



Jesuit Social Services' response to the *Victorian state disability plan 2017-2020*

July 2016



**Jesuit**  
**Social Services**  
Building a Just Society

## Table of Contents

Who we are .....	2
Our recommendations .....	3
Introduction.....	5
Intersections between disability and disadvantage .....	5
Disability in the context of multiple and complex needs .....	6
Disability and the criminal justice system .....	6
Disability and young people .....	10
Disability and young people in the justice system .....	11
Disability, education and employment.....	13
Disability and housing.....	14
Appendix 1: Jesuit Social Services: Who we are and what we do.....	16

For further information, contact:

Julie Edwards, CEO, Jesuit Social Services

T: 03 9421 7600

E: [julie.edwards@jss.org.au](mailto:julie.edwards@jss.org.au)

## Who we are

Jesuit Social Services works to build a just society by advocating for social change and promoting the health and wellbeing of disadvantaged people, families, and communities. We partner with community to support those most in need. With over 200 staff our work extends through Victoria, New South Wales and the Northern Territory.

We provide practical programs and advocacy across four main areas:

- [Justice and crime prevention](#) – for people involved with the criminal justice system
- [Mental health and wellbeing](#) – for people with multiple and complex needs and those affected by trauma, suicide, and complex bereavement
- [Settlement and community building](#) – for recently arrived immigrants, Aboriginal and Torres Strait Islanders, refugees, displaced people and disadvantaged communities
- [Education, training and employment](#) – for people with barriers to sustainable employment.

Our programs address the needs of specific populations including people in the youth and adult justice systems, people with intellectual disabilities, acquired brain injury (ABI), vulnerable young people, and people with multiple and complex needs. We work with our participants on a range of issues such as mental illness, alcohol and drug issues, unemployment, poor physical health, and homelessness.

*Further information about our programs is provided at Appendix 1.*

## Our recommendations

### Theme 1: Active citizenship

- The government should prioritise investment in universal early years education in order to ensure children with disabilities get the assistance they need as early as possible. Ensuring that universal services are accessible to all is important in ensuring children with disabilities are identified and access early support and learning services.

### Theme 2: Rights and equality

- The government should ensure people with disabilities and other complex issues are acknowledged and included in the state disability plan.
- Making a real difference for this small group of people requires investment in specialist pathways to recovery that include ‘enhanced care’ approaches for extended periods. This will complement services within the new MHCSS service system, the NDIS and justice services.
- In order to meet the needs of people with a disability in the justice system, the service system should be enhanced in the following ways:

#### For people with a disability in the justice system:

- Ensure people with a cognitive disability have access to an Independent Third Person at key stages of their engagement with the justice system.
- The detention of people with cognitive and psychiatric disability should only be used as an absolute last resort, once all other options have been considered.
- Develop an evidence base to determine the effectiveness of pre-plea and presentence diversion for people with cognitive disability in the justice system.
- Establish more secure facilities for unsentenced, high-risk individuals (outside of the prison environment) which support their rehabilitation and transition into the community.

#### For people with a disability in custody:

- Act on the findings of the *2015 Ombudsman’s Report* to improve access to medical services at regional prisons, assessment times, and screening for ABIs and ID.<sup>1</sup>
- Ensure more specialised options within prisons are available for people with a cognitive disability.
- Ensure appropriate environments and services for individuals with disabilities in custody, including those with additional complex mental health and drug and alcohol issues.
- Improve the efficacy of programs aimed at rehabilitation.

#### For people with a disability exiting custody:

- Expand the number of prisoners who can access the services available in the Judy Lazarus Transition Centre
- Invest in a significant expansion of dedicated health beds within the system.
- Making a real difference for young people in the justice system with disabilities requires:
  - Providing additional resources to support brokerage, and increase the availability and range of alternative housing. We note that in adult justice programs transitional programs, brokerage of \$1,500 per client is allocated. A similar amount would provide means to support young people on YJCSS with housing costs and engage them in education.
  - Expanding supported residential programs for young people with complex needs who are involved in the criminal justice system and at risk of homelessness.
  - Expanding group conferencing approaches to address the challenging behaviour of young people in out-of-home care in order to divert them from the criminal justice system
- Invest in intensive housing and support packages for people with disabilities and complex needs
- Take renewed action to tackle housing affordability and to significantly expand the supply of social housing to keep pace with population increases.

- Invest in housing and support packages that aim to stabilise housing and build social inclusion to enable people with disabilities and complex needs to maintain their housing and more productively participate in the community.

### **Theme 3: Economic participation**

- Making a real difference for the economic participation of people with disabilities requires:
  - The development of flexible funding packages to meet the costs of students' needs to support greater participation in learning and employment opportunities.
  - Investment to support the development of new models that provide integrated learning and employment pathways for people with disabilities. These models should: refine existing good practice; build an evidence base for what works; and link in with existing initiatives and networks focused on education, training and employment (including Learn Local Networks).
  - Fund Learn Local Networks to develop employment pathways through partnerships with local employers, other training and education and community organisations.
  - Support demand-led models, fostering business and community partnerships in order to better provide for sustainable employment outcomes, including ongoing post-placement support.
  - Support new industry-led pathways through learning and into work for people with disabilities.

### **Theme 4: Making the most of the NDIS**

- Ensure the disability support needs of people involved in the justice system are given specific focus in the NDIS. There must be a consistent and effective model of care for people with a disability moving through our courts, custody settings and transitioning back to the community. This needs to involve coordination between state and federal government programs.

## Introduction

Jesuit Social Services welcomes the opportunity to respond to the *Victorian state disability plan 2017-2020* discussion paper. Every Australian should have access to the opportunities in life that will enable them to flourish – to complete their education, to get a job, to access safe and affordable housing, to raise their children in safe communities and to see the next generation thrive.

Our submission draws on our experience engaging with vulnerable people and communities throughout Australia. It focuses on the intersections of disability with complex needs, disadvantage and involvement in the justice system. We note that Aboriginal and Torres Strait Islanders, people with multiple and complex needs (such as intellectual disability and mental health problems), women and young people are particularly vulnerable cohorts.

It is critical that the state disability plan incorporates an inclusive definition of disability that covers not only physical but also cognitive disability. In this submission we use the term cognitive disability as an umbrella term to encompass a range of conditions such as acquired brain injury (ABI), foetal alcohol syndrome disorder (FASD), intellectual disability, and borderline intellectual disability. It is important to highlight that people with these conditions vary significantly, and may experience any number of other intersecting issues such as physical disability, ill health, disadvantage and poverty, disengagement from education and employment, mental illness, homelessness, involvement in the justice system, drug and alcohol use, and family violence.

### Understanding cognitive disability

People with cognitive disability can experience a range of challenges, including poor memory and concentration, reduced ability to plan and problem solve, inflexible thinking and difficulties with consequential thinking. They may have difficulty learning new things, understanding complex ideas and abstract concepts, understanding social rules, problem solving, decision-making and concentrating for long periods of time. They also can experience psychosocial and emotional issues such as depression, emotional instability, irritability, impulsivity, inappropriate behaviour and paranoia. There is also a spectrum of severity in terms of the impact on levels of functioning which varies from person to person.

These challenges – along with the stigma that still exists – represent a barrier for people with cognitive disabilities accessing services. Often they do not want to identify as having a disability and may lack the insight and understanding to reach out for assistance.

## Intersections between disability and disadvantage

Disability is closely linked with disadvantage, and therefore responses that address disadvantage can assist to reduce the onset and impact of disability. While disadvantage does not determine the development of a disability, it can be a contributing factor. For example, factors such as limited education and unemployment can put people at higher risk of developing a disability. It is important that this relationship is recognised in order to lessen the likelihood of the onset and/or negative impact of a disability. We know that employment rates fall with the onset of disability and continue to decline the longer a disability episode lasts<sup>2</sup>. Investment in universal programs that target disadvantage – particularly in education and employment – should be an important part of our response.

In 2015, Jesuit Social Services along with Catholic Social Services Australia released the findings of its *Dropping off the Edge* Report (DOTE)<sup>3</sup>, which found that complex and entrenched disadvantage

continues to be experienced in a small number of locations in each state and territory across Australia, including in Victoria. Our research confirms that disadvantage, and the human and social conditions it fosters, is heavily concentrated within relatively few locations.

DOTe looked at a range of indicators, including the proportion of people aged 18-64 years in receipt of the Disability Support Pension in each area. Our research found that those living in 3 per cent of the most disadvantaged postcodes in Victoria are:

- twice as likely to have criminal convictions
- 3 times more likely to be experiencing long term unemployment
- 2.6 times more likely to have experienced domestic violence
- 2.4 times more likely to be on disability support.

While not all people with a disability experience disadvantage, its effects can make people more vulnerable to the risk factors associated with social disadvantage. For this reason disadvantage must be considered as a central issue in responses to disability.

## **Disability in the context of multiple and complex needs**

There is a small number of people in Victoria with multiple and complex needs who struggle to remain engaged in formal treatment and support services. Services often lack the resources and expertise to work with this group and, as a result, people often present at more costly tertiary services (e.g. ambulance call outs, emergency department presentations, mental health services, police engagement and prisons). This includes people who may have a combination of issues such as intellectual disability or acquired brain injury, histories of trauma, substance abuse and mental illness. This group commonly has significant and prolonged contact with the justice system, acute health services, and other community services such as homelessness support agencies. Despite intensive investment of multiple services this group often have extremely poor outcomes, including entrenched involvement in the justice system, long-term unemployment, chronic illness and early death.

Over the past decade, efforts have been made to improve the support provided to people with more complex needs, including through the Multiple and Complex Needs Initiative. This has had some very positive outcomes, but has been constrained by strict eligibility criteria. More recent initiatives to integrate services have also had some positive outcomes at trial sites, however there is concern about the capacity of these types of models to address gaps in available services. In developing the Victorian state disability plan it is important that people with disabilities who have a range of support needs are not overlooked. We need specialised responses to this group that complement large multi-area mainstream services.

### **Theme 2: Rights and equality**

- The government should ensure people with disabilities and other complex issues are acknowledged and included in the state disability plan.
- Making a real difference for this small group of people requires investment in specialist pathways to recovery that include 'enhanced care' approaches for extended periods. This will complement services within the new MHCSS service system, the NDIS and justice services.

## **Disability and the criminal justice system**

People with disabilities are over-represented in the criminal justice system. For example the *DOTe 2015* report found that high rates of disability and mental health issues coincide with high rates of crime and prison admissions. One Victorian study has shown that 42 per cent of men and 33 per cent of women in prison have an Acquired Brain Injury (ABI)<sup>4</sup>, compared to two per cent in the community<sup>5</sup>.

The leading risk factor thought to have led to an ABI for prisoners in this study was drug and/or alcohol misuse. This suggests many people in prison with an ABI may have had pre-existing difficulties that put them at risk of both criminal justice involvement and ABI, and that they may well have been involved with the criminal justice system before acquiring their disability.

Various factors contribute to why a particular group is over-represented in prison populations. Some members of the community – including people with disabilities - may be more likely to have contact with police; more likely to be arrested and charged if they do have contact; more likely to be refused bail and remanded in custody; more likely to be convicted of a crime; or more likely to be sentenced to imprisonment. All of these factors can combine to produce over-representation in the prison population.

Having a cognitive disability can contribute to increased risk of involvement in the criminal justice system both as a victim and as a perpetrator. For example, the effects of a brain injury can make a person vulnerable to being manipulated and exploited as an accomplice in a criminal offence, more likely to have their behaviour misunderstood and less able to negotiate and understand the requirements of the justice system (e.g. not meeting order and parole requirements or understanding court proceedings).

According to a major 2012 NSW study of a large sample of adult prisoners in NSW with cognitive disability and mental health disorders, the most significant driver of offending in people with intellectual disabilities is a lack of support services, including specialist disability services, housing support and drug and alcohol services<sup>6</sup>. The study concluded:

*Having a cognitive impairment predisposes persons who also experience other disadvantageous social circumstances to a greater enmeshment with the criminal justice system early in life, and persons with cognitive impairment and other disability such as mental health and AOD disorders (complex needs) are significantly more likely to have earlier, ongoing and more intense police, juvenile justice, court and corrections episodes and events. The cognitive and complex needs groups in the study have experienced low rates of disability support as children, young people and adults, with Indigenous members of the cohort having the lowest levels of service and support. It is evident that those who are afforded [disability services] support do better, with less involvement in the criminal justice system after they become clients compared with those with cognitive disability who do not receive [disability] services.*

### **The Enabling Justice Project**

Jesuit Social Services and the Centre for Innovative Justice at RMIT established the Enabling Justice project in 2015 to understand why people with an ABI are so overrepresented in the criminal justice system and to offer alternative responses that would provide greater support to this group and direct them away from the criminal justice system.

Through one-on-one interviews and the establishment of a justice user group, the project has sought to explore why people with ABI are so over-represented. Justice users themselves identified areas in need of reform and participated in discussions about issues and ideas for improving the criminal justice system. A Consultation Paper was produced to give voice to the experiences and views of the justice users involved in the project. The full consultation paper can be found at <http://jss.org.au/enabling-justice-project-consultation-paper/>.

Sometimes brain injury is not easily recognisable as it can affect specific and isolated areas of functioning. Because a brain injury can happen at any time in a person's life, in either childhood or

adulthood, it is possible for the injury to go undetected, particularly if it is the result of a cumulative process (as with alcohol related brain injury), or the person was experiencing homelessness, mental illness, family violence, or drug and alcohol misuse, where comprehensive medical treatment and rehabilitation services may never have been accessed. For this reason ABI is often referred to as a 'hidden' disability, and the actions of people with ABI may be put down to behavioural and personality issues.

Some of the ideas in the consultation paper that are based on issues highlighted by the justice users who participated in the project include:

- People with ABI feel vulnerable in police interactions and would benefit from clearer language and respectful communication.
- Improving police communication with all people will assist people whose ABI is unknown
- The Independent Third Person Program is not always offered to those who need it, yet demand already outstrips supply. The Program provides important support to people with ABI and complex needs and should be enhanced
- Plain, clear language and respectful communication at Court is important for people to understand and engage with what is happening to them, but it is rarely experienced
- Current sentencing options for people with an ABI are too limited, meaning that prison is often the only available option
- Prison should be an opportunity for assessment and connection to social support, particularly for those found to have cognitive impairment and/or multiple and complex needs
- A term of imprisonment should be a punishment of last resort for low-level offending
- A breach of a CCO may be an indication of a cognitive impairment and/or multiple and complex needs and should prompt referral to a solution-focused Court or list rather than an immediate return to mainstream Court and prison
- Transitional centres seem to be a necessary bridge between prison and the community, and reduce recidivism; but there are not enough to meet demand
- Investment in post-release housing is necessary to reduce recidivism, ensure community safety and allow ex-prisoners to live dignified lives.

The Consultation Paper asks stakeholders to provide feedback and the project will continue to examine options for reform. A final report of the project will be released in early 2017.

### ***The role of the court system for people with disabilities***

Thousands of Victorians go before the Magistrates Court each year, many of whom have a disability and multiple and complex needs. As highlighted by the Victorian Ombudsman, alternative justice and sentencing approaches – which assist people involved in the court system who are experiencing a range of issues, including cognitive disability, mental illness or substance abuse – are achieving positive results by reducing reoffending and helping to address the underlying drivers of crime. These alternative approaches include:

- the Assessment and Referral Court List at the Melbourne Magistrates' Court for people with mental illness or cognitive disability: an estimated benefit of between \$2 and \$5 for every dollar spent
- the Drug Court in Dandenong (34 per cent reduction in reoffending within 24 months)
- Koori Courts operating in Melbourne and regional Victoria: reduction in recidivism among Koori defendants
- the Court Integrated Services Program in Melbourne, Sunshine and the Latrobe Valley: almost \$2 million in avoided costs of imprisonment per annum
- the Neighbourhood Justice Centre in Collingwood (a 16.7 per cent reduction in reoffending within 2 years).

Currently these proven court based approaches do not have state-wide coverage and have limited capacity to meet demand. The success of these programs creates a strong case for expanding these models to other communities throughout Victoria.

### ***Disability support for people in prison***

Support programs within prison are required to help prisoners address the reasons behind their offending, including issues such as limited vocational or living skills, substance abuse, mental health issues, poverty, and poor literacy and numeracy. Recent reforms to bail, sentencing and parole have resulted in Victoria recording its highest prison population of 6,535 on 5 June 2016. As a consequence of the higher number of prisoners, there are now more barriers to people accessing programs and supports both within prison and after their release.

While the Government is to be commended for increased funding for prisoner health, education and rehabilitation services, the limited investment in these programs means that people who enter prisons are not prepared for their release. Too often people leave prison no better off, and in many cases, more likely to reoffend.

### ***The NDIS and people with a disability in prison***

Despite the introduction of the NDIS, people with a disability in prison are at risk of receiving fragmented and inequitable access to support compared to people with disabilities who are not in the prison system. This is in part due to the fact that the Council of Australian Governments has agreed that the NDIS will not fund individuals during their time in prison, but will fund disability-specific needs only once they return to the community. This disjointed program response represents a significant barrier that prevents people with disabilities being able to access continuity of support. It remains unclear how, once in the community, former prisoners with disabilities are expected to access funding, support or even the most basic information about the NDIS. We know that people with cognitive disability with criminal justice involvement are unlikely to seek out the NDIS, because they tend to be reluctant to identify as having a disability, or to seek out and trust disability services. This group risks being excluded from the NDIS, unless action is taken to focus specifically on meeting their unique needs.

### ***Intensive transition support for highly vulnerable people exiting prison***

People leaving prisons in Victoria include some of the most vulnerable and disadvantaged members of our community, many of whom have disabilities. Yet the limited support that is available to them means they often cycle through the justice system. The Victorian Ombudsman's *Investigation into the Rehabilitation and Reintegration of Prisoners in Victoria* reported that only 700 of the approximately 6,600 people who leave prison each year are provided with transitional support, and most of this group receive between 3 and 22 contact hours of support. The limited nature of support means people exiting prison are not assisted to address the problems they face, which, in turn, exacerbates the likelihood of them reoffending.

Post-release services help people to find housing and work, and access health and other support services. However, only one in five prisoners receive post-release support from Corrections Victoria, and less than two per cent have access to housing through state government programs specifically for former prisoners<sup>7</sup>. Existing services target the most serious offenders and those most likely to be a risk to the community. This leaves many people transitioning out of prison, particularly those with disabilities, with only limited access to post-release support.

## **Theme 2: Rights and equality**

In order to meet the needs of people with a disability in the justice system, the service system should be enhanced in the following ways:

**For people with a disability in the justice system:**

- Ensure people with a cognitive disability have access to an Independent Third Person at key stages of their engagement with the justice system.
- The detention of people with cognitive and psychiatric disability should only be used as an absolute last resort, once all other options have been considered.
- Develop an evidence base to determine the effectiveness of pre-plea and presentence diversion for people with cognitive disability in the justice system.
- Establish more secure facilities for unsentenced, high-risk individuals (outside of the prison environment) which support their rehabilitation and transition into the community.

**For people with a disability in custody:**

- Act on the findings of the *2015 Ombudsman's Report* to improve access to medical services at regional prisons, assessment times, and screening for ABIs and ID.<sup>8</sup>
- Ensure more specialised options within prisons are available for people with a cognitive disability.
- Ensure appropriate environments and services for individuals with disabilities in custody, including those with additional complex mental health and drug and alcohol issues.
- Improve the efficacy of programs aimed at rehabilitation.

**For people with a disability exiting custody:**

- Expand the number of prisoners who can access the services available in the Judy Lazarus Transition Centre
- Invest in a significant expansion of dedicated health beds within the system.

**Theme 4: Making the most of the NDIS**

- Ensure the disability support needs of people involved in the justice system are given specific focus in the NDIS. There must be a consistent and effective model of care for people with a disability moving through our courts, custody settings and transitioning back to the community. This needs to involve coordination between state and federal government programs.

**MEASURING PROGRESS**

- The number of people with a disability accessing specialist court programs, and who are diverted from the criminal justice system
- The numbers of people with a disability sentenced to prison
- The rate of re-offending and return to prison for people with a disability.

**Disability and young people**

According to the Australian Bureau of Statistics, in 2009, approximately seven per cent of all Australians with a disability were children aged 0-14 years. Disabilities can impact upon a child's health, communication, movement or learning and can have profound effects on the child's social engagement and education. For parents and families, raising a child with a disability can be physically, emotionally and financially demanding.

Young people with disabilities often experience mental health difficulties, carry a history of childhood trauma, and experience issues with substance abuse. All of these factors create significant barriers to establishing a flourishing life. While a number of recent initiatives aim to advance the rights and social inclusion of people with a disability, and improve the existing disability services system, ensuring that parents have access to necessary support services is an ongoing issue identified by disability advocacy groups.

Investment in high quality services for children and parents during the earliest years results in positive outcomes not only for a child's health and wellbeing, but also reduces the likelihood of future contact

with the criminal justice system<sup>9</sup>. Cost-benefit analysis of early childhood education and care programs shows that for every dollar invested, they generate more than \$7 in benefits<sup>10</sup>.

The Victorian Government can give children the best opportunity to thrive by enhancing maternal and child health services, developing support programs for parents and ensuring all children have access to high quality early learning programs. These responses are especially important for children experiencing a disability. Supporting children and their carers to get the right assistance early on can reduce the negative impacts of disability and help to prevent difficulties in the future.

### **Theme 1: Active citizenship**

The government should prioritise investment in universal early years education in order to ensure children with disabilities get the assistance they need as early as possible. Ensuring that universal services are accessible to all is important in ensuring children with disabilities are identified and access early support and learning services.

### **MEASURING PROGRESS**

We can measure progress for children with a disability by aiming to reduce the gap in developmental outcomes (as defined in the Australian Early Development Census) by 2020 for children from Victoria's most disadvantaged communities.

## **Disability and young people in the justice system**

Evidence tells us that children in custody are likely to be among the most vulnerable and disadvantaged in our community. Young people with disabilities continue to represent a significant number of those involved in the justice system. The annual snapshot survey by the Victorian Youth Parole and Residential Board indicates that 22 per cent of young people in custody display issues with intellectual functioning, and nine per cent were registered with Disability Services<sup>11</sup>. In addition, high proportions of children and young people in custody were already victims of abuse, trauma and neglect, with high rates of drug and alcohol abuse, child protection involvement and school exclusion. Mental health issues and intellectual disability were also prominent.

The annual snapshot shows:

- 43 per cent had a previous Child Protection order
- 62 per cent were victims of abuse, trauma or neglect
- 58 per cent had previously been suspended or expelled from school
- 33 per cent presented with mental health issues
- 23 per cent had a history of self-harm or suicidal ideation
- 22 per cent presented with issues concerning their intellectual functioning
- 9 per cent were registered with Disability Services

In Victoria, programs such as the Youth Justice Community Support Services (YJCSS) and the Youth Health and Rehabilitation Service (YHARS) provide critical support for young people in the justice system. Jesuit Social Services delivers the YJCSS in partnership with the Department of Health and Human Services and community sector agencies. YJCSS provides a coordinated response for highly vulnerable children and young people in the youth justice system including those leaving custody, on community orders with intensive needs, or with a history or risk of homelessness.

The YHARS program (delivered by YSAS, St Vincent's Hospital and Caraniche) provides support to children and young people in youth detention. The YHARS program provides each young person who enters custody with a full assessment and is able to link the young person up with ongoing support

once they leave custody. These critical programs help to reduce the risk of reoffending and support these young people to reconnect with their communities.

While there are many innovative approaches in the current system, there are also gaps. In particular, for young people with a disability involved in the criminal justice system, there is a pressing need for an appropriate range of housing services. The lack of housing options limits the effectiveness of the programs and supports that are currently provided. Jesuit Social Services provides two housing and support programs to young people in the justice system including Perry House and Next Steps. Perry House is a living skills residential program for young people with intellectual disabilities who are involved with the adult or youth justice systems. Next Steps provides supported accommodation for young people aged 16-24 who have been involved in the criminal justice system, and are at risk of, or experiencing, homelessness. While Next Steps is not specifically targeted to young people with a disability, many of the participants have developmental delays leading to challenging behaviour and are therefore at risk of developing cognitive disabilities in the future. The aim of both programs is to prevent homelessness and reduce recidivism rates. The greatest barriers facing these programs is the capacity to exit participants into safe, appropriate and affordable housing.

### ***Children and young people with disabilities in Out-of-home care***

Our research in 2014 *Thinking Outside* highlighted that many children in out-of-home care have disabilities. They are a group highly vulnerable to being placed on remand, often because police are called by staff in residential care facilities to respond to behaviour that in other circumstances would not merit police involvement (such as taking food from the fridge), or because they come under additional scrutiny in residential care and staff call police to report breaches of bail, such as being late for a curfew.

The effectiveness of a group conferencing approach to deal with offending and challenging behaviour has been already demonstrated within the youth justice system. A 2010 evaluation of Victoria's Youth Justice Group Conferencing program conducted by KPMG<sup>12</sup> showed that it was effective in diverting young people from more intrusive interventions and in reducing reoffending. Additional investment for group conferencing in the out-of-home care setting would provide an effective therapeutic and restorative intervention to address issues that contribute to young people's challenging behaviour within residential units, and therefore divert them from possible further involvement in the criminal justice system.

### **Theme 2: Rights and equality**

Making a real difference for young people in the justice system with disabilities requires:

- Providing additional resources to support brokerage, and increase the availability and range of alternative housing. We note that in adult justice programs transitional programs, brokerage of \$1,500 per client is allocated. A similar amount would provide means to support young people on YJCSS with housing costs and engage them in education.
- Expanding supported residential programs for young people with complex needs who are involved in the criminal justice system and at risk of homelessness.
- Expanding group conferencing approaches to address the challenging behaviour of young people in out-of-home care in order to divert them from the criminal justice system

### **MEASURING PROGRESS**

- The annual numbers of young people with a disability who spend time in youth detention
- The reoffending rate of young people with a disability
- The number of young people with a disability diverted from the criminal justice system, through youth diversion programs.

## Disability, education and employment

Employment for young adults with disability is a critical issue as engagement in employment can establish future work prospects and have considerable social and psychological impacts. We know that people with disabilities have low engagement in the labour market. A related issue is the significant decline in the availability of full-time and entry level work for children leaving school early, or at school-leaving age, in Australia over the past 30 years<sup>13</sup>.

Despite above average employment rates for people without disabilities, Australia ranks 21st out of 29 OECD countries<sup>14</sup> with an overall employment rate of 40 per cent for people with disabilities. Investment in education and lifelong learning is crucial. A number of Australian and international studies have demonstrated a strong relationship between school performance, retention, truancy and involvement in crime<sup>15</sup>, however the Victorian education system has many gaps that allow struggling students, particular those with disabilities, to disengage.

### ***Training and education***

Research shows that disengaged and high needs learners<sup>1</sup>, particularly those with a disability, face a range of challenges and barriers to engaging and completing education and training. This includes low levels of prior achievement, limited access to education, social barriers, and negative experiences and/or attitudes to learning<sup>16</sup>. In order to overcome these barriers, potential learners need support to deal with any issues affecting their ability to access and engage in education and also instructional support to help them learn<sup>17</sup>.

Changes to the Vocational Education and Training (VET) sector have had a negative impact on hard-to-reach and vulnerable learners, with a decline in enrolments particularly for young people without Year 12 or equivalent qualifications and Aboriginal and Torres Strait Islanders, and poor student transitions to further study and/or employment.

Significant numbers of people with high learning needs are being 'churned' through training and employment programs that do not provide meaningful pathways to participation and employment. Over the past five years the availability of training in Victoria has been expanded through the Victorian Training Guarantee (VTG) and federally funded employment programs have become universally available. However, at the same time there has been a decline in resources available for supporting individual learners and issues remain with the quality of training and services that are provided. As a result, pathways to participation and employment are not being provided for high needs learners. The people we work with are often frustrated at the lack of access to valuable work experience and employment opportunities. This is most acute for people with disabilities and those from disadvantaged backgrounds, who often lack extensive employment experience.

In response to these issues, Jesuit Social Services, through the Jesuit Community College, is focusing on embedding pathways into employment and participation in our training and learning programs. Elements of a pathways approach can include embedding pathways in the learning program, integration with work experience and employment opportunities, and utilisation of intermediate labour market programs such as social enterprises.

Research has also identified the critical importance of education and training for young people with disabilities in the justice system. One study of 531 incarcerated youth (58 per cent had a disability) found that engagement in work or school immediately after leaving a custodial facility had protective effects and that this benefit was pronounced for youths with disabilities. Participants who were

---

<sup>1</sup> Learners aged 15-64 years who are not in school and have not completed Year 10 or above, are disengaged from training and employment and face challenges of barriers that make it difficult for them to make the most of education and training opportunities provided through the mainstream vocational training system.

engaged in work or school at six months after release tended to stay involved in those positive activities after 12 months and not return to the juvenile correctional system<sup>18</sup>.

### **Theme 3: Economic participation**

Making a real difference for the economic participation of people with disabilities requires:

- The development of flexible funding packages to meet the costs of students' needs to support greater participation in learning and employment opportunities.
- Investment to support the development of new models that provide integrated learning and employment pathways for people with disabilities. These models should: refine existing good practice; build an evidence base for what works; and link in with existing initiatives and networks focused on education, training and employment (including Learn Local Networks).
- Fund Learn Local Networks to develop employment pathways through partnerships with local employers, other training and education and community organisations.
- Support demand-led models, fostering business and community partnerships in order to better provide for sustainable employment outcomes, including ongoing post-placement support.
- Support new industry-led pathways through learning and into work for people with disabilities.

## **Disability and housing**

The availability of safe, secure and stable housing is a major issue for many in our community, but particularly for people with disabilities and other complex needs. We know that 43 per cent of people exiting prison do so into homelessness<sup>19</sup>. While homelessness services provide critical interventions for people experiencing a temporary housing crisis, they operate in an environment where resources are limited and there are significant barriers to supporting people with more intensive needs. These pressures mean that they often struggle to support the small but significant number of people in the community with a combination of complex needs and challenging behaviours that put them at heightened risk of prolonged homelessness, social exclusion and contact with the justice system.

The changes to community mental health services means that there are no longer specialist mental health supports within homelessness services, which has exacerbated the difficulty of effectively supporting homeless people with complex needs. Without intensive support to access and sustain appropriate forms of housing, many of these people will continue to experience homelessness, and will have contact with other acute services in the community.

In response to these issues, Jesuit Social Services runs Perry House, a living skills residential program for young people with intellectual disabilities who are involved with the criminal or youth justice systems. Perry House workers facilitate the development of independent living skills from a strength based practice approach which promotes resilience and a 'can do' approach to life. Each resident is supported to develop a 12 month program plan which aims to optimise their capacity to live independently in the community. Activities include reconnection to family, engagement in employment, training or education, financial management, good communication and use of technologies.

One of the greatest barriers we experience in this program is a capacity to exit our participants into safe, appropriate and affordable housing. More investment is required to expand housing programs for people with disabilities and complex needs, and to provide appropriate housing options upon exit.

### **Theme 3: Rights and equality**

- Invest in intensive housing and support packages for people with disabilities and complex needs
- Take renewed action to tackle housing affordability and to significantly expand the supply of social housing to keep pace with population increases.

- Invest in housing and support packages that aim to stabilise housing and build social inclusion to enable people with disabilities and complex needs to maintain their housing and more productively participate in the community.

## Appendix 1: Jesuit Social Services: Who we are and what we do

Jesuit Social Services works to build a just society by advocating for social change and promoting the health and wellbeing of disadvantaged people, families, and communities.

Jesuit Social Services works where the need is greatest and where it has the capacity, experience and skills to make the most difference. Jesuit Social Services values all persons and seeks to engage with them in a respectful way, that acknowledges their experiences and skills and gives them the opportunity to harness their full potential.

We do this by working directly to address disadvantage and by influencing hearts and minds for social change. We strengthen and build respectful, constructive relationships for:

- **Effective services** – by partnering with people most in need and those who support them to address disadvantage
- **Education** – by providing access to life-long learning and development
- **Capacity building** – by refining and evaluating our practice and sharing and partnering for greater impact
- **Advocacy** – by building awareness of injustice and advocating for social change based on grounded experience and research
- **Leadership development** – by partnering across sectors to build expertise and commitment for justice.

The promotion of **education, lifelong learning and capacity building** is fundamental to all our activity. We believe this is the most effective means of helping people to reach their potential and exercise their full citizenship. This, in turn, strengthens the broader community.

Our service delivery and advocacy focuses on the following key areas:

- **Justice and crime prevention** – people involved with the justice system
- **Mental health and wellbeing** – people with multiple and complex needs and those affected by suicide, trauma and complex bereavement
- **Settlement and community building** – recently arrived immigrants and refugees and disadvantaged communities
- **Education, training and employment** – people with barriers to sustainable employment.

Currently our direct services and volunteer programs are located in Victoria, New South Wales and Northern Territory, and include:

- ***Brosnan Services***: supporting young people and adults in the justice system, and assisting them to make a successful transition from custody back into the community. Within the suite of services are Perry House, Dillon House and Youth Justice Community Support Services.
- ***Jesuit Community College***: increasing opportunities for people constrained by social and economic disadvantage to participate in education, work and community life and reach their full potential.
- ***Community and Settlement Programs***: working with newly arrived migrants across metropolitan Melbourne and in NSW, including the African Australian and Vietnamese communities.
- ***Connexions***: delivering intensive support and counselling for young people with co-occurring mental health, substance and alcohol misuse problems.
- ***Artful Dodgers Studios***: providing pathways to education, training and employment for young people with multiple and complex needs associated with mental health, substance abuse and homelessness.

- **The Outdoor Experience:** offering an alternative treatment service through a range of outdoor intervention programs for young people aged 15 – 25 years, who have or have had issues with alcohol and/or other drugs.
- **Support After Suicide:** supporting people bereaved by suicide, including children and young people.
- **Western Sydney Program:** delivering social enterprise and other community building that provide affordable food, training and employment opportunities to people living in the area of Mount Druitt, Western Sydney.
- **Just Leadership:** Working in partnership with community and corporate enterprises to foster leadership for a just society. This includes the African Australian Inclusion Program, a professional bridging program developed in partnership with the National Australia Bank.
- **Capacity building** activities in the Northern Territory and NSW with Aboriginal communities to improve their situation and to have more control over their lives.

## Endnotes

<sup>1</sup> Victorian Ombudsman 2014, *Investigation into Deaths and Harms in Custody*, March 2014, viewed 29 February 2016, <https://www.ombudsman.vic.gov.au/getattachment/2998b6e6-491a-4dfe-b081-9d86fe4d4921>

<sup>2</sup> Honey, A Kariuki, M Emerson, E & Llewellyn, G 2014, Employment Status Transitions among Young Adults, with and without Disability, *Australian Journal of Social Issues*, Vol. 49, No. 2, Winter 2014.

<sup>3</sup> Vinson, T & Rawsthorne, M 2015, *Dropping off the Edge 2015*, Jesuit Social Services and Catholic Social Services Australia, <http://www.dote.org.au/findings/full-report/>

<sup>4</sup> Jackson, M, Hardy, G Persson P & Holland S 2011, *Acquired Brain Injury in the Victorian Prison System*, Corrections Victoria Research Paper Series Paper No. 04, April 2011.

<sup>5</sup> Victorian Ombudsman, *Investigation into the rehabilitation and reintegration of prisoners in Victoria*, September 2015, pg 87, <https://www.ombudsman.vic.gov.au/getattachment/5188692a-35b6-411f-907e-3e7704f45e17>

<sup>6</sup> Baldry, E., Dowse, L. & Clarence, M 2012, *People with intellectual and other cognitive disability in the criminal justice system*, Report for NSW Family and Community Services Ageing, Disability and Home Care <http://www.adhc.nsw.gov.au/publications>

<sup>7</sup> Victorian Ombudsman 2015, *Investigation into the rehabilitation and reintegration of prisoners in Victoria*, p.7, <https://www.ombudsman.vic.gov.au/getattachment/5188692a-35b6-411f-907e-3e7704f45e17>

<sup>8</sup> Victorian Ombudsman 2014, *Investigation into Deaths and Harms in Custody*, March 2014, viewed 29 February 2016, <https://www.ombudsman.vic.gov.au/getattachment/2998b6e6-491a-4dfe-b081-9d86fe4d4921>

<sup>9</sup> Homel, P 2004, The whole of government approach to crime prevention: *Trends & Issues in crime and criminal justice no. 287*, Australian Institute of Criminology, November 2004, viewed 1 March 2016, <http://www.aic.gov.au/publications/current%20series/tandi/281-300/tandi287.html>

<sup>10</sup> The Organisation for Economic Co-operation and Development (OECD) 2012, *Investing in high-quality early childhood education and care (ECEC)*, viewed 29 January 2016, <http://www.oecd.org/education/school/48980282.pdf>

<sup>11</sup> Victorian Youth Parole Board, *Annual Report 2014-15*, State of Victoria, Department of Health & Human Services July, 2015, [http://www.dhs.vic.gov.au/\\_data/assets/pdf\\_file/0005/924413/Youth-Parole-Annual-Report-2014-15.pdf](http://www.dhs.vic.gov.au/_data/assets/pdf_file/0005/924413/Youth-Parole-Annual-Report-2014-15.pdf)

<sup>12</sup> KPMG 2010, *Review of the Youth Justice Group Conferencing Program*, prepared for the Department of Human Services, [http://www.jss.org.au/files/Docs/Programs/justice%20and%20crime%20prevention/Final\\_Group\\_Conferencing\\_review\\_full\\_report.pdf](http://www.jss.org.au/files/Docs/Programs/justice%20and%20crime%20prevention/Final_Group_Conferencing_review_full_report.pdf)

<sup>13</sup> Australian Bureau of Statistics 2015, *6202.0 - Labour Force, Australia*, Sep 2015, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6202.0>

<sup>14</sup> OECD 2010, *Sickness, Disability and Work: Breaking the Barriers; A synthesis of findings across OECD countries*, November 2010.

---

<sup>15</sup> Weatherburn, D 2001, 'What causes crime?' *Crime and Justice Bulletin, Contemporary Issues in Crime and Justice*, Number 54, February 2001, viewed 1 March 2016, <http://www.bocsar.nsw.gov.au/Documents/CJB/cjb54.pdf>

<sup>16</sup> Regina Hill Effective Consulting 2013, *Jesuit Community College Evaluation Report*, Department of Education and Early Childhood Development, Melbourne.

<sup>17</sup> Ibid.

<sup>18</sup> Bullis, M Yovanoff, P Mueller, G & Havel, E 2002, Life on the 'outs' – Examination of the facility-to-community transition of incarcerated adolescents. *Exceptional Children*, 69, 7-22.

<sup>19</sup> Australian Institute of Health and Welfare 2013, *The health of Australia's prisoners 2012*. Cat. no. PHE 170. Canberra: AIHW. <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129543945>