



Ms Anne Hollonds  
National Children's Commissioner  
Sent: youthjusticereform@humanrights.gov.au

19 June 2023

Dear Ms Hollonds

Thank you for the opportunity to provide feedback on Youth Justice and Child Wellbeing Reform across Australia.

Speech Pathology Australia (the Association) is the national peak body for speech pathologists in Australia, representing more than 14,000 members. Speech pathologists are university-trained allied health professionals with expertise in the assessment, diagnosis and treatment of communication and swallowing difficulties across the lifespan, and have expertise in the prescription of assistive technology in these areas.

Responses to the submission questions are provided below.

#### **1. What factors contribute to children's and young people's involvement in youth justice systems in Australia?**

There are numerous, often inter-linked, factors known to increase the risk of a young person's involvement in the youth justice system. Factors include a history of adverse childhood experiences, being in out-of-home care, social disadvantage, disengagement from education, neurodivergence (e.g., autism or attention deficit hyperactivity disorder), having a neurodevelopmental disorder (such as intellectual disability or foetal alcohol spectrum disorder) or living with a mental illness. All are associated with a higher prevalence of communication needs than the general population. Indeed, while approximately 5% of the general population have a communication disability<sup>1</sup>, over 80% of young people referred for support with social, emotional and behavioural difficulties had a previously unidentified language difficulty<sup>2</sup>. Similarly, a Victorian study found that 92% of children and young people in out-of-home care had oral language and reading comprehension difficulties<sup>34</sup>.

Given the crossover of the populations involved in child protection, mental health services, and the justice system, it is therefore unsurprising that research in Australia and internationally has consistently identified a high prevalence of previously undiagnosed communication needs in offending populations<sup>5</sup>. Communication needs may also be present in isolation. A study in NSW found that 74% of young people in custody (without other known developmental or mental health difficulties) had oral language skills below the average range, with 40% having scores in the very

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<sup>1</sup> Australian Bureau of Statistics (2017). *Disability, Ageing, and Carers, Australia: Summary of Findings*, 2015

<sup>2</sup> Hollo, A., Wehby, J., & Oliver, R. (2014). Unidentified language deficits in children with emotional and behavioral disorders: a meta-analysis. *Exceptional Children*, 80(2), 169-186. doi: 10.1177/001440291408000203

<sup>3</sup> Snow, P. C., McLean, E. J., & Federico, M. (2020). The language and literacy needs of adolescents in out of home care: An Australian sample. *Child Language Teaching and Therapy*, 36(3), 151-163. doi: 10.1177/0265659020940360

<sup>4</sup> Anderson, S. A. S., Hawes, D. J., & Snow, P. C. (2016). Language impairments among youth offenders: A systematic review. *Children & Youth Services Review*, 65, 195-203. doi: 10.1016/j.childyouth.2016.04.004

<sup>5</sup> Anderson, S. A. S., Hawes, D. J., & Snow, P. C. (2016). Language impairments among youth offenders: A systematic review. *Children & Youth Services Review*, 65, 195-203. doi: 10.1016/j.childyouth.2016.04.004

low/severe range of impairment<sup>6</sup>. Research has also demonstrated a significant positive correlation between the severity of offending behaviour and the severity of language impairment<sup>7</sup>.

Identifying and supporting the communication needs of individuals at risk of, or in contact with, the justice system is vital for the prevention or amelioration of social and behavioural difficulties (including offending behaviour), and to enable people to participate fully in social, educational and vocational activities known to reduce the risk of initial, or further contact, with the justice system.

## **2. What needs to be changed so that youth justice and related systems protect the rights and wellbeing of children and young people? What are the barriers to change, and how can these be overcome?**

The communication needs of children and young people are often not identified as early as would be ideal. Parents' and professionals' attention, and subsequent delivery of services, often focus on concerning or anti-social behaviours, without recognising the difficulties that may underlie those behaviours. The National Early Language and Literacy Coalition reports that almost 23 per cent of children are behind with their language skills prior to school entry<sup>8</sup> and those who start behind, tend to stay behind in their attainment<sup>9</sup>. There needs to be a greater focus on literacy in early childhood education and throughout primary and high school with access to speech pathology assessment and supports to identify and intervene with children experiencing language delays.

Similarly, communication needs of young people involved in the justice system need to be addressed. Despite a high prevalence of communication needs in justice-involved populations, there is currently limited and inconsistent speech pathology provision available for those young people at risk of, or in, contact with the justice system.

Ideally, speech pathology provision in custodial and community justice settings would involve both direct and indirect input, and typically encompasses three tiers of intervention, including, but not limited to universal, targeted and specialist interventions:

Tier 1: Universal Interventions - including targeting whole populations, attempting to prevent and minimise the impact of speech, language and communication needs or swallowing difficulties, as well as general environmental modification and staff/carer capacity building which will benefit all those in the justice setting.

Tier 2: Targeted Interventions - seeking to address the difficulties, reduce risk factors, and increase protective factors in populations particularly at risk of speech, language and communication needs.

Tier 3: Specialist Interventions - aiming to address the specific difficulties of individuals who show additional needs that are not met by universal or targeted interventions.

Given the high prevalence of communication needs in justice-involved populations, and evidence of the benefits, including in contributing to reduced recidivism, Speech Pathology Australia recommends that, for communication needs to be fully recognised and managed, speech pathologists should be fully integrated and embedded into justice staff teams, as opposed to operating in a purely consultative model, and deliver intervention on all three tiers.

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<sup>6</sup> Snow, P., Woodward, M., Mathis, M., & Powell, M. 2015 Language functioning, mental health and alexithymia in incarcerated young offenders, *International Journal of Speech-Language Pathology*, 18(1), 20-31. doi: 10.3109/17549507.2015.1081291

<sup>7</sup> Snow, P. C., & Powell, M. B. 2011 Oral language competence in incarcerated young offenders: links with offending severity. *International Journal of Speech-Language Pathology*, 13(6), 480-489. doi: 10.3109/17549507.2011.578661

<sup>8</sup> National Early Language and Literacy Coalition. 2021 Proposed National Early Language and Literacy Strategy. National Early Language and Literacy Coalition: Canberra

<sup>9</sup> McLeod, S., Harrison, L. J., & Wang, C. 2018 A longitudinal population study of literacy and numeracy outcomes for children identified with speech, language, and communication needs in early childhood. *Early Childhood Research Quarterly*. <https://doi.org/10.1016/j.ecresq.2018.07.004>

**3. Can you identify reforms that show evidence of positive outcomes, including reductions in children’s and young people’s involvement in youth justice and child protection systems, either in Australia or internationally?**

Research in the United Kingdom has shown that although young offenders with developmental language disorder are more than twice as likely to reoffend than their unaffected offending peers<sup>10</sup>, young adults whose developmental language disorder was identified and treated (through intensive speech pathology intervention in childhood and attendance at language units in schools) are at reduced risk of future contact with the police compared with their age-matched peers<sup>11</sup>. In Australia, research supports the effectiveness of speech pathology for young people in the justice system who have been identified with a language disorder<sup>12,13</sup>.

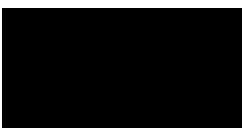
Health economic modelling has investigated the potential benefit of speech pathology interventions in the reduction of youth and adult crime, through improved communication skills<sup>14</sup>. It demonstrated the likely cost savings (both to the justice sector, and broader systems and communities) of the provision of timely and effective speech pathology at different points in an individual’s life, including once already in contact with youth justice or adult correctional services.

**4. From your perspective, are there benefits in taking a national approach to youth justice and child wellbeing reform in Australia? If so, what are the next steps?**

Young people and adults in contact with the justice system currently do not have access to evidence-based supports such as speech pathology that can make a difference to their life trajectory. A national approach that sets out minimum requirements of therapeutic supports with accountability for both the minimal inputs and accountability for outcomes is needed to create lasting improvement in their lives and a positive contribution to the broader community.

If you require further information, please contact [REDACTED], Senior Advisor Justice on [REDACTED]

Yours sincerely



Kathryn McKinley  
National President

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<sup>10</sup> Winstanley, M., Webb, R. T., & Conti-Ramsden, G. 2021 Developmental Language Disorders and risk of recidivism among young offenders. *Journal of Child Psychology and Psychiatry*. 62(4), 396-403. doi: [10.1111/jcpp.13299](https://doi.org/10.1111/jcpp.13299)

<sup>11</sup> Winstanley, M., Webb, R. T., & Conti-Ramsden, G. 2018 More or less likely to offend? Young adults with a history of identified developmental language disorders. *International Journal of Language and Communication Disorders*, 53(2), 256-270. doi: 10.1111/1460-6984.12339

<sup>12</sup> Snow, P. C., & Woodward, M. N. 2017 Intervening to address communication difficulties in incarcerated youth: A Phase 1 clinical trial. *International Journal of Speech-Language Pathology*, 19(4), 392-406. doi: 10.1080/17549507.2016.1216600

<sup>13</sup> Swain, N. R. 2018 Speech-language pathology intervention for young offenders (Unpublished doctoral dissertation/Master’s thesis). The University of Melbourne, Australia. Retrieved from: [https://www.researchgate.net/publication/331262373\\_Speech-language\\_pathology\\_intervention\\_for\\_young\\_offenders](https://www.researchgate.net/publication/331262373_Speech-language_pathology_intervention_for_young_offenders)

<sup>14</sup> Dowse, L., Cronin, P., Reeve, R. and Addo, R. 2020 [Economic evaluation of the impact of speech pathology services on criminal justice outcomes](#). UNSW Sydney