SUBMISSION: YOUTH JUSTICE and CHILD WELLBEING REFORM across AUSTRALIA

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

a) **Fractured/broken interpersonal relationships within family**

a. Violence in the home against a parent or child or both

b. Mental illness in the home

c. Long-term illness of a parent/guardian which places burdens on the child/children

d. Parent/guardian in prison

e. Separation/divorce of parents

These situations make kids feel responsible and anxious – even if they can't articulate it.

Most adults do NOT acknowledge or remember that children EXPERIENCE their life. Adults look at things backwards thinking with their ADULT brains and experiences and apply a script that did not exist when they were young. That's OK when there's no trauma, but when trauma is present, adults who have not experienced it as children do not understand how affects kids and how they are usually unable/don't see the need to articulate anything. People assume that if something was 'wrong' they would have told someone. This is NOT the case in 99% of cases.

Kids move through the experiences and may hate what is happening, the situation, parent, whatever. Apart from lacking the frames of reference to effectively articulate their situation, they may also lash out, withdraw or self-harm in some way as unconscious alternatives to verbal expression.

They may also reluctant to get their parents into 'trouble' even if they are being abused. They feel powerless – which they are. This is just their life. They may worry that if they speak, things will get worse or there will be retribution. Children will rarely describe the violence or burdens that exist in their home.

People don't tend to look at the situation the kids are in, and even if they do, the view is that 'they know right from wrong'. This may be true, but full comprehension is absent, as is the ability to effectively project consequences. This is a HUGE issue which is rarely taken into consideration. Most adults do not think about this and cite X or Y person who came from a bad background and THEY didn't do A, B or C. This N=1 thinking is not helpful and does not take into account the data on these issues.

Children in these situations, particularly the more severe ones, bear adult burdens as a result – caregiving, protection of siblings, attempts to protect themselves, etc – all of which will impact how they interact outside the home and how they forge future relationships. A child's or young person's responses may bring them into contact with the justice system.

b) **Tenuous economic circumstances**

- Low-income home – difficult to provide what child/children need financially and often emotionally if parents/guardians are working long hours or on support and disengaged or disabled, engaging in substance misuse or are incarcerated

- Children feel left out and 'not as good' - even if they can't identify or articulate these feelings. These situations put them at risk of disengaging with school, sport, etc as they are unable to meet requirements. Children are unlikely to cite 'we can't afford it' or 'mum was high and I had to look after my siblings' as they lack the skills at a young age to articulate the issues and do not think to 'blame' their situation or disclose it, as it is all they know. This can lead to detentions, letters to home, failing subjects, being labelled as 'no good' 'lazy', 'disruptive' or a number of other negative terms. This does nothing to help the child and they will retreat, lash out, disengage or express other behaviours as mentioned above

- Child may feel responsible and try to help – which can lead to risky behaviour such as stealing. This places those children particularly vulnerable to predatory behaviour by petty (and other) criminals who may enlist them to assist with illegal activity. This can lead to 'belonging' somewhere and feeling valued, which is problematic. Predators of other kinds can sense vulnerability, placing the child/young person in danger of which they are not aware. Child may also feel responsible and engage in substance misuse, self-harm or violence to assuage the feelings they can't articulate or fully understand

Q 2 What needs to be changed so that youth justice and related systems protect the wellbeing of children and young people? What are the barriers to change and how can they be overcome?

A) Addressing the flaws in the system. These exist at almost every point from engagement to outcome

The current focus is on:

1) Whether the child/young person did whatever it is that's caused an issue

2) Making them admit to doing whatever it is – problematic in the power dynamic and also if another was involved, the issue of taking down a friend is not what most young people want to do. The issue is also addressed in a binary way, leaving no room for explanation or discussion

3) Asking if they know it is wrong to do (insert behaviour here). Ridiculous in most instances. Most kids over a certain age KNOW what's right and wrong for basic issues like hitting someone, stealing, fighting, taking substances, etc. This is **NOT** the issue. They know what they did – they probably don't know **WHY** they really did it apart from base line reasons – like 'I wanted the jacket, 'I wanted to get high', 'That kid hit me first', etc

   This places a vulnerable kid in a situation where they may conclude they are bad because they did something wrong. This can lead to more problematic behaviour, feeling bad about themselves, getting defensive, feeling powerless and ashamed – none of which address the core issue. I've seen kids who at a young age already believe there is no hope for them and that they are 'bad'. This is tragic

4) Punishing them and/or threatening them in some way

This also applies in the school system. Unacceptable behaviour is not managed, it is punished in most instances. Little discussion to determine if something is wrong, if they need some time to be alone or if they are hungry, tired, etc. The BEHAVIOUR is the focus, not what's driving the behaviour. This is particularly so for repeat 'offenders'. It is also more likely to be done to kids from lesser circumstances or poorer areas than it is to kids from wealthier situations. This bias is endemic and is not acknowledged. This widens the gap between rich and poor and further entrenches the notion that 'bad' kids come from bad neighbourhoods/families/areas and can impact the trajectory of that kid for their life. This is unacceptable, wrong and tragic

B) Structural, Financial and Attitudinal

Tweaking with what exists is unlikely to be as effective as a full overhaul, as people will be territorial and want to hang on to their approaches.

Structural

1) **Assess current approaches/services to determine what is working and why**

- Assessment of the processes of engaging with children/young people in the youth justice system and document that FLOW CHART. Look for inconsistencies and disconnects

- Determine NEW FLOW and institute adoption

2) **Find best practice from around the world and determine applicability to Australia and compare to best practice here**

3) **Decide on a model and pilot in areas determined by consensus**

   a. Adjust model over time based on outcomes – PROJECT MANAGEMENT
   b. Adjust according to relevant, decided nuances – indigenous needs, gender differences, LGBTQI+ needs, etc
   c. Roll out model

4) **Address indigenous situation separately and in conjunction - to determine where indigenous and non-indigenous issues intersect. This can reduce duplication costs while addressing indigenous-specific issues at best practice level. Finding areas of commonality may reduce 'us' and 'them' attitudes and the negativity sometimes expressed around this**

5) **Force some consolidation of existing youth services and mandate standardised rules/approaches/qualifications to be achieved by X date in a rolling manner with highest priority changes first. This will:**

   a. Reduce cost burden on funding bodies around managing multiple grant/funding applications – and reduce admin burden for charities overall
   b. Reduce cost to taxpayers
   c. Reduce duplication of essentially the same services with minor differences
   d. Increase efficiency across services
   e. Create better networks for services to be delivered
   f. Reduce inconsistent service/approach

When consolidating, change management structure to co-CEO or whatever leadership terminology is chosen. This can reduce CEO domination or perspective. Joint role assessed every (timeframe) on strict parameters to ensure progress and reduce incestuous or legacy placements. Ensure that

organisations have appropriately trained support staff in place to support the work. Ensure technological capability exists.

CEO dominance is seen repeatedly in the NFP space. Often, it is characterised by minimal interest in input from others, best practice or sharing their 'turf'. Also entrenched views on the area based on their tenure. This limits progress.

6) **Those dealing with children/young people when they interact with the justice system – after their first interaction from police being called**

Who

Ideally, a trained youth worker/liaison officer rather than a police person. Police Youth Liaison are good (more needed), but it would be ideal if non-police were involved. Not a tick-a-box youth worker - but one with advanced skills and experience and a CASE MANAGEMENT approach. This could be arranged as the time a young person spends waiting to be processed is HOURS. There is a hotline for legal services – why not one for trained youth workers/youth liaison?

Financial

o **Estimate funding requirements for a defined period (5 years?) by state taking into account legacy outcomes (good or bad) based on outcomes of pilot (see above in structural) and fund as appropriate**

This could reduce the cost of future juvenile and adult incarceration, court costs, and the costs of police and other professionals. It has the potential to create real change if done in a structured, evidence-based manner.

This CAN be changed. Imagine if a kid could be intercepted before they ended up on detention, suspended from school, came under police attention and ended out with a charge. The cost savings would be substantial – let alone the positive impact that it could have if the kid was productive rather than a burden on society as a result of being incarcerated or otherwise engaged in the justice system.

Get one of the large accounting firms to do a cost benefit study on the impact of positive interception which reduced these outcomes and demonstrated the resultant cost savings over a budget period, lifetime or other time frame.

Cost drives action.

If government, etc, were persuaded that intervention was more cost effective than punishment and engagement with the judicial system in X% of cases, there would be less resistance. It also has the potential to change perception about punishment of young people

The argument of better for the kid has not been really successful (except for believers) as people just want the problem gone.

Attitudinal

C) Assessment of views (anonymously at first) of a statistically significant number of those involved with youth justice to determine the extent of misconceptions, lack of knowledge/understanding and biases

- Counselling for those who have serious bias and potential re-assignment to other positions
  - Biases around race, gender, sexual orientation or identity, economic circumstance, previous behaviour, geographical location, coming from a 'bad' family, etc

- Counselling for complex PTSD, which can alter people's world view for the worse
  - Biases around race, gender, sexual orientation or identity, economic circumstance, previous behaviour, geographical location, coming from a 'bad' family, etc

- Training on family dynamics, abuse, violence, mental illness, disability, incarceration, long-term illness, poverty and how they impact children and their behaviour, learning outcomes and long-term prospects. Cost to the community and tax payer should also be included, let alone the emotional cost to those involved

- Training on the signs of a child/yp who may be experiencing these issues

- **Funding for options above – and do cost benefit analysis to show that it is more cost effective than the current system of holding cells, transportation to juvenile detention, etc.**

Costs vary from state to state in Australia, but if roughly 800 people are in youth detention every night (according to AIHW) across the country and conservatively it costs $1000 per night (it is much more in some instances) that is $292M per year. Imagine if that was proposed as a budget item?

<u>Barriers to Change</u>

- Biases and discriminatory attitudes (see above)

- Unwillingness to change the system from within or without. Investment in the crime and punishment mindset, which is detrimental to all. Creating more juvenile detention institutions or more prisons is not the answer. The issue has become more political and as a result, best practice approaches are not a priority

- 'This is how we do it' mentality. Resistance to change in practice or procedures. If that approach was applied to medical or health development and innovation, we'd still be using leeches and doing lobotomies

These could be overcome by:

- Education and re-training – after structured assessment. Applying a one size approach will alienate those on either end. A nuanced approach is needed. Burnout, complex trauma and other factors may also have impacted those in the system (as mentioned above)

- Find ways to make the change easier for people and to reduce the fear some may have – losing jobs, not being competent, etc. Make it inclusive
  - Engage them in the process – get input - not tokenistic
  - Explain the WHY for them and all stakeholders
  - Discuss that this is not about terminating people. It is about improvement

Natural attrition will occur during this process. Then assessment of what staff are needed and where can occur:

  - Provide opportunities for training/re-training
  - Provide opportunities to transfer, etc

        o   Create new positions

Q 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?

International reforms – I only know what I've read online, I do not have personal knowledge of these reforms.

Australia - I know of an organisation for which I was a volunteer for 5 years – **StreetWork** – which has a program called Kickstart.

Streetwork's Kickstart approach is:

o One-on-one mentoring with differently skilled, qualified youth workers
o Meeting kids where they are – not where they 'should' be
o Providing the young person (YP) the opportunity to decide their own goals and then assisting them meet those goals
o Providing engagement opportunities that the YP WANTS to engage in
o Non-judgemental approach

StreetWork also engages volunteers (like me) who are on a roster to be an advocate for a YP arrested and who needs an adult to assist them in their dealings with police. Rosters are from 6pm - 10am on weekdays, and 24 hours per day on weekends. These interactions provide an opportunity to not only support the YP, but to offer the services of StreetWork.

This is very rewarding volunteer work – even if it is sometimes incredibly sad. I have driven home in tears more than once.

To ensure an evidence-based approach, StreetWork engaged PwC a number of years ago to assess the cost of:

o Youth crime
o Youth homelessness
o Mental health
o Youth suicide & self-harm
o Early school leaving

This has been updated each year by Huber Social. The latest version (2022/2023) notes that StreetWork's Kickstart Program delivered:

o +35% increase in wellbeing (53 factors considered)
o +47% self-acceptance
o +38% sense of purpose
o +52% sense of pride
o +84% employment skills

A major outcome from the assessment is that for every $1 of support StreetWork receives, they save the community $16.

StreetWork operates on the North Shore of Sydney. Until recently, funding came from long-time donors and local businesses. Last year SW received a large (for us) government grant.

This program deserves attention. The organisation has not been expansion focussed, but could be if the right people were involved got them out of their homegrown mindset. The Youth Services Manager is an incredible resource.

Q 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?

Yes, there are benefits in a national approach:

- o Consistency of approach across the country. Every YP or child will have the same experience, regardless of location. Where someone is located should NOT influence their experience with the justice system, or the opportunity to access wellbeing support

- o Consistency can reduce inherent bias and variations in approach. Checks and balances to ensure that the national approach is applied will be needed. Not easy, but worth it

- o Data from the system will improve and any adjustments will be more impactful

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This whole area needs major reform.

There are:

- Too many organisations overstretched and lacking appropriate funding and skill sets
- Apathy, unwillingness to change and a lot of dead wood in the sector
- Major flavour of middle-aged Caucasian in the sector (I'm one)

I am regularly shocked by the lack of ability/willingness to see issues through the eyes of the children/YP we serve or to really understand what it's like to come from a difficult situation. This needs addressing, as the issue is not really acknowledged.

Well-off middle-aged Caucasians should have representation, but they cannot be exclusively at the forefront of understanding and change in this area. Adults with lived experience and those who have experienced the system need to have a voice.