2005) notes, Luther (1530) believed that educating children was a 'God-given' responsibility of their parents' (Zhang, 2004, p. 28).

The proliferation of 'stay at school' campaigns and legislation swept the world during the late nineteenth and early twentieth centuries (Roarman, 1993; Supphen, 2010), and continues to grow and prosper into the twenty-first century. The popular view seems to be that school benefits children and attendance should be compulsory (Zhang, 2004). Governments have seen state education to be vital for rapid economic and industrial development; as necessary for instilling morality and discipline for young people to effectively participate in social, political and economic life; and perhaps as a substitute for the family (Carlson, 1998; Carper, 2000; McIntyre-Bhatty, 2008). On this view, acts of truancy are deviant or antisocial (Apple, 2000; Davis & Lee, 2006; Hoyle, 1998).

Zhang (2004, p. 28) describes holding parents accountable for their children's truancy as the 'modern dilemma' of compulsory education systems. Zhang (2004) refers to challenges to compulsory education presented by libertarian writers. Specifically, Zhang (2004, p. 28) noted that Botsford (1993) 'referring to John Calvin's doctrine ... considers that the modern schooling system was created by a sixteenth-century tyrant and religious maniac to prevent his barbaric religious and political doctrine from exposing to free market in ideas' (see also Richman, 1994). Such arguments reflect the view that schools are not the dominant and privileged site for learning and the indoctrination of appropriate systems of values, problematizing the paternalistic view that professionals know best (see Clarke & Newman, 1997; Ivatts, 2006; Lauchlan, 2003). From this angle, truancy might be more accurately seen as 'quasi-conformist: as a reflection and albeit an extreme enactment of a commonly felt dissent' (McIntyre Bhatty, 2008, p. 377). Or, as expressed by Southwell (2006, p. 93), acts of truancy constitute 'the resistance of an oppression, a criticism of certain aspects of our schools ... connected to our powerlessness to effect change'.

The libertarian perspective clearly delineates the fact that compulsory education laws are not universally accepted; indeed, their legitimacy, and the legitimacy of the power and authority they vest in school administrations to enforce them, is called into question. However, the recognition of education as a basic right for a child by international law (United Nations Convention on the Rights of the Child), and the overwhelming evidence concerning the multi-dimensional nature of the impact of truancy on individuals, families and society in general, (referred to in the introduction to this dissertation), suggests that compulsory education statutes are broadly accepted as valid sources of authority by citizens. Awareness campaigns surrounding truancy legislation such as EveryDay Counts in Queensland, It's Not OK to Be Away in Victoria, Every Child Every day in the Northern Territory, and All Starts at School in Western Australia, that are initiated by governments, aim to promote the importance of regular and consistent school attendance for children's well-being and positive future outcomes. Typically, sports stars, celebrities and past students are the faces of these campaigns to promote the interests of children, not the power-holder schools (Nitschke et al., 2013).

Although the benefits of school attendance are generally well accepted, the implementation of compulsory education law by schools and education departments is more contentious. As Nitschke et al.(2013 p. 13) put it: '[t]he negative institutional attitude toward prosecution and other punitive deterrent legal levers reflects uncertainty in the assumptions that underpin the use of punishment in response to truancy. More specifically, there seems to be a belief that punishing parents for truancy unfairly assumes parental failure causes truancy. Some also object to truancy relevant fines because they disadvantage families with the smallest disposable income' (see also Dickson & Hutchinson, 2010; Hutchinson et al., 2011).

TPP interventions can potentially counteract institutional negative attitudes towards using legal levers. In TPP approaches, police encourage and support the third party partners to use legal levers in a way that fosters willing compliance in the manner envisaged by Braithwaite (2006; 2011). I now turn to the third limb of Bottoms and Tankebe's (2012) shared values test: do schools exercise their power in a justified manner in the context of society?

In light of fundamental human rights that are internationally recognised, (e.g., equal participation in society, equality before the law), Tankebe (2013) argues that specific normative expectations of distributive justice, effectiveness, and procedural justice can be derived from Beetham's (1991) notion of shared values. Distributive justice and effectiveness



are focused on outcomes, while procedural justice focuses on processes. Distributive justice refers to perceptions that the outcomes of decisions (e.g., arrest, prosecution) are fair, and that such outcomes do not favour the rich over the poor, males over females and so on (Murphy & Cherney, 2011; Reisig et al., 2007; Tankebe, 2013). As an instrumental element, effectiveness refers to a demonstrated competence and capacity, on the part of power-holders, that they can fulfil their role, that is, to do what they are institutionally tasked to do (Jackson et al., 2015).

Effectiveness is also required for authorities to be seen as serving the general interests of society, that is, for legal authorities to establish that their power is normatively justifiable and justified. Establishing such power entails a recognition, by power-holders, that citizens have interests that merit consideration (Tankebe, 2013). In the education context, key instrumental concerns for families are that schools have the capacity to teach their children and keep them safe while at school. From the normative perspective, effectiveness refers to the recognition, by schools that families may need support around barriers that prevent school attendance.

Procedural justice refers to the notion that citizens place importance on the procedures used by authorities in reaching their decisions (Jonathan-Zamir, Mastrofski & Moyal, 2015; Paternoster et al., 1997; Thibaut & Walker, 1975; Tyler, 1990). Procedural justice is often referred to as a process-based model of regulation (Tyler & Huo, 2002). The process-based model suggests subjective judgments regarding the fairness of procedures can powerfully influence one's attitudes towards the institutions that implement such procedures (Gonzalez & Tyler, 2007; Tyler, 1990, 2003; Tyler & Huo, 2002). In addition, as Tyler (2006) argues, procedurally fair treatment conveys important information in terms of a person's status and value as members of society.

Procedural justice judgements encompass the quality of the process of decision-making and the quality of personal treatment (Reisig et al., 2007; see also Gau, 2011). The former relates to judgments of honesty, opportunities for representation, error correction, and unbiased decision-making. The latter refers to feelings of being treated as a human being, with respect, dignity and privacy (Sunshine & Tyler, 2003). Four key 'ingredients' are said to constitute these quality dimensions (Tyler, 2004; Murphy, 2008): an opportunity for citizens to be heard prior to an authority reaching a decision; authorities treating citizens with dignity and respect, perceived neutrality of authorities and trusting the motives of authorities (Tyler & Huo, 2002; Tyler, 2003).

Giving citizens a voice, or citizen participation, provides them with opportunities to express their views and opinions about decisions (Hirschman, 1970; Blader & Tyler, 2003; Higginson & Mazerolle, 2014; Mazerolle et al., 2012; Tyler, 2006a, 2008). Giving citizens a voice means that they have the opportunity to express views to authorities before they reach their decision and that their input is properly considered. Neutrality refers to notions of transparency, consistency, fairness and unbiased decision-making (Tyler, 2004, 2007). In procedurally just encounters between citizens and the police, for example, police officers demonstrate neutrality in their decision-making by clearly demonstrating that a citizen has not been profiled or singled out based on their race, gender, or any other characteristic (Mazerolle et al., 2012).

Treating citizens with dignity and respect refers to citizen perceptions that authorities take them seriously and display professional conduct (Tyler, 2004). Respectful treatment entails behaviours such as being courteous, speaking politely and respecting the rights of all people regardless of their social status during all interactions (see Murphy, 2009). The principle of trustworthy motives concerns citizens' perceptions that authorities are sincere, honest, and genuinely motivated to act in their best interests, and the interests of the general community (Tyler & Huo, 2002; Tyler, 2008). Tyler (2004) notes that lack of training and experience often inhibits citizens' ability to make assessments as to whether authorities (such as judges, police, doctors) are acting reasonably. Instead, citizens draw inferences as to what the intentions of authorities might be. 'Authorities can encourage people to view them as trustworthy by explaining their decisions and justifying and accounting for their conduct in ways that make clear their concern about giving attention to people's needs' (Tyler, 2004, p. 95).

Mazerolle and colleagues (see Mazerolle, Sargent, Cherney, Bennett, Murphy, Antrobus & Martin, 2014) highlight that procedural justice is underpinned by dialogue, or the spoken word. At the heart of procedurally just dialogue lies what power-holders say, how they say it and then how citizens interpret the language of the interaction. Drawing on the work of Glover (2007), Mazerolle et al.(2014) define dialogue as an open conversation between two or more people that is neutral, suspends opinion and results in a shared understanding. Discussions that revolve around dialogue can lead to a 'tough on issues but gentle with one another' approach that encourages participants to appreciate multiple points of view as well as their own (Glover, 2007, p. 61).

Mazerolle et al.(2014) draw on Isaacs’ (1999) concept of ‘dialogic leadership’ to emphasise the importance of structured dialogue between power-holders and citizens. ‘In dialogic leadership, the leader ensures that the dialog includes four elements: providing people with “genuine voice,” listening “deeply,” respecting others’ views as valid, and broadening awareness and perspective (Isaacs 1999, p. 2).’ (cited in Mazerolle et al., 2014, p. 35). The elements of a dialogue identified by Isaacs (1999) concord with the four key ingredients of procedural justice – voice, neutrality, dignity and respect and trustworthy motives. Mazerolle et al.(2014) thus assert that the job of the dialogue leader (i.e., the power-holder) is to structure the dialogue and insure it incorporates these four key principles of procedural justice. For Bottoms and Tankebe (2012) procedurally just dialogue is one component of a broader dialogue that involves ongoing claims to legitimacy by power-holders and iterative responses by citizens. Regardless of whether one considers procedural justice to be an antecedent or component of legitimacy judgements, Mazerolle et al.’s (2014) description of what constitutes a structured dialogue is applicable. They assert that a structured dialogue insures that the participants (i.e., power-holders and citizens) ‘follow a formalized process of dialogic exchange, focused on a specific problem with clear objectives and outcomes. ... the component parts need to be well defined, transparent, and involve active participation (with adequate representation, leadership, and capacity) and shared understanding.’ (Mazerolle et al., 2014, p. 35). In the following section, I demonstrate how Bottoms and Tankebe’s dialogic model of legitimacy can translate from concept to practice in the context of the interaction that occurs in the ASEP: a police-led truancy intervention, with a facilitated procedurally just dialogue at its core.

### **2.3.3 The ASEP: a Structured Dialogue to Communicate Shared Values, Goals and Purposes**

The ASEP intervention, founded on theories of TPP, restorative processes and procedural justice, sought to reduce truancy and associated delinquent behaviour. The ultimate goal of the ASEP was to achieve willing compliance with the law – to keep the young people and their families at the bottom of the regulatory pyramid of compliance. The police began working with the schools at the voluntary compliance end of the pyramid, and gradually worked their way up the pyramid in order to change the offending behaviour. At the core of the ASEP was the FGC, which provided a restorative framework to incorporate a structured

dialogue focused on cultivating positive perceptions of authorities to foster a genuine motivation for compliance.

Compliance involves interacting with choices to engage or disengage in one or more behaviours (Robinson & McNeill, 2008). Compliance may be observed as short-term (e.g., completing a probation period without breaching the terms of the probation) or long-term (e.g., not committing the crime again); formal (meeting the minimum expectations) or substantive (demonstrating complete commitment and cooperation) in nature (Robinson & McNeill, 2008). The aim of the ASEP is to achieve long-term, substantive compliance. The intervention is founded on the accommodative, or process-based model of compliance, argues that fair and cooperative processes work better to secure compliance (see Ayers & Braithwaite, 1992; Tyler, 2006b; Winter & May, 2001). This is in opposition to the deterrence model, which posits that compliance is shaped by implementing harsh sanctions and penalties (Kahan, 1999; Nagin, 1998). From the deterrence view, people's reasons for complying with the law are instrumental, based on self-interest and calculation (e.g., the risk of punishment is too high) (Jackson et al., 2011). The process-based model, followed in the ASEP, recognises that people comply with the law because it is the right thing to do; compliance is sustained by factors such as socialisation, moral reasoning, community context and social norms and networks (Jackson et al., 2011).

The ASEP FGCs provided a forum for a guided, child-centred dialogue to: (1) identify the main contributors to the young person's truancy, (2) convey the effects of truancy and communicate parental legal responsibility for school attendance, and (3) create an Action Plan to support families' efforts to re-engage the young people with school, and provide an opportunity to alleviate barriers to school re-engagement. The FGC facilitators led the dialogue, and it was their job to ensure that the dialogue had a clear structure and that it incorporated the four key principles of procedural justice – voice, neutrality, dignity and respect and trustworthy motives (see Mazerolle et al., 2012; Tyler, 2004). The ASEP sought to operationalise procedural justice in the following ways. In the ASEP, the young people, their families and other supporters were central to the intervention. These stakeholders were encouraged to be actively involved throughout the intervention. It was the facilitator's job to ensure their 'voices' were heard at all stages including identification of issues contributing to truancy, preparatory meetings, the conference, the development of the Action Plan and follow-ups. The ASEP process endeavoured to engage the young person and their parent/guardian/s in both identifying issues contributing to truancy and in deciding how to

resolve the truanting behaviour. Other agencies were present to explain the legal levers and resources that were available to the family (e.g., tutoring, youth mentoring programs). Available resources were discussed only if raised in the context of the FGC proceedings. The high level of engagement by the QPS, schools and other agencies on a case by case basis may have in itself conveyed to the young person and their parent/guardian/s that their difficulties or situation was taken seriously and not considered routine. In all cases, the QPS, schools and other agencies involved in the ASEP conveyed trustworthy motives to the young person and their parent/guardian/s and made clear that their goal was to help the student engage with education for their present and future benefit.

A key feature of all FGCs was the communication of the TPP legal levers. The school representatives were tasked with explaining to the young people and their parents/guardians the steps that schools are required by law to follow in response to noncompliance with the law. The Every Day Counts policy outlines the obligations of Queensland school staff generally. The ‘Communicate High Expectations of Attendance’ information sheet encourages school staff ‘to consistently reinforce attendance expectations to students and parents’ (Queensland Department of Education and Training, n.d.-a, p. 2). The ‘Provide Intervention and Support’ information sheet encourages staff to ‘Refer students to school support staff (e.g., guidance officers, youth support coordinators, chaplains or nurses) to identify reasons for absences/lateness and to develop practical strategies to improve attendance’ (Queensland Department of Education and Training, n.d.-b, p. 2). Therefore, while it is the responsibility of school principals and deputy principals (and attendance officers if schools have them) to implement the policies and procedures in the Education Department’s Policies and Procedure Register and the Education Act, the message is that everyone in the school community has responsibility for encouraging attendance.

The ASEP used Family Group Conferencing to enhance the salience of the available legal levers by incorporating Queensland’s compulsory education laws as a consequence within the Action Plan developed during the FGC. The Action Plan contained actions that the young people and their families (with the support of other agencies) could take to prevent the initiation and escalation of the legal levers (Mazerolle, 2014). The guided dialogue sought to increase the young people and their parents’ understanding of their responsibilities and the benefits of school attendance. The communication of the legal consequences sought to foster views of the law not just as a mechanism to punish for noncompliance, but expose the young people and their families to the positive intent or rationale behind the law; that is, for young

people to be educated and have a positive future. Therefore, truancy was depicted not as simply a violation of rules, but also as a behaviour that causes harm and can damage relationships. Improving attendance is the critical element, not the sanction imposed on parents by the state. The FGC process, as a mechanism employing procedural justice, aimed to develop informal and formal legal procedures that enhanced the influence of social values on the parents' and young people's law abiding behaviour (see Mazerolle et al., 2014; Tyler, 2006b). As Tyler (2006b) argued, '[t]his can occur because people become more connected to their feelings of responsibility to others in their community, because they become more motivated to follow their moral principles, or because they feel greater obligation to defer to societal authorities and institutions. (Tyler, 2006b, p. 315).

The ASEP FGCs also provided opportunities for relationships of trust to be established between the young people, their families and the school representatives. Hardin's (2006) relational theory of trust is applicable here. Hardin's (2006) theory presupposes an existing relationship between trustors and trustees, and argues that trust can be established and reproduced if both parties are invested in maintaining the relationship. An ongoing relationships of trust between parties requires a degree of knowledge and experience, on the part of the trustor, of the context in which the relationship exists, and the trustee to 'know something of the trustor to be able to anticipate their needs and priorities, and communicate the right intentions in relation to their interests.' (Bradford, Sargent, Murphy & Jackson, 2015, p. 3). Hardin (2006) emphasises the need for trust to be built and maintained in 'standard, recurring contexts' (Hardin, 2006, p. 3) 'within which the potential trustor learns through experience about the abilities and intentions of the potential trustee.' (Bradford et al., 2015, p. 3).

Hardin's (2006) ideas highlight the significance of the direct interaction between the young people, their parents and the school representatives in the ASEP FGCs. The FGC presents an opportunity for the transformation of the somewhat abstract notion of trusting the school as an institution, to an established connection between individuals, where each party commits to the ongoing development of that connection. A continuous working relationship between schools and families enables each to learn about the other and work together to build trust.

Jackson and colleagues (2012) suggest that trust in a power-holder or institution relates to a belief, on the part of the audience, that the power-holder or institution have the appropriate intentions and ability to perform particular tasks inherent in their role (see also Hough et al.,

2010; Jackson & Bradford, 2010; Jackson et al., 2011; Tyler & Jackson, 2013). Trusting a power-holder or institution involves making a set of assumptions as to how the authority will exercise their power in the future (Jackson et al., 2012; see also Bottoms & Tankebe, 2012). Jackson and colleagues (2012) argue that legitimacy is a broader characteristic of power. Therefore, trust leads to legitimacy. If the audience trusts the power-holder's intentions and in their abilities, the power-holder will be perceived as legitimate.

In their review of the trust literature, Jackson and colleagues (2012) identify two types of trust: instrumental and relational. The former refers to fiduciary trust and the link between trust and risk – perceptions of predictability and a willingness to keep promises (see Giddens, 1991; Luhmann, 1979). Tyler and Huo's (2002) concept of motive based trust situates trust in the expectations actors have of each other within specific relationships (see also Barber, 1983). Tyler & Huo's definition of trust concerns 'inferences about intentions behind actions, intentions that flow from a person's unobservable motivations and character' (Tyler & Huo, 2002, p. 61). It is, they note further, 'an estimate of the character and motives of others' and serves as the basis for predicting whether [they] will act reasonably toward us in the future' (Tyler & Huo, 2002, p. 62).

The ASEP intervention operationalised procedural justice in combination with restorative processes. Recall that Mazerolle and colleagues (2014) identified that procedural justice is largely about dialogue. Similarly, Presser and Van Voorhis (2002) identify dialogue as the key component of the restorative process; restorative effects are realised as the dialogue process begins (Roache, 2003; Zehr, 1995). Dialogue in restorative approaches enables processes of healing and repentance (Toews & Katounas, 2004; Zehr & Mika, 1998), but, all participants must feel comfortable to speak freely before these processes can take place (Sullivan & Tifft, 2005). A quality restorative intervention incorporates dialogue that engages all participants, is respectful, neutral and voluntary (Harris, 2003; Kuo, Longmire & Cuvelier, 2010).

In the ASEP, parties with a stake in the issue (truancy) were brought together to collectively resolve the situation and highlight the implications should truancy continue into the future (see Marshall, 1999). The FGCs were a mechanism to engage the young people, their family, school, local police and community to provide an opportunity for the young person to acknowledge the effects and consequences of their behaviour. The FGCs also provided an opportunity for relationships that may have been broken as a result of truancy to be restored.

Restorative processes that employ procedural justice principles present an alternative to focusing on consequences and punishment where stigmatizing blame and fault is placed on the young people (Morrison & Ahmed, 2006). The FGC discussion identified to the young people how others were affected by their truancy (see Hipple, Gruenewald, & McGarrell, 2011). Through school and police presence in the FGC, the young people received feedback about how truancy impacts on their current situation, future, family, school, and community. In line with the goal of restorative approaches, the ASEP intervention sought to increase the motivation of the young people to engage psychologically and behaviourally in society. As noted by Tyler (2006b) '[t]his engagement includes developing or becoming more committed to social values that promote self-regulation, and consequently adhering more closely to laws and social regulations in the future (Tyler, 2006b, p. 315). Hence the FGC process aimed to facilitate and enhance to reconnect the at-risk young people with their responsibility to their family, friends and their community, in the hopes that this commitment, in turn, would mitigate future noncompliance with the law (Braithwaite, 2002; Mazerolle et al., 2014).

The premise of a FGC is that parent/guardian/s of the at-risk young person, and their immediate communities, such as other family members and friends, should be involved in decisions about their children. By empowering the family to identify and solve problems, more positive outcomes are likely to occur (Harris, 2008). FGCs provides a catalyst for behavioural change by bringing family members together in a safe environment, where the emotional depths and realisation of harm can be explored, and a plan of action to address issues can be constructed. In the ASEP, the involvement of the police, the third party schools (the regulatory agency) and other support services helped 'provide the participants with an understanding of the legal consequences of the issue at hand and offer direct access to a range of support services and resources' (Mazerolle et al., 2014, p. 19).

'The efforts of police to build working relationships with the schools (the third parties), who have both a stake in the problem (truancy) and possess legal levers that can control the truancy problem, are hypothesised to create long-term capacities for maintaining the crime control gains' (Mazerolle, 2014, p. 360). Thus the role the third party school partners play in realising long-term truancy reduction objectives is communicating and activating (or escalated where necessary) their legal levers to address truancy, with the ultimate aim of long-term voluntary compliance with the law. Mazerolle, Bennett and colleagues (2017) expected that the TPP approach would lead to parents and young people better understanding the laws and consequences for noncompliance, and thereby be more motivated to willingly



comply with the law. They predicted that the ‘procedurally just engagement’ would be the mechanism by which voluntary compliance would be achieved. Research evaluating the ASEP to date appears to substantiate these hypotheses, at least in the short-term (see Mazerolle, Antrobus et al., 2017; Mazerolle, Bennett et al., 2017). However, there is no direct link between these results and the TPP approach that communicated the law in a procedurally just manner. More broadly, there is a general lack of clarity around the mechanisms that constitute an effective truancy intervention (see Bennett et al., 2017; Maynard et al., 2013). In this dissertation, I attempt to fill some of this gap. I outline my research agenda in the following section.

#### ***2.4 Present Research Objectives and Contribution***

There were two clearly defined goals of the ASEP FGC dialogue: to firmly establish the working partnership between police and schools, and to encourage a genuine motivation for behaviour change by the young people and their parents to reduce truancy (Mazerolle, 2014). Paramount to the success of the working partnership was a willingness, on the part of the school partners, to activate and escalate (where needed) the legal levers. In the context of the FGC, activation of the legal lever involved the school representatives communicating to the young people and their families, in a procedurally fair manner, the four-stage legal escalation framework that would be utilised in the event of continued truancy. The FGC forum created opportunities for the school representatives to engage in dialogue with families to communicate and reinforce shared expectations and responsibilities regarding school attendance (see Queensland Government, 2014).

In TPP, legal levers are identified and the regulatory pyramid provides a framework to understand the legal conditions that precipitate escalation in the legal levers (Mazerolle & Ransley, 2006). It is unclear in TPP as to the contextual factors that may influence the escalation of these legal levers. In this dissertation, I employ a qualitative research design through which I explore how the school representatives cultivate positive perceptions of the legitimacy of authorities, articulate the legal levers as part of that process, and how their messages appear to be received by the young people and their families to encourage voluntary compliance with the law.

As stipulated by the dialogic model of legitimacy, successful audience legitimacy depends on a power-holder's self-legitimacy; before the school representative power-holders can engage in processes of legitimacy building, they must first be assured that their claims to legitimacy are in line with society's shared values (Bottoms & Tankebe, 2012, 2013). Hence Tankebe's (2014) definition of power-holder legitimacy, otherwise referred to as self-legitimacy, as 'power-holders' recognition of, or confidence in, their own individual entitlement to power' (Tankebe, 2014, p. 3). within the dialogic framework, a vital element of any analysis of legitimacy within real-life context must be the responses by power-holders to audience perceptions of legitimacy deficits. Legitimation dialogues are continuous; 'it is a significant test for power-holders when it becomes clear that a relevant audience has rejected one or more aspects of their initial claim to legitimacy' (Nix & Wolfe, 2015, p. 14). Such circumstances require power-holders to make a revised claim to legitimacy, and perhaps a subsequent re-assessment of their understanding of their right to rule (Bottoms & Tankebe, 2012).

Recent scholarship in the policing context identifies three key factors that appear to impact on a police officer's self-legitimacy. These factors are interactions with supervisors, interactions with colleagues and interactions with the public (Nix & Wolfe, 2016). As Tankebe (2014) puts it, among frontline police officers, 'legitimation is upwards to supervisors, sideways to their colleagues, and downwards to citizens' (Tankebe, 2014, p. 8). Recent studies link a greater sense of self-legitimacy to a police officer's willingness to issue verbal warnings instead of threatening to use force (Tankebe & Mesko, 2015), extra-role behaviour on the part of police officers (Tankebe & Mesko, 2015) and police officers' commitment to procedural justice principles (Bradford & Quinton, 2014; Tankebe, 2014). In the ASEP FGCs, the school representatives may make comments that provide insight into their self-legitimacy, and may thus inform how they communicate the legal levers.

I propose that an analysis of the communication of the legal escalation framework by the school representatives, as part of the guided procedurally just dialogue in the FGCs will provide some much needed insight into the 'core ingredients' of a successful truancy intervention. In addition, research into the dynamics of the FGCs, where the third party school partners have a pivotal role, will advance theoretical knowledge and understanding of the role of and how third party partners, and legal levers, contribute to TPP approaches to crime control and reduction, and their long-term sustainability. I provide more details on the methods and findings of each of my studies in the proceeding chapters. I begin with my

contextual study, where I explore how schools activate and escalate the steps in the truancy legal process in the business-as-usual approach.

## **Chapter 3**

### **Study 1: Data and Method**

#### ***3.1 Introduction***

Prior research evaluating the ASEP assessed the impact of the business-as-usual approach to truancy and the TPP intervention, showing promising findings concerning short-term truancy and offending outcomes of the intervention. Compared to the control group participants, the young people allocated to receive the FGC had significantly reduced absenteeism and offending, and self-reported antisocial behaviour (Bennett et al., 2017; Mazerolle, Antrobus et al., 2017). In addition, the intervention increased parental awareness of the legal consequences of truancy, which had a moderating effect on their children's self-reported willingness to re-engage with school (Mazerolle, Bennett et al., 2017). The main focus of this dissertation is to understand the processes at work in the FGC intervention, specifically processes of legitimacy building, that are proposed to contribute to these positive outcomes. To contextualise the legal levers utilised in the ASEP TPP intervention, my research begins with a study of cases of chronic truancy that have progressed through the regulatory pyramid, escalating to a recommendation that the parents be prosecuted, to gain an understanding of how truancy legal levers are implemented outside the TPP framework. In this chapter I describe the data and analytic approach taken for this background study.

#### ***3.2 Data Access and Details***

Determining the number of parental prosecutions in Queensland is difficult because, like in many other jurisdictions, the prosecutions occur in lower courts, many of which do not keep recorded databases of their decisions (see Nitschke et al., 2013). Therefore, I could not obtain court records to analyse. With this in mind, with the assistance of my PhD supervisors, I initiated discussions with representatives, namely a Senior Policy Officer and a Principal Advisor within the Education Department in late 2014. They identified one school region in Queensland where prosecution referrals were particularly prevalent, and suggested that I consider obtaining school-based data pertaining to these cases. From these data, I could determine how the schools in this region utilised the policy steps preceding a case going forward to the prosecution stage.

In early 2015, with the assistance of my supervisors, I began negotiations with the Education Department's Research Services Branch to request administrative data pertaining to prosecuted truancy cases in Queensland. I submitted the research application to the Education Department in March 2015, and I received approval for access to data in June. The data for analysis were compiled by a Department representative and sent to me in stages during July and August. Compiling this information required a manual review of truancy cases that were referred for prosecution from the beginning of 2010 until June 2015. These cases originated from one Queensland school region that contains suburban and rural areas, and coastal resort towns. All files were sent to me in a de-identified form and did not include the names, addresses, dates of birth, age, gender or race/ethnicity of the individuals involved in the cases, or the names and addresses of the schools involved. In accordance with the University of Queensland's data management practices, the data were stored in a password protect folder on a secure network drive, with access limited to myself as the principle researcher and my PhD supervisory team.

The data for this study originate from the Education Department's OneSchool data management system. They comprise the briefing notes and records of contact relating to truancy cases that were submitted to the Education Department by schools in one region in Queensland from the beginning of the 2010 school year to 26 June, 2015. In total, the Director-general consented to refer fifty-five cases for police prosecution. Of these fifty-five cases, there were forty-six failure to attend cases (84%) and nine failure to enrol cases (16%). There were four cases in 2010, two in 2011, five in 2012, fourteen in 2013, sixteen in 2014, and as at 26 June, 2015, there were fourteen cases to which the Director-General consented to prosecute.

The aim of the briefing notes is to provide the Director-General with the necessary information to initiate prosecution proceedings, such as demographic details and family situation, the type of offence, (failure to enrol or failure to attend school), a brief outline of the school's interaction to avoid prosecution, and any excuses offered for noncompliance. In twenty-six cases (47%), no excuses for noncompliance were noted. The records of contact provide significant detail around the steps that schools took to engage with parents before making a decision to refer the case to the department. The amount of detail in these records is at the discretion of each school. All demographic details and the summary of each student's absences that was also attached to the case submissions were not included in my data set. The number of absences can be determined in eleven cases (20%), and these ranged from forty-

five absences over a four month period (approximately 60% of school days) to 287 absences over an eighteen month period (approximately 99% of school days). All demographic details and the summary of each student's absences that was also attached to the case submissions were not included in my data set due to Departmental privacy rules. This meant that I could not identify whether the cases under study were prosecuted, and whether or not they were successful. Nonetheless, the data to which I was granted access provided insight in to the decision-making process that led to the recommendation to prosecute, which is the sole aim of my research.

Case files are common sources of data for research on child maltreatment (see Huffhines, Tunno, Cho, Hambrick & Campos et al, 2016). In this context, case files are generally records that contain narrative descriptions and legal conclusions regarding the nature of children's experiences (Feiring & Zielinski, 2011). Reviewing case files produced by social service agencies enables researchers to determine the presence and extent of maltreatment. Case files are highly useful sources of information for researchers, because they comprise reports of alleged maltreatment made to child protection agencies by mandated reporters and anyone who may have interacted with children and their families, and subsequent details of the investigations and the conclusions drawn (DePanfilis, 2006).

Huffhines et al (2016, p. 256) point out that case file data can provide detailed, 'externally validated information' that spans a number of years, and hence are devoid of any presence of social desirability bias that is commonly found in self-report data (see also Greenhoot, 2011; MacMillan, Jamieson & Walsh, 2003). Research demonstrates that case file data enable rigorous exploration of the various facets of child maltreatment, and relevant predictors and outcomes (see Brownell & Jutte, 2013; Green, Ayoub, Bartlett, Furrer, Von Ende et al, 2015). Similarly, the case file data used in my research chronicle the history of a child's truancy, and steps taken to mitigate barriers to school engagement; the records begin at first point of concern, that is, where a child is exhibiting a particular pattern of absenteeism, and end at the point of a recommendation to prosecute. Therefore, case files are the most appropriate data sources for my study, because they provide a rich account of the utilisation of truancy legal levers in the 'business-as-usual' approach to addressing truancy.

### ***3.3 Analytic Approach***

The data sent to me by the Education Department comprised a briefing note and record of contact for each of the fifty-five cases in rich text format (RTF). At this juncture, I believe it is both necessary and appropriate to disclose that I am totally blind. What this means in the context of conducting research is that I rely on screen reading software (specifically JAWS for Windows) and braille to read materials and write documents. Due to my blindness, I faced some challenges in terms of how to best analyse these case files. All of the briefing notes were accessible to me, however the records of contact were presented in tables. While I can read tables easily enough with my screen reader, tables are inherently visual. I cannot make sense of tables in the same way as a sighted person. Therefore, I needed to transcribe the tables into a more manageable form. I collated the tabled information into a Microsoft Word document, and asked peer researchers to check it for accuracy. In this document, I assigned an identifier to each case, which included the year and a letter of the alphabet. For instance, for the sixteen cases in 2014, the cases ranged from 2014A to 2014P.

I then developed a Microsoft Excel spreadsheet that closely followed the briefing note template. For each case, I summarised the data in the following terms: the year of referral, the case number, offence (failure to enrol or failure to attend), absence duration, (the dates from when the case started to the date of referral), surrounding circumstances, excuses for noncompliance, interaction to avoid prosecution, and results of school interaction. This spreadsheet revealed the following information.

There were noticeable differences in the time period between the first point of school interaction and the submission to the Director-General by the schools. In thirty-three of the cases (59%), there was a maximum of six months of attempted school interaction to avoid prosecution. The majority of the 2014 case referrals fell into this group. The remaining twenty-two cases involved seven months or more of school interaction. In five of those cases, schools attempted to interact with families for over a year. There was great diversity in the population of cases; each case presented with unique issues and therefore could not be categorised around any common characteristics. Reasons given for non attendance related to school bullying, chronic illness, not liking school, difficulty with schoolwork, anxiety and an inability to cope in classroom situations, financial hardship, and children exhibiting behaviour that was beyond their parents' control (including refusing to attend school). In the

twenty-six cases where reasons for noncompliance were given, these types of reasons always appeared in different combinations for each case.

Schools endeavoured to encourage compliance by offering to implement a number of different supports where needed. In every case, as required by the Education Act, there was an invitation to attend a meeting to discuss attendance (sometimes more than one invitation). The child-centred supports that were offered/provided included behaviour management, learning support, educational alternatives to school and/or flexible return to school arrangements, assurances that in-school bullying incidents would be addressed, support from guidance officers, teachers, school chaplains and teacher aids. The supply of school materials, meals and public transport assistances were offered to children of parents in financial difficulty. Schools offered parents external support for behaviour management at home, advice and/or application forms for parenting courses, assistance to arrange medical appointments and police intervention. Parents were reminded of their legal obligations informally wherever possible, to supplement any official notices sent.

The 'results of school interaction' component of my spreadsheet suggested that parents seemed not to engage with the supports offered by schools. Meetings were only attended in fourteen of the fifty-five cases. Phone calls from the schools were frequently unanswered, and many parents failed to attend scheduled meetings. When school staff were able to speak to a parent, an excuse for the truancy would generally always be provided. Where meetings took place, there would either be minimal improvement in attendance for a short period of time, or no improvement whatsoever. Any commitments made by parents in relation to improved attendance were never followed through.

The briefing notes and records of contact were generated by schools for a purpose: to chronicle the progression of each case, and the steps taken in attempts to engage with families. The records also conveyed to the Director-General of the Education Department that despite their best efforts, the parents would not cooperate or comply. In the majority of cases, it was difficult to discern exactly how the engagement by the schools was carried out. In these cases, the records primarily contained dates and the types of contact. In five cases, the deletion of demographic details made it unclear as to who was involved in the events that occurred, creating confusion around the steps taken to progress these cases. I identified fourteen cases that contained enough detail for analysis, that is, the cases illustrate how families are engaged, and the legal levers utilised, outside the TPP framework.



I took a narrative inquiry approach to the fourteen cases I identified for analysis. The analytic process I used produced a ‘storied account’ of these records. A narrative inquiry approach aims to produce knowledge of situations (Polkinghorne, 1995); for my purposes, knowledge of how TPP legal levers pertaining to truancy are utilised outside the TPP framework to gain compliance. The narratives I generated detail each case from the very first point of school contact, right through to a recommendation to prosecute. Where possible, I used the words of the school administrators who recorded the data in producing the narratives. My aim was not simply to describe the events that occurred, but rather, to interpret and make sense of the events through the lens of Bottoms and Tankebe’s (2012) dialogic model of legitimacy, where power-holders (the schools) make claims to legitimacy, and the audience (the parents) respond. Each step in the case progression through the legal escalation framework constitutes one claim-response dialogue between the schools and parents. I elicited the narratives from the case files to capture the entire story of how each case progressed from the bottom to the very top of the regulatory pyramid. Taking a narrative inquiry approach allowed me to consider each claim to legitimacy by schools, and the parents’ responses – the ongoing dialogue of legitimacy. In the following chapter, I present the results of my analysis.

## **Chapter 4**

### **Study 1: Findings**

#### ***4.1 Introduction***

Prior to the development of the ASEP, the police and third party school partners believed, anecdotally, that truancy laws were being implemented in a haphazard manner, and that the laws were perceived to be ineffective for reducing truancy (Mazerolle, Antrobus et al., 2017). The ASEP therefore sought to increase the legitimacy of the truancy laws in the context of a restorative and procedurally-fair intervention. The ASEP intervention included participation in a FGC, where topics such as the benefits of school attendance, and the schools' particular concerns for young people, were discussed to encourage willing compliance (Mazerolle, Bennett et al., 2017). In this chapter, I present findings from a narrative analysis I conducted of files pertaining to cases of chronic truancy that reached the point of a recommendation to prosecute. The purpose of this preliminary study is to gain an understanding of a progression of a truancy case through the steps of the regulatory pyramid, to demonstrate how schools utilise the steps of the truancy legal process in the 'business-as-usual' approach to addressing truancy. I first recap the steps in the pyramid as they pertain to truancy. I then present the results. The case examples were selected for analysis specifically because they contained detailed descriptions of dialogue between parents and school staff, thereby enabling a comparison between family-school interactions in the 'business-as-usual' approach to addressing truancy, and the FGC dialogue in the ASEP intervention.

#### ***4.2 The Truancy Legal Process: A Recap***

Throughout this dissertation, I have made reference to Ayers and Braithwaite's (1992) regulatory pyramid, and explained how it reflects Queensland's education policy and legislative process. Ayers and Braithwaite (1992) suggest that it is desirable for regulatory agencies to do everything possible to obtain compliance through persuasion, education and imparting knowledge. They also argue that any escalation through the regulatory pyramid should be undertaken with care and with opportunities for the targets to self-regulate and comply with the law of their own free will. In the compulsory school attendance context, the regulatory process begins with informal and personal approaches to encourage compliance,

that is, a student's attendance. For instance, a child's class teacher might make a phone call to the child's parents in response to three days of absenteeism, to check in with the family and offer assistance where needed. The legislative process for non-attendance outlined in the Education Act is only to be activated as a last resort (see Queensland Government, 2014). This is a four stage process, involving 1) an information notice issued to the parents, reminding them of their legal obligations around their children attending school, 2) a formal attendance meeting initiated by the principal (these meetings were attended in only 14 of the cases in the sample), 3) a warning notice of impending prosecution and 4) the final step of a recommendation to prosecute. In the following subsections, I provide insight, using seven case examples, into how the above regulatory process is implemented in practice. I draw on these insights to highlight the significance of my Study 2 findings in the final chapter of this dissertation.

### ***4.3 Case 2014G***

Case 2014G highlights how there can be difficulties with parent engagement in the regulatory process at each stage of the process. It involved a child in the sole custody of his mother following his parents' divorce. His absenteeism on the first three consecutive days at the beginning of the 2014 school year raised concerns for the school<sup>2</sup>. The three months of attempts to encourage compliance began with an unspecified number of unanswered phone calls to the mother in early February. Messages were left expressing concern about the emerging pattern of absenteeism, and reminding the child's mother about her legal obligation to ensure attendance. The principal managed to reach the mother by phone on 19 February. At this point, the child had missed ten days of school, which amounted to more than half of the school year so far. The principal mentioned the 91 absences in the previous year, (almost 50% out of 193 school days), and cautioned that the more he stayed away, the less motivated he would be to return to school. On that day, the child's mother said that he had a sore stomach. She also said that she did not have the funds to purchase books for school. The principal agreed to organise for the child to be supplied with all necessary materials (case 2014G, record of contact 19 February).

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<sup>2</sup> The Australian school year runs from the end of January to the beginning of December.

The absences continued, and the school issued an information notice on 5 March. In response, the mother contacted the principal. She said that because she and her husband had divorced, she was experiencing personal and financial difficulty and could not afford to provide school lunches. The school chaplain agreed to organise for the provision of school lunches. Teacher aid support was also offered and the mother readily accepted. The principal reminded the mother again of her legal responsibilities, and advised her of options of formally applying for home schooling (see Education (General Provisions) Act 2006 (Qld), Chapter 9, Part 5, Chapter 10, Part 1, Chapter 11; Department of Education and Training, Policy and Procedure Register: Home Education in Queensland, Version 4.0) (case 2014G, record of contact 7 March). The warning notice was issued on 31 March. The mother never responded. The record of contact indicates that the principal made two attempts to contact the mother in early May before submitting the case to the Education Department for prosecution.

The claim-response dialogue in this case began with several claims to legitimacy by the schools before there was any response from the parent. The voicemail messages left in early February, reminding the mother of her responsibilities, indicated that the school was concerned about non-attendance, and the principal was attempting to convey the importance of education and parental responsibility. The mother's reference to her financial circumstances constituted her eventual response to these claims, and by providing school materials, the school demonstrated a willingness to enhance the mother's capacity to send her child to school. In other words, the school was willing to act in a way that they believed would aid compliance, as opposed to simply reminding the mother over and over again of her obligations. By way of response to these revised claims to legitimacy, the mother failed to engage, and the child did not return to school to receive any of the supports offered.

In the next claim-response scenario, (i.e., the information notice and the mother's phone call), the school appeared to be willing to do even more to support parental compliance. Not only did they offer additional support, but they explained how the mother could fulfil her obligations by registering the child for home schooling. In this situation, the school, while adhering to their claim that the law around compulsory school attendance is legitimate, adjusted their own claim to be a legitimate institution in acknowledging that the child attending that particular school was not the only way forward. Part of the school's claim to legitimacy in this case involved an assumption that if they put in effort to aid compliance, then a parent should follow through on it. The situation here concerned a mother who told the school she is experiencing personal, and financial, difficulties following her divorce. The

record of contact detailed the interactions that occurred between the mother and the school, but provided minimal insight into the type of relationship that existed between them and the dynamics of the interactions. Therefore, it was not possible to speculate as to the extent to which the mother perceived she could participate in finding ways to overcome her financial situation and its impact on her child's schooling. There was no evidence that the mother put forward any suggestions herself, and so it is possible that the solutions around the provision of school materials, lunches and teacher aid support were put forward solely by the school. It was however evident from the record of contact that while the school appeared to be prepared to offer support around the material concerns – the lack of school supplies and nourishment during the school day – paying no mind to any deeper, underlying issues that may stem from the mother's personal difficulties.

#### ***4.4 Case 2014P***

Case 2014P is an example of a case where it appeared that the child's welfare, at least as far as concerns her education, was at the forefront of the school's decision-making process. The briefing note indicated that the child was enrolled in school later than she should have been, and the authorised officer expressed concern about her educational progress as a result. These factors were referred to as possible causes of truancy (case 2014P, briefing note point 5).

Over an eight month period, the child had 104 absences (71% of school days). The mother in this case proved very difficult for the school to contact. The record of contact indicates that there were at least five attempts, either by phone call or an informal letter, to contact the mother to no avail between 19 February and 30 March 2014. The formal information notice was issued on 31 March. In response to the information notice, the mother attended a meeting at the school on 4 April. According to the record of contact, the meeting proceeded as follows (see case 2014P, record of contact 4 April). The deputy principal first reminded the mother of her legal obligations in relation to school attendance. Then 'support was offered by the school to get resources ready' (case 2014P, record of contact 4 April). The mother said that the child saw spirits and when she tried to tell other children, they teased her and would not play with her. The record of contact indicates that this had not been substantiated by the child's class teacher.

The deputy principal then advised the mother that the child needed to attend school to make age appropriate friends. The mother went on to explain that she herself was suffering from

depression and experiencing some difficulties with her ex-partner who had resumed living with the family following a period of separation due to domestic violence. She said that there was no more violence in the home and that she and her partner do not argue in front of the child. The deputy principal then responded, according to the record of contact, by saying:

‘if [child] is at school then there is one less thing [mother] needs to worry about and she can use the time to go to the doctors’ and sort her personal problems out. ... [mother] had to start being the parent and enforcing attendance’ (case 2014P, record of contact 4 April).

The deputy principal then offered help to make the necessary appointments for a referral to a paediatrician and to make a visual timetable to assist the child in preparing for school. The meeting ended with the mother accepting these offers.

Like in case 2014G, the above recount of the interaction between the deputy principal and the mother in case 2014P demonstrated no evidence of the mother having any input around the strategies devised to improve her child’s attendance. The conversation appeared to start with the deputy principal discussing the mother’s legal responsibilities and offering support. The mother’s concerns about bullying seemed not to be addressed by the deputy principal because the child’s teacher had already investigated the situation. The claim-response dialogue that took place in this scenario seemed to suggest that the school viewed the parent as the problem, or at least part of the problem. The mother was advised to ‘start being the parent’ (case 2014P, record of contact 4 April), that sending the child to school would benefit both the child and the mother, and then more supports were offered. Alleviating the concern over school attendance was assumed to lead to the mother’s ability to sort out her other problems. Additionally, there seemed to be an assumption, on the part of the school, that school attendance was a significant concern for the mother and that it was a top priority for her to be resolved. The child attending school would make life easier for everyone in the family.

The attendance meeting referred to above appeared to lead to improved attendance, at least for a while. On 22 April, the school’s guidance officer called the child’s mother to say ‘how great’ it was to see the child attending school, and to arrange a meeting with the mother to discuss how the child was progressing at school (case 2014P, record of contact 4 April). The mother attended a meeting with the school’s guidance officer two days after this phone call. She said that she had not yet made an appointment for a referral to a paediatrician. The guidance officer suggested the mother attend a parenting program, and the mother filled out an application form at the meeting.

In the following months, however, as the absences apparently worsened again the record of contact indicated that the school attempted contact on 21 and 27 May before issuing a warning notice on 10 June. The school attempted contact twice more before the mother returned their phone call. The mother explained that the child was having spiritual problems and became depressed when her fellow classmates do not understand her. She indicated that Child Safety Services had been working with the family and reported that they agreed that the problems were spiritual. The member of staff responded that that was not a valid reason for non-attendance, and that there was a process that the school had to follow in cases where students were not attending school. They arranged a meeting to discuss attendance for the following week (case 2014P, record of contact 13 June). The mother did not attend this meeting, and it appears that she was not able to be successfully contacted until 16 July. At this time, the mother advised that she was looking into the possibility of relocating to live with some family members, and that she would enrol the child in a new school as soon as she had relocated. The school advised that the child's enrolment at the new school would also be monitored. Five days later the mother called to say that she had decided not to relocate.

More attempts were made to contact the mother over the next four days before the school requested assistance from the school-based police officer, who unsuccessfully visited the family home on an unspecified number of occasions. The police officer recommended that the school submit a report to Child Safety Services to prompt them into action, as they had long-term involvement with the family. A police constable also made a home visit and spoke to the mother's partner on one occasion. The mother's partner said that the mother had taken the child away and was not sure when they would return (case 2014P, record of contact 30 July).

On 20 August, a member of staff reached the mother by phone and advised her that they were at the final stage of recommending her for prosecution. The mother said that her uncle had died and that the child would return to school the following week. The member of staff told the mother about the many attempts the school had made to contact her, and that the police had visited the house. The mother claimed she was unaware of any attempts to contact her and had never been spoken to by police. The mother said a social worker would contact the school to arrange a meeting. The member of staff outlined the different excuses that had been given for the absences, the number of absences the child has had and how this impacts on her learning, and reminded the mother of her legal obligations. The mother was told that if the child did not return to school the following Monday, the school would proceed with the

recommendation. The mother said she understood that the school had processes to follow and she was 'happy' for them to do what they needed to do (case 2014P, record of contact 20 August).

The final dialogue in case 2014P between the school and the mother points to a sense of powerlessness against the school on the part of the mother; she could not comply and at the same time she recognised that she could do nothing to stop the legal processes from escalating. Overall, there seemed to be little recognition by the school of the position of the child's mother in terms of what she believed was best for her child, and her knowledge of her family life and environment. The school did not appear to encourage the mother to participate in decision-making and when she appeared to be advocating for her child, members of staff seem to respond by explaining to the mother what her role and responsibilities were. The evidence presented in relation to this case gives the impression that during all interactions between the mother and various school staff, staff heard the mother, but did not listen to her; the mother's voice was not taken away, per se, but she did not seem to be able to participate in meetings in a meaningful way, with all suggestions for overcoming barriers to attendance being put forward by the school, as in the previous case presented (case 2014G).

In contrast to the record of contact for case 2014G, the record of contact for case 2014P provided more insight into the power dynamics between the school and the parent, particularly between the parent and the deputy principal. The interaction that occurred in the meeting on 4 April between the mother and the deputy principal presents as a situation where it appeared that the deputy principal was talking at the mother, rather than with the mother. The deputy principal appeared to prefer to engage with her staff rather than the parent, specifically in relation to issues of bullying. An appropriate course of action in this situation might have been for the deputy principal to have invited one of these members of staff along to the meeting to discuss the bullying with the child's mother, creating an opportunity for an open, transparent discussion. On the other hand, the presence of another authority figure in the meeting may only have served to enhance the power imbalance between the mother and the school. There was no evidence that the deputy principal genuinely cared or was concerned about the family's circumstances – the focus was all on the child attending school and the benefits associated with that. During the meeting the mother communicated some very personal and private information in what appeared to be a situation where she was given no respect; the mother was positioned as the sole cause of her child's non-attendance, a process of blaming the mother, rather than a situation where the deputy principal could work



with the mother, as a valued member of the broader school community, to improve attendance.

#### ***4.5 Case 2014J***

Case 2014J provides a further illustration of the challenges of engaging with parents in the regulatory process. The truant child in case 2014J lived with his mother and three siblings. The briefing note for this case indicated that the child's siblings regularly attend school. The school recognised that attendance was a problem right from the beginning of the 2014 school year, and attempted to encourage compliance over a three month period. In the previous year, the school successfully actioned a number of external support services around engagement with learning and support for youth at risk, as well as parenting and behaviour management support for the child's mother. The record of contact indicates that there were several attempts to contact the mother by phone. A member of staff reached her on three occasions. On the first occasion, the mother hung up midway through a conversation about re-engaging in the support program for at-risk youth. This conversation also revealed that the mother was no longer taking the child to the out-of-school positive learning program that the school had arranged in the previous year (case 2014J, record of contact 6 February). On the second occasion, a member of staff told the mother that the child had been sent to the behaviour room, where he said,

‘You don't have to talk to me after today because when I get home tonight I'm going to hang myself’ (case 2014J, record of contact 13 February).

The mother expressed concern about this statement, but was pleased to hear that the positive learning program was still an option for him. There are no details as to why the child was sent to the behaviour room. The third conversation related to the child possibly engaging with a police-led community organisation that works with young people. The mother said she thought he would say no but she would try to talk to him about it (case 2014J, 18 February).

On 19 February, a conversation occurred between the child and a member of staff about trusting adults at school and the child was advised that the guidance officer is always available should he need to speak with someone. It appears that on that same day, the child was suspended for a month due to an unspecified behavioural incident. When the school contacted the mother about the suspension, she hung up straightaway. The child failed to return to school after the suspension. The school attempted to contact the mother, leaving a

voicemail message. On 27 March, the information notice was issued, and the school phoned the mother to notify her of this fact. A meeting was scheduled for 2 April. On that day, the mother phoned the school to say that she would be unable to attend the meeting and would send a representative. She informed the member of staff that the child was refusing to attend school and she found it too much of a challenge to insist on his attendance. She also indicated that the child was willing to re-engage in the positive learning program and she would make inquiries herself to that end (case 2014J, record of contact 2 April). At the meeting, the mother's representative said that the child was scared to come to school as he believed there were two students who wanted to hurt him. The people involved in the meeting discussed various in-school and external supports for the child, including a flexible timetable that would enable the student to attend school in a part-time capacity (case 2014J, record of contact 2 April).

The child did not return to school after a month, and again there were many attempts to contact the mother. At least one of these attempts was made by the school's guidance officer, with a view to discussing support options for the mother and the child. In response to a phone call from the school following the issue of the warning notice, the mother attended a meeting at the school. She said the child was refusing to come to school and she did not know why. The member of staff she spoke to suggested a change in school or home schooling as alternatives if the child was having issues with other students. The mother was told she had 15 days to either enrol him elsewhere or ensure his attendance or she would be recommended for prosecution (case 2014J, record of contact 15 May). Just before the 15 day time frame lapsed, the child was picked up by the police for loitering outside another school. The police officer took him to the school where he was enrolled but he refused to go to class and put on the uniform, and so he sat in the office all day. Neither the police nor the school could contact the mother at this time (case 2014J, record of contact 28 May).

Statements in the briefing note for this case seem to suggest that the school believed that if the parent would make more of an effort, the child would attend school. To justify why the mother did not have a 'reasonable excuse' for failing to ensure attendance, the briefing note stated:

[mother] has made no effort to engage with external support services to ensure [child] is able to attend a recognised program. ... has not engaged in help offered by the school's guidance officer ... is either unable to be contacted for support or uncooperative when external support services have been actioned in an endeavour to ensure [child] is able to attend a recognised educational program. [Mother] previously agreed to a flexible arrangement to get [child] to

attend school in a part-time capacity, but has since stopped picking him up as agreed. This was a factor that led [child] to beginning to refuse to attend as he said his mum wouldn't come and get him when he needed to go home.' (case 2014J, briefing note point 21).

The briefing note also outlines all of the external supports offered and states that the mother either 'stopped accessing' or 'refused' the support.

The quotes above suggest that from the school's point of view, the mother in this case presented as uncooperative and unwilling to put in the necessary effort to ensure that her son's school attendance improved. The above extract from the briefing note suggests a level of frustration with the mother exacerbated by the fact that for the most part, they could only interact with the mother if they initiated contact. The fact that they reached the point where they gave the mother 15 days to comply before they recommended her for prosecution suggests that the school saw the situation as the mother's problem and it was her responsibility to deal with it in a way that amounted to compliance with the attendance laws. The school offered a wide range of supports and it was then up to the mother to accept and comply. The briefing note stated that a contributor to the truancy was an unwillingness on the part of the mother to play her role in the flexible school attendance arrangement. Implicit in this assertion is a belief that the child is willing to attend school, and therefore, the mother was to blame for his non-attendance.

The above illustrations show that parents seem to have minimal involvement in decision-making around the supports offered by schools in response to issues that parents have identified as contributing to the truancy. The evidence in the cases suggests that the schools have an expectation that the families will take up the solutions they present to them. Continued non-attendance and a failure to take up the supports appears to signal to the schools that the families are not interested in improving the situation. It would also appear that insider information carries more weight than accounts of a situation offered by 'outsider' parents. For example, when a teacher indicates that incidents of bullying have been investigated and resolved, that seems to be accepted. In the claim-response dialogue demonstrated in the schools' business-as-usual handling of truancy cases, the development of solutions seems to primarily be undertaken by the schools alone. These cases present situations where claims to exercise legitimate power, made by power-holders (schools) does not align with the shared values dimension of the dialogic model proposed by Bottoms and Tankebe (2012). The schools' claims to legitimate authority are premised on their legislative mandate to enforce truancy laws. The motivation behind the goal of improved attendance for

the schools is unclear; is it out of concern for the individual truants, or out of concerns that poor attendance rates reflect poorly on the school? What is apparent, however, is that whatever the goal or purpose is, it is not shared between the schools and the parents – they do not identify with each other, making it difficult for any cooperative engagement to occur. The cases presented thus far also raise the distinct, but related issue of trust; there seems to be minimal opportunity to build relationships of trust, to share a problem and collaborate to solve the problem. The next four cases further illustrate this point.

#### ***4.6 Case 2013B***

Case 2013B provides an example of a situation where parents appeared to have a lack of faith in the school's ability to handle medical emergencies that might arise. The child involved suffered from a chronic heart and lung condition. He had 90 school absences over a nine month period (55% of school days). He enrolled at the school in February of the 2012 school year, and within the first month, he was absent for seven (out of 21) days. Consequently, a member of staff made a phone call and spoke to the child's mother. The mother provided several excuses for the absences: the child was anxious about school, he was unwell due to mould in their house, and he had whooping cough and bad lungs. The member of staff suggested that the child work with the guidance officer to design a goal sheet where he would be rewarded for perfect attendance after the first five weeks following the Easter vacation. There is no record indicating whether or not this occurred (case 2013B, record of contact 27 March 2012). From that point of contact until August, there were no records of any interaction between the school and parents. A summary of the child's history attached to the briefing note indicates that there was one occasion where the child had presented at school unwell. A member of staff found him on the school oval. The child said that he felt dizzy but apart from that he was fine and wished to return to class. However, his parents were contacted and he was collected. In June, the school sent a letter out to all families asking for updated medical information, to which (according to the school's records), the child's parents failed to respond. The only advice the school had was a document from a paediatrician informing them on what to do if the child presented with an emergency. The summary of the child's history also indicates that he spent four days in a hospital education facility in late July while tests were being run.

From August to October, two letters were sent and nine phone calls between the parents and school were recorded. During one of the phone conversations, the child's mother said,

‘[child] was left on the oval to die, do you really think I would send him there?’ (case 2013B, record of contact 20 August 2012).

and hung up the phone before the guidance officer had an opportunity to respond. In a later phone conversation, a member of staff spoke to the child's father. He said he intended on home schooling the child because the family were unimpressed with how the school had handled previous incidents in relation to the child's medical condition. The father said he had a university degree and believed he could keep up with the curriculum. He did not want to attend a meeting with the principal to discuss the situation (case 2013B, record of contact 4 September 2012). According to the briefing note, the school and parents engaged in numerous telephone conversations where the parents would repeatedly express their dissatisfaction with how the school handled their child's condition. They failed to follow through on the school's offer to formulate a medical plan for the child, and avoided attending any meetings at the school to discuss the situation. There were no responses to the information and warning notices issued in October, and the recommendation to prosecute was made in November.

The child's parents in the above example seemed to have an expectation that if they sent their unwell child to school, he would not be taken care of appropriately. The school took steps, that is, the letter to all parents requesting updated information, and offering to formulate a medical plan specific to the child's needs, to try and ease the parents' anxiety about their son's safety at school. However, the parents did not respond to these efforts in a positive way. Situations of potential medical emergency present risks to a child's wellbeing. The evidence seems to suggest that this child's parents believed the level of risk exceeded the amount of trust they could put in others to manage the risk. Their concern was apparent by the fact that they collected the child after he had been found on the oval, despite the child having told members of staff he wanted to go back to class. To them, the child being 'left on the oval to die' was a demonstration that the school could not respond to his needs appropriately. Apart from being willing to formulate a medical response plan in consultation with the parents, there was no evidence, at least from the data, that the school had this capacity.

To trust a person or an institution is to make a set of assumptions about how they (or it) will act in the future (Jackson et al., 2012). In the case at hand, the lack of trust on the part of the parents seemed to stem from perceptions of predictability and assessment of competence,

rather than on perceptions of motives and intentions. Their concerns seemed predominantly instrumental – that their child would be left unattended at school and therefore they must keep him home in order to survive. There were no shared social bonds, where the parents and the school could imagine, apprehend and influence the interests of the other (Tyler & Huo, 2002). The possibility that their child might die if he attended school appeared to result in a ‘paralysis of the will’ (Giddens, 1991, p. 3). The parents were perhaps so consumed by the sheer range of possible events that could occur that they could not bring themselves to place their child in such a situation. In other words, they could not tolerate uncertainty in these circumstances (Luhmann, 1979), and, because there did not appear to be an existing relationship between the school and the family, there were no mutual expectations that would make it possible for the school to understand what the parents would risk if they did trust it (Barber, 1983).

#### ***4.7 Case 2013G***

Case 2013G concerned a mother who feared that her child’s father, against whom she had a domestic and family violence protection order, would try and contact the child during school hours. The school attempted to encourage compliance over a three month period, from April to June 2013. From the beginning of the 2013 school year until 13 June he had 36 absences (36% of school days). In the previous year, he had been absent for approximately one quarter of the school year. The regulatory process started with an informal phone call from the principal to the mother in April, where the mother indicated that the child would return to school once the legal processes had been finalised with her ex-partner. The principal reminded the mother that it was important for the child to attend school regularly (case 2013G, record of contact 24 April). There was at least one more attempt at an informal phone call before the information notice was issued on 2 May. The warning notice was issued two weeks later.

In response to the warning notice, the mother sent an email to the principal. In this email, she claimed that her ex-partner was a ‘convicted violent and drug affected individual’ and that her child’s depression and anxiety was a direct result of witnessing and suffering under domestic violence. She said that if her child comes in contact with his father, he becomes ‘physically unwell, shaking and vomiting and extremely distressed’. The mother believed that the school made no effort to address her concerns about her ex-partner loitering in the school

grounds, despite her numerous attempts to contact the school to discuss the issue (case 2013G, record of contact 14 May). She did not respond to the formal requests for meetings, and failed to follow through in registering the child for home schooling.

The mother in this case appeared to be very unwilling to have any personal contact with school staff, preferring to communicate via email. The case files indicated that there was a domestic violence order against the child's father in this case. There is limited data in relation to this case from which to draw further conclusions. The mother was clearly concerned for her child's safety. However, it is not clear from the case files whether her concerns were due to her lack of faith in the effectiveness of the domestic violence order, a lack of trust in the school's capacity to protect her child, or both. While the record of contact showed that the principal offered to meet with the mother to discuss the issue, at no point did the principal offer any kind of support around the situation. It is possible, but we cannot know for certain, that the mother's fear of her ex-partner might deter her from going out, thus preventing her from coming to the school for the meeting.

#### ***4.8 Case 2010B***

All of the cases so far in this discussion have involved specific schools. In this next case illustration, the parent appears to be very disenchanted with the education system as a whole. Case 2010b concerned two children whose father refused to enrol them in an educational institution. The children's father claimed to be a registered teacher and was therefore capable of home schooling his children. Over a four month period, the authorised officer responsible for investigating the children's enrolment status attempted to encourage compliance. These attempts included three information notices being issued, each inviting the father to attend a meeting to discuss the situation. The father failed to respond to these letters. In response to the warning notice, he sent a letter to the Education Department. Extracts from this letter are below. The authorised officer made a phone call to the father in response to this letter. The call was quickly terminated as the father became abusive.

In his letter, the father recognises the value of education, but believes that educating children at home is preferable to attending an educational institution. He says:

'Numerous studies and anecdotal evidence support the fact that home education is a far superior way of educating children. Home educated children do far better later in life as adults as well. Many go on to university studies to become successful professionals.' (case 2010B, record of contact unspecified date).

In describing the Education Department's curriculum, he says:

'As a teacher with 23 years of teaching experience ... I have found [the education system] to be the worst; an absolute dismal failure. ... many students even after 10 years of schooling were still functionally illiterate. ... the so called 'education' leaves them unprepared to face modern life and all too often they end up on the scrap-heap of the unemployed and unfulfilled.' (case 2010B, record of contact unspecified date).

While the father certainly believes in the superiority of home schooling, he also claims that schools cannot be trusted to protect children from becoming victims of bullying. He says:

'Brutal bullying (kicks in the groin, punch in the face, head smashed against the concrete floor, etc.) have become common in our primary and secondary schools. When these are reported to the school and regional authorities nothing is done ... The authorities usually cite anti-bullying policies that apparently are in place. In place they might be, but they are totally ineffective... Same offences in the adult world would carry sentences between 2-6 years prison.' (case 2010B, record of contact unspecified date).

The father also mentioned in his letter that he knew of another parent whose child had been bullied in the way he described. That parent had defied the Education Department, putting her child's welfare 'above the callous law that a cold faceless bureaucrat was trying to enforce.' (case 2010B, record of contact unspecified date). He goes on to say that incidents of brutal bullying are constantly being reported in the media. He believes that teachers are powerless to act in ways that mitigate risks to children's wellbeing, stating that their hands are tied by 'archaic regulations'.

He ended his letter by suggesting that the aim of the bureaucrats who enforce compulsory attendance laws was not to promote the welfare of children, but to extend and maintain 'their bureaucratic empire'. He asserts that the Education Department has embarked upon a campaign to eliminate home schooling because it threatened this empire.

This father was not willing to defer to the directives of the Education Department, nor did he trust that the department was concerned with his family's wellbeing, and thought the Education Department incompetent. These attitudes translate into the father's choice not to obey; his statements suggest that he did not feel that he has an obligation to obey, but rather, felt empowered to challenge the authority. There was too much at stake to obey the law. He rejected the Education Department's claim to legitimate authority, and the legitimacy of the compulsory attendance laws that the department enforces, because he believed the exercise of power in this context served the interests of the 'empire' as opposed to the interests of children and their families. He did not believe in what the Department stood for (from his perspective), and seemed to take it upon himself to fight for the rights of his children, and all children and families subject to the system. He actively expressed his views in his letter, and



his actions, that is, not sending his children to school, or enrolling them in a department approved program of instruction, are an expression of a lack of consent to the department's authority.

It seems that the father's views are shaped by a number of factors: his interaction with other parents in the community, his reference to university studies, and the media. Negative coverage of incidents in schools by news outlets and social media (regardless of jurisdiction) presents a social climate in which the legitimacy of schools as institutions and the compulsory school attendance laws are being challenged (see Wolfe & Nix, 2015 for a discussion of media coverage of the police). Beliefs about the effectiveness of schools generated by the media and community interaction are beyond the reach of the Education Department's influence. The father's letter also indicates that his beliefs are shaped by past experience, primarily his 23 years of teaching experience. Thus, the father's interpretation of the Education Department's mandates and decision-making processes at the time the case was in progress could have been 'coloured by the mental frame imposed upon the encounter' from the outset by these prior experiences (Skogan, 2012, p. 276). Contact with power-holders alters the perceptions of citizens. These prior understandings can be derived either from individuals' personal encounters or from more general community experiences (see Brunson, 2007). In the context of procedural justice, Smith (2007) argues that it is just as important to consider the perceptions of the fairness of authorities of those who principally experience the authorities (in his case, policing and criminal justice authorities) through others, local rumour or gossip, or media representations, as citizens/involved onlookers. Bottoms and Tankebe (2013) argue that the concept of a legitimacy dialogue fits well with this type of evidence because in ordinary day-to-day conversations people routinely take into account their previous dealings with others and how much or how little they trust them.

Clearly, this father is very interested in education. The remarks in his letter are suggestive of a dislike for authority figures, and therefore it is possible that he may not favour the control the department is attempting to extend over him; the department requires that he register his program for approval, pointing to an assumption that there is a particular type of education for which we should strive. The father is interested in education, but not in the type of education that the department promotes.

#### ***4.9 Case 2015N***

Case 2015N involved 14 months of interaction between the school and the child's mother. The child enrolled at the school in the beginning of the 2014 school year, and attended consistently during first term. During that time, the child had left the family home and was living with a friend. The child's mother was concerned for the her daughter's welfare and safety and met with members of staff at the school to discuss the child's living situation. The mother raised concerns about the child possibly roaming the streets at night and that she suspected that boys visited the friend's house. She also disclosed that prior to living with the friend, the child had couch surfed and slept in a local park. Following mandatory reporting requirements, the school responded by requesting police and Child Safety involvement (case 2015N, record of contact 20 February 2014).

At a meeting with the school three weeks later, on 11 March, the record of contact states that the mother presented as accusatory and irrational, and made it known how angry and dissatisfied she was with how the school had responded to her concerns. In the case files, the school reported that the mother indicated that she did not trust the police, counsellors or community outreach support workers, believing them to be manipulative. The mother said she had set up the meeting with the school because she wanted them to change their practice (case 2015N, record of contact 11 March 2014). The child returned home at the end of first term (the beginning of April).

According to the record of contact, the child's truancy became an issue in the second term and in third term attendance fell away completely. The mother failed to respond to weekly text messages from the school and did not attend a meeting after the information notice was sent in. Towards the end of the third term, the warning notice was issued, and the mother came into the school for a meeting. At this meeting, the mother raised issues around bullying and harassment by students and members of staff, but would not provide specific details and indicated that she did not want any of the incidents she mentioned to be followed up. It is not clear from the case files who actually attended the meeting, but a flexible program of study and the provision of uniforms by the school was agreed upon to aid the return to school. The child was also urged to report any concerns she had with peers or members of staff (case 2015N, record of contact 16 September 2014).

The fourth term saw partial attendance as per the re-entry plan agreed upon, but attendance eventually declined completely. There was no contact from the child's mother until a second

warning notice was sent, where the mother responded with a letter revisiting issues that had already been resolved (from the school's point of view), and expressing an unwillingness to attend further meetings at the school (case 2015N, record of contact 27 November 2014). The child failed to return to school in first term of the 2015 school year. The school initially attempted to contact the child's mother by phone before requesting police assistance with the matter. The contact between the school and mother culminated in an email from the mother that stated,

'[child] doesn't go to that crap school which employs you. Refused to help last year, what has changed since then?' (case 2015N, record of contact 23 April 2015).

The above case example presents a contrast to the other cases discussed so far, in that the initial interaction between the school and the parent did not occur for reasons relating to truancy. The child's mother in this situation initiated contact with the school because of her concerns for her daughter's safety. Section 13E of the Child Protection Act 1999 (Qld) creates a mandate for schools to report any reasonable suspicions that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; or may not have a parent able and willing to protect the child from the harm (see also ss365 and 365A, Education (General Provisions) Act 2006 (Qld)).

The school had some legal responsibilities in this situation; once the mother made a presentation to the school that her child might be unsafe, members of staff were bound by legislation to report, prioritising the child's right to safety over the mother's right to privacy. The briefing note for case 2015N stated that as the school continued to attempt to encourage compliance, the mother 'became increasingly combative and disengaged from the school' (case 2015N, briefing note point 12). The evidence to this effect includes her admission, during the 11 March meeting, that she did not trust the police or support workers, her failure to respond to numerous attempts to contact her, and her request that the school not investigate any of the incidents of bullying that she mentioned in the September meeting. These facts also suggest that she does not trust the school's motives and intentions towards herself and her child. However, the only concrete evidence in that respect is her anger and dissatisfaction with the school's response to her concerns when the child was not living at home. My intent here is not to suggest that the school was wrong to report, but that doing so resulted in the mother's disengagement. There is no information about how the reporting issue was explained to the mother. The interactions between the mother and the school do not appear to lend themselves to mutual acceptance and understanding of multiple perspectives, or

agreement between the parties to the interaction (mother and school) as to how to best ensure that the child is safe and receiving an education.

Collectively, cases 2013B, 2013G, 2010B and 2015N present very concerned parents who appear not to trust in the abilities and the intentions of the schools involved. In the first example (case 2013B), the parents felt they needed to keep their son at home because they feared he might be left to die on the school oval. The mother in the second example case (2013G) believed keeping her son at home was the best way to protect him from his father. In the third example (2010B), the father chooses to educate his children at home to guard against potential incidents of 'brutal bullying'. In the fourth illustration (case 2015N), the mother's lack of trust in the school appeared to be a result of their response to her concerns. In contrast to other cases presented, the case files for case 2015N seem to suggest that initially she was willing to engage in dialogue with the school. In all these cases, the parents appear to want for evidence of a school's capacity to deal with their family's specific situations. A mother who had a domestic violence order against her ex-partner, for instance, might have very limited faith in the school's ability to protect her child from a violent father who might be loitering on school property. Perceptions of the fairness of the school's decision-making processes are likely to be of little relevance to a parent in such situations.

A feature of school responses common to all four cases was an invitation to parents to attend a meeting at the school to discuss attendance and surrounding issues. It could be argued that the business-as-usual approach to truancy relies on parents taking a leap of faith that schools will act in their family's best interests. On this account, parents would behave as if they 'knew for sure' that schools could keep their children safe and protect their interests and place trust in schools, regardless of their knowledge of particular members of staff. Taking a leap of faith reassures and enables action, because trust motivates a sense that help and support can be invoked if needed (Bradford, Sargent, Murphy & Jackson, 2015). The evidence presented in all of the cases discussed seems to point to a need for schools, parents and the children involved to build relationships of trust and conjointly develop workable solutions. Through these relationships, parents can learn about the intentions and abilities of schools. If there is commitment on both sides to maintain these relationships throughout a child's schooling, trust can be formed and reproduced (see Hardin, 2006).

#### ***4.10 Conclusion***

The above findings point to two key insights concerning the ‘business-as-usual’ approach to truancy. First, I found that parents in the cases that are subsequently referred up the regulatory pyramid for prosecution do not appear to be active in processes of help-seeking and problem resolution around their children’s truancy. Parents identified presenting issues, and then schools advised as to what is needed to solve the problems and offer assistance accordingly. Schools seem to assume immediate acceptance, uptake and compliance on the part of the parents. Conversely, schools also seemed to assume that the assistance they offered should be readily accepted by parents. Non-acceptance, in the school’s view, seemingly constituted noncompliance and warranted punishment. Second, the data suggest that there was an apparent lack of trust by parents in the schools’ abilities and intentions in keeping their children safe. A general limitation of the research conducted for Study 1 of this dissertation is that my analysis, and the conclusions I have drawn, are limited to the information provided in the school administrative data. For instance, schools in different areas may have internal policies and practices that might impact the reflections made here.

Overall, the results presented demonstrate that Queensland’s compulsory education policies and legislation operate in a top-down, linear fashion. The implementation process appears to involve one-way communication by schools to parents (that included officious reminders of legal obligations) that does not allow for an open discussion where all parties appreciate, and reach an understanding of, perspectives in addition to their own. The policies and procedures, from informal negotiations to the formal legal processes do not appear to create the capacity for collaboration between schools and parents to effectively engage with each other to address barriers to school attendance. Thus I do not observe the translation of Bottoms and Tankebe’s (2012) dialogic approach to legitimacy in the context of the enforcement of Queensland’s compulsory education laws. The schools, as the power-holders, do not communicate with parents in such a way as to convey commonality with the parents in terms of their children’s education and how to best achieve improved school attendance. The dialogic exchange between the power-holder and the audience should focus on a specific problem, clearly define outcomes, and provide opportunities for active participation and shared understanding (see Mazerolle, Sargent et al., 2014).

## **Chapter 5**

### **Study 2: Data and Method**

#### ***5.1 Introduction***

In the previous chapter, I considered prosecuted cases of chronic truancy that represent the business-as-usual truancy intervention in Queensland. I discovered that the business-as-usual model lacks opportunities for engagement through dialogue, and seemed to present impediments to willing compliance with the law. Two issues were apparent, namely, that families did not seem to be included in a meaningful way in processes of seeking support and problem resolution, and that parents did not appear to believe in the capacity of schools to ensure their children's safety.

I draw on the above insights to explore, in Study 2 of this dissertation, the operation of the truancy legal levers in the context of the ASEP TPP intervention. For Study 2, I use data generated from the experimental arm of the ASEP, a RCT designed to experimentally test the long and short-term impacts of a TPP truancy intervention on a sample of high-risk young people (Mazerolle, 2014). I analyse, at the micro level, the interactional dynamics of processes of cultivating positive perceptions of the legitimacy of authorities, that occurs in the context of a restorative FGC – the mechanisms that are hypothesised to bring about positive future outcomes of the ASEP. Specifically, in this chapter I explore:

- How the school representatives engage in processes of legitimacy building in the ASEP FGCs to encourage compliance;
- How the school representatives communicate the TPP legal levers in their processes of legitimacy building; and
- How the young people and their families appear to receive the messages conveyed by the school representatives in the ASEP FGCs.

In addressing the above research aims, I highlight the explanatory power of one pathway to legitimacy, that is, the dialogic approach espoused by Bottoms and Tankebe (2012). Bottoms and Tankebe (2012) argue that legitimacy is created and sustained by a 'perpetual discussion' between power-holders and citizens (see Chapter 2 for more background literature relating to the dialogic relationship of legitimacy). To understand the processes of legitimacy building

that occur in the ASEP FGCs, I adopt a narrative inquiry approach, where I employ an analytic process that produces a narrated account of the school representatives' communications and other participants' responses (see Polkinghorne, 1995). An exploratory, qualitative research design is most compatible with my research goals. An exploratory approach allows me to extend and clarify theoretical propositions put forward in prior research, as well as develop new ideas about how interventions targeting truancy can promote positive perceptions of legitimacy and provide a genuine motivation for school attendance. Qualitative approaches are especially useful for developing new lines of enquiry and can provide a window on mechanisms or processes that may be more difficult to elucidate using traditional quantitative procedures (Punch, 2005). A qualitative approach is ideal for the current research, because my aim is not to test theory, but rather to use theory to illuminate the multiple perspectives of individuals, providing deep, micro level insight into the research problem (Punch, 2005).

In the following sections, I provide further detail around the research data and articulate my analytic approach. I begin by describing the ASEP participants. I then outline the five stages of the FGC process, with particular emphasis on the role of the school representatives: the focus of the research for this dissertation. I then describe the data set, in the form of transcripts, generated from the FGCs and my approach to analysing these data.

## ***5.2 The ASEP Participants***

In the ASEP, 102 Participants were randomly assigned either to the control group which received the standard, 'business-as-usual' approach to truancy and an information pack (the Resource Group) or to the experimental group (the Engagement Group) which received the experimental intervention (Mazerolle et al., 2011; for further details on the process of random allocation of participants, see Mazerolle, Antrobus et al., 2017). Participants assigned to the control group received a 'Resource Package' which contained a list of resources available in the community that could be self-initiated (i.e., drug rehabilitation programs, community centres, positive parenting courses etc.). In the control condition, schools were left to implement the policies and procedures in the usual way, typically involving decisions to initiate the formal legal processes (i.e., information notices, formal meetings, warning notices, and in rare cases, letters of impending prosecution). The experimental group (the Engagement Group) received a FGC intervention, development of the Action Plan and six

months of monitoring around compliance with the action plan. This dissertation focuses only on the experimental arm of the trial. Throughout the trial, ASEP researchers monitored treatment fidelity, ensuring that no control group participants (or their siblings, guardians or other family members) took part in any of the components of the experimental intervention (see further Mazerolle, Antrobus et al., 2017).

The simple random allocation process led to a high level of equivalence between the experimental and control groups with no observed significant differences in terms of pre-existing levels of truancy and key demographic variables at baseline (see Mazerolle, 2014). The experimental group comprised twenty-one females and thirty males. Eighteen participants were in primary school and thirty-three in secondary school. At least one responsible guardian attended the FGCs with the young people (as was the conditions of giving consent to take part in the intervention). Guardians included parents, step-parents and foster carers. In the majority of cases, another family member (siblings, cousins) attended as a support person for the young people.

Sixteen Police Representatives (5 Senior Constables, 3 Senior Sergeants, 4 Sergeants, 4 other various positions) attended the FGCs. In addition, twenty-six agency representatives attended the FGCs, representing 17 different agencies. Almost half of these agencies were Multi-Issue Services (47%) with 17.6% being Mental Health agencies with the remaining agencies centered on various issues such as mentoring, disability services, indigenous support, behavioral issues, interpreting and housing. Forty-one school representatives participated in the ASEP FGCs. Of these, there were four principals, eight deputy principals, eighteen teachers, eleven guidance counsellors and two attendance officers. School representatives were selected by school leaders based on availability or suitability to each case (Mazerolle, Antrobus et al., 2017). Involving school staff in the ASEP aimed to ensure that the most appropriate level of support could be provided to each young person and their families to re-engage the young person in education and maintain improved school attendance. School representatives were also responsible for communicating the laws pertaining to school attendance in the FGCs. In eleven ASEP cases, more than one school representative participated in the FGC to provide additional support to the young person. In these cases, (with one exception) a school principal or deputy principal attended, and they communicated the legal escalation framework. Prior to the FGC, the facilitator met with the school representatives to prepare them for the conference. In general, facilitators asked school representatives to participate in the following ways:



- a) Introduce themselves and position within the school
- b) Provide some background about the young person's performance in school (e.g., grades, strengths, difficulties identified etc)
- c) Explain the school's position in relation to truancy and express the school's commitment to reducing truancy and promoting engagement with education
- d) Explain the parents' legal obligations
- e) Explain the course of action should truancy persist (based on Queensland's Education laws and DET policy)
- f) Outline the resources that the school can offer to reengage the student with education (matched to each student/family's unique issues)

### ***5.3 Family Group Conferences***

At the heart of the experimental arm of the ASEP was the use of the FGC to convey the legal obligations of the parents to have their children attend school. Four trained conference facilitators with experience in group conferencing for youth justice and child protection cases were co-opted from the Department of Communities to facilitate the FGCs. The FGC process was adapted from traditional approaches used in the context of child protection (Mazerolle, Antrobus et al., 2017). The FGC acted as a vehicle to provide a forum for a child-centred dialogue between the truant young person, their parent/s, a representative from participating schools, a police officer and relevant support (e.g., siblings, friends, and support service representatives if required) to discuss the circumstances contributing to the truancy, the effect on the participants, the social and legal consequences of truancy, develop a child-focused action plan to resolve those issues, and ultimately, to improve and support the young person's school attendance. Prior to the FGCs, the facilitator met with and prepared the family, supporters, and agency representatives (school, police and other agencies as appropriate) for the conference process. The FGCs took place in neutral locations (e.g., school or local community centre) at mutually agreeable times (Mazerolle, Bennet et al., 2017). My detailed description of the FGC process below has been derived from (Bennet et al., 2017; Mazerolle, Antrobus et al., 2017; Mazerolle, Bennett et al., 2017).

In the FGCs, trained facilitators led the conferences, and all agency participants were required to cover particular themes, but at the same time given the freedom to contribute in their own way. Moreover, because ASEP is an intervention where all family cases are

different, there was an ‘organic’ element to them with a view to help the families. Of interest in my research is the role of the school representatives. The ASEP intervention was designed such that their key role was to act as the third party policing partner and communicate the legal levers relating to ongoing truancy. However, they made organic contributions to expand and elaborate on some issues at school, specific to the case at hand.

The FGCs followed a five stage process. The first stage involved introductions of participants and the facilitator identified the purpose of the ASEP FGC, being to discuss truancy and related issues. The facilitator then asked the young person to identify, from their own perspective, causes of their truancy. The second stage involved a facilitated discussion of how the young person, their family, and other participants had been affected. These two components of the FGC enabled conference participants to develop a shared understanding of the factors responsible for the current problem, which is a critical first step in the process of creating conditions that promote behavioural change (Abrams & Aguilar, 2005; Drewery, 2004).

The third stage of the conference explicated the importance of school attendance and engagement, from both education and policing perspectives. This stage is where the school representative outlined the legal consequences of continued truancy, that is, the initiation and escalation of the legal lever (the school’s internal procedures, truancy, potential prosecution and fines). The aim was for the school representative to provide this information neutrally and factually to educate the family about the legal consequences of continued truancy, that is, the initiation and escalation of the legal lever. The facilitator also asked the school representative how chronic truancy could impact on the young person’s well-being (e.g., lost opportunities to learn, achieve and develop important social skills). Accurate and procedurally fair communication of the consequences of truancy by the school representatives aimed to foster positive perceptions of the legitimacy of compulsory attendance laws, schools as institutions, and perhaps of the school representatives themselves, among the young people and their families. A better understanding of responsibilities, on the part of the young people and their families, would potentially lead to willing compliance with the law, thereby reducing truancy. The facilitator also invited the police representative to describe possible consequences of truancy including attracting police attention, involvement in criminal activity and personal victimisation. Police representatives were also encouraged to discuss how truancy personally affected them. This may be through sharing stories of other young people they have encountered in a professional capacity or fears they would have for

their own children should they become truant. The communication by school and police representatives gives concrete form to what might be for some of the young people in particular fairly abstract ideas. Other relevant agency representatives present were also invited to contribute to the discussion by describing supports or resources where applicable.

The fourth stage focussed on planning for the future, including the development of a child-centred Action Plan. At this point of the FGC, the FGC participants identified where specific, measurable and achievable actions that the young person and other people relevant to the case could undertake to address either the issues underlying truanting behaviour, or the truanting behaviour specifically. The young person and their parents were encouraged to contribute to and approve suggested solutions to address the underlying issues contributing to truancy. The young people and their families also had an opportunity to privately discuss the required actions. The conversation around the development of the Action Plans focused on new possibilities that aim to reposition the young person away from the problem and set them on the path towards school re-engagement (compliance); the Action plans became the tools envisioning alternative ways of future behaviour, speeding up the process of behavioural change (Abrams & Aguilar, 2005). Action plans specify 'when, where, and how to act in accordance with one's goal intention' (Sniehotta, Scholz, & Schwarzer, 2006, p. 25).

At the final stage, the facilitator read out loud the action plan agreed to by all participants. It was important that each of the agreed upon actions in the plan were clearly outlined to the young person because compliance with these actions was monitored over time. The Facilitator described to the young person the importance of the young person and family being comfortable with the action plan, and informed them that the plan would be reviewed in a period of approximately six months during an Exit Meeting. All FGC participants then signed the agreed action plan to acknowledge their agreement and understanding of the required tasks.

Each FGC completed for the experimental arm of the ASEP trial was voice recorded by an observer sitting outside the circle. Members of the ASEP research team transcribed the voice recordings verbatim. Transcripts were stored on a secure network. The ASEP FGCs were recorded and subsequently transcribed to validate treatment integrity and explore mechanisms of the FGC process on different levels. The length of the transcripts ranged between thirty to ninety pages; the average length of a conference was ninety-six minutes. While fifty-one participants were assigned to the Engagement group, only 48 participants completed a FGC

due to 3 participants refusing participation (see Mazerolle, Antrobus et al., 2017 for details). One FGC had a faulty recording resulting in no transcript being generated. Therefore, forty-seven transcripts were available for analysis.

I transcribed fourteen FGC proceedings. I was not part of the original ASEP research team, but was added officially in amendments to the ethics application before I started transcribing the FGCs. My primary and associate research supervisors led the research component of the ASEP. We met regularly to discuss any queries I had, my research process and findings. In addition, I worked alongside peer researchers who were involved in data collection and FGC facilitation. I used the same pseudonyms assigned to the young people who participated in the ASEP by the original research team, and I practised my ethical responsibility to protect the privacy and confidentiality of all participants by ensuring that all metadata was saved on a secure network.

#### ***5.4 Analytic Approach***

The shared goal of the ASEP TPP partnership between police and schools was to increase school re-engagement, thereby reducing truancy and associated delinquent/offending behaviours. Research findings to date show promising outcomes (i.e., increased school attendance, reduced offending), and attributes these outcomes to a collaborative police-school partnership that sought to cultivate positive perceptions of the legitimacy of authorities among the young people participants and their families (see Mazerolle, Antrobus et al., 2017; Mazerolle, Bennett et al., 2017; Bennett et al., 2017). My aims in studies 2 and 3 of my dissertation are three-fold: to understand how the third party school partners engaged in processes of legitimacy building; how the third party school partners communicated the TPP legal levers as part of that legitimacy building process; and how the young people and their families responded to the messages conveyed by the third party school partners during the FGCs. In other words, I wanted to understand the processes and dynamics inherent in the FGCs that are suggested to bring about positive outcomes – how do the school representatives contribute to the goals of the TPP intervention (legitimacy and subsequent compliance)?

My research aims to gain an understanding of the processes of cultivating positive perceptions of authorities employed by the school representatives. To effectively answer my

research questions, I needed a coherent explanation of the process of legitimacy building that occurred in each FGC. Therefore, I employed the interpretive research method of narrative inquiry, an approach that ‘gathers events and happenings as its data and uses narrative analytic procedures to [synthesise them] and produce explanatory stories (Polkinghorne, 1995, p. 16). Narrative inquiry enables an understanding of human action, and exhibits human activity as purposeful engagement in the world (Bruner, 1985; Mitchell, 1981; Ricoeur, 1983, 1984). Human action is a consequence of one’s prior learnings and experiences, present situation and proposed goals and purposes. The knowledge produced in narratives focuses on the unique characteristics of each action (Polkinghorne, 1995).

Narrative analysis relates events and actions to one another by configuring them as contributors to the advancement of a plot (Polkinghorne, 1995). A plot organises a collection of events and actions into a whole story; it displays the contextual meaning of individual events. ‘Plots function to compose or configure events into a story by: (a) delimiting a temporal range which marks the beginning and end of the story, (b) providing criteria for the selection of events to be included in the story, (c) temporally ordering events into an unfolding movement culminating in a conclusion, and (d) clarifying or making explicit the meaning events have as contributors to the story as a unified whole.’ (Polkinghorne, 1995, p. 9; see also Carr, 1986).

In the case of my study of the operation of the legal mechanisms in the ASEP, the plot of the narratives I produced concerns cultivating perceptions of the legitimacy of authorities, with the goal of re-engaging young people in school. The ASEP intervention brought together the young people, their families, police representatives and school representatives to take part in a facilitated dialogue. As part of this dialogue, school representatives were tasked with cultivating positive perceptions of authorities, which included communicating to the young people and their families the legal consequences of truancy. The Narratives I produced provide an account of how the school representatives promoted legitimacy that includes the actions and events that are pertinent to the legitimacy building process. These events relate to other discussions in the FGCs, around truancy and its contributors, the impact of the truanting behaviour on all participants, and the development of the Action Plan that facilitates school re-engagement and compliance with the law. Additionally, I acknowledged that other FGC participants may have had an effect on the actions and goals of the school representatives and thus gave explanations of the relationships between participants where relevant – the school representative was not present at the FGC to fulfil a personal agenda.

The beginning of each narrative I constructed set the scene of each specific FGC. This part of the narrative focused on who was there, and some background about the young person and their personal circumstances. The circumstances surrounding the young person's truancy were linked to the possibility of a breakdown in perceptions of the legitimacy of authorities. For example, a young person might have been truanting due to bullying victimisation, coupled with a view that the school would/could not address their concerns. The middle of the narrative, the advancement of the plot, focused on the contribution to the FGC by the school representatives (and related events as outlined above) – to gain an understanding of their motivations and interests. This was the part of the narrative that described and interpreted school efforts to restore perceptions of the legitimacy of authorities. The end of the narratives was not the outcome of compliance, but rather, produced knowledge around how school representatives cultivate positive perceptions of legitimacy. Considerations of whether the young people and their families actually perceive authorities as legitimate is beyond the scope of this research – the narratives I constructed start from the beginning of the FGC until the end of the FGC. The narrative analysis conducted for my research synthesises events into an explanation of the processes employed that lead to those perceptions.

Given that the entire FGC was relevant, in that it provides context for the processes employed by the school representatives to cultivate positive perceptions of legitimacy, alternative qualitative methods such as thematic analysis were inappropriate for my study. Through narrative reasoning, I can discern the diversity in the behaviour of each school representative in each FGC situation. Carter (1991) describes narrative reasoning as capturing 'in a special fashion the richness and the nuances of meaning in human affairs' and he states that 'this richness and nuance cannot be expressed in definitions, statements of fact, or abstract propositions' (Carter, 1991, p. 6). Narrative reasoning 'configures the diverse elements of a particular action into a unified whole in which each element is connected to the central purpose of the action' (Polkinghorne, 1995, p. 11). The dialogue used by the school representatives to cultivate positive perceptions of legitimacy in the FGCs has diverse elements; the narrative brings these elements together, connecting them to the central purpose of the dialogue, to explain the process of legitimacy building as a whole. The cumulative effect of narrative reasoning is a collection of individual cases in which thought moves from case to case instead of from case to generalization (McGuire, 1990). This does not mean, however, that I could not identify similarities across the cases. As I started to collect my cases, I came to understand new cases by means of analogy. I did not identify new cases as

instances of a general type, but as similar, but not the same as, other cases. The analogical understanding of new cases recognises the fluidity and flexibility of human behaviour (Lave, 1988).

The outcome of my data analysis was the production of stories. I began my analysis with the question ‘how did this happen?’ (see Polkinghorne, 1995); that is, how did the school representatives cultivate positive perceptions of the legitimacy of authorities in the FGCS? I searched for pieces of information that contributed to the construction of stories that provided an explanatory answer to my research questions. The final narratives I produced ‘must fit the data while at the same time bring an order and meaningfulness that is not apparent in the data itself’ (Polkinghorne 1995, p. 16). I conducted the analysis of the FGC transcripts manually, relying on the tools of Microsoft Word and Excel. I embarked on this labour intensive process, rather than use computer-aided analysis software, to immerse myself in the data. Through careful and rigorous analysis of the FGC transcript, I was able to provide a depth to the analysis that could not be supplied by computer-assisted analysis.

At first instance, I read through each transcript. Given the centrality of the articulation of the legal consequences of truancy to the TPP intervention, my focus, upon first reading, was the school representatives’ communication of the legal levers. Accordingly, I took notes of my observations, which were informed by the stages in the legal escalation framework. My observations gave rise to two broad categories where school representatives either explained the steps in the legal escalation framework to varying degrees, or appeared to be reluctant to communicate the legal levers. Of the forty-seven cases, thirty-eight cases fell into the former category, with nine in the latter. The eleven case examples I present in Chapter 6 are illustrative of the different approaches taken by the school representatives, and include communication by each of the five school positions, that is, principals, deputy principals, attendance officers, teachers and guidance officers. Moreover, these case examples included conferences that were facilitated by each of the ASEP facilitators.

I then undertook a second reading of the FGC transcripts, taking notes on every event that occurred throughout the FGC, putting comments in the margin as to the school representative’s contributions. Next, I applied Polkinghorne’s (1995) four step analytic process. I had already completed the first step in my second reading of the transcripts, as the first step was to gather the data elements, or events, in chronological order. In the next step, I identified which elements contributed to the outcome – that is, which aspects of the FGCs

related to the legitimacy building process. At this stage, I looked for connections of cause and influence among the events and began to identify action elements by providing ‘because of’ and ‘in order to’ reasons for which those actions were undertaken (Schutz & Luckmann, 1973). Finally, I engaged in the process of writing up the story for each FGC. For each FGC, I used the same plot outline: all FGC participants were brought together in a FGC to discuss truancy. The school representatives explain the social and legal consequences of truancy. These explanations allow for conclusions to be drawn as to what constitutes their particular process of legitimacy building. With this outline in mind, I filled in the detail, linking all related events to form a coherent whole, a coherent explanation of processes of legitimacy building. The narratives provided a means of illustrating the significance and making sense of the thoughts and actions of the central character (the school representatives) (Carr et al., 1991).

My research involves the production of knowledge, which is a constructive process. The narrative findings generated from a narrative analytic inquiry are not objective recounts of events that actually occurred, but rather, they are the outcomes of a series of constructions. Hence, I needed to be attune to my contributions to the constructive aspects of my research, and acknowledge these in my write-up (Clifford, 1986; Tierney, 1993). The function of my narrative analysis was to answer the question of how positive perceptions of legitimacy are cultivated by school representatives. The outcome of the research was the retrospective explanations of the events that constitute the topic of the inquiry (Polkinghorne, 1988). My produced stories are plausible because they serve to clarify the uncertainty implied in my research questions of how events occurred (Polkinghorne, 1995). McGuire (1990) asserts that if the narratives produced are compatible with the reader’s background knowledge and beliefs in characteristic behaviour of people or nature, the reader will accept the explanations as viable.

In producing narratives, researchers must draw on ‘disciplinary expertise to interpret and make sense of responses and actions. Because the story is offered as a scholarly explanation and realistic depiction of a human episode, the researcher needs to include evidence and argument in support of the plausibility of the offered story.’ (Polkinghorne, 1995, p. 20). To guide my interpretations and constructions, I used a discourse of legitimacy, drawing on concepts explored in the literature review chapter of this dissertation. Throughout the analysis phase, I asked questions such as: How do the school representatives introduce themselves? Do they describe their role in schools? Do they make comments about their exercise of power



and the rationale behind their exercise of power? What weight do they give to the social and legal consequences, what do they emphasise more? What does their communication focus on? The rationale behind the law, or why school attendance generally is important without any emphasis on the legal aspects? Did the young people and their parents have opportunities to ask questions of the school representatives? Did the school representatives convey trustworthy motives?

### ***5.5 Summary***

In this chapter, I outlined my research design, my key research objectives and the research data. I then described in detail the FGC process, with particular emphasis on the role of the school representatives. I then explained and provided justification for taking a narrative analytic approach to the study of processes of legitimacy building. In the next two chapters, I present the results of my analysis.

## **Chapter 6**

### **Study 2: Findings**

#### ***6.1 Introduction***

Vital to the success of TPP approaches is the legitimate, timely and consistent activation (and where necessary, escalation) of the legal levers (Mazerolle, 2014). In the ASEP, police partnered with schools as third parties to address truancy. School staff who participated in the ASEP were required to communicate parental legal responsibility to truants and their parents/guardians in a FGC setting with a view to building the legitimacy of authorities, with the ultimate goal of fostering a genuine motivation to re-engage in school, achieving voluntary compliance with the law. In this chapter, I present eleven cases that illustrate the different approaches taken by the ASEP school representatives in terms of how they engage in processes of legitimacy building and the communication of truancy laws.

#### ***6.2 Andrew's Case***

Andrew appeared to come from a very supportive family. Everyone who lived with him – his mother, older brother and cousin – attended his FGC, along with a police representative, his guidance officer and a youth support agency representative. Andrew appeared engaged and openly discussed the issues that had contributed to his truancy. The facilitator mentioned that his attendance had started to improve but was ‘slipping’ again, and asked why this was. Andrew responded, ‘as soon as you hit year 11 you start thinking about the future ... It’s getting towards the end – it’s getting towards the end of school and I don’t even know what I’m going to do.’

He explained that he had missed school in the past to spend time with his friends who also truanted, or had been expelled from school. He reported that he would meet the truanting group at the local bus stop on his way to school. He described how when he was not in school, he went to his friends’ houses to watch movies and play video games. He stated that skipping school had become a habit.

Andrew explained that the majority of Polynesian boys at his school engage in some form of activity to establish their reputation. This may include truanting, getting into physical fights

or similar activities. He explained that he could not fight, which is partly why he had chosen to skip school. Andrew communicated that he feared isolation if he stopped truanting; if he broke his association with the truanting group, he would only have 'hello and goodbye' type friends left at school. Yet Andrew also acknowledged that for his future benefit, he would need to disassociate with his truant friends. He reported that he is currently employed in a physically demanding job as a fruit packer. He said that he does not wish to work in such employment for the rest of his life and that he would like better career prospects.

Andrew's mother simultaneously expressed disappointment in her son, and support for him. She reported that she found out about her son's truancy when the school contacted her. She said that she was employed on a full-time basis, but she went to the school when required as 'her kids come first'. Andrew's mother also explained to her son that if she continued to take time off work, she may lose her job and consequently the family may experience financial difficulties and may need to move to a less desirable neighbourhood.

Andrew's mother explained that she attempts to show her boys the right path, in particular through her religious affiliation and church. She stated that it is up to her boys to make their own choices:

'Because if I've taught them anything I've taught that – you know – I can't live their life for them ... My job is to set them in a direction but it's up to them at the end of the day, and I hope that they make the right decision everyday that I leave them. So I hope I give them the tools to do the right thing. If they don't they know that there are consequences for their actions.'

She emphasised that she would like her children to aim one step higher than what she has accomplished. Additionally, she explained she works with unemployed individuals and that she would hate to see her son come through as a job candidate. She said that no matter what career path her son chose, she would like him to do his best and that by skipping school he is not doing his best.

Andrew's brother disclosed that he understood Andrew's predicament as he had been in the same situation. He revealed that he engaged in even worse behaviours than Andrew prior to making some changes by focusing on playing sports and going to church. He said Andrew had followed his lead in the past and hopefully would do so in the future. Andrew's older brother also triggered discussion about Polynesian boys at the school and how many had gained a negative reputation for truanting, physical fighting and similar negative behaviour. Andrew and his brother appeared to be somewhat frustrated by this. For example, they

reported that school teachers automatically made negative assumptions about groups of Polynesian boys.

Andrew's older cousin expressed her concern about Andrew's safety when he truanted, and disclosed that she was aware of the behaviour but did not initially inform his mother. She highlighted Andrew's strengths, stating that 'he is a good kid and he is very good with music'. When asked by his mother how he felt about his cousin lying for him and how much that made her angry, he responded that he felt bad, and as noted in the transcript, a moment of silence occurred at that point.

The guidance officer appeared very much engaged in this FGC, responding to all of the issues that Andrew raised. First, in response to the issues around peer influences, she talked directly to Andrew about a conversation she had had with him in the previous year about wagging school. In that conversation, he admitted to her that he was very easily influenced to truant by his friends. There was one time, however, when he didn't follow that influence, and his friends respected that decision. In the FGC, the guidance officer expressed concern that Andrew was not seeing that in a positive light; instead of recognising that they were respecting him and letting him do the right thing, he felt like they were not his friends anymore. Offering support for an earlier discussion by the police representative, she talked about the consequences of being easily influenced by delinquent peers:

Guidance Counsellor: '...one of the other things I heard you say is that in those groups, you're not the fighter. ... And it's hard when you learn that that person that you thought you were friends with isn't really a friend, and it's really hard to make that break because when you make a break you don't just make that break with some of them you break with all of them don't you? ... and it can be very lonely when you do that. But the thing is, ... they'll hang you out to dry mate. They will turn like that so quickly. ... there's no allegiance when it comes to putting hands up who did it. And if they believe that in that group, yeah, there's like a hierarchy, yeah? So there's a person at the top ... and there are people down the bottom. ... They will make the people down the bottom take the fall. ... It's a horrible lesson because you actually realise that you've got no place, ... you don't have that respect. And that's when it's really important to get out ... if they hang you out to dry for something that ends up going to court, they will, they'll just turn and they'll say, you know, they'll put you in it, even if you weren't actually in it. ... because that person with the power at the top has that influence over the rest of them.'

The guidance counsellor encouraged the young person to persist with making an independent decision not to truant. She emphasised that involvement in truancy and associated delinquent behavior would not be conducive to a positive life direction.

The guidance officer then distinguished between what she had said earlier and the consequences of continued truancy by stating that 'I will put my admin hat on now'. Andrew

was in the compulsory participation phase of schooling, and the guidance officer explained what that involved and the consequences of noncompliance as follows:

‘So what happens and you would’ve seen this happen a number of times students get those letters, show cause letters, and what those letters are saying they’re not participating, and what that means is that you’re not attending, ... if you’re participating but you’re not doing well in class, we’re not going to ask you to leave. ... but if you are not handing in assignments and you’re truanting and you’re not compliant means you’re getting into trouble, suspended and things like that, then, the school can cancel your enrolment. Now to do that there’s a process. Yeah? You get a letter and then you have to come in and meet ... and in that meeting you have to show why you should stay at school. You set up a plan, you go away, you do that plan, if that plan falls over, they can invite you back in, and it might be that you just need to rejig the plan, or they might invite you back in and say this isn’t working, we’re going to do the next step and give you the second letter. Yeah? And then eventually what happens is that you’re enrolment’s cancelled.’

She also cautioned the young person that if he ends up in juvenile detention the school has the right to refuse enrolment (see Education Act, ch8, div 2, ch12, Div 1a). She reveals that from a ‘social working’ perspective, she believes this is wrong, because an education is the best protective mechanism that those young people can have. From an education perspective, she understands why ‘the law doesn’t support it in that way’, and says the schools do try to find alternatives for those young people.

Immediately after, the guidance officer ‘took off her admin hat’ and explained to Andrew what her job was:

‘So, you know, my job as part of the school is to try and support you and one of the things that you talked about was that focus, that career focus. It’s finding the hook, finding why you want to be there. You have to want to be at school and the focus on your future more than you want to be with your friends. Yeah? And it’s not saying school’s interesting when it has a purpose it’s like being at school there is a reason that I’m there. The reason that I’m there is that I want to do something better with my life than the fruit market than what my peers are doing.’ Andrew stated that he did not ‘have that at the moment’ and indicated that he had more fun hanging out with his friends. At that point, the police representative joined in the conversation, and pointed out that Andrew was very short-term in his thinking. The school and police representatives both conveyed to Andrew the message that ‘you’ve got to look after you’ – he did not need to worry about the future, but think about it and focus on school attendance as providing him the tools to succeed in life. The guidance officer specifically said ‘I can help you find the door that opens but I can’t give it to you straight up’.

When asked by the facilitator how he felt about the FGC proceedings so far, Andrew responded,

‘I think it’s good to hear that I’ve got more help than I thought I did, I have a lot more people to turn to than I thought I did – I thought I had to like – it was just me against the world you know? ... I mean I thought it was just yeah it was all me I had to like even with my family I didn’t know how everyone felt about it, so it was really good that I finally know how my mum and my brothers – well my siblings feel and how it affected them.’ And it makes me not want to do it anymore like if I know it’s affecting more people than myself then it just makes you feel like crap, you know, like yeah I don’t feel like doing it anymore and like blaming anyone.’ It’s good to know like people care.’

The facilitator then asked Andrew what his next steps were going to be. He replied,

‘Just get my mind set on what I want to do in the future instead of thinking about what I want to do today. I guess like I’ve got to start focusing on my long-term goals. Not just on what excites me today. That’s not going to get me anywhere.’

Andrew identified two main goals for his Action Plan: avoiding negative peer influences and staying focused on working hard at school. All FGC participants contributed to the discussion around Andrew’s next steps. Andrew and his mother suggested utilising school attendance monitoring cards to provide Andrew with support and accountability around regular school attendance. The guidance officer discussed possible subject changes with Andrew, and agreed to meet with him in the near future to decide on the most appropriate subject arrangements. She also encouraged Andrew to talk to her at times when he might be feeling like he is losing direction. Andrew agreed to avoid the local bus stop where he would normally meet up with his truant friends by taking an alternative route to school. His mother suggested a visit to a local watch house to give Andrew (and his brother and cousin) an idea of what it would be like to be in prison. Andrew did not respond enthusiastically to that suggestion, but committed to the action in his Action Plan. The guidance officer added to this by explaining that she knew of a young person who had recently spent time at the watch house and complained that it was extremely cold and only one blanket was provided. The police representative confirmed this description.

In Andrew’s case, the guidance officer and Andrew engaged in dialogue that appeared to have fostered a genuine motivation for Andrew to attend school and avoid cancellation of enrolment. Andrew appeared very open and responsive to the messages conveyed by the guidance officer. She identified a shared purpose with Andrew and his family, that is, for Andrew to attend school for his future benefit. She appeared to be promoting her legitimacy by removing herself from responsibility; she made a clear distinction between what the school had to do and her role within the school, which was to help and support students.

### ***6.3 Alexandra’s Case***

Alexandra, her mother, a police representative, a school representative, and a representative from a youth support agency attended Alexandra’s FGC. The school representative was a teacher at the school who had taught Alexandra English in the previous year. The facilitator began the FGC discussion in a positive way, where all participants were shown a copy of

Alexandra's latest school report. Everyone seemed very impressed by her results and positive feedback from teachers in the report.

When asked by the facilitator, Alexandra explained that when she was not at school, she spent time with her friends doing 'nothing really'; sometimes they would go to the city or just sit somewhere in the school grounds until class was finished. Her mother indicated that she was concerned about Alexandra missing school, because it compromised Alexandra's safety. The facilitator then brought up an unspecified significant issue in Alexandra's life that happened a few years ago that was ongoing for a period of time. As a result of this significant issue, Alexandra indicated that she found it hard to trust people, which impacts on her relationships with others. She acknowledged that it was very hard for people to get to know her, and that she did not initiate friendships with anyone at school.

The school representative expressed that she would like to see Alexandra come to school because she is 'pretty clever'. She brought a print-out of Alexandra's attendance record to the FGC. She said that Alexandra's attendance had improved this year, but that it still could be better. Then she asked Alexandra if she knew the school's attendance officer, About the attendance officer, the teacher said,

'...she's a lovely lady too ... she just wants to help...' She indicated that the school had employed an attendance officer to 'really look after students and their attendance'. She elaborated:

'So if students are away for three days in a row that means [Attendance Officer] will call and just say, oh is Alexandra all right? What's going on? But she'll also look for patterns as well. So if Alexandra gets a bit clever and you are clever, if maybe there's a pattern where maybe Alexandra is away two days and then comes on a third day it starts to - you know, sort of identify that as well. So that way we can really help you and support you with your attendance by saying, oh, we've notice this. Is everything okay and it gives you like the opportunity just to say, you know, maybe need a bit of help with this or something like that. You know?'

After this discussion of the school's internal procedures for combating truancy, she said:

'Yeah, so one of the biggest problems for me as a classroom teacher when kids miss class is, number one, I worry, hey? So that's the number one thing, and you know that. And the number two thing is, I've got to sort of help the students who were away to sort of catch up because they're obviously going to be a bit behind and I want kids to do well. I know it sounds a bit - all teachers are the same. They all want their kids to be doing well. So it makes it really hard for the student to get the grades that they should get, which - apparently you're an A and B student.'

The facilitator then asked about the more formal process. The teacher responded:

'It's called the Education Act ... parents have a duty to ensure their kids are going to school every single day unless there's a reasonable excuse, ... If [the truancy] keeps going certain things have to happen. So, you know, letters get sent out. The principal organises a meeting with you guys and then - yeah, there's a bit of risk that you might have to go to court to sort of explain why you weren't at school. So it gets a bit - you know, I mean, there's consequences for not going to school and we have to follow up on that so that's what - it informs our policy at school. Yeah.'

After a small prompt from the facilitator, the teacher expanded on what would happen if the case went to court:

‘So the magistrate would have to talk to you, you know, your Mum, and say, why has Alexandra not been at school? If you haven't shown cause why, like no doctor's certificates, et cetera, then a fine ... fines will occur. ... So at first it would be around \$600 and then it goes up to \$1200’.

When asked what they thought of this, Alexandra expressed surprise and her mother said that she did not want that to happen. Alexandra’s opinion was not clear.

Then the facilitator asked the teacher how she felt about Alexandra identifying her as someone she felt could support her. The teacher responded that she was surprised because she and Alexandra did not have much interaction, and that she would love some more interaction with Alexandra because she is ‘bright’, ‘quite sweet’ and has a ‘good heart’. Alexandra indicated that she thought that none of her teachers actually wanted her to be in any of their classes. The teacher responded by stating that hearing that made her sad:

‘No you were never any trouble ... in my class, you know, you do your work and you sit there politely. You're not a behavioural issue at all. And I can't imagine any teacher not wanting you in their class. Ever.’

The teacher appeared to be heavily invested in finding ways to entice Alexandra back to school. As writing was acknowledged as a significant interest for Alexandra, the teacher discussed at length the many opportunities that were available through school to develop her writing, including showing her work to the teacher and also entering writing competitions. The teacher actively engaged with Alexandra and she seemed enthusiastic about this opportunity, stating that no one had ever given her such positive feedback about her writing before.

While the teacher in Alexandra’s case appeared to be directing her messages towards Alexandra, there was no evidence of dialogic exchange between her as the power-holder and Alexandra as the audience in the FGC. Alexandra appeared to only respond when prompted by the facilitator, and her responses were brief at best. However, in this perhaps one-way communication, the teacher appeared to be talking to, rather than at Alexandra, to listen to the conference proceedings, and provided input where needed. She appeared to contradict Alexandra’s self-assessment, highlighting her talents in writing and how she was a person with whom people would want to engage. She tapped into Alexandra’s interest and skills in writing as a means of motivating her to attend school, conveying that her goal was to help Alexandra engage in education for her present and future benefit. The manner in which she



articulated the school's position on truancy suggests that the teacher identified with the school she represented, expressing positive views in relation to the school and its staff whose role it is to enforce compliance. Particularly in relation to the school's internal policies, she conveyed that the school activates the processes with a view to helping and supporting students. The teacher in Alexandra's case situated the legal lever in the context of truancy causing her personal concern as a teacher and highlighted the impact of absenteeism on her ability to teach.

During the FGC, the teacher discovered, for the first time how much Alexandra liked her and respected her as a teacher. The teacher expressed how pleased she was about this and glad to be involved in helping Alexandra pursue her goals. Alexandra's positive views of the teacher potentially enhances the teacher's self-legitimacy as a teacher – a realisation of the positive impact she has on her students.

Expressing confidence in other staff with whom she works, learning about her positive impact on Alexandra, and her belief in her role as a teacher, (that she appeared to communicate in the FGCs), suggests that there are three factors that possibly speak to her self-legitimacy: relationships with colleagues, perceived public support and perceptions of procedurally-just treatment of families by the school administration. In relation to the latter, she conveyed the school's internal policies in such a way that suggests she believed the school exercised enforcement power in a procedurally fair manner, that is, she perceived quality in the schools' decision-making procedures, and fair treatment by the school administration. Perceptions of procedural justice, in these circumstances, would be influenced by the extent to which the schools try to engage the family before taking steps towards prosecution, unbiased decisions on the part of the school administration, consistency across all truancy cases, treating the young people and their parents with respect, giving families a genuine voice, and conveying trustworthy motives (Patternoster, 1997; Tyler, 2003). Hence the teacher demonstrated procedural justice in her communication, potentially in support of both the goals of the TPP intervention and the school where she worked.

#### ***6.4 Charlie's Case***

Charlie's FGC was attended by his mother and her partner, his father and his partner, a police representative and Charlie's class teacher. Charlie's parents share custody of him but the

parents appear to be in conflict with each other. At the outset, the FGC facilitator made it clear that the purpose of the FGC was to discuss ways to improve Charlie's school attendance for the benefit of his future prospects. The facilitator emphasised that the FGC was not the place for the parents to 'play the blame game' with each other.

Next, the facilitator asked Charlie what he liked about school. Charlie responded that he liked learning, particularly maths, and hanging out with his friends. He said he believed maths was important for his future, but did not say why this was. In spite of their conflict, it appeared that Charlie's parents agreed that it was important for Charlie to attend school; his mother indicated that she knew he liked school and his father stated that he worried about Charlie's lack of education and what that might mean for his future. When the facilitator asked Charlie why he thought it was important he attend school, he responded, 'all I know is it's important to learn'.

When the facilitator asked Charlie's teacher about the consequences of truancy, the teacher first described the impact of missing school on Charlie's academic achievement. She explained that Charlie performed well at school, but could do much better if he attended school. She talked about how the skills the young people learn are developmental; the school week begins with fairly basic concepts, and then by the end of the week the work becomes more difficult. When students are absent from school for any amount of time, the sequence doesn't flow nicely and there's gaps in their understanding. Consequently, the young people become disengaged, and unmotivated by observing that their fellow classmates are miles ahead of them in their learning. Following that, she explained why the law exists, stating

'You know, the government provides children with 12 years of free education and that means that they actually put an importance on them being at school. So it, it's actually quite a priority in society that a child gets an education. It's a basic right for a child. Um and then so there are policies and procedures for them to be at schools and there's consequences for them for not being at school. ...'

She then read out sections of the Education Act verbatim.

The facilitator then asked the teacher about Charlie's behaviour and work ethic when he comes to school. The teacher reported that she believed Charlie enjoys school, but that he had a tendency to switch off when he did not understand something. When he does understand concepts, he actively contributes in class. She indicated that the 'switching off' was particularly noticeable after a long period of absences from school. She also explains that

because Charlie is in upper primary school, school work was becoming more assignment-based and independent, which increases the difficulty in catching up when he falls behind.

In this FGC, the school representative appears to be promoting the legitimacy of the law, and her own authority. In her process of cultivating the legitimacy of the law, she emphasised that the law existed to ensure that parents were not neglecting their children by depriving them of their basic right to an education. This suggests that she believes the law can be justified on the basis of education, one of society's shared values. She communicates this by first conveying that truancy raises concerns for her around the impact on Charlie's learning as a consequence of missed opportunities for skill development and gaps in understanding. Her communication of the legal levers in the context of shared values presents as an attempt to bring about a sense that school attendance is important and thus it is necessary for Charlie's parents to comply with the law. In other words, what should be of the utmost importance to Charlie's parents is not their conflict with each other, but Charlie being at school every day to be educated. While both parents indicate that that is their goal for their son, it is possible that their conflict will continue to impede school attendance into the future, so potentially the school representative is trying to prevent that from happening.

The teacher's emphasis on parental responsibility became more evident when Charlie's father asked her if she could give him work for Charlie to catch up on when he stayed home. The teacher responded by conveying that learning is an interactive process, where students benefit from positive reinforcement. She explained that part of her job as a teacher was to demonstrate and model concepts. In short, her message was that doing work out of a book at home is not an adequate substitute for attending school. These comments are reiterated shortly after by the police representative. The facilitator then emphasised that the purpose of the FGC was to eliminate the problem of Charlie staying home from school. Charlie's father responded that he thought it was also important to take into account what Charlie wanted. The facilitator, police representative all responded to the effect that at Charlie's age, the adults in his life are better placed to make decisions for him. The school representative made the following points:

‘...but as a teacher I'll say to him, too bad. You're going to be doing this because it's in your best interest because I know that later on you'll need these skills. He may not want to do it, he may not like it, he may not like staying in for ten minutes to finish it off, but as a teacher I know it's best for him, and he may go “[name deleted] is an ogre ‘cos she made me do some work”, it doesn't really matter. In his, what's best for him is for me to make him do something he doesn't want to do, and that's where parenthood would come down and that's what teachers have to do,

that's what police officers have to do that, to make sure that um, y'know that Charlie gets the best eventually, even though he may not like something.'

The above statements identified that all participants in the FGC had a job to do, or a role to play, in Charlie's education. His parents' job is to send him to school. His teacher's job is to teach him. It is the police representative's job in the ASEP to monitor Charlie's attendance. She seemed to be saying that these roles are important and also distinct – for instance, Charlie's parents cannot be his teachers because that is the school representative's job. She was asserting her own legitimacy as a teacher. The next case provides another example of where a primary school teacher appears to be promoting her own legitimacy and the legitimacy of the law.

### ***6.5 Isaac's Case***

As with the case files presented in Study 1, a recurring theme revealed by the analysis of the FGC transcripts was around safety; school representatives appeared to make presentations of their own legitimacy by highlighting that the school had a duty of care towards parents and young people to keep the young people safe. Consequently, policies are put in place to uphold this duty of care. When young people truant, or run away from school, the teachers cannot do their job to look after them and protect them. When student absences are unexplained, teachers have a responsibility to bring that to the attention of the school administration.

The interaction that occurred in Isaac's FGC is illustrative. Here, the young person often ran away from school. The teacher said:

'What's our job when we're here? As teachers an' the school, it's my job, my role [Isaac: to look after us] to teach you first of all but yes to look after you, and to keep you [Isaac: safe] safe. So when you leave the school grounds am I able to do my job? Because when mum talks about feeling anxious and worried, I feel the same way. There's been times when the bell's gone to come back in to class and I've got no Isaac, and as a teacher, and as a mum, I panic because I know how quickly something can happen to a child and I can't keep you safe if you're not here for me to keep you safe. So I panic, and mum panics until she sees you, so you've got a lot of people worried about you, Isaac. A lot of people care about you, and that's what we're here for to try and work out how we can solve these problems.'

**Father:** cos you don't wanna get a phone call from the school sayin' you've run off again, you're not at home [School Rep: mm] and that nobody knows where you are

**Teacher:** and that's happened quite a few times, where I've had no idea where you are, Isaac, and the other day when I saw you, do you recall me, do you remember seeing me, and I said to you what's going on, Isaac? What's happened? You need to turn around and head back into the school please. Do you remember me sayin' that?

**Isaac:** yeah

**Teacher:** and you did turn around, but you ducked out another gate. So I went to class, and I sat there and waited and thought Young Person might be, might be in the toilet, might be at the tuckshop, so I waited and I waited and I had no Young Person and I asked everyone in the class but nobody knew where you were. [short pause] so it's very unsafe to be leaving the school grounds, Isaac. I think you know that, and there's a lot of problems when you do leave the school grounds that can be out there, that can happen to you.

Here, the school representative is explaining to Isaac how significantly his behavior affects herself and his parents if something were to happen to him. She added that she wanted to see the Isaac 'who needs some help', not the 'disappearing' Isaac. She and the young person talked at length about strategies to deal with the bullying that seemed to give him cause to want to run away from school during school hours.

The discussion of the consequences of truancy continued. The teacher stated that from the Education Department's perspective, 'Every Day Counts', and with each day absent, Isaac's grades keep slipping. She indicated that he was currently failing subjects, but that he was a 'very smart boy ... capable of being an A student...'. The teacher explained that when the young person is absent for a period of time and then returns to school, she has to reteach topics so that he can catch up. The implications of this are three-fold: the teacher has to prepare a lesson for the other students while she catches the young person up, out of boredom the other students might misbehave, and giving special attention to the young person means that the other students are being denied their chance of getting the best education possible. The teacher also noted the social effects of Isaac's behaviour – that he needs to learn to mix with others, and when he turns up to school irregularly, 'it's like the students are meeting a new Isaac every day'. In terms of the legal consequences for Isaac's parents, the school representative acknowledged that there were legal obligations in place, but appeared to lack knowledge in this area. The police representative instead explained the legal processes.

The school representative in Isaac's case asserted her own legitimacy by explaining what is entailed in her job as a teacher. She appeared to take the time and to put in the effort to explain to Isaac that not only does truancy impact on him, but also on her ability to do her job as a teacher, the other students in his class, and causes significant concern to his parents. She also seemed to be legitimising the legal processes that are in place for schools to enforce, despite her lack of knowledge of them.

The teachers in Charlie's and Isaac's cases both appeared to be promoting the legitimacy of the law and themselves, but there are important differences to note. The messages in

Charlie's case appeared to be directed at his parents. The primary concern surrounding Charlie's truancy was lack of coordination between the two households in which he lived. In light of these circumstances, the teacher emphasised parental responsibility, and her responsibility as a teacher, and the interplay between the two to ensure the best possible future for Charlie. In contrast, Isaac's teacher directed her messages to him. The focal point of Isaac's FGC was to bring about a change in behaviour, specifically Isaac running away from school. She went to great lengths to explain the level of impact of his behaviour on Isaac as an individual and on his classmates, teacher and parents. Her message seemed to be that Isaac's responsibility was to come to school so that then she could do her job, teaching him.

Isaac's case provides an example of where an ASEP school representative conveyed that school attendance was the responsibility of the young person. The school representative seemed to identify that it was the young person's behaviour that needed to change, and in their dialogic exchange, cultivated perceptions of the legitimacy of authorities to the young person as the direct audience. The next four cases I present involve administrative staff: a school principal and an attendance officer.

### ***6.6 Brooke's Case***

Brooke, her father, a police representative and the principal from Brooke's primary school attended the FGC in Brooke's case. Brooke did not speak at all during the FGC; instead she communicated her feelings using facial expression cards. The facilitator began the discussion by asking the school principal about Brooke's school attendance. The FGC occurred in the fourth week of the school term and Brooke had only one absent day, described by the principal as 'jolly good' but 'out of character' to what was occurring previously in terms of attendance. For instance, in the previous semester, Brooke's attendance record (of which the principal brought a print-out to the FGC) showed that she had 32 out of 100 days off, and the year before, she truanted for over half the year. The principal ended this part of the dialogue by again commending Brooke on her improved attendance this term.

The facilitator then asked Brooke's father to explain what was causing Brooke's truancy. He explained that he had a large family (wife and five children) and that the family were welfare dependent. He reported that the main reason the children missed school was lack of finances

to get them to school, for example, fuel money, bus fares. He stated that when the family did not have enough money for food, the kids often refused to go to school as they were hungry. He lamented the fact that while costs of living rise, pensions do not follow suit. Brooke's father indicated that he did not like that Brooke missed as much schooling as she did, because while she was intelligent, her grades could be much better. During this aspect of the FGC, the facilitator occasionally asked for Brooke's opinion on what her father was saying. Using her facial expression cards, Brooke indicated that she was happy at home but would like to come to school more often.

The facilitator then asked the principal for her perspective. The principal's remarks align with what Brooke's father had said; she said:

‘...obviously I want Brooke at school because -Brooke particularly, because Brooke's actually a really smart girl ... there's no doubt that there's there's a distinct brain in that head, because her academic results are good an' she's achieving what she's achieving on missing a third of school so from my, from where I'm sitting, I'm thinking if Brooke was at school all the time, there's a fair chance she'd leave every child in her year level behind so she's sh-she's got smarts there's no doubt about that ... she could be straight A's across-cross the ... not that you have to be straight A's, Brooke, you don't have to be straight A's, but you you're quite a clever person, and um I think, I s'pose I get a little bit frustrated because I think you're you're missing an opportunity like I think you've got huge ability and a great future in front of you.’

At this point in the FGC, where the principal is explaining Brooke's capacity as a student, it was clear that the principal and Brooke's father both recognised that Brooke had the potential to achieve highly at school, and that improved attendance would facilitate her success academically. The principal does not simply remark that Brooke is clever and move on, but rather, takes the time to explain and affirm for her father that he is correct in his thinking. The communication of the legal lever occurs straight after this part of the conversation, and the principal and Brooke's father appear to engage with each other around the legal processes. In her communication of the legal consequences, the principal explained that prosecution ‘is the last thing I ever want to do to any of our families’. She articulated each step in the process, indicating that she begins with ‘nice letters’ to families before initiating the more formal processes. She emphasised that she would have no alternative, however, if behavioural change did not eventuate. Brooke's father responded that starting from the present school term, he had resolved to send her to school, sick or not because he believed the school would send her home if Brooke was legitimately sick. In relation to the possibility of being fined, he said:

‘oh well it's actually a very uh common sense approach if somebody hasn't got enough money to get them to school, they fine them, therefore they have less money to get to school.’ [laughs]

The principal replied:

‘And and and that’s why that’s why it’s really important we work together [Father: yeah] to avoid that [Father: yeah] I will do everything in my power to avoid ever having t’send one of those [Father starts speaking at the same time] so it’s that final letter.’

The principal and Brooke’s father both clearly would like Brooke to re-engage in school, and they are both aware that up until recently, Brooke was rarely attending school. From the father’s perspective, school re-engagement was difficult to achieve primarily due to the family’s financial circumstances. In response, the principal explained that while there is a process that she needs to follow, she has the capacity to take the family’s situation into account to a certain point, (i.e., where the truancy persists after all possible avenues to improve attendance have been explored), but eventually she would need to uphold her responsibilities to the Education Department. She appeared to empathise with the father’s apparent frustration regarding how the government responds to truancy, and encouraged him to work with her to avoid the escalation of the legal proceedings. These remarks, along with the father’s resolve to take Brooke to school even if she complained about being sick, suggests genuine motivation on both sides to work towards the shared goal of school re-engagement.

When the discussion in the FGC turned to planning for the future, the principal communicated that the school could provide breakfast and lunch to ensure that young people were sufficiently nourished. Referring to the Breakfast Club, she said:

‘No one judges ... it gives them just ‘cos kids are up early and they often just need that little bit of extra boost to keep them going.’

About school lunches, she said:

‘...if there’s ever a reason you don’t have food, all you have to do is ask. ... it’s not a problem ... you can just ring in and say look sorry ... things are looking rough for the next three days, is it possible for the kids to get sandwiches? All you have to do is ask, we’ll we’ll assist wherever we can, ... people do this, as a voluntary thing, so we can’t make an assumption that they will always be there, but when it is, we’re there to help, okay?’

By way of response, Brooke’s father interjected with ‘yep’ throughout this part of the FGC dialogue.

In Chapter 4 of this dissertation, where I reported on findings from Study 1, I discussed a case of a family who suffered from financial difficulty, which impacted on their capacity to afford food and school materials. The school’s response in that situation seemed to be simply to offer to solve the problem by supplying what the family lacked in order to achieve the goal



of attendance. In the case at hand, Brooke's case, the principal not only offered tangible assistance to the family to improve school attendance, but also appeared to make the family feel supported in the problem. In offering the solutions, she assured Brooke and her father that there was no judgment around needing that kind of support. She did not condone truancy, but recognised the barriers to attendance – the family's financial difficulties – and offered a solution, seemingly grounded in a desire for Brooke to attend school to achieve to her utmost potential. Towards the end of the FGC, the principal reinforces this by saying that Brooke was definitely 'university material' (at which point Brooke raised her smiley facial expression card) and indicated that Brooke was capable of setting goals on her own and finding her way after she finished school, but right now "it's our job to give her the best chance to achieve that".

The dialogic exchange that occurred between Brooke's father and the school principal in this FGC focused on a clear shared goal of Brooke re-engaging in school to fulfil her potential. The principal communicated the legal consequences of truancy in the context of this shared goal, indicating that she recognised the barriers to achieving it, and explained that she wanted to work with Brooke's father to overcome these barriers. The principal appears to promote her own legitimacy; in her communication of the legal levers she explains how she goes about administering the procedures, strongly emphasising her capacity to take the family's circumstances into account when she makes her decisions. It is possible that involvement in Brooke's FGC enhanced the principal's confidence in her own authority; the FGC transcripts provides no real insight into her thoughts and feelings, however the knowledge that it is in her power to help and support the family, and a young person whom she believes has high academic potential, may contribute to her self-legitimacy.

### ***6.7 Cooper's Case***

The school principal who was present in Brooke's case also participated in Cooper's FGC, along with Cooper's parents, a family friend and a police representative. Cooper was a primary school boy who suffered a medical condition (encopresis) that often found him in embarrassing situations, resulting in him being bullied, and so he did not want to go to school. His FGC occurred towards the end of the school year, by which time he had been away from school about 70% of the school year. The principal explained that due to the significant number of absences, she had to move to prosecution. She expressed frustration

that the school and the family had not found a way to work together and that the school had taken all possible steps to try to bring about a change in thinking. She referred to the many meetings they'd had, communication with the child's doctor, initiating external agency support, and how the parents had failed to follow through on all of the supports they had put in place. She also drew their attention to the fact that although Cooper was ten years old, his learning ability was at grade 2 level at best, and she expressed how concerned she was that Cooper was not fulfilling his potential, which she believed he had. She expressed that while she did not doubt that the parents loved their son dearly, she saw educational neglect on their part – Cooper was isolated, with no grounding to survive in the 'big world'. She encouraged the parents themselves to work as a team and develop consistent expectations for their son.

The communication of the legal consequences, particularly the fact that they were close to being prosecuted, appeared to be very overwhelming for the family; the father said that it 'freaked me', and it brought the young person to tears, saying, 'I'm sorry'. Consequently, the young person and the family resolved to 'be brave' and have faith in the school's capacity to provide support around the medical condition.

Initially, this FGC appeared to be going nowhere; Cooper's father in particular were defensive and raised issues around bullying that had previously been resolved. The principal indicated that she made every effort to follow up on bullying incidents. However, Cooper could never name any specific perpetrators. She revealed that the only time these issues arose was when she put pressure on the parents around attendance. She emphasised that there is always supervision on the school playground, a fact which Cooper's mother acknowledged as she used to work at the school canteen. The principal also explained that she and Cooper's class teacher go to great lengths to prevent any bullying from occurring in the context of his medical condition, emphasising that they do this so that Cooper will come to school.

There was also some discussion around the vast number of medical certificates, from several different doctors, that had been furnished to explain away the absenteeism. The principal read a letter from the child's doctor who is also concerned about attendance. The doctor expressed similar concerns to the principal in terms of his confidence building and isolation. It was revealed that the parents would go to a different doctor when their primary practitioner pressured them.

When the discussion turned to the development of the Action Plan, the principal said:

'I, I want you to be able to go through school, be able to come out of school, be able to hold... be able to read, to be able to fill in forms, apply for apprenticeships, to get to high school to be part of an apprenticeship program. I know you love cars. ... [Cooper interjected that he wanted to be a mechanic] You're not gonna get, if you can't, if we can't get you into the high school, you know, you're not gonna be able to get access to those, those programs ... Matey, you won't get a look in if you're not at school.'

Cooper responded:

'If I can get an apprenticeship at high school I'm definitely going to high school.'

The principal indicated that the situation Cooper is in currently did not lend itself to him going to high school and achieving that career goal.

Towards the end of the conference, Cooper's parents acknowledged how understanding the principal had been:

Mother: '...I said to Cooper, ... if [Principal] wanted to be mean, she could've done a lot last year ... a long time ago, and she's been really understanding, so now we need to do, we need to come up to the plate, don't we? We need to do the right thing, because [Principal] has. Isn't that right?'

She directed this question to her son and he agreed. The father said:

'There's times I've come in pretty frustrated [unclear word] and I know what [Principal's] doing is everything she could do and a hell of a lot more.'

Principal: I'm a bit hard on dad.

Father: yeah but that's understandable but I've, I admire you and respect you for what you're doing so much and I get frustrated with that little fellow 'cause I know what he's missing out on and I don't want 'im to miss out here.

He encouraged his son to think about his goal of becoming a motor mechanic to motivate him on days when he does not feel like going to school. He emphasised that school will help him learn, build up his confidence in himself and make friends.

This FGC seemed to have been a real turning point for the relationship between the principal and the family. The principal indicated that her prior efforts to engage with and support the family were in vain. The conference gave her the opportunity to share with the family how she as the principal exercises her power; that she makes decisions with care and concern and with the family's circumstances in mind. She appeared to be encouraging the family to view her as trustworthy, by explaining her decision-making processes, and justifying and accounting for her actions, which included her concern and attention to the family's needs. She spelled out the situation for the family – the chronic absenteeism, the young person's delayed academic progress, all of the things she had tried to do to support improved attendance – and taking all of these factors into account, she would have no choice now but to

move towards a recommendation to prosecute. The principal's communication of the legal consequences occurred in a context of trustworthy motives, in that she emphasised how beneficial an education would be to the young person and how she believed in him and what he could achieve with regular attendance. One of the cases I reported on in Study 1 of this dissertation concerned a primary school boy who also suffered from a health condition that appeared to attribute to an unwillingness on the part of his parents to send him to school. They did not appear to trust in the school's ability to appropriately respond to medical emergencies. Unlike those circumstances, the FGC appeared to provide an opportunity for Cooper's parents to gain an understanding that the school had the capacity to manage Cooper's health problems.

The principal's explanation to the family in terms of how she makes decisions around truancy suggests that she sees legitimacy in her position as principal, and it would appear that in the FGC, the family now respond positively to this claim to legitimate authority by recognising that she has been fair in her decision-making. This recognition by the family potentially enhances the principal's confidence in her right to exercise power; she can now see a positive outcome being achieved by her decision to delay a recommendation to prosecute.

The FGC setting is different to a formal attendance meeting; the principal and family engaged in procedurally just dialogue that brought about a sense that the school cared about the family and wanted to support them however they could. Additionally, the remarks by the parents appear to demonstrate willing compliance with the truancy laws in the future. In Cooper's case, the FGC appeared to give rise to a positive change in the relationship between the family and the school principal, where they moved towards a common understanding that the principal genuinely cares about Cooper, his needs and concerns, and is invested in supporting him and his family.

In both Brooke's and Cooper's cases, the principal demonstrated a great deal of care and concern for the young people who attend her school, and their families. She made sure that the families were made aware of the potential legal consequences of truancy. She explained that when truancy cases are brought to her attention, she makes every effort to try and engage with the families to establish what might be causing the truanting behaviour. She encouraged the families to work with the school so that prosecution could be avoided, but also emphasised that she was accountable to the Education Department in terms of attendance rates. Thus, the principal's process of cultivating the legitimacy of her authority involved

explaining how an education would benefit the young people, by being transparent in how she exercised her power, communicating that she made every effort to engage with families before resorting to a recommendation to prosecute, providing genuine support around barriers to attendance, and by being open to a working relationship with the families to facilitate school re-engagement. This process points to a recognition on the part of the principal that a child's parents play a vital role in a child's wellbeing, and therefore should be involved in decisions around their child's education. Rather than making the families feel alienated, isolated or unsupported, the principal seemed open to a genuine working relationship between the school and the families to achieve a shared purpose, that is, school attendance and a solid education for Brooke, Cooper and Liam. The evidence presented suggests that for this principal, exercising power is a matter of balance; on the one hand she wants to make fair decisions. On the other hand, her decisions must uphold and maintain the objectives of the law (see Sparks, Bottoms and Hay, 1996).

### ***6.8 Courtney's Case***

Courtney, her father, a police representative, the attendance officer at the school (the same attendance officer referred to by the teacher in Alexandra's case) and a representative from a youth support agency attended Courtney's FGC. The facilitator opened the discussion by asking Courtney what she thought the meeting today was about. Courtney responded, 'not going to school'. The facilitator and school representative then engage Courtney in a discussion to identify why she did not attend school. The main contributors to truancy appeared to be negative peer influence, specifically two other girls with whom Courtney truanted, and staying up all night watching television and using Facebook. Courtney's father confirmed this.

The facilitator then asked Courtney how she felt about school. Courtney responded that it was boring and started too early, but that she did like to go and see her friends. Her father stated that Courtney did not like learning. After more prompting from the facilitator, Courtney acknowledged that education was important for getting a job and so she needed to go to school to learn. The attendance officer mentioned the recent work experience that Courtney undertook at a supermarket and asked her what that was like. Courtney responded that she established a routine for the week where she woke up early and turned up punctually because she 'had no choice'. The attendance officer pointed out to Courtney that the work hours

would have been longer than the hours at which she needed to be at school, and yet Courtney was able to 'do all of the right things' for that week. The attendance officer asked her why this was. Courtney responded that it was something new and that the work was easier than school. The attendance officer asked if she felt 'important' at work, to which Courtney responded yes, because she perceived that she was doing well at work, whereas school was a different story.

The facilitator then asked Courtney's father how he felt about her missing school. He explained that sometimes he could not find the finances to pay for her transport to school, but primarily he struggled to 'get her out of bed' in the mornings. The facilitator mentioned that recently Courtney's mother had passed away. Acknowledging that this would have been a very tough time for Courtney, the facilitator asked how Courtney thought her mother would feel about all the school she had missed. Courtney responded that her mother would be disappointed in her. The facilitator emphasised that it was important for Courtney to know that her parents want the best for her, and so the purpose of the FGC was to develop a plan to re-engage Courtney in school. The facilitator identified that a significant aspect of the plan would be to set some goals for Courtney, and referred to her creativity and interest in photography. Courtney agreed that it would be good to identify some things that would motivate her to go to school.

The clear goal of Courtney's FGC was to motivate and support her school re-engagement. The school representative's role in the FGC was to articulate the impact of truancy, including the legal consequences, and to identify how the school could support the maintenance of improved school attendance. In Courtney's FGC, the fact-finding stage of the conference proceedings enabled the school representative to learn a number of things about Courtney's behaviour. Firstly, Courtney belonged to a friendship group in which all three girls truant regularly, spending time together. Courtney's other behaviours included a lack of routine, watching too much television and using Facebook when she should be sleeping. Secondly, Courtney found school boring, but also recognised that an education was a requisite for getting a job. Thirdly, Courtney was more motivated to attend work experience than school; work seemed to increase her confidence in her abilities. Fourth, Courtney's father would like Courtney to attend school but he struggles to make that happen. Finally, Courtney would like to identify some motivators to bring about a change in behaviour. All of these circumstances formed the context in which the school representative performed her role in the FGC.

To open her discussion of the legal consequences of truancy, the attendance officer in Courtney's case said:

'This is my attendance hat now. This is not my [name deleted] hat who cares about you. This is from the school's point of view, okay. Every day counts. That's the [Education Department's] policy, every day counts.'

She then proceeded by describing the school's internal processes, (including what she had already initiated regarding Courtney), followed by the legislative process of official letters, attendance meetings and the potential for Courtney's father to be prosecuted and fined.

Next, the attendance officer outlined Courtney's specific attendance record. She explained that it was the unexplained absences that concerned the school, not the explained absences. The FGC occurred in September 2012, and by that stage, Courtney had 76 absences from school, 52 of which were unexplained. The attendance officer acknowledged that the beginning of the year was a tough time, due to the passing of Courtney's mother, but emphasised that she could see a pattern of chronic truancy forming that concerned her. The attendance officer ended this part of the conversation by saying,

'So do you realise how serious it is? When you're not at school dad's the one who gets into trouble.'

The attendance officer engaged with Courtney directly and allowed her to ask questions throughout her discussion, to ensure that she understood what was being communicated.

The attendance officer then emphasised the challenges of falling behind academically and the ramifications truancy can have for her chances of successfully applying for an apprenticeship. She emphasised that a traineeship/apprenticeship could be a 'foot in the door' for the young people, because employers often offer their trainees a job once the traineeship has finished. However, the attendance officer pointed out that if the truancy continued, there would be no such opportunities, because the schools cannot guarantee to the employer that the young people will be reliable and turn up for work every day. Recommending truant young people to employers could potentially impact on the school's reputation.

The facilitator asked Courtney what she could take responsibility for to improve her attendance. The attendance officer identified that Courtney and her father needed to work as a team, and pointed out that if Courtney was motivated to get up early for her work experience, that needed to be transferred to going to school. Consequently, one of the actions in Courtney's Action Plan was that she would set her own alarm, instead of relying on her father to wake her up every morning. In line with Courtney's desire to identify some goals to work

towards as part of her school re-engagement, another action focused on her participation in a youth support program. As part of this program, Courtney would set some goals around attendance with her youth support worker. For example, if she attended every day for three weeks consecutively, the youth worker would take her to a photography studio or art gallery. Courtney said this was 'good' because it gave her 'something to look forward to'. Earlier in the FGC, Courtney's father identified financial issues as an occasional contributor to her truancy. The attendance officer undertook to facilitate an application for the free bus travel system for which Courtney was eligible.

The facilitator asked Courtney about setting a goal to only hang around with friends at certain times that did not coincide with when she should be at school. Courtney expressed that this would be difficult as 'it's boring at home'. The facilitator pointed out that if Courtney starts going to school and spending time with her youth support worker and working on goals she might find home less boring. The attendance officer identified that Courtney enjoyed reading, and suggested that one way to mitigate boredom at home would be to read, and agreed to work with Courtney to organise weekly reading materials for her. Courtney eventually agrees to only see her friends after school, and come home to have dinner with her father every night, and on weekends. She agreed to do this regardless of whether her friends attended school. Courtney also agreed to limits around television and facebook to facilitate better sleeping patterns.

The next discussion around the Action Plan focused on helping Courtney to catch up on all the work on which she was behind as a result of her truancy. The attendance officer explained that Courtney has one more term of Year Ten left before she enters senior schooling. Next year, her learning would be more self-paced, and more directed to her interests. Courtney expressed that she would be able to 'get through' the last school term of the year. The attendance officer replied:

'I know you can do it. I've said this all the way along - you've got to own it yourself. I will support you and you know that I will support you. All you've got to do is come knock on my door and say I need such and such. I'll do it for you. You know that. But I can't do it if you're not here.'

The attendance officer proposed a celebration of a pizza party at the end of the term if Courtney attended school every day.

The messages conveyed by the attendance officer suggest that she had two distinct purposes for participating in the FGC: to be the caring and concerned attendance officer at the personal



level, and the attendance officer speaking for the school. Her comprehensive explanation of the policies and the procedures, and her reference to these as things she ‘has’ to do speaks to her awareness of her role and responsibilities as an attendance officer, and her role in the FGC to increase awareness of the legal consequences. She presented as conscious of her accountability to the school and perhaps to the Education Department; she conveyed the message that the school employed her for the specific purpose of following up on attendance matters, and this required her to implement the policies and procedures as written. Unlike the principal we saw in Brooke’s and Cooper’s cases, who indicated that she could delay the process up to a certain point, the attendance officer in Courtney’s case seemed to highlight the compelling nature of what her job entailed, making no reference to any leeway she might have had.

When engaging with the topic of the legal levers, the attendance officer made a point of saying that it was not her speaking as Courtney’s English teacher for two years (which was her previous role before being employed as an attendance officer), but her speaking as the school’s attendance officer. Recall the guidance officer in Andrew’s case who appeared to remove herself from responsibility for enforcing attendance. Unlike that guidance officer, the attendance officer was directly responsible for implementing the education policies and procedures. The attendance officer appeared to want to preserve the relationship she had with Courtney, established before becoming an attendance officer, by stating that the legal escalation was beyond her control. In her process of cultivating the legitimacy of her own authority, she seemed to absolve herself of the responsibility of law enforcement. As a potential recipient of that information from a power-holder, an audience could choose to view her in one of two ways: as the decision-maker, the ‘judge and jury’ so to speak, or as someone who is responsible for merely initiating proceedings in response to incorrect behavior. It is possible that in her legitimacy building process, the attendance officer was trying to convey to Courtney that she was someone who would like to help her, that she had Courtney’s best interests at heart, but if there was no change in behavior than she would have no choice but to escalate to a recommendation that Courtney’s father be prosecuted.

Throughout the FGC, the attendance officer demonstrated that she was invested in helping Courtney improve her attendance, highlighting how important school attendance is to Courtney and her future prospects. By way of response, Courtney would hopefully re-engage in school, with the knowledge that the attendance officer is there to look out for her, but at the same time, there would be action she would need to take if truancy reoccurred. The

attendance officer's communication seemed to suggest that in order to maintain her legitimacy in Courtney's eyes, she needed to remove herself from that administrative responsibility. In a way, she diminished the legitimacy of the law in order to promote her own legitimacy. In contrast, the teacher in Charlie's case appeared to promote the legitimacy of the law to support her own legitimacy. Recall that in Charlie's case, the teacher's articulation of the legal levers occurred in the context of a need to emphasise parental responsibility to ensure that Charlie attended school. In Courtney's case, it appeared that the attendance officer was interested in encouraging behavioural change in Courtney, and for her to work as a team with her father to re-engage in school. It seemed that the teacher in Charlie's case took the 'stick approach' whereas the attendance officer in Courtney's case took the 'carrot approach' to communicating the legal consequences of truancy.

### ***6.9 Dylan's Case***

The attendance officer discussed in Courtney's case also participated in the FGC in Dylan's case. She was accompanied by another school representative, who was the coordinator for the students in Dylan's grade at school. Along with Dylan, both of his parents, a police representative and a family relationships support agency representative attended the FGC. To begin the FGC, the facilitator talked about conversations she had had with the family in preparation for the conference. From that conversation, she identified challenges with school work and bullying victimisation as the main contributors to Dylan's truancy. The facilitator then asked Dylan's parents how they felt about him missing school. Dylan's mother said that it made her angry, stating that her other four children attend school, so why cannot Dylan? She said that Dylan did not listen to her but would listen to his father. She acknowledged that she enabled the truancy, as she 'does everything' for him. She also expressed concern that Dylan wanted a 'free ride' to work in the family business. She emphatically stated that this would not happen; Dylan 'needs to do something else'. Dylan confirmed that his thinking was around working for the family business. Dylan's father expressed concern that his son was 'throwing away his future'. His parents indicated that when he truant, they disconnect the internet and set chores for him to do around the house, in an effort to make school a more interesting alternative. Dylan indicated that being at home enabled him to better manage his anxiety. At one point in the conversation, his mother said, 'he'll be livin' with me till he's forty'.

Next, the facilitator asked Dylan if he could elaborate on the bullying that occurred at school. He explained that when he attended school, he very frequently experienced bullying; he identified a ring-leader, and explained that the whole class generally followed his lead, and seemed to greatly enjoy making him cry. Dylan shared most of his classes with the ring-leader, and it was revealed that he only attended school when the ring-leader had spent some time away from school.

Early in the conference proceedings, the facilitator identified the significant extent to which Dylan struggled to talk to others, including members of his family, about his experiences. In particular, his father expressed that he often tried to talk to Dylan about school and his future but the conversations did not achieve much because Dylan became increasingly upset. Hence the attendance officer and the other school representative were surprised to learn about the bullying. At no point during his time in high school had Dylan reported it to anyone at school. His mother identified, and Dylan agreed, that he was afraid of the repercussions of ‘dobbing’. At the FGC forum, Dylan disclosed the names of the ring-leader and his immediate followers. The attendance officer presented as empathetic, allowing him space to talk, before responding:

‘Please accept that there is a guarantee that that will be worked on.’

The other school representative, who, as year level coordinator, oversaw the wellbeing of students in that grade, indicated that his focus thereafter would be ‘putting an end to that bullying’.

Following the discussion around bullying, the facilitator invited the attendance officer to speak about the consequences of truancy from the school’s perspective. Like in Courtney’s case, the attendance officer opened this discussion by identifying that this was now her speaking as her role of attendance officer in the school. She explained the consequences in a similar way to the explanation given in Courtney’s case, identifying the steps she had taken specifically in relation to Dylan’s truancy. The FGC occurred in November 2012, and that year he had been absent for 98 days out of 166– approximately half of the school year. The attendance officer revealed that over the past three years, his attendance had only gotten much worse.

The attendance officer explained the process as follows:

‘We follow the [Education Department’s] policy, which is Everyday Counts, ok so everyday the student needs to attend school. So if, when a student doesn’t attend school, we look for an

explanation from a parent, ok, and we do get explanations, or we get a text message in response to our text message which doesn't actually give a reason why you're not at school, it just says Dylan will be back by tomorrow or by a certain time. So really, as an explanation, as in a parent has contacted us, it doesn't give us a reason why you're not at school. ... We've sent you two warning letters, as part of our process, so the way we work is, everyday a text message goes to either parent number 1 or parent number 2 whichever person we've indicated it to be, a text message goes to them and says Dylan's not at school please let us know the reason, and we sometimes get a response, not all the time but sometimes we do. On the third consecutive day, I make a phone call to a parent finding out why you're not at school and if you're ok and when can we expect you back. On day four, a warning letter goes. So if you've had four consecutive days, we send a warning letter. And the process goes all the way through until we get to fifteen consecutive days, and you've never got to that point, we then send what we call a Form 4, which is our first letter from the Director-General of Education, which says you know, your parents are, are in line for very serious consequences, because legally you have to go to school. If it gets to, [she remembers to say something before this] and then we say you have to come in for an interview. If it gets to twenty consecutive days, then it's Form 5 that gets sent, from the Director-General, saying your parents could be prosecuted. ... Because it is a legal requirement for you to attend school, and it's a legal requirement for your parents to send you to school. It is very serious.'

Afterwards, Dylan, his mother, the facilitator and the attendance officer had a conversation about the legal levers:

- Mother:** We know, like we've explained it to him, over and over and over again, not quite as good as you've just explained it, but we've explained it, we've told him we'll get fined we'll go to jail we'll go to court, we've told him.
- Facilitator:** How do you feel when you hear that, for your mum and dad?
- Dylan:** Um...
- Mother:** I've told him if I go to jail I'll come back out and kick his butt. [she laughs]
- Facilitator:** Did you think maybe they might've like I'm wondering if hearing it from the school, do you think that maybe because sometimes we can hear Mum and Dad and maybe don't always listen I'm just wondering hearing it from [Attendance Officer], does that make a difference?
- Dylan:** Yes.
- Attendance Officer:** Why does it make a difference, hearing it from me rather than hearing it from Mum and Dad?
- Dylan:** I don't know, it's more... [he can't seem to find the word so he's helped out]
- Mother:** Official.
- Dylan:** Yeah.
- Mother:** I don't think he really believed us.
- Attendance Officer:** This really is serious, Dylan.
- Dylan:** Yep.
- Attendance Officer:** This part of it is really serious, ok? Because we have a lot of explanations, you know, we've never got to the prosecution stage, and I hope we never have to, because I think from sitting here I think you have a mum and dad who will support you, and help you a lot, ok, and probably in some respects enable you to stay at home by making excuses for you, ok, and that's fine, a lot of parents do that for their children, because they love you, ok? But, your responsibility is for them is to get an education and to be a role model for [your siblings].'

While the attendance officer's explanation of the legal processes was similar in Courtney's and Dylan's cases, one stark difference between the two was that in Dylan's case, the attendance officer made a point of emphasising the seriousness of the consequences for his parents if his truancy continued. The FGC process seemed to have generated a better understanding of the legal processes for Dylan, where he had the opportunity to interact with the agent responsible for enforcing the law (see Trinkner & Cohn, 2014). The seriousness of the consequences for Dylan himself became clear as the conversation continued. The year level coordinator and attendance officer both indicated to Dylan that he was performing very poorly at school. Being in senior secondary school, Dylan was taking subjects that enabled him to learn at his own pace, but even for effort he was receiving failing grades, and he rarely handed in assessment. The year level coordinator told Dylan that he knows of past students who, now in their twenties, are still trying to complete their senior years of school via alternative means such as TAFE; they should have been doing that when they were 16 and 17. All of the FGC participants indicated that they did not want to see Dylan in that situation, and again his mother raised the issue of him not working for the family business. After the two school representatives and the police representative had discussed the consequences of truancy from the school and police perspective, the facilitator asked Dylan what he thought about all of that information. Dylan responded that he felt 'a bit better knowing it all ... like I know what's gonna happen now.' He indicated that it made him more aware of why it is important for him to go to school.

Dylan agreed, as part of his action plan, to make changes to his routine, such as preparing the night before for the next school day, and agreed to speak to the attendance officer, or his favourite Information Technology teacher, about future bullying incidents. For Dylan, the FGC appeared to be a setting where he felt safe and secure enough to raise issues of bullying that had been plaguing him for a significant period of time. The lengthy discussion about this in the FGC resulted in a genuine commitment by the attendance officer that she and other school staff would act appropriately to correct the situation.

There was also a long discussion about how Dylan could best catch up on all of the work he had missed due to his truancy. Both school representatives agreed that if Dylan committed to attending school from then on, he could catch up due to the self-paced nature of his subjects. There was also some discussion around behaviours that Dylan exhibited that could be identified as Autism Spectrum Disorder traits. The attendance officer indicated that if his parents were interested in obtaining a formal diagnosis for him, that would link him into

additional supports that he otherwise would not be able to access such as an education adjustment program. The attendance officer emphasised that the program would provide the flexibility Dylan would most likely need for future academic achievement. The attendance officer also identified some school-based competitions that Dylan could involve himself in around his interest in computers and video game design. Dylan seemed excited about that.

Dylan's case is a prime example of a case of severe chronic truancy. The evidence presented in the FGC by the attendance officer demonstrated that if circumstances did not change for Dylan, there was every chance that his parents would face prosecution, and his mother's fear that Dylan would be living at home with her forever would become a grim reality. Both school representatives were actively involved in Dylan's FGC, although the year level coordinator left part-way through to teach a class. The attendance officer did appear though to play a more dominant role in explaining school responses to bullying and truancy. The legitimacy building process engaged in by the school representatives in this FGC included a number of elements. Firstly Dylan learned that the school did not tolerate bullying and both school representatives undertook to address that. Secondly he learned that truancy had serious consequences for his parents and for him. Raising awareness of the legal consequences featured prominently in the attendance officer's contribution to the FGC process. Thirdly, the attendance officer explained to Dylan and his family that all was not lost; if Dylan actively re-engaged in school from that point on, and completed his final year of secondary school, he would be in a much more favourable position than he was at the time of the FGC. Both school representatives seemed to be conveying to Dylan that school re-engagement was really the only means of his success in life and a positive future – to try and counteract his thinking around working for the family business. I now turn to a discussion of three case examples where it appeared that the school representatives emphasised the benefits of school attendance and empower the young people to give themselves choices, but did not discuss the legal consequences in detail.

### ***6.10 Angus's Case***

Every member of Angus's immediate family attended his FGC, indicating that he had a strong family support network. A teacher aid attended for a short time, and the deputy principal represented the school to discuss the consequences of truancy. A police representative also attended.

Angus was a member of an indigenous family who had been dealing with some sensitive family issues. Angus found schoolwork a challenge at times but was reluctant to ask for help. His grades were average to below average. He lacked direction, with no goals for the future. Angus and his adolescent sister both exhibited significant patterns of truancy.

Angus indicated at the FGC that he sometimes regretted not going to school because he missed his friends and playing sports. He also said that he found it hard to come back to school because the work was hard. His mother indicated that she had tried everything but once his mind was made up she found it difficult to persuade him.

Angus's adult sister, who also attended the conference, was encouraging and openly and emotively discussed her own experiences in relation to leaving school early and how she regretted not completing school. She also was implacably firm in relation to the importance of attending school and expressed her disapproval of both her younger siblings' non-attendance. The teenage sister appeared prepared to address her own non-attendance to help her brother. At times throughout the conference, she encouraged her brother to speak to the group and she openly described the types of behaviour she and Angus displayed in the mornings to stay home from school.

Angus's mother indicated that she was 'shocked' when she saw the significant number of school absences on her son's most recent report card. The teacher aid contributed to this discussion by stating that she was aware of numerous absences that carried legitimate explanations; Angus had been unwell for a period and the family had suffered a significant number of losses over the school year. The teacher aid appeared to be offering support for the mother around absences that were outside of the family's control, commenting that the number of illegitimate absences was smaller in proportion to the legitimate absences. She also said that she finds it hard herself to motivate her children to attend school. The mother said that the children have to accompany her when there is a loss in their community for the bereavement process.

When the facilitator asked the deputy principal about consequences of truancy, she used the 'Every Day Counts' slogan in the context of lost learning opportunities and peer interaction. She conveyed that Angus's education was important to her, and explained that she felt that Angus had a great capacity as a student and was missed by his peer group when he was not at school. She directly stated that the FGC was important for Angus so he could be made aware of these aspects of life at school.

The deputy principal reluctantly acknowledged that there was a process around excessive absenteeism,

‘...But we don’t even need to go there because we’ve got good relationships with our families and with our kids and that’s really important to us to make it work in a positive way.’

She invited the young person’s mother to contact her directly if she encountered any attendance problems in the future. Angus’s mother appeared to readily accept the deputy principal’s offer of open communication between them.

Towards the end of the conference, the facilitator asked the deputy principal about the link between an education and positive life outcomes. She responded that an education would mean that many options would open up for Angus, including the possibility of higher education. She explained that she thought Angus and his sister had great capacity as students, and tried to engage their interest by talking about all of the jobs that they would not have even thought of. Angus indicated that if he had a high paying job he would support his mother and older sister and her family.

In Angus’s case, it was clear that the deputy principal saw involvement in the FGC as an opportunity to foster a genuine connection between herself, Angus and his entire family, which she planned to continue to encourage into the future. She was one of the few school representatives who wrote comments in the post-conference feedback survey:

‘This conference was a good opportunity to make links stronger between home and school. Our [Indigenous Education Worker] has reduced her days at the school and I had the opportunity at the conference to personally invite the family to contact me from now on if the [Indigenous Education Worker] is not available and to reaffirm my interest and commitment to the family. I was also able to meet [name deleted], the older sibling, who is a key family support person and develop a connection with her. The feedback from the family, including [Older Sibling], was very positive at the close of the meeting. The day after the conference Angus was at school and I passed him and took the opportunity to have a casual positive chat. He was very happy and told me he was having a good day. I didn’t allude to anything else, but will do the same over the coming days and weeks.’

One interpretation of the deputy principal’s remarks could be that the school where she works does not view compulsory attendance laws as legitimate, and thus fail to implement them.

The school certainly seems to have put practices in place that may lead staff responsible for attendance matters to mitigate formal engagement with the law. However, the more likely explanation is that this deputy principal is speaking more to her experience that the school has managed to resolve these issues in the past without the need to resort to recommending prosecution. Her references to ‘we’ could mean the school in conjunction with the family working together successfully to improve attendance. In the FGC, she engaged with Angus



and his family in a manner that suggested that they are all in this together, working as a collective with the shared goal of improving attendance and a more positive pathway for both Angus and his sister. This deputy principal did not frame her messages in terms of consequences. Rather, she took care to explain that Angus's education was important to her, and how an education would enhance his future prospects. Her efforts to build legitimacy of education in this case appeared to centre around highlighting the positives of school re-engagement. Like the principal in Brooke's and Cooper's cases, she emphasised the significance of a working family-school partnership to facilitating school re-engagement.

### ***6.11 Elizabeth's Case***

Elizabeth's FGC was attended by Elizabeth, her sister, her mother, grandmother, guidance officer, a police representative and a youth support agency representative. In Elizabeth's case, the guidance counsellor encouraged her to alter her thought patterns such that instead of thinking in terms of not wanting to be at school, she should accept that she needs an education and ask, 'how can I make this work?'. Elizabeth often experienced bullying and anger outbursts concerning things that bothered her. The types of bullying she experienced at school included being called a boy, destruction of her artwork and general name calling. She indicated that she liked being at home because it kept her calm. Her mother was opposed to Elizabeth being schooled at home, as she did not believe herself capable of teaching Elizabeth. When the facilitator asked Elizabeth if she wanted an education, she responded

'yeah so much ... I just can't do it at school.'

In response to that statement, the guidance counsellor advocated that where the conventional educational structure wasn't working for young people, they should seek alternatives. He said:

'My, my personal opinion, and this may not be [the Education Department's] opinion [chuckles], urm, would be that you need to get an environment that suits, that you can work with. Right? ... you need to get a system that works for you and that you can get the outcomes you want at the end. Right? For, yeah the majority of students, yeah, the standard school system works. For some students that doesn't work ... So what we've got to try and do is work, if it's a school structure, or in a school environment, how can we make that environment comfortable enough that you can cope with it. ... or do we look at alternative educational structures?'

These remarks are quite reasonable for him to make, because alternative educational structures possibly do need to be considered for the ASEP young people. His comments

suggest that he is so committed to education, which is essentially the aim of the laws, that he would search for ways to ensure that children are educated. He made it crystal clear in the FGC that not attending some kind of educational structure was not an option for the young person:

‘...you’re still in compulsory schooling, so if I put my education hat on, you still have to be at school till you finish year ten. ... After that you make your decision about what you want to do. Right? ... Because it just carries you with so much stuff that allows you to do so many things.’

The facilitator asked about the legal consequences. The guidance officer responded:

‘...uh, so with it being compulsory, yeah they’ll get nasty with you, they’ll send letters and what have you else at some point in time. Urm, the issue with the [ugh] bullying stuff...’

In relation to the bullying, he explained that the best way to address bullying was to work with the victims to devise coping strategies, because often bullies will eventually move on and target somebody else. He also pointed out that reporting would be helpful for her, because school staff will only see her reaction to the bullying, not the lead-up to it. He encouraged her to be more resilient and to ignore the negative comments others make about her, and to make a distinction between the people she would pay attention to and those she would not. He asked Elizabeth if she would change her shoes if a stranger on the street said they did not like them, to which she responded ‘no way, they’re cool bro’.

The guidance counsellor expressed that if Elizabeth could not find a way to make it through compulsory schooling, then the school was not doing their job or doing the right thing by her. Again, the facilitator asked about the legal consequences. This time, the guidance counsellor responded by providing a very brief explanation of the formal legal processes. Perhaps referring to the school, he said,

‘...our encouragement to you really ... it will be good for you to finish year ten ... it’s not good for you, it’s very, very good for you. Right? And basically what we’ll try to do is, we’ll try to do everything we can to make sure that happens.’

The facilitator asked Elizabeth what she would like to do when she finished school. Elizabeth appeared to have a wide range of interests – open a bakery or become a dentist, surgeon, carpenter. The police representative expressed that Elizabeth needed to devise a ‘framework’ to help her achieve her goals. He emphasised that she cannot always be thinking in the present, always trying to seek immediate gratification, and that she needed an orientation towards the future. He compared school to running a marathon, where she needed to push herself through the hard parts in the middle to achieve outcomes at the end.

The guidance officer reinforced the police representative's messages, blaming Bart Simpson for the 'if it's too hard don't try' rhetoric. He compared school to having a job. He stated that like a job, school is a package that includes 'parts that we like and parts that we don't like'. For Elizabeth, he emphasised that her job at the moment is going to school, where she cannot just 'do the bits that you enjoy'. She needed to turn up on time, do some work, stay at school all day, and with the 'right attitude'.

In relation to Elizabeth's anger issues, which had previously resulted in suspensions for swearing at teachers, the guidance counsellor offered for her to come and yell at him. He compared anger build up to a balloon being blown up -- people keep pumping air until you explode and then they run away. He said:

'So when the pressure builds up and you feel like exploding then you just need to get rid of some of that, you can come and dump it on me, cause it's not going to have any effect on me, and I know what you're doing is you're getting rid of that pressure, so it's better to come up and yell and rant and rave at me, than to do it to a teacher or another student. ... As long as you stand on my left side, I can't hear that well on that side, and so I can't hear what's said.'

There was some discussion around how Elizabeth found some classes difficult to handle and the guidance counsellor admitted there were limited options, that is, cannot set up alternatives for every lesson, but he did make one suggestion:

'If, if you come up to us, I will, I can just add you into the system and then it goes in there electronically, then you're accounted for. Whereas if you're jus' absent from the class, you're not accounted for electronically and you'll come up in the system as a truant. ...

Truant means that we just don't know where you are. ... and because, don't forget, one of the things we take on board is that mum sent you to school, and mum assumes that we will look after you when you're at school. We can't look after you if we don't know where you are.'

He urged Elizabeth to remove herself from situations and come to see him rather than truant, but cautioned against her using this as a way to avoid classes. In this instance, the guidance counsellor is expressing a degree of tolerance that is not reflected in the Education Department's policies.

The guidance counsellor on Elizabeth's case appears to be promoting the legitimacy of education, or engagement with school, in a number of ways. He emphasises that education is not a choice for Elizabeth, and appears to be invested in finding ways to ensure a positive environment in which Elizabeth can achieve her educational goals. This environment need not be an educational institution; the guidance counsellor recognises that conventional structures may not be appropriate for all young people. He delineates a number of strategies that could be put in place should Elizabeth decide to persevere with the school environment,

namely, the offer for her to vent to him, and the alternative arrangements for when she felt that she could not cope in the classroom. Evidently, the guidance counsellor is a strong advocate for the education of young people.

### ***6.12 Jason's Case***

The guidance officer just discussed also attended Jason's FGC, along with Jason, his mother, sister and a police representative. Jason indicated that the only thing he enjoys at school is playing sport. He said he did not like teachers and that assignments have 'too many words'. His mother revealed that she too disliked school and was truant. She said that she regrets it now, believing there was 'lots she could have done'. She indicated that she wanted Jason to be able to support himself:

'to have a life a tad bit better than mine ... y'know I don't want them, like the rest of our family that are dole bludgers and druggos and and that's, y'know I don't want that for my kids ... as far as I'm concerned, in the years to come you're gonna need a university degree, to clean somebody's toilet, so I mean if he can't go to school, how the hell's he gonna clean somebody's toilet? ... y'know I made some pretty dumb choices, I mean I left school I wanted to become a mother and a housewife, I become a mother alright but somebody's wife and partner that, yeah that never happened. And we've done it tough, haven't we? Y'know? We have done it tough.'

When the facilitator asked Jason what would make school a more positive environment for him, he responded that he would 'get rid of all the teachers'.

When the facilitator asked about the legal consequences of truancy, the guidance counsellor emphasised that young people have choices, but so does the school, and he urged Jason not to hand over the choice to the school. He said:

'...you need to keep those choices, don't give it to other people, because other people will make choices that A. are not good choices cos that's the only choice they've gotta make because of rules and regulations, and it's probably a choice that the people who have to make those choices don't wanna make, but that's the only option they've got. So if you keep hold of that choice and a hold of those options, you've got a whole range of things you can do. So don't hand that over to other people...' (Jason's case)

His emphasis on not handing the choice over to the educational institution suggests that he is trying to empower the young people to make their own decisions -- if they want to leave school, it should be on their own terms, and if they want to stay, they need to keep themselves in a situation where they'll have that option. All of the ASEP young people are 'in the process' and possibly heading towards a future 'choiceless' zone, so what he seems to be saying is that these kids have a lot of chances to get out of this situation but if they keep on this path they won't have any more choices.

The guidance counsellor appeared to be invested in helping young people to make informed choices, and follow a path where they will put energy and resources into what they are doing. He seemingly takes on board the notion of working with the young people to assist them to make positive choices for their future, rather than telling them what they need to do. In Jason's case, he emphasised that in the following year, he would enter the senior phase of schooling that would enable him to take subjects that interested him. He explained that like a future employer, the school needed to see some output from Jason. He compared school work to being a bricklayer – if there is no evidence that a wall is being put up, then the bricklayer will not get paid.

There are a number of possible interpretations of this guidance officer's behaviour. One interpretation could be that he just doesn't buy into laws that mandate compulsory education for children. Having read through and analysed the transcripts of all of the conferences he participated in, the most likely interpretation is that from a guidance counsellor's perspective, an awareness of the legal consequences of truancy would not help the situation, and possibly could do more harm than good. He may see the goal of changing the patterns of truanting behaviour would be best achieved by him understanding what was causing the behaviour and helping the young people to make things better. His behaviour in the conferences demonstrates that he believes in what he can do for these kids as a guidance counsellor; it is within his means to facilitate compliance, and this does not necessitate reference to the legal consequences of truancy. In making the decision not to talk about the law, he appears to be taking ownership of his role as a guidance counsellor and the influence that role gives him. The young people appeared to connect with him in his efforts to orientate them towards the future and thinking about their life goals, recognising that school attendance would lead to better life outcomes for them. As a guidance counsellor, he seemed to really connect with the young people, and rather than trying to be an authority from above, he sought to be influential from beside them, focusing directly on the issues at hand.

While the deputy principal and guidance counsellor may not have engaged with the legal consequences component of the FGCs, they did not express any approval of truancy. Even the guidance officer who, in Elizabeth's case, suggested that if she was having a very bad day she could cut class and visit his office to let off some steam, cautioned that this could not be a regular event. Angus and Elizabeth, and their respective families, made various commitments during the FGCs to behavioural change. Angus committed to working harder at school so that he could support his mother, younger sister, and his adult sister and her family. Elizabeth

seemed to really engage with the guidance counsellor and readily accepted his suggestions. Therefore, it is possible that these young people will comply, and accept their responsibilities, through their established connections with the school representatives, regardless of any increased awareness of the legal consequences.

### ***6.13 Bringing the Cases Together***

The cases presented in this results chapter illustrate how authority figures, in the context of compulsory education, cultivate perceptions of legitimacy through dialogue. This dialogue occurred in FGC settings, a major component of the ASEP TPP intervention. The ASEP FGCs set out to demonstrate to the young people and their families the partnership between police and schools. The approach to addressing truancy taken in the ASEP intervention required police and school representatives to communicate, in a procedurally fair manner, the range of consequences of truancy, and legal responsibilities, surrounding truancy. The aim was to promote the legitimacy of authorities, that is, for the young people and their families to recognise both the police and school representatives as authority figures in relation to truancy.

From the lens of Bottoms and Tankebe's (2012) dialogic approach to legitimacy, I specifically explored how the school partners engaged in processes of legitimacy building in the FGCs. As part of the legitimacy building process, school representatives were tasked with communicating the legal consequences of truancy – in other words, the school representatives were responsible for activating the TPP legal lever in the FGCs. The case examples presented above capture the nuanced ways in which the school representatives demonstrate their communication of the legal levers as part of their process of building legitimacy. The confidence of third parties in their entitlement to exercise power is, according to the dialogic approach to legitimacy, a necessary prerequisite to public perceptions of the legitimacy of the third parties. By concentrating on the participation of the school representatives in the FGCs, I gained some insight into their understanding of their role in the ASEP intervention, and their role within the schools where they worked.

The variety in the communication of the legal levers ranged from a very thorough outline of both the school's internal procedures and the departmental policies and procedures, to what seemed like a reluctance to engage in discussions of the legal consequences. The guidance officer in Andrew's case, and the teacher in Alexandra's case, both provided thorough explanations of the legal processes. They did so in the context of a pre-existing working relationship with the young people, and appeared invested in their re-engagement with school. Their communication also appeared to give transparency to the legal processes. For Andrew, being in senior schooling, the processes are in place to ensure he is on track and progressing well at school. The teacher in Alexandra's case talked about the need for schools

to ensure that children are safe, and so truancy raises concerns for the school in that regard. They appeared to encourage compliance by tapping into their motivations – for Andrew, clear direction and focus for his future, and for Alexandra, engaging more in her interest in writing. The teacher in Charlie’s case communicated that truancy laws could be justified by the fact that children have the right to an education, and regulating school attendance is the government’s way of providing young people with options and the tools and knowledge to be successful. The teacher in Isaac’s case echoed similar sentiments to the teacher in Alexandra’s case around safety concerns and the significant impact of truancy on her ability to do her job as an educator.

The attendance officer in Courtney’s and Dylan’s cases, and the principal in Brooke’s and Cooper’s cases, communicated the legal levers in a manner that conveyed their specific responsibilities as members of the school administrations. The attendance officer seemed to suggest that her responsibility for attendance matters compelled her to take action at certain points by virtue of her employment as an attendance officer. By contrast, the principal indicated that her authority over attendance matters permitted her some discretion in her decision-making. The attendance officer appeared to separate herself from her responsibilities to the school to promote her own legitimacy, while the principal’s legitimacy building process appeared to involve communicating the legal levers alongside her understanding of the barriers for attendance faced by the families, and how she could work with them to bring about solutions.

The deputy principal in Angus’s case, and the guidance officer in Elizabeth’s and Jason’s cases, seemed to shift the focus from the legal levers to a far greater emphasis on how an education would benefit the young people in the long run. The deputy principal communicated to Angus that his education was important to her, and framed her messages accordingly. The guidance officer seemed to be all about empowering the young people to make their own choices. He was clearly very interested in young people having access to education in a format that best suited them, (not necessarily an institutional structure). He suggested that the only way school re-engagement could be achieved would be for the young people to change their thinking from an attitude of not wanting to be at school to an attitude of how can they make school work for them.



The above findings provide insight into how third parties, in a TPP partnership, encourage compliant behaviours by communicating the legal lever (the key mechanism of TPP). These insights indicate inconsistencies between the police and third parties' interpretation, application and perceived utility of legal levers in the truancy reduction endeavour. I suggest this has broader implications for TPP interventions generally; for example, my findings highlight potential challenges for the police in convincing third party partners to escalate legal processes in response to noncompliant behaviours. However, further research is needed in order to draw concrete conclusions in this regard.

With respect to legitimacy theory, my findings raise questions around what Jonathan-Zamir & Harpaz (2014) call external legitimacy, that is, the school representatives' understanding of how the young people and their parents view them and their entitlement to exercise power. It would be useful to know what the school representatives thought the young people and their parents cared about most, because, the dialogic model anticipates that a power-holder's understanding of the basis of their external legitimacy to affect his/her self-legitimacy and future claims to legitimate authority (Jonathan-Zamir & Harpaz, 2014). Undoubtedly, in the case of the ASEP, the school representatives' perspective on what would be important for the young people and their families influenced their participation in the FGCs and what they chose to communicate.

### ***6.14 Limitations***

When analysing the ASEP FGC transcripts, I assumed that the contents of the dialogues accurately portrayed the perspectives of the school representatives, the young people and their families. In research studies, the participants may not accurately express their feelings and behaviours for a range of reasons such as social desirability (see Zerbe & Paulhus (1987) and power imbalances (see Walgrave, 1998). For example, the school representatives may have acted according to what they felt was the appropriate response for their professional role. They may have been uncomfortable voicing a negative or contradictory view about an intervention they were expected to endorse and implement in their professional practice, and they may not have wanted the FGC participants to be aware of any discomfort that they were experiencing. Despite the restorative nature of the ASEP FGC process, the young people, being in a room surrounded by authority figures, could cause them to feel disempowered. Feelings of disempowerment could either put pressure on them to say what they think is

expected of them, or constrain their participation (Walgrave, 1998). In the majority of the ASEP cases I found it difficult to gauge exactly how the young people responded to the messages conveyed by the school representatives. This could largely be due to the facilitators' decisions to move the conversation forward rather than dwelling on the legal consequences. Potentially, an analysis of audio or video recordings could have provided more insight as a researcher would have access to tone of voice and body language and the overall interpersonal group dynamics (see Rosner, 2011).

# Chapter 7

## Conclusion

### *7.1 Introduction*

Substantial research links school truancy to numerous undesirable life outcomes for young people, including delinquency, criminal activity, poor social skills, mental health issues and long-term unemployment that impact on individuals, families, police, schools and society in general (Alarid, Ruiz, & Sims, 2011; Flaherty et al., 2012; Gastic, 2008; Gunter & Bakken, 2010; Joan & Jeffrey, 2007; Kaempffer, 2007; Lenzen & Brunner, 2013; Reid, 2010). School engagement, on the other hand, can generate social and educational successes (Hancock et al., 2013, 2015; Zubrick, 2014). Therefore, how best to intervene to reduce truancy represents an important area of inquiry and a critical policy issue. A large body of research highlights the importance of collaboration in truancy interventions that recognise the multifaceted nature of the problem and the need to go beyond school attendance to target associated problems (see Maynard et al., 2013 for a review). Yet exactly what makes for an effective truancy intervention remains unclear. Hence in this dissertation I explored the operation of the legal mechanisms of the ASEP: a TPP intervention to increase school engagement.

The theoretical touchstone of the ASEP model is that TPP legal levers and legitimacy (involving procedural justice) should mutually reinforce each other within the restorative process of a FGC to reduce truancy and associated crime problems (Mazerolle, 2014). Specifically, the communication of the legal consequences of truancy was proposed to be the key mechanism to encourage willing compliance with the law. In this dissertation, I thus explored:

- How the school representatives engage in processes of legitimacy building in the ASEP FGCs to encourage compliance;
- How the school representatives communicate the TPP legal levers in their processes of legitimacy building; and
- How the young people and their families appear to receive the messages conveyed by the school representatives in the ASEP FGCs.

The idea in the ASEP was to cultivate positive perceptions of authorities in the context of a breakdown of legitimacy perceptions in the young people in their families. The FGCs provided the opportunity for the school representatives to engage in a dialogue with the young people and their families to build legitimacy and foster a genuine motivation to comply with the law.

I proposed that Bottoms and Tankebe's (2012) dialogic approach to legitimacy provided a useful lens through which to explore how third party school partners engaged in processes of promoting legitimacy and communicating laws. The dialogic model posits that legitimacy is a continuous dialogue involving a chain of inputs ('claim/response/ revised claim/further response') between power-holders (in the case of the ASEP, the school representatives) and the audience (in ASEP, the young people and their families). The underlying contents of the legitimacy dialogue are consent, legality and shared values, (see Beetham, 1991) and both the perspectives of power-holder and audience are relevant to understanding the process of cultivating perceptions of legitimacy (Bottoms & Tankebe, 2012, 2013).

This final chapter concludes this dissertation. I begin by outlining my key findings. I then discuss the benefits of a structured dialogue for complex social problems such as truancy. I acknowledge some caveats and limitations of my research in the proceeding section. I end with some concluding remarks.

## ***7.2 Key Findings***

The ASEP police–school partnership approach used truancy legal provisions that were particularly well suited to fostering voluntary compliance with the school attendance laws. The enforcement process for attendance closely aligns with the Ayres and Braithwaite (1992) regulatory pyramid; penalties are imposed only after various other means of encouragement for stipulating 'parental responsibility' have been exhausted (Bazemore et al., 2004). Therefore the truancy laws provided schools and police the legal capacity to gain voluntary compliance at the bottom of the regulatory pyramid. The police-school partnership sought to motivate the truant young people and their parents to willingly re-engage in school by implementing a structured FGC forum that incorporated a dialogue grounded in restorative processes and procedural justice. During the FGCs, the school representatives were tasked

with communicated parental legal responsibility, as part of a process of promoting the legitimacy of authorities and encouraging willing compliance so as not to risk prosecution.

The school representatives' contribution to the FGCs was the focus of the research for this dissertation. In the experimental arm of the ASEP, the FGC was an added component to the 'business-as-usual' manner in which schools deal with truancy. Therefore, I began my research with a contextual study (Study 1) that explored how Queensland schools, in a region where chronic truancy is particularly prevalent, initiate and escalate truancy legal processes set out in the Education Act. My sample comprised fifty-five cases of parents who were referred for police prosecution from the beginning of 2010 to 26 June, 2015. Taking a narrative analytic approach, I explored cases from initial school contact to the point of a prosecution recommendation.

I found that in the context of the business-as-usual approach, the claim-response legitimacy dialogue, in which shared values are communicated, did not translate in the way envisioned by Bottoms and Tankebe (2012). Study 1 results lead me to conclude that the implementation of the school policies and procedures that operationalise the legislation lacks genuine engagement through dialogue. Schools did not appear to encourage parental involvement in processes of problem resolution and seeking supports to improve school attendance, nor did schools appear to appropriately demonstrate their capacity to keep children safe at school.

Drawing on these insights, in Study 2, I investigated, using narrative analysis, how school representatives promoted the legitimacy of authorities during the forty-seven ASEP FGCs, and their communication of the legal consequences in the legitimacy building process. I found universal school support for the truancy reduction goal of the TPP partnership; all schools emphasised the value of educational attainment. However, I also found variability in the communication of the legal processes, ranging from thorough explanation to reluctance to engage with the topic. My analysis revealed nuanced approaches to building legitimacy where the school representatives how schools respond to truancy, how schools and families can work together to improve attendance, the impact of truancy on the ability of the school representatives to do their jobs, the rationale behind compulsory education and the impact of truancy on young people specifically. These findings suggest that in the experimental arm of the ASEP, that schools are able to better engage with families than what appears to be the case outside of the ASEP.

The evidence I presented in this dissertation suggests that for complex social problems like truancy, face-to-face, structured dialogue is an essential mechanism of truancy interventions. The ASEP FGCs present opportunities to establish genuine family-school connections, provide the structure to operationalise supports around barriers to school re-engagement, and promote the value of education, addressing truancy in a holistic way. Thus, my findings point to structured dialogue as a safeguard against potentially harmful, backfire effects of school interventions that seek to communicate and activate legal action to address truancy. My findings highlight the salience of genuine engagement through dialogue – that a dialogue that effectively engages parents needs to have an appropriate tone and content. I elaborate below.

### ***7.3 What is Genuine Engagement through Dialogue?***

My research data comprised administrative notes and transcripts. Neither of these formats gave me insight into the tone of the dialogue. However, the tone of the messages conveyed could be inferred from the language they used. The staff in the cases presented in Study 1 appeared to be firm and directive in their approach, clearly stating the desired outcome; that is, for the parent/s to comply with the law. The reminder of legal obligations in these cases appeared to present as pressures or threats in order to gain compliance. I put forward that such an approach lends itself to engagement that is very focused and short-term. Truancy is a complex social problem, nicely illustrated by Chang and Romero (2004) who argue:

‘...children’s development and educational outcomes take place in the context of multiple, ongoing influences among children themselves, their immediate environments (family, school, peer group), and the larger environments (neighbourhood, community, culture, society at large). Whether children attend school regularly reflects whether children’s environments - including family, schools, community, culture and society – adequately address their needs’ (Chang & Romero, 2004, p. 165).

The complexity of the issues surrounding truancy highlighted by Chang and Romero suggests that the outcome of improved school attendance requires long-term commitment and engagement to develop solutions in joint agreement by all parties involved.

In contrast to the business-as-usual approach, the ASEP aimed to influence change over time, as opposed to simply containing the truancy problem in the ASEP district in the short-term. In the ASEP FGCs, school staff and families appeared to engage in supportive, encouraging behaviours where they shared their perspectives about truancy and its impacts and

consequences. In the case examples I presented, the school representatives appeared to talk directly to the young people and their families, identifying common ground with them. The school representatives often reinforced the parents' desire that the young people attend school for their future benefit. The school representatives also interacted with the young people around barriers that the young people identified to be contributing to their truancy, and helped them to recognise positive future outcomes that could result from school engagement. The subsequent discussions between the school and families, guided by the FGC facilitators, focused on providing support around identified barriers, and identifying goals or activities that would motivate the young people to attend school, to give them a reason for being at school, other than because the law 'said so'. The Action Plans reflected these discussions, providing a clear structure for the young people to re-engage in school. Approaches like the ASEP require school staff to invest a significant amount of time in building and maintaining relationships.

The structured dialogue in the FGCs enabled the participants to share ideas and expectations, put forward interpretations of the viewpoints of others to ensure mutual understanding, reflect on their feelings, admit mistakes and ask for help. The FGC process, in which the school representatives played a crucial role, appeared to convey to the young people that they are capable of achieving their goals, and that they have genuine support from the FGC participants following the conclusion of the FGC. The dialogue in the FGCs therefore sought to align the young people's beliefs needs and values with the behavior change requested of them.

The parents in the cases presented in Study 1 seem to be experiencing the law as power being exercised over them, potentially resulting in feelings of vulnerability, insecurity and helplessness (see Cotterrell, 2005). Cotterrell (2005) points out that the exercise of power has the potential to cause feelings of entrapment; the people subject to regulation may not have the ability to understand some technicalities and/or obscurities in regulations. Even when the mere likelihood or threat of being punished causes us to alter our behaviour, we experience the power of law as much as when that threat is actually realised. Under Queensland law, parents have a legal duty to ensure that their children are enrolled in, and attend, an educational institution (Education (General Provisions) Act 2006 (Qld), s176). The law deeming education to be compulsory for young people is structured according to the regulatory escalation framework, with potentially increasingly punitive actions that could be taken if the truancy persists. Bottoms and Tankebe (2012) suggest that duties that are

primarily legal reflect situations of de facto authority, that is, authorities that claim legitimacy without audience recognition. My findings point to an extreme power differential that exists between the parents and the schools in the enforcement of this legal duty. Arguably, the regulatory enforcement of school attendance constitutes a situation of de facto authority. Throughout the process, schools make claims to legitimacy, and parents respond, (although there are exceptions), to the effect that they will send their children to school. They do not comply in the long-term, but these ‘in the moment’ feelings of an obligation to obey potentially stem from feelings of powerlessness, not being able to see any alternative – in other words, dull compulsion. Bottoms & Tankebe (2012) describe the series of emotions typically experienced by the powerless in situations of dull compulsion: ‘they feel that someone has to hold power; that the current authorities do hold effective de facto power and are therefore useful in ensuring a basic flow of essential services; that in consequence the power-holders are, in Weber’s terms, a minimally valid authority; that powerless people have no way of challenging this de facto power anyway; and yet that it is impossible to accord to the power-holders any genuine normative authority or true respect.’ (Bottoms & Tankebe, 2012, p. 149).

That the attempts to encourage compliance on the part of the school appears to give rise to situations of dull compulsion has implications for the institutional legitimacy of schools. The regulatory process does not foster legitimacy in the true sense; parents do not recognise that schools have the right to exercise power over them. The absence of procedural justice in the escalation of the process suggests that rather than trying to build legitimacy by communicating shared values, schools consider that parents are rational actors, who weigh up the costs and benefits of noncompliance and will, eventually, comply (see Kagan & Scholz, 1984; Sherman, 1993). All in all, the regulatory enforcement processes activated and escalated by schools to respond to attendance problems appear to alienate the parents with whom they are trying to engage (see Murphy et al., 2009).

The underlying logic of the ASEP experimental condition, on the other hand, is that truancy reduction should result from the empowerment of the young people and their families to take ownership of the truancy problem and the identified solution through the procedurally just, restorative FGC. At the same time, by involving TPP legal levers in the FGC as a consequence of continued truancy, the impact of the regulatory framework as a deterrent for continued truancy was enhanced – but within the framework of the restorative process. Accordingly, young people and their families who participated in a FGC should willingly



comply with the Action Plan they develop and consequently willingly comply with the mandatory school attendance laws. The Action Plans were responsive to the varied psychosocial risk factors present in each individual case. Hence while the foundational aim of the ASEP was to reduce truancy, to achieve a lasting reduction in truancy, issues contributing to, or symptomatic of, the young people's truancy needed to be identified through the process of engagement.

In this dissertation I explored two approaches to engaging families in the regulatory compliance process. The legislative approach appeared to be more deterrence-based, whereas the experimental FGCs actively implemented a more cooperative, procedurally just approach, using face-to-face dialogue. My research does not provide the appropriate evidence for me to conclude that one works better than the other. However, my findings raise questions around how compliance with the law is, and should be, measured in program evaluations.

#### ***7.4 What Does Compliance Mean in the Truancy Context?***

Evaluations of the ASEP, like most research evaluating truancy interventions, measure compliance in terms of simply whether or not students attended school following the intervention (see Mazerolle, Antrobus et al., 2017). Other research links school attendance to academic performance (see e.g., Hancock et al., 2013; Zubrick, 2014). In the cases presented in Study 1, where parents were recommended for prosecution, it is not clear why exactly it was that the schools wanted the parents to comply – was it simply to enhance their attendance data, perhaps? The ‘dialogue’ to encourage compliance in these cases appeared to be a ‘top down’ approach, where the parents were informed about truancy and the consequences by schools, and the schools, in turn, expected to change their views and behavior. Therefore, the type of compliance that seems to be encouraged in the business-as-usual approach is formal, short-term compliance, driven by instrumental motivation.

The dialogue in the ASEP FGCs, by contrast, seemed to imply change, development and learning by all parties involved. The dialogue was structured, with the clear goal of achieving voluntary compliance, that is, the school representatives, in their process of cultivating positive perceptions of authorities, sought to increase normative motivation for compliance. Moreover, the ASEP approach aimed to sustain crime control gains in the long run, thereby

seeking to achieve substantive, long-term compliance, with a view to improving the life trajectories of the young people (Mazerolle, 2014).

The ASEP FGC dialogue provided a means of identifying different framings of issues, for example, different ways of looking at why school re-engagement is valuable. In other words, The ASEP dialogue facilitates a redefinition of compliance that is applicable to the individual case at hand. It gave the term ‘school attendance’ meaning for the young people – to understand the concept of school engagement and subsequently its execution (how can I comply?). Prior to the FGCs, the concept of school engagement might have been elusive, or an abstract idea.

My research calls for a change in the way schools think about truancy, shifting focus from simply improving attendance to inclusive support, recognising that families have a role to play and young people need to have a voice in the process of developing solutions. The evidence presented highlights several benefits of a structured dialogue, like in the ASEP, including establishing genuine family-school connections, providing the structure to operationalise supports around barriers to school re-engagement, and promoting the value of education for young people. Genuine engagement with families by schools sends the message that schools care about the education and well-being of young people, as opposed to simply whether or not they are attending school. Encouraging compliance in a manner that empowers young people and helps them to recognise the benefits of an education will go a long way to ensuring that they have opportunities to thrive and contribute to society in a positive way.

Future research, that measures why compliance occurs, would elucidate the effectiveness of a structured dialogue in truancy interventions. Improving attendance is only one part of a broader picture; how compliance is achieved – out of fear or encouragement through genuine engagement – also needs to be taken into account.

### ***7.5 Study Limitations and Future Directions for Research***

The research for this dissertation confines itself to a consideration of interactions between families and schools as they occurred during the progression of the prosecuted cases and the FGC process. It does not take into account the outcomes of the prosecutions, or the perspectives of those prosecuted. Studies of this nature have been conducted in the UK

context (see Donoghue, 2011; Jones, 2014; Zhang, 2004) which demonstrate generally a dissatisfaction with the process among parents. Further research in this area is needed in the Queensland context, specifically investigating the perspectives of parents regarding their perceptions of their treatment during the regulatory process. Future research could also seek to understand the goals and objectives of the parents, who seem to have minimal power in the regulatory process.

While the FGC lay at the heart of the ASEP intervention, it was not the only stage in the ASEP process where positive perceptions of the legitimacy of authorities could be promoted. Hence my research using the FGC data would potentially have benefited from a case study approach, tracking the evolution of participant views throughout the ASEP, from recruitment to conclusion (see Pennington, 2015). The present research considered the legitimacy dialogue as a phenomenon involving interactions between families and schools at one point in time. However, legitimacy dialogues are not static, and as my research shows, they vary between contexts. Therefore, it would have been useful to gain some understanding, through interviews perhaps, into the views of parents, young people and school representatives before and after the FGCs took place. A case study approach of this nature would provide a much better line of sight into the impact of the FGCs on the school representatives' self-legitimacy, and the impact of the FGC process on the young people and their parents' perceived legitimacy and motivation for future compliance. The present research can only speculate on these matters, drawing inferences from the dialogue that occurred.

Relatedly, my research is silent on how different, or even conflicting, expectations of multiple audiences in the FGC dialogue shaped the character and outcomes of the inner workings of the FGCs. It is possible that the views and decisions of the school representatives could have been shaped by the expectations of government and non-government agencies that were not necessarily present at the FGCs, for example, the Education Department, civil society groups. These influences could be examined by conducting interviews with the school representatives, which was beyond the scope of this dissertation.

The present research provides additional support for examining more proactive forms of legitimacy than narrowly focusing on deference and obedience to legal authorities (Bottoms & Tankebe, 2012; Jackson et al., 2011; Pennington, 2015; Tyler & Jackson, 2014). My findings demonstrated that in the legislative, regulatory process, parents became increasingly disengaged. By contrast, the FGCs, employing a procedurally just dialogue, encouraged

families to actively participate. These findings suggest that people's ability to engage in the legal process is crucial to achieving the voluntary 'buy-in' (Tyler, 2003, p. 286) of the legal processes (see also Penington, 2015).

## ***7.6 Concluding Remarks***

Academics, law enforcement agents and policy makers have pondered the question of how to best address school truancy for over a century. In this dissertation I considered two different approaches to addressing truancy in Queensland. Both the legislative approach, labelled the 'business-as-usual' approach, and the ASEP implement the Education Act and the Education Department's operational policies, and share the same goal: for truants to re-engage in school. The two approaches differ in terms of how families are engaged in the processes. The research conducted for this dissertation gave me the opportunity to explore the application of the law in practice.

My findings demonstrate the salience of schools engaging with families in a structured dialogue, and provide support for the idea that dialogue is critical in giving legitimacy to authorities, that is, law enforcement institutions, agents and laws that confer power (see Bottoms & Tankebe, 2012; Mazerolle et al., 2012). In the truancy context, it appears that in the absence of genuine engagement through dialogue, parents seem disconnected in the development of solutions to improve their children's school attendance. Whereas the bulk of research explores how people perceive laws or authority figures, my research uniquely was able to directly observe the manner in which authority figures used dialogue to foster the legitimacy of education authorities, especially in cases where perceptions of legitimacy may have been compromised. Much would be gained from future research that explores the dynamics of the interaction between laws as written and practised/conveyed, and also how the manner in which laws are conveyed and enforced impact on receptivity to the law and affect willing compliance.

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# Appendix 1

Original letter of ethics approval

 <b>THE UNIVERSITY OF QUEENSLAND</b> <b>Institutional Approval Form For Experiments On Humans</b> <b>Including Behavioural Research</b>	
<b>Chief Investigator:</b>	Professor Lorraine Mazerolle
<b>Project Title:</b>	Alcohol Behaviour is Linked To Inala Truancy Youth (ABILITY)
<b>Supervisor:</b>	None
<b>Co-Investigator(s)</b>	Silke Meyer, Sarah Bennett, Gentry White
<b>Department(s):</b>	Institute for Social Science Research (ISSR)
<b>Project Number:</b>	2010000500
<b>Granting Agency/Degree:</b>	ARC Centre of Excellence in Policing and Security (CEPS)
<b>Duration:</b>	31st May 2013
<b>Comments:</b>	
<b>Name of responsible Committee:-</b> <b>Behavioural &amp; Social Sciences Ethical Review Committee</b> This project complies with the provisions contained in the <i>National Statement on Ethical Conduct in Human Research</i> and complies with the regulations governing experimentation on humans.	
<b>Name of Ethics Committee representative:-</b> <b>Dr Jack Broerse</b> <b>Chairperson</b> <b>Behavioural &amp; Social Sciences Ethical Review Committee</b>	
Date	<u>20/07/10</u>
Signature	

## Appendix 2

Updated letter of ethics approval



THE UNIVERSITY OF QUEENSLAND  
**Institutional Human Research Ethics Approval**

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**Project Title:** ABILITY (Alcohol Behaviour is Linked To Inala Truancy Youth) - ABILITY Friends Study – 18/10/2017- AMENDMENT

**Chief Investigator:** Prof Lorraine Mazerolle

**Supervisor:** None

**Co-Investigator(s):** Sarah Bennett, Gentry White, Elizabeth Eggins, Daniel Brown-Kenyon, Emma Antrobus, Faye Nitschke, Emina Prguda, Amelia Gray, Tanya White, Corey Lane, Kate Leslie, Agnieszka Sobolewska, Amanda Acutt, Sohpie Aiyer, Stephanie Cardwell

**School(s):** Institute for Social Science Research (ISSR); Centre for Excellence in Policing and Security

**Approval Number:** 2010000500

**Granting Agency/Degree:** Australian Research Council Centre of Excellence in Children and Families

**Duration:** 31st December 2020

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**Comments/Conditions:**

Amendment to add Dr Sophie Aiyer and Dr Stephanie Cardwell as investigators and to extend the project until 31/12/2020

- UQ amendment form, 18/10/2017
- CV's for Dr Sophie Aiyer, Dr Stephanie Cardwell

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Note: If this approval is for amendments to an already approved protocol for which a UQ Clinical Trials Protection/Insurance Form was originally submitted, then the researchers must directly notify the UQ Insurance Office of any changes to that Form and Participant Information Sheets & Consent Forms as a result of the amendments, before action.

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**Name of responsible Committee:**

**University of Queensland Human Research Ethics Committee A**

This project complies with the provisions contained in the *National Statement on Ethical Conduct in Human Research* and complies with the regulations governing experimentation on humans.

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**Name of Ethics Committee representative:**

**Professor Emerita Gina Geffen**

**Chairperson**

**University of Queensland Human Research Ethics Committee A**

**Registration: EC00456**

  
Signature \_\_\_\_\_

01/12/2017  
Date \_\_\_\_\_