

Whitelion Youth: submission on Youth Justice and Child Wellbeing reform in Australia

Introduction

Whitelion Youth (**Whitelion**) is pleased to have an opportunity to present a submission into ‘Youth Justice and Child Wellbeing reform in Australia.’ Whitelion is an independent, multi-state (VIC, NSW, SA and WA), non-profit organisation with demonstrated outcomes on the impacts of disconnection, and unemployment for youth at risk. We work with young people aged 10-24 who are homeless, in the out of home care or justice systems. Young people in these systems often leave school early and/or are disengaged from education, live with mental health issues and the impacts of trauma, misuse substances and have experienced family violence. They are resilient young people who face significant hardship and disadvantage. Whitelion works with volunteers, youth workers and corporates to address their safety and security needs and to create opportunities for their continued learning, connection, and work. Our programs include individual support, mentoring, flexible learning, and employment services.

We have been working with young people facing disadvantage for over 23 years and have significant experience working with young people who have had involvement with the youth justice and child protection systems in the four states that we work in. We are grateful for the opportunity to share what we have learnt through the experience of our workforce via this submission.

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

Several factors contribute to children's and young people's involvement in youth justice systems in Australia. An overarching factor is intergenerational poverty and trauma which means that the family is already engaging with services and systems, enhancing the likelihood of young people coming into contact with the youth justice system. Young people might be already missing protective factors, which greatly increases their chances of being involved in multiple systems, including youth justice.

- **Family:** The family plays a crucial role in a child’s development. When there are adverse family circumstances such as conflict, family or domestic violence, neglect, or substance abuse within a household, this can significantly impact on children’s and young people’s wellbeing and increase their likelihood of engaging with peers that may already be involved with youth justice. They might also seek a sense of belonging and therefore engage in criminal behaviours to gain acceptance. When a young person’s family of origin, including siblings, parents and extended family members are engaged in criminal behaviours, this role models acceptable behaviour and increases young people’s involvement in youth justice.
- **Education:** School disengagement can be a risk factor, and one that we see a lot within some of our programs at Whitelion. Schools that utilise suspension or school exclusion as a discipline method, increase the likelihood of young people’s disengagement from school and thus, these young people can be more susceptible to negative influences and engage in behaviour that may result in criminal charges.
- **Involvement in other systems:** Young people that have already experienced family violence or have an out of home care experience have an increased risk of involvement with youth

justice¹. Within child protection systems this can be because once a young person reaches the age of 16 or 17², the support often drops off and they have often not had appropriate role modelling and are trying to survive with limited skills and support.

- **Mental Health:** Many young people that practitioners work with within Whitelion programs include young people with Fetal Alcohol Spectrum Disorders (FASDs) and mental health challenges, in particular ADHD. This can mean that they struggle to belong and potentially have educational challenges in mainstream schools.

It is important to note that these factors often intersect and influence each other, creating complex situations that contribute to children's and young people's involvement in the youth justice system in Australia. Addressing these factors requires a multifaceted approach, including early intervention, community support, access to education and mental health services, and efforts to reduce systemic inequities. These efforts must be tailored to the individual, be culturally responsive, and provide a holistic approach to ensure the best outcomes for young people. It is also essential to ensure the voices of children and young people are heard and that their rights are respected. Finally, it is important to create and maintain transparent and accountable systems to ensure youth at-risk get the support they need.

¹ Sentencing Advisory Council 2020. 'Crossover Kids': Vulnerable Children in the Youth Justice System

² [Australian Institute of Family Studies 2016. Supporting young people in out-of-home care.](#)

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?

Many things need to change within the youth justice and child protection system to uphold the rights and protect the wellbeing of children and young people. During discussions with Whitelion practitioners a range of options were suggested, but there was an acknowledgement that there are significant barriers to overcome to ensure the rights of children and young people in youth justice and related systems.

Shifting the focus towards early intervention and prevention programs can help address some of the underlying causes of youth offending. This can involve providing intensive support and resources to children and families at-risk before their involvement with the justice system becomes entrenched. Addressing the ‘why’ of young people engaging in criminal behaviour will hopefully limit their contact with the youth justice system.

Based on our practitioner's experience we have found that some residential care workers are not trained in de-escalation or trauma-informed practice. This means that at times when a young person reacts in a way that might be deemed inappropriate, police are called and this therefore increases these young people becoming ‘known’ to police or potentially having a criminal record³. We recommend that a systemic improvement to look at the policies and support for residential care workers at either a national or state by state level.. Raising the age of criminal responsibility to 14 across all states and territories in Australia will allow more diversion and a chance for those children and young people to not become entrenched in the youth justice system and would bring Australia in line with its obligations under the Convention of the Rights of the Child.

Expanding the availability of programs can divert young people away from the formal youth justice system and provide them with opportunities for personal growth and real rehabilitation. These can include programs that Whitelion provides, in particular Deadly Lions, Deadly Diversions and Target 120 programs (*see more on page 6*).

Through discussions with Whitelion practitioners and based on the experiences of young people, a key area of the youth justice system that needs to be changed is young people being strip searched by police. They are often separated by male or female and there is no flexibility for young people who are gender diverse. This can be traumatizing for young people, and we know that for some young people we support, this has happened without an adult present, which puts young people in a vulnerable position⁴.

Emphasising rehabilitation, rather than punitive measures for young people, is crucial. Ensuring that the child protection and youth justice systems are holistic and therapeutic in their approach is key. Youth justice systems should prioritise evidence-based programs that address the specific needs of young people, including education, vocational training, mental health services, and drug and alcohol services.

Developing relationships between youth workers / youth services and the police, like Whitelion’s Deadly Diversions program, will increase clear communication and be able to develop wrap-around support and potentially divert young people from the youth justice

³ Australian Human Rights Commission, Children’s Rights Report 2019 (2019) 244

⁴ Western Australia Inspector of Custodial Services, Report of an announced inspection of Banksia Hill Juvenile Detention Centre (April 2015) 50; Law Enforcement Conduct Commission, Inquiry into NSW Police Force strip search practices (December 2020) 103 .

system to begin with. This has been key to the success of Deadly Diversions and is demonstrated in an independent evaluation by the University of Western Australia⁵, please also see Appendix One.

Ensuring that the youth justice system includes young people up to the ages of 25⁶ and having specialist youth justice facilities specifically designed for them will ensure that their rights are more likely to be upheld and that they get support that is targeted towards them. This will assist young people to not necessarily be integrated into adult prisons earlier than they need to be.

Barriers to change can be wide and varied. Limited funding and resources to prevent young people being involved in youth justice is a big issue and can hinder efforts to decrease young people's involvement in youth justice. Within WA, it currently costs the government \$48 million for the whole youth justice system⁷ Adequate and ongoing financial investment in community and youth services is needed to support effective interventions and programs. Existing policies and legislation may not always prioritise the rights and wellbeing of young people. Advocacy and policy reform are necessary to align laws and regulations with a child and youth-centered approach. Different government agencies, community organisations, and stakeholders involved in youth justice system often operate in silos, thus leading to a fragmented approach. Improved collaboration and coordination can enhance the effectiveness of interventions.

⁵ Clare, J, Murray, S, Clare, M and Clare, B (2022) Whitelion Youth Agency - Deadly Diversions Youth Support Service Evaluation. University of Western Australia.

⁶ Cunneen C, Goldson B and Russell S (2016), 'Juvenile Justice, Young People and Human Rights in Australia', Current Issues in Criminal Justice

⁷ Prison and the Budget Bottom Line — Social Reinvestment WA

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?

There are several reforms that have shown evidence of positive outcomes, including reductions in young people’s involvement in youth justice and child protection systems, both in Australia and internationally.

Within Victoria there are several programs such as having an after hours case management service for those young people currently engaged in youth justice systems. There is also YRIPP, which provides volunteer adults for young people in police custody, which ensures that young people are not left alone in custody for hours.

Other reforms include:

- [Connecting young people to country and culture](#)
- [Intensive family support and early intervention](#)
- [Access to supports at a younger age.](#)
- [Specialist schools that provide alternative education and support to prevent disengagement](#)

The particular Whitelion programs that show evidence of positive outcomes include:

Box One

Deadly Diversions: Provides place-focused intensive case management and support to prolific and priority offending youth, who have been identified by the WA Police. The program supports young people aged 12 – 18 in the Mirrabooka Police District in northern Perth. The program can also provide a prevention or early intervention focus for those at risk of entering the justice system.

Deadly Lions: Provides individualised support to young Aboriginal and Torres Strait Islander peoples who have been in contact with police or the youth justice system, or for those who are at risk of entering the youth justice system. Intensive case management and coordination, brief intervention, assertive outreach, pro-social role modelling and guidance, community engagement, family work and connection to culture. Goal setting ensures that young people build positive and sustainable connections to self and communities of choice, have increased self-agency and decreased isolation. Delivered in partnership with MAYSAR (Melbourne Aboriginal Youth Sports and Recreation).

Target 120: Target 120 is an across-government strategy to holistically support identified young people and families presenting with complex needs to achieve their goals, improve whole-of-life outcomes and reduce contact with the justice system.

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?

Whitelion believes that there are significant benefits in taking a national approach to youth justice and child wellbeing reform in Australia. A coordinated national approach ensures consistency, equity and efficiency in addressing the needs of children and young people across different jurisdictions. It allows for the sharing of best practices, resources, and expertise, leading to improved outcomes and better protection of children's rights.

There are a few next steps that could be taken, but ensuring that young people with lived experience of the youth justice and child protection systems are involved in every step of the way is essential. This ensures that any reform includes the perspectives and experiences of young people. A critical part of this would be reimbursing young people in this process.

Developing a comprehensive national policy framework that outlines the guiding principles, objectives, and strategies for youth justice and child wellbeing reform is essential. This framework should emphasise prevention, early intervention, and the protection of children and young people's rights. Establishing mechanisms for collaboration and coordination amongst federal, state, and territory governments, as well as relevant agencies, is crucial. Different platforms can facilitate the exchange of ideas, experiences and data.

Ensuring sufficient funding and resource allocation is critical for the successful implementation of national reforms. Governments need to prioritise investment in prevention programs, early intervention services, community-based alternatives, and support for children and families at-risk. Promoting the harmonization of legislation and policies across jurisdictions can address inconsistencies and barriers to effective reform. This includes aligning age threshold, diversion programs, sentencing practices and the provision of support services.

By taking a national approach, Australia can create a more cohesive and comprehensive system that prioritises the rights and wellbeing of children and young people, reduces disparities across jurisdictions, particularly in relation to First Nations young people who are disproportionately represented within both the youth justice and child protection systems, and fosters collaboration for positive change.

APPENDIX ONE



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WHITELION **YOUTH**
giving every advantage

DEADLY DIVERSIONS: YOUTH SUPPORT & DEVELOPMENT PROGRAM

Deadly Diversions provides place-focused intensive case management and support to prolific and priority offending youth, who have been identified by the WA Police. The program supports young people aged 12 to 18 in the Mirrabooka Police District in northern Perth. The program can also provide a prevention or early intervention focus for those at risk of entering the justice system.

From 2018 to 2021, 43 young people have been supported by Deadly Diversions. Some excellent outcomes have been achieved by young people and some of these are highlighted below.

For young people who undertook Whitelion's wellbeing survey:

- 67%** reported an increase in feeling connected to their community
- 62%** reported an increase in their standard of living
- 57%** reported an increase in their personal relationships

Results from Whitelion's behavioural change survey included:

- **84% of young people** remained stable or improved in relation to establishing trust in relationships
- **81% of young people** remained stable or improved in relation to alcohol and/or other drug use
- **77% of young people** remained stable or improved in relation to personal networks, meaning where young people are working towards building a connection to a small group of peers and ideally, are working towards being open and relating to a wider range of people

The below indicates the percentages of Deadly Diversions participants who agree with each of the statements:

61%	I feel more confident
I have opportunities to try things I have not tried before	83%
87%	I have access to more services

When young people were asked, “what is the best thing about Whitelion”, here are some of their responses:

- Help with getting ID and Centrelink
- The supports for my family. Opportunities to try new sports & recreational activities.
- Youth Worker Support
- Activities and art, food and the help from the people working there
- Support through the court system
- Transport and support
- Someone to be there for you
- Always there to help
- The support to get back into school



Between 1 July 2018 and 30 June 2021 Deadly Diversions achieved the following types of support:

85%	85% of participants had successfully reduced their offending rates by an average of 60%
34	young people provided with advocacy and youth justice support
28	supported into education/training
15	young people supported with community connection
13	young people supported with legal / court support
9	young people supported with substance use including alcohol and drug counselling leading to reduced risks or abstinence
8	young people supported into housing
44	young people and their families supported with emergency relief
21	young people supported to access independent income
44	young people supported to access diversionary workshops/activities



Evidence supporting why Whitelion is committed to Deadly Diversions – how does it benefit young people and the broader community?

- **“By addressing the social determinants of crime – unemployment, homelessness, health and education issues – justice reinvestment has the potential to improve the life outcomes of individuals and build strong, safe and cohesive communities.”¹**
- \$1,000 per day is the current estimated cost to keep a young person locked up in *Banksia Hill Youth Detention Centre* in Western Australia.² This figure balloons with the inclusion of economic and fiscal costs associated with incarceration (productivity, cost of crime, police, courts, welfare etc).
- **On a whole, the Western Australian juvenile detention system costs over \$48million per year.³**
- On average, 148 young people were in detention on any given day in 2017–18,⁴ and more than two-thirds of these young people are Aboriginal and Torres Strait Islander.⁵
- Young people who enter youth justice systems, frequently present with an array of vulnerabilities and complex needs.⁶ These vulnerabilities are often exacerbated by spending time in custody, especially in segregation and isolation meaning detention should be a last resort option.⁷
- We are currently spending more on criminalising young people for often minor offences than what it would cost to provide localised and holistic preventative support services. High quality social programs can

divert young people from the justice system and towards positive pathways with evidenced cost-saving and broad social impacts. Justice reinvestment proposes that...addressing the key drivers will be a more effective and cost-effective approach to reducing incarceration rates.

- **“Justice reinvestment is a proven approach that helps children learn new skills, develop positive relationships and plan for the future. We should be investing in young people’s futures, not detaining them.”⁸**





employment – all of which are underlying causes for offending and incarceration¹¹ For this reason, early-intervention¹² with young people is essential to disrupt this trajectory or a positive pathway.

- The goal of developmental or early intervention is to break the cycle of offending and...utilise the best evidence to reduce off crime or other problems before they emerge or become entrenched into adulthood.¹³



- Research demonstrates the importance of a multi-pronged approach which acknowledges and addresses the cycle of disadvantage, structural and systemic barriers, intergenerational impacts and key drivers of incarceration.⁹ Essential to this approach is a commitment to self-determination, system and law reform, increased community awareness and high-quality initiatives and programs which promote access to universal service platforms (including early childhood education, school, housing, health care etc).¹⁰
- As evidence demonstrates, children who fall behind and experience developmental vulnerability during early childhood are at significant risk of poor mental and physical health, anti-social and behavioural problems, and poor participation in education and

1. [https://s.afl.com.au/staticfile/AFL Tenant/Richmond/indigenous-incarceration-may17.pdf](https://s.afl.com.au/staticfile/AFL%20Tenant/Richmond/indigenous-incarceration-may17.pdf)
2. Huge cost of detaining young people in WA reinforces need to invest more diverting from justice system (savethechildren.org.au)
3. Prison and the Budget Bottom Line – Social Reinvestment WA
4. Huge cost of detaining young people in WA reinforces need to invest more diverting from justice system (savethechildren.org.au)
5. Petty crimes, private jets and prison: How the WA government wastes millions punishing regional kids (watoday.com.au)
6. Youth justice in Australia: Themes from recent inquiries (aic.gov.au)
7. Youth justice in Australia: Themes from recent inquiries (aic.gov.au)
8. Save the Children's WA State Manager Juan Larranaga - Huge cost of detaining young people in WA reinforces need to invest more diverting from justice system (savethechildren.org.au)
9. [https://s.afl.com.au/staticfile/AFL Tenant/Richmond/indigenous-incarceration-may17.pdf](https://s.afl.com.au/staticfile/AFL%20Tenant/Richmond/indigenous-incarceration-may17.pdf)
10. [https://s.afl.com.au/staticfile/AFL Tenant/Richmond/indigenous-incarceration-may17.pdf](https://s.afl.com.au/staticfile/AFL%20Tenant/Richmond/indigenous-incarceration-may17.pdf)
11. 151014_Evidence-review-early-childhood-development-and-the-social-determinants-of-health-inequities_Sept2015.pdf (rch.org.au)
12. Discussion Paper: The link between Indigenous culture and wellbeing - NCSEHE)
13. Preventing the onset of youth offending: The impact of the Pathways to Prevention Project on child behaviour and wellbeing | Australian Institute of Criminology (aic.gov.au) and:issues-paper-youth-justice-updated-june-2020-final-for-website.pdf (ccyp.wa.gov.au)