



Submission to Victorian Parliament Legal and Social Issues Committee Inquiry into Youth Justice Centres

Save the Children
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Save the Children Australia

Save the Children is a leading independent international organisation for children and child rights. Our vision is a world in which every child attains the right to survival, protection, development and participation. Our purpose is to inspire breakthroughs in the way the world treats children and to achieve immediate and lasting change in their lives. We work towards this vision in Australia and more than 120 countries across the globe.

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1. Overview

Save the Children welcomes the opportunity to comment on the Victorian Parliament Legal and Social Issues Committee Inquiry into Youth Justice Centres in Victoria ('the Inquiry'). We note the majority of the terms of reference relate to recent incidents that have occurred at Malmsbury and Parkville Youth Detention Centres. Our submission responds primarily to terms of reference 4 and 5 for the Inquiry¹.

There is no doubt most Australian jurisdictions are struggling to adopt approaches to youth justice that adequately balance the underlying objectives of any justice system including punishment, rehabilitation, community safety and the rights of young people and their families.

In this context, we are pleased the Victorian Department of Human Services is, concurrently with this parliamentary inquiry, leading a comprehensive Youth Justice Review and developing a strategic policy framework for youth justice under the expert guidance of Ms Penny Armytage and Professor James Ogloff. Save the Children is making separate, detailed representations to this Review and commends the Victorian Government for its efforts to find long term solutions to improve the youth justice system.

While there is acute pressure on the youth detention system in Victoria following recent events at Malmsbury and Parkville Youth Detention Centres, we strongly recommend the Youth Justice Review completes its consultations and research, and develop its recommendations, before any further changes to the youth detention system are made. This will help to ensure there is a comprehensive and evidence-based response both to recent events and to the systemic issues which underlie them. We urge the Legal and Social Issues Committee to ensure its deliberations are conducted in tandem with this broader Youth Justice Review and any recommendations ensure adherence to Australia's commitments to protecting the rights of children².

Save the Children was most concerned by the Victorian Government's recent precipitous move, which pre-empted any findings and recommendations of either the Youth Justice Review or the Inquiry by the Legal and Social Issues Committee, to:

- transfer the management of Youth Detention Centres from the Department of Human Services to the Department of Justice;
- commit to building a new, \$228 million Youth Detention facility at Werribee.

We were also disturbed by the Victorian Government's adoption of 'tough on crime' rhetoric, and its moving of young people to Barwon Prison based on the notion that the housing of young people in adult facilities might somehow be effective at reducing recidivism. Indeed, evidence suggests that

¹ "4. implications of incarcerating young people who have significant exposure to trauma, alcohol and/or other drug misuse and/or the child protection system, or who have issues associated with mental health or intellectual functioning, in relation to—

a. the likelihood of reoffending;
b. the implications of separating young people from their communities and cultures;

5. additional options for keeping young people out of youth justice centres".

² Australia is a signatory to the [UN Convention on the Rights of the Child](#) which includes requirements that children should not be put in adult prisons (Article 37) and should be sentenced to prison only in the most serious cases (Article 40).

detention does not deter re-offending, but may increase it.³ This is due to the impact detention has on cognitive and social development of young people, as well as increasing exposure to other young people who have committed offences.

As explained in more detail later in this submission (see p8), programs such as Save the Children's *Transition from Detention* model in Tasmania - which helps young people identify and develop their strengths, and reconnect with the community positively through intensive long-term support - have had dramatic results on reducing recidivism.

Based on our experience working with young people in a variety of settings, Save the Children recommends:

- additional resources for youth justice be directed to *early intervention* that will help to reduce the number of young people coming into contact with the youth justice system;
- additional resources be directed to *diverting* young people from the court system where possible;
- consideration of the youth justice system utilises trend statistics which clearly demonstrate youth crime is declining not rising⁴, as well as evidence that shows intensive early intervention can reduce and de-escalate incidents such as those which occurred at Malmsbury and Parkville⁵;
- a therapeutic and trauma-informed approach be adopted for all children in custody;
- a tailored, multi-disciplinary, intensive support response be developed and implemented for those who are known to police and the youth justice system as being prolific offenders, particularly as Victorian police data shows about 180 young people are responsible for committing 25% of all youth crime;
- any new infrastructure is therapeutic, fit for purpose and takes into account the latest evidence on how best to properly rehabilitate young people who have offended;
- all staff working with youth in the criminal justice system are appropriately selected and trained to ensure the rights of young people are protected and they receive adequate support for effective rehabilitation

2. Background

Save the Children has been active in Australia for over 60 years. Our wide range of programs – varying from early childhood education through supported playgroups, intensive family support, place-based community development, mentoring for young people in contact with the justice system, and child-friendly family violence refuges – are designed to improve the lives of the hardest to reach and most marginalised children, young people and families.

³ Jesuit Social Services *States of Justice: Criminal justice trends across Australia*, 2016.

⁴ Alleged offender incidents of under 25s has fallen from 50% of all incidents (2007-2008) to 40% of all incidents (2015-2016): there is a 4% drop in under 25 offenders and a 5% drop in 15-19 young offenders in 2015 to 2016. (Crime Statistics Agency. (2016). Alleged offender incidents. Retrieved from <https://www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data/alleged-offender-incidents-1>)

⁵ The Diagrama Foundation, who take a therapeutic approach to managing youth detention centres in Spain, report the need for very occasional use of restraint (e.g. generally less than 10 times per year per centre).

We work in more than 200 sites in urban, regional and remote settings and have a staff of approximately 600, of whom 23% are Aboriginal and Torres Strait Islander.

All Save the Children's programs aim to ensure even the most vulnerable and marginalised children have the chance to live fulfilling and productive lives. Our work focuses on the continuum of development for children and strives towards a society in which young people do not come into contact with the law.

In cases where children do come into contact with the law, Save the Children has significant expertise in youth justice diversion and support programs in a number of jurisdictions. This includes our award-winning bail support and transition from detention programs in Tasmania, and intensive support programs for young prolific offenders in Western Australia. Further details about these programs are provided below and we trust they will provide the Committee with some options to explore as it considers "options for keeping young people out of youth justice centres" (term of reference 5).

3. Early intervention

As mentioned above, evidence shows that the younger a person enters the criminal justice system, the more likely they are to re-offend.⁶ Furthermore, evidence suggests that detention does not deter re-offending, but may increase it.⁷ This is due to the impact detention has on cognitive and social development of young people, as well as increasing exposure to other young people who have committed offences.

Accordingly, in order to reduce recidivism rates in Victoria, it is critical to invest in early intervention programs that prevent children from coming into contact with the criminal justice system in the first place. Save the Children recommends that the Victorian Government pursue a justice reinvestment approach, which involves shifting resources away from detention and other punitive measures, which have been proven to be ineffective in reducing re-offending. It involves redirecting resources into early intervention and other community-based measures shown to be effective in preventing children from being in contact with the criminal justice system and addressing barriers to social and economic inclusion. This approach is not only likely to result in decreased incarceration and supervision costs, but is likely to result in increased economic participation and productivity of some of the most disadvantaged children in society.

Youth justice cannot be examined in isolation of social and economic factors. It is not possible to prevent children from coming into contact with the justice system without addressing factors that place them at risk of offending. This requires a focus on underlying issues such as health, early childhood development, education, employment, family violence, alcohol and substance abuse, and welfare support.

In Australia, Save the Children focusses on reaching the most vulnerable and marginalised children and their families with a view to ensuring they have the best possible opportunities to reach their full potential.

⁶ Jesuit Social Services *States of Justice: Criminal justice trends across Australia*, 2016.

⁷ Jesuit Social Services *States of Justice: Criminal justice trends across Australia*, 2016.

Using a variety of evidence-based early childhood education and intensive family support programs, we aim to ensure children are school ready in order that they are well-placed to benefit from, and remain connected with, school education and the employment opportunities which follow.

For a variety of reasons, some children either never engage fully with standard school education or, at some point in their development, become disengaged from it. A May 2014 report by the Productivity Commission – *Literacy and Numeracy Skills and Labour Market Outcomes in Australia* (Shomos, et al, 2014)⁸ – shows as literacy and numeracy skills increase so too does the likelihood of employment as well as increased wages. It argues enhanced literacy and numeracy skills are associated with a corresponding increase in the likelihood of employment, irrespective of whether a person has a degree, diploma/certificate or Year 12 education. Moreover, up to 40 per cent of the association between education and employment is attributable to literacy and numeracy skills.

An analysis of data collated from two youth justice programs Save the Children runs in Tasmania - ‘Transitioning from Detention’ and ‘Supporting Young People on Bail’ – highlighted this. It showed despite many young people expressing an interest in working or studying, their levels of literacy and numeracy often mean they simply are not eligible. Disengagement from formal education can be a precursor to offending behaviours which, in turn, lead to young people being involved with the justice system.

Save the Children urges the Committee to consider innovative ways in which young people can be provided with opportunities to stay engaged with education and minimise the risk they will become involved with the justice system at all. This requires investment in identifying children at risk of becoming disengaged as well as supporting them through alternative learning models.

By way of example, Save the Children runs an early intervention youth engagement program in Victoria and New South Wales using a Mobile Youth Van program. This engages young people to explore health and social issues and learn how to deal with topics such as healthy relationships, sense of identity and sense of place using creative technology and mentoring support (Attachment A).

In 2015 the Mobile Youth Van program supported more than 800 young people.⁹ A similar number were engaged in 2016 and the program is about to expand into Queensland and the Northern Territory. The mobile nature of the program enables educators and youth workers to go where young people are, rather than expecting young people to attend fixed facilities. Save the Children is considering utilising the vans to run one on one education support programs, adapting our successful Tasmanian *OutTeach* program into other states including Victoria (see below for more information about *OutTeach*).

Save the Children recently merged with a Victorian-based charity also committed to preventing the harm of early school leaving – Hands on Learning Australia (HoLA). Like Save the Children, HoLA aims to ensure young people at risk of disengaging from school have a genuine opportunity to receive and learn from a quality basic education.

⁸ Shomos, A., and Forbes, M. (2014). *Literacy and Numeracy Skills and Labour Market Outcomes in Australia*. Australian Government. Canberra: Productivity Commission Staff Working Paper.

⁹ Save the Children Australia Annual Report 2015 <https://www.savethechildren.org.au/about-us/publications/annual-reports>

To date, HoLA has successfully partnered with over 65 Victorian schools to deliver an innovative education program that caters to the different ways young people learn. In each school in which the program is delivered, two artisan-teachers work collaboratively with small groups of cross-age students on authentic building projects that provide a platform for students to engage, grow in confidence and achieve success at school.

HoLA aims to foster strong, long term relationships that help young people develop the skills and abilities, such as collaboration, problem solving, communication, resilience and empathy, that they need to succeed in work and life.

HoLA has already helped more than 7,500 disengaged young people stay at school and a study conducted by Deloitte Access Economics indicates, for every \$1 invested in the program some \$12 of benefit accrue (see <http://handsonlearning.org.au/wp/wp-content/uploads/2014/08/DAE-investing-in-preventing-ESL-September-2012.pdf>).

Finally, in Western Australia, Save the Children has led the Youth Partnership Project (YPP) in the South East Corridor of Perth in direct response to the significant youth issues, including youth crime and anti-social behaviour. The project has adopted a collective impact approach, with the aim to develop a better youth intervention framework which is effective, aligned, sustainable and scalable. It is designed to achieve systemic change and is premised on the belief that early intervention not only results in significant savings in expenditure on tertiary services but, more importantly, enables young people to thrive in their communities. Some further information on the YPP can be found at Attachment B.

We encourage the Committee to consider models that are based on Multisystemic Therapy (MST), which has been proven to be effective in preventing children from coming into contact with criminal justice system through using home and community-based interventions focussed on behaviour management. Interventions include teaching problem-solving skills to parents and caregivers and improving communication within and between the family, community and school. In the United States, this program has been shown to produce a 7.7% reduction in recidivism, at a cost of USD \$17,694 per person.¹⁰ In Australia the approach is currently in use in Western Australia and New South Wales, with the 53% decrease in serious juvenile crime in 2013 in Western Australia partly attributed to the use of behaviour-management programs (of which MST is an example).

We urge the Committee to consider recommending greater investment in these early intervention models that could significantly reduce rates of offending and youth engagement with the justice system.

¹⁰ Greenwood, Peter, Ph.D. *Preventing and Reducing Youth Crime and Violence: Using Evidence-Based Practices*, January 2010

4. Diversion

There are, and will continue to be, a small percentage of young people who break the law and consequently become involved with the justice system. In Victoria, Save the Children understands there were 1,548 people who received a youth justice custodial or community order in 2015-16¹¹.

While most young people grow out of criminal behaviour as they mature, highly recidivist offenders often fall into a cycle of reoffending from which they do not have the necessary skills to escape. Once children are in the youth justice system, their reoffending rates are high, especially if they enter the system at a young age. Children who are first sentenced between the ages of 10 and 12 are more likely to reoffend than those first sentenced when they are older: 85% of 145 children who received their first sentence when they were 10 to 13 years old reoffended, and 75% graduated to the adult system¹². The Sentencing Advisory Council 2016 report noted

“...sentencing alone cannot address the root causes of offending by young people. The best way to protect the community is to invest in measures that prevent or interrupt the criminal pathways of children who would otherwise go on to commit a disproportionately high volume of youth crime. Measures such as enhanced early intervention and resources to rehabilitate young offenders are the best way to steer at-risk children away from a life of crime and protect the community in the long term. Once children are in the youth justice system their reoffending rates are high”. (emphasis added)

Save the Children has been working specifically in the youth justice area for some years. While we have not done so in Victoria, we would encourage the Committee to consider the significant success we have had delivering diversion programs in both Tasmania and Western Australia.

In Tasmania, Save the Children’s Bail Support and Transition from Detention program (see Attachment C) has contributed to a 60% reduction in the number of youth detainees since 2011. Ernst and Young conducted a Social Return on Investment review of these programs, which found they were achieving a \$3.50 return on every \$1 invested (see Attachment D).

Over the last 2 years we have also been implementing *OutTeach: Educating Young People for a Better Future*. This is a model that complements other diversion programs in Tasmania.

Barriers to education and employment faced by young people involved in the youth justice system are complex and multiple. They include: intergenerational lack of educational engagement and attainment; low levels of literacy and numeracy; intergenerational unemployment; intergenerational crime; trauma sustained from family violence; abuse and neglect; low self-confidence and self-

¹¹ *Testing and development: Review and strategic policy framework for youth support, youth diversion and youth justice*, Service sector experts - consultation workshop, 5 December 2016, p 13.

¹² Sentencing Advisory Council. (2016). *Reoffending by Children and Young People in Victoria*. Victorian Government. Melbourne. Retrieved from <https://www.sentencingcouncil.vic.gov.au/publications/reoffending-children-and-young-people-victoria>

worth; drug and alcohol issues; unstable or inappropriate accommodation; lack of access to transport; and low social skills. Our experience in building educational engagement in the *OutTeach* model in Tasmania over the last two years has shown young people who live with these factors require an alternative approach to education and employment pathway planning to avoid contact with the youth justice system.

Previous participants in our youth justice programs have not been suited to mainstream schooling and have therefore had limited success in securing employment, even after their criminal behaviour has ceased. This observation led to the *OutTeach* concept. *OutTeach* intervenes with an appropriately targeted and engaging response at a pivotal point in the lives of these young people to prevent a lifetime of criminal behaviour stemming from poor education and unemployment and the resulting lack of positive life options.

To date, the *OutTeach* pilot has demonstrated the following outcomes:

- 26 young people in the youth justice system were referred to the program in the last 12 months
- 16 (62%) reengaged/engaged with educational/vocational opportunities, such as online White Card courses, learner driver training or pre-vocational Tas TAFE course work
- 3 (14%) remain engaged in high school
- 5 (25%) completed work experience, in a range of industries such as: automotive, construction and fabrication
- 5 (25%) obtained employment
- We achieved a 94% attendance rate for one on one teaching sessions

In addition to these encouraging results, the participant attendance rate is a firm indicator of both how well the program has been received and its ability to create conditions for success. In particular, students have explicitly stated they would not have completed their vocational course without the support of the program. Some have said they would never have thought they could get into a course, let alone complete one. The close relationship between the program staff and the participants is a critical ingredient required to forge new pathways to positive educational, vocational and employment outcomes.

This [video](#)¹³ provides more information on the *OutTeach* model and a recent [story](#)¹⁴ presented on ABC television's 7:30, showcases the success of one student's engagement through the program.

In Western Australia, Save the Children has had some early success with the Strong Tomorrow diversion program. This intensive support program for young prolific offenders involves qualified case workers supporting, at any one time, 4-6 young people. West Australian Police (WAPOL) estimate the direct saving to them from the program (which is currently running in the Armadale corridor of Perth) is in the order of \$147,000 per annum in saved police processing costs due to decreased offending rates. The same program is also being delivered in Kununurra and is resulting

¹³ <https://www.youtube.com/watch?v=vDBxmZD2X14&feature=youtu.be>

¹⁴ <http://www.abc.net.au/news/2017-01-05/mobile-classroom-helping-young-offenders-in-tasmania/8113416>

in significant reductions in youth offending and estimated savings of over \$400,000 per annum in police costs. Further details about Strong Tomorrow can be found at Attachment E.

In Save the Children's experience, a consistent therapeutic approach to support young people to explore more positive pathways, through genuine and long term mentoring, has seen a significant change in outlook for young people who are already engaged with the youth justice system.

We recommend the Committee consider the efficacy of diversion programs such as those highlighted in this section, rather than just considering investment in more policing and detention centres.

5. Therapeutic settings – international experience

While Save the Children does not have direct experience delivering services within youth detention facilities such as Malmsbury and Parkville, we have been examining successful international models. A member of our staff recently visited youth detention centres run by a non-profit organisation (Diagrama Foundation) in Spain. The Diagrama Foundation is responsible for delivering 70 per cent of the total stock of youth detention centres in Spain and the size of each centre ranges from 40-110 young people

Save the Children has observed the theory of change for these centres is based on establishing affection and trust as the basis for re-educating and re-socialising young people and that every interaction with a young person should be therapeutic. The majority of staff employed at the centres run by the Diagrama Foundation are tertiary qualified 'educators', with security playing a minimal and background role. Each Centre also has psychologists, social workers and a lawyer on site; a general practitioner who visits regularly; and medical practitioners on 24-hour call.

Importantly, some of the outcomes of this therapeutic approach are impressive. One study by the University of Murcia shows that recidivism rates have been significantly reduced. The paper demonstrates a recidivism rate of just 27 percent among young males in that region, and less than 10% of young males reoffending more than once. Levels of recidivism among young females are much lower again with only 1% reoffending.¹⁵ Levels of violent behavior and self-harm are also very low, despite the centres catering for the full range of young people in terms of complexity and seriousness in offending.

Further information about this promising model, which is one of several that may have genuine relevance to the Victorian and Australian youth justice system, is at Attachment F.

¹⁵ Nicolas, Dr Antonio Velandrino, *Study of the Effectiveness of the Educational Intervention with Children and Young People in Custody in Murcia County Council*, University of Murcia, January 2015.

6. Conclusion

As highlighted above, Save the Children is contributing to the Victorian Youth Justice Review being overseen by Ms Penny Armytage and Professor James Ogloff. We believe it is important this Review runs its course and that the Victorian Government and Parliament consider carefully its recommendations.

In this context, and given the Legal and Social Issues Committee has the current reference before it, we recommend the Committee, and the Victorian Government, consider:

- A more focused investment in early intervention, noting education engagement is the single most protective factor that could predictably alter the life trajectory of a young person with significant and complex needs;
- a rehabilitative system for children who have come into contact with the justice system, often as a consequence of having some of the highest health, social and educational needs in the State;
- that, if additional monies are to be spent on new facilities for youth justice purposes (noting the Victorian Government's commitment of \$228 million for this purpose), any such facilities are fit for purpose, take into account the very latest in thinking about how best to properly rehabilitate young people who have offended and provide a meaningful opportunity for the community sector to support its design and delivery;
- all staff working with youth in the criminal justice system should be appropriately selected and trained to ensure the rights of young people are protected and they receive adequate support for effective rehabilitation.

Based on our experience in Victoria, and in other Australian jurisdictions, Save the Children is convinced the majority of young people who have offended or who are at risk of offending can be rehabilitated and become productive members of society for as little as a third of the cost of long term exposure to the corrections system.