



January 2018

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SUBMISSION

INQUIRY INTO YOUTH DIVERSIONARY PROGRAMS IN NSW





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About Youth Action

Youth Action is the peak organisation representing young people and youth services in NSW. Our work helps build the capacity of young people, youth workers and youth services, and we advocate for positive change on issues affecting these groups.

It is the role of Youth Action to:

1. Respond to social and political agendas relating to young people and the youth service sector.
2. Provide proactive leadership and advocacy to shape the agenda on issues affecting young people and youth services.
3. Collaborate on issues that affect young people and youth workers.
4. Promote a positive profile in the media and the community of young people and youth services.
5. Build capacity for young people to speak out and take action on issues that affect them.
6. Enhance the capacity of the youth services sector to provide high quality services.
7. Ensure Youth Action's organisational development, efficiency, effectiveness and good governance.



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Recommendations

Recommendation 1: The NSW Department of Education funds a comprehensive training program for teachers in NSW to address their gaps in knowledge about adolescents, their risk-factors for engagement with the criminal justice system and the supports and services they can access and refer to. Youth Action recommends this training is carried out by local youth-focused organisations and youth service workers as they are both experts in youth issues and in their local community context.

Recommendation 2: The NSW Department of Education expands its *Protecting and Supporting Children and Young People Policy* and allocates appropriate funding for programs to support its implementation to ensure:

- All staff have access to training that adequately prepares them to identify criminogenic risk factors and patterns of behaviour that indicate trauma.
- All staff have access to someone who they can speak to or refer a young person to if they are concerned about their wellbeing.
- Yearly evaluation of the effectiveness of the processes in place at each school to support student wellbeing.

Recommendation 3: The NSW Department of Education funds and initiates a program to build strong, formal linkages and relationships between schools (including principals, support staff, wellbeing staff and administrators) and:

- Local youth diversionary programs
- Youth service workers
- Social and health services providers
- The local community including businesses and non-government organisations.

Recommendation 4: The NSW Government should:

- Increase the number of student support officers in schools as part of *Supported Students, Successful Students*.



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- Provide information to school principals, teachers and executive staff detailing the effectiveness of the program for achieving overall wellbeing results, including youth diversion.
- Conduct a public review of SSOs in schools and provide centralised support, training and coordination to their activities.

Recommendation 5: The NSW Government continues its move towards a commissioning approach to contracts and the Department of Family and Community Services immediately begins streamlining the contracting process, increasing contract lengths length to five years, improving contract focus on outcomes and increasing coordination between services, agencies and government by taking a holistic view of its funding.

Recommendation 6: The NSW Government works collaboratively with local councils and statewide service stakeholders to fund and promote activities which increase community buy-in to activities that divert crime and foster healthy communities for young people.

Introduction

Background to Youth Action's Submission

Youth Action welcomes the opportunity to submit to the NSW Parliament's Committee on Law and Safety's Inquiry into Youth Diversionary Programs in NSW.

The inquiry provides an opportunity to highlight information relevant to obtaining successful outcomes for young people who are involved with youth diversionary programs, or who are at-risk of future involvement.

Youth Action is the peak body for young people (12–25) and youth services in NSW. We represent 1.25 million young people and the services that support them. Our constituents include both the young people who come into contact with the juvenile justice system and youth diversionary programs as well as the services and workers who interact with young people and run these programs.

Youth Action undertakes significant primary research work, consulting and engaging with young people and youth support services. As part of this submission, we have conducted a number of in-depth interviews with frontline workers who work directly with young people, or have worked directly with young people as part of youth diversionary programs. We asked each of these workers to provide case studies that give insight into the current context of youth diversionary programs and how young people respond to them.

We also conducted several informal interviews and collected and analysed data from other relevant stakeholders, researchers and service organisations. This includes those in early intervention and prevention, Aboriginal and Torres Strait Island justice programs and juvenile justice programs. This submission draws on this body of work, as well as the relevant evidence base.

Youth Action is well positioned to respond to the following terms of reference presented by this inquiry, specifically:

- a. The way in which youth diversionary efforts work with:**



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- **Schools and educational authorities**
- **Non-government organisations and the local community**

h. Other related matters – observations about young people and youth diversion programs

Our submission will focus accordingly on these areas. Through our strong links in the social services sector, we will also briefly point towards bodies of work that include evidence from organisations who are also putting forward submissions into this inquiry, and who are experts in the field corresponding to that particular term of reference.

Young people, youth diversionary programs and the youth services sector

Youth diversionary programs and any efforts undertaken by schools, social services, non-government organisations (NGOs), local communities and schools to divert young people away from the juvenile justice system are critical to developing a healthy society where as few people are in prison as possible. Diversionary measures avoid criminalising young people while they are still developing. They teach important life skills such as critical thinking and decision-making. They give young people a safe place to go and a sense of belonging. They offer a chance to look at the world differently and change the way they approach their lives.

Diverting young people away from criminality is not only positive for their lifetime outcomes, but positive for society as a whole. It costs approximately \$1,500 per day (over \$500,000 per year)¹ to hold a young person in juvenile detention. Not only is this expensive, but it has been well established that early interaction with courts and incarceration leads to poorer lifelong criminal outcomes, rather than preventing them.² From a cost-benefit perspective, studies have highlighted the economic benefit of diversionary programs. For example, an American cost-benefit-analysis found a benefit of \$5,250 per young person over the course of their lifetime when taking into account factors including diversion from the criminal justice system.³ Other studies show repeated cost savings of between five to ten times the original investment in adolescent programs.⁴

Knowing this, the best outcome for young people is that they are given support which aims to reduce the likelihood of reoffending. While police cautions and youth justice conferences are the mechanisms of diversion, the NGO youth services sector is core to the diversionary process. The sector delivers the programs that provide the positive outcomes listed above, 'wrapping around'

¹ Productivity Commission, 2016, *Youth Justice Services*, 16.31 accessed at:

<https://www.pc.gov.au/research/ongoing/report-on-government-services/2016/community-services/youth-justice/rogs-2016-volume-f-chapter16.pdf>

² Sheehan, P., Sweeny, K., Rasmussen, B., Wils, A., Friedman, H.S., Mahon, J. & Laski, L., 2017, 'Building the foundations for sustainable development: a case for global investment in the capabilities of adolescents', *The Lancet*, 390(10104).

³ Kuklinski M.R., Briney J.S., Hawkins, J.D. & Catalano, R.F., 2012, 'Cost-benefit analysis of communities that care outcomes at eighth grade', *Prevention Science*, 13(2), pp. 150–161.

⁴ Sheehan, P., Sweeny, K., Rasmussen, B., Wils, A., Friedman, H.S., Mahon, J. & Laski, L., 2017, 'Building the foundations for sustainable development: a case for global investment in the capabilities of adolescents', *The Lancet*, 390(10104).



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young people who have come into contact with the juvenile justice system, or are evaluated to be at-risk of coming into contact in the future.

Youth services interact with schools, children's services, the local community, NSW justice and juvenile justice centres, NSW housing, Centrelink, families and the community to achieve diversionary outcomes. They work with the young person as the focus, often on a shared agenda with many other agencies.

To accomplish their goals, youth services need to be able to work strategically, focus on outcomes for the young people at the centre of their work, plan for the long-term and work collaboratively with other agencies. Our consultations, however, have shown that youth services often feel alone in seeking best outcomes for young people. They face departments that operate in silos, systems that do not promote collaboration, gaps in community knowledge that impact outcomes for their vulnerable clients and contracts that expire quickly. Sitting in between a range of systems to support young people, youth services find their progress barred by bureaucracy and immovable systems, at the expense of young people.

Response to Inquiry

Terms of Reference

Term of Reference A: The way in which youth diversionary efforts work with: Schools and educational authorities

Schools and educational authorities are an important piece of the system towards providing early and effective diversions from, and contact with the criminal justice system. Schools can:

- act as a base from which to run diversionary programs
- refer young people to youth services and other agencies
- act to engage support staff such as student support officers (SSOs) and school counsellors with young people
- fund programs that contribute to diversion for their school populations.

Teachers

Teachers have a high amount of access to adolescents due to the number of weeks spent at school during a calendar year. They observe adolescents in an environment where they engage or disengage with the course being taught, they see them interact with their peers and they note attendance and test results. Through these factors, they are well positioned to observe changes in behavioural patterns. As a result, they have the ability to pick up on the early signs that something has changed in relation to a young person's situation or outlook.

Although teachers are well-placed to know a young person's history and observe their actions and behaviours, they are often unaware of and inadequately resourced or trained to spot risk and protective factors⁵ and take appropriate actions. Teachers, on the whole, don't seem to have

⁵ NSW Bureau of Crime Statistics and Research, 2001. Contemporary Issues in Crime and Justice: Number 54. Accessed at: <http://www.bocsar.nsw.gov.au/Documents/CJB/cjb54.pdf>

an awareness of how worrisome behaviours they notice in the classroom can often relate to wider wellbeing issues in the lives of young people.

I want the teachers to know what I am trying to teach the kids... Any diversionary program worth its salt, could also be educating teachers, because it's the same content.

– Youth service worker

Recommendation 1: The NSW Department of Education fund a comprehensive training program for teachers in NSW to address their gaps in knowledge about adolescents, their risk-factors for engagement with the criminal justice system and the supports and services they can access and refer to. Youth Action recommends this training is carried out by local youth-focused organisations and youth service workers as they are both experts in youth issues and in their local community context.

Schools' priorities and time constraints

Just as individual teachers are well placed to pick up on risk factors, schools collectively have high levels of access to young people. If teachers are not able to individually identify risk factors, then the web of school counsellors, student support officers, wellbeing programs, youth service workers (when able to access schools), administrative staff and executive level staff should be able to.

Schools are often perceived by youth service workers who run local diversionary programs as being 'too busy' for identifying risks, placing opportunities for support among their cohort as a 'low priority' when compared to teaching curriculum. The combination of a frameworked approach⁶ to wellbeing in NSW schools and decision-making being devolved to local schools through *Local Schools, Local Decisions*⁷ means that individual schools take vastly different approaches to supporting students. Part of the support for students is the type of programs, support and identification that effective youth diversion and early intervention requires, and as a

⁶ NSW Department of Education, 2015. *The Wellbeing Framework for Schools*. Accessed at:

https://www.det.nsw.edu.au/wellbeing/about/16531_Wellbeing-Framework-for-schools_Accessible.pdf

⁷ NSW Department of Education, 2015. *Local Schools, Local Decisions*. Accessed at: <https://education.nsw.gov.au/our-priorities/work-more-effectively/local-schools-local-decisions>

result each school has very different outcomes relating to these goals and measures, even if they operate within the same locality and have the same programs available to them. Some schools engage local youth service workers who deliver programs out of their own budgets, others allow youth service workers to come in under funded programs, and some don't engage with youth service workers and programs at all.

Principals can vary with their engagement. Every school has a different culture. Where that hasn't been a problem is where we can get the Education Department on board and they say 'yes, you need to work with these guys.'

– Youth service worker

The schools are quite siloed – the principals are mainly doing their own thing. You might get a proactive principal in School A and then you go next door to School B and they're closed off or you have to completely change the program or message.

– Youth service worker

Youth Action commends the Department of Education on its focus on ensuring principals and staff are aware of their child protection obligations to report risks of significant harm and abuse. The Department's *Protecting and Supporting Children and Young People Policy*⁸ outlines the actions, roles and responsibilities for schools and teachers in this area.

To effectively engage with young people and intervene at an appropriate time in relation to youth diversion and early intervention, the Department of Education needs to review and expand the *Protecting and Supporting Children and Young People Policy* to include policies that allow for further training, relationship building, systemic changes and referrals.

Recommendation 2: The NSW Department of Education expands its *Protecting and Supporting Children and Young People Policy* and allocates appropriate funding for programs to support its implementation to ensure:

- All staff have access to training that adequately prepares them to identify criminogenic risk factors and patterns of behaviour that indicate trauma.

⁸ NSW Department of Education, 2017. *Protecting and Supporting Children and Young People Policy*. Accessed at: <https://education.nsw.gov.au/policy-library/policies/protecting-and-supporting-children-and-young-people-policy?refid=285835>

- All staff have access to someone who they can speak to or refer a young person to if they are concerned about their wellbeing.
- Yearly evaluation of the effectiveness of the processes in place at each school to support student wellbeing.

Recommendation 3: The NSW Department of Education funds and initiates a program to build strong, formal linkages and relationships between schools (including principals, support staff, wellbeing staff and administrators) and:

- Local youth diversionary programs
- Youth service workers
- Social and health service providers
- The local community including businesses and non-government organisations.

Student Support Officers

As part of the *Supported Students, Successful Students* program, schools have the discretion to employ student support officers (SSOs). Fifty of these positions were piloted across NSW, and they functioned as wellbeing-oriented youth service workers who worked alongside school staff. In 2014, the NSW Department of Education and Training conducted a review into SSOs and:

*found that there is overwhelming support for the SSO initiative from principals, school staff, SSOs, students and external organisations. SSOs make an important contribution to the wellbeing of students. SSOs complement the existing range of provision in the schools, helping the wellbeing team to perform their roles more effectively, and linking the school with agencies and communities.*⁹

Since the end of the pilot period, the Department of Education has provided \$51 million for wellbeing, the equivalent of 200 student support officers as part of *Supported Students, Successful Students*. However, it is unclear whether this money is being spent on SSOs and if they are being engaged effectively. The Department of Education no longer provides centralised support, training and coordination of SSOs. As a decentralised group, this leaves these positions subject to isolation, high stress and turn-over, all of which compromise the effectiveness and outcomes of the program as a whole.

⁹ Katz I., Griffiths A., Bullen J., Nethery D., 2014, 'Review of the Student Support Officer Initiative: Final Report for NSW Department of Education and Communities', Social Policy Research Centre UNSW.

Without an effectively planned support and wellbeing team in each school (that has strong links to external support organisations), adequate support for youth diversionary programs and early risk identification will remain ad-hoc and under-effective.

Student support officers are trained to build relationships and trust with young people, identify risks and link to appropriate support services. They fill a gap that in the current system no one else does.

– Youth service worker

Recommendation 4: The NSW Government should:

- Increase the number of student support officers in schools as part of *Supported Students, Successful Students*.
- Provide information to school principals, teachers and executive staff detailing the effectiveness of the program for achieving overall wellbeing results, including youth diversion.
- Conduct a public review of SSOs in schools and provide centralised support, training and coordination to their activities.

Term of Reference A: The way in which youth diversionary efforts work with: Non-government organisations and the local community

Non-government organisations (NGOs)

Two topics related to NGOs and how they work in the communities and work with each other have dominated the youth services sector most recently: service collaboration and sector leadership and coordination.

Service collaboration is seen as an ongoing problem within the sector due to the prevalence of competitive, short-term funding contracts. Youth Action has raised this concern in previous submissions to the Department of Family and Community Services (FACS) and various parliamentary inquiries.

Competitive, short-term funding often undermines collaboration between services as they compete for the same resources and clients. Organisations often try to obtain as much funding as possible to sustain lean periods and staff, which turns them into 'generalist' not 'specialist' service providers. In addition, it leaves organisations and individuals constantly unsure of their funding and resources going forward, undermining their ability to think strategically and for the long-term.

Contract funding often focuses on the wrong information. Instead of putting the outcome of the young person first, contracts are often overly prescriptive, specifying delivery models to be used and activities to be undertaken, rather than relying on services to deliver the most appropriate actions to achieve an outcome. Youth services have the expertise and experience to select the best method of action to take.

Contracts very rarely include the resources or information to perform evaluation during, or at the end of the contract. As a sector, we are missing out on determining what works best for our funding in the future by not allocating a fraction of our funding to evaluation now.

Regarding contract length, Youth Action suggests funding contracts are five-year terms. This would place emphasis on the importance of relationship building with young people and the long-term nature of such work, while allowing FACS to adjust or reassess service provision if outcomes are not met.

I would love to say that we collaborate. I'm all for collaboration and passionate about it, but I have to be honest and say we're just not there in the youth services sector in my area.

– Youth service worker

It's not about collaboration, it's about the mechanisms that allow that to happen. We're not set up to collaborate, we're set up to compete. We collaborate out of goodwill, but that's not how we're set up. There needs to be more structure to how the services work together. It needs to be set up differently and deliberately.

– Youth service worker

There are many examples in youth services of things working very well. Often, this is due to organisations being able to escape short-term funding and specialise in their area of expertise. One youth service organisation we spoke to has been operating for more than 30 years in their community and during that time has established productive partnerships, working relationships and roles and responsibilities between service providers and the community. The community trusts them and knows they will be there in the future. Most of their youth diversionary work is intensive, with a small number of cases and ongoing funding. They specialise in the programs they deliver and do not bid for contracts that are outside their expertise. The factors involved in their success underline how much impact fostering change in the sector could accomplish.

Services make better impacts when they are consulted about the services they will be delivering and included in their design (by co-design). The single commissioning agency to sit within the Department of Family and Community Services (FACS) proposed in *Their Futures Matter* provides an opportunity to incorporate such an approach, not only for services, but for the whole of government.

To work effectively, it must make a genuine commitment to operate holistically and across the whole-of-government and undertake extensive and ongoing consultations with youth service workers and the whole social sector as it builds the framework for the new agency.

Longer contracts, better coordination and streamlining services and funding agreements will decrease youth service workers' administrative burden, duplication of efforts and confusion and will address the lack of coordination on the ground.

Recommendation 5: The NSW Government continues its move towards a commissioning approach to contracts and the Department of Family and Community Services immediately begins streamlining the contracting process, increasing contract lengths length to five years, improving contract focus on outcomes and increasing coordination between services, agencies and government by taking a holistic view of its funding.

The Local Community

The local community that the youth diversionary program and efforts are operating in are critical to successful outcomes for the young people they are working with. The local community includes, but is not limited to, local businesses, religious organisations, individual members of the community, councillors and council employees and neighbourhood and community groups. Each one of these individuals and organisations contributes to forming a unique culture in that local community. Communities who are inclusive, accepting, active and tolerant, especially in their approaches to young people, have far greater outcomes diverting young people from the criminal justice system and promoting healthy outcomes. The youth sector often calls developing this culture and its associated actions getting 'buy-in' from the community into to the work they do.

Buy-in to youth diversionary programs from the local community can take many different forms, but some of the most popular ways the community buys-in include:

- Members of the community providing training
- Members of the community employing program participants
- Young people working with community mentors

- Putting on a show/exhibition showcasing what the participants were doing in the diversionary program. For example, if the program involved creative arts, displaying the art at a community exhibition
- Social enterprise – doing things that the program participants can make, manufacture or sell
- Local organisations partnering with or running events that support youth diversionary programs.

I don't know of any programs that work without community buy-in. Good programs die without it. Certainly in regional areas. Community loves to see the results of their good work. They have to see it and they have to see it locally.

– Youth service worker

Case Study – Local Community Mentoring

We have a real estate business right next door to our youth centre. One of the young people who comes to see us was doing the wrong thing one day, throwing small rocks at the business' window. The business owner told them off and the young person and the business owner had a verbal exchange. The young person is on our youth committee and felt poorly about his response, so together we went and spoke to the real estate agent to resolve the issue. After we talked it all through, the real estate agent got really interested in our work and the young person's story. The next day he came in and signed up as a mentor and has been mentoring young people at our centre since.

Another case study highlights the possibilities for positive change and youth identification and engagement with youth diversionary programs and their providers when communities come together in a positive way to address an issue.

Case Study – Community Collaboration

At the moment there's a lot of young people congregating in a skate park in our area and doing some damage. They're just bored kids who haven't got anything to do a lot of the time. About six months ago a business owner approached us about this issue because we are a youth service. We got in touch with our local MP and discussed what we could do together to try and address it. Our really positive result is that, after a lot of planning, this Thursday we're running an event at the skate park and we've got around 20 services coming down – support services, emergency services, police, and rotary and we're holding a BBQ and games. We're calling it Summer Fest. Our hope is to engage with the community and hope they can claim their space and try to moderate between the two groups. I think this is the kind of thing that helps – listen to the community and respond.

Recommendation 6: The NSW Government works collaboratively with local councils and statewide service stakeholders to fund and promote activities which increase community buy-in to activities that divert crime and foster healthy communities for young people.

Term of Reference H: Other related matters – observations about young people and youth diversion programs

Youth Action, its member organisations, and the youth services sector more broadly approach the work we undertake with the following principles. These principles have practical application and should be considered when implementing any recommendations, legislation and funding in relation to the youth services sector.

Identifying and intervening early

Young people, particularly adolescents, have a unique capacity to grow and change. A large number of adolescents will grow out of the behaviours that bring them into contact with the criminal justice system as they get older. However, although adolescence is the best opportunity to divert people away from these forms of contact, it might also be the last. It is this fact that underlines the importance of, and need for, effective youth diversion programs and associated activities.

Professor of Adolescent Health Russell Viner says that: *Adolescence is a second opportunity for intervention after very early childhood. A rational early intervention approach targets critical periods of rapid development, i.e. adolescence as well as very early childhood.*¹⁰

Any approaches to youth diversionary programs and youth criminality should be based around equitable early identification and intervention. Early Intervention may prevent the development of attitudes and behaviours that can lead to a higher potential for criminality.

Acknowledging disadvantage and complex needs

Contact with the juvenile justice system highlights that a young person is in need. Most young people who come into contact with the justice system are from disadvantaged backgrounds, and

¹⁰ Viner R., Ozer E., Denny S., et al, 2012, 'Adolescent Health 2 Adolescence and the social determinants of health', *Lancet*, 379(9826), pp. 1641–52.

criminal behaviours are symptomatic of a number of challenges that they face. NSW Juvenile Justice state that 'young people involved in offending behaviour have serious and multiple inter-related needs, even at an early age.'¹¹

Diversionary programs need to acknowledge the complex situations and unique needs of the young person, and must work holistically on these underlying issues, not only on their offending.

Promoting 'protective' factors

In 2017, Youth Action undertook a review of international evidence relating to the development of young people. The review identified that programs which aim to enhance the life skills and positive relationships of young people are likely to produce improved outcomes and decreased risks. This highlights why holistic, individualised support programs (such as mentoring) and positive recreation programs (those that engage young people with skills, new friends and adult role models) are effective with young people who have had contact with the criminal justice system.¹² Therefore, Youth Action endorses any approach which enhances protective factors for young offenders, and builds their capacity to exercise control over their own lives and support themselves.

Conclusion

Successfully supporting young people as they move through adolescence and diverting them away from contact with the criminal justice system leads to better outcomes for young people, their local communities, their school environment and sustainable government spending. By embracing actions that identify risk factors, intervening early, building capacity and supporting young people at multiple touch points in their lives we can significantly improve their chances of living a healthy life free of contact with the criminal justice system.

¹¹ NSW Juvenile Justice, 2016, *What Works With Young Offenders: Youth on Track Guidelines*, p. 4, accessed at <http://www.youthontrack.justice.nsw.gov.au/Documents/what-works-with-young-offenders-youth-on-track-guidelines-6-april-2016.pdf>

¹² Ibid.