Royal Commission into
Youth Detention and Child Protection
ABC 4 Corners - “Australia’s Shame: The Brutalisation of Children Behind Bars”
Treatment in Don Dale
Evidence to the Royal Commission

- Treatment of children and young people in breach of International Human Rights standards
  - Havana Rules, Beijing Rules re treatment of juveniles
- Don Dale facility – aged, adult prison – not appropriate for children
- Don Dale – focus on security risk, managing and maintaining ‘good order’ of the centre rather than meeting developmental and other needs of youth
- Majority of detainees (60-70%) held on remand - av. 6-8 weeks
- Cross over from child protection to youth justice
- Many young people with complex needs and vulnerabilities
- CP and YJ systems – often cause of further harm
- Little/no investment and focus on early intervention and
Pathways to **Vulnerability** (Silburn, 2001)
A public health approach for the wellbeing of children and young people

**Child Protection and Youth Justice Systems**

- OOHC, Foster, Kinship, Youth Justice Residences, Community Based Orders, Therapeutic services
- Government should move to Aboriginal controlled ngos over time

**ACCHOS - Health**

- ACCHOs with funding – identification and assessment Aboriginal Foster/ Kinship carers, Therapeutic Youth Justice services (CBT etc.) Community Based Orders

**Statutory System**

**Targeted services and programs for ‘at-risk’ families and children**

- Referrals, Assessment – child & family needs, Intensive Family support, Case Management Mandated programs
- Family Support, parenting programs, AOD, Mental Health, Family violence/Safety
- Parenting, child health, Health literacy, financial literacy, early childhood education

**Early intervention services targeted to vulnerable families and children**

- Specialist services to address child vulnerability, child development, family support/strengthening
- Early identification child development needs e.g. speech, hearing, parental AOD, mental health etc.

**Universal /targeted universal services to all families and children**

- Antenatal, maternal, child health, SEWB, AOD, health promotion, health literacy,
What do we want to achieve?

“That all children and young people live with loving families and communities where they are safe, strong, and connected. With these supportive networks, children and young people are able to realise positive long term health, emotional, education, social and economic outcomes.”
Best Practice Models: Missouri

- From 1980s, Missouri began closing down mass institutions and replacing them with small facilities with therapeutic approaches.
- Three years after discharge, 70 per cent of young people have avoided further involvement with the justice system.
- By contrast, in Australia 74 per cent of young people who leave detention return to involvement with youth justice within 12 months.
- Missouri’s youth detention facilities are small, home-like and based in local communities. The approach is therapeutic and developmental rather than correctional.
Best Practice Models: Scotland

- Youth Justice and Care and Protection matters are dealt with by Children’s Hearing Panels

- Panel members role is ‘life changing decision maker’ make binding decisions for the sole purpose of improving the well-being of children and young people

- Strongly values the voices of children and young people (i.e. they are included in the recruitment process of the panel members)

- Continuous fall in referrals to the Reporter for both offending and care and protection. There was a fall of 78% of referrals on offence grounds from 2006/07 to 2012/13 (Scottish Children’s Reporter Administration, 2013)
The *Oranga Tamariki Children and Young Person’s Well-being Act 1989* places the **wellbeing of children** and young people at the **forefront of all decision making processes**.

The new **Ministry Oranga Tamariki** has five core services:

- Prevention
- Intensive Intervention
- Care and Support
- Youth Justice
- Transition service

The new department has a **single point of accountability** for all children to ensure a coherent and complete response to meeting the needs of children and their families.
The Way Forward

- Aboriginal led solutions
- Public health approach
- New Act – CP and YJ
- culturally appropriate, **comprehensive assessment tool**
- **Targeted and Intensive family** support services delivered by Aboriginal providers **Out of Home Care** – transition over time to Aboriginal providers.
- Engagement and place based solutions
  - **Tripartite forum**
  - **Regional agreements**, 
  - **Community Panels** cultural authority, family participation in decision making **Family Group Conferences** for youth justice and child protection matters
  - **Youth justice – community based supported accommodation** and improved access to therapeutic services rather than detention and punishment/bush camps etc.
- **YJ secure facilities** – only for serious offenders =,
A New Act

Principles + Objectives + Duties

Community-based prevention

Care and Protection Principles
Youth Justice Principles

Holistic Comprehensive Assessment

Child, young person and family participation mechanisms

Care and Protection Procedures
Youth Justice Procedures

Individualised and tailored response to meet the needs of vulnerable children, young people and families to ensure positive long term life outcomes = reduced rates of offending and CP notifications
Tailored and individualized responses – child & family needs

A Comprehensive, Culturally Appropriate Assessment Tool

- **Trauma** - response to grief and loss,
- **emotional wellbeing** - suicide risk, self-harm risk
- **physical wellbeing** and development
- **behaviour** (pro-social behaviour, self-control, understanding right from wrong, takes responsibility for own actions, concerning or harmful sexual behaviour etc.)
- **identity and culture**
- **friendships** (empathy, respect, peers/friends/intimate relationships)
- **learning and achieving** (cognitive development, motor skills, skills and interests, self-care and independence, goals and aspirations)
- **education**
- **networks of support** (social and community relationships, cultural connectedness, community services)
- resources available (**basic needs**)
- **family** (extended family connections and relationships, stability).
Next steps

• Royal Commission Report due 17 Nov, 2017
  – Governor General, Fed Govt and NTG
• Responses by governments
• Aboriginal response - unified position, one voice