

CORRECTED VERSION

LAW REFORM COMMITTEE

Inquiry into access to and interaction with the justice system by people with an intellectual disability and their families and carers

Geelong — 20 March 2012

Members

Mr A. Carbines
Ms J. Garrett
Mr C. Newton-Brown

Mr R. Northe
Mrs D. Petrovich

Chair: Mr C. Newton-Brown
Deputy Chair: Ms J. Garrett

Staff

Executive Officer: Dr V. Koops
Research Officer: Ms V. Shivanandan

Witness

Ms D. Leverett, Principal, Nelson Park School.

The CHAIR — Welcome. The Law Reform Committee is one of several committees set up by the Parliament which consist of members from both sides of politics. The committees are given references to investigate and then to report back to Parliament and, hopefully, some of our recommendations might end up in new legislation once our report has been tabled. Thank you very much for your contribution and for coming in today to assist us with this inquiry. We record everything, and you have parliamentary privilege for anything you say here but not what is said outside the room. We will give you a copy of the transcript so you can correct any errors. For the transcript if you could start with your name and address and who you represent and then launch into what you want to tell us.

Ms LEVERETT — Sure. I am happy to. I am Di Leverett, and I am the principal of Nelson Park School. I have been at Nelson Park School for six years. I have worked as a classroom teacher in special schools since 1986 and as a principal class officer now for 18 years, so most of my career has been spent working with young people with intellectual disabilities. I have also worked with young people with multiple diagnoses and at times, as you stated in the paper that I read, sometimes with young people who on top of their intellectual disability also perhaps suffer trauma and have an additional ABI that may compound their difficulties in accessing something like the justice system. When I received the opportunity, I thought, ‘Perhaps I am no great expert but I could bring some experience from my work face-to-face with young people and with their families’.

The CHAIR — Your school is only for people with mental disabilities?

Ms LEVERETT — Yes.

The CHAIR — Some people have been giving evidence saying they would rather have people with mild disabilities in mainstream schools. In your experience, is it better to have a school focused on students with those impairments?

Ms LEVERETT — I think in my experience we are really fortunate as parents in Victoria to have the choice. Young people can either go to a mainstream school and be integrated if, indeed, that is what is best for them, or they have the opportunity to be at school in a special setting. I have certainly seen both work for young people. I have had students dual enrolled in a mainstream school and in a special school that I have been working in, and I have seen that work too. I have seen it perhaps not work — where it was not a good thing to be spread across two schools. I have possibly also seen students who were in a special setting who would be better placed in mainstream and vice versa.

The CHAIR — Okay. In relation to access to justice, what can you tell us?

Ms LEVERETT — I recall as a very young teacher, so quite some time ago, being a classroom teacher and working with one of my students in accessing the justice system and, in a way, being an advocate for her. That was probably my first experience. I guess across my years in special education I have had many experiences of supporting young people and their families to access, understand and get the most out of the justice system. Last week I spent some time talking with my two student wellbeing officers. We have two social workers who work full-time in the school primarily with the years 7 to 12 students — our school is prep to year 12. Those social workers assist students and families to access services. They have some insights, too, that they wanted me to bring along. One of them particularly has worked for many years with the DHS before coming across to us, so she has quite an interesting perspective in working with young people to access the justice system from two different roles.

I will talk about some of the things we have seen work well. At times we have seen that if students who we might notice are at risk of getting heavily involved in the justice system are able to engage with services and programs at an early stage and be supported to do that and are keen to engage and their families are keen, they are able to avoid those risks and pitfalls and make good choices and go on to have good opportunities in their lives. I guess equally we also know that we would have students who we really want to access those services but who do not see it as a helpful thing. They are not keen or interested, and their families are not particularly keen for them to be accessing those services, so quite different outcomes.

Mr NORTHE — Di, can you maybe elaborate on those programs and services that you have been to that work well?

Ms LEVERETT — Yes. What happens for young people like ours is that if you are at risk and perhaps looking at risk of offending and if you have also got an intellectual disability, you will be denied access to programs associated with the government schooling system, so alternative settings, for example. If I approach an alternative setting that is government school-funded and say, 'I have got a student who is at risk. I am really worried about this young person's pathway. Can I access some programming?', quite often we will be told no and that the student does not qualify because they have an intellectual disability.

There is quite a range of resources out there that are not available to kids who are at risk because they have got an ID. Unfortunately there is not a matching set of resources out there for kids who have an ID, so we tend to access whatever it is we can access beyond the school system. It tends to be beyond the school system. There are things like Hand Brake Turn, which is funded locally in Geelong. I have had a number of boys go through that program — they just happen to be boys — because they really wanted to work with their hands and fit way better into that learning environment than a classroom environment. I probably have five or six students, I would think, in the last few years who have gone into a program like that. They have been at serious risk of offending and perhaps have started to offend in minor ways but have really turned themselves around and gone on to pick up part-time work or further study and have quite good outcomes out of something like that.

Mr NORTHE — I am not that familiar with the program. Is that a state government-funded program, or is it through business?

Ms LEVERETT — It is state government funded in some small way. Places like United Way — Give Where You Live — provide a lot of funding, but also businesses. A lot of in-kind donations are made. We pay for our students to attend a program like that. It is a 10-week program, and then we try to find a pathway forward for the young man which is perhaps not school based. With any pathways forward that are not school based, it is our role, and that takes a lot of time and energy. I have to have staff like Pathways staff who devote their time and energy to finding ways through it for young people with intellectual disability who are at risk, because they tend not to fit in the classroom environment. I guess they are some of the challenges. We choose to use our school budget to do that because we see that a significant cohort of our kids are at risk, and if we do not find the ways forward, there are possibly gaps out there. Because they have mild intellectual disability, they do not particularly want to be seen to be accessing disability-specific services. They might have a bit of a chip on their shoulder around, 'I am different; I am not like those other kids'.

Ms GARRETT — What is the definition of 'mild'?

Ms LEVERETT — IQ 70 to 55 is the world-accepted definition. Milds have two standard deviations below the mean. In Geelong historically we have a bit of a bizarre agreement that it is 70 to 50, so students with an IQ under 50 would go to Barwon Valley School — the SDS — and students with IQ 70 to 50 go to my school. I do have a number of students who are perhaps sitting over 70 who are at risk in mainstream settings. The regional director will write me a letter saying to take that student even though they do not fit our criteria.

Some of the other things that we think make it difficult that are not particularly the fault of any of the agencies or organisations that we work with are in relation to the justice system. Often our kids come from backgrounds of poverty or resource — all sorts of resource — deficits, be they social, emotional or financial. It is their perception of the justice system. While the agencies may want to interact and work with them really positively, the young people themselves actually come to the table with quite a negative perception of police, justice workers or the other agencies we might work with. We find particularly because we work so closely with our students — there are 330 in our school, about half of whom are secondary school age — a constant changeover of case managers and workers. I guess it is not anybody's fault, but it is just how it is. You get to know that worker and the young person gets to know that worker, and then you will come to the table to discover that there has been a case management change or that person has shifted into a different role and you possibly only get three or four weeks with one person who has gotten to know perhaps the complexities and develop a bit of a relationship with the young person and start to do some good work. Then it has to start all over again. That is an unfortunate aspect. It is not the fault of the workers.

Mr NORTHE — Conversely, do you see students and the families move in and out as well and not just the workers? I guess that is a difficult thing to manage as well. You have to start from scratch to some degree.

Ms LEVERETT — For our families, and particularly our families where kids are at risk, transience is a real issue. While the school system has developed the VSN — the Victorian Schools Number — and students can be tracked, families tend to move when they find that there is a bit of pressure on them wanting them to perhaps work with agencies and create better outcomes for kids by changing their own behaviour or making things perhaps a bit more difficult in the home by asking for boundaries for our kids and for adults to take responsibility for the choices that kids might be making. We try really hard to work with our students through our learning programs around knowledge of their rights. They do tend to have knowledge of their rights. It seems to be much harder to establish knowledge of your matching responsibilities, and certainly with some families we work with it would be all about our rights and perhaps much more difficulty accepting that with your rights come responsibilities. Sometimes if we have had to make a notification around a student or if we become aware of some risk taking that we think is really significant and we need to talk to other agencies that can support that family, it is often about the flow back to the school about the notification. A relationship that we might have built up over a few years with really careful work can pretty much be lost. The family usually call in the next day and will be angry and upset that you have made the notification. But we are mandated and we know we need to do it, but you spend a lot of years trying to build those relationships. Then if SOCA, DHS or protective services come into the school and interview a student, families can become very distressed and we lose that faith and trust that we have built up with them. Often that is when you will see a family move.

Ms GARRETT — Could you name some of the changes you would like to see that would better equip —

Ms LEVERETT — Perhaps our students at risk could have a more positive perception of the services that are out there. I am not quite sure how you would go about that.

Ms GARRETT — You mentioned a program before about finding more positive pathways that people with an ID cannot access. Is that something that would work?

Ms LEVERETT — Definitely.

Ms GARRETT — What is that program?

Ms LEVERETT — That program is called Hand Brake Turn. I think it has been refunded and rebranded this year and might be called something slightly different. We have been accessing it as Hand Brake Turn for a long time, but it is purposely out there as almost a second-chance protocol for young blokes we are really noticing in the schools who are not fitting very well in the school system and are not getting much out of it.

Ms GARRETT — That program, Hand Brake Turn, is available for people with ID. The other one you mentioned you said they could not access. What was that called?

Ms LEVERETT — Sitting alongside the state government school system — we have primary school, secondary school, special schools — we also have a range of opportunities that are alternative settings for kids who are not fitting very well in the system. Those are the options out there that our kids cannot access.

Ms GARRETT — Okay. What were some of those you referred to?

Ms LEVERETT — The system would call them ‘alternative settings’.

Ms GARRETT — And you think that would be helpful within — —

Ms LEVERETT — Definitely. Of our 330 students, 95 per cent can access and benefit from and enjoy and learn in and grow in the programs we can provide, but I would have about 5 per cent of my students whom our system is just not set up to cater for. They cannot manage themselves safely, and the risks to staff in having those young people in classrooms or learning environments like those we can run is too great. The search to find appropriate programs is exhausting, so for those young people we are mostly accessing programs that are more available to students who have left school. I think the demand is becoming much greater but there are not matching resources to offer to those students.

Ms GARRETT — Can I also ask: in terms of the student body, clearly what happens post-school is critical to life. What is the support post-school? Do you find that adequate? I know it is not in your bailiwick.

Ms LEVERETT — No, I understand what you mean. In year 12 of schooling we do a very close handover from the schooling system to the Department of Human Services so young people with a diagnosed intellectual disability can then go on to a range of supports that will support them into further study, into part-time work or into day programs or leisure and recreation options et cetera very much based on their individual needs. Again I would say that works for 95 per cent of my students. Ninety-five per cent of my year 12s are 30 year 12s who will finish this year. I would probably know where 27 of them will go, and we will put them into those places this year. They will transition into them this year and start attending in the second half of the year, or if they are going into apprenticeships, we are already setting that up, but then there is that small percentage who, try as we might, do not want to be associated with the disability sector. Those are the kids where there simply are not other options out there. They will be really sure that they will be fine on their own; they have finished school, they are done and they are ready to leave. These are the kids we find entering the justice system because they actually do not have the skills, knowledge and set of capacities that would enable them to be independent and well-functioning young people.

The CHAIR — Thank you very much for that. It was very helpful.

Ms LEVERETT — Pleasure. Can I just check my list and make sure I have told you everything they wanted?

Mr NORTHE — I was going to ask, Di, if you have a minute — I was a bit similar to James, but every now and again I will throw this one up. We obviously have to make recommendations to the government. If you could have your wish of one recommendation you could put to us, with the criterion of ‘no funding’ — we are not talking about funding — what is a practical recommendation you could make to us we can put forward to the government at the end of the day? Is there something that sticks out to you?

Ms LEVERETT — We probably did talk about that the other day because I thought that might be useful to you rather than just hearing what I know. I guess we were quite keen — there was the notion we talked about before about alternative settings that are available to young people with ID that are perhaps not classroom based. That is probably our most important one, but another one we had thought is probably really important is the opportunity for people in the justice system, like the police, to have the training and the knowledge like we have in special schools about how to work with young people with ID, because you do need quite a particular skill set, and it is quite easy for young people like the ones I work with to become very aggressive. They can be violent because they do not have the language to tell you or give you the answers you are after, and that can then show up in behaviours that are really quite unacceptable and lead on to further involvement with the justice system, really.

Ms GARRETT — And do you see that your school and schools like yours can play a role in that process?

Ms LEVERETT — Quite possibly, yes. The skills and knowledge we have developed over time and know through research, perhaps through our own action research, is easily stuff you can share.

Ms GARRETT — It was interesting. One of the parents we were talking about before this session started was saying very strongly — he referred to a business link program in Geelong where two days every year people with intellectual disabilities meet up with business et cetera and how that would be helpful. Anyway, what he felt was that some of the academic language is not what is needed in training sessions — it is actually humanisation and meaning and understanding. Would you agree?

Ms LEVERETT — Definitely. I guess one of the key things we know is that the language you use with our kids needs to be different so that it is accessible.

The CHAIR — All right. Thank you very much, Dianne.

Ms LEVERETT — It was a pleasure. I hope it is helpful.

Ms GARRETT — It is. Thank you. Good luck with your work.

Ms LEVERETT — Thanks. I love it!

Witness withdrew.