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**INQUIRY INTO THE HIGH LEVELS OF INVOLVEMENT OF INDIGENOUS
JUVENILES AND YOUNG ADULTS IN THE CRIMINAL JUSTICE SYSTEM**

BY: ATSIA

Submission No

818

RESPONSE FROM THE DEPARTMENT OF EDUCATION, WESTERN AUSTRALIA

Summary

The disproportionately high level of Aboriginal and Torres Strait Islander juveniles and young adults in the criminal justice system is a major issue confronting governments in 'closing the gap' in Aboriginal disadvantage.

Many young Aboriginal offenders come from multi-problematic homes where families are often in crisis and socially isolated from mainstream society. Alienation impacts negatively on family relationships and the ability to form and maintain positive relationships in the community.

Children who come from unstable, troublesome backgrounds have great difficulty in functioning appropriately both at school and in the wider community. This culminates in further problems like chronic non-attendance and truancy, disruption and aggression, substance abuse and criminal activity.

The Western Australian Department of Education has provided a response to six of the terms of reference, with the following main themes:

- The comprehensive research undertaken in Western Australia into the health and wellbeing of Aboriginal young people, *The Western Australian Aboriginal Child Health Survey*;
- The *Better Attendance: Brighter Futures* strategy.
- A variety of initiatives targeted at the needs of Aboriginal children, young people and families.
- Support for 16 and 17 year olds who are required to remain engaged in education as part of the 'raised leaving age' strategy.
- Initiatives targeted at better behaviour in Western Australia's public schools.
- Use of evidence based programs in classrooms to improve behaviour and build resiliency.
- Interagency initiatives and understandings.
- Successful local programs in Western Australian public schools and districts.

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Background

The disproportionately high level of Aboriginal and Torres Strait Islander juveniles and young adults in the criminal justice system is a major issue confronting governments in 'closing the gap' in Aboriginal disadvantage. The Royal Commission into Aboriginal Deaths in Custody (1991) recognised that Aboriginal youth are the most socially and economically marginalised group of young people in Australia.

Many young Aboriginal offenders come from multi-problematic homes where families are often in crisis and socially isolated from mainstream society. Alienation impacts negatively on family relationships and the ability to form and maintain positive relationships in the community.

Children who come from unstable, troublesome backgrounds have great difficulty in functioning appropriately both at school and in the wider community. This culminates in further problems like chronic non-attendance and truancy, disruption and aggression, substance abuse and criminal activity.

Education has historically not been a successful or beneficial experience for many Aboriginal and Torres Strait Islander people. A collective memory of exclusion and discrimination has left many older Aboriginal people with a distrust of education and educational institutions¹. There is a strongly felt sense among Aboriginal people that 'they do not belong in school'², consequently the potential of 'Aboriginal students to succeed academically, to develop self-esteem and secure identity is severely reduced'³.

In 2005, on average, 'Aboriginal Australians are less likely to get a pre-school education; are well behind mainstream rates in literacy and numeracy skills development before they leave primary school; have less access to secondary school in the communities in which they live; are likely to be absent from school up to two to three times more often than other students; leave school much younger; are less than half as likely to go through to Year 12; are far more likely to be doing bridging and basic entry programmes in universities and vocational education and training institutions; and obtain fewer and lower-level education qualifications'⁴.

Improving Aboriginal student outcomes has been a major priority for the Western Australian Department of Education. Addressing key issues that impact on Aboriginal student performance is beginning to bring about positive change, but the discrepancy between Aboriginal and non-Aboriginal participation, retention and academic results still remains. This gap limits the career options and life choices of Aboriginal students.

¹ Beresford, Quentin; Omaji, Paul; *Rites of Passage: Aboriginal Youth, Crime and Justice*, Fremantle Arts Centre Press, Fremantle, Western Australia 1996, p54

² Beresford, Quentin; Omaji, Paul; *Rites of Passage: Aboriginal Youth, Crime and Justice*, Fremantle Arts Centre Press, Fremantle, Western Australia 1996, p55

³ Beresford, Quentin; Omaji, Paul; *Rites of Passage: Aboriginal Youth, Crime and Justice*, Fremantle Arts Centre Press, Fremantle, Western Australia 1996, p55

⁴ Steering Committee for the Review of Government Service Provision. *Report on Government Services 2005*. Indigenous compendium. Canberra: Productivity Commission; 2005, in Zubrick SR, Silburn SR, De Maio JA, Shepherd C, Griffin JA, Dalby RB, Mitrou FG, Lawrence DM, Hayward C, Pearson G, Milroy H, Milroy J, Cox A. *The Western Australian Aboriginal Child Health Survey: Improving the Educational Experiences of Aboriginal Children and Young People*. Perth: Curtin University of Technology and Telethon Institute for Child Health Research, 2006.

Education can play a pivotal role in supporting Aboriginal students and providing them with opportunities to overcome disadvantage. Schools have the capacity to build positive relationships with Aboriginal students, parents and caregivers and the greater Aboriginal community to better support Aboriginal young people.

Aboriginal young people are particularly vulnerable to crime once they are no longer engaged in schooling. The connection between poor school attendance and involvement in the criminal justice system was highlighted in the Royal Commission into Aboriginal Deaths in Custody. Truancy is recognised as part of the cycle which encourages young Aboriginal people to offend. These young people seek the company of others in the same 'situation where criminal attitudes and activities are reinforced. The likelihood of this occurring is all the greater in that most are either too young for the formal work force or lack the confidence and skills to easily enter it'⁵.

Absenteeism from school has adverse effects on a child's educational and social development. They miss critical stages of development with their peers and are less likely to achieve academic progress. Absenteeism can exacerbate issues of low self-esteem and social isolation. Improving school attendance is a key strategy in improving the life outcomes for young Aboriginal people.

This submission largely addresses those terms of reference connected with education and training. Whilst the Department has referred at times, to issues, programs and policies which relate to Aboriginal health and justice, it is anticipated that submissions from the relevant government agencies in Western Australia will elaborate further.

Throughout this submission, the use of the word 'Aboriginal' respectfully refers to Aboriginal and Torres Strait Islander people of Western Australia.

⁵ Beresford, Quentin; Omaji, Paul; *Rites of Passage: Aboriginal Youth, Crime and Justice*, Fremantle Arts Centre Press, Fremantle, Western Australia 1996, p69

1. **How the development of social norms and behaviours for Indigenous juveniles and young adults can lead to positive social engagement.**

In 1993, the health of all Western Australian children was surveyed by the Telethon Institute for Child Health Research (TICHR). Recognised internationally, the TICHR study is one of the most detailed ever undertaken of the health and wellbeing of children in Australia. Recognising that this survey did not have a focus on Aboriginal and Torres Strait Islander children, the TICHR met with several key Aboriginal leaders and representatives from across the state to seek support and endorsement to conduct a survey of Aboriginal and Torres Strait Islander children aged 0–17 years. The Western Australian Aboriginal Child Health (WAACH) Survey has been the first to gather comprehensive health, developmental and educational information on a population-based sample of Aboriginal and Torres Strait Islander children in their families and communities.

Recent international stress research shows that adults who have had excessive stress in their lives show earlier signs of ageing, more depression, more cardiovascular disease, as well as increased risks for substance abuse, insulin resistance and type II diabetes. Further, there is robust evidence that specific chronic stresses such as abuse as a child, raises the risks of depression, suicide, substance abuse, and earlier illness and death from a wide range of diseases. Chronic stress exposure also reduces the body's immune response and resistance to illnesses⁶, e.g. susceptibility to upper respiratory infections.

In the WAACH Survey, primary carers were asked if any of 14 major life stress events had occurred in the family in the previous 12 months. These events included illness, hospitalisation or death of a close family member, family break up, arrests, job loss and financial difficulties. Families of Aboriginal children reported extraordinary levels of stress - death, incarceration, violence and severe hardship. Over one in five (22%) Aboriginal children aged 0–17 years were living in families where 7–14 major life stress events had occurred over the preceding 12 months.

The WAACH Survey highlighted the experience of life stress events as being strongly associated with emotional and behavioural difficulties in Aboriginal children. Children living in households where their carers reported 7–14 life stress events were 5.5 times more likely to be at high risk of clinically significant emotional or behavioural difficulties relative to children living in households that had experienced 0–2 life stress events⁷.

In connection with emotional and behavioural difficulties, the WAACH Survey found:

- the proportion of Aboriginal children at high risk of clinically significant emotional or behavioural difficulties is significantly higher than in the non-Aboriginal child population. Almost one quarter (24%) of Aboriginal children aged 4–17 years were at high risk of clinically significant emotional or behavioural difficulties, a proportion significantly above the 15% found among the State's general child population;
- Aboriginal males were twice as likely as females to be at high risk of clinically significant emotional or behavioural difficulties. For non-Aboriginal children, there was no significant difference in the proportion of males and females at high risk of clinically significant emotional or behavioural difficulties; and
- Conduct problems and hyperactivity were significantly more common than in non-Aboriginal children.

⁶ Shonkoff J, Phillips D. *From neurones to neighbourhood: The science of early development*. Committee on Integrating the Science of Early Childhood Development. Board on Children, Youth and Families. Washington, DC: National Academy Press. 2000 in Zubrick SR, Lawrence DM, Silburn SR, Blair E, Milroy H, Wilkes T, Eades S, D'Antoine H, Read A, Ishiguchi P, Doyle S. *The Western Australian Aboriginal Child Health Survey: The Health of Aboriginal Children and Young People*. Perth: Telethon Institute for Child Health Research, 2004.

⁷ Zubrick SR, Lawrence DM, Silburn SR, Blair E, Milroy H, Wilkes T, Eades S, D'Antoine H, Read A, Ishiguchi P, Doyle S. *The Western Australian Aboriginal Child Health Survey: The Health of Aboriginal Children and Young People*. Perth: Telethon Institute for Child Health Research, 2004.

Despite the existence of significant life stressors and other risk factors, many young people, both Aboriginal and non-Aboriginal, do not develop significant emotional or behavioural difficulties or go on to become involved in the justice system. Educators can play a significant role in increasing the protective factors for young people in the form of classroom programs proven to build resiliency.

Many Western Australian public schools implement evidence based classroom programs that support and model positive social engagement. These schools also actively seek parental support and involvement in the programs so behaviours are more likely to be replicated in the home.

The *PATHS (Promoting Alternative Thinking Strategies) Program*⁸ is a research-based violence prevention program that gives children in Years K–6, the skills they need to find positive, non-violent solutions to social problems.

The program is co-authored by Professor Mark Greenberg from Pennsylvania State University in the United States of America and works in two ways - increasing interpersonal problem-solving skills and decreasing risk factors for behavioural and social problems.

PATHS is designed to facilitate the development of self-control, emotional awareness, and interpersonal problem-solving skills in primary school children. The purpose of the PATHS curriculum is to enhance the social competence and social understandings of children. It teaches children how to change behaviours and attitudes that contribute to violence and bullying.

The PATHS program has proven results in reducing aggressive behaviour in students aged five to 12. At an international level, four clinical trials conducted in the past 15 years have shown:

- 32% reduction in teachers' reports of aggressive student behaviour;
- 36% increase in teachers' reports of student self-control;
- 68% increase in students' vocabulary for emotions; and
- 20% increase in students' cognitive skills test scores.

In 2009 Western Australia's Minister for Education announced a major expansion of the PATHS program in Western Australian schools as part of the Department's strategy to address behaviour problems in the early years.

The program has been used in 37 schools across Western Australia in the last eight years and research showed that, over a 16 week period, PATHS had led to a significant reduction in inattentive behaviours in Year 1 children. The research also revealed a reduction in the number of behavioural difficulties displayed by Year 1 children.

Recent research has also indicated that an optimistic view on life and adequate problem solving skills can help children prepare for the stresses of adolescence and foster resiliency in the face of life's setbacks. Optimistic thinking and social life skills programs such as the *Resourceful Adolescent Program*, *FRIENDS for Life*, *Positive Thinking Skills* and *Aussie Optimism* are evidence based programs that support schools in ensuring their students are adequately skilled in thinking more optimistically; developing problem solving skills, conflict resolution skills and social skills.

In the Wheatbelt region of Narrogin, the Department has formed a partnership with the Upper Great Southern Primary Health Service in the implementation of these programs in schools within the Narrogin education district.

⁸ A summary of the research underpinning the PATHS program is available at the Pennsylvania State University [website](#)

The Department is also working in conjunction with the Department of Health to expand access to the **Positive Parenting Program (Triple P)**. This is one of the only programs of its kind available worldwide. It is founded on over 30 years of clinical and empirical research⁹.

Developed in Australia, Triple P is a parenting and family support strategy that aims to prevent severe behavioural, emotional and developmental problems in children by enhancing the knowledge, skills and confidence of parents. Triple P is designed and tailored to the needs of parents and has been proven to work effectively across a diversity of cultures, socio-economic demographics and family structures.

In the implementation of Triple P, the Department has an early intervention focus, offering the program to parents of children in Kindergarten and Pre-primary. In most education districts the program is jointly facilitated by school psychologists and child health nurses. Facilitators may work alongside Aboriginal workers to ensure the delivery is appropriate in locations with large numbers of Aboriginal participants. The Department is expanding the Positive Parenting Program to 120 metropolitan and 60 regional centres over the next four years.

2. The impact that alcohol use and other substance abuse has on the level of Indigenous juvenile and young adult involvement in the criminal justice system and how health and justice authorities can work together to address this.

The ages 12–17 years represent an important period in the social and emotional development of young people. The transition to adulthood brings with it a range of demands, pressures and temptations. Compared with earlier generations, today's young people are under greater pressure, with a more competitive labour market requiring higher educational standards and greater skills. Aboriginal young people, like other groups in society who are sometimes marginalised and subject to discrimination, are potentially more vulnerable to harmful health risk behaviours¹⁰.

The WAACH Survey found that just over one quarter of all Aboriginal young people (27%) aged 12-17 years, drank alcohol. At 17 years of age, 61% of males and 43% of females were drinking alcohol, with almost one in five young people (19%) reported being in a car with a drunk driver in the six months prior to the survey.

Early onset of regular drinking is associated with increased risk of alcohol abuse as adults and a range of social and health problems. Alcohol plays a significant role in road traffic and other injuries, domestic violence, obesity, increased blood pressure, cancers, mental health disorders and suicide. It is a contributing factor in many divorces and in many violent crimes. Excessive alcohol consumption by pregnant women can result in intellectual disability, congenital abnormalities and low birth weight in their children. Since more than one in 10 Aboriginal children are born to mothers aged 17 years or less, alcohol consumption in young people can significantly impact on the health of future generations¹¹.

⁹ An extensive summary of the research in support of the Positive Parenting Program is available on the Triple P [website](#).

¹⁰ Zubrick SR, Silburn SR, Lawrence DM, Mitrou FG, Dalby RB, Blair EM, Griffin J, Milroy H, De Maio JA, Cox A, Li J. *The Western Australian Aboriginal Child Health Survey: The Social and Emotional Wellbeing of Aboriginal Children and Young People*. Perth: Curtin University of Technology and Telethon Institute for Child Health Research, 2005.

¹¹ Zubrick SR, Lawrence DM, Silburn SR, Blair E, Milroy H, Wilkes T, Eades S, D'Antoine H, Read A, Ishiguchi P, Doyle S. *The Western Australian Aboriginal Child Health Survey: The Health of Aboriginal Children and Young People*. Perth: Telethon Institute for Child Health Research, 2004.

The impact of alcohol use and other substance abuse does not only refer to the use of these substances by young people. Problematic alcohol use and substance abuse by parents and household members or members of the community can have far reaching effects on the health and wellbeing of children.

Foetal Alcohol Syndrome (FAS) is a neurological impairment which may impact upon children and adults and may present as a pattern of physical, developmental and functional abnormalities. FAS is an umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy. It has been reported that up to 25% of children who have been diagnosed with FAS have a diagnosed intellectual disability. Rates of FAS vary in available research, however anecdotal information suggests that in Western Australia, the prevalence of FAS is significantly higher in areas of the Kimberley region and may be significantly under reported. Recently the concept of intergenerational FAS has emerged where a young woman with intellectual developmental delay from FAS, may also be alcohol dependent and in turn, give birth to babies with FAS.

There are current community concerns that children and adults with FAS may be at greater risk of exposure to suicide, violence and crime or welfare dependency. A whole of government approach may be of benefit but would require a commitment from all service providers to be proactive in strategies to prevent, improve diagnosis, support affected families and conduct research.

3. 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.

As previously highlighted, Aboriginal young people are particularly vulnerable to crime once they are no longer engaged in schooling. The connection between poor school attendance and involvement in the criminal justice system is well known. Truancy is recognised as part of the cycle which encourages young Aboriginal people to offend. These young people seek the company of others in the same "situation where criminal attitudes and activities are reinforced. The likelihood of this occurring is all the greater in that most are either too young for the formal work force or lack the confidence and skills to easily enter it"¹².

At the time of the WAACH Survey, school attendance in Western Australia was compulsory through to the end of the school year in which children turned 15 years of age. The school leaving age in Western Australia has since changed and young people are now required to be engaged in school, employment, apprenticeships or traineeships, or another approved option until the end of the year they turn 17.

Non-attendance at school means that students have reduced hours of instruction resulting in reduced levels of educational success. A consequence of this is that some young people leave school at an early age with low skill levels, putting themselves at greater risk of poor life prospects including reduced employment opportunities, poverty and welfare dependency and at greater risk of contact with the justice system.¹³

¹² Beresford, Quentin; Omaji, Paul; *Rites of Passage: Aboriginal Youth, Crime and Justice*, Fremantle Arts Centre Press, Fremantle, Western Australia 1996, p69

¹³ House of Representatives Standing Committee on Employment Education and Training. *Truancy and exclusion from school*. Canberra: Commonwealth of Australia; 1996 in Zubrick S R, Silburn S R, De Maio J A, Shepherd C, Griffin J A, Dalby R B, Mitrou F G, Lawrence D M, Hayward C, Pearson G, Milroy H, Milroy J, Cox A. *The Western Australian Aboriginal Child Health Survey: Improving the Educational Experiences of Aboriginal Children and Young People*. Perth: Curtin University of Technology and Telethon Institute for Child Health Research, 2006.

The Department is aware that some Aboriginal young people 'perceive education to lack cultural relevance and schools to be unwelcoming'¹⁴. In response, the Department has designed and implemented programs that encourage effective teaching to better meet individual student needs; increase support to school leaders; train staff to be more culturally competent; and encourage staff to hold high expectations of Aboriginal students. Ongoing commitment to creating a more welcoming school environment with inclusive curriculum with perceived relevance and greater connection with the local community are steps being taken to improve school engagement of Aboriginal students.

For Aboriginal students in public schools, programs that are targeted to address their particular learning and support needs can contribute to improving educational outcomes and assist in reducing disadvantage. The Department has a number of programs that have been designed to provide Aboriginal students with goals and aspirations; to develop and foster relationships with peers and teachers; address learning difficulties in greater detail; and provide learning support. These programs develop personal and cultural identity; allow for increased social interaction skills; improve behaviour; and provide personal support and positive role models.

The Department has developed the *Better Attendance: Brighter Futures* strategy which provides a comprehensive and integrated approach to the provision of services to schools, families and the community to improve attendance. Improving the attendance and engagement of students is a key to reducing involvement in the criminal justice system. The strategy includes a significant focus on Aboriginal students. Targeted funding will be provided for schools and clusters of schools with low attendance rates and high numbers of Aboriginal students at risk to assist them to prioritise attendance, set targets and develop local solutions.

The strategy will:

- include individual case management, mentoring and strengthening links with other agencies;
- connect Aboriginal students and their families to the range of services in their community to address the barriers to attendance and engagement; and
- support schools to create learning environments that meet the needs of Aboriginal students, are safe, culturally inclusive and conducive to high attendance.

Follow the Dream – Partnerships for Success is a tertiary aspirations strategy targeting high achieving Aboriginal students as they commence their secondary education. Students are encouraged to complete Year 12 and achieve results that enable entrance into tertiary studies. The program is provided at 25 schools, all with substantial Aboriginal student enrolments. Participating students benefit from after school learning centres where tutors and mentors assist them in all facets of their education, and from opportunities created by the involvement in the program of industry partners. The program operates in partnership with The Graham (Polly) Farmer Foundation. It provides Aboriginal students, who may not have thought about university study, with a tertiary pathway. The *Follow the Dream – Partnerships for Success Outreach program* is an extension of the *Follow the Dream program* and provides a range of support services for Aboriginal students in Years 10, 11 and 12 studying at schools with relatively small numbers of Aboriginal students in the metropolitan area. It aims to assist in the acceleration of academic outcomes and the retention of Aboriginal students to Year 12. The support strategies include: study skills workshops; university orientation activities; examination preparation courses; career advice and counselling; tutoring; mentoring; and activities to develop students' sense of culture.

¹⁴ Beresford, Quentin; Omaji, Paul; *Rites of Passage: Aboriginal Youth, Crime and Justice*, Fremantle Arts Centre Press, Fremantle, Western Australia 1996, p69

The *Aboriginal School Based Training (ASBT) Program* provides Aboriginal students in Years 10-12 with opportunities to start training in school to access practical work experience, gain a qualification, and go on to further education, training or employment. Certificate I preparatory programs are followed by an assessment of students' work readiness at the end of Year 10. They are then offered school-based traineeships or apprenticeships, or full-time traineeships or apprenticeships. Group training organisations are contracted to coordinate Year 10 Certificate 1 programs, employ students entering into apprenticeships or traineeships, and arrange mentoring and other support for the participants.

Sporting academies and programs provide an important avenue for engaging Aboriginal students, who may otherwise have been at risk of leaving school early. Football, netball, basketball and other sports programs are used as the basis for improving attendance and engagement at school.

In Western Australia, the *Clontarf Foundation Football Academy* program attracts and retains Aboriginal teenage boys at school enabling them to achieve more disciplined, goal-orientated and healthy lifestyles. There are eight Clontarf football academies and two annexes working in partnership with public secondary schools across the State. The football academies use Australian Rules football as a medium to improve the participation, attendance and retention rates of Aboriginal students. Mentoring is provided to support students' transition through school and into post-school destinations. The Clontarf model has proven to be a catalyst for a number of other schools to establish Aboriginal programs utilising different sports to cater for disengaged Aboriginal youth.

Following a similar model as the *Clontarf Foundation Football Academy* program, there may be scope to establish school-based programs that are arts and music focussed. These programs have the potential to capture young Aboriginal people of both genders and offer them educational re-engagement pathways that have not been previously available.

The *Indigenous Tutorial Assistance (ITAS) Scheme* aims at improving the literacy and numeracy skills of Aboriginal students not meeting minimum standards. This is done through literacy and numeracy tuition for students in Years 4 and 6 in primary school and Years 8 to 10 in secondary school. The program provides tutorial support in specified subject areas for students in Years 11 and 12. Tuition is provided on a one-to-one or small group basis to ensure individualised attention to students' particular learning needs.

Aboriginal and Islander Education Officers (AIEOs) provide support and assistance to Aboriginal and Torres Strait Islander students, their parents/carers, teachers, the school and the community through their knowledge, understanding and sharing of Aboriginal and Torres Strait Islander history, language and culture. Western Australia has strengthened the Aboriginal and Islander Education Officer program in recent years.

The *School and Community Partnership Agreements project* fosters cooperative partnerships between schools and local Aboriginal parents and their communities. Formalised agreements are developed, with help of a facilitator, with the aim of improving Aboriginal student outcomes. The agreements include identification of roles and responsibilities of all parties involved. The project is being expanded from a small group of pilot schools to include all of those with significant Aboriginal student enrolments during 2009 and 2010. Resources have been developed to support participating schools and communities through this process.

All Western Australian public school students at educational risk are required to have an individual learning plan to address academic, health or personal needs. From 2010 schools will develop documented plans for all Aboriginal students with attendance rates of less than 80%. Parents will be involved in the development of these plans.

Young people under Juvenile Justice supervision represent a particularly disadvantaged population, characterised by mental health and behavioural problems, high socioeconomic stress, and often physical abuse and/or neglect. These people are vulnerable to continued, and more serious, offending later in life. This group should be offered programs and services that will alleviate boredom, provide a sense of purpose and develop the skills that will reduce offending and assist to become responsible members of their community.

Providing alternative programs for young people who have already been involved in the criminal justice system could help to divert them from criminal activities but getting them back to regularly attending school must remain the key objective.

Essentially, schools need to be flexible and responsive to the particular needs of individual students. This is of paramount importance when dealing with at risk Aboriginal students. In order to retain and re-engage these students, schools need to ensure the following. They:

- are culturally inclusive;
- provide strong school leadership;
- have high performance standards and expectations of students and teachers;
- provide specialist teaching capability;
- promote a positive and welcoming learning environment;
- encourage quality teacher–student relationships;
- undertake activities to engage students in school and learning;
- involve parents, families and communities in decision making and school activities;
- provide personal support and counselling;
- set strategies to target racist and bullying behaviour;
- set clear guidelines for acceptable behaviour; and
- positively encourage student attendance and performance.

Schools are one agency with a role in preventing Aboriginal juvenile crime. Working in isolation will not be effective in reducing the levels of involvement with the criminal justice system.

Further developing programs in a social and community context would support Aboriginal engagement programs being offered at schools. Improved community relationships with schools and greater access to mainstream services providing support to students may enhance and reinforce the positive attributes of education and improve cultural and community support for attendance.

Programs that increase community involvement in a young person's education positively affect student achievement. Schools that work together with communities and encourage participation in the school and at home enable students to learn and meet expectations. Evidence suggests that school connectedness and supportive social relationships have been associated with lower levels of absenteeism, delinquency, aggression, substance use and sexual risk behaviour, and higher levels of academic achievement and self-esteem amongst children.

Understanding the interconnectivity between family home life and student behaviour allows schools to be more responsive to the needs of students. The home and family situation of students has a direct impact on their education outcomes, attendance rate and attitude towards school. Programs that focus on increased family involvement in a child's education need to be cognisant of a number of 'family' issues in order to be effective, such as:

- individual and family health factors;
- the parents' or caregiver's own experiences at school;
- a lack of transport;
- overcrowded homes which can impact on children and young people's ability to complete homework and have an undisturbed night's sleep;
- family mobility;
- substance abuse;
- language and culture; and
- older generation views towards education.

Increased family involvement in education reinforces positive educational values and provides young Aboriginal students with much needed home support. Aboriginal students tend to regard the education system as being more relevant when parents are involved. One such program promoting and rewarding parental engagement in the school is the *School Passport Program*, implemented successfully at Neerigen Brook Primary School in the Perth metropolitan area (and several other schools). The Department's *Better Attendance: Brighter Futures* strategy will involve working with this incentive program to assess and broaden its application.

Capacity for parent involvement can be at various levels. Increasing Aboriginal parent activity at a school administrative or school council level allows Aboriginal parents to have direct involvement in determining school policy and direction. This assists schools to present a more welcoming and culturally inclusive environment.

There is potential for family-based initiatives to link up with other culturally appropriate services to provide additional parent education programs and family support services. In consultation with Aboriginal parents, initiatives such as these identify the needs of children and young people in order to increase understanding of Aboriginal children. This would enhance the capacity for schools to socialise young people and identify, at an early age, children with low self control and/or aggressive behaviour. These characteristics are closely related to later anti-social behaviour. *Strong Families* is an example of a cross-government initiative that provides support to families in crisis.

Engagement in school and education can contribute to diverting young Aboriginal people from offending. New initiatives engaging young Aboriginal people in schooling need to include:

- offering education programs that are relevant and interesting;
- parent and community engagement;
- providing a support network (which includes the employment of Aboriginal staff in schools, mentors and a peer support group);
- teachers who show interest and support;
- provision of adequate resources; and
- health issues are addressed.

One public school in the Perth metropolitan area attempting to make a difference is *Yule Brook College*, a small metropolitan, middle school. At the heart of the College's approach is a desire to focus on the needs of individual students through *Big Picture Schooling*¹⁵. This is achieved by implementing approaches to teaching and learning which encourage students to work collaboratively with their classmates and by developing 'open' teaching and learning activities. 'Open' activities are designed to be flexible enough to allow students with less developed skills to participate fully, at the same time as providing sufficient challenge for students with more highly developed skills. Resources at the College are utilised to ensure that class sizes are small (none larger than 25) and that a broad and interesting curriculum is available. To achieve this, teachers at the College focus on adopting consistent approaches to teaching. They have high levels of professionalism and model collaborative learning by participating in professional interest groups which focus on trialling, further developing and sharing these approaches. Opportunities to make links with the community are also fostered and the College has very close links with the local primary schools. In 2008, Yule Brook College was recognised by the Australian Pastoral Care Association with the Norm Hyde Award for excellence in pastoral care in education. The College was also a High Achievement Award winner in the 2007 *Dare to Lead Excellence in Leadership in Indigenous Education Awards*.

In the Wheatbelt town of Narrogin and surrounds in Western Australia's southwest, a number of initiatives are in place to support young people in public schools:

- The *Dream Program* is a conflict resolution program that focuses on group work with students engaging in a project with a focus that assists them in finding resolutions for the issues they face socially within school, home and community.
- The *Yarning Circle* is a process that enables students to share their emotions about issues to do with behaviours that impacts on the whole class.
- A committee has worked with the Narrogin Town Council to develop a *Reconciliation Action Plan* to ensure young Aboriginal people are connected with their community.
- A number of schools participate in the *Partnership Acceptance Learning Sharing (PALS)* program on a yearly basis in the Narrogin Education District. This program is based on building relationships between Aboriginal communities and schools in the form of a project undertaken and involvement of community members then being showcased throughout the state.

Narrogin Primary School received a *Dare to Lead Excellence in Leadership in Indigenous Education Award* in 2009.

As part of the Western Australian Government's *Better Behaviour and Stronger Pastoral Care* strategy, a number of regional behaviour centres are being established to complement already existing metropolitan services. Department of Education Behaviour Centres provide specialist support to assist schools to manage and engage students with severe challenging behaviours. They provide a continuum of services for students and staff ranging from intensive withdrawal programs for students to targeted, practical support and professional learning for staff.

Programs that are effective with students with very challenging behaviours strongly advocate models that are restorative and that maintain strong links with the general school community. Programs that are perceived as 'dumping grounds' are unlikely to have a positive effect on the behaviour or the wellbeing of students. Students identified for behaviour centre programs have very complex needs often due to very difficult early experiences. These needs are rarely the same from student to student. The behaviour centre programs, existing and new, take this into account and therefore each centre is different in response to different needs. Behaviour Centres cater for primary and

¹⁵ Information about Big Picture Schooling can be found on the Yule Brook College [website](#).

secondary aged children and are currently located in five metropolitan locations and the Goldfields. Six additional centres will be opened in Term 1, 2010 in several country regions of Western Australia.

Department of Education local district education officers work collaboratively with agencies and service providers to develop a collaborative approach to supporting young people. The School Psychology Service, Aboriginal Education and Participation (for 16 and 17 year olds) teams support local school communities to engage young people in relevant programs within the education system. School and district based personnel also offer support to young people who have had varying degrees of involvement with the criminal justice system through appropriate program development and personal support.

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

Significant research has been undertaken into Aboriginal participation, retention and attainment in education and training. There is a wealth of evidence that can be used to inform practice and assist educators to better understand the factors that facilitate transitions for Aboriginal youth. How successfully these are integrated into the everyday 'business' of education is what will make the difference.

The underlying assumption is that if Aboriginal youth are better connected to education and training and if they are better equipped to navigate transitions, they are more likely to have better life outcomes (and therefore less likely to be involved with the criminal justice system).

The Department provides a strategic mechanism for supporting young people in their 16th and 17th year so that their issues can be responded to holistically and according to the local context and local need.

At the operational level, it is the District Managers, Participation and their teams that deliver a range of processes, activities and practices that ultimately increase the likelihood of young people engaging in approved options. Participation teams offer transition brokerage, linking young people to key services and agencies, and they facilitate access to appropriate programs and pathways. It is this ability to respond at a local, contextually relevant manner that makes it most likely to make a difference.

Managers, Participation work with a network of local stakeholders and play a lead role in the development, sourcing and resourcing of appropriate programs and training activities that provide real alternatives (to traditional schooling) for young people. The District Education and Training Participation Plan (ETPP) process is utilised as a planning and resourcing mechanism to further meet local engagement and participation needs. Managers also take a lead role in working with schools, TAFEs, Registered Training Organisations (RTOs) and Community Based Courses. They often bridge the gap between communities and program providers, bringing all parties together to develop and support programs that meet the needs of their specific group of young people.

The following key research findings are critical to note when examining the role of education in responding to the issue of decreasing the high levels of Aboriginal juvenile and young adult involvement in the criminal justice system. They also go some way to explaining the success of some of the Department's strategies:

- Attachment to traditional culture has an 'enabling' effect on Aboriginal people and encourages them to take part in education and training programs.
- The challenge is in providing Aboriginal people with courses which reflect the different values and interests of their culture and which are both relevant and meaningful to their lives.
- Schools that work in partnership with families and communities can better support the education of Aboriginal children.
- Outreach strategies are required to connect with education, health, welfare and community services (both at local and system level).
- Schools that provide personalised learning plans with targeted mentoring and case management achieve better outcomes with Aboriginal students.
- Community ownership is identified as one of seven factors critical to successful VET delivery.

The Department supports the following key activities that enhance opportunities for Aboriginal youth to participate in schooling and therefore provide them with skills for further education and work. The key research findings identified earlier are an integral part of each strategy:

- Transition Brokerage – intensive, individualised support to 'at risk' young people in their 16th or 17th year who are not engaging in a pathway or are early school leavers. Working one on one with referred young people to support and assist them to link with appropriate agencies, services and approved options.
- Engagement Programs - the Participation Directorate supports the development of senior school engagement programs (SSEPs) and local engagement programs (LEP). These programs are tailored to meet specific student needs within the local context and are developed in consultation with key stakeholders, guided by a framework of best practice.
- Clontarf Football Academies – specialist programs for Aboriginal males that provide additional mentoring and enhance participation and attendance through the medium of football.
- Specialist Sport Programs – specialist engagement programs (e.g. Basketball Academies) that utilise a particular sport as the medium for engagement but which maintain student participation by providing additional student support and mentoring.
- Community Based Courses – endorsed by the Department of Education Services and prescribed by the Minister for Education. These programs are delivered by 'not for profit' NGOs and target the most disengaged and marginalised young people by re-engaging them in a flexible and supportive environment. Some, such as VIP+, Kununurra Connections and Caversham Training and Enterprise Centre, target a predominantly Aboriginal population who have had significant involvement with the Department of Corrective Services.
- Access Funding – Access funding is for public and private RTOs to provide accredited training for access and equity groups. The two relevant categories are Aboriginal and Youth at Risk.
- At Risk School Aged Students Funding – targeting 15 to 17 year old young people who are, or are at risk of being, early school leavers. This is for private RTOs only and is for accredited training. In the Kimberley, Pilbara and Goldfields regions programs are specifically targeted at Aboriginal young people.

Aboriginal students are provided with an opportunity to access the Aboriginal School Based Traineeship program for Year 10 students. This work readiness program may be followed through to Years 11 and 12.

Participation Consultants work with all identified students at risk to develop Individual Pathway Plans. Career advice is also offered at an individual level.

5. 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 Commissioner for Children and Young People in Western Australia, released a report into youth justice in Western Australia in December 2009. The report, *Youth Justice in Western Australia*¹⁶ commissioned by Michelle Scott, was completed by national youth justice expert Dr Harry Blagg. The report found that diversionary practices for young people are a more effective option at reducing recidivism compared to costly detention. It was identified that police practices and a lack of commitment to diversion programs were resulting in more young people being detained. It is anticipated that the Department for Corrective Services or another relevant agency may provide further comment on this report which highlights examples of best practice in Western Australia and elsewhere.

WA Police are working with the Department of Education as part of a two-pronged strategy to address antisocial behaviour, reduce truancy and improve behaviour in Western Australian schools.

In 2009, the Western Australian Police and Education Ministers announced a six month trial at Gilmore College in Perth where a police officer from the Rockingham Police and Community Youth Centres will spend two afternoons a week with a select group of students known to have behavioural issues. The intention of the trial is to work with students to prevent truancy and improve general behaviour. If successful, it is possible the program could be extended to other locations in 2010, subject to a full review and consultation with Government. The program will also provide support for students who had experienced contact with the criminal justice system, with the intent to reduce the potential for reoffending by establishing mentoring relationships.

The second part of the strategy includes a police sergeant seconded to the Department of Education's central office to work for 12 months as a School Safety Liaison Officer. The officer is assisting staff to bring in proactive and preventative measures for reducing antisocial behaviour, internet safety and crime prevention.

In the Narrogin region, the Department for Corrective Services provides 20 hours per week mentor support for children released from juvenile detention centres to support successful reintegration to school. This is supported by school psychologists and school based student services teams. The Department for Corrective Services officers liaise with teachers of children who have been in detention and request the educational program so schools can plan for students return to school. Similar programs are replicated in other areas of Western Australia.

6. The scope for 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

The *Parental Support and Responsibility Act 2008* came into effect in March 2009. The Act is part of the Government's commitment to ensuring that Western Australian children and young people have the opportunity to reach their full potential. Provisions of the Act offer an early intervention and prevention approach by introducing a system of Responsible Parenting Agreements and Responsible Parenting Orders to help parents of children aged under 15 years who are engaging in anti-social behaviour,

¹⁶ Youth Justice in Western Australia [report](#)

truanting from school or committing offences. Under the legislation, the Departments for Child Protection, Education and Training, and Corrective Services can apply to the Children's Court for a Responsible Parenting Order where parents won't voluntarily take up parenting support through a Responsible Parenting Agreement. Whilst in its infancy in implementation, this new legislation may provide scope for key agencies to ensure parents are accessing the support they require to reduce their child's offending behaviour. Similar legislation has been in place in the United Kingdom for a number of years. It is anticipated that the Department for Child Protection may comment further on this initiative.

In 2008, the Departments of Education and Corrective Services signed a Memorandum of Understanding which outlines the responsibilities of each agency in the management of young people involved in the justice system. The memorandum supports the case management of young people entering and exiting remand and detention and for those with court orders. Timeliness of the receipt of information by both agencies is critical to the success of planning for the educational success of young offenders. Discussion between the two Departments at a local level ensures clarification of roles and responsibilities and the implementation of the MOU in a manner that suits the region. This has been particularly critical in more remote areas or where high staff turnover occurs.