

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

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yourtown
POWERING kids helpline

Inquiry into Youth Justice Reform in Queensland

A submission to the Queensland Government – Youth Justice Reform Select Committee

January 2024

Authorised by Tracy Adams,
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- Mental health service/s for children aged 0-11 years old and their families, with moderate mental health needs.

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yourtown welcomes the opportunity to respond to the Queensland Youth Justice Reform Select Committee on Youth Justice Reform Inquiry (the Inquiry). We strongly support the Inquiry's goals to examine ongoing reforms to the youth justice system and support for victims of crime.

For over 60 years, **yourtown** has been supporting children and young people in Queensland. We support children, young people and families with mental health and wellbeing, parenting and early childhood development, long-term unemployment, prevention of youth suicide, child protection, and support for those experiencing domestic and family violence. Given our extensive experience on supporting children and young people with high exposure to social drivers behind youth offending, we are well-positioned to provide feedback to the inquiry.

Listen to, and implement our ideas

The current system isn't working, and must change. To achieve such change, it is critical that the Queensland Government listen to what young people and the sector having been saying for many years as to what is wrong, and what could work.

The sector and young people themselves have provided extensive feedback over an extended period, and it is time for the Queensland Government to act on the opportunities and priorities proposed within the youth justice system.

The voices of Aboriginal and Torres Strait Islander communities *must* be listened to and lead the change if we are ever to address the shameful over representation of their young people within the youth justice system. Without their full voice and empowered leadership, we will never develop a culturally safe youth justice system, nor end the systemic injustice.

The Queensland Government must shift the paradigm that underpins the youth justice system away from a punitive approach to a rights-based approach. Without a child rights-based approach underpinning the youth justice system it will be near impossible to achieve lasting change or significant improvement in the outcomes for children, young people, and the system.

To deliver an effective long-term solution to reducing youth offending and keeping the community safe, the system must:

- Ensure children have both recognition of, and access to their rights, in particular the right to participate, be heard and taken seriously (in legislation and in practice)
- Listen to and facilitate self-determination and leadership from Aboriginal and Torres Strait Islander communities to ensure culturally safe solutions
- Shift from a punitive crisis driven model towards a therapeutic, trauma informed, support-based model of early intervention and prevention, that addresses the root causes and social drivers of youth offending through:
 - a whole of government response encompassing youth justice, police, education, child safety, mental health, health, housing, children and families, disability services, employment and training, Aboriginal and Torres Strait Islander partnerships, and culturally diverse communities, and
 - appropriately funded, timely, holistic, community-based support
- Provide tailored support to meet individual needs. Children and young people at risk of offending are not a homogenous group and require individualised supports appropriate to their needs and the communities that they are from.
- Children and young people from all backgrounds should participate in policy decision-making that affects them, and in the development of supports and systems so services and programs are informed by their experiences and circumstances, and
- Raise the age of criminal responsibility to 14 years at a minimum.

Prioritise, recognise and provide access to young people's rights

The system should be designed to uphold, recognise, and ensure a child can access their rights. This includes amongst other rights: rights to their best interests being upheld; to non-discrimination; to life, survival, and development; and the right to participate, be heard and taken seriously. All of these are fundamental to a child rights approach to youth justice.

However, in practice, these rights are often limited both in terms of recognition and access. Generic approaches within youth justice do not consider what is in the 'best interests' of an individual child but squeeze each child into a 'one size fits all' type mould. Further, children are often excluded from participating in decisions about them or being heard and taken seriously. This occurs not only in the early intervention stage, but also throughout a youth justice pathway from contact with police through to sentencing and/or incarceration.

To ensure a child rights approach, child rights should be legislated within the youth justice laws; but also required as part of best practice in facilitating access to their rights, particularly when in contact with the youth justice system.

Include young people in reviewing and co-designing the system

Listening to and letting the voices of young people inform the system's design, is central to a rights-based approach.

The voices of young people at risk of engaging in or exhibiting offending behaviour are generally not heard when supports and systems are designed. It is usually the experts who are consulted, but not the 'potential users' of the system. Young people at risk of offending are more likely to be the target of negative press and stigma, than have their voices and stories heard, or to be engaged in co-design processes. The current system works for some, but not for others, and many who come into contact with the system find it highly traumatising. There needs to be genuine listening to young people about their experiences and learnings, and what would work, what wouldn't work, what would trigger them, or scare them, and most importantly, what would help them.

We need to think differently about how to address the complex problems of youth crime and change the trajectory of young people engaging in offending or risky behaviour. **yourtown** strongly recommends the Government use human-centred design¹ and undertake co-design² approaches to reform the youth justice system, working with young people at risk, or in contact with the criminal justice system.

Aboriginal and/or Torres Strait Islander led solutions

It is of ongoing concern that Queensland continues to have such significant overrepresentation of Aboriginal and Torres Strait Islander youth in contact with the youth justice system.³

Aboriginal and Torres Strait Islander people should lead the design, and development of a reformed youth justice system. The Queensland Government should be accountable particularly to these communities for implementation of policy, legislation, and early intervention and community programs regarding youth offending, as well as models for incarceration.⁴ The voices of our Aboriginal and Torres Strait Islander young people and communities are essential to ensure our youth justice system finally addresses the systemic injustice of their overrepresentation. Their leadership in guiding a reformed system focused on

¹ A problem-solving technique that places real people at the centre of the development process, enabling the creation of products and/or services that resonate and are tailored to the audience's need

² Design process that is participatory, in which community members are equal collaborators

³ In 2021-22 Aboriginal and Torres Strait Islander young people aged 10-17 were 21 times as likely as non-Indigenous people to be under supervision; and 23 times more likely to be in detention. Youth justice in Australia 2021-22, Queensland - Australian Institute of Health and Welfare (aihw.gov.au)

⁴ Youth Justice Reforms Review Final Report (2022). [Youth Justice Reforms Review \(dcsds.ald.gov.au\)](https://dcsds.ald.gov.au)

early intervention with incarceration as a last resort, is essential if we are ever going to build a better service system (beyond that of just youth justice) that is culturally safe and responsive for young Aboriginal and Torres Strait Islanders.

Community controlled organisations should also be funded through long term contracts to deliver early intervention supports, and funded to evaluate their programs to contribute to research and knowledge of what works for their communities. It is well known that supports delivered by Aboriginal and Torres Strait Islander communities have greater success in preventing and responding to offending among Aboriginal and Torres Strait Island young people.⁵ Community-led interventions can overcome the significant barrier of lack of trust that Aboriginal and Torres Strait Islander young people experience when interacting with government or mainstream services and agencies.

yourtown strongly supports increased funding for proven, strengths-based solutions led by Aboriginal and Torres Strait Islander communities that address the underlying social and economic issues and intergenerational trauma impacting our Indigenous young people. This is essential if Queensland is to successfully address the overrepresentation of Aboriginal and/or Torres Strait Islander young people in contact with the criminal justice system. A highly successful example of an Aboriginal and Torres Strait Islander led initiative is the Murri Court. It is effective because it instils community ownership,⁶ and taps into the respect and influence of local Elders within their community to mediate positive and sustainable legal responses. The therapeutic model is also more in keeping with Aboriginal and/or Torres Strait Islander values and understanding. Other key components contributing to its success include: comprehensive assessment of young person's circumstances which is made available to court; including the young person's family, Elders and other influential people as part of the sentencing process; and linking the young person to appropriate support services based on their assessment and offence as managed by a Murri Court coordinator.⁷ Currently there are only 15 locations for Murri Courts in Queensland, and yet 131 locations that Magistrates Courts can hear cases throughout Queensland. There should be increased investment to extend the availability of Murri Courts on a more equitable basis throughout Queensland.

Early Intervention and Prevention

The only way to change the trajectory of young people at risk of contact with the youth justice system, is by ensuring that the right support is provided to them, at the right time. Most importantly, the 'best time' is long before potential contact with police or the youth justice system.

Incarceration should only ever be an absolute last resort. The Queensland Government acknowledges the literature that shows that detention 'is not an effective option other than to protect the community from offenders who pose a serious risk to community safety'.⁸ However, the current youth justice system appears designed to punish rather than protect some of our most vulnerable community members, namely children as young as 10 years old. It appears that the current response of the Government is incarceration (hence the need to keep building more detention centres and watch houses) rather than investing that money in early intervention programs. This is not keeping our communities safe and only serves to

⁵ Pooley K. (2020). What are the characteristics of effective youth offender programs? Trends and issues in crime and criminal justice, 604. Canberra: Australian Institute of Criminology

⁶ Ipsos Aboriginal and Torres Strait Islander Research Unit, Brisbane Public Affairs Unit, Guerzoni, M., & Martin, K. (2019). Evaluation of Murri Court: Prepared for the Queensland Department of Justice and Attorney-General. [Evaluation of Murri Court \(courts.qld.gov.au\)](https://www.courts.qld.gov.au/evaluation-of-murri-court)

⁷ Morgan, A., & Louis, E. (2010). Evaluation of the Queensland Murri Court: Final Report. AIC Reports: Technical and Background Paper 39 [Evaluation of the Queensland Murri Court: Final report \(aic.gov.au\)](https://www.aic.gov.au/evaluation-of-the-queensland-murri-court-final-report)

⁸ [Youth Justice Strategy evidence | Department of Employment, Small Business and Training \(desbt.qld.gov.au\)](https://www.desbt.qld.gov.au/youth-justice-strategy-evidence)

diminish public confidence in the system even further.⁹ ¹⁰ This is even though early intervention is proven to be far more cost-efficient in achieving outcomes, and far cheaper than building youth detention centres or watchhouses, and finding, training and retaining staff to work in those institutions.

Early intervention programs can support children and make communities safer.¹¹ Children and young people at risk of contact with the youth justice system are well known to be a vulnerable cohort, often with complex and intersecting social needs. To prevent or address potential offending, the root causes of offending need to be addressed. The system should be designed to account for impacts upon the behaviour of children given their individual context and (often multiple) social challenges that they face whether environmental, domestic violence, health, developmental, disability, employment and/or education, as well as past trauma. A youth justice system fit for a 21st Century Queensland needs a flexible service system that can respond to these increasingly complex needs.

The system should be shifted from a focus on punitive approaches to focus upon delivering therapeutic early intervention programs, including after school and diversion programs, safe accommodation options; alternative police responses; multi-disciplinary panels, and funding community organisations to deliver them. Not only should this provide support for at risk children, but also support should be provided to their families to address the root cause of social issues within their home environment that may trigger offending behaviour, at the same time as bolstering protective factors. For example, some of the underlying factors that can lead to youth offending include homelessness, poverty, education, substance abuse, mental health issues and the effects of trauma, including intergenerational trauma.

There are many community-based programs that are known to work. These should be funded long term to provide funding certainty and protect programs from a change of government or policy. One example could be funding after school community diversion approaches that are open overnight. These approaches need to work in conjunction with other school-based programs, including school refusal interventions (e.g. Regional Youth Engagement Services comprised by guidance officers, youth support workers, transition support officers, Aboriginal and/or Torres Strait Islander officers) that address the root causes of children and young people refusing to attend school. Another consideration is funding justice reinvestment approaches centred around early intervention and therapeutic support to improve social outcomes in areas beyond youth justice, such as education or employment, generating multiple benefits across the whole system of social supports. Consideration could also be given to incentivising prevention and early intervention through results-based contracting and commissioning. This approach requires a whole of system coordination, particularly for those in contact with the youth justice system, including warm referrals to other services in different service systems to ensure that no one falls between the cracks or is left without support across the system as a whole.

These services should also be funded for quality evaluation. We need quality evaluations to build the evidence base and determine 'what works' and what doesn't. While many early intervention programs can provide anecdotal evidence of 'what works', they are rarely evaluated, or funded to do so. Appropriate funding should be provided along with the

⁹ Queensland detains more children each day than any other state and has the worst recidivism rate in Australia Productivity Commission 2023, Report on Government Services 2023, Part F, section 17: released 25 January 2023, Table 17A.26.

¹⁰ 95% of young people that go to Cleveland Detention Centre allegedly reoffend within the year of their release Queensland Government. (2022). Response to Question on Notice, No. 859.

<https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2022/859-2022.pdf>

¹¹ Justice Reform Initiative. (2023). Alternatives to Incarceration in Queensland. (pp.18 – 27).

https://assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1685393777/JRI_Alternatives_QLD_FULL_REPORT.pdf?1685393777

funding to deliver the program to ensure that an evidence base is developed for what works within community based early intervention and prevention programs and approaches.

It is recommended that the Queensland Government enter into partnerships with research bodies or Universities to ensure quality, and ethical evaluations that can build a reputable evidence base both within Australia and internationally of what works within the youth justice sector.

Develop a trauma responsive system

Research has shown that if a child undergoes a strong and prolonged stress response, it can lead to lifelong problems in learning, behaviour, and physical and mental health.¹²

Yet children and young people in the Queensland justice system have often experienced trauma (including intergenerational trauma) or being victim/survivors of domestic and family violence. They also have high rates of disability and neurological conditions and are often from communities characterised by poverty and entrenched disadvantage.^{13 14} Many young people engaging in offending behaviour are manifesting trauma-related behavioural problems. In 2016 between 50-66% of young people in youth justice systems across Australia were estimated as having experienced childhood trauma.¹⁵

Currently, the needs of children and young people and the root causes of problematic behaviour are not adequately addressed within our youth justice system. Firstly, funding should be directed towards delivery of holistic, community-based supports and services to address disadvantage. This includes providing programs/approaches for: families to build parenting capabilities; engaging and supporting children to stay in school; linking young people with training and employment pathways; addressing family violence and housing instability; and identifying and responding to at-risk children and young people and their health, mental health, disability, and behavioural and developmental needs. These programs and supports should have warm referrals, and no police contact. The common features in successful programs in reducing offending behaviour include opportunities for paid work and a dedicated case manager assisting young people to access appropriate and relevant support.^{16 17 18}

Tailored solutions

Central to a child rights approach is upholding the best interests of the child (Article 3, Convention on the Rights of the Child (CRC)). This Article promotes demonstrative commitment to a child's well-being, including their physical, emotional, and educational needs. Determining what's best for a child requires careful consideration and assessment, and the need for ensuring that they have protection and care necessary for their well-being and needs.

Children as young as 10 can be caught within the youth justice system. Provision of individualised care and support tailored to the individual needs of the young person in

¹² Dean A (2018) The intersection between the child protection and youth justice systems, AIFS (Australian Institute of Family Studies)

¹³ Queensland Government. (2023). Youth Justice Summary Census 2022.

https://desbt.qld.gov.au/_data/assets/pdf_file/0019/17083/census-summary-custody.pdf

¹⁴ McArthur, M., Suomi, A., & Kendall, B. (2021). Review of the service system and implementation requirements for raising the minimum age of criminal responsibility in Australian Capital Territory (p. 7). Australian National University. https://www.justice.act.gov.au/data/assets/pdf_file/0006/2072364/Raising-the-Age-Final-Report.PDF

¹⁵ Atkinson Report on Youth Justice (desbt.qld.gov.au) page 38

¹⁶ Deloitte Access Economics (2018). Transition to Success: Evaluation Report. [Transition to Success: Evaluation Report \(desbt.qld.gov.au\)](https://desbt.qld.gov.au)

¹⁷ Nous Group (2023). Final Report: Evaluation of Intensive Case Management. [Final report - Evaluation of Intensive Case Management \(desbt.qld.gov.au\)](https://desbt.qld.gov.au)

¹⁸ Deloitte Access Economics (2012). Evaluation of Skilling Queenslanders for Work: Department of Education, Training and Employment. [Report - Evaluation of Skilling Queenslanders for Work, 23 July 2012 \(aed.qld.gov.au\)](https://aed.qld.gov.au)

contact with the youth justice system, is one way of better meeting the requirements of Article 3 of the CRC.

Further our system needs a greater focus on cultural safety and responsiveness. Under Article 30 of the CRC, the Queensland Government has responsibilities in relation to ethnic, linguistic, religious minorities, as well as young Aboriginal and/or Torres Strait Islanders. Children and young people at risk of offending are not a homogenous group, particularly Aboriginal and/or Torres Strait Islander children and young people from Culturally and Linguistically Diverse backgrounds. Each one requires tailored supports to meet their needs and respect and recognise their right to enjoy and live out their own cultures (Article 30 CRC). There should be targeted programs for both these cohorts of young people in contact with the youth justice system, as well as other minority groups in keeping with their culture, age, gender, and circumstances; and culturally appropriate early intervention programs for those deemed at high risk of contact with the system.

Raise the age

The Queensland Government must amend the law and raise the age of criminal responsibility for all types of offences to at least 14 years of age.

The earlier a child is exposed to the justice system the more likely they are to reoffend.¹⁹ Research also clearly demonstrates that early contact with the youth legal system increases the likelihood of:

- **Poor future justice outcomes:** (the younger they are at their first point of contact with the youth justice system, the longer their involvement in the system is likely to be)
- **Interruption to education:** children in contact with the youth justice system are less likely to complete their education, and less likely to thrive into the future, and
- **Trauma and mental illness:** incarceration and criminalisation cause documented long-term impacts on mental health and often compounds pre-existing trauma.²⁰

Raising the age of criminal responsibility will break the cycle of crime and deliver permanent and positive change to the Queensland community.

In addition, the Queensland Government should immediately remove children younger than 14 from the justice system and invest in services and supports. Children under the age of 14 should not be held criminally culpable for offending behaviour, as their behaviours are often the result of developmental immaturity, experiences of trauma, and intergenerational, social, and environmental disadvantage beyond their control. Criminalising children at an early age and relying on a punitive crisis model only entrenches disadvantage, reinforces trauma, and fails to address the underlying societal and environmental factors that lead to offending and re-offending. Raising the age of criminal responsibility to 14 would represent a significant step in shifting the focus of the youth justice system from criminalising disadvantage to addressing the causes of disadvantage.

Raising the age of criminal responsibility should also be accompanied by investment in strengths-based supports and services to address drivers of disadvantage that lead to anti-social behaviour in under 14-year-olds.

¹⁹ Sentencing Advisory Council (2016). Reoffending by children and young people in Victoria (p. xiii). [https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/Reoffending by Children and Young People in Victoria.pdf](https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/Reoffending%20by%20Children%20and%20Young%20People%20in%20Victoria.pdf)

²⁰ Save the Children 54 Reasons, dandolopartners, & McDougall, J. (2023). [Putting children first: A rights respecting approach to youth justice in Australia](https://www.savethechildren.org.au/getmedia/4bafc9d7-c9de-4088-b591-547714fc8673/Putting-children-first-A-rights-respecting-approach-to-youth-justice-in-Australia-April-23.pdf.aspx). <https://www.savethechildren.org.au/getmedia/4bafc9d7-c9de-4088-b591-547714fc8673/Putting-children-first-A-rights-respecting-approach-to-youth-justice-in-Australia-April-23.pdf.aspx>

Developing media guidelines for responsible reporting on youth related crime

The media often simplifies the complex social narrative surrounding youth offending. Developing media guidelines could help guide a more positive involvement of media in addressing the overall problem of youth crime. For example, given the way our society is informed by what they view in the media, the media could play an integral role assisting families to find support. The media have been receptive to guidelines about responsible reporting of suicide prevention and mental health. The same principles of reporting facts and sources of support could be beneficial for families and community members who are unsure of where to find support for their children and young people who are at risk of offending behaviour.

We would welcome the opportunity to explore these ideas with you in further detail. Should you require further information about any issues raised in the submission, please do not hesitate to contact Tracy Adams, **yourtown** CEO via email at advocacy@yourtown.com.au.

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Authorised by Tracy Adams,
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Parentline

Parentline offers free confidential phone and webchat counselling and support for parents and carers of children in Queensland and the Northern Territory. It offers a safety net for families by providing support when it is most needed. This includes after hours and weekends, where families feel isolated and where local services are unavailable. In 2022/23, parents and carers in Queensland and the Northern Territory attempted to contact Parentline over 12,000 times.

yourtown welcomes the opportunity to respond to the Youth Justice Reform Select Committee's priority areas for Phase 2 of the Inquiry into Youth Justice Reform in Queensland. We support the priority areas of the inquiry; however, the voices of children, young people and their families are currently missing from the priority areas and we strongly believe that these must be represented in the development of the Youth Justice Strategy and resulting programs.

In this submission, we provide feedback on some of the priority areas. Specifically, we advocate for:

- Including children and young people alongside government agencies and community organisations in the development of the Youth Justice Strategy
- Using human-centred¹ and co-design² approaches to design services and increase the likelihood of children and young people's engagement
- Tailoring solutions to specific vulnerable groups
- Prioritising Aboriginal and Torres Strait Islander solutions
- Providing support to reduce disengagement from the education system
- Developing a trauma responsive youth justice system
- Delivering therapeutic early intervention programs
- Funding community-based programs
- Building an evidence base of what works
- Implementing frameworks and practices for supporting children and young people's transition back into the community, and
- Developing media guidelines for the responsible reporting of youth related crime

For more than 60 years, **yourtown** has been supporting children and young people in Queensland. We support children, young people and families with mental health and wellbeing, parenting and early childhood development, long-term unemployment, prevention of youth suicide, children protection, and support for those experiencing domestic and family violence. **yourtown** is well-positioned to provide feedback to the inquiry due to our extensive experience supporting children and young people with high exposure to the social drivers behind youth offending.

Priority Area 1: A 10-year strategy for youth justice in Queensland that engages all government agencies and community organisations which deliver services along the youth justice continuum

Including the voices of young people in the youth justice strategy

yourtown appreciates that the priority area of a 10-year strategy for youth justice in Queensland aims to engage all government agencies and community organisations in the youth justice ecosystem; however, the priority area fails to mention the need for the voices of children and young people to inform the strategy.

Children and young people have the right for their views to be heard and to be taken seriously. Any system or strategy that impacts their lives needs to include their voice and be designed to uphold, recognise, and ensure a child can access their rights. For the strategy to be relevant and effective, it must meaningfully engage young people at risk of partaking in or exhibiting offending behaviour.

We need to think differently about how to address the complex problems of youth crime and change the trajectory of young people engaging in offending or risky behaviour. **yourtown**

strongly recommends the Government use human-centred design¹ and undertake co-design² approaches to reform the youth justice system, working with young people at risk, or in contact with the criminal justice system.

The voices of young people at risk of engaging in or exhibiting offending behaviour are generally not heard when youth justice supports and systems are designed. It is usually the experts who are consulted, but not the 'potential users' of the system. Young people at risk of offending are more likely to be the target of negative press and stigma, than have their voices and stories heard, or to be engaged in co-design processes. The current system works for some, but not for others, and many who come into contact with the system find it highly traumatising. There needs to be genuine listening to young people about their experiences and learnings, and what would work, what would not work, what would trigger them or scare them, and most importantly, what would help them.

Recommendations:

That the Government includes the voices of children and young people to inform the 10-year strategy for youth justice in Queensland

That the Government undertake human-centred design and co-design processes to meaningfully capture and use the experiences of young people and other key stakeholders to inform the strategy

Priority Area 2: How to instigate earlier assessment, intervention and prevention strategies that support children and their families to access health, education, housing and other services

yourtown strongly supports the priority area exploring how to instigate earlier assessment, intervention and prevention strategies that support children and their families to access health, education, housing, and other services. The only way to change the trajectory of young people at risk of contact with the youth justice system, is by ensuring that the right support is provided to them, at the right time. Most importantly, the 'best time' is long before potential contact with police or the youth justice system.

Early intervention programs can support children and make communities safer.³ Children and young people at risk of contact with the youth justice system are well known to be a vulnerable cohort, often with complex and intersecting social needs. To prevent or address potential offending, the root causes of offending need to be addressed. The system should be designed to account for impacts upon the behaviour of children given their individual context and (often multiple) social challenges that they face whether environmental, domestic violence, health, developmental, disability, employment, education, as well as past trauma. A youth justice system fit for a 21st Century Queensland needs a flexible service system that can respond to these increasingly complex needs.

Tailoring solutions to specific vulnerable groups

Our system needs a greater focus on cultural safety and responsiveness. Under Article 30 of the Convention on the Rights of the Child (CRC), the Queensland Government has responsibilities in relation to ethnic, linguistic, religious minorities, as well as young Aboriginal

¹ A problem-solving technique that places real people at the centre of the development process, enabling the creation of products and/or services that resonate and are tailored to the audience's need

² Design process that is participatory, in which community members are equal collaborators

³ Justice Reform Initiative. (2023). Alternatives to Incarceration in Queensland. (pp.18 – 27).

https://assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1685393777/JRI_Alternatives_QLD_FULL_REPORT.pdf?1685393777

and/or Torres Strait Islanders. Children and young people at risk of offending are not a homogenous group, particularly Aboriginal and/or Torres Strait Islander children and young people from Culturally and Linguistically Diverse backgrounds. Each one requires tailored supports to meet their needs and respect and recognise their right to enjoy and live out their own cultures (Article 30 CRC). There should be targeted programs and culturally appropriate early intervention programs for those deemed at high risk of contact with the system.

Prioritising Aboriginal and Torres Strait Islander led solutions

It is of ongoing concern that Queensland continues to have such significant overrepresentation of Aboriginal and Torres Strait Islander youth in contact with the youth justice system.⁴ Aboriginal and Torres Strait Islander people should lead the design, and development of a reformed youth justice system. The Queensland Government should be accountable particularly to these communities for implementation of policy, legislation, and early intervention and community programs regarding youth offending, as well as models for incarceration.⁵ The voices of our Aboriginal and Torres Strait Islander young people and communities are essential to ensure our youth justice system finally addresses the systemic injustice of their overrepresentation. Their leadership in guiding a reformed system focused on early intervention with incarceration as a last resort, is essential if we are ever going to build a better service system (beyond that of just youth justice) that is culturally safe and responsive for young Aboriginal and Torres Strait Islander people.

Community controlled organisations should be funded through long term contracts to deliver early intervention supports, and funded to evaluate their programs to contribute to research and knowledge of what works for their communities. It is well known that supports delivered by Aboriginal and Torres Strait Islander communities have greater success in preventing and responding to offending among Aboriginal and Torres Strait Island young people.⁶ Community-led interventions can overcome the significant barrier of lack of trust that Aboriginal and Torres Strait Islander young people experience when interacting with government or mainstream services and agencies.

Effective strategies for working with Aboriginal and/or Torres Strait Islander young people need to be: evidence-based; strengths-based; led by Aboriginal and Torres Strait Islander communities; and addressing the underlying social and economic issues and intergenerational trauma impacting Aboriginal and Torres Strait Islander young people. This is essential if Queensland is to successfully address the overrepresentation of Aboriginal and/or Torres Strait Islander young people in contact with the criminal justice system.

A highly successful example of an Aboriginal and Torres Strait Islander led initiative is the Murri Court. It is effective because it instils community ownership,⁷ and taps into the respect and influence of local Elders within their community to mediate positive and sustainable legal responses. The therapeutic model is also more in keeping with Aboriginal and/or Torres Strait Islander values and understanding. Other key components contributing to its success include: comprehensive assessment of young person's circumstances which is made available to court; including the young person's family, Elders and other influential people as part of the sentencing process; and linking the young person to appropriate support services based on their assessment and offence as managed by a Murri Court coordinator.⁸

⁴ In 2021-22 Aboriginal and Torres Strait Islander young people aged 10-17 were 21 times as likely as non-Indigenous people to be under supervision; and 23 times more likely to be in detention. Youth justice in Australia 2021-22, Queensland - Australian Institute of Health and Welfare (aihw.gov.au)

⁵ Youth Justice Reforms Review Final Report (2022). [Youth Justice Reforms Review \(dcssds.qld.gov.au\)](https://www.dcssds.qld.gov.au)

⁶ Pooley K. (2020). What are the characteristics of effective youth offender programs? Trends and issues in crime and criminal justice, 604. Canberra: Australian Institute of Criminology

⁷ Ipsos Aboriginal and Torres Strait Islander Research Unit, Brisbane Public Affairs Unit, Guerzoni, M., & Martin, K. (2019). Evaluation of Murri Court: Prepared for the Queensland Department of Justice and Attorney-General. [Evaluation of Murri Court \(courts.qld.gov.au\)](https://www.courts.qld.gov.au)

⁸ Morgan, A., & Louis, E. (2010). Evaluation of the Queensland Murri Court: Final Report. AIC Reports: Technical and Background Paper 39 [Evaluation of the Queensland Murri Court: Final report \(aic.gov.au\)](https://www.aic.gov.au)

Currently there are only 15 locations for Murri Courts in Queensland, and yet 131 locations that Magistrates Courts can hear cases throughout Queensland. There should be increased investment to extend the availability of Murri Courts on a more equitable basis throughout Queensland.

Recommendations:

That the Youth Justice Strategy include targeted programs for Aboriginal and/or Torres Strait Islander children and young people and those from Culturally and Linguistically Diverse backgrounds, as well as other minority groups in keeping with their culture, age, gender, and circumstances

That the Government increase funding for proven, strengths-based solutions led by Aboriginal and/or Torres Strait Islander communities that address the underlying social and economic issues and intergenerational trauma impacting Aboriginal and/or Torres Strait Islander young people

Providing support to reduce disengagement from the Education system

Young people who disengage from education, training and/or employment have a significantly higher risk of participating in offending behaviours.⁹ In 2022, 45% of young offenders: were not enrolled in school or in other educational programs (e.g. TAFE, registered training organisation, VET program, university); not participating in vocational training (e.g. apprenticeship/traineeship); not in any paid/unpaid employment; and/or not actively job seeking.¹⁰ Research on total disengagement from education and training highlights the following issues:

- Varied levels of identification of students at risk in the early years and subsequent support for children and families
- Shortage of suitable and evidence-based alternative and flexible learning options for students with varying needs, and
- Limited data sharing between schools, making it easier for students to fall through the gaps.

Maintaining engagement and participation in education through to further training or employment provides young people with opportunities and a greater sense of self-worth and social capital, decreasing the factors that can lead to offending behaviours.

Recommendations:

That schools identify students at risk in the early years and provide relevant and consistent support for children and their families to remain engaged with the education system

That the Government invest in a range of formal, alternative and flexible education options and supports to meet the varying needs of children and young people

That the Government invest in systems to enable data sharing across schools, school systems and relevant government departments to ensure students do not fall through any gaps

⁹ Heerde, J et al. (2018). Prevent crime and save money: Return on investment models in Australia, Trends and Issues in Crime and Criminal Justice No. 545, Australian Institute of Criminology, Canberra.

https://www.aic.gov.au/sites/default/files/2020-05/ii_545_prevent_crime_and_save_money_131218.pdf

¹⁰ Department of Youth Justice, Employment, Small Business and Training, (2022). Youth Justice Census Summary <https://www.dcssds.qld.gov.au/resources/dcsyw/youth-justice/resources/census-summary-statewide.pdf>

Developing a trauma responsive system

Research has shown that if a child undergoes a strong and prolonged stress response, it can lead to lifelong problems in learning, behaviour, and physical and mental health.¹¹ In 2016, between 50-66% of young people in youth justice systems across Australia were estimated as having experienced childhood trauma.¹² For young people engaged with the Youth Justice System in Queensland more than half of those in custody report having experienced significant trauma or situations that involve high stress, including: domestic and family violence, disability, neurological conditions, and poverty.¹³ These environments and experiences can lead to trauma related behavioural problems which result in offending behaviours.

Currently, the needs of children and young people and the root causes of problematic behaviour are not adequately addressed within our youth justice system. Firstly, funding should be directed towards delivery of holistic, community-based supports and services to address disadvantage. This includes providing programs/approaches for: families to build parenting capabilities; engaging and supporting children to stay in school; linking young people with training and employment pathways; addressing family violence and housing instability; and identifying and responding to at-risk children and young people and their health, mental health, disability, and behavioural and developmental needs. These programs and supports should have warm referrals, and no police contact. The common features in successful programs in reducing offending behaviour include opportunities for paid work and a dedicated case manager assisting young people to access appropriate and relevant support.^{14 15 16}

Recommendation:

That the Youth Justice Strategy prioritises holistic, community-based services and supports that address the root causes of problematic behaviour related to childhood trauma

Delivering therapeutic early intervention programs

Risk factors¹⁷ that can lead to youth offending include homelessness, poverty, disengagement from education and training, long-term unemployment, substance abuse, mental health issues adverse childhood experiences, being a victim of crime, associations with anti-social peers, and the effects of trauma, including intergenerational trauma, such as their parents being held in custody. Individual-level protective factors¹⁸ include social competence, low irritability and impulsivity, good coping mechanisms, attachment to school, and employment in meaningful work. Family-level protective factors centre on parent-child relationships and family context and include low physical punishment and

¹¹ Dean A (2018) The intersection between the child protection and youth justice systems, AIFS (Australian Institute of Family Studies)

¹² [Atkinson Report on Youth Justice 2018 \(desbt.qld.gov.au\)](#) page 38

¹³ McArthur, M., Suomi, A., & Kendall, B. (2021). Review of the service system and implementation requirements for raising the minimum age of criminal responsibility in Australian Capital Territory (p. 7). Australian National University. https://www.justice.act.gov.au/data/assets/pdf_file/0006/2072364/Raising-the-Age-Final-Report.PDF

¹⁴ Deloitte Access Economics (2018). Transition to Success: Evaluation Report. [Transition To Success; Evaluation Report \(desbt.qld.gov.au\)](#)

¹⁵ Nous Group (2023). Final Report: Evaluation of Intensive Case Management. [Final report - Evaluation of Intensive Case Management \(desbt.qld.gov.au\)](#)

¹⁶ Deloitte Access Economics (2012). Evaluation of Skilling Queenslanders for Work: Department of Education, Training and Employment. [Report - Evaluation of Skilling Queenslanders for Work, 23 July 2012 \(aed.qld.gov.au\)](#)

¹⁷ Risk factors are characteristics, conditions or events that, if present for an individual, can increase the likelihood of their offending

¹⁸ Protective factors are factors that can reduce the likelihood of offending directly, or by moderating the effect of exposure to risk factors

supportive caring parents. Social-level protective factors include positive peer networks.¹⁹ The state-wide census on young people who were under active supervision in the community (supervised order and/or conditional bail program), were in custody in a youth detention centre or a watchhouse (remand/sentence only) or in adult prison (while also subject to an active youth justice order), shows the following data:

- 53% have experienced or been impacted by domestic and family violence
- 45% have totally disengaged from education, training or employment
- 30% had been living in unstable and/or unsuitable accommodation
- 27% had parents who have been held in custody
- 27% have at least one mental health disorder (e.g. anxiety, depression, post-traumatic stress disorder, personality disorder, psychosis)
- 27% have at least one disability (cognitive/intellectual, attention deficit hyperactivity disorder, developmental language disorder, fetal alcohol spectrum disorder, autism spectrum disorder)
- 14% have at least one behavioural disorder (conduct disorder, opposition defiance and/or attachment disorder), and
- 10% have an active child protection order.²⁰

The system should shift focus from punitive approaches towards delivering and funding therapeutic early intervention programs to negate risk factors and promote protective factors. Not only should support be provided for at risk children, but also for their families to address the root cause of social issues within their home environment that may trigger offending behaviour, and at the same time bolstering protective factors. Examples of programs include: after school and diversion programs; safe accommodation options; transitional employment programs with case management support; face-to-face and digital mental health and wellbeing support, drug and alcohol reduction strategies, parenting programs, opportunities to develop positive peer networks, alternative police responses; and multi-disciplinary panels.

Recommendation:

That the Youth Justice Strategy prioritise therapeutic early intervention programs for children, young people, and their families

Funding community-based programs

There are many community-based programs that are known to work. One example is school community diversion approaches that are open overnight. These approaches need to work in conjunction with other school-based programs, including school refusal interventions (e.g. Regional Youth Engagement Services comprised by guidance officers, youth support workers, transition support officers, Aboriginal and/or Torres Strait Islander officers) that address the root causes of children and young people refusing to attend school. Another consideration is funding justice reinvestment approaches centred around early intervention and therapeutic support to improve social outcomes in areas beyond youth justice, such as education or employment, generating multiple benefits across the whole system of social supports. Consideration could also be given to incentivising prevention and early intervention through results-based contracting and commissioning. This approach requires a whole of system coordination, particularly for those in contact with the youth justice system, including warm referrals to other services in different service systems to ensure that no one falls between the cracks or is left without support across the system as a whole.

¹⁹ Queensland Treasury (2021). Youth offending: Research brief. <https://www.qgso.qld.gov.au/issues/10321/youth-offending-april-2021-edn.pdf>

²⁰ Department of Youth Justice, Employment, Small Business and Training (2022). Youth Justice census summary – state-wide 2018-2022 https://desbt.qld.gov.au/_data/assets/pdf_file/0022/17086/census-summary-statewide.pdf

Recommendation:

That the Government fund evidence-based community programs to provide long-term holistic support that addresses the root causes of offending behaviour

Building an evidence base of what works

We need quality evaluations to build the evidence base and determine 'what works' and what doesn't. While many early intervention programs can provide anecdotal evidence of 'what works', they are rarely evaluated, or funded to do so. Appropriate funding should be provided, along with the funding to deliver the program, to ensure that an evidence base is developed for what works within community based early intervention and prevention programs and approaches for those in contact and at risk of contact with youth justice.

There is a lack of longitudinal data on youth offending which means we are limited to describing the extent of the issue. Organisations and government should have the systems in place for longitudinal data collection and sharing. Longitudinal data can provide a more accurate picture of the causes and consequences of youth offending and how situations and policy tools can affect outcomes over time, as well as be used in return on investment analyses. This in turn can inform broad strategic plans, policy decisions, and program design.

Recommendation:

That the Government partner with research bodies or universities to ensure quality, and ethical evaluations that can build a reputable evidence base of what works within the youth justice sector

Priority Area 4a: How to improve children and young people's engagement with positive programs

yourtown strongly supports the inquiry's priority area to explore how to improve children and young people's engagement with positive programs, particularly those held on remand or released on bail where engagement may be lower compared to those in detention. As part of **yourtown's** service design process, we use human-centred¹ and co-design² approaches to challenge the way we do things, including internal processes, so that our services are re-designed with young people and around their needs. This includes even re-designing the look and feel of the services that we offer, so that they are inviting to the young people that we are seeking to engage, whether face to face, or online. Primarily, programs should be co-designed with potential participants, so that the ultimate design results in a program that young people will happily engage with. In addition, programs should be fair, inclusive, and person-centred, foster resilience, and use capability building approaches.

Priority Area 4b: How to improve children and young people's transition back into the community

yourtown strongly supports the inquiry's priority area to explore how to improve children and young people's transition back and ongoing engagement with the community. **yourtown** has notable experience working with young offenders in Queensland to deliver a range of programs delivering life, parenting and employment skills to facilitate their successful transition back into their local community. These include delivering the previously government-funded Youthful Offenders Program in Queensland Correctional Centres and Participate in Prosperity, as well as supporting youth offenders who may be participating in our Transition to Work program, education programs and our social enterprises. Employment is recognised as being a beneficial mechanism to assist young people after their release from supervision or completion of a sentence. Employment provides this cohort with critical factors

that can prevent them from reoffending including; self-esteem and increased confidence; a sense of responsibility and improved self-control and agency; structure and daily routines in their lives; and perhaps most tangibly a source of income.²¹ However, many young offenders have been long-term unemployed, which **yourtown** has recognised as a barrier to work in and of itself.²² Developing the attitudes, skills and other capacities necessary to gain and maintain employment can take considerable time.

Young offenders preparing for release are often developmentally behind their peers. Hence, they need time and support to develop the skills, attitudes and behaviours valued by employers, including communication, the capacity to work as a productive team member, self-organisation, reliability, problem-solving and impulse control. It is important that their unique needs are understood and incorporated within a service focused on assisting them to prepare for employment.

At **yourtown** we are committed to helping more young people in deeper and more meaningful ways by redefining how our services for young people are designed. We do this by involving people who actually use (or potentially use) these services and applying a human-centred design approach¹ to improve and enhance the service user and staff experience to ultimately create a better service for everyone. We used this process to develop the service blueprint for our Transition to Work program. Through our human-centred service redesign approach and delivery of programs for young offenders and those at risk of offending, we have identified key elements that are integral to effective rehabilitation programs, including those elements that should be universally applied to rehabilitation services and those that should be applied to employment services only.

Universal elements (framework and structure)

- **Youth specialist services providers**

Young people are more likely to seek assistance from services that are youth-focused and familiar with contemporary youth culture and preferences.

- **Formal partnerships**

Collaborations between government and non-government agencies are important to help build on existing knowledge about what works, share information about clients, effectively utilise organisational strengths, maintain focus on objectives and desired outcomes and maintain momentum.

- **Culturally appropriate support**

Aboriginal and/or Torres Strait Islander young people and families and those from CALD backgrounds require access to Aboriginal and/or Torres Strait Islander young people staff, workers from different cultural backgrounds, and culturally appropriate support.

- **Effective and secure information-sharing systems or approaches**

These systems are required to facilitate the sharing of information between providers and ensure temporary staff can step in and continue a case when regular staff may be on leave, sick, or have moved on due to natural attrition.

- **Time to build relationships of trust and respect**

Many young offenders will not have a healthy relationship with an adult or have reasons to mistrust adults. All services supporting at risk children and young people or young offenders need to show this cohort that they believe in them, and are there to help.

- **Integrated 'through care' before and after release**

²¹ Verbuggen, J. (2015) *Effects of Unemployment, conviction and incarceration on employment: a longitudinal study on the employment prospects of disadvantaged youths*. Oxford University Press on behalf of the Centre for Crime and Justice Studies.

²² **yourtown** (2018) Tackling long-term youth unemployment: position paper: <https://www.yourtown.com.au/sites/default/files/document/yourtown-LTYU-position-paper.pdf>

Continuous support reduces the likelihood that young offenders will reoffend soon after release from bail and/or supervision. Our approaches have involved connecting with the young person and (where appropriate) their family, while they are on bail and/or under supervision to begin the process of building a trusting relationship, introducing the young person to the program and working with established case managers to support co-case work.

Universal elements (practice approaches)

- **Holistic service provision**
Supports need to be delivered via the channel (online modes of face-to-face) they prefer depending on their circumstances. Assessments should be implemented in youth-friendly and culturally appropriate manner to help develop the rapport and trust, crucial to client success in the program. They should incorporate information held by government agencies and other services working with the young person so that a 360 degree understanding of their needs can be developed and accommodated.
- **Individual support and group workshops**
The combination of individual support and group workshops are required to meet learning and engagement styles of different clients. Both should be highly practical and 'hands-on' and emphasise 'learning by doing' as many people involved in the justice system have experienced difficulty in traditional school and training environments.
- **Intensive case management**
One-on-one intensive case management is needed to build strong rapport, mutual respect between a trusted staff member and client, and work on a range of ingrained, complex and often deeply personal client issues. Support should recognise and respond to the complexity and incidence of trauma experienced by young people and families. Culturally appropriate healing practices need to be embedded in the system, services and staff practice.
- **Practical strategies**
Practical strategies and support during initial stages of engagement such as incentives and recognition of progress and the achievement of milestones are useful to help demonstrate the immediate benefits of participating in the service and assist with building rapport. For example, the provision of Certificates of Participation following attendance at weekly workshops builds motivation and can be used as evidence by young people when attending parole hearings and is particularly important for those who have had little or no history of positive engagement or records demonstrating achievement in formal education.

Elements for employment programs

- **Participating in meaningful work**
The nature of the job undertaken by a young offender is important. Young people in stable and meaningful work, or in high quality roles are less likely to reoffend.²³
- **Earning a wage in real-life employment programs**
Financial rewards for participation in work undertaken in transitional employment programs are useful to help motivate participants and give them a real idea of what working and having access to their own income can feel like. It also gives them an opportunity to start learning to budget effectively.

²³ Ramakers, A., Neuiuwbeerta, P., Van Wilsem, J. and Dirkzwager, A. (2017) Not just any job will do: A study on employment characteristics and recidivism risks after release. *International Journal of Offender Therapy and Comparative Criminology*, Vol 61 (16) 1795-1818.

Recommendation:

That the Government undertake human-centred design and co-design processes to meaningfully capture and use the experiences of young people and other key stakeholders to inform the strategy

Priority Area 6a: How to strengthen public confidence in the youth justice system, including by examining the impact of social media and traditional new media on youth offending and community perceptions of safety

The media often simplifies the complex social narrative surrounding youth offending. Developing media guidelines could help guide a more positive involvement of media in addressing the overall problem of youth crime. For example, given the way our society is informed by what they view in the media, the media could play an integral role in assisting families to find support. The media have been receptive to guidelines about responsible reporting of suicide prevention and mental health. The same principles of reporting facts and sources of support could be beneficial for families and community members who are unsure of where to find support for their children and young people who are at risk of offending behaviour.

Recommendation:

That the Youth Justice Strategy support the development of media guidelines for the responsible reporting of crime, particularly youth related crime

We would welcome the opportunity to explore these ideas with you in further detail. Should you require further information about any issues raised in the submission, please do not hesitate to contact Tracy Adams, CEO of **yourtown** via email at advocacy@yourtown.com.au.