

Youth Justice Reform Select Committee inquiry into youth justice reform in Queensland

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QUEENSLAND

TEACHERS' UNION

Queensland Teachers' Union

Submission to Youth Justice Reform Select Committee Queensland Parliament

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Introduction

Established in 1889, the Queensland Teachers' Union of Employees (QTU) has chalked up more than 130 years of achievement in providing professional, industrial, and legal leadership to Queensland's state education and training sectors. In 2023, the QTU is the professional voice of more than 48,000 members, including teachers and school leaders delivering curriculum and quality programs of training and learning in Queensland schools, TAFE colleges, and Central Queensland University (CQU).

As a significant stakeholder in Queensland education, the QTU is committed to actively engaging in processes in which the voice of teachers ought to be heard. The QTU's submissions and participation in stakeholder consultation are informed through the Union's active membership, which includes more than 2,500 QTU Workplace Representatives as well as decision making forums like our QTU State Council and QTU Executive, both of which consist of democratically elected members from across the state.

This QTU submission is made in the interests of Queensland's educators, both school leaders and teachers, who are employed in state schools and TAFE campuses, the communities in which they live and work, and the school and TAFE students of Queensland. The work of QTU members throughout the state provides safe and supportive learning environments for Queensland's school aged children. For the purpose of this submission, the term "teacher" represents the members stated above across schools and TAFE.

The QTU welcomes the opportunity to provide a submission to the Youth Justice Reform Select Committee inquiry to examine ongoing reforms to the youth justice system and support for victims of crime. Youth justice and the management of young people at risk is a key focus of the QTU to ensure teachers are able to teach in a safe supportive environment and students are provided with the supports needed to be able to engage in the learning process.

The QTU asserts that schools should be viewed as the place where every young person should be able to access learning in a safe environment. This not always the case and the QTU believes that taking a different approach and looking holistically at the issue of student disengagement the government has an opportunity to divert many of these members of society from the current trajectory that many of these young people are on.

This needs to be a whole of government early intervention approach ensuring that supports are in place from the time of birth. That, cultural awareness and understanding is embedded in schools and when applicable, detention settings. That the government investigate and implement partnerships with training and educational organisations improving the positive learning opportunities for detainees. Young persons' mental health and potential disabilities need to be factored into their treatment and the supports needs to prevent reoffending. Finally, invest in public schooling to ensure that all students and those at risk due to factors often out of their control are supported appropriately and to provide them with a new trajectory and a positive view of education.

QTU Submission Preamble

"A key theme arising from many of these reviews is the need for youth justice detention to be a measure of last resort. Detention, especially for young people who have been victims of abuse and neglect or who have mental illness and intellectual disabilities, is often detrimental and has little benefit in reducing recidivism." [Clancey et al, 2020]

"There is a clear identified need for an intervention to help stop the "revolving door" of the offending for a cohort of young people, who are repeat offenders and have been in detention a number of times with no discernable impact on their reoffending rate. The literature supports the deliver of a holistic set of interventions, focusing on family support and community integration, to address the multiple and complex factors which put a young person at risk of continuing to offend...There is a continued need for an intervention other than detention that breaks the cycle of offending and re-offending." [KPMG, 2015, p. 127,128]

Some data to outline areas that QTU would like to draw the attention of the committee relevant to Queensland and detention centres with educational supports in place.

Cleveland Youth Detention Centre admission data -

- 41 unique day admissions - 5 or more young people processed with 10 being the greatest number. Average admissions of 15 per week.
- 96 average population and maximum of 109.
- Average age of 15 .
- 49 days is the average detention period .
- 800 admissions and readmissions in a 12-month period.
- 92 % First Nations' Peoples.
- 81 different people over a 12-month period.
- 42 young people have more than 1 admission with 9 being the most.
- 32 young people have more than 200 days in detention.
- School related data (Cleveland).
- 4.5 average number of schools attended by detainees.
- 72% not actively engaged/enrolled in a school.
- Average reading age of 8.8-year-old.
- 54.7days average enrolment length at a school.
- 180 have not been at school for more than 2 years.
- 161 children diagnosed with disability or medical condition.
- 17% reside in out of home care.
- 489 units of competency awarded to young people and 7 VET qualifications completed in a 12-month period.
- Data from Queensland Youth Justice Census 2022
- 12% had diagnosed or suspected FASD.
- 26% had diagnosed or suspected cognitive or intellectual disability.
- 27% had at least one diagnosis or suspected mental health disorder.
- 68% of detainees were First Nations' peoples.

Early Intervention

QTU advocates for extensive family supports for identified children and families at risk especially in the first 2000 days of a young person's life. Intensive case management (whole of government services) and wrap around services – supporting families integrating external services like social workers, therapists and medical with a seamless approach into the schooling system. The government should invest in pre-prep programs to assist in the identification of students requiring additional interventions. A way this could be fulfilled is the lifting of the freeze on Early Childhood Development Programs (ECDP) and an expanded rollout of this program or similar intensive support programs in identified areas of greatest need. Case managing the early intervention approach also includes opportunities for exposure to literacy and numeracy incidental learning opportunities and behavioural adjustments which should feed into better experiences in the schooling system. In New Zealand they have introduced the Oranga Tamariki Action Plan which provided practical steps to make a difference at the frontline, and foundational activities that build the necessary connections between government agencies with measurable results in healthcare, housing, education and supporting young people to transition to independence. This is something that should be explored as an option [Oranga Tamariki Action Plan, 2022].

Recommendations

- Early intervention with families at risk, a comprehensive application of integrated wrap around services including the educational opportunities to engage.
- Structured or a form of compulsory pre-prep programs to enable government agencies to identify at risk students and families.
- Expansion and extension of the current Early Childhood Development Program and potential reduction in student to staff ratios in schools in the formative years (prep-Year 3).
- Investigate whether the principles of New Zealand's Oranga Tamariki Action Plan could improve systemic supports to integrate and improve interactions between healthcare, housing, education and transitioning to society [Oranga Tamariki Action Plan, 2022].

First Nations' Peoples considerations/cultural understandings

QTU believes that the government needs to investigate "conducting culturally safe and trauma-informed practice with First Nations' peoples in Australia." [Tujague & Ryan 2023] These also need to be a whole of government integrated services approach. The current approach perpetuates trauma by negatively impacting sense of identity and self-worth, potentially leading to the young person increasing their risk-taking behaviours and a high chance of recidivism. As outlined in the early intervention section above this requires intensive case management and with a diversionary approach. "Suspension incidents proportionate to enrolments increased for all students, but this increase was faster for Indigenous than non-Indigenous students and driven primarily by steep rises in short suspensions during primary school...Indigenous students were most overrepresented in suspensions for Disruptive/Disengaged behaviours." [Graham et al, 2023] In schools, there is an opportunity to reframe understandings and relationships with First Nations' Peoples and other cultures. This may be achieved by an expanded inclusion and exposure for pre-service teachers and ongoing professional development for experienced teacher to extend their understanding and cultural sensitivities. This should include trauma informed practices to support students and families.

Many young people upon release from detention experience housing uncertainty or inappropriate provision of housing or environment, which contributes to additional trauma or reincarceration (for young person's safety) as the only option. Neither of which assists to prevention or diversion. Many of these practices can and should be applied in immigration and non-English speaking communities to prevent disengagement. Trauma informed mental health clinicians and services must be made available with services that support the needs of the young people such as Art Therapy or other alternative therapies which may be less confronting and more supportive of the developmental needs as opposed to the Western ideals of mental health. Health supports will allow them to regulate emotions whilst also addressing the background issues which may negatively impact them.

Recommendations

- Culturally respectful integrated approaches to interventions or diversionary programs to provide supportive and appropriate arrangements to prevent recidivation behaviour/s.
- Expansion of teacher training with a specific focus on culturally appropriate approaches - pre-service, initial induction processes and ongoing evidence based professional development opportunities.
- Systemwide implementation of trauma informed practices across integrated services, systems, departments and supports.
- Provision of supported accommodation facilities and trauma informed and culturally appropriate transition programs.
- Development of community guidelines to determine information sharing protocols to support children with complex needs and so services can easily access relevant information without families having to retell "their story".

Disability identification process and supports.

The recently released The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability outlines that,

The disproportionate rate of imprisonment of people with disability is not the result of any inherent relationship between disability and crime. Rather, it reflects the disadvantages experienced by many people with disability, such as poverty, disrupted family backgrounds, family violence and other forms of abuse, misuse of drugs and alcohol, unstable housing and homelessness. [Volume 8, Criminal justice and people with disability p4]

Central to improving responses to people with disability in disadvantaged circumstances is recognising that they very often do not require a police or criminal justice response to their behaviour. Instead, they need a trauma-informed, culturally safe, community-based and holistic social service response. [Vol 8, P285]

QTU proposes that the government should implement a holistic practice of culturally safe identification and support for First Nations' people built on co-design and power-sharing process, alongside a genuine attempt to listen to First Nations' people with disability. These processes do not have to be limited to the youth justice system but could be widely implemented across whole of government and wrap around services.

Recommendations

- An alternate approach to processing and assessing youth offenders into the youth criminal justice system taking into account disability, culture, and educational attainment and whether an alternative to incarceration if available or appropriate.
- Consistent data tracking processes of offenders' disability to ensure a seamless transition and application of supports – whole of government and systemic processes.
- Appropriate initial and ongoing training and support of staff in relation to the needs and experiences of children with disabilities, including cultural, trauma informed and gender responsive approaches to children with disabilities.
- A priority of wellbeing and through-care for children to return to community with systemic wrap around services supported with data informed, customized, focused and relevant government agencies.

Positive approach to learning for the time in detention and post detention transition

QTU advocates for a focus on skill development which may be developed through the formalisation of relationship with TAFE (upskilling). The provision of age-appropriate media content for their context and culturally informative e.g. Behind the News (BTN), Horrible Histories, MythBusters etc will assist in the development of the love of learning and cognitive development. In addition, ABC have created mini-lessons, run by teachers, for the *ABC Education portal* and on *ABC Me*. This is partially financed by the NSW and Victorian education departments [ABC Education, n.d.].

Upon exiting detention, the lived experience of young people is not always conducive to a successful re-entry and integration into society. There needs to be a consistent approach to on ground supports. Currently many of these supports are provided by NGOs and private providers. Whilst the young person may have a support network they are engaging with prior to arrest, it is QTU's belief that these services are unable to provide support whilst they are incarcerated. QTU does not support this and believes that these services and supports need to be managed by government departments in consultation and collaboration with communities to improve consistency, integrity and accountability. An implementation of Alternate Learning Centres to offer intensive Tier 3 support, with the time and space to focus more closely on one-to-one support. This investment would work to reduce the number of School Disciplinary Absences (and proposed exclusions) for students who have made minimal progress and are often transferred to neighbouring schools, where they continue to face challenges. It would also assist in keeping young people positively engaged in education and make transition back to school more successful.

Recommendations

- The government should implement programs where possible that aligns with TAFE's vision as the leading provider of vocational training and targeted higher education programs, critical to strengthening the Queensland economy and supporting local communities.
- The government to provide additional funds to the responsible department/s to support engagement in educational media content in an appropriate format for young people in detention.

- Provision of government run Education and Re-entry Programs in correctional facilities with inclusion of Mentoring Programs connecting youth with positive adult role models.
- Provide alternative learning options for students with school attendance issues, assist in managing students with extreme behaviours and would provide a link with schools for students involved in the Youth Justice system.

School funding

Currently, the public-school sector shoulders the majority of the workload in addressing and dealing with students that are victims of abuse, neglect or who have mental illness, intellectual disabilities and may be in or transitioning out of the youth justice system. The current funding of state schools is at 89.6% of the School Resourcing Standard (SRS). This consists of 20% federal government funding and the balance (69.8%) made up by the state. This is inadequate and potentially contributes to youth disengagement and disruptive behaviours of students at risk. Schools are struggling to continue self-funding the intense capability development in trauma-informed practice and manage their own wellbeing support for staff experiencing vicarious trauma due to their work with students and families. Many of these teachers undertake duties outside the core role description of a teacher, including home visits, writing Individual Curriculum Plans/Individual Learning Plans for multiple students on multiple year levels to ensure successful engagement, which contributes to teacher burn out.

Recommendations

- Fund all state schools at 100% SRS with ancillary funds to support students with identified acute and chronic high needs.
- Equip all schools with mechanisms and resources (both physical and human) to deal with the behaviour needs of students, for example, adequately trained staff, professional development opportunities, alternative programs, specialist staff, student services.
- Establish 40 positive learning centres (PLCs) across the state, staffed by two to five teachers and appropriate counselling and guidance staff, and provide appropriate resources to deliver programs that support behavioural change for students who are identified as at behavioural risk (see 8.7). Fifty per cent of these need to be directed towards primary and junior secondary students.
- Long-term programs (10 weeks or longer) in PLCs with the aim of providing students with sufficient skills to return to mainstream schooling.
- The PLCs should build lifelong learning capacity and support the student to find a place in the workforce or access education via a school of distance education or alternative education settings. The focus of the positive learning centres should be to provide literacy and numeracy support, and to build interpersonal skills (tolerance, anger management, teamwork) and intrapersonal skills (self-reflection, goal setting, resilience).

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