

Issues Paper on Child Protection - Options for fundamental reform

“If Everyone Cared” Margaret Tucker

“We cannot solve our problems with the same thinking that created them”

Albert Einstein

Submission from Marea Moutlon & Julie James Bailey

1. In your view, does the current Northern Territory child protection system work effectively, and provide adequate safeguards for children and families in the Northern Territory, or are significant changes needed?

The current Northern territory child protection and youth detention system does not work. Recidivism data and the increasing level of females in detention amongst other evidence based research supports this regrettable position statement. The system can be made to work more effectively if significant reforms from the ground up and top down coincide to improve the outcomes of the detention experience/system for detainees, families and staff.

At the outset we ask you to acknowledge that **the Northern Territory is different**. The Royal Commission is still under way. But at the time of submitting this response what is of concern to the writers is the glaring lack of acknowledgement of the unique situation facing Indigenous youth in the NT.

What many young people from Indigenous communities see, hear, feel and respond to whilst in detention, in terms of their communication skills, is different because unlike other states traditional language and culture is strong to the detriment of functional levels of Standard Australian English.

What has to an extent been maintained by Indigenous youth is strong culture and languages and whilst what happens in other jurisdictions in Juvenile Justice sectors is useful to relate to this sector it must be clearly understood by all parties that the Northern Territory is a complex operational environment and any reforms must be fully cognisant of the unique language and culture of detainees.

An individual's ability to navigate 'life choices' stems primarily from their language, literacy and numeracy skills and ability to confidently perform routine tasks across the personal, community and work realms of their life. Many Indigenous English Second Language (ESL) speakers who are detainees have not engaged successfully with the school system, test in the pre-1 - Level 1 range of the Australian Core Skills Framework (ACSF); this is 'below the starting point' of the 1-5 scale where scores of 3 are the nationally determined benchmark for being able to navigate routine requirements of personal and community, work and learning environments. An genuine understanding of this fact is absolutely

necessary before reform measures are drafted, considered, implemented and monitored.

All parties to the early childhood, education, training, employment and detention sectors are not working to their full and meaningful capacity if they do not operate in their particular sphere with an understanding of an individual's language, literacy and numeracy levels. Without this understanding standard training and education programs, legal paperwork and other key communications required to 'get ones life back on track' can often be superficial and sets the individual up for compounded failure.

It is imperative that a holistic, individualised approach to rehabilitation is planned and it must start with an understanding of the individual; his or her possession (or otherwise) of functional levels of Standard Australian English and his or her understanding of where he or she is in life, how they got to this point, where they would like to go and how they would like to get there.

Our consolidated response is based on a number of years experience working in remote communities and towns and in the new ACT Alexander Maconochie Centre in the ACT. Our approach is pragmatic and linked to actions taken by detainees and staff to manage them systematically and pro-actively out of detention facilities and back into functioning roles in their communities and towns. A pragmatic approach such as the recommendations listed below if implemented will lead to a reduction in the levels of recidivism and if their is wholesale investment in establishing accurate Language, Literacy and Numeracy starting points for learners changes to the levels of youth incarceration and recidivism should follow. As noted we base our report on our consolidated prima facie experiences and qualifications and deep interest and concern about the deleterious conditions of hopelessness surrounding the current experience of youth in detention in the Northern Territory.

The Royal Commission is a unique opportunity to create a climate of change. A change in culture from what is perceived largely as a retributive model of justice to a rehabilitative justice model.

Recommendation

Post Royal Commission it is our view that a truly representative committee be established to review the recommendations and plan a pathway forward. The committee must be supported not micro-managed with time taken for long hard consideration of recommendations. The committee must include not only Indigenous men and women, young and old, from urban and remote communities but female and male detainees, former and present.

2.What do you see as the priority areas for reform in child protection?

THE CULTURE MUST CHANGE.

How? One priority area for changing the culture of detention is development of a Human Resource management system that employs people who want to foster change and who will work positively towards the strategic goals of the centres. All staff must be united, skilled, educated in Language, LLN assessment procedures and the flow on effect arising from the lack of these skills. The following points capture elements of what skills are required in order to build a strong pro-active well trained and united corrections team.

1.Indigenous male and female staff, younger and older are a vital component of staffing levels.

2.A cohort of staff who sign on to employment in this sector follow a structured career path which is valued. They are imbued with a culture of change because they see Corrections as a career path of value and change.

3.Corrections staff hold most importantly at a minimum essential ESL, LLN skills or clearly demonstrate the capacity to obtain those skills.

4.Corrections staff hold baseline qualifications in training and assessment or demonstrate the capacity to obtain those skills so all staff are pro-active trainers of youth. Corrections staff hold child/youth welfare qualifications or demonstrate the capacity to obtain those skills.

VOCATIONAL EDUCATION AND TRAINING CENTRE IS THE ENGINE ROOM OF THE DETENTION EXPERIENCE.

1.We believe that engaging Indigenous youth in vocational education and training can transform their lives. Therefore a priority area of reform is to develop a Training and Education Centre that sits at the core of the strategic vision and operation of youth detention centres. Staff are skilled, experienced ESL, LLN practitioners. Indigenous staff must be a vital part of the centre.

2.And spiralling out from this Centre is a number of alternate ‘on country’ training and living centres where youths continue their period of detention, ‘in situ enabling them to continue education and training activities. The properties operated by the Indigenous Land Corporation’ that employ youth and ‘on Country Land Conservation and Management programs are relevant examples of ‘in situ’. The holistic focus for detainees and staff is on improving and consolidating detainees education and training skill sets, improving their health and well being whilst in detention so they can follow determined career paths and continue to participate in further education, employment and training post detention.

COMMUNITY AND YOUTH BUY-IN.

1. An important and related priority area is to strategically build community buy in to a new model of detention. Essential to this process is ensuring equitable participation by Indigenous men and women in discussion groups and management committees. Committees essentially decide community buy-in to decision making and governance of the detention centre and its associated 'in country programs'. Included in these committees are detainees themselves and former detainees.

A key priority of the Vocational education and Training Centre is to train all detainees in meeting procedure that allows them to participate with dignity according to the conventions of Detention Centre yard and classification of detainee meetings with the Governor and his or her delegates.

LANGUAGE, LITERACY AND NUMERACY.

1. All staff need to understand the complex communication issues experienced by detainees who do not have Standard Australian English as their first language. How is this achieved? staff are trained as noted and they are provided with the time and means of comprehending the skills of each person with whom they engage.

2. An assessment of each detainee is conducted individually to gain an understanding of his or her level of English language comprehension, literacy and numeracy. This action is a key priority undertaken at the young person's reception into the detention centre.

3. Using this information which provides a comprehensive LLN profile of each young person works with the Corrections team to then develop pathway plans. Plans are living portfolios and staff with detainees create, implement and monitor vocational education and training and rehabilitation programs that aim to take youth to a positive release and post release mentoring and support program.

CREATING EMPLOYMENT FOR DETAINEES

1. A consortium of diverse corporations/employers is developed who pledge and actualise jobs, further education and employment opportunities for detainees.

2. Develop pilot programs leading to employment in concert with Chambers of Commerce and Northern Territory Group Training. The Group Training model supported by industry is able to mentors trainees inside and outside the detention experience.

3. Work with corporate sponsors and industry to create 'prison industries' that are economically viable in the wider economic context. Entrepreneurial activities

are encouraged such as commercial outdoor furniture making, artscape activities for commerce and local government.

4. A number of high quality Registered Training Organisations work with detainees on specialised training programs. This model opens up RTOs to proper scrutiny and analysis of training and importantly preparedness of staff for LLN levels of participants. Avoid monopolisation which tends to lead to complacency and barriers to flexibility and ensures healthy competition rather than monopolisation by one Registered Training Organisation.

5. Include the suite of reforms to youth detention centres in the top 10 issues for Northern Territory Chamber of Commerce. The NT Industry Skills Advisory Council must provide advice and support for the Indigenous vocational education and training centre operations. These organisation can help 'close the gap' by developing a high order strategic planning document and conditions to target intergenerationally unemployed Indigenous youth.

COMMUNITY INFRASTRUCTURE PROJECTS.

Basic community infrastructure development opportunities do exist and they can present opportunities for detainees in terms of long term skills planning and development. If youth are in the public purview meaningfully engaged - detainees are seen to be and are in fact working for the public good in the public domain under supervision and acquiring skills. Please note that a public toilet/restroom/parents room does not exist in Wadeye or many remote communities. The Alice Springs public model is a case in point that should be replicated as a basic human right across all Indigenous communities in the Northern Territory.

3) What specific reforms do you think should be considered or would you propose ?

1. As noted recruit staff who have ESL, LLN qualifications and skills. Reform must focus on building a cohort of staff in a dynamic problem solving team who are focused on outcomes listed as the LLN, ESL and Vocational Skills development of detainees.

2. An ongoing staff education program that advances knowledge and understanding of ESL, LLN is essential.

3. All staff – all detention centre staff are training and education staff and thus at recruitment hold, are enrolled in or have the capacity to obtain a Trainer and Assessor Qualification

4. The recruitment process for detention centres selects staff who have a wide range of skills and interests that can be employed in the training and education process, for example: people who love gardening, fishing, music or who can build a gazebo.

5. A comprehensive Induction Program is developed and participation of all youth is mandatory. The program is tailored in part to support the different community needs of participants and is flexible enough to be adapted to reflect the ESL, LLN capacity of participants but it is a comprehensive holistic package of learning and skills acquisition that each person works on before focusing more narrowly on one area of skills development. Included in the program are -

A full health and dental check.

Mental Health Check

Diagnostic testing of ACSF Language Literacy and Numeracy Skills levels.

A pathway conversation that concludes with aspirational goal setting- Where am I now ? How did I get here ? Where do I want to go ? How can I get there ?

Basic home maintenance and repairs

Caring for country,

Why we volunteer

Personal hygiene,

Communication skills

Nutrition and fitness programs

Working with colleagues and customers

Art Therapy

Using a computer

Financial literacy

Teamwork

Relationship and parenting skills,

Health and wellness

How to conduct and participate in a meeting.

Youth in detention must become active participants in an intense holistic rehabilitative process rather than continue to be passive receivers of disparate services delivered in the detention setting.

Once youth have completed the Induction program they work with skilled, qualified and experienced staff to select specific career pathways on which to focus.

Big Picture Education pedagogy is a personal development tool that could also lift literacy levels. This is the program being used by the WA schools in the Ngaanyatjarra Lands for secondary and it revolves around initial guided discovery to establish an individual's passions and interests (and it doesn't matter what they may be - motorbikes, hang gliding, cooking or growing geraniums!). A portfolio approach of activities is then developed which builds the language, literacy and numeracy skills around that interest. There are standard teaching approaches and activities such as 'picture stories' where learners take an image from their interest area, and then build a mind map of the nouns or verbs, then adjectives in the image, from which to construct sentences, discuss what's in the image etc. At the school, this portfolio will cover the 5 year span of secondary, with work experience opportunities, study, portfolio 'showings' periodically etc. I think it could be an amazing tool /journal approach that could rebuild or build the sense of self within the process you are putting forward and at the very least, it would serve as a personal positive visual reminder of something forward-thinking in their life.

These reforms would mean that The Detention Centre/s become high functioning vocational education and training centres for youth leading to a reduction in recidivism and improved sociability of youth.

ADMINISTRATION AND ENGAGEMENT.

Create, fund and support community committees of management that monitor the incarceration and release of youth back into their communities. Include detainees and former detainees on these committees. Be prepared to work from a clean slate and deconstruct negative paradigms.

Create internal youth representative committees who are trained in meeting procedure and basic corporate governance procedures to contribute to the strategic goals of the centres.

INVEST IN A COMPREHENSIVE INDUCTION PROGRAM.

Create an Induction program that engages youth productively in working towards a positive future vision of work and learning and community involvement. As noted the Induction program is comprehensive and seeks to capture the energy and potential of youth from reception /induction until they become fully engaged in following a specific training package or building of a skills set. The core element of the induction program is to establish the LLN levels of learners.

PROVIDE ONGOING TRAINING AND EDUCATION TO COMPLETION OF QUALIFICATIONS AND TRANSITION TO EMPLOYMENT.

Secure a range of quality endorsed RTO providers to compete rather than monopolise contracts of training so that the best training providers deliver the best courses and outcomes to detainees.

DEVELOP ALTERNATE ON COUNTRY MODELS OF REHABILITATION

Alternate, in situ sites of operation are encompassed within a reform model. For example, properties operated by the Indigenous Land Corporation across Australia could host working youth; Wildman River project; Umuwa Trade Training Centre in the APY lands could benefit from a landscaping program and a number of detainees are from family in the lands despite white fella jurisdictional boundaries.

SECURE A PUBLIC PRIVATE PARTNERSHIP AND BI-PARTISAN GOVERNMENT SUPPORT FOR A RECURRENT BUDGET.

Undertake a forensic analysis of organisations that hold corporate social responsibility agreements and seek their proactive involvement in the youth in the detention area.

A ROLE FOR NORFORCE AND CLONTARF FOUNDATION.

Both Norforce and Clontarf organisations have demonstrated significant ongoing success engaging with Indigenous youth and maintaining involvement of participants in their corp d 'esprit. Norforce and Clontarf are highly respected by community. Both organisations have runs on the board and may be able to adapt their respective charters to operate within the youth corrections setting. What they do works. How can what works for them be translated to the detention setting ?

4)What changes would be necessary to make fundamental reform a reality?

1. A change of culture. Rehabilitative justice not retributive justice
2. A whole of government bi-partisan political will is united behind change.
3. A series of comprehensive consultations that are conducted ethically with interpreters, ESL, LLN awareness by all parties present when discussing reforms.
4. An ongoing funding model that places vocational education and training plans and actions at the heart of focuses on education, training
5. A reform model that includes agencies and organisations such as Norforce and Clontarf and corporate Australia championing change and providing opportunities for detainees to change their lives around.

5) If you had the opportunity to design a child protection system which was tailored for the specific circumstances, demographics and characteristics of the Northern Territory and what would it look like and how would it work.

It would look like a system that engaged youth in their future through a determined focus on training and education aimed at improving their chances to build a better future for themselves. It would be focused on reducing recidivism and incarceration levels through a cultural shift in corrections.

A system that effectively and efficiently reviews detainees classifications and supports small classes based on Core Skills Framework results, LLN levels and vocational interests.

A training and education system that is a continuum. The continuum is necessary because of the reality of recidivism and the stop, start nature of vocational training with detainees often sentenced to 6 month periods, a period of release and then often regrettably a return to detention.

A system that is supported by diverse corporations that need to be challenged to respond positively beyond the superficial claim of meeting social responsibility agreements for Indigenous employment

A system that is flexible, entrepreneurial and not focused on populist politics of the day.

NOTE. In the absence of demographic age statistics it is difficult to detail the training model for primary school aged children of 10 years who are caught up in the system.

Thank you for accepting our report. Reform is urgently needed. We are happy to provide further details regarding any of the matters raised and we sincerely look forward to reading the recommendations of the Royal Commission into this important area.

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