

Submission No 63
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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON
ABORIGINAL AND TORRES
STRAIT ISLANDER AFFAIRS

Inquiry into the high levels of
involvement of Indigenous juveniles
and young adults in the criminal justice
system

Submission by the Department of
Education, Employment and Workplace
Relations

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Contents

1. Introduction.....	1
2. Positive Social Engagement.....	1
3. Improving the Effectiveness of the Education System	3
4. Transition from Education to Work.....	4
5. Diversion Measures and Support Programs	6
6. Targeted Service Provision	10
7. Cross Jurisdictional Alignment.....	11

1. Introduction

The Department of Education, Employment and Workplace Relations (DEEWR) has portfolio responsibility for:

- early childhood education and child care
- schooling
- training
- universities
- social inclusion
- employment participation, and
- workplace relations.

The department develops and implements government policies and programs that provide opportunities for all people to build rewarding social and economic lives. This includes working towards overcoming disadvantage, removing barriers to participation, increasing opportunities, building capacity and ensuring that services are accessible and provide effective support for all Australians.

Education, training and workforce participation are central to the department's vision of 'Creating a productive and inclusive Australia'.

In addition, the department contributes to the Closing the Gap targets for Indigenous Australians and has direct responsibility for four of the six Closing the Gap targets.

It should be noted that while the department's programs and initiatives may contribute to a reduction in the high level of involvement of Indigenous young people in the criminal justice system, the responsibility for administering the criminal justice system and managing people already in the system rests with states and territories.

2. Positive Social Engagement

(How the development of social norms and behaviours for Indigenous juveniles and young adults can lead to positive social engagement)

There is evidence that the high offending levels in Indigenous communities can be linked to a lack of employment and educational opportunities (Walker and McDonald 1995; Hunter 2001). The Australian Bureau of Statistics (ABS) National Aboriginal and Torres Strait Islander Social Survey 2002 data reveals that Indigenous people who had been charged with an offence were around twice as likely to be unemployed as the rest of the Indigenous population. Similarly, they were more likely to have ceased formal schooling before Year 10, particularly among males. Forty-two per cent of Indigenous males aged 15 years or over who had been charged had ceased formal schooling before Year 10 compared with 32 per cent of other Indigenous males.

There are a range of factors that contribute to engagement by young people in criminal activities:

- Low self-esteem, a lack of a strong sense of identity, and exposure to anti-social activities may influence young people to turn to crime in an attempt to forge a

sense of belonging with peers, many of whom are offenders themselves. In many cases the need for identity and belonging is a stronger influence than the risk of negative consequences resulting from having a criminal record and the affect this may have on their futures.

- Being incarcerated is perceived as serving an attractive alternative to the plight of many Indigenous young people as it provides access to resources otherwise unavailable (Blagg et al 2005). Incarceration provides an environment of stability, support and structure. In prison there is shelter, food, are sporting opportunities, entertainment, and a focus on individual literacy and numeracy needs.
- Many Indigenous young people turn to criminal activities as a result of boredom or a lack of real challenges—they consider criminality as ‘fun’ or an ‘adventure’.

In addition, imprisonment may serve as a rite of passage ceremony for Indigenous young males, particularly in areas of low economic opportunities (Biles 1983). For example, criminality may be viewed as an expression of masculinity, and time spent in jail is regarded as a positive experience among peers.

Preventative and early intervention measures may reduce the likelihood of Indigenous young people turning to criminal activities in the first place. These may include:

- strong connections to and support from family and community
- participation in worthwhile activities that give purpose and help build self-esteem, for example education, training, employment
- involvement in cultural or community activities that help strengthen a sense of belonging and responsibility
- good health service and practices, reinforced by family and community standards
- having good role models that display desirable behaviours, and
- awareness and education about the consequences of anti-social and criminal behaviour.

These measures would help to foster a strong sense of positive identity and purpose in young people and help them aspire to secure and productive futures.

Internal research suggests that offenders who take up education, training or employment either while in detention or soon after release are less likely to re-offend. However, juvenile offenders may sometimes be too young for employment programs so education and training is more relevant. The research points to the importance of programs that help to re-engage or maintain engagement of at-risk youth in education.

Research and practice have shown that a number of service approaches have been particularly effective in helping children at risk of long-term disadvantage:

- a conversationally rich, stimulating, non-threatening, respectful and welcoming program environment
- quality trained professionals and volunteers and a low child-teacher ratio in educational settings
- active family involvement, including support for participation, a focus on capacity and strengths and active involvement in problem solving and decision making

- community involvement in development and delivery of programs to allow parents the opportunity to connect with others in the community and to build on community strengths and capacity
- flexible child and family focused programs which are culturally aware, respond to individual needs and build on strengths
- programs delivered by highly skilled, committed professionals and volunteers, and
- practical assistance to facilitate access by the most disadvantaged. This may include assistance with transport, costs, flexible opening hours, flexible settings, care facilities for children and additional support.

3. Improving the Effectiveness of the Education System

(Any initiatives which would improve the effectiveness of the education system in contributing to reducing the levels of involvement of Indigenous juveniles and young adults with the criminal justice system)

The National Indigenous Reform Agreement, National Education Agreement and National Partnership Agreements are providing the impetus to ensuring all young people have the best possible start in life through high-quality schooling supported by strong community engagement. Increased engagement in education and training will ensure that young people are more likely to participate effectively in society and employment.

The Government has introduced a number of initiatives to increase the engagement of young people in education and training. Whilst some these are mainstream initiatives, Indigenous young people will also benefit from these initiatives.

Compact with Young Australians

Through COAG all levels of government have introduced a range of initiatives to improve the social inclusion of young people. The Compact with Young Australians will ensure every young person under the age of 25 has access to an education or training place. As part of the Compact, the National Youth Participation Requirement (NYPR) will require more young people to be in education or training. In support of the Compact and the NYPR, strengthened income support arrangements focus on the importance of participation in education or training to achieve Year 12 or equivalent for those seeking financial assistance. The National Partnership on Youth Attainment and Transitions will improve assistance for young people at risk of disengaging from school.

Indigenous Education Action Plan

On 16 December 2009, Australia's Education Ministers released a draft Indigenous Education Action Plan for public consultation. The Action Plan is to guide the national effort towards closing the gaps in early childhood and school education outcomes for Indigenous Australians. It includes a range of actions to bring about both systemic and local-level improvements across six domains of activity that evidence has shown will make the most impact on closing the gap. They are:

- readiness for school
- engagement and connections

- attendance
- leadership, quality teaching and workforce development
- literacy and numeracy, and
- pathways to real post-school options.

The Plan is intended to bring together reforms included in national agreements and national partnerships agreed between governments and will also enhance collaboration between governments, non-government providers and Indigenous communities. Once the input from consultations have been analysed, a revised draft will be developed for the Ministerial Council for Education, Early Childhood Development and Youth Affairs to forward to the COAG for endorsement.

National Youth Participation Requirement

The National Youth Participation Requirement makes it mandatory for young people to participate in schooling (school or an approved equivalent) until they complete Year 10, and when they have completed Year 10, participate full-time (defined as at least 25 hours per week) in education, training or employment, or a combination of these activities, until they reach the age of 17.

Youth Allowance (Other)

New participation requirements for Youth Allowance (Other) encourages young people to remain in study or training until they complete at least a Year 12 or equivalent qualification, if they have the capacity to do so. Young people without a Year 12 or equivalent qualification who seek Youth Allowance (Other) are now required to participate in either full-time study or part-time study in combination with another approved activity including part-time work (totalling to 25 hours per week) until they attain this level of education, or turn 21 years old.

Both the new participation requirements for Youth Allowance (Other) and the National Youth Participation Requirement are referred to as 'learn or earn' policies.

Support for Low Socio-economic Status Students

The Australian Government has allocated \$433 million over four years to improve the participation of low socio-economic status (SES) students in higher education. This includes \$108 million over four years for a new partnerships program to link universities with low SES schools and Vocational Education and Training providers to increase the aspirations of low SES students to higher education. \$325 million will also be provided to universities over four years as a financial incentive to increase low SES student enrolments and to fund support services.

4. Transition from Education to Work

(The effectiveness of arrangements for transitioning from education to work and how the effectiveness of the 'learn or earn' concept can be maximised)

Indigenous students are significantly under-represented in higher education and face distinct challenges. Despite comprising 2.5 per cent of the total resident Australian population (2006 ABS Census), Aboriginal and Torres Strait Islander higher education

students comprised less than one per cent (9529) of all enrolments in 2008, and 1.0 per cent (4321) of commencements.

The National Partnership on Youth Attainment and Transitions aims to increase participation of young people in education and training, assist young people make a successful transition from school to further education, training or full-time employment, and increase attainment of Year 12 or equivalent qualifications of young people aged 15–24, including Indigenous young people.

As part of the Government's contribution to the National Partnership, two new programs, School Business Community Partnership Brokers and Youth Connections, commenced from 1 January 2010. They will be delivered simultaneously across Australia, across 113 designated Service Regions. \$286.8 million over four years has been allocated to Youth Connections funding and \$182.9 million over four years has been allocated to Partnership Brokers funding.

Youth Connections

Youth Connections will provide an improved safety net for young people who have disengaged from education, or are at-risk of disengaging, through the provision of individually tailored case management and support to help young people to re-connect with education or training and build resilience, skills and attributes that promote positive life choices and wellbeing.

Young people eligible to receive Youth Connections services will include those who are severely disengaged from education, training or work, family and community. They may also have multiple barriers that provide significant risk of them not completing Year 12. These participants have highly complex personal situations and have no discernable plans to re-engage with and/or complete Year 12 or an equivalent.

In South Australia, an additional \$300,000 is available for a Youth Connections-Specialised Services Program to link with the South Australian Juvenile Justice System for young people in or exiting the system. Youth Connections-Specialised Services delivery will be targeted to help the young people re-engage with their community and education and/or further training through the provision of individualised case management to overcome their personal barriers.

School Business Community Partnership Brokers

The School Business Community Partnership Brokers (Partnership Brokers) objective is to facilitate stakeholder engagement, build community capacity and infrastructure and drive the Australian Government's education reform and social inclusion agendas to improve education and transition outcomes for all young people.

This will be achieved through a national network of Partnership Brokers that establish sustainable partnerships between and among four key stakeholder groups:

- Education and training providers
- Business and industry
- Parents and families, and
- Community groups.

Partnership Brokers will foster a strategic, whole-of-community approach that supports young people's learning and development.

The Government is working closely with the state and territory governments to develop and implement these two new programs, including reducing overlap and duplication between programs and assistance, and making it easier for young people to access the assistance they need.

The department is currently drafting terms of reference for a review of the effectiveness of measures to improve higher education access and outcomes for Indigenous people in consultation with the Department of Innovation, Industry, Science and Research and the Indigenous Higher Education Advisory Council (IHEAC). It is expected that IHEAC will forward these terms of reference to both the Minister for Education and the Minister for Innovation, Industry, Science and Research for agreement following Council's February 2010 meeting.

In addition, the Government is hosting a Business Leaders Forum in February 2010 that will focus on school to work transitions and employment pathways for Indigenous young people. Evidence demonstrates that young people who have effectively engaged in education are more likely to have improved economic outcomes, which in turn reduces the likelihood that they would come in contact with the criminal justice system.

5. Diversion Measures and Support Programs

(Best practice examples of programs that support diversion of Indigenous people from juvenile detention centres and crime, and provide support for those returning from such centres)

The Australian and state governments have implemented a variety of programs to assist youth at risk. Some are targeted specifically at those currently involved criminal justice system, while others are targeted more generally at disadvantaged youth but also accessible to juvenile offenders.

DEEWR administers a number of programs and initiatives to foster positive aspirations, increase engagement, and improve education, training and employment outcomes for Indigenous young people. This would help encourage positive pathways for Indigenous young people and deter them from anti-social behaviour.

In addition the department provides services that offer support and assistance to young people caught up in the criminal justice system by addressing their individual needs and helping them enter productive pathways. This would help reduce the chances of re-offending.

Whilst not specifically designed as such, these programs and initiatives could support diversion measures administered by other agencies or to support those exiting the criminal justice system.

Case Study

In the Northern Territory, a Job Services Australia provider has a highly productive working relationship with the Alice Springs Correctional Centre. The provider has also established strong working relationships with key employers in Alice Springs so that work experience and employment opportunities can be secured for pre-release prison activities.

The provider works closely with prisoners to develop their individual Employment Pathway Plan (EPP), identify potential training and employment options and discuss available assistance to address barriers which may prevent an individual from being able to easily transition back into the mainstream environment. Due to various work experience activities and employment placements undertaken during the prison period, several of these prisoners have moved immediately into employment upon release.

The provider has engaged with local high school principals to identify and work with young people who are either at risk of dropping out of school or leaving school without a further education or employment option. Together they are developing a network of support groups who can assist including the local youth focused programs called 'Bush Mob'.

In addition the provider has engaged with NT Families and Community Services (FACS) to discuss how together they can provide support to young people returning to Alice Springs after they have served their custodial period in the Don Dale Juvenile Centre in Darwin.

Diversion Measures

These measures are designed to increase the engagement of Indigenous young people in education and foster positive life choices.

Sporting Chance Program

The Sporting Chance Program (SCP) is an Australian Government initiative that uses sport and recreation as a vehicle to increase the level of engagement of Indigenous students in their schooling to improve their education, training and employment outcomes. The SCP has been implemented through providers working together with schools, education authorities, sporting bodies, businesses and community groups.

The SCP has two elements: school-based sports academies for secondary school students and education engagement strategies for primary and secondary students. Across Australia in 2010, there will be 54 sports academies and five education engagement strategies. In 2010, through Australian Government funding of over \$10 million, some 10,000 Indigenous students will be supported through this program.

Mixed-Mode Away-from-Base (AFB)

The primary objective of the Mixed-Mode Away-from-Base (AFB) program is to increase access and participation by Indigenous students from rural and remote areas in tertiary study (higher education and Vocational Education and Training), leading to increased enrolments and retention, improved educational outcomes and employment prospects,

life choices and quality of life. A 'mixed-mode' course is a nationally accredited course that is delivered through a combination of distance education and face-to-face teaching for students who are based in their home communities. AFB provides funding to cover travel costs including fares, meals and accommodation, for eligible Indigenous students studying approved 'mixed-mode' courses, when they are required to travel away from their permanent home for a short period of time to undertake approved activities. This includes students required to attend short courses, field trips, occasional residential schools or practical placements. The program is administered by eligible providers in the higher education and Vocational Education and Training sectors. AFB operates under the *Indigenous Education (Targeted Assistance) Act 2000*. \$106.9 million in funding has been budgeted for allocation between 2009 and 2012. A complementary program, ABSTUDY AFB, is administered by Centrelink.

Commonwealth Scholarships (Indigenous-specific)

Indigenous Access Scholarships (IAS) and Indigenous Enabling Scholarships (IES) were introduced in 2008 and may have had some effect on increasing Indigenous access and participation in 2008. From 2008, 1000 IAS were available to eligible Indigenous students annually (each valued at \$4,166 in 2009). 454 IES Commonwealth Education Costs Scholarships (each valued at \$2,207 in 2009) and 200 Indigenous Enabling Commonwealth Accommodation Scholarships (each valued at \$4,415) were awarded. These scholarships are indexed annually and enabled through the *Higher Education Support Act 2003*. \$6,050,978 was awarded to Indigenous students in higher education in 2009.

Indigenous Youth Leadership Program (IYLP)

The program provides scholarships of up to three years duration for Indigenous young people aged up to 24 years to study an undergraduate degree. From 2010, sixty new IYLP tertiary scholarships each year will provide \$6,000 per annum towards the costs of attending university and an additional up to \$1,250 to support each student's leadership development.

Indigenous Youth Mobility Program (IYMP)

The program supports Indigenous young people, aged 16–24, primarily from remote areas who wish to relocate to one of 17 IYMP host locations to undertake post-secondary education and training options to gain the qualifications needed for sustainable employment, in their home community or elsewhere. IYMP provides safe and supported accommodation, mentoring and other practical support to help young Indigenous people access and complete university or vocational education and training (including apprenticeships).

Governor-General's Indigenous Student Teacher Scholarships

From 2010 one Indigenous student undertaking education studies from each state and territory will be awarded scholarships valued at \$25,000 per year for up to four years to assist with their study costs.

Support Programs

These programs provide opportunities for Indigenous young people exiting the criminal justice system to develop skills that would lead to sustainable economic participation.

Pre-release Prisoner Initiative

The pre-release prisoner (PRP) initiative aims to maximise employment opportunities for people leaving prison and reduce their reliance on welfare by improving job search skills and building connections with employers at the earliest opportunity. The PRP initiative is available to prisoners aged 15–20 who are not in full-time education or training and are fully eligible under Jobs Services Australia (JSA) and adult prisoners who are fully eligible under JSA. Participation in the PRP initiative is for prisoners who are in the final 12 months of their sentence and are considered likely to be available for work on partial or full day release. PRP participants have access to the full range of employment services.

- In addition to the PRP initiative, there are a number of JSA providers who specialise in youth at risk or Indigenous employment. These JSA providers can deliver specialist assistance to Indigenous young people who may be transitioning from detention or who have a criminal record.

It should be noted that the state correctional system decides on which prisoners are eligible for release for paid work.

National Green Jobs Corps

The Government will invest up to \$82.5 million in National Green Jobs Corps. Commencing on 1 January 2010 and finishing on 31 December 2011, National Green Jobs Corps will offer 10,000 places for unemployed Australians aged 17 to 24 years to gain a combination of environmental work experience, skills development and accredited training. National Green Jobs Corps will help equip young Australians with the skills to fill employment opportunities in emerging green and climate change related industries. The program will provide additional participation opportunities for young people who struggle to engage with and remain in education or training.

Innovation Fund Projects

The Innovation Fund is a competitive grants program designed to address the needs of the most disadvantaged job seekers through funding projects that will foster innovative solutions to overcome barriers to employment which these job seekers face.

The objective of the Innovation Fund is to fund innovative place-based solutions to address barriers to employment for groups of the most disadvantaged job seekers.

Round One of the Innovation Fund has two projects which are directed specifically at ex-offenders, while Round Two of the Innovation Fund has one project directed at ex-offenders.

While these projects do not specifically target Indigenous young offenders, the projects are suitable for this group. Indigenous young offenders fall within the overall target group for the three projects (i.e. ex-offenders).

- Adult Voluntary Post Release Support Service (AVPRSS) - Job Futures

Through-care transition support for adult ex-prisoners returning to the Wollongong community, particularly from Silverwater and Parklea prisons. The project will support people being released from detention centres, by assessing and addressing their barriers to community reintegration.

- Kitchen Social Enterprise - Jesuit Social Services

The project will be conducted in Abbotsford Victoria (in Melbourne) to provide accredited training and work readiness opportunities targeting ex-offender job seekers and those with complex needs.

- Stay Connected - Outcare Incorporated

This project will initiate early intervention and prevention into the job loss faced by prisoners who are remanded in custody pending court appearances. Outcare will provide assessment and triage of risk factors to prisoners' employment, contact employers to maintain/re-secure prisoners' employment and provide quick response case management within a prisoner's first week at Hakea, Canning Vale in WA.

6. Targeted Service Provision

(The scope for the clearer responsibilities within and between government jurisdictions to achieve better co-ordinated and targeted service provision for Indigenous juveniles and young adults in the justice system)

To be effective in addressing barriers and promoting positive pathways, services and intervention must be tailored to the actual needs of people and communities experiencing social exclusion. This will require accurate assessments of individual, family and community circumstances, thorough action plans to tackle problems and collaboration between key stakeholders to develop effective service responses and assistance.

'Wrap around servicing' is an increasing common term to reflect the idea of coordinated and integrated services to people with multiple disadvantages. It reflects the need for multiple service providers to develop comprehensive and integrated service responses for individuals, families or communities.

Young Indigenous people caught up in the justice system often face multiple and complex problems and require services that address their particular circumstances. To deliver tailored services governments, educators, trainers and other service providers need to link together to develop integrated and comprehensive service strategies. Services must also be in place for sufficient duration to ensure problems and barriers are overcome and positive pathways are sustained.

Evidence shows that different kinds of disadvantage can be concentrated in particular locations in Australia. Focusing effort on building social inclusion in particular locations, neighbourhoods and communities can help provide a framework in which planning, economic development, community engagement and service delivery strategies can be integrated to achieve better overall outcomes.

Internal research argues that evidence "indicates that re-offending is more common in deprived neighbourhoods and in neighbourhoods perceived to be disorderly and having poor neighbourly relations. Focusing on these neighbourhoods and drawing together local resources using a place-based manager have been shown to be successful for other excluded groups. In particular, a community-based place manager is better able to provide both the mediation and advocacy services that are necessary for building up human and social capacity of the ex-offender." However, the research notes that ex-

prisoners tend to have high mobility rates which make place-based solutions more difficult.

Place-based approaches can be particularly effective in Indigenous communities in regional and remote areas. Place-based approaches may help address in a systematic way the disadvantages associated with parenting and family problems, housing access and quality, health care, transport, financial assistance, education and employment. Similarly, regional or urban centres with high concentrations of Indigenous youth may be amenable to policies and programs aimed at addressing social inclusion at a community level.

7. Cross Jurisdictional Alignment

(The extent to which current preventative programs across government jurisdictions are aligned against common goals to improve the health and emotional well-being of Indigenous adolescents, any gaps or duplication in effort, and recommendations for their modification or enhancement)

A key social inclusion principle that has the potential to help reduce the number of young indigenous people in the justice system is for all levels for government to work with each other and with non-government agencies to deliver more integrated, 'joined up' and comprehensive services to Indigenous young people. This applies to young Indigenous people who are at risk of entering the justice system and those already in the system who need assistance to avoid re-offending in the future.

The multifaceted nature of Indigenous social exclusion means that the services offered by any one agency can only go so far in meeting the complex needs of a person or groups of people. Separate silos of funding, policy making and service delivery can be systemic barriers to providing effective support. Flexibility and cooperation across agencies, both between Australian Government agencies and across levels of government, is one key to comprehensively address social exclusion. Integration, transparency and collaboration between Australian, state and territory governments are important.

A key area of collaboration is between state and territory corrections agencies, state and territory education and training departments and the Australian Government to improve participation in training and employment during and after release from prison or detention. Research has shown that people participate successfully in education, training or employment are less likely to commit crimes or to re-offend. Effective partnerships between all levels of government, training providers and community organisations are vital so that young people exiting the justice system receive seamless assistance and access to worthwhile options.