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27 January 2010

The Secretary
House Standing Committee on Aboriginal and Torres Strait Islander Affairs
House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Sir/Madam

ACT for Kids welcomes the *Inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system*. As an agency committed to creating better lives for children, young people and families at risk, we are pleased to have the opportunity to make this submission. From the information below we seek to inform the Inquiry of our Youth Opportunity Program which we believe demonstrates contemporary and best practice in diverting children and young people from ongoing involvement in the youth justice system. Furthermore, we have taken the opportunity to make comment on some of our observations and learnings to date.

ACT for Kids has provided services for over 20 years to Queensland children and families who have experienced issues of abuse and neglect. Our services currently include specialist therapy and education programs, early intervention programs including Referral for Active Intervention and Indigenous community residential care services (in partnership with The Aboriginal Corporation of West Coast Cape York Peninsula Traditional Land Owners). Many of the families in receipt of these services experience the factors that research shows lead to likelihood of a young person becoming involved in the youth justice system.

The Youth Opportunity Program

Our experiences working with vulnerable families, and our commitment to improving the lives of children and young people led us to develop the **Youth Opportunity Program** in the Far North Queensland Region. This 3 year pilot program, funded by the Queensland Government Department of Communities, commenced in July 2008. The program is provided through sites located in Cairns and Napranum (Western Cape York) and is available to young people aged 10 -17 years, who have become involved in the Youth Justice system.

Since the programs establishment, 70% of our clients have identified as being of Aboriginal and/or Torres Strait Islander decent and 90% of our clients have been young males.

The Youth Opportunity Program includes two services:

The first is the **Community Response Service** which is provided by a team of Family Coaches. The role of the Family Coach is to connect with young people, to learn and understand their stories. The Family Coach then develops an individualised plan which may include assistance to a young person to overcome family or personal problems; to move into independent living when it's in their best interest to do so; and to improve their sense of self-worth by arranging recreational and work opportunities that they may never have had otherwise.

The second part of the program is the **Bail Support Service** for young people who have been released on bail. The Bail Support Officer works to ensure that a young person's primary needs are met in order to assist them to be better able to comply with the bail conditions imposed by the court.

The Youth Opportunity Program is unique within Queensland. As a pilot program, the program is subject to external evaluation conducted in two phases, the first evaluating the establishment phase of the program and the second the implementation and outcomes.

Whilst the Youth Opportunity Program may share with other programs the goals of reducing the rate of recidivism amongst young people, and the likelihood of their siblings becoming involved in the Youth Justice system, it is our approach that is unique:

- The program works in partnership with the local statutory agency, who retain responsibility for the supervision of court imposed orders and for developing programs that address the young person's crimineogenic behaviours
- The program is based on an ecological model, which recognizes the range of relationships and communities a young person is involved in (from home and family, to school, local community and cultural affiliations) and also recognizes the range and depth of human needs (including physical, social and emotional)
- The program takes a client centred approach, recognizing the individual strengths, gifts and needs of each young person
- The program aims to provide support in a culturally appropriate/sensitive manner
- Two key strategies are available for meeting the identified needs of the young person and their family:
 1. Involvement with Youth Opportunity Program Family Coach
 2. Access to brokerage funds to enable the provision of additional specialist services and practical supports

Additional comments in relation to the Inquiry's Terms of Reference

1. ACT for Kids believes access to education is the right of every child and young person, yet this is often not available to our client group. Our data to date indicates that only 15 % of our clients attend school regularly and more than 60% never attend. We are aware of children being excluded from schools in the early years of primary level education. Once disengaged from the education system it is very difficult for a young person to rejoin and develop a sense of belonging.

The lack of positive school experience for many of the parents and grandparents of our clients, impacts on their ability to model and encourage behaviours that would contribute to positive schooling outcomes. This can include difficulties in establishing and maintaining daily school routines, reluctance to liaise with the school regarding performance and attendance issues etc.

There is an apparent need for services to provide intensive and holistic supports to enable the re-engagement of young people in education. We would envisage that such services would work in partnership with alternate education programs, however would be able to provide support within the family home to address issues such as lack of routine both in preparation for, and after school; to model appropriate supportive behavior to parents and carers; to access remedial programs to assist young people in "catching up" and to provide material assistance to purchase necessary equipment and uniforms.

Whilst the Youth Opportunity Program has some capacity to provide support of the nature described above, our capacity to do so is limited, both to clients of our service and in the extent of support provided.

2. The attitude towards detention by young people is of significant concern to ACT for Kids. Strong anecdotal evidence suggests that many young indigenous people, particularly males, perceive detention as a "rite of passage" which enhances their standing amongst peers. Comments made by young people indicate that for many the possibility of detention has little, if no deterrent effect. It has also been suggested that young people at times may be offending with the aim of being taken into detention.

Detention appears to provide access to opportunities and resources that may not be available to a young person when living with their family – these include participation in school 5 days per week; daily participation in structured after school programs; access to regular and nutritional meals and protection from harm. It is often commented that young people's health improves notably whilst in detention.

The perception of detention amongst our client group is of major concern and is an issue that we believe warrants further consideration.

3. In Queensland detention facilities for young people are in Brisbane and Townsville, therefore creating significant difficulty for young people of the Far North to maintain contact with family and significant others. In our experience families are unlikely to be able to maintain contact with their young family member due to family commitments, lack of transport or lack of financial resources to meet costs associated with travel.

A Youth Opportunity Program team member visits the Cleveland Youth Detention Centre, Townsville on a monthly basis and meets with young people who are clients of the Youth

Opportunity Program. Whilst regular visits to the Brisbane Youth Detention Centre are not currently made, the Program would arrange this if required.

The aim of this support for young people on remand is to provide personal support to the young person and to facilitate contact between the young person and their family. For young people on detention, the program also is seeking to take an active role planning post release arrangements for the young person, particularly looking at avenues for positive re-engagement with the community.

As release dates for young people on remand are determined by outcomes of court hearings, and therefore difficult to predict, prior planning for post-release services for these young people is often not possible.

Research indicates that young people are at high risk of re-offending immediately following release from detention, it is therefore critical that supports are in place to reduce this risk.

We believe that there is an apparent need for more co-ordinated and structured planning for young people leaving detention whether they have been detained on remand or sentence.

4. We fully support the need for clearer responsibilities and improved co-ordination amongst agencies and government departments. A relationship of particular concern is that between Youth Justice Services, Child Safety Services and agencies such as our own.

At the present time there appears to be a lack of clarity regarding roles and responsibilities for young people involved in both these statutory systems.

A number of our clients are currently subject to both Youth Justice Orders and Child Protections orders (granting long term custody to the state). Some of these children are placed in highly supported residential care arrangements. Whilst we are not yet able to report data indicating the recidivism rates of these young people, anecdotal evidence suggests that a high proportion of these young people are continuing to re-offend, returning to detention on occasion.

Further consideration of the effectiveness of residential care models in reducing rates of recidivism amongst young people “in the care of state” is recommended.

Furthermore a positive and respectful relationship between statutory and non-government agencies working with young people involved in the Youth Justice system is critical to the effective interventions. In Queensland the involvement of non government agencies in service delivery is a fairly recent development.

Our experience in establishing a pilot program highlighted the need for both sectors to have a clear understanding of the philosophies and roles and responsibilities of agencies and a genuine commitment to working together in partnership.

5. Within Queensland, young people on bail are not allocated a worker through the Youth Justice Service. The Youth Opportunity Program's Bail Support Service, is able to provide support to a young person on bail to ensure that their primary needs are met, particularly with regard to their compliance with the conditions of bail. Our experience to date with a number of young people whose individual or family circumstances are quite complex has indicated a need

for a "case management/co-ordination" role for these young people. This is particularly the case when the young person may be choosing to plead not guilty or is waiting for their consideration of their matter before a higher court.

An example of this situation is a 15 year old young woman who is currently on bail, with a 24 hour curfew. She and her family have indicated that she intends to enter a plea of not guilty to the charges.

She lives with her large family, including a younger brother who is also facing charges relating to the same incident. The young woman has been expelled from the local school and is known to have made several attempts at self harm. There have been numerous reports to the local Child Safety office, however investigations have not warranted interventions.

In our opinion, these circumstances place the young woman at significant risk of further involvement with the youth justice system, however there is no agency mandated to take on a lead role in co-ordinating supports to the young woman and her family.

6. We have recently become aware of the Justice Reinvestment approach being successfully implemented in United States of America. In summary this approach reallocates funds from custodial services to communities where there is a high rate/concentration of offending behavior. The funds are redirected to programs and services within the community to address the underlying causes of crime.

We would encourage the Inquiry to further explore this approach and in particular it's applicability in addressing the over representation of young indigenous people in the youth justice systems of Australia.

We thank you for the opportunity to make this submission.

Yours sincerely

Denis Loane
Executive Chairman
ACT for Kids

EXECUTIVE SUMMARY

The Young Offender Community Response program and Bail Support program, (Program renamed by ACT for KIDS as Youth Opportunity Program), is a pilot program funded through the Queensland Government's Department of Communities. The program has been operating for approximately 18 months and in that time has seen over 150 young people and their families. The Program has another 18 months of its Service Agreement to run. Its ongoing funding will be partly dependant on the evaluation outcomes.

From the work we have done thus far we have been able to collect some evidence which supports the approach this program has taken in terms of the way it works with the young people and their families. We also believe that we have learned enough to make the following Recommendations. Each of these recommendations can be found throughout the body of the submission which includes further explanation.

RECOMMENDATIONS

- 1. There is an apparent need for services to provide intensive and holistic supports to enable the re-engagement of young people in education.**
- 2. The perception of detention amongst our client group is of major concern and is an issue that we believe warrants further consideration.**
- 3. We believe that there is an apparent need for more co-ordinated and structured planning for young people leaving detention whether they have been detained on remand or sentenced.**
- 4. Further consideration of the effectiveness of residential care models in reducing rates of recidivism amongst young people "in the care of state" is recommended.**
- 5. We would encourage the Inquiry to further explore the "Justice Reinvestment" approach and in particular it's applicability in addressing the over representation of young indigenous people in the youth justice systems of Australia.**

References:

Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission, 2009 *Investing in Indigenous youth and communities to prevent crime*. Speech to the Indigenous young people, crime and justice conference, Australian Institute of Criminology, 31 August 2009.

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Youth Justice Program Support Unit, Department of Communities 2005, *Best Practice in Youth Justice Service Delivery, Literature Review*