Brotherhood of St Laurence

Working for an Australia free of poverty

Response to the Department of Justice discussion paper

Practical lessons, fair consequences: improving diversion for young people in Victoria

Brotherhood of St Laurence

October 2012

Submitted to:
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The Brotherhood of St Laurence and the Ecumenical Migration Centre

The Brotherhood of St Laurence (BSL) is an independent non-government welfare organisation with strong community links that has been working to reduce poverty in Australia since the 1930s. Based in Melbourne, but with a national profile on matters of disadvantage, the BSL continues to influence in achieving its vision of an Australia free of poverty. The BSL's service activity, research capability, policy development and principles of advocacy are geared to influence social policy and support social change in ways that genuinely achieve the full social and economic inclusion of all in the broader community. It is this perspective that the BSL brings to the work it does with refugees, immigration and multiculturalism (RIM).

The BSL has developed a broad portfolio of work that falls across four life transitions: children and families in the early years, youth moving through school to work, adults in and out of work and older people facing the challenges of retirement and ageing. Within this framework, the BSL also has expertise in themes that are integrated across these life transitions such as RIM and financial inclusion.

The area of RIM is both integrated across BSL's life transitions and is a critical transition in its own right. As part of our philosophy of social inclusion, the BSL aims to strengthen the capacity of new and emerging communities to become active participants in the social and economic life of Australia. Many of BSL's settlement services have been pioneered by the Ecumenical Migration Centre (EMC), which has been at the forefront of work with new arrivals as well as longer-settled disadvantaged groups since 1963. Today, the EMC together with the African Australian Community Centre (AACC) lead the Brotherhood's work in the area of refugees, immigration and multiculturalism. Both centres continue to work with new and emerging communities to build their capacity in the transition to settlement in Australia and to achieve full access and participation in Australian society. Relevant areas of work include service development and casework in family counselling and youth services, community development, demonstration projects, and research and publications. We specialise in developing service models and demonstration projects that work for the genuine inclusion of refugee and migrant communities in the social, economic and cultural life of the wider Australian society through building bridges into mainstream services, and improving access to existing community resources and opportunities.

In 1999, the EMC and its core areas of RIM were integrated into the BSL to reflect the belief that refugees, settlement and the principles of multiculturalism should be part of mainstream thinking, welfare and social policy responses. This union sought to bring together EMC's history of specialisation in the areas of refugees and humanitarian entrants and the BSL's 80 years' experience in service delivery, research capacity and social policy thinking. The benefits of this union are twofold: the BSL has incorporated settlement issues within its life transitions framework to ensure that social justice, equity and recognition concerns for recent humanitarian entrants are integrated with the broader mainstream effort while simultaneously strengthening the EMC's capacity to contribute to a deeper understanding of exclusion and disadvantage experienced by migrants and refugees through 'forced migration'.

Our submission

This submission draws on learning from our ongoing work with disadvantaged youth, including refugee youth, across Melbourne. More details about our programs can be found at <www.bsl.org.au>. Our response focuses on two questions in the terms of reference (TOR), namely

- **Question 12** For what groups do you think it is desirable to develop targeted interventions?
- **Question 13** Do you have examples of particular diversionary interventions that have worked effectively for groups with specific needs? If so, what do you think makes these programs effective?

Question 12: For what groups do you think it is desirable to develop targeted interventions?

Young people from refugee backgrounds

Our knowledge and experience of working with newly arrived young people and in particular with those of refugee background has taught us that it is crucial that targeted interventions are utilised for this cohort.

Young people of refugee background arrive in Australia with great hopes for the future. They carry the hopes of their parents, grandparents and those left behind for a new life. These young people are full of potential and energy and have much to offer to the wider Australian community. Many however have spent long periods in refugee camps. The camp conditions fractures traditional family structures and functioning as refugees battle to survive in these bleak conditions. Such environments have gaps in 'law and order' as refugees typically learn to survive rather than plan their futures. Additionally, many new arrivals have no or very limited schooling, while others have witnessed or experienced events involving the loss of human life, torture, great human suffering and trauma, often affecting their own families.

While many young people are resilient and will overcome this tumultuous start in life, it does give them particular vulnerabilities as new arrivals in a country where they have no networks and know little about the social norms and laws of Australia. Furthermore, through our work with young refugees in programs such as *Youth 2 Youth*, the *ReSource project* and the *Community Justice Worker*, we identified that these young people experience difficulties navigating unfamiliar systems in Australia, which leaves many with a sense of disempowerment and facing financial pressures. The BSL recognises that newly arrived refugee young people require a targeted approach to developing their capacity and building their trust for better engagement outcomes.

Although many young newly arrived refugees will learn quickly, it is still a challenge for them to catch up with generations of acquired knowledge about laws in Australia that their native born peers hold, and this makes them more vulnerable to having contact with the justice system. In addition, young refugees are more likely to experience socio-economic disadvantage, due to being settled in economically depressed areas. While these areas contain affordable housing, which drives many to reside in these locations, there are concentrated social problems due to:

- fewer employment opportunities
- under-resourced schools
- the nature of public housing estates which accommodate vulnerable Australians with complex needs, such as single parents or people dealing with mental illness and drug dependence

- limited opportunities to engage in social and recreational activities that enhances positive psycho-social development.

Pockets of social disadvantage bring to the fore additional concerns around:

- disengagement and lack of involvement in community life due to limited support mechanisms that provide life skills, recreation outlets, personal development, esteem building and opportunities to make connections with other young people
- instances of discrimination and challenges of maintaining community harmony, and
- isolation which leads to higher incidence of depression and suicide.

Consequently, these circumstances exacerbate the trauma endured by young people on their journey to a safe country, leaving some with general and mental health problems.

(Recommendation 1): *The BSL recommends that* ***all justice personnel interacting with and/or developing targeted interventions for refugee youth should increase their understanding of the past experiences of refugee young people by engaging in cross-cultural training and/or community capacity building initiatives,*** *similar to those run by Victoria Police Multicultural Liaison Officers (MLOs)*

The BSL identifies that MLOs play a crucial role in community orientation for newly arrived communities, as they demystify the law and the role of the police as well as humanising and increasing positive engagement with authorities working within the justice system. The MLOs, often themselves from refugee communities, offer benefits in fostering trust and credibility with communities and serve as an important link.

Furthermore, the federal Department of Immigration and Citizenship (DIAC) funds organisations under the Humanitarian Settlement Services (HSS) and Settlement Grants Program (SGP) schemes to provide orientation to new humanitarian entrants about Australian laws. This is complemented by the Victorian Office of Multicultural Affairs' (OMAC) Refugee Action Program (RAP), which funds agencies to stage *Rights and Responsibilities Seminars* and undertakes capacity building with refugee communities. These seminars have been delivered in creative and collaborative ways by the BSL to provide newly arrived communities with information about their rights and responsibilities as active citizens and/or permanent residents through sessions that include a range of topics including the role of the police and the responsibilities of citizens, family relationships, alcohol/drug misuse and safe driving. Feedback from participants indicated that these seminars increased community knowledge of their rights and responsibilities, enhancing their social connectedness.

(Recommendation 2): *The BSL recommends that* ***the Victorian Government works with these settlement organisations to ensure they reach youth and families to explain the justice system and its nuances, as well as collaborate on targeted interventions***

This would ensure greater awareness, engagement and understanding, and hence foster adherence and compliance.

Recognising young people as being 25 and under

Given that the above factors have been identified as increasing young people's contact with the justice system, particularly those from refugee backgrounds, the BSL recommends that the justice system recognises validity of the science of neurobiology when considering young people before the courts**.**

According to a National Institute of Mental Health study (2001), children and young people are biologically different from adults; and that their brains are still developing until the age of 25. The study, which is consistent with wider scientific findings of the adolescent brain, have demonstrated that the adolescent brain's plasticity and different rates of development can lead to poor decision making, risk taking and low impulse control. This could make adolescence a time of great risk as young people have not firmly established a framework to think about consequences. Therefore, it is vital to recognise the biological differences of young offenders that informs behaviours that can bring them before the courts. Neurobiology has also shown that young people have an increased capacity for rehabilitation in comparison to adult offenders. These two factors in particular should be considered when dealing with young people, aged 25 and under, when before the courts.

(Recommendation 3): *Thus, we believe that the courts, justice system and the actors within these institutions (the magistrates, prosecution, police, etc.) require* ***training to enhance their understanding of the science of adolescent neurobiology and apply the developmental perspective when responding to young people who are presenting at court.*** *Furthermore, diversionary activities and rehabilitative programs should* ***acknowledge and address the particular developmental needs and vulnerabilities of young people aged up to 25 years***

Question 13: Do you have examples of particular diversionary interventions that have worked effectively for groups with specific needs? If so, what do you think makes these programs effective?

Diversionary interventions that address the root causes of offending behaviour of young people

Current diversion activities in Australia, such as the *Ropes* program which aims to develop positive relationships between young people and the police, have had limited impact on the law-breaking activities of young people as they have an inadequate capacity to address the root causes that lead young people to break the law.

Through the BSL's work with disengaged and at-risk young people, we have become aware of the reasons why many in this cohort, when referred to this program, are likely to drop out.

- The *Ropes* program is regarded as culturally inappropriate for young people from refugee backgrounds, particularly those who have been child soldiers or who have been exposed to military life, as it brings back deeply traumatic memories.
- *Ropes* does not work in the context of families and the wider traditional community structures.
- There are access difficulties as the program is located in a semi-rural location (Bacchus Marsh) and many young people cannot travel to attend the program by public transport.
- Those who experience socioeconomic marginalisation are unlikely to have a parent/guardian with a car who could drive them to the *Ropes* program, which further limits their participation.

The BSL believes that the resources for *Ropes* would be better directed to longer term interventions that address underlying and complex social issues that lead young people to offend. Thus, we share this case study of Deng (a pseudonym) to deepen understanding about both the causes relating to one refugee youth's interaction with the justice system, and the need for culturally appropriate diversionary programs such as the ones we identify below.

Case study

Deng, a young Southern Sudanese man, arrived in Australia aged 14 accompanied by his sister and brother and a person he thought was his mother. Prior to arrival, they had spent seven years in a Kenyan refugee camp, waiting for their refugee claim to be approved by the UNHCR. Approximately seven months after their arrival, Deng was removed from the care of his 'mother' due to concerns of parental abuse. It became apparent that his 'mother' was a woman who cared for him after his biological mother had gone missing in the war. Deng was then supported by the Unaccompanied Minors Program (UMP) run by the Department of Human Services.

Deng has struggled to adapt to the structure and demands of high school after spending an academic year learning English at a language school. He had never been to school before arriving to Australia, which meant his literacy and numeracy levels were significantly lower than his peers and he was unfamiliar with the schooling experience. After a number of failed placements in foster care, Deng became homeless, a situation which continued for a period of 18 months. After leaving school aged 16, Deng soon started using marijuana and alcohol as a means of self- medication. During this time, Deng came to the attention of police as he began drinking in public places. He started associating with a number of other disengaged young men, which then led to low-level street crime and anti-social behaviour including shoplifting, being drunk in public and handling stolen goods. Although Deng was referred to the *Ropes* program, he dropped out as it reminded him of military activities and training he had witnessed in Kenya. Unfortunately, the presiding magistrate would or could not find an alternative diversion to the *Ropes* program.

(Recommendation 4): *As illustrated in Deng's story, the BSL identifies that* ***there is a need for holistic, culturally-appropriate, non-military divisionary programs (which would not tap into past torture and trauma of refugee youth), in locations accessible by public transport, that work in the context of these complex circumstances*** *to address the root causes that lead young people to break the law, and include longer-term interventions*

Alternative service models to *Ropes* that we believe to have greater capacity to divert young people from the justice system, due to reflecting a desire to address issues that underpin the offending behaviour, are cited below:

1 The ***Youth, Community & Law Program*** run by Youth Junction at the Visy Hub seeks to divert young offenders aged 18 to 21 years. This model allows the court to defer sentencing while a young person is supported by a case manager for 6 to 12 months so as to address issues leading to offending behaviour. For instance, this initiative assists with practical matters such as looking for housing. It also facilitates a young person's engagement with drug and alcohol workers, access to counselling, or reconnection with family members. Through regular and supportive contact the young people are able to address root causes of offending amongst most young people, not just refugee youth, such as complex family issues, homelessness, drug and alcohol dependency, and low coping skills.

2 Another program that proved effective with refugee young people was the ***Diversity in Diversion*** run by Melbourne Citymission with funding from the Attorney General's Department. This diversion activity emphasised engagement and rapport building through a range of community development initiatives (e.g. camps, BBQ gatherings, Hip hop workshops, printing workshops, etc) to suit the skills and vulnerabilities of refugee young people. Through participation in such initiatives, young offenders have developed strong

relationships with workers from agencies who could practically and emotionally assist them to address underlying causes of their criminal behaviour. Professionals involved in the program also included drug and alcohol workers and case-managers from the Australian Government's *Youth Connections* program, which operates nationally to address disengagement from education and training by young people through intensive case management, outreach and re-engagement services, and activities aimed to strengthen the capacity of other services to support young people.

3 Another program that may provide a useful approach to diverting young people from the justice system is the Victorian Government's *Springboard* program, funded through the Department of Human Services. *Springboard* is targeted at young people aged 16 to 21 who are on Victorian guardianship or custody orders, as well as those in or have recently left residential out-of-home care. The holistic program provides intensive assessment, outreach, engagement activities and case management with the aim of supporting successful transitions to education, training and employment. The program operates within the same regional boundaries as the aforementioned *Youth Connections* program, and is thus able to work in partnership with that program. While *Springboard* is relatively new, given the high number of young people in juvenile justice who have an out-of-home care background, there may already be learnings from the *Springboard* approach that could translate to an effective diversion intervention model.

Effective diversion activities are those which include support for young people in the context of their families. This allows the court to move beyond a focus on punishment and consequences and thus address the underlying causes of the offending behaviour. This approach leads to greater social and economic saving for the state by diverting young people away from the criminal system.

(Recommendation 5): *We recommend that the Victorian Government* ***looks towards 'Justice Reinvestment' models that are being used in the United Kingdom and Canada.*** This approach redirects funds otherwise spent on incarceration towards prison alternatives, including early intervention models and activities for 'at risk' young people

Beyond government resourcing, such programs could also seek philanthropic investment in collaboration with government, as the NSW Government has done with *Social Bonds*. A return on this investment is based on the savings made by the government in reduced offending and/or incarceration rates. The Victorian Government could encourage the replication of successful programs by funding them through *Social Bonds*.

(Recommendation 6): The BSL encourages the Victorian Government to replicate successful programs by funding them via social bonds, sponsored by philanthropists, as developed by the NSW Government

Participation in youth-led service learning activities and programs

Activities that include participation in youth-led service learning have a strong impact on young people's engagement and wellbeing. We have seen this with the successful outcomes of our own service learning model, the BSL's *Community Service Leadership Program*. This program is aimed at young people in alternative settings, for example, studying VCAL, and enables young people to plan and implement a positive project to benefit the community. We have also seen positive impacts from our *Community Service Volunteering Program*, which targets refugee and migrant youth who undertake a range of volunteering 'taster' activities which strengthen work skills, language skills, self-

esteem and connection to the broader community. While youth involved in juvenile justice were not participants in these programs, the programs could be tailored and funded as a diversion option for young people. In addition, we believe they would be particularly effective if combined with case management, in a similar way that *Youth Connections* provides a combination of case management and engagement activities. This is based on findings from the Brotherhood's evaluation of the Peninsula Youth Connections service in the Frankston Mornington Peninsula region which found that the combination of activities and casework is a particularly strong one for building a range of positive social, emotional and work related skills.

(Recommendation 7): *The BSL urges the Victorian Government to* ***recognise the value of youth-led service learning programs delivered by both mainstream and non-mainstream education and youth services, and tailor these as a diversion option for young people.***

References:

National Institute of Mental Health (2001). *Teenage Brain: A work in progress*. National Institute of Mental Health publication available on line at www.nimh.nih.gov/publicat/teenbrain.cfm