

Queensland Youth Justice Strategy

A submission to the:
Queensland Government

Prepared by:
yourtown, September 2018



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Introduction

yourtown is a national charity that provides support to our nation's most disadvantaged children and young people and we have a wealth of experience working with youth offenders through both delivering direct youth offending services, and other targeted services including employment, homelessness and education services which a significant proportion of young offenders access. Our work and experience equips us with rich insight about the challenges, barriers and facilitators to preventing youth offending.

The vast majority of children and young people who commit offences are among Queensland's most disadvantaged. In their young lives, many will have been confronted by a range of deeply complex, persistent and interrelated social issues, a fact explaining the startling, continuing and increasing overrepresentation of Indigenous children and young people within the system. Young offenders will have experienced, for example, contact with child safety services, parents who have been in prison, misuse of drugs and/or alcohol, unemployment, homelessness or unstable family environments. We also know that, if left unaddressed, there is a high chance that these issues will become intergenerational and today's young offenders will become the parents of young offenders in the future.

Given the complexity of issues behind youth offending, together with the fact that the system is for children – all of whom have brains that are still developing and hence are vulnerable to making poor or risky choices – **yourtown** strongly advocates for a youth justice system that is driven by a focus on holistic early intervention and supported by acute services that deliver effective and comprehensive rehabilitation options. As a wealth of research shows, this system would not only have more effective outcomes for the children, families and communities at risk of or affected by youth offending, but it would also be less expensive in terms of reduced costly detention services, recidivism and social costs supporting life-long offenders and their families.¹

We therefore strongly welcome the review that the Queensland Government is undertaking into youth justice and the youth justice strategy, and acknowledge the work that in recent years it has carried out to address the areas of concern in the system.² We also therefore strongly support many of the recommendations of the Report on Youth Justice (the Report) authored by Bob Atkinson and the broad direction of travel, which includes early intervention.³

Indeed, there is much we support and that gives us great hope in the Report including: robust references to the need for collaboration; a recognition of the range of different services that children at risk of or who have offended require; increased options to keep children out of detention and in the community and greater specialisation in children's criminal jurisdiction. However, there are some key points that we would like to emphasise. As explained in more depth in our submission, these include:

- Indigenous-led solutions underpinned by a radical shift away from Indigenous issues being an 'after-thought', a targeted group or an additional consideration in youth justice service provision to instead Indigenous leadership and views being inherently intertwined in and central to the strategic planning, policy and service delivery of youth justice services.

¹ E.g. Welsh, B.C., Farrington, D.P., Gower, B.R. (2015). Benefit-cost analysis of crime prevention programs. *Crime and justice*, 44(1): 447-516. *Cost effectiveness of early intervention*. (2007). AICrime reduction matters No. 54. Canberra: Australian Institute of Criminology. <https://aic.gov.au/publications/crm/crm054> and Homel, R. (2005). Developmental crime prevention. In Tilley, N. (ed), *Handbook of crime prevention and community safety*. Devon: Willan. 71-106

² <https://www.csyw.qld.gov.au/youth-justice/youth-justice-strategy>

³ Atkinson, B. (2018) Report on Youth Justice. Version 2. Queensland Government: <https://www.csyw.qld.gov.au/youth-justice/atkinson-report-youth-justice>

- A focus on supporting the holistic needs of families of children at risk of offending or who have offended as well as the child themselves, recognising that if the support and environment at home does not change for a child then efforts to prevent or rehabilitate youth offending are greatly hamstrung.
- Flexible, person-centred services to meet a diverse range and level of needs, and distinct from a one-size-fits-all approach, reflecting the complexity of issues that challenge every child at risk of offending or who has offended.
- Youth specialist trauma-informed prevention and rehabilitation services that focus on the distinct needs of this group of children and young people, noting their differences from adult offenders and that they may have disengaged from existing service models (e.g. schools) and therefore require alternative options.
- System-wide staff training on child development, trauma-informed practice and cultural competency, and sufficient staff to support relationship-based service provision, intensive case management and one-on-one support.
- Cross-government understanding of the causes of youth offending, ability to recognise needs and risks (e.g. no wrong door) and a commitment to working to address its causes, acknowledging that children and young people at risk of offending or with offending histories may enter government services through a range of different access points and have a range of different needs.
- A long-term, political and policy commitment to sustained and appropriate levels of funding needed for effective prevention and rehabilitation services, recognising that progress has been hampered in past years due to shifting policy directions and funding cuts, as well as the enormity of the task and existing funding gaps in services, staff and staff training for example.

This review and the Report are evidence that the views of both government and non-government organisations in relation to the future direction of the youth justice system in Queensland are closely aligned. This fact provides us with a distinct opportunity to make significant headway in reducing youth offending, but as also acknowledged by the Report, it is an opportunity that cannot be easily realised.

Today, we may know and broadly agree on what needs to be done, but it will take a considerable commitment by all stakeholders to see past organisational boundaries and ties, place children and young people firmly at the centre of services, put effective long-term policies in place, and obtain sustained financial commitment by government. Nonetheless, these are undoubtedly exciting times and we look forward to working with government, our peers and other service providers towards improving outcomes for these children and young people, their families and their communities.

About yourtown

yourtown is a national organisation and registered charity that aims to tackle the issues affecting the lives of young people. Established in 1961, **yourtown's** Mission is to enable young people, especially those who are marginalised and without voice, to improve their quality of life.

yourtown provides a range of face-face and virtual services to young people and families seeking support. These services include:

- Kids Helpline, a national 24/7 telephone and on-line counselling and support service for 5 to 25 year olds with special capacity for young people with mental health issues
- Employment and educational programs and social enterprises, which support young people to re-engage with education and/or employment, including programs for youth offenders and Aboriginal and Torres Strait Islander specific services
- Accommodation responses to young parents with children who experience homelessness and women and children seeking refuge from domestic and family violence
- Young Parent Programs offering case work, individual and group work support and child development programs for young parents and their children
- Parentline, a telephone counselling service for parents and carers'
- Expressive Therapy interventions for young children and infants who have experienced trauma and abuse or been exposed to violence.

yourtown experience with young offenders

Given the nature of the services that we provide, **yourtown** staff work with many children and young people who are at risk of offending and many with offending histories. We also have experience in delivering educational and employment programs and services specifically designed for young offenders. For example, **yourtown** was integral to the development and founding of the government's Transition 2 Success (T2S) program and to establishing the Queensland Pathways College. Other current and previous examples of our work in this area include:

- Youthful Offenders Program (since 2013). **yourtown** has been delivering the Youthful Offenders Program in Queensland Correctional Centres, which includes 'Kicking Goals' for young offenders aged 17 in Brisbane Correctional Centre (2014-2017) and Borallon Training and Correctional Centre (2017), and a similar program for young offenders aged 18 – 25 in Woodford Correctional Centre (2013-2016). The program's aim is to reduce recidivism rates among young offenders, with the short-term goal of reducing the frequency and severity of negative behaviours during incarceration. Young offenders participating in the program are encouraged to address the underlying causes of offending; improve their core skills; and build their capacity to meet future challenges and reconnect with family, education, employment and community upon their release. We have worked collaboratively, within a co-design context, with Correctional Centre staff and Queensland Corrective Services (QCS) to review and adapt ongoing service delivery for young offenders (pre- and post-release) and in 2016, we refocused the program to address alcohol and drug use among young offenders.
- Youth Skills programs in Ipswich, Inala, Logan and Redlands funded under the Skilling Queenslanders for Work initiative (since 2015). Youth Skills is a school re-engagement program for unemployed young people aged 15 – 17 years who are subject to court orders or bail. The program assists young people to complete a Certificate I in Core Skills for Employment and Training as a basis for re-connecting with education, while addressing barriers to engagement

and improving their life and pro-social skills. The program is designed for at-risk young people who have previously experienced challenges in mainstream education settings and who are facing major barriers to re-engagement, including learning difficulties, alcohol and drug use.

- Participate in Prosperity (PiP) (2007-12) funded by the Department of Education and Training in Logan. PiP assisted young Indigenous ex-prisoners to make a successful transition back into the community post-release. This program included intensive case work support and assistance in addressing barriers, with a transitional period of paid work and training in yourtown's Social Enterprises to prepare young people for open employment. Participants received assistance in securing stable accommodation, re-connecting with family, addressing alcohol and drug issues and improving their personal, life, employability and vocational skills. They were subsequently placed in employment through yourtown's youth specialist employment services.
- Youth Connections (2010-14) in Logan, Ipswich, Redlands and Brisbane South regions. Youth Connections assisted young people who were at risk of early school leaving to re-engage with learning, while building confidence, self-esteem and resilience. This involved school retention and re-engagement programmes within schools, alternative education programs (including the establishment of two alternative learning sites to support young offenders in Ipswich and Woolloongabba), individual case management and support, mentoring and remedial literacy and numeracy tutoring. Youth Connections achieved a positive outcome rate of over 80% for more than 4,500 young people, including more than 500 positive outcomes for Indigenous participants.
- yourtown Social Enterprises (since 1999), which provide paid transitional employment and training as a 'stepping stone' to open employment. Since then we have provided over 2,500 young people with paid work and training, including 1,300 young people across South East Queensland. Approximately 25% of young people employed in yourtown's Social Enterprises have been involved with the criminal justice system.
- San Miguel Family Centre based in New South Wales provides wraparound support and short-term accommodation for up to 15 families with children, to help break the cycle of homelessness. San Miguel often works with individuals who are in contact with the criminal justice system. This includes clients subject to the Young Offenders Act 1997 (NSW equivalent of the Youth Justice Act 1992), those who have been charged with an offence and are working through court processes (and may be residing with their family whilst on bail), those who have been remanded in custody or are serving a control order, plus those clients who have completed court processes and are being supervised in the community by NSW Juvenile Justice.

yourtown submission

We have responded to the questions in the 'youth justice strategy survey' in our submission to enable comparability of our answers with other organisations who complete the survey online, whilst this document ensures we are not constrained by character limit and can provide complete responses. We have therefore presented all the information as per the survey to facilitate easy reading and comprehension.

Pillar 1 - Intervene early

The Atkinson Report says...

"By intervening early when risk factors associated with antisocial or criminal behaviour are evident, there is a much greater chance of preventing a child's later involvement in the criminal justice system and improving their life outcomes. Ideally, this involves the early identification of risk factors in families and children, including where a child's behaviour indicates signs of deeper issues that may lead to later offending. Pre-school and primary school environments provide ideal opportunities to identify and respond to issues. Key transition points, such as the move from primary to high school, are also important and well-documented intervention points that can make a difference to a child's educational engagement and their risk of offending." p 22

"...children who repeatedly offend may have significant health and wellbeing issues that contribute to their offending behaviour, and that they will often progress quickly through the youth justice system without receiving a health, mental health or disability assessment that could help inform suitable interventions." p 40

Question 1: How can we intervene early to better support families of children who are at risk of offending?

yourtown welcomes this question as although the Report acknowledges families as important, we believe that – alongside schools and communities – government must recognise families as a central factor in any early intervention intended to reduce youth offending. Research on pathways to crime has shown that conduct problems in childhood, evident as young as preschool and the early primary years, predict later aggressive and delinquent behaviour.⁴ Moreover, many risk factors for offending are statistical markers for family traits associated with socio-economic disadvantage, for example parental or sibling offending history, family violence, low parental educational attainment or employment, parental use of drugs and alcohol, poor child-rearing practices, neglect or abuse, and poverty.⁵

⁴ Farrington, D.P. (1991). Antisocial personality from childhood to adulthood. *The Psychologist*, 4, 389-394 and Stevenson, J. & Goodman, R. (2001). Association between behaviour at age three years and adult criminality. *British Journal of Psychiatry*, 179(3), 197-202.

⁵ Armytage, P. and Ogloff, J. (2017) *Youth Justice Review and Strategy*. Victorian Government: https://assets.justice.vic.gov.au/justice/resources/c92af2a1-89eb-4c8f-8a56-3acf78505a3a/report_meeting_needs_and_reducing_offending_executive_summary_2017.pdf and Farrington D.P. (2003) Key Results from the First Forty Years of the Cambridge Study in Delinquent Development. In: *Taking Stock of Delinquency. Longitudinal Research in the Social and Behavioral Sciences: An Interdisciplinary Series*. Springer, Boston, MA

The importance of families to early intervention and child development:

There is a wealth of evidence that demonstrates that our nation's families can both add to the risk of their child/ren (re)offending and protect their child/ren from the risk of (re)offending.⁶ In the 2017 survey of youth people undertaken by Victoria's Youth Justice Review and Strategy, one-third of respondents identified the family as the main driver for young people engaging in serious and violent offending.⁷ Strong families act as protective factors, with children living in stable environments with supportive caring parents being less likely to find themselves on a trajectory towards later involvement in crime.⁸

Family provides the foundation for every child's development and, in the experience of our staff, it is rare that a client with youth offending history has had good support within their family. We also know the importance of strong family and kinship for the health and wellbeing of Indigenous Australian people, culture and communities, and that where these ties have broken down due to historical events there are painfully deep and persistent social issues – including the over-representation of Indigenous groups in the justice system.

Families can also be disruptive influences or barriers to a young person's rehabilitation or transition back home following completion of a sentence as they may not provide the young person with the stable housing, food, routine, emotional support and safety that they require.⁹ Indeed, **yourtown** staff have worked with young offenders who feel comfortable in detention since it fulfils these needs in the absence of their own families being able to do so.

Consequently, we believe that families are an integral part of the solution to providing effective intervention to reduce youth offending. Hence, without the inclusion of families and supporting and addressing their needs too, the impact and ultimate success of efforts to support children into more positive pathways will be greatly compromised. Hence, whilst schools can act as focal points to early intervention as suggested in the Report, if families are reluctant to engage in this environment then outreach or alternative models must be considered and found.

Factors critical to early intervention support to reduce youth offending

In addition to the importance of family, we agree that a child's experience at school and in the wider community contributes to either risk or protective factors to youth offending. Children who are not engaged with learning, who are rejected by peers, or who associate with a negative peer group are at greater risk of offending. In contrast, those in a prosocial peer group, who experience success at school, and feel connected to their school are at lower risk. Socio-economic disadvantage, neighbourhood crime and cultural norms that accept antisocial behaviour are risk factors, while strong cultural identity, community connections, access to support services and positive cultural norms all reduce offending risk.¹⁰

Effective early intervention is no easy task and requires long-term planning, collaboration and considerable investment. Below, we have identified four key additional factors that we believe are important in delivering early intervention support to children who may be at risk of offending and their families.

⁶ Armytage, P. and Ogloff, J. (2017) *Youth Justice Review and Strategy*. Victorian Government: https://assets.justice.vic.gov.au/justice/resources/c92af2a1-89eb-4c8f-8a56-3acf78505a3a/report_meeting_needs_and_reducing_offending_executive_summary_2017.pdf

⁷ Ibid

⁸ Homel R, Cashmore J, Gilmore L, Goodnow J, Hayes A, Lawrence J, Leech M, O'Connor I, Vinson T, Najman J & Western J. (1999). *Pathways to prevention: developmental and early intervention approaches to crime in Australia*. Canberra: Commonwealth Attorney-General's Department

⁹ O'Neill, S., Stanadová, I., and Cumming, T. (2017) 'Systems barriers to community re-entry for incarcerated youths: A review.' *Children and Youth Services Review* 79 (2017) 29-36

1. **Universal and comprehensive assessments of children** as early as possible, and regularly throughout a child's school career, to identify and monitor those at risk of offending. We know that even primary school staff are able to identify students who are having problems that are likely to develop into severe behavioural problems, school disengagement and criminal activity later in their young lives. In Victoria, schools are encouraged to use available data and information to identify children at risk of disengaging.¹⁰ We believe that Queensland could take a similar approach to identifying children at risk of offending, using an assessment of all children at primary school and triangulating additional information and data they have to develop an at-risk cohort that can become a focus of targeted support.

The Geelong Project in Victoria provides an excellent example of the use of holistic assessment to identify children at risk in order to provide them with appropriate support targeted to their individual needs, hence improving educational and wellbeing outcomes.¹¹ This includes outcomes directly and indirectly related to youth offending, demonstrating how an investment into robust assessments would help government and agencies intervene early to prevent the emergence of and deal with a number of different issues that confront disadvantaged children and prevent them from leading living healthy and prosperous lives.

2. **Holistic, flexible and person-centred support services** that collaborate to provide targeted child and family interventions that address multiple risk and protective factors.

We believe that there is little point providing services to the child alone if a child will still return home to a volatile and disruptive environment that will halt or hinder his/her progress. Services must work with a child's family – through providing parenting and life skills education and addressing significant issues such as drug and alcohol use that may affect parents. Evidence shows it is the cumulative number and combination of risk factors that most strongly predicts offending, hence interventions targeting a single factor are unlikely to be effective.¹²

3. **Trauma-informed practice** should be a core aspect of any service dealing with at risk children and young people. A significant body of research shows that (a) youth involved in the justice system have high rates of exposure to trauma, often from early in life, and often across multiple different contexts,¹³ and (b) trauma and chronic stress can have long lasting effects on brain development, which can contribute to antisocial behaviour and offending in later life.

Experience of trauma and neglect at an early age is associated with poor emotional regulation and impulse control, learning and behavioural difficulties at school, mental health problems, risky behaviour and later offending.¹⁴ In our experience, in the absence of formal support this negative pathway can be inadvertently strengthened by inappropriate responses from families and schools. For example, our staff are aware of parents medicating their children, who may be hyperactive, have poor attention spans or display other challenging behaviour, with cannabis. In addition, a significant proportion of our clients who have youth offending history advise that they have been 'diagnosed' with Attention Deficit Hyperactivity Disorder (ADHD) yet have never been assessed or

¹⁰ <https://www.education.vic.gov.au/school/teachers/studentmanagement/Pages/disengagedrisk.aspx>

¹¹ <http://www.thegeelongproject.com.au/>

¹² Homel R, Cashmore J, Gilmore L, Goodnow J, Hayes A, Lawrence J, Leech M, O'Connor I, Vinson T, Najman J & Western J. (1999). *Pathways to prevention: developmental and early intervention approaches to crime in Australia*. Canberra: Commonwealth Attorney-General's Department

¹³ E.g. Dierkhising, C. B., Ko, S. J., Woods-Jaeger, B., Briggs, E. C., Lee, R., & Pynoos, R. S. (2013). Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network. *European Journal of Psychotraumatology*, 4, 0.3402/ejpt.v4i0.20274

¹⁴ Cook, A., Spinazzola, J., Ford, J., Lanktree, C., Blaustein, M., Cloitre, M., DeRosa, R., Hubbard, R., Kagan, R., & Liautaud, J., Mallah, K., Olafson, E., & van der Kolk, B. (2005). Complex Trauma in Children and Adolescents. *Psychiatric Annals*, 35, 390-398.

consulted appropriate professional staff. We fear that children displaying problematic behaviour at school are labelled ADHD (without any follow-up care), when in fact a history of untreated, complex trauma is likely to be responsible for their behaviour.

4. **Relationship-building.** We know that relationships are central to working with vulnerable groups and again any service must consider how it works with children and their families to develop mutual respect and trust. For young offenders, they will often have been let down by and lost faith in the relationships they have with adults and do not know their value. Therefore, all children must have the opportunity to develop respectful relationships with adults be that at home, school or the wider community and it should be the aim of early intervention to develop this trust early on to help them learn that there are adults who are on their side.

To this end, it would be useful to have a **key worker for an at risk child and their family** to facilitate both the development of trust and coordination of different services and staff, including between school staff and children and families. The key worker would be responsible for planning and coordinating the child and family's support and monitoring their progress and outcomes. Having an assigned key worker would help all stakeholders share information and know who to contact. The aim of their role would be to build support services around the child's and family's needs and help them to overcome the challenges of navigating complex and disjointed services, as well as to advocate for them when their needs are not met or new challenges and hurdles arise be that at school, home or in their community.

Question 2: What community supports would be important to deliver early intervention to children, young people and their families?

Young people involved in the youth justice system have some of the poorest outcomes in life, and the younger a person is at the time of their first offence, the greater the likelihood that they will become persistent offenders throughout their life.¹⁵ With early intervention services in place it is possible to, at the very least, alleviate some of the current interrelated problems that confront a child and their family, and when delivered appropriately and effectively, significantly improve their life outcomes and prevent them from offending.

The list below of support services that we suggest be delivered (some of which are mentioned in the Report) is not comprehensive but instead presents some key suggestions based on the experience of our clients and staff in relation to the services this cohort of children and young people currently lack and need.

- Cultural supports

Community-led interventions are particularly important for Indigenous communities as they have the ability to overcome the significant access barrier of trust that Indigenous people experience when interacting with formal services and agencies, and instead can instil not just a sense of, but real ownership.¹⁶ In **yourtown's** experience, legal solutions such as Queensland's Murri Court prove to be effective. This is because they tap into the respect and influence that local Elders have in their community to mediate positive and sustainable

¹⁵ Armytage, P. and Ogloff, J. (2017) *Youth Justice Review and Strategy*. Victorian Government:

https://assets.justice.vic.gov.au/justice/resources/c92af2a1-89eb-4c8f-8a56-3acf78505a3a/report_meeting_needs_and_reducing_offending_executive_summary_2017.pdf

¹⁶ Law Council of Australia, (2017) *The Justice Project: Aboriginal and Torres Strait Islander, Consultation Paper, 2017:*

<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Consultation%20Papers/Aboriginal%20and%20Torres%20Strait%20Islander%20Peoples.pdf>

legal responses, as well as remove some of the highly formal aspects of courts to provide a less hierarchical space more in keeping with Indigenous values.

Some Murri Courts now have jurisdiction to work with young offenders and find effective Indigenous-led solutions to applying justice and deterring repeat offences. We believe that government should work in partnership with Indigenous groups to see whether these powers can be further extended or whether other community-developed interventions can be supported. Indeed, given the significant over-representation of young Indigenous offenders within Queensland and that the current system is clearly failing to address this issue, we believe that investing in this approach must become a priority for government.

In addition, Indigenous groups should be appropriately paid for the services they provide, and funds be urgently found to provide much needed Indigenous-led interventions for young offenders. Many of the Indigenous programs, workshops and events that are currently delivered to help children and young people – including Pacific Islanders who often find the world view and functioning of Indigenous culture resonate better with their cultural backgrounds – (re)engage with school and develop various life skills are often delivered by unpaid volunteers. Other Indigenous-led interventions simply are not delivered due to funding shortages (e.g. it is currently the case that some T2S programs cannot afford to deliver workshops for Indigenous cohorts).

- Mental health services

Young people with mental health needs are over-represented in the youth justice system, whilst the use of alcohol and drugs is also another major issue that affects young offenders.¹⁷ Despite Australian Government funding for headspace and State Government funding for the Child and Youth Mental Health Service (CYMHS), there remain significant gaps in services, particularly for children under the age of 12 years (a fact we have also noted in our work on youth suicide prevention¹⁸).

Those under 12 years are too young for headspace, and the demand for CYMHS means they are only able to support children with the most complex mental health problems. For older children, headspace provides a useful service, but long waiting lists are often reported and headspace is unable to respond to children in crisis. As a result, services funded to deliver early intervention, such as the Australian Government Family Mental Health Support Service (which we deliver in Logan and Moreton) find themselves working with young people experiencing significant mental ill health and suicidality, including young people who have recently attempted suicide. This leaves them with fewer resources to do the early intervention work for which they are in fact funded, creating another service gap.

In addition, the cost of private services is prohibitive for the most vulnerable families and parents are often unable to effectively navigate the system or even simply keep an appointment once made.

Children and young people and their families desperately need access to affordable, community-based, and where necessary, culturally appropriate mental health services to ensure that issues are professionally diagnosed and supported.

- Specialist schools and/or specialist school staff and training

¹⁷ Armytage, P. and Ogloff, J. (2017) *Youth Justice Review and Strategy*. Victorian Government: https://assets.justice.vic.gov.au/justice/resources/c92af2a1-89eb-4c8f-8a56-3acf78505a3a/report_meeting_needs_and_reducing_offending_executive_summary_2017.pdf

¹⁸ yourtown (2018) *Preventing suicide by children and young people position paper*: https://www.yourtown.com.au/sites/default/files/document/1.%20yourtown%20Position%20Statement%20-%20Preventing%20suicide%20by%20children%20and%20young%20people_0.pdf

Intervening early at school should first aim to find ways and support methods to keep the child or young person engaged at school. Specialist staff who provide additional support to the child and their family may be beneficial to that end. In reviews we have undertaken of our programs and work with schools, we have found that many schools need to be supported to understand that a child's issues or behaviour may require the school to change to accommodate them, rather than the focus being solely on the child to change. Indeed, many schools are ill-equipped to support the needs of some disadvantaged children and we feel that in such cases it is all too easy for schools to label them or their families as 'bad' or potentially their behaviour as ADHD. It would be useful for schools to reflect on what they could do differently to ensure they keep a child engaged. This could include, for example, providing advocates at school to help children and their families navigate and access the support services they need, or – like the police – they could use caution and warnings more effectively and suspensions and expulsions more sparingly.¹⁹

Where mainstream schools are unable to accommodate a child's needs, specialist schools are needed that seek to provide alternative approaches to schooling and education that better connect with some children. Such schools are also needed when children and young people exit the youth justice system, which can focus solely on their special needs. Youth offenders are likely to have already disengaged from their school and, where this is the case, it is extremely unlikely that they will successfully transition back to their former school. Having helped to establish the Queensland Pathways College model in partnership with Queensland Government, we have seen how successful specialist youth offender schools can be. However, this college, although originally developed to support youth offenders only, has now become more generalist and we fear this has compromised the model.

Other examples of alternative approaches to engaging at risk children are drop in centres, where they are provided with activities to keep them safe, although some drop-in centres are not adequately funded or staffed. The drop-in model could be further explored or enhanced to provide alternative education environments for some children and young people.

- Transport needs

A common problem for all the disadvantaged young people we work with across all our services is transport. This may be in relation to being unable to afford public transport, driving lessons or their own vehicle to take them to work, to access services or to meet with friends. For example, we frequently hear from our jobactive clients that driving lessons and their lack of car are real barriers to employment.

Clients who have offended tell us they have had to pay fines for using public transport without a ticket, have driven cars whilst unlicensed, and have driven vehicles that are unregistered and/or uninsured because their families lack resources – activities that contribute to children and young people feeling like outsiders in their community, compounding their behaviour and leading to increasing problems with the police. We believe that it would be beneficial to provide community transport and/or affordable driving lessons for young people to help them avoid petty crime and its escalation.

¹⁹ E.g. <http://www.abc.net.au/news/2018-09-04/canberra-principals-concerned-about-suspension-parameters/10199180>

- Sex education

When a child disengages from school and is suspended, expelled or drops out, they miss crucial education on life skills, including sex education. At **yourtown**, we see the impact of missing such fundamental education, with many of our clients lacking basic understanding about sex and the 'birds and the bees', and this includes many of our older clients who are often parents themselves.

Pillar 2 – Keep children out of court

The Atkinson Report says...

‘Where children offend or come to the attention of police, it is critical that a focus is maintained on keeping them out of court, by way of police diversions accompanied by non-court support options...

...There is consistent evidence that many children who offend for the first time will never reoffend and that diverting low risk young offenders from the criminal justice system is the most effective and efficient way to proceed...

... Diversion out of the system by using cautioning and informal warnings needs to be targeted at lower risk or first time offenders, while diversion involving intervention is best targeted at children with moderate to high levels of risk. p 23

Question 3: What are your views about police exercising greater discretion to divert children away from court by using warnings, cautions, restorative justice, and referral to rehabilitative programs and supports?

yourtown supports the use of greater discretion by the police to divert children away from courts as this enables a greater person-centred and flexible approach to meeting both the needs of a community and the child or young person in question. Greater discretion acknowledges the unique stories, circumstances and causes of their criminal activity, that children and young people are still developing and will mature at different speeds and that evidence shows keeping children out of the youth justice system prevents an escalation of issues and offences. Hence, giving police more discretion over a range of diversionary tools will enable them to deliver more appropriate responses depending on a range of issues in order to deter repeat or heightened criminal activity.

We note that some research suggests that in the current system Indigenous children and young people are more likely than non-Indigenous offenders to be referred to court, whilst non-Indigenous offenders are more likely to receive a police caution.²⁰ Whether there is any racial bias within the work of the police or wider justice system must be examined.

In addition, rehabilitation services must be appropriately staffed and funded so that they can be offered to offenders for sufficient durations to help them, include and target their families, work with their schools and be designed to support their holistic needs.

²⁰ Snowball, L. (2008). Diversion of Indigenous juvenile offenders. *Trends & Issues in Crime and Criminal Justice*, 355. Canberra: Australian Institute of Criminology: <https://aic.gov.au/publications/tandi/tandi355>

Question 4: What community supports are needed to support police to divert children away from arrest and having to appear in court?

Young people diverted from the criminal justice system need support to envisage and plan for a future that holds value and meaning for them, that is, they need to be supported to find an alternative path that is more attractive than the one on which they currently find themselves. For some young people, particularly those with supportive family and a prosocial peer group, this may only require small changes in their lifestyle. For others, this may mean turning their back on existing friends and pastimes in order to take a completely new direction, often with little family support.

These young people need long term, holistic, trauma-informed, wraparound support provided by a youth specialist. This person would:

- Develop a relationship of trust and rapport with the young person, which is essential to maintain motivation and engagement with supports
- Provide ongoing mentoring, encouragement and incidental counselling, acting as an adult ally who they feel is 'on their side'
- Collaborate with the young person to help them develop a plan for the future, which would incorporate a pathway to meaningful education and employment
- Coordinate and support access to other services (e.g., mental health and alcohol and other drugs treatment, anger management), including organising appointments, providing transport and accompanying the young person when needed
- Advocate for the young person when problems arise (e.g., with an employer)
- Involve the young person's family in the above work when possible (depending on individual circumstances).

Some of the most 'hands-on' and engaging ways that we achieve these goals at **yourtown** is through designing and developing experiential programs (such as adventure days and team-building experiences) that incorporate vocational training and practical education.

Greater attention and resources need to be invested in to finding ways to improve how the police interact with Indigenous communities so that they use diversionary tools equally for both Indigenous and non-Indigenous children. Murri Courts are part of the solution, and police should work closely with them to deliver better outcomes for all parties concerned, as well as Indigenous leaders and communities more widely to find partnership solutions to effective and appropriate diversionary activities and deterrents.

Pillar 3 – Keep children out of custody

The Atkinson Report says...

"If children can't be kept out of court, all efforts should be made to keep children out of custody prior to and following an appearance in court...Research is clear that a period of detention can be harmful to a child. This does not however negate the importance of detention as an important tool to keep the community safe in the case of highly recidivist and serious offenders." p 24

"Keeping children out of detention whilst keeping the community safe requires a suite of options available to courts to tailor interventions and orders to the specific factors that will help divert each child away from future offending. This may involve families, reparation, community service, rehabilitative programs, mentoring, community supervision, re-engagement in education and health, mental health and disability interventions as well as placements outside of a detention centre environment that provide structure, supervision and a plan for a positive way forward, often addressing complex family needs as well as the child's offending behaviour." p 24

Question 5: What evidence-based alternatives to detention centres would work in Queensland?

The recently published report by the Australian Institute of Health and Welfare on 'Young people returning to sentenced youth justice supervision, 2016-17' revealed that over one-quarter (26%) of young offenders in Australia whose first supervised sentence was detention returned and received five or more supervised sentences, compared to the equivalent figure of 16% of youth offenders whose first supervised sentence was community based.²¹ More strikingly, for young people aged 10-16 upon release in 2015-2016:

- Half (50%) of those released from a community-based supervised sentence returned within 12 months, with 1 in 4 (25%) returning within 6 months
- About 4 in 5 (82%) of those released from a supervised detention sentence returned within 12 months, with more than half (59%) returning within 6 months

Research shows that keeping young offenders out of detention and using community-based alternatives can result in better outcomes for both the child in question and community safety.²² Indeed, the Report highlights a number of different evidence-based approaches and solutions to delivering sentences that are being trialled or delivered in Queensland, across the country or internationally.

yourtown strongly supports the use and expansion of a suite of alternative options including, for example, restorative justice, family group conferencing and supervised bail accommodation. We believe that government should heavily invest in new and innovative pilots and community-based options to improve understanding of what works for what cohorts. However, we would emphasise the importance of the following points when designing and implementing these solutions in Queensland:

- That they provide solutions within a child's community to ensure they can maintain and develop better connections within their community to improve their chances of rehabilitation upon release from or completion of their supervision, sentence or program.

²¹ Australian Institute of Health and Welfare (2018). *Young people returning to sentenced youth justice supervision 2016-17*. Web Report: <https://www.aihw.gov.au/reports/youth-justice/young-people-returning-sentenced-youth-justice/contents/table-of-contents>

²² E.g. Ryon, Stephanie Bontrager, Kristin Winokur Early, Gregory A. Hand, and Steven F. Chapman. 2013. "Juvenile Justice Interventions: System Escalation and Effective Alternatives to Residential Placement." *Journal of Offender Rehabilitation* 52(5):358-75.

- That they work in partnership with Indigenous communities to incorporate Indigenous needs, views and experiences in the design of community-based solutions, rather than as an add-on to an existing intervention developed with non-Indigenous cohorts in mind.
- That they provide place-based solutions tailored to meet the needs of the community and working with and developing its service strengths and recognising and accommodating service weaknesses.
- That following their release from a detention centre or their completion of an alternative justice or rehabilitation measure, a child returns to the same circumstances that led to their offending. Therefore, all sentencing options must seek to work with a child's family, school and wider community stakeholders to ensure that issues such as family dysfunction, parental mental health, unstable accommodation and alcohol and drug use are being supported and worked on to help reduce the likelihood of repeat offending.

Question 6: What are your views about using youth detention centres only for dangerous and serious offenders?

Research clearly indicates that detention can have detrimental effects on young offenders, including exacerbating mental health problems and suicidal behaviour,²³ as well as contributing to increased rates of offending in the future. **yourtown** supports only using detention centres for dangerous and serious offenders as part of a model which places emphasis on providing effective and culturally-appropriate alternative supervision and sentence models and programs in the community for offenders who have committed less serious offences.

Within such a model however, it is still important that detention centres are equipped to provide holistic, evidence-based rehabilitation services that aim to enable young offenders to successfully transition back into the community. Yet, as recent riots and protests within Queensland's detention centres have shown, detention centres are not adequately resourced and grapple with gaps in service provision, staff and training.²⁴

As mentioned in the Report, as well as insufficient numbers of staff, staff also lack adequate training, including in basic child development and trauma-informed practice. Australian data are lacking, but the Royal Australian College of Physicians suggests that 80% of incarcerated youths have experienced multiple traumatic stressors,²⁵ which as previously mentioned, contribute to emotional dysregulation, antisocial behaviour and offending. We believe that all staff in detention centres should receive education in child development and the impact of incarceration on suspending important developmental milestones, and be trained to recognise and respond to symptoms of trauma.

We also believe that all staff working with incarcerated offenders should receive cultural competency training, and that there should be a sustained recruitment drive for Indigenous staff to take on roles within the youth justice system so that Indigenous offenders can more effectively relate and respect staff, and that staff can more effectively relate and respond to their needs. In particular, we note the need to recognise the effects of intergenerational trauma on Aboriginal and Torres Strait Islander children, which can be forgotten if not intentionally assessed.

²³ Australian Institute of Health and Welfare. (2018). *National data on the health of justice-involved young people: a feasibility study*. Cat. no. JUV I25. Canberra: AIHW.

²⁴ <http://www.abc.net.au/news/2017-07-18/youth-detention-report-find-lack-of-staff/8716434>

²⁵ The Royal Australasian College of Physicians. (2011). *The health and well-being of incarcerated adolescents*. Sydney: RACP. Retrieved 13 September 2018 from <https://www.racp.edu.au/docs/default-source/advocacy-library/the-health-and-wellbeing-on-incarcerated-adolescents.pdf>

Finally, youth workers based in detention centres lack access to sufficient and appropriate referral services (e.g. Indigenous workshops). Furthermore, external services working in detention centres are often disjointed and frequently changing. They are in need of streamlining to enable: better person-centred support and building of rapport and trust; greater understanding and sharing of information relating to a young person and therefore a reduced need for a young person to repetitively relive trauma and their experiences with a range of staff and; enhanced contract monitoring by government.

Pillar 4 – Reduce reoffending

The Atkinson Report says:

“Engaging in suitable education, training and getting work ready must be central to every intervention with a child in the youth justice system...”

...Vocational training, job readiness, and employment are important pathways out of the youth justice system for older children.” p 29

“All children in detention should, from first arrival, engage in programs that address their offending and personal circumstances, with such programs continuing into and after their transition back into the community to minimise the chances of them reoffending.” p 26

Question 7: How can we keep children and young people better engaged with school and vocational training?

yourtown has long delivered programs to help children and young people (re)engage with school and today we deliver Flexible Learning Options (FLOs) in South Australia and our own Youth Engagement Program (YEP) in Queensland. In working with this cohort of children and young people, we have understood the value of relationship-building to their progress. Hence, investing in developing and nurturing relationships between our clients and our staff, their families and their schools to build mutual trust and respect underpins our work. In addition, through our programs, we have identified and undertaken research to identify other key factors of successful school engagement.

As is the case for many negative life outcomes, there is a long list of risk factors for early school leaving, including: poor school attendance, behaviour and grades; low SES; minority status; child abuse and neglect; family violence; household stress or poor family functioning; conflict between home and school culture; learning difficulties and disability (including behavioural, emotional and intellectual); poor mental health; and risky behaviour (e.g., smoking, misuse of drugs or alcohol).²⁶ The usefulness of risk factors for predicting early school leaving is, however, limited as early school leavers are not a homogenous group.²⁷

²⁶ Balfanz, Robert, Liza Herzog, and Douglas J. Mac Iver. ‘Preventing Student Disengagement and Keeping Students on the Graduation Path in Urban Middle-Grades Schools: Early Identification and Effective Interventions’. *Educational Psychologist* 42, no. 4 (2 November 2007): 223-35; Barker, Brittany, Thomas Kerr, Huiru Dong, Evan Wood, and Kora DeBeck. ‘High School Incompletion and Childhood Maltreatment among Street-Involved Young People in Vancouver, Canada’. *Health & Social Care in the Community* 25, no. 2 (March 2017): 378-84; Fortin, Laurier, Diane Marcotte, Pierre Potvin, Egide Royer, and Jacques Joly. ‘Typology of Students at Risk of Dropping out of School: Description by Personal, Family and School Factors’. *European Journal of Psychology of Education* 21, no. 4 (2006): 363; Hawkins, Robert L., James Jaccard, and Elana Needle. ‘Nonacademic Factors Associated with Dropping out of High School: Adolescent Problem Behaviors’. *Journal of the Society for Social Work and Research* 4, no. 2 (January 2013): 58-75

²⁷ Glogowski, Konrad (2015). ‘What Works in Dropout Prevention: Research Evidence, Pathways to Education Program Design, and Practitioner Knowledge’. Pathways to Education Canada.

Indeed, every student who leaves school early has followed a different disengagement pathway, reflecting the complexity of their personal circumstances and the web of socio-economic disadvantage that confronts them. Consequently, we know that there is no single intervention suitable for all students.

Research tells us that the key to school completion is engagement with education, which is generally considered to consist of three aspects:

- emotional engagement (e.g., sense of belonging at school)
- cognitive engagement (e.g., interest in learning)
- behavioural engagement (e.g., attendance, behaviour in class).

However, critical to this work is recognition that engagement with education is not an attribute of the student. Engagement is an alterable variable that is highly influenced by policies and practices of the school and its teachers, as well as by family, peer and community influences. Hence, interventions that aim to improve student engagement with school must not simply focus on 'improving' a child or young person but jointly seek to review and improve school and staff policies and practices to better meet the child's needs also.

Although robust evidence of what works is lacking, from our experience and research it is possible to conclude that effective programs for students who have left or are at risk of leaving school early do the following:

- target engagement, not merely attendance
- start early
- strengthen relationships between students and school staff
- work in partnership with school
- engage families
- provide intensive, long term, individualised, holistic support for both academic and personal issues
- are strengths-based
- are tailored to the local context (school and community)
- are framed by a gradual planned reintegration into mainstream school.

In addition to the factors influencing engagement for non-Indigenous Australian students, Aboriginal and Torres Strait Islander students are affected by racism and racially-based bullying, lack of cultural inclusion in schools, and mistrust of education as a result of past and present experiences and past and present government policy. If programs are to be effective therefore, they need to find ways to address these issues and to help build trust and to develop a sense of belonging, in addition to the issues common to all students.

Question 8: What types of evidence-based rehabilitation programs would make a difference for young people in the criminal justice system?

yourtown has notable experience working with young offenders in Queensland to deliver a range of programs delivering life, parenting and employment skills to facilitate their successful transition back into their local community. These include delivering the Youthful Offenders Program in Queensland Correctional Centres and Youth Skills programs in Ipswich, Inala, Logan and Redlands funded under the Skilling Queenslanders for Work initiative. Through delivering programs such as Participate in Prosperity and our social enterprises (see 'About us' section for more detail), **yourtown** has developed a deep understanding of the particular needs of young people involved in the criminal justice system of their unique challenges and barriers to employment. We have also have considerable expertise in programs that support youth

offenders into work, as well as working with significant numbers of young offenders through jobactive and our social enterprises.

Employment is recognised as being a beneficial mechanism to assist young people post their release from supervision or completion of a sentence. Employment provides this cohort with critical factors that can prevent them from reoffending including; self-esteem and increased confidence; a sense of responsibility and improved self-control and agency; structure and daily routines in their lives; and perhaps most tangibly a source of income.²⁸ However, many young offenders have been long-term unemployed, which **yourtown** has recognised as a barrier to work in and of itself²⁹ and developing the attitudes, skills and other capacities necessary to gain and maintain employment can take considerable time.

In addition to the many complex social issues previously noted that confront young offenders, young prisoners preparing for release are often developmentally behind their peers. Hence, they need time and support to develop the types of attitudes and behaviours valued by employers, including communication, the capacity to work as a productive team member, self-organisation, reliability, problem-solving and impulse control. It is important that their unique needs are understood and incorporated within a service focused on assisting them to prepare for employment.

Through delivering these various programs, we have identified a number of key elements that are integral to effective rehabilitation programs, including those elements that should be universally applied to rehabilitation services and those that should be applied to employment services only.

Universal elements (framework and structure)

- **Youth specialist** services providers are needed as young people are more likely to seek assistance from services that are youth-focused and conversant with contemporary youth culture and preferences. For example, in YEP, we delivered literacy and numeracy classes through music workshops and found our clients to respond well to this approach.
- **Formal partnership working** between government and non-government agencies is important to help build on existing knowledge about what works, share information about clients, effectively utilise organisational strengths, maintain focus on objectives and desired outcomes (not organisational priorities) and maintain momentum. Importantly, this includes service design and delivery in partnership with Aboriginal and Torres Strait Islander organisations.
- Indigenous young people and families require access to **Indigenous staff and culturally appropriate support**.
- **Effective and secure information-sharing systems or approaches** are required to facilitate the sharing of information between providers and ensure temporary staff can step in and continue a case where regular staff may be on leave, sick or move on due to natural attrition.
- Any program working with young offenders should incorporate the **time to build relationships of trust and respect**. Many young offenders will not have a healthy relationship with an adult or have reasons to mistrust adults, and all services supporting at risk children and young people or young offenders need to show this cohort that they believe in them, and are there to help.
- **Integrated 'through care' before and after release** is needed to reduce the likelihood that young offenders will reoffend soon after release from bail and/or supervision. Our approach involves connecting with the young person and (where appropriate) their family, while they are on bail and/or

²⁸ Verbuggen, J. (2015) *Effects of Unemployment, conviction and incarceration on employment: a longitudinal study on the employment prospects of disadvantaged youths*. Oxford University Press on behalf of the Centre for Crime and Justice Studies.

²⁹ **yourtown** (2018) *Tackling long-term youth unemployment: position paper*: <https://www.yourtown.com.au/sites/default/files/document/yourtown-LTYU-position-paper.pdf>

under supervision to begin the process of building a trusting relationship, introducing the young person to the program and working with established case managers to support co-case work.

- Robust **evaluation and research** is required, which crucially includes listening to the views, experiences and needs of **young people** accessing services, as well as measuring outcomes.

Universal elements (practice approaches)

- Holistic assessments conducted need to be delivered face-to-face and in a culturally appropriate manner to help develop the rapport and trust, crucial to client success in the program. In addition, assessments should incorporate information held by government agencies and other services working with the young person so that a 360 degree understanding of their needs can be developed and accommodated.
- The system needs to support holistic service provision and seamless referrals to other services to meet a range of needs and reflecting the interdependency of underlying issues.
- Trauma informed practice that recognises and responds to the complexity and incidence of trauma experienced by young people and families, including culturally appropriate healing practices, needs to be embedded in the system, services and staff practice.
- A mix of individual support and group workshops are required to meet learning and engagement styles of different clients. Both should be highly practical and 'hands-on' and emphasise 'learning by doing' as many people involved in the justice system have experienced difficulty in traditional school and training environments.
- One-on-one intensive case management to build strong rapport and mutual respect between a trusted staff member and client, required to work on a range of ingrained, complex and often deeply personal client issues.
- Practical strategies and support during initial stages of engagement such as incentives and recognition of progress and the achievement of milestones are useful to help demonstrate the immediate benefits of participating in the service and assist with building rapport. For example, the provision of Certificates of Participation following attendance at weekly workshops builds motivation and can be used as evidence by prisoners when attending parole hearings and is particularly important for prisoners who have had little or no history of positive engagement or records demonstrating achievement in formal education.

Elements for employment services

- There is significant research that shows that the nature of the job undertaken by a young offender is important, with jobs with certain qualities such as being stable and meaningful correlated with reduced recidivism. There is also a correlation with the quality and position of the job provided, with higher quality roles and positions linked to reduced offending.³⁰
- As demonstrated in our Participate in Prosperity program, some financial rewards for participation in work undertaken in pre-employment services are particularly useful to help motivate participants and give them a real idea of what working and having access to their own income can feel like. It also gives them an opportunity to start learning to budget effectively.

³⁰ Ramakers, A., Neuiuwbeerta, P., Van Wilsem, J. and Dirkzwager, A. (2017) *Not just any job will do: a study on employment characteristics and recidivism risks after release*. International Journal of Offender Therapy and Comparative Criminology, Vol 61 (16) 1795-1818.

Collaboration and cultural capability

The Atkinson Report says:

“Collaboration and multi-agency responses are key to both individual, family and community level crime prevention and early intervention. For Aboriginal and Torres Strait Islander children and families, culturally informed and responsive collaborations will be critical for success.” p 33

“...solutions to youth offending by Aboriginal and Torres Strait Islander children must be generated in partnership with local communities where the offending is occurring. Aboriginal and Torres Strait Islander peoples must be invited to have a say on Government policy, practice, programs and services that affect them and they must be integral to addressing and managing youth offending in their own communities.” p 109

Question 9: How can we achieve more effective collaboration between communities, non-government organisations and government agencies to prevent and respond to youth offending?

The complexity and interdependency of the challenges that confront children and young people at risk of offending, or who have a history of offending, means more effective collaboration between all stakeholders, including young people themselves, is critical to a successful reduction in offending rates. However, whilst this is well known, effective collaboration is extremely difficult to execute in practice owing to a host of intra and inter organisational factors such as competing priorities, funding, ways of working and IT and data systems, compounded by the number of stakeholders involved in a child's journey to adulthood.

We suggest that complex problems such as youth offending require more than traditional collaboration, and that the collective impact approach shows the most promise. Collective impact refers to ‘long-term commitments by a group of important actors from different sectors to a common agenda for solving a specific social problem’. Collective impact is more than collaboration, with organisations committing to a common agenda, a shared measurement system, mutually reinforcing activities, ongoing communications, and support for an independent backbone organisation with staff dedicated to facilitating collective effort.³¹

The community of schools and services (COSS) model is an example of this approach and underpins the ‘Geelong Project’ in Victoria.³² Led by Barwon Child, Youth and Family, this early intervention project is a place-based partnership aimed at preventing young people at risk of disengaging from or leaving school from becoming homeless and entering the justice system. The partnership includes Swinburne University, headspace Geelong, the Geelong Region Local Learning and Employment Network, and three pilot schools within disadvantaged areas.

The Geelong Project is being evaluated and following its first three years of operation, has reported some positive outcomes including:

- Between 2013-2016, the number of adolescents entering the Specialist Homelessness Service system in Geelong declined by 40 percent from a 10-year base line of 230 to a new post-TGP base line of about 100 cases.
- The school disengagement indicator has showed a shift to improved school engagement since 2013 – from 8.9 percent, or an estimated 197 students, at high risk of school disengagement to 4.6 percent, or about 100 students at high risk.

³¹ Kania, J. & Kramer, M. (2011). Collective impact. *Stanford Social Innovation Review*, Winter, 36-41

³² MacKenzie, D. (2018) *The Geelong Project Interim Report*: http://www.thegeelongproject.com.au/wp-content/uploads/2018/02/TGP_Interim_Report_FINAL_e-PRINT.pdf

- Early school leaving has been reduced by about 20 percent for the three pilot schools. In 2013, more students left school early from the three pilot schools than the other nine state secondary schools in Geelong. By 2016, that had been reversed: the majority of early school leavers came from the other schools.

A key element of the model is the assessment tool – the Australian Index of Adolescent Development survey (AIAD), which was developed by Swinburne University for the Project. This survey screens all students to identify those with incipient issues such as family conflict, poor mental health and disengagement from education which, when left unsupported, are strong correlating factors in young people engaging in criminal activity, entering homelessness and a lifelong reliance on support services. The survey continues to assess those at risk at key stages throughout their journey through school and flags and levers intervention where required. The Project delivers flexible and responsive services to the needs of those students identified at risk, acknowledging that not all students need the same level of support.

The Geelong Project stemmed from the determination of a group of practitioner-leaders who recognised that the current approach to reduce youth homelessness, school disengagement and youth offending was not working and in need of reform. They also acknowledged that working in partnership would not be easy, but despite pooled government funding coming to an end and despite youth workers answering to different funding streams, found ways to operate as a collective – through service amalgamation and forming an ‘early intervention platform’. The Project’s outcomes to date are testimony of what can be achieved through effective collaboration.

Question 10: How can Aboriginal and Torres Strait Islander people have a greater say in the policy and programs affecting Indigenous young people in the youth justice system?

Recognising the staggering and increasing overrepresentation of Indigenous young people in the youth justice system (and Indigenous people in the adult justice system), **yourtown** believes that a notable shift in the government’s approach to working with Aboriginal and Torres Strait Islanders is required. The needs of Indigenous young offenders and the provision of more appropriate interventions to reduce offending in this cohort must be prioritised and appropriately funded.

To this end, it may be beneficial to embed a formal partnership structure and approach within the youth justice system to working with Indigenous Elders, organisations and communities. Whilst Victoria has a very different context and circumstances to Queensland, lessons can be learnt from the Victorian Aboriginal Justice Agreement, the partnership between the Victorian Government and the Koori community, which was established to achieve improved justice outcomes for Koories.³³

The aim of a partnership would be to ensure that Indigenous views and needs are inherent in all government thinking and policy design in relation to youth justice. It would be tasked with developing a state-wide plan, with agreed targets to help maintain momentum and focus. This shift in practice would see Indigenous issues being given the attention they require, as well as build on the good work that is already undertaken by the Queensland Government to work with and include Indigenous views to design and develop targeted services.

³³ The Victorian Aboriginal Justice Agreement: <https://www.justice.vic.gov.au/your-rights/aboriginal-justice-agreement>

Legislative change

The Atkinson Report says...

"... it is time again to consider revising the regulatory framework for youth justice to lead and support the changes in the system that incorporate new evidence as well as new and emerging best practice in the field. The arguments in favour of more specialisation in the Children's Court also support more specialisation in children's criminal legislation ". p 75

"A move towards incorporating all legislation relating to child criminal justice matters in one piece of legislation would support the proposal for greater specialisation in the children's criminal jurisdiction and would support the move to manage and respond to child offending with a whole of system approach. It may be that the role of other agencies such as health, education and child safety can also be recognised and facilitated through stand-alone child criminal justice legislation." p 76

Question 11: What are your views about stand-alone child criminal justice legislation that combines youth justice, bail, and police powers legislation?

We believe that stand-alone child criminal justice legislation would help to appropriately recognise and effectively accommodate the unique experiences, development stages and needs of young people. We therefore support this suggested change but note that to translate this legislative approach into practice would require sufficient funding to support alternative justice, bail and police approaches, and to fund system-wide staff training.

The Atkinson Report says....

"If the Queensland government supports, in principle, raising the MACR to 12 years, then this would ideally be achieved through a national uniform approach involving all states and territories." p 106

"Further studies by child offending experts suggest that children below the age of 14 have rarely developed the social, emotional and intellectual maturity necessary to determine criminal responsibility. Studies in this area widely recognise the strong correlation between early involvement in the youth justice system and chronic offending in adulthood, the trajectory through the criminal justice system often being more rapid the earlier a young person is involved. Whilst causation remains difficult to establish, it is suggested that more child and family centred approach to offending at this age can help ameliorate the circumstances that led to the offending at a young age. p 106

Question 12: What are your views about a national agenda to raise the current minimum age of criminal responsibility? How might this be achieved?

We strongly believe that is appropriate that the current minimum age of criminal responsibility is raised. Children aged 10 and 11 years old are too young to understand the repercussions of their actions and an early intervention approach to supporting their needs is more appropriate. However, as acknowledged in the Report, an effective early intervention approach requires a long-term commitment to sustainable and appropriate levels of funding, and the resources needed to make real headway with children at risk of offending should not be underestimated.

In addition, it is important to note that age is not always a good indicator of maturity and that many children aged 12 and over will have a poor understanding of the risks and repercussions involved in their criminal behaviour due to their different speeds of developing. For this reason, we advocate for a youth justice system and youth specific legislation that enables lawmakers and other key decision-makers to apply significant

discretion in all cases relating to young people, and to being able to choose the most appropriate form of justice for the individual young person in question from a range of different options.

Question I3: What services and supports need to be in place for children below the minimum age of criminal responsibility (currently 10 years)?

We refer to our previous responses to questions I and 2 in answer to this question.

Question I4: What do you believe is the single most important thing that Queensland can do to reduce youth offending?

The complexity and range of causes that lie behind youth offending means that there is no one single important thing that Queensland can do to reduce offending. The effective reduction of youth offending hinges on a number of interrelated factors including:

- Early intervention and early child development support to at risk children and families
- Effective, early intervention school engagement designed around the needs of at risk children and families
- Effective and timely support for young people's transition to employment
- One-on-one intensive case management support and time to develop relationships built on trust and mutual respect
- Holistic client needs assessment and service provision
- Long-term government commitment and approach to reducing youth offending
- Prioritisation of reducing Indigenous youth offending driven by a formal partnership working approach with Indigenous communities
- Sustainable and appropriate levels of funding
- A whole of government approach and joined-up and collaborative working with all stakeholders

Question I5: What is the single most important thing that Queensland can do to reduce the over-representation of Aboriginal and Torres Strait Islander young people in the criminal justice system?

We refer to our previous response to question I0 in answer to this question.

Question I6: Do you have any other thoughts, ideas or suggestions about dealing with youth offending in Queensland?

It would be of notable benefit to Queensland's youth justice system if cross-party consensus could be achieved in relation to the new Youth Justice Strategy. We have seen in the recent past how a lack of agreement amongst the key parties has led to significant changes in policy and approach to youth justice, with many steps in the right direction being reversed over night. It is therefore important to educate our representatives on this issue, a goal to which **yourtown** is committed to work and we offer our services to work with government to this end.