



**JESUIT SOCIAL SERVICES  
SUBMISSION**

**Victorian State Budget 2014-15**

**December 2013**

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## Introduction

Jesuit Social Services welcomes the opportunity to make a submission on the *2014-15 Victoria State Budget*. We commend the Victorian Government for reaching out and seeking submissions from the wider community.

In the four years to 2014 Victoria's annual expenditure on prisons has increased 57 per cent – equivalent to \$276.5 million. Forward projections indicate this trajectory of spiralling costs will continue to increase.

In a tight budget environment each dollar spent in imprisonment is a dollar not spent on other services the community values, such as education, health, community supports and public transport. Paradoxically, these forgone services are all part of the fabric needed to address the very social problems that we know contribute to increasing crime, such as educational disengagement, concentrations of long term unemployment, drug and alcohol problems and family dysfunction.

This budget submission aims to provide solutions that can stem the growing cost – and increasing harm to people – caused by imprisonment. Using our experience of working with young people and adults in contact with the justice system, as well as a robust evidence base, Jesuit Social Services is proposing practical programmatic reforms that will support people to build pathways to productive lives, reduce crime and strengthen our community.

Specifically, we call on the Victorian Government to invest in three priority areas. These are:

- ensuring there is a full continuum of diversion in Victoria's youth justice system;
- building an effective and well resourced adult criminal justice system; and
- further developing pathways to participation for people who are disengaged from learning and work.

These objectives will reduce imprisonment – and thereby stem the growing pressure this places on the Victorian budget. They will also provide vulnerable and disadvantaged Victorians with opportunities to more meaningfully participate in our community. Ultimately they will contribute to a safer and more productive Victoria.

## Summary of Recommendations

*Budget Priority 1: A full continuum of diversion in Victoria's youth justice system*

### **1.1. Pilot a preventative restorative justice program to divert children in Out of Home Care from the justice system**

Investment: \$240,000 to fund a 12 month pilot project to utilise restorative justice conferencing where Out of Home Care placement breakdown risks involvement in the justice system.

### **1.2. Expand resourcing to the Central After Hours Assessment and Bail Placement Service (CAHABPS) and other after-hours services**

Investment: Expand CAHABPS and after hours support to divert children and young people from custody, including funding for:

- Operation between 3:00am and 9am;
- Extended coverage to provide outreach services and face to face assessments in major regional centres during peak periods where there are high volumes of youth justice involvement; and
- Brokerage funding for CAHABPS to purchase emergency short term accommodation placements and support from a register of providers on a needs basis.

### **1.3. An expanded Intensive Bail Support program**

Investment: Expansion of the Intensive Bail Support program to regional areas through the provision of funds to existing regional youth justice units and organisations working in this area.

### **1.4. Diverting children from the Children's Court**

Investment: Resources for a comprehensive pre-plea diversion framework for children and young people in the Children's Court including:

- In-court assessment of suitability for diversion and development of a diversion plan;
- A menu of diversion interventions commensurate to the needs of children and young people. Interventions might include access to YJCSS, learning and training programs, or therapeutic activity camps; and
- Provision for development of localised or culturally specific diversion interventions to meet the needs of particular communities. This might include Koori specific diversion or interventions based in areas with significant numbers of young people in the justice system such as Dandenong.

### **1.5. Intensive support for the most vulnerable children in the criminal justice system**

Investment: Implement the recommendations of the Government's evaluation of Youth Justice Community Support Services (YJCSS) including:

- Re-fund this service across the state;
- Provide additional brokerage funding; and
- Improve the availability and range of suitable housing options for children and young people in the youth justice system who are at risk of homelessness.

*Budget Priority 2: An effective and well resourced criminal justice system that contributes to a safer community*

**2.1. Rethink policies that place an unnecessary burden on the corrections system**

**2.2. Prisons must be safe, contain adequate support services and prepare prisoners for release**

Investment: Victoria's prison system must be fully funded to meet the demands of its population. Budget measures to ensure this should include:

- Funding to ensure no beds are added to the system which do not comply with the Standard Guidelines for Corrections in Australia;
- Every bed in the Victorian prison system must be fully funded including temporary beds introduced prior to the 2009-10 budget; and
- A significant expansion of dedicated health beds within the system.

**2.3. Rethink support and transition for people exiting prison**

Investment: Develop a comprehensive framework for prisoner transition. Complement by increased long term investment in services to engage with people in custody and support them during their transition back into the community.

*Budget Priority 3: Support for pathways to participation for people who are disengaged from learning and work*

**3.1 Fund support for disengaged and high needs learners**

Investment: Adult Community and Further Education (ACFE) and Victorian Training Guarantee (VTG) courses for high need learners who are disengaged from training and employment should include a 100 per cent loading on top of existing training subsidies.

**3.2 Clearer pathways from learning into work**

Investment: Allocate funding for pilot projects to develop more effective pathways between education and training, employment services, and work experience and employment opportunities.

## 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 every person 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 intervening 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. Services 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 Programs:** working with people on public housing estates across metropolitan Melbourne, including the African Australian and Vietnamese communities, and supporting remote Aboriginal communities in governance and capacity building initiatives in Central Australia
- **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.
- **Community Detention Services:** delivering case management support to asylum seekers, including unaccompanied minors, in community detention.
- **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 Alice Springs.

Research, advocacy and policy are advanced through our Policy Unit, coordinating across all program and major interest areas of Jesuit Social Services.

## Our Wider Context – The challenge of overcoming disadvantage

At the outset, it is important to note that disadvantage and vulnerability throughout our community is often the result of wider structural factors. These include the growing divide between rich and poor; major changes to the labour market with the loss of secure employment and low skilled full time jobs as points of entry to the labour market; the decline in the quality and capacity of some public schools; and associated increases in inter-generational and locational unemployment.

Research, including the 'Spirit Level', has illustrated the role played by structural inequalities in entrenching disadvantage with analysis outlining how countries with greater levels of economic inequality have poorer health and social outcomes (Wilkinson & Pickett, 2009). This is supported by research from the health field, which has found that social and economic differences in health status reflect, and are caused by, social and economic inequalities in society (Marmot, et al., 2010, p. 10).

Of particular concern for Jesuit Social Services is the fact that many of these issues are concentrated within specific communities across the state. Our research has highlighted the web-like structure of disadvantage in extreme cases, which is illustrated by the degree of vulnerability of the 3 per cent most disadvantaged localities in each jurisdiction compared with the remaining 97 per cent (Vinson, 2007). In Victoria, 2.5 per cent of our most disadvantaged postcodes account for 25 per cent prison admissions and 7.3 per cent of postcodes account for 50 per cent prison admissions. It should come as no surprise that these postcodes also have the highest levels of disadvantage in the state including unemployment, child abuse, health problems, and educational attainment.

Jesuit Social Services has consistently argued that public policy must pay greater attention to the role of structural factors and social inequality as key determinants of health and wellbeing, and therefore as drivers of demand for community services. In preparing the 2014-15 state budget, the Victorian government must take into account the impact of its taxation and spending decisions on the Victorian labour market; the levels and distribution of incomes; the affordability of housing, and the accessibility of opportunities to participate in the community.

In addition to addressing structural determinants, Government can also tackle disadvantage through the provision of services. Here investment must be forward looking and preventative. From our experience, we know the best way to reduce crime and the burden on our criminal justice system is to tackle its root causes. In order to do this we need effective universal services in education, health, and family services. We also need to be able to respond to people in our community who fall through the cracks, and provide holistic interventions during times of crisis.

Clearly, the wider community sector and private philanthropy also have a role to play here, including as a partner of Government. Jesuit Social Services is proud to be an active member of Victoria's vibrant community sector and to partner with the Government in delivering services. Our submission is intended to complement the recommendations made by the broader community sector, particularly those made by its peak body, the Victorian Council of Social Services (VCOSS).

## Priority Areas for the 2014-15 Victorian State Budget

### Budget Priority 1: A full continuum of diversion in Victoria's youth justice system

Victoria has reason to be proud of its record in youth justice. At Jesuit Social Services' 2013 National Justice Symposium, youth justice expert Professor Chris Cunneen noted that Victoria's commitment to a policy of diverting children and young people from the criminal justice system over the past 30 years had been impressive. Our rate of youth incarceration has declined by 75 per cent since 1981 and we outperform nearly all Australian states and territories in key indicators including recidivism and crime rates (Cunneen, 2013). It is no surprise that Victoria is seen as an example of an effective and humane youth justice system throughout Australia and globally.

This is not an historic accident. Instead, it is the result of policies and practices grounded in evidence that have focused on preventing crime, diverting children and young people from the justice system, and restoring the broken relationships between people who offend, their victims, and the wider community. It has been the result of work and partnerships between successive state governments, the courts, public sector agencies, and the community sector.

We commend the Victorian Government for its commitment to this approach and call on it to take steps in the 2014-15 Budget to further strengthen the system. Through our experience and research, particularly *Thinking Outside: Alternatives to Remand for Children*, we have observed gaps in the youth justice system. Opportunities are being missed to intervene and divert vulnerable children and young people from the criminal justice system. The ultimate costs of these failures are immense as these children and young people often end up having ongoing involvement in the criminal justice system. Recent research by the Australian Institute of Health and Welfare (AIHW) found that 85 per cent of young people who were supervised at age 10–14 years had returned to (or continued under) supervision when they were aged 15–17 years (AIHW, 2013).

Further investment in evidence based programs and approaches will strengthen our capacity to divert children and young people from the justice system. In Victoria, we are fortunate to have infrastructure and expertise in our youth justice system which can be strengthened and bolstered in order to maximise impact. Below we outline five proposals that would achieve this. The outcomes of these initiatives will be better pathways for vulnerable children and young people, less burden on Victoria's police, courts and custodial services, and ultimately a safer community.

#### ***1.1. Pilot preventative restorative justice program to divert children in Out of Home Care from the justice system***

***Investment: \$240,000 to fund a 12 month pilot project to utilise restorative justice conferencing where Out of Home Care placement breakdown risks involvement in the justice system.***

Through our research and experience, Jesuit Social Services has identified links between young people's involvement in the out of home care system and youth justice. In Victoria in 2012, 38 per cent of young people in custody had a previous child protection order (Youth Parole Board and Youth Residential Board Victoria, 2013). Research by the AIHW has found that young people with a

history of substantiated child protection notifications were more likely to enter supervision at a younger age than those with no substantiated notifications (AIHW, 2012). A particular issue of concern is breakdown of placements in the Out-of-home-care (OoHC) system with research showing placement instability is linked to offending (Cashmore, 2011). In practice, we have observed young people living in OoHC settings being arrested and remanded over the weekend only to be released straight back to community and the same care placement setting at a court sitting on Monday. We are concerned that at no point has the young person's behaviour been addressed in a meaningful way which means there is often a repeat of the behaviour.

Jesuit Social Services and fellow community organisation Barwon Youth believe that there is an opportunity to work in a different way with young people who find themselves in challenging situations in OoHC settings. Currently these young people do not have access to a therapeutic, diversionary, restorative based process to work through the issues they face. Too often, the criminal justice system ends up being the default response for these young people. We feel that a scripted restorative justice process using the methodology of Group Conferencing could be an effective means of addressing conflict as well as more serious behavioural issues within the residential units.

The effectiveness of Group Conferencing has been already demonstrated within the youth justice system. A 2010 evaluation of Victoria's Youth Justice Group Conferencing program conducted by KPMG showed that it was effective in diverting young people from more intrusive interventions (70 per cent of participants received a Good Behaviour Bond) and in reducing reoffending (19.2 per cent of program participants reoffended within 24 months compared with 42.9 per cent of a comparison group). The evaluation also found that all of the victims and family members (100 per cent) and the majority of young offenders (91 per cent) strongly agreed, or agreed, that they were satisfied with their involvement with the whole Group Conferencing process.

In 2013, Jesuit Social Services and Barwon Youth submitted a proposal for a pilot of 30 conferences in Out of Home Care settings over a 12 month period. The primary aim of the proposed conferencing pilot is to provide an effective therapeutic and restorative intervention at the pre-court/pre-sentence stage to address issues that contribute to young people's behaviour and actions within residential units and therefore divert them from possible criminal charges. This initiative has been costed at \$240,000.

## ***1.2. Expand resourcing to the Central After Hours Assessment and Bail Placement Service (CAHABPS) and other after-hours services***

***Investment: Expand CAHABPS and after hours support to divert children and young people from custody. Including funding for:***

- ***Operation between 3:00am and 9am;***
- ***Extended coverage to provide outreach services and face to face assessments in major regional centres during peak periods where there are high volumes of youth justice involvement; and***
- ***Brokerage funding for CAHABPS to purchase emergency short term accommodation placements and support from a register of providers on a needs basis.***

Jesuit Social Services' *Thinking Outside* report found that 80 per cent of arrests take place outside of business hours and that twice as many weekend (40 per cent) as weekday (21 per cent) remand admissions are for one to three days. The 40 per cent of weekend admissions that last for one to three days indicate a practice whereby a child is remanded on either a Saturday or Sunday and then released when they are brought to the Children's Court early in the following week. Given this, after hours services clearly have a key role to play in diverting children and young people from custody.

After-hours support is provided through the CAHABPS service. CAHABPS workers assess children and advocate in favour of bail to police and bail justices. However, the capacity of CAHABPS to assist children is constrained by the lack of resources available to the service, including being closed from 3am through to 9.30am. While CAHABPS workers undertake a valuable role, placement options are limited and they do not have resources to purchase accommodation for children. Furthermore, CAHABPS can only provide an outreach service and assessments in metropolitan areas. These limitations inhibit the capacity of CAHABPS to prevent unnecessary remand for all Victorian children. This service was re-funded for four years in the 2013-14 state budget, however additional funding to address these limitations was not included.

A modest investment on top of the \$17.5 million over four years in last year's budget would make it possible to extend the opening hours of the service between 3am and 9:30am. Additional funding could also be used to resource youth justice to provide an in person assessment service in regional areas during peak periods where there are high levels of arrests of young people out of hours. Support for children at risk of remand could also be provided through utilising existing street outreach, drug and alcohol, and accommodation services. A model of using brokerage funds to purchase accommodation and support services for children on bail has already been successfully implemented in Queensland through the Youth Bail Accommodation Support Service (YBASS). A similar approach should be adopted in Victoria to provide access to after-hours support for children who at the point of arrest are at risk of remand due to lack of suitable accommodation or other support services.

### **1.3. An expanded Intensive Bail Support program**

***Investment: Expansion of the Intensive Bail Support program to regional areas through the provision of funds to existing regional youth justice units and organisations working in this area.***

Community-based bail support services provide an alternative option to remand for children who might otherwise be remanded due to the risk they present. The need for these services was made clear in *Thinking Outside* which found that a considerable number of children are on remand for extended periods only to be released on bail. In 2010, 45 children were remanded for more than 43 days and then released on bail. Immediate and comprehensive support to keep these children and young people in the community is needed.

Jesuit Social Services welcomed the announcement in the 2011-12 Budget of a \$1.1 million commitment over four years to provide intensive bail support to young people in metropolitan Melbourne. The pilot of this program was evaluated and children participating in the program were found to have successfully made it to court without being rearrested or breaching their bail (DHS, 2011). From our ongoing research, consultations and practice experience with youth remand it has become clear that support for young people on bail in regional areas is not sufficient. A result of this is that young people from regional areas are more likely to be remanded in custody in Melbourne, away from their family and community supports. In light of this, we recommend that the State Government increase funding to the Intensive Bail Support program so that it can be expanded to regional areas. This could be achieved through additional resourcing of youth justice units and community sector youth justice services in rural and regional areas.

#### **1.4. Diverting children from the Children's Court**

***Investment: Resources for a comprehensive pre-plea diversion framework for children and young people in the Children's court including:***

- ***In-court assessment of suitability for diversion and development of a diversion plan;***
- ***A menu of diversion interventions commensurate to the needs of children and young people. Interventions might include access to YJCSS, learning and training programs, or therapeutic activity camps; and***
- ***Provision for development of localised or culturally specific diversion interventions to meet the needs of particular communities. This might include Koori specific diversion or interventions based in areas with significant numbers of young people in the justice system, such as Dandenong.***

In responding to the Victorian Government's consultation into Youth Diversion (2012), Jesuit Social Services and other organisations working in the youth justice system highlighted the inconsistency and lack of availability of diversion programs in the Victorian Children's Court. This is most notable at the pre-plea stage of criminal proceedings where ROPES is currently the only diversion option consistently available.

There is a strong body of evidence supporting diversionary policies in general, as well as the effectiveness of certain diversionary interventions. Given this, Victoria is missing crucial opportunities to divert young people at this early stage of the criminal justice system and set them on a path to a better future.

Jesuit Social Services endorses the framework for reform developed by the Smart Justice for Young People Coalition and submitted to the Victorian Government in 2012 (Smart Justice for Young People, 2012). This includes legislative reform to introduce a pre-plea diversion scheme in the Children's Court, resources for assessment and developing tailored diversion plans for young people, and the development of diversion program that supports children and young people to address the underlying causes of their offending.

The diversion, assessment and planning function could be implemented by allocating additional resources to DHS Youth Justice and its partners so that they can deliver this in Victoria's Children's Courts. It is important that this option is available not just in metropolitan but also in regional areas. Court based youth justice workers and partners from community organisations could work with children and young people to determine their suitability for diversion and develop plans for activities. They would liaise with officers of the Children's Court in order to monitor the implementation of plans.

In order to effectively divert children at this stage of the justice system, there also needs to be a menu of diversion interventions that respond to the needs of children and young people. This should include access to some existing statewide programs including the short-term ROPES, Intensive Bail Support and Youth Justice Community Support Services (YJCSS – see below for further information). A therapeutic approach of the sort utilised in programs such as YJCSS is important, and has been identified in research as a key element of good practice in youth justice (Ogilvie & Allard, 2011). Diversion interventions must also link into other support systems including family, health, mental health, as well as education and learning opportunities.

Diversion interventions must also be targeted to meet the needs of particular communities. Youth offending is not evenly distributed throughout Victoria with *Thinking Outside* finding that 2.6 per cent of Victorian postcodes accounted for 25.1 per cent of young people on youth justice orders in 2010. The needs of particular cultural communities should also be taken into account in developing diversion interventions. This need has been well documented in Victoria's Koori community leading to the development of successful responses such as the Koori Court. Jesuit Social Services also believes there is a need to develop culturally appropriate responses for children from other cultural communities, one possible intervention is outlined in more detail below.

Jesuit Social Services has identified diversion interventions that could form part of a menu of options in Victoria. These are underlined by an evidence base as well as our experience working with young people involved in the criminal justice system. Below we outline the details of these.

#### *Therapeutic adventure and activity camps*

Research shows that outdoor rehabilitation camps can have significant positive impacts on children and young people who have been involved in the criminal justice system (Wilson & Lipsey, 2000). Research suggests that camps that incorporate a rehabilitative component and focus on teaching skills associated with the impact of the natural environment create more profound and lasting changes in youth at risk (European Crime Prevention Network, 2006).

Jesuit Social Services has over 25 years experience in the delivery of "The Outdoor Experience" (TOE), a wilderness therapy and outdoor adventure program for young people. The program assists participants with the promotion of health and healthy lifestyles, social skills and connections, and life skills. TOE works with young people who have current or past experience with substance/alcohol misuse many of whom have also had contact with the criminal justice system. TOE uses extended remote journeying (involving bushwalking, ski-touring and rafting, amongst other modalities) as a powerful catalyst for change, for small groups of 6-8 participants.

In 2013, TOE has developed a partnership with Tangentyere Council to deliver therapeutic camps for children involved in the Northern Territory youth justice system. These camps were delivered on Aboriginal Land approximately 150km south of Alice Springs. They place an emphasis on therapeutic rehabilitation and linking Aboriginal children to Country and include a school-based curriculum as well as significant cultural activities. Animal husbandry and trail rides on camels and horses form a core component of the program. A qualified therapeutic practitioner from Jesuit Social Services worked on all camps supporting participants to engage with direct experience and reflection to increase knowledge, develop life skills and promote self-awareness. The model used in this intervention extends beyond the camp setting and includes intensive case management, client referral and family engagement in the pre and post camp phases.

This model of comprehensive and therapeutic based intervention delivered through an outdoor experience could provide a diversion option for some children and young people in Victoria.

#### *Community Youth Diversion Initiative in Dandenong*

Jesuit Social Services delivers the Youth Justice Community Support Service and several other programs working with children and young people in the south-eastern suburbs of Melbourne. In our work we support many young people who identify as members of the Pacific Island community. Jesuit Social Services has appointed a Pacific Islands cultural connections worker and are in the process of developing resources and responses to the issues faced by these young people. This includes disengagement from employment, education and training, with 15.7 per cent of 20-24 year olds not in paid employment or education – the second worst local government area for disengagement in Melbourne.

Given the issues outlined above, Dandenong and the local surrounding areas would be a location where a specific community based diversion intervention could be developed. This could work with young people who are members of the regions Pacific Islander communities and focus on connections to education and employment. In partnership with the local community including United Pasifika Council of Victoria (UPCOV), Jesuit Social Services has already begun developing a model intervention. This will target young people from Pacific Island communities in the local area who come into contact with the youth justice system and support them in accessing learning and employment and career pathways. It includes engagement and support to complete foundational learning and training programs through Jesuit Community College, community mentoring, and work experience opportunities in community, private sector, and public sector organisations. Such an initiative would focus on skills training, personal development, coaching and mentoring, and development of pathways to participation.

#### ***1.5. Intensive support for the most vulnerable children in the criminal justice system***

***Investment: Implement the recommendations of the government's evaluation of Youth Justice Community Support Services (YJCSS) including:***

- ***Re-fund this service across the state;***
- ***Provide additional brokerage funding; and***
- ***Improve the availability and range of suitable housing options for children and young people in the youth justice system who are at risk of homelessness.***

Research shows that there is a small number of highly vulnerable children and young people who are at risk of having ongoing and repeated involvement in the criminal justice system. Jesuit Social Services' *Thinking Outside* report confirmed evidenced of this pattern in the Victorian criminal justice system with 35 per cent of the 444 children or young people who were remanded in 2010 having more than one episode of remand in the same year. We also found that children who were 14 or under at their first youth justice order were more likely to come from areas with higher numbers children with higher rates of developmental vulnerability on the AEDI (Australian Early Development Index) and also areas with higher rates of missed maternal child health checks.

Through this work, we are aware of, and take steps to build the capability of children and young people to overcome the many issues that they face. Since 2008, we have worked as a lead provider in partnership with the Department of Human Services and other community sector agencies delivering Youth Justice Community Support Services (YJCSS). 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 intense needs, or with history or risk of homelessness. Support is grounded in evidence of 'what works' and includes the provision of stable housing, access to mental health and drug and alcohol services, and access to education and training opportunities. YJCSS has highly skilled practitioners who are able to provide ongoing intensive support that focuses on building relationships and supporting program participants to become engaged and productive members of our community.

A recent Victorian Government commissioned evaluation of YJCSS found that it had resulted in improved services and practice in supporting vulnerable children and young people in the criminal justice system service system. Importantly, YJCSS clients report positive experiences, including that they feel their needs are understood and they can access support. These findings correspond with Jesuit Social Services own experiences delivering this program. The YJCSS Evaluation recommended re-funding the program across the state, as well as additional funding to support brokerage, a professional development strategy for the program, and increasing the availability and range of alternative housing. Jesuit Social Services endorses these recommendations and calls on the Victorian government to allocate funding towards them in the 2014-15 state budget.

In particular, we have identified a pressing need for an appropriate range of housing services for vulnerable young people involved in the criminal justice system. The links between housing instability and criminal justice system involvement are quite clear, *"There is consistent evidence that homeless youths break the law more than the general population of young people. They do so in order to survive, stealing for food or breaking into premises for somewhere to sleep"* (Johnson, 2006). The need for support is also clear with the Australian Institute of Health and Welfare finding that almost 15 per cent of young people under juvenile justice supervision had received housing support in the year before their most recent supervision and 8 per cent received support in the year after their most recent supervision (AIHW, 2012). Through Jesuit Social Services' experience working with young people at risk of homelessness we have found that large numbers end up in temporary rooming house accommodation. Serious concerns about this type of accommodation were outlined in our 2012 evaluation of the Young Men's Assertive Outreach Program (YMAOP) which detailed levels of violence, drug use and exploitation in these environments.

We have developed a response to these issues through the Next Steps project, which is a pilot model of 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. This project is funded through the Victorian Government's Homelessness Action Plan. Next Steps aims to prevent homelessness and reduce recidivism rates. Its key features include long-term intensive case management support, small caseloads, stable and appropriate housing, and collaborative practice. Next Steps recognises the importance of stable housing and provides accommodation for three participants at any one time in a residential setting at Dillon House. Dillon House offers 24 hour on site support for up to six months while permanent housing is sourced.

## **Budget Priority 2: An effective and well resourced criminal justice system that contributes to a safer community**

The Victorian criminal justice system faces an unprecedented challenge in dealing with significant increases in the number of people in the state's prison. There has been a 9 per cent (439 people) increase in the state's prison population in the past year, on top of a 50.4 per cent increase over the past 12 years (1,783 people). It is important to note that this increase has occurred despite a historic decline in overall levels of crime and relative stability in crime rates in recent years. The challenges resulting from a rapidly increasing prison population have been well documented with significant issues including overcrowding in police cells, failures to attend court hearings, and overcrowding in the wider prison system. The challenge is significant, with prison capacity reportedly reaching 104 per cent in November 2013. This is likely to continue into 2014-15 with further reforms to parole, sentencing and bail taking full effect.

We are aware of increased levels of spending on the criminal justice system in recent years. Most of this has been prison expansion and associated operating costs which have increased by \$164 million over the past two years. Given the lack of evidence for increasing imprisonment rates as a tool for promoting community safety, we believe that is an extraordinary increase. It has likely come at a cost to evidence based measures and initiatives that have been proven to address some of the root causes of crime.

Given the pressures the criminal justice system is facing, Jesuit Social Services does not oppose investment to ensure that the system is able to continue to deliver justice, to protect the community, and uphold the basic human rights and dignity of people in the system. This must include appropriate environments and services for individuals in custody with complex mental health and drug and alcohol issues. It should also include investment to improve the efficacy of programs aimed at rehabilitation and diversion from the justice system.

In light of this, we recommend the following measures for decreasing the stress on the criminal justice system and promoting a safer Victoria:

### **2.1. Rethink policies that place an unnecessary burden on the corrections system**

As noted above, Victoria's increase in prison population is driven by a range of changes including:

- The introduction of community corrections orders, the abolition of home detention and suspended sentences, and the introduction of mandatory minimum sentences;
- Reforms to bail which make it an offence to breach bail conditions and to commit an indictable offence while on bail;
- Proposed reforms to parole which tighten availability of parole and make it an offence to breach parole; and
- Changes in practice among sentencing judges in anticipation of reforms and also to reflect perceived public calls for tougher approach to people who offend.

The impacts of these reforms are clear with increases in prisoner numbers in 2012-13 driven by people imprisoned for offences against justice procedures (an increase of 241 or 43 per cent), repeat offenders (16 per cent increase in the number of recidivists in our prison system), and people having shorter stays (the median expected time to serve in prison declined by 18 per cent) (Australian Bureau of Statistics, 2013)

Jesuit Social Services accepts that in certain circumstances the seriousness of the crime and/or the need to contain specific offenders will mean that prison is the only option available to a court. This is likely to be in instances of serious violent offending where there is significant harm to victims and risks of further violence to the public. Where this occurs, prison must provide an environment not only to contain but also opportunities to deal with offending behaviour (explored in more detail below).

However, policies that promote widespread use of imprisonment as a means of enhancing overall safety of community do not work and in fact can have opposite effect. Recent research by the Victoria's Sentencing Advisory Council and the NSW Bureau of Crime Statistics and Research (BOCSAR) has shown that the deterrent effect of imprisonment lies somewhere between non-existent and extremely marginal (Wan, Moffatt, Jones, & Weatherburn, 2012). This adds to existing research which has shown that prison does not aid the rehabilitation of offenders and instead increases the chances of individuals reoffending and having sustained careers in the criminal justice system (Makkai & Payne, 2003) (Day, Howells, & Rickwood, 2004). Instead, what research has shown is that alternatives to imprisonment including suspended sentences have some impact on reducing reoffending when compared with imprisonment (Gelb, 2013).

The wider economic and social costs of imprisonment should also be considered in policy decisions in this area. Clearly there are social costs associated with reoffending as well as impacts upon others in the community including the children and families of people who are incarcerated. Recent research from Queensland has documented challenges facing the children of people who are in prison including detachment from education, lack of positive relationships with peers, and contact with the criminal justice system by the children (Dennison, Foley, & Stewart, 2013). The economic costs of increasing incarceration are evident in the increased burden that prison expenditure is placing on Victoria's state budget (outlined above). In the United States, research by the Pew Foundation (2010) calculated some of the wider economic costs of imprisonment, finding that incarceration impacts upon the economic prospects of former prisoners. For example, by age 48, the typical former inmate will have earned \$179,000 less than if he had never been incarcerated and their family income averaged over the years a father is incarcerated is 22 per cent lower than family income was the year before a father is incarcerated.

The recent history of criminal justice policy in the United States illustrates the costs and consequences of pursuing policies of widespread incarceration. The trend commonly referred to as the 'punitive turn' saw a massive increase (of over 400 per cent) in the rate of incarceration in the United States from the 1970's through until the middle 2000's. In recent years, an emerging awareness of the economic and social costs of these policies and their lack of impact on public safety has led to a rethink. In the past three years prison numbers in the US have begun to decline (Goode, 2013). Contributing to this turnaround has been a range of initiatives to including sentencing reforms, development of community based alternatives to prison, and Justice Reinvestment projects in a number of American jurisdictions.

Jesuit Social Services calls on the Victorian Government to rethink its criminal justice policies and not proceed with further reforms to sentencing, bail and parole. Criminal justice policy should promote community safety in the most effective way possible, should be evidence based, and humane. The present reforms being pursued by the Government are not achieving this and the ultimate costs will be borne by the wider Victorian community.

## ***2.2. Prisons must be safe, contain adequate support services and prepare people who offend for release***

***Investment: Victoria's prison system must be fully funded to meet the demands of its population. Budget measures to ensure this should include:***

- ***Funding should ensure that no beds are added to the system which do not comply with the Standard Guidelines for Corrections in Australia;***
- ***Every bed in the Victorian prison system must be fully funded including temporary beds introduced prior to the 2009-10 Budget; and***
- ***There must be a significant expansion of dedicated health beds within the system.***

In order to contribute to safer communities, prison systems must support people who offend in dealing with any issues that underlie their offending and prepare them to transition back into the community. This requires environments that are safe, contain adequate support services, and resources to prepare people who offend for when they are released. In terms of support services, the needs of Victorian prisoners are quite clear:

- only 7.2 per cent had completed secondary education of higher (Department of Justice, 2010);
- 67 per cent are unemployed (Department of Justice, 2010);
- 55 per cent have drug and alcohol related issues associated with their offence (Australian Institute of Health and Welfare, 2011);
- 50 per cent have two or more characteristics of serious disadvantage (Department of Premier and Cabinet, 2006); and
- 87 per cent of women prisoners in Victoria are the victims of sexual, emotional or physical abuse (Johnson, 2004).

The current pressures being experienced by the Victorian prison system seriously undermine its capacity to support people in prison in taking steps towards desisting from offending and becoming

productive members of the community. A report by the Victorian Auditor General in 2012 outlined how male prisons currently contain 22 per cent more beds than the prison infrastructure can support and that up to 34 per cent of the total prisoner population is housed in accommodation that does not comply with Corrections Victoria's standards (requiring single cell accommodation) (Victorian Auditor-General, 2012). It appears that a consequence of this type of pressure is that prisons are increasingly unsafe environments, with increases in assaults in prison, suicide attempts, and deaths in custody.

Jesuit Social Services is concerned that temporary accommodation might also mean that important support services are unavailable. The Victorian Auditor-General notes that prior to the 2009–10 budget, funding for temporary beds added to the prison system did not include support services such as health services and rehabilitative programs. This created a shortfall in the provision of some services as prisons had to cope with a greater number of prisoners. The Victorian Government has noted that there is funding for rehabilitation services for every extra bed added to the prison system and that \$100 million has been invested to clear a backlog in sex offender treatment programs. However, it is not clear whether the temporary beds added to the prison system prior to 2009-10 have also had additional funding allocated in order to provide for rehabilitation services.

There is also a wider issue of inadequate health and mental health services for Victorian prisoners. Again the Auditor-General's report in 2012 noted that there had been no additional health beds added to the prison system since 1996-7 when there was a ratio of one health bed per 30 prisoners. By 2012, the ratio had increased to one health bed per 52.6 prisoners. Understandably there was pressure on the system with 100 per cent occupancy of health units and some prisoners not receiving an adequate standard of care. While 75 mental health beds will be added to the system when the Ravenhall prison is complete, this does not address the need for additional health beds especially given the ageing prison population in Victoria.

The issues outlined above make clear the significant investment that is required so that Victoria's prison system can fulfill its role. In the immediate term this must include measures to ensure any additional bed added to the system fully complies with Corrections Victoria's own standards, full funding for all services for temporary beds, and an immediate investment in doubling the number of health beds in the system. Over the medium term, measures should be taken to ensure that prison infrastructure meets the demands of the prison population and to provide the level of support services required to help people in prison deal with the many issues that they face. The measures outlined in Recommendation 1 will reduce some of the pressure on the prison system, however if Government proceeds with its reforms then it must accept responsibility for increases in the prison population and fully fund the system to meet these increased demands.

### ***2.3. Rethink support and transition for people exiting prison***

***Investment: Develop a comprehensive framework for prisoner transition. Complement by increased long term investment in services to engage with people in custody and support them during their transition back into the community.***

Initiatives to support people in prison when returning to the community can, when funded sufficiently, contribute to integrating offenders into the community and reducing reoffending. There is now a substantial body of evidence, drawn from the evaluations of interventions that work with offenders, that demonstrates the effectiveness of these interventions in bringing about change and reducing further reoffending (Lipsey & Cullen, 2007). There are cost implications that arise from this; a 2009 research paper by the New South Wales Bureau of Crime Statistics and Research (BOCSAR) found that a 10 percent reduction in the rate of re-imprisonment in New South Wales from 58 per cent to 52 per cent would produce savings in excess of \$28 million in recurrent expenditure (Weatherburn, Froyland, Moffatt, & Corben, 2009).

In Victoria, prisoner transition support is provided through a range of programs including Link Out for young men, WISP for women, and Konnect for members of Victoria's Aboriginal communities. These programs were developed following independent reviews of previous transitional support responses that were undertaken in late 2003 and in 2009 and 2010. Victorian transitional support services involve 're-integration packages' which are provided at different levels of intensity. The most intense form of support, involves a package of 30 hours of support over a 12 month period.

Over the past three years delivering these programs, Jesuit Social Services has been in a position to observe the impact of Government policy and programming in Victoria in relation to rehabilitation and prisoner transition. Current limitations in Victorian prisoner transition that we have identified include a lack of resources to support people exiting prison with the 30 hour limit on support often not sufficient; an inability to engage and build relationships with people before they exit custody with assessment positions within the Corrections system often remaining unfilled; and finally a lack of stable and appropriate housing for prisoners on release.

Jesuit Social Services is currently undertaking a process of reflecting on our work supporting people transitioning from prison and how this might be improved. This will include further research and consultation with Government throughout 2014-15. This work is underpinned by a belief that prisoner transition must be more effective in Victoria. The fact that 36.8 per cent of prisoners return to custody within two years and over half of the prison population has been there before should compel our community to take action. Here, Victoria can learn from initiatives in other jurisdictions including:

- The United Kingdom which is exploring better links between custody and transition with support providers funded to engage with people throughout their custodial sentence and as well as their transition into the community;
- The United States, where jurisdictions such as Vermont are utilising restorative justice principles and practices in their prisoner transition framework. Here, funding has been directed towards Circles of Support and Accountability, community panels, and mentoring programs to support prisoners on release into the community (Fox, 2011); and
- Norway, where in 2010 only 20 per cent of prisoners had reoffended within two years. Since 2005, the Norwegian government has had in place a 'Reintegration Guarantee' for prisoners being released into the community.

### **Budget Priority 3: Support for pathways to participation for people who are disengaged from learning and work**

Participation in education, training and employment can produce significant economic and social benefits for people and the wider community. The Productivity Commission notes that employment is the most robust factor for keeping people out of poverty (Productivity Commission, 2013) and that in 2010, more than 30 per cent of people who were unemployed experienced deep social exclusion (Productivity Commission, 2013).

Education and training is often a crucial step in a pathway towards workforce participation and enhanced wellbeing. Evidence shows that literacy and numeracy levels are associated with employment and economic wellbeing outcomes (Guenther, Falk, & Arnott, 2008), while people with qualifications at Certificate III level or above are more likely to be employed and have higher incomes (Nechvoglod & Beddie, 2010). In addition to workforce participation, there are a range of other positive social outcomes that result from participation in education and training including socialising with other trainees/course participants; better engagement with the community; reducing isolation; and making connections (Guenther, Falk, & Arnott, 2008).

Given this evidence, it is alarming that a significant proportion of the Victorian adult population is disengaged from training and employment. Analysis of 2006 Census data undertaken as part of an evaluation of Jesuit Community College (Regina Hill Effective Consulting, 2013) identified approximately 20 per cent of the Victorian adult population (625,295 people) aged 15 – 64 years who were not in school, had not completed a Certificate III qualification or above, and were either in low skilled jobs or disengaged from training and employment.

Of particular concern is an apparent increase in recent years of disengagement amongst young people, with the number of 18-24 year olds in Victoria who were fully engaged in employment, education or training significantly declining from 78.6 per cent to 73.5 per cent (COAG Reform Council, 2012). As part of this we have also seen a fall in the full time employment amongst 18-24 year olds from 45.7 per cent in 2008 to 39.9 per cent in 2011 and a persistent school dropout rate of 23.1 per cent in 2011.

Jesuit Social Services is aware of action being taken by the Victorian Government to improve participation in education and training and the overall level of educational attainment across the community. This includes the Victorian Training Guarantee and programs to support vulnerable and disadvantaged learners. As part of this, the Victorian Government has entered into a funding agreement with Jesuit Social Services to support it to establish Jesuit Community College. The College's aim has been to engage with High Need Learners and provide specialised support so that they can increase participation and outcomes from training. A key focus of work for the College has been on enhancing the foundational skills of disadvantaged learners which are so vital to further learning and employment outcomes.

Jesuit Community College commenced operation in 2011 and an evaluation of its first two years commissioned by the Department of Education and Early Childhood Development (DEECD) was completed in late 2013. Our approach is characterised by flexible and appropriate engagement with learners, often in community settings; tailoring teaching methods and learning environments so that

they are suitable for disadvantaged learners; and providing ongoing support, mentoring, and counselling so that our learners can realise their aspirations. The evaluation found that the College has been successful in engaging disadvantaged high need and low skilled workers and supporting their participation in learning (Regina Hill Effective Consulting , 2013).

Our experience working with people experiencing disadvantage, and the work of the College over the past two years, has made clear to us some ways in which pathways to participation in Victoria can be strengthened. These are outlined below.

### **3.1 Fund support for disengaged and high needs learners**

**Investment: Adult Community and Further Education (ACFE) and Victorian Training Guarantee (VTG) courses for high need learners who are disengaged from training and employment should include a 100 per cent loading on top of existing training subsidies.**

Research shows that disengaged and high needs learners<sup>1</sup> 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 (Regina Hill Effective Consulting , 2013). In order to overcome these barriers, potential learners need support to deal with any issues affecting their ability to access and engage in education (their support needs) and also instructional support to help them learn (their learning support needs) (Regina Hill Effective Consulting , 2013).

The evaluation of Jesuit Community College (2013) identified good practice principles for engaging high needs learners including building 'soft entry points' and learning pathways through flexible pre-accredited learning opportunities. Examples of this can include activity based engagement such as Jesuit Community College's Artful Dodgers Studio's programs which use a music, visual art, and production activities as a vehicle to engage potential learners and give them a taste of available learning options. It is also vital that training programs be designed and structured to meet the needs of learners. Jesuit Community College achieves this through:

- Utilisation of a case management approach to each 'high need' student;
- Utilisation of volunteers for each class;
- One on one tutoring and mentoring;
- Phone and SMS contact pre and post class e.g. 160 call were made over the course of 1x 17 week course; and
- Assistance with referrals to third party support services (mental health, physical health, housing, Centrelink, Immigration).

As at 30 June 2013 the College had enrolled one thousand learners (1,000) of whom 978 (98 per cent) had participated in training, the other 22 learners (2 per cent) had enrolled but not yet

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<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.

commenced training). Sixty per cent (589, 60 per cent) of the learners who had participated in training came from priority high need learner groups.

Evidence and our experience showed that it is possible to engage high needs learners if the right types of support are in place. This requires resources to deal with the demands of developing and providing tailored courses, engaging and supporting learners, and providing smaller class sizes of 6-8 learners. Importantly, these costs are not covered by standard ACFE (Adult Community and Further Education) or VTG (Victorian Training Guarantee) related training subsidies. Current funding models make some allowance for engaging priority groups of learners through loadings for young people (1.3x loading for 15 to 19 year olds who have not completed VCE or VCAL and are from low socio-economic status (SES) backgrounds), people from non-metropolitan areas (from 1 January 2014 a 10 per cent loading on all subsidised training) and Aboriginal learners (a loading of 1.5). Jesuit Social Services believes that better engagement and attainment outcomes for high needs learners could be achieved if resources were available to provide the supports they require. We believe that an additional loading of 100 per cent should be added to course fee subsidies for disengaged high needs learners would achieve this.

### 3.2 Clearer pathways from learning into work

**Investment: Allocate funding for pilot projects to develop more effective pathways between education and training, employment services, and work experience and employment opportunities.**

A common experience of many of the people Jesuit Social Services works with is that training is delivered in the absence of a clear pathway to employment. People we work with are often frustrated at being churned through training for training's sake without access to valuable work experience and employment opportunities. The impact of lack of work experience opportunities is most acute for people from disadvantaged backgrounds who often lack extensive employment experience. It is made clear by data from the Australian Bureau of Statistics (2013) in which insufficient work experience is identified as the most significant barrier to employment by significant numbers of young people (15.3 per cent of 15-19 year olds seeking work and 15 per cent of 20-24 year olds).

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. The need for this response has also been recognised by the other community organisations including the Brotherhood of St Laurence, who have called for '*better integration of training with support and paid work experience is essential*' (Brotherhood of St Laurence, 2011).

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. There are many examples of promising initiatives in these areas including Jesuit Social Services own Ignite Cafe Social Enterprises which provide on the job training and experience to people seeking work in the hospitality industry, and the Workplace Inclusion Program which works in partnership with major employers (including the National Australia Bank) to provide paid work experience placements for skilled migrants.

We believe that both the training and also employment services sectors must enhance their links with each other and employers in order to improve outcomes for people who are disengaged from training and work. Education and training are primarily funded at the state level while employment services are funded by the Federal Government. Jesuit Social Services believes that investment is needed to support the development of demonstration models of how these two systems can more closely integrate their work and more effectively provide work experience and employment opportunities for disadvantaged people. These models could refine existing good practice and build an evidence base for what works with a view to influencing future policy directions in this area. This investment is timely as in 2014-15 the employment services system will be reviewed prior to the expiration of JobServices Australia contracts in 2015.

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