



## Navigator helps Steven get back on track

When Steven (not his real name), a young Aboriginal boy, engaged with Jesuit Social Services' Navigator program he was experiencing significant challenges with his education.

Steven had a long-standing pattern of not attending school. He has a diagnosed learning disability and was not receiving any extra assistance in the classroom.

Our Navigator program provides individualised casework and support to disadvantaged young people aged 12 to 17 to help them return to education or training.

Without early intervention some of these young people may progress to having contact with the youth justice system.

The links between disengagement from education and involvement with the youth justice system are well documented. According to the 2017/18 Annual Report of the Youth Parole Board, 65 per cent of young people involved with the youth justice system had previously been suspended or expelled from school.

In the year before he engaged with Navigator, Steven only attended three days of school. Although his mother tried several times to seek extra support for him in the classroom, he was never provided with an Individual Learning Plan.

He was also struggling because of family conflict, low confidence and those around him not understanding his complex needs.

Steven's Navigator case worker was able to gain a deep understanding of his personal challenges, build a sense of trust with him and link him in to culturally-specific services.

Steven was also supported to enrol in a flexible learning centre where his individual needs were better supported, and where he could benefit from an Individual Learning Plan.

Two years later, Steven is attending approximately 80 per cent of his school timetable.

His confidence has grown to the point that he has applied for casual work, which his mother identifies as a major success in his life, and is engaged with work experience through his school.

Steven's story demonstrates the importance of long-term case management with a focus on a young person's health and wellbeing, and the need for culturally sensitive and respectful work.

*Jesuit Social Services is calling for the Victorian Government to lower the age of eligibility for Navigator from 12 to 10 years, ensuring more vulnerable children have a chance to reconnect with school.*

In this issue:

**New Zealand study tour** Page 3

**Advocacy on the agenda at Annual Dinner** Page 6

**New ways needed to help kids in crisis** Page 7



## Punishing vulnerable young people is setting them up to fail

The past few years have been a challenging period for those of us who care deeply about the safety and wellbeing of children.

The abuse and neglect of children in the Northern Territory's youth justice system, children in Victoria being unlawfully detained in a maximum security adult prison and, more recently, the horrific treatment of children as young as 10 in Brisbane City Watch House have all put a spotlight on the failings of the very systems meant to support and protect vulnerable children and young people.

Practices are rightfully being reviewed across the country but meanwhile we still stand at the crossroads, waiting to see if a better way forward will eventuate.

The Royal Commission into the Protection and Detention of Children in the Northern Territory produced more than 200 evidence-based recommendations, but without adequate funding support from the Federal Government, momentum has been lost. In Victoria, the response to 10 years of underinvestment in experienced staff and fit-for-purpose facilities is to build a new high security youth prison and a 'supermax' unit instead of investing in what we know works: early intervention, prevention and rehabilitation.

By punishing, without adequately supporting vulnerable young people, we are setting them up to fail.

In this newsletter you will read about a recent study tour colleagues and I undertook to New Zealand, where we were impressed by the political leadership shown in committing to targets to reduce the country's prison population over the next 15 years.

You will also read about our ongoing advocacy to raise the age of criminal responsibility from 10 to 14 years across the country – primary school aged children belong in school, not in prison.

Your support remains more important than ever as we continue to advocate for the strong, effective approaches that help young people take responsibility for their actions and get their lives back on positive pathways.

*Julie Edwards, Chief Executive Officer*



## Young people share their views on justice

*Earlier this year, a group of young people aged 15 to 25 years, all of whom had previous contact with at least one of the youth justice, adult justice and out-of-home-care systems, shared their thoughts about supporting young people at risk. The links between the child protection and justice systems are well documented, with 37 per cent of young Victorians involved with the youth justice system having previously had involvement with child protection.*

*The young people shared their views in a kitchen table conversation facilitated by Jesuit Social Services' #WorthASecondChance campaign and the CREATE Foundation. Here is what they had to say.*

"I was shocked when I found out that the age at which a young person could be locked up for a crime is 10 years old. People under 14 don't have the maturity or capacity to take responsibility for their actions. I think back when I was that age and I still didn't have much emotional maturity."

"If a 10 or 11 year old was committing serious offences, then I would want to know what's happening to that kid to cause them to be like that."

"Remember there was that idea for the Boot Camp? That was ridiculous – young people who have had tough lives don't need boot camp. They need help."

"Young people in care don't have family support to help them at mainstream school and when we do have to leave care when we are 18, it makes school even harder."

"Put young offenders into TAFE or other programs. We need better education options, not just mainstream school. That won't suit everyone. Find out from the young people what will suit them."

"Young people that get into trouble have been to hell and back so they need support to learn skills for the future."

## Searching for solutions - New Zealand study tour

*Senior leaders at Jesuit Social Services recently embarked on a study trip to New Zealand to learn more about their approaches to dealing with young people and adults who have contact with the criminal justice system.*

Over the past decade youth offending across Australia has decreased considerably, yet prison numbers continue to rise, with many of these young people on remand (i.e. not yet sentenced). At Jesuit Social Services, we believe that an effective youth justice system is one that holds young people accountable for their actions while working to rehabilitate and re-socialise them, and ultimately prevent re-offending.

In 2017, we undertook a study tour to parts of Europe, the US and the UK to look outside our borders for solutions to youth justice problems in Australia. This year, we have once again looked outside our borders, this time to New Zealand.

New Zealand faces many of the same challenges we do here in Australia, and certainly does not have a flawless system. However, what they do have is a desire for reform. We were heartened to hear that the New Zealand Government had committed to reducing the prison population by 30 per cent over 15 years; a vision that is shared across all levels of leadership.

*Continued on Page 5*



*CEO Julie Edwards and Executive Director - Advocacy and Strategic Communications, Cath Neville, met with Judge Andrew Becroft, Children's Commissioner NZ, and his team in Wellington.*

## Change begins in relationship

*ANDREW HAMILTON SJ reflects on the importance of keeping our children safe.*

The old saying goes that children should be seen and not heard. But few of us follow it in practice. We spend endless hours talking with children, ensuring that they feel loved, and answering their thousands of questions.

We do this because we love them and because this is how they will grow into affectionate, enterprising and sociable adults. Some children, of course, miss out on this caring and loving interaction. They act unsocially and damagingly.

If as a society we love our children, our response should be to make up for what they have lost. We strengthen their relationships at home, help them connect with other children and mentors, show interest in them and encourage their initiative. That will help them link with society.

If as a society we love our children, we do not lock them up in prisons with guards instead of parents, boredom instead of stimulation, solitude instead of interaction and disapproval instead of encouragement. That will only prepare them for adult prisons.

What does it say of us as a society that our first response to children who act badly is to call for them to be jailed, and to waste on expensive prisons resources that could have helped them connect with society?

A better response would surely be one of compassion for children who have lost their way. And then to accompany them as they build better relationships with families, with schools and with their peers.

Change begins in relationships, not in prisons.

## Making youth justice a national priority

Across Australia, youth justice systems are failing some of the most vulnerable young people in our communities.

Recently, in Queensland, the ABC's Four Corners program exposed the scandal of hundreds of children and young people aged between 10 and 17 being held in adult watch houses across the state each year. In the Brisbane City Watch House, some children were held in isolation, three children had recently attempted suicide and a young female was placed in a holding cell with two alleged male sex offenders.

This report brought to mind the horrific revelations exposed at the Don Dale youth detention centre in the Northern Territory in 2016, which sparked the *Royal Commission into the Detention and Protection of Children in the Northern Territory*. Three years on, it appears the lessons of Don Dale have still not sunk in, with stories continuing to emerge across the country of mistreatment and neglect of young people in detention.

In **New South Wales**, the Inspector of Custodial Services found in November last year that children and young people in detention facilities were subject to inappropriate routine strip searches, solitary confinement and excessive use of force. Government figures in **Tasmania** show there were 203 strip searches of children at Ashley Youth Detention Centre in a three-month period in 2018. In **Western Australia**, Amnesty International reported in March 2018 that a Maori teenager was kept in an isolation cell for 328 days.

These disturbing incidents illustrate broken systems and flawed approaches that demand urgent attention. Above all, we need effective approaches to youth justice that focus on early intervention and diversion and prevent young people from contact with the justice system wherever possible, using child-specific approaches and engaging families and communities.

The overrepresentation of Aboriginal and Torres Strait Islander children and young people in the justice system must also be addressed as a priority. Although only about 5 per cent of young people aged 10 to 17 in Australia are Indigenous, 49 per cent of those under youth justice supervision on an average day in 2017–18 were Indigenous.

It is time for national leadership on these issues.

In Jesuit Social Services' *Federal Election Platform: A more compassionate Australia*, we called for the incoming Federal Government to commit to a National Youth Justice Strategy that seeks to address poverty and disadvantage as the root

causes of crime, diverts children from prison at every possible opportunity and that provides access to the opportunities that every Australian child deserves.

We also continue to advocate for the age of criminal responsibility to be raised from 10 to 14 years old across all states and territories.

Prison is no place for a child. The most effective approach to preventing children's trajectories into the justice system is to address the issues driving their vulnerability, such as family dysfunction, trauma, abuse and neglect.

In November 2018, the Council of Attorneys-General committed to the formation of a working group to examine whether to raise the age of criminal responsibility from 10 years of age. Jesuit Social Services hopes that this report, which is due this year, will recommend raising the age. This would represent an important step toward the kind of positive reform in youth justice that is sorely needed.

**Figure: Percentage of young people under youth justice supervision on an average day in 2017-18 who were Indigenous.**



Source: Australian Institute of Health and Welfare

## Searching for Solutions – New Zealand Study Tour

*Continued from Page 3*

We witnessed a concerted effort to reduce the number of young people who have contact with the justice system, ensuring that prison is always the last option. Over the past 10 years, the number of children and young people in New Zealand who have attended court has dropped by 64 per cent. Currently, over 75 per cent of young people who come into contact with the police are funneled out of the system through warnings or diversion.

Restorative justice is the principal response to young people when they offend; which is not the case in Australia. Family Group Conferencing is the main restorative approach in New Zealand and it encourages young people to take responsibility for their actions, recognise the harm they caused and work to repair that harm through consultations with the community and their family.

What we also saw was the importance placed on spirituality and culture in the justice system. Maori culture is embedded in youth justice processes. There is connection to tradition, ceremony, land and community. This was most clearly articulated in the function and practice of the Rangatahi (Maori) and Pasifika Courts. These courts function as traditional youth courts but are held on Marae (Maori meetings grounds), follow Maori or Pasifika cultural processes and involve the families and communities of the young person. Similar to the Koori courts that we have in Victoria and New South Wales, we found that these courts place the young person at the centre of the process, and create strong links to culture and community.

The youth justice facilities that we visited had a strong focus on education, with one classroom and two teachers per unit of approximately eight young people. Separate skills centres provided training in cooking, carving, music and other activities. These visits reaffirmed our findings from our 2017 Justice Solutions tour: small, home-like facilities that are close to communities best support young people. Staff at these youth justice centres were surprised to hear that handcuffs, batons, capsicum spray, dogs and/or guns have been used at youth detention facilities in Australia. These are not used in NZ. Through relationship with the young person, including using de-escalation techniques, potential risk events are managed.

We spent a day at Auckland's Alcohol and Other Drug Court, which also prioritised strong cultural practices, from the use of language to the symbols around the court room and the active voice of Maori elders, through to the closing prayer and song.

We observed that close attention was paid to the details of each person's life as part of the court process. The judge, elders, police, lawyers and caseworkers all participated – bringing insights, direct knowledge, experience, legal and moral considerations to bear.

This was justice at its best – holding to account, encouraging, connecting with family and community, extending the hand of personal care and hope.

Like all other jurisdictions, there is scope for improvement in New Zealand's justice systems.

However the strong leadership shown by New Zealand's Government – and a commitment to reduce the prison population – should be commended.

So too should the Government's focus on improving mental health and other vital services to prevent crime from occurring in the first place.

A key lesson Australia can learn from New Zealand is the shared political commitment to positive reform and belief that all young people are worth a second chance.



Rotorua's Te Maioha o Parekarangi youth justice facility

## Advocacy on the agenda at Annual Dinner

On Saturday 16th March around 400 guests joined Jesuit Social Services for our Annual Dinner, held in the Members Dining Room at the MCG.

Victoria's Principal Commissioner for Children and Young People Liana Buchanan delivered the annual Frank Costigan QC Address, calling on community organisations to advocate more forcefully for the rights of young people.

"I see strong advocacy on a range of issues from a range of groups – all entirely needed, justified and warranted. However I am surprised by the relative dearth of advocacy for children and young people," she said.

"I think there's a lot of reasons for this. For non-Government organisations, funding models can mitigate against organisations feeling they have the capacity or a mandate to undertake an advocacy function.

"I have the strong view about the role of non-Government organisations and systemic advocacy. I think non-Government organisations providing services to people who experience disadvantage, and not using that information to try to change what causes their situations, are only doing half the job.

"I applaud Jesuit Social Services for stepping up, speaking out and trying to influence the systems. This preparedness to advocate is rarer than it should be and vitally important."

Our CEO Julie Edwards spoke about the impact of our policy and advocacy work including our *Dropping off the Edge* research into locational disadvantage, conducted over 20 years, and a recent report into the use of isolation on young adults in the prison system.

Julie also highlighted how our advocacy allows us to share the stories and experiences of people we work with to lobby for evidence-based policies.

We were grateful to receive donations and pledges totalling just under \$100,000 during the evening, which will be used to support our ongoing advocacy campaigns.

Thanks to all who attended our 2019 Annual Dinner and pledged their support for the work of Jesuit Social Services.



Liana Buchanan delivering the annual Frank Costigan QC address

## New ways needed to help kids in crisis

*John Adams, General Manager – Northern Territory at Jesuit Social Services, writes about the need to raise the age of criminal responsibility from 10 to 14 years. This piece was originally published in the NT News.*

I have worked in Child Protection and Youth Justice in the Territory for the last 20 years and I am yet to see a child who is better off because they have been in contact with the criminal justice system.

I think we all want what is best for our future, which is what is best for our children. Locking up children as young as 10 years old is clearly not what is best for them, and not the right way to respond to children in trouble.

Doing nothing when a child is in trouble can no longer pass the pub test. A child who engages in offending is a child in crisis – what is going on in an 11-year old's life that means they are coming to the attention of police? The answer to this question is complex, but raising the age of criminal responsibility to at least 14 is not.

Raising the age of criminal responsibility is not about doing less – it is about doing more. It's about approaching the situation differently. Rather than criminalising behavior, it's about saying this child is behaving in a way that doesn't work for the child or society. It is about asking – what can we do that gives the child the best chance of changing his or her behaviours?

It's about giving children the opportunity to learn from positive role models and stay connected to family, community and culture.

Crucially, it's also about keeping children in school and ensuring that our education system nurtures their diverse strengths. We know that education plays a vital role in not only keeping children out of trouble but giving them the foundational tools and skills they need to succeed in life.

We know that custodial responses lead to more harm and that many children who exit the youth detention system do so worse off than when they entered – which increases the chances of further crime.

We call on our Governments around the country to raise the age of criminal responsibility from 10 to 14 so that every child has the chance to flourish in life in a community that is safe.



Locking up children as young as 10 years old is not the right way to respond to kids in trouble.

**“I applaud Jesuit Social Services for stepping up, speaking out and trying to influence the systems. This preparedness to advocate is rarer than it should be and vitally important.” – Victorian Principal Commissioner for Children and Young People, Liana Buchanan.**

A photograph showing the silhouettes of several people standing on a beach or shore, looking out at the ocean during a sunset. The sun is low on the horizon, creating a bright glow. One person in the center has their arms raised in a gesture of triumph or joy. Another person to the right is holding a surfboard on their shoulder.

**Locking up children as young as 10 years old is not the right way to respond to kids in trouble.**

#### Want to help Jesuit Social Services?

Together we can build a just society by advocating for social change and promoting the wellbeing of disadvantaged people, family and communities.

#### I would like to make a donation of:

**\$75**       **\$150**

**\$500**       **\$1000**

**\$**

Please send me information about leaving a gift in my Will.

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