

## **Australian Research Alliance for Children and Youth (ARACY) - Submission to Royal Commission into the Child Protection and Youth Detention Systems in the Northern Territory**

### **About ARACY**

ARACY helps children achieve a better life. We focus on prevention, heading off problems before they arise. We do this by discovering and spreading news on what research tells us are the best practical ways to overcome disadvantage early and set children on a positive future path.

We bring together researchers, policy makers in government, people delivering services, children and youth to learn from each other. They have told us that what matters most are: loved and safety; meeting material needs like food, clothing and housing; health; learning; a chance to participate in decision making; and pride in culture and identity.

We work on these through a national action plan called *The Nest* (ARACY 2014).

Currently, Australia is in the top third of OECD countries on a mere quarter of the indicators of child and youth wellbeing. Our goal is to have Australia rank in the top third of countries on half of these same indicators by 2025.

To achieve this goal, ARACY acts as a catalyst, to –

- identify the problems facing children and young people in Australia
- determine which of these problems are the most urgent, so we can direct effort to where it will be most useful
- collect evidence on the actions and policies that will best help to solve the priority problems
- distribute the evidence to policy makers, service providers, parents and young people so they can improve practice
- bring researchers, service providers and policy makers together to interact, exchange ideas, and influence one another
- measure and report on progress.

### **ARACY's interest in the Royal Commission's Terms of Reference**

#### *The Terms of Reference*

The Royal Commission is required to examine “failings in the child protection and youth detention systems of the Government of the Northern Territory during the period since the commencement of the Youth Justice Act of the Northern Territory” and will cover “the treatment... of children and young persons detained at youth detention facilities administered by the Government of the Northern Territory, including the Don Dale Youth Detention Centre in Darwin”. The Act commenced on 1 August 2006.

The Royal Commission will also examine:

- Whether any laws or human rights were breached;
- The oversight mechanisms and safeguards in place at the time;
- Whether the oversight mechanisms and safeguards failed, and if so, why;
- Whether there were deficiencies in the facilities' organisational culture, structure or management;
- Whether more should have been done by the Northern Territory Government, in particular with regards to recommendations from reports and reviews into the youth detention centres;
- What measures should be adopted to prevent inappropriate treatment in the future, including:
  - What improvements can be made to the child protection system;
  - Access from the facilities to medical and psychiatric care; and
  - “[A]ny matter reasonably incidental.”

#### *ARACY's interest*

The treatment of children and young people detained at the Don Dale Youth Detention Centre in Darwin represents clear evidence of a failure by adults to protect young people in their care. It also constitutes abuse of one of the most vulnerable groups in society: children and young people in detention.

ARACY is not in a position to comment specifically or in any detail, on any local failings of the child protection and youth detention systems of the Government of the Northern Territory, including the specific set of circumstances that led to the abuse of young people at the Don Dale Youth Detention Centre. We lack the required evidence to substantiate such comment.

However, as a national organisation that collects evidence towards improving child and youth wellbeing - and with a focus, as well, on vulnerable groups - ARACY is well-placed to comment on some broader considerations that are of relevance to the Commission's Terms of Reference.

These considerations, set out in our submission below, relate to three key themes that underpin *The Nest* action agenda (ARACY 2014):

- The critical role of prevention and early intervention in reducing the likelihood of children and young people requiring tertiary services
- The value of holistic approaches, focusing on what is required to ensure children's wellbeing across all dimensions of their lives – as opposed to planning within established and siloed disciplines and service boundaries.
- The importance of evidence and outcomes based approaches to the development of effective policies, services and programs.

In summary, the submission proposes that:

- 1) the bulk of our efforts should focus on prevention and early intervention to remove the need for entry into the child protection and youth justice systems.
- 2) Where entry into these systems does occur, policies should focus on maximising the current and future health and wellbeing outcomes of those children and young people concerned.

1) **The importance of prevention and early intervention**

*A need for preventive, early intervention, collaborative approaches*

There is considerable, conclusive evidence that highlights the links between abuse and offending behaviour. A recent survey of young people in juvenile justice detention in NSW found, for example, that '81% of young women and 57% of young men had been abused or neglected, and for 49% of the young women and 19% of the young men, that abuse or neglect was "severe"' (Indig et al., 2011, cited in Cashmore, 2011, p.32). Young people transitioning from out-of-home care are also over-represented in the youth justice system (Mendes et al 2012; 2014).

This close relationship between abuse and offending highlights the critical importance of prevention and early intervention; as well as the need for child-focused collaborative approaches, rather than siloed approaches that are characterised by distinct responses from different service systems.

For example, where young children (under the age of 10 years) are displaying antisocial and/or criminal behaviour this should be viewed as a child protection matter and child protection screening practices should allow for early identification and referral to appropriate family support services.

The importance of prevention, early intervention and collaboration in protecting children is evidenced and outlined in an extensive review of national and international best practice by ARACY *Inverting the pyramid: Enhancing systems for protecting children*, (ARACY, 2008).

The clear social and economic benefits of prevention and early intervention are also summarised in *Better Systems, Better Chances: A Review of Research and Practice for Prevention and Early Intervention*:

'The return on investment for prevention and early intervention is consistently greater than costly remedial responses. Getting it right in the early years reduces downstream expenditure on remedial education, school failure, poor health, mental illness, welfare reciprocity, substance misuse and criminal justice.' (ARACY, 2015, p.3)

ARACY concludes that the best preventive investments are made:

- In the antenatal to age five period, through universal and targeted services;
- Through universal and targeted parenting supports; and
- Through universal and targeted mental health programs to support development of social and emotional wellbeing and resilience (ARACY 2015, p.5).

These kinds of preventive strategies are fundamental underpinnings to the overall directions and evidence-based strategies of *The Nest* action agenda (ARACY 2014).

*A need for targeted approaches across the life span*

Research points conclusively to the crucial importance of the early years in shaping and influencing lifelong outcomes and development, but interventions to improve outcomes should not be limited to the early years.

As noted in *The Nest* action agenda: ‘we need to design and build a comprehensive national prevention and early intervention system across the key life phases – this system must be built around the strong evidence that our interventions will have greatest impacts when they are focused as early as possible in the life course. However, this focus on the early years must be combined with an increased focus on the middle years and older adolescents and youth’ (ARACY, 2014, p.10).

This ‘life-stage’ approach is of particular relevance to prevention of offending.

Research suggests that young people who have experienced chronic abuse which continues from childhood into adolescence, and young people whose abuse begins in adolescence are much more likely to be involved in crime, than young people whose abuse is limited to childhood (research reported in Cashmore, 2011, p.33).

So responses and interventions need to be targeted in the middle years and adolescence as well as focusing on the early years.

Interventions should also be focused on key population groups, including young people in out-of-home care and Aboriginal and Torres Strait Islander children and youth.

Early engagement and intervention with high-risk populations at risk of offending and detention will often require specialised and skilled, culturally-appropriate engagement to ensure maximum access and build trust and rapport.

*A need for targeted approaches for Aboriginal and Torres Strait Islander children and youth*  
Aboriginal and Torres Strait Islander children and young people are significantly over-represented in both the child protection and youth justice systems.

For example, in 2014–15, Aboriginal and Torres Strait Islander children and young people (aged 0-17) were 7 times as likely as non-Aboriginal and Torres Strait Islander children and

young people to be receiving child protection services (AIHW 2016a, p.vii). In the same year, Aboriginal and Torres Strait Islander young people (aged 10-17) were around 15 times more likely than non-Aboriginal and Torres Strait Islander young people to be under youth justice supervision, and around 24 times more likely to be in detention (AIHW 2016b, p.7).

The reasons for this over-representation are complex, but are likely to involve factors including:

- Chronic social and economic disadvantage, including child abuse and neglect
- Impacts of dispossession from land and traditional cultures
- Discrimination and lack of support in the criminal justice system
- Inadequate access to legal representation and to effective diversionary processes (Higgins and David, 2014).

There is a historic mismatch between investment in improving outcomes for Indigenous Australians and the reality of demonstrable improvements, as documented in a recent report from the Centre for Independent Studies, *Mapping the Indigenous program and funding maze* (Hudson, 2016).

A review of early years interventions by ARACY for the Lowitja Institute, identifies a lack of sound evaluations and observes that:

‘Improving outcomes for Aboriginal and Torres Strait Islander children across Australia will take more than just a programmatic approach. A systemic approach is needed, with a shared focus and commitment across health, parenting and early learning services and continued work to enhance the accessibility of universal services for Aboriginal and Torres Strait Islander families’ (Emerson et al, 2015, p. 22).

It notes the importance of:

- a committed and careful process of implementation of early childhood programs based on interventions that are well supported by evidence
- a respectful process of engagement and tailoring offered to each Aboriginal and Torres Strait Islander community
- sufficient flexibility to build on local priorities and strengths while retaining program logic
- good data collection and sound evaluation to inform program implementation and generate good knowledge of its value (Emerson et al, 2015, p.22).

Engagement of Aboriginal and Torres Strait Islander organisations and communities in the development of *The Nest* has highlighted the vital importance of privileging Aboriginal and Torres Strait Islander knowledge when developing agendas and delivering services that are relevant to Aboriginal and Torres Strait Islander children and youth.

It has also highlighted the need for an approach that dispels myths, cultural misunderstandings and stereotypes and emphasises the cultural strengths, capacities and resilience of Aboriginal and Torres Strait Islander children, young people and their families.

In response to this, ARACY is currently working with Aboriginal and Torres Strait Islander peak agencies to develop an Aboriginal and Torres Strait Islander specific action agenda and measurement framework that will:

- be grounded in the needs, aspirations and expectations of Aboriginal and Torres Strait Islander peoples
- have a high level of ownership by Aboriginal and Torres Strait Islander representative agencies
- be owned by and empower Aboriginal and Torres Strait Islander people involved in its development.

## 2) **Maximising the wellbeing outcomes of children and young people in the child protection and youth justice systems**

Children and young people in the child protection and youth justice systems are highly vulnerable groups.

For children who have been abused, including those in out-of-home care, there can be lifelong impacts including poor health, social functioning, educational attainment and employment outcomes, homelessness, incarceration, adult victimisation and early death (Victorian Government, 2013, p.4, see also Osborn and Bromfield, 2007).

Young people in the youth justice system experience significant disadvantage, with research identifying a constellation of health issues and problems among this group, particularly those in detention (Indig et al 2011, p.11) and research into the long-term health and social outcomes of young people in the youth justice system in Australia is limited (evidence cited at Murdoch Children's Research Centre Symposium, *Responding to the health needs of justice involved young people*, 28<sup>th</sup> October 2016).

It is critical, therefore, that policies in the child protection and youth justice systems should focus on maximising both the current and future health and wellbeing outcomes of the children and young people in these systems, through a range of approaches, including:

- Ensuring the adequate provision of appropriate health services to children and young people who are involved with the child protection and youth justice systems, including those who are in care and in detention.
- Focusing on the assessment and appropriate care of children and young people with particularly complex needs, including young people who are involved with both the child protection and youth justice systems.

- Ensuring that service responses to children and young people within these systems are evidence-based
- Filling gaps in our knowledge, including, for example, carrying out longitudinal studies to better understand the long term health and social outcomes of children and young people in youth justice and in detention.

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