

Workshop 8:
**Debating the “what works” and welfare reform
agendas for juvenile offenders**

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The ‘What Works’ literature is replete with instructions about how to construct effective offending focused programs, select the most appropriate staff to deliver effective programs, maintain the integrity of programs, and keep track of how such programs contribute to reducing re-offending. In many ways the evidenced-based program ‘industry’ has taken on the role of David in trying to defeat, single-handedly, the Goliath of crime. From the ‘doom and gloom’ perspectives of many criminologists of the 1970s and 80s, who, for better or worse, argued about whether ‘rehabilitation’ had any value at all in terms of offenders, to the more recent optimism coming from people like Dr. Chris Trotter and Professor James McGuire, debate and discourse continue to rage about ‘what works’ and what to do for and with young offenders.

This paper has grown out of several discussions about differing perceptions between State and Commonwealth government departments: both believing that because they were speaking in English that they spoke the same language. In fact if they had been speaking in French and German, there might have been a greater effort made to understand the others culture.

The majority of State departments, as predominantly service delivery agencies have a different perspective to the Commonwealth, which has been a purchaser of services from non-government organisations (NGOs) for decades. Recent changes and occasional Commonwealth–State handovers, as in the case of disability services in the early 1990s, has led to an increasing use of NGOs by state government departments through community funded programs. This factor alone while it may create its own challenges in exploring whole of government strategies, also means that Commonwealth and State governments no longer have as great a difference in their service delivery.

In launching *Australians Working Together* (AWT) in late 2001, the Commonwealth government’s initial response to the Final Report of the Reference Group on Welfare Reform, the importance of engaging State governments to ensure the success of measures to reduce the numbers of jobless families and jobless households is acknowledged. AWT also acknowledges that Indigenous people have the highest rates of joblessness and economic disadvantage in Australia.

AWT enunciates few practical strategies as to how these whole of government solutions to Indigenous disadvantage might be achieved. The further challenge in trying to link the needs of juvenile justice clients to AWT measures is the absence of youth as a key target

group. Particularly absent is the need to work with youth from intergenerational welfare families who are most at risk of long-term unemployment and thus re-offending. This absence makes AWT the first welfare reform movement in the Organisation for Economic Co-operation and Development (OECD) that does not explicitly target youth. Similarly, the National Strategic Framework for Aboriginal and Torres Strait Islander Health fails to identify juvenile offenders in its strategies around improving the health of ATSI people in custodial settings.

Thus it is hardly surprising that as each State justice department has been developing its own 'What Works' agendas over the past few years, there has been little attempt to link these with Commonwealth welfare reform initiatives. The sectors often see little point of contact. Yet income support and lack of employment are key triggers to re-offending.

In 1998 the Commonwealth launched and funded (\$3million over 3 years) the Young Offenders Pilot Program (YOPP). The funding was made available to develop models of intensive coordinated support in the community to meet the "multiple disadvantages of young offenders." The program identified areas of disadvantage as being:

- Limited schooling
- Low literacy and numeracy
- Substance abuse
- Homelessness
- Family breakdown
- Poor social and communication skills

The YOPP was a response to the lack of coordination between different agencies and jurisdictions e.g. Commonwealth responsibility for income support and employment and State/Territory governments for juvenile justice, education, health and housing and the non government sector providing a range of youth and welfare services.

From a justice agency viewpoint, the conclusions about the YOPP have been that it lacked a clear conceptual framework and that it excluded young offenders with disabilities, particularly those with severe psychiatric disabilities on the ground that they were 'beyond the scope' of the project. Another flaw in practical methodology was the under-representation of Indigenous juvenile offenders (27%) in the target group when it is commonly acknowledged that ATSI young people are over-represented in the juvenile justice system (the figure of approximately 40% has been used to describe the extent of the over-representation of ATSI young offenders across Australia).

Unencumbered by the need for bureaucratic language, Dr. Chris Trotter's *Working with Involuntary Clients* (1999) puts the issue succinctly:

How do you help someone who has no interest in being helped? What can you do with clients in welfare or justice systems who are not motivated to change?...How do you work with someone who has a totally different set of values from yourself?

Such practical considerations are shared concerns and as this practical guide indicates, individualised techniques used with mental health patients often bear close similarity to strategies developing pro-social goals with young offenders. Despite this there are relatively few links between Commonwealth funded Disability Employment Services (DES)

and Juvenile Justice community funded programs. In fact the disability employment sector is ill equipped to cope with the three key characteristics of juvenile justice clients:

- Indigenous
- Alcohol and drug issues
- Anger management issues

At the November, 2000 IFECSA Conference, Brincat discussed the Community Bridging Service's partnership with the Cavan Detention Centre, South Australia, to assist young people with disabilities and complex needs to look at employment as an option on release. In February 2001, at the Department of Family and Community Services (FaCS)/ Department of Corrective Services (DCS) Symposium *Forging the Links*, Brincat commented that one of the greatest challenges for his project was for the Commonwealth case-based funding guidelines to accept the length of time taken with a juvenile justice client to establish trust, often through dealing with accommodation and AOD issues first, leading to a job outcome.

For England and Wales, Fletcher (2001) is trenchant in his criticisms of the failures of most of the 190 post release employment programs set up for ex-offenders including young offenders under *New Deal*. In his 2001 study, commenting on the general failure of employment programs for juveniles, Fletcher concluded that the most popular programs were based on Duke of Edinburgh Awards style programs that lacked a vocational component to provide the much needed links to employment.

Even more wide-ranging in its discussion of the failure of welfare reform measures to meet the needs of ex-prisoners and in particular ex-juveniles, is the Social Exclusion Unit (SEU) Report on *Reducing Re-offending by ex-prisoners* (July 2002). The SEU's Report, launched by the British Prime Minister, identified nine key factors for reducing re-offending by ex-prisoners. They were notably:

- Education
- Employment
- Drug and alcohol misuse
- Mental and physical health
- Attitudes and self-control
- Institutionalisation and life skills
- Housing
- Financial support and debt
- Family networks

Five of these are not traditionally the responsibility of justice agencies. The need to link re-offending strategies with welfare reform measures was nowhere more obvious than in the case of juveniles. Of the 14 -17 year olds discharged in 1997, 84% were reconvicted in 2 years. The five key exclusionary factors for juveniles were:

- Low educational attainment
- Disrupted family backgrounds
- Black or minority background
- Behavioural and mental health problems
- Alcohol and drug misuse

The SEU's report concluded:

The challenges presented by juvenile prisoners are distinct, and the Government has recognised this by putting in place a separate tailored system for them....a more effective cross-government approach to rehabilitation and reducing re-offending is urgently needed...the Strategy would need to be long-term and wide-ranging...

Since a similar Australia-wide report linking the risks of re-offending with the risks of long-term unemployment may be some time in the future, we would like to propose the following key factors for consideration in linking juvenile justice clients with current welfare reform strategies:

Low educational attainment

Both Australian and international research shows that low literacy and skill levels have an impact on the likelihood of long-term unemployment. In Australia, the absence or failure of school-to-work transition programs, particularly for early school leavers has been highlighted as a risk factor (Boston Consulting 2000).

Early school leaving is seen as a significant risk indicator by Vinson (1999) and McWhiter (2002). The Human Rights and Equal Opportunity Commission's *Inquiry into Rural and Remote Education* (May 2000) indicates significantly higher levels of early school leaving by Indigenous children. The Inquiry heard in a submission from the then Commonwealth Department of Education Training and Youth Affairs (DETYA):

The Commonwealth Government, together with all State and Territory Governments, recognises that Australia's Indigenous people are 'the most educationally disadvantaged group in the community'. Indigenous people participate in and attain significantly less from education than the rest of the Australian population and this impacts adversely on their economic and social well-being.

Another submission from the Catholic Education Commission, Victoria commented:

Many teachers who teach Indigenous students are not even aware that they learn differently than their non-Indigenous counterparts, let alone utilise these different learning styles to create an education program that is stimulating and contextually challenging for Indigenous students...

Once juveniles are no longer mandated, their choices of programs are often limited to mainstream programs such as *Links to Learning* and *Work for Dole*. These programs tend to congregate young people with their peers where anti-social learning may be reinforced. Trotter's (1999) discussion of longitudinal research findings for juveniles in both Victoria and Scotland highlighted the problem of group rather than individual intervention strategies in terms of the likelihood of re-offending:

...for offenders under the age of 21 the chance of them going to prison during the period of probation was three times greater if they were placed on a group worksite as opposed to an individual worksite.

The notion that standardised mainstream-type programs have the capacity to meet the needs of young people who are repeat offenders, who are also at-risk of being long-term unemployed, runs counter to research in both Australia and overseas. A 'one-size-fits-all' approach inevitably fails to provide real opportunities for addressing the complex and often chronic disadvantage faced by young people who have come into contact with the juvenile justice system.

Aboriginal over-representation

The over-representation of Aboriginal young people is the face of juvenile justice in Australia. In NSW, 41% of those released from detention are Aboriginal, yet there is no awareness of this statistic in Commonwealth programs under AWT. Of those on community service orders approximately 34% are Aboriginal.

In his study of Indigenous arrest rates and underlying economic and social factors, Hunter (2001) has argued that literacy/ numeracy deficits and a general lack of any employment experience exacerbated by drug and alcohol problems, debt and family violence issues all extend acknowledged Indigenous barriers. For many Indigenous youth and adults, there is a greater likelihood of acquiring an education in juvenile justice centres or prison than in a school.

The poor participation rates of Indigenous people and particularly Indigenous youth in mainstream Commonwealth programs such as Disability Employment Services (DES), where Indigenous utilisation is 1.69% (FaCS Annual Report of 2001 p.171) does not reflect the over-representation of Aboriginal youth with disabilities who need appropriate services. As Gething (2000) commented for NSW, the prevalence of psychiatric disability amongst Indigenous Inmates is high due to risk factors such as alcohol, drug addiction, petrol and glue sniffing.

Drug and alcohol and anger management issues

In recent assessments of the Employment Skilling Program, a community-funded program of the NSW Department of Juvenile Justice (DJJ), providers in eight locations across NSW were asked how many of their clients faced the above issues. The overwhelming response was that it characterised the majority of juvenile justice clients referred to the Program. The conclusion of the review was that any provider of services to juvenile justice clients in the community would need to be able to respond to such needs.

These issues and a responsiveness to Indigenous clients are the greatest challenges for juvenile justice agencies trying to link with current Commonwealth AWT initiatives. Furthermore the Personal Support Program (PSP), one of AWT's key initiatives, a program for people with complex needs including mental health, drug and alcohol issues and ex-prisoners, is difficult to access for youth and Indigenous clients. From a juvenile justice perspective, this program is not interventionist enough to meet the needs of the majority of juvenile justice clients.

Since the majority of NSW DJJ's community funded programs work with young offenders for between three to six months, the ability to link with and *mentor* young people into mainstream, appropriate Commonwealth funded income support and employment services is an essential criteria for a successful placement. The ability to *educate* the next provider in the needs of juvenile justice clients and develop their ability to engage with the client is

essential. While the success of such partnerships can never be guaranteed, it would be futile not to attempt them.

The lack of comprehensive Australian juvenile justice statistical data

The lack of analytical throughput and census data for juvenile justice clients across Australia is a major barrier to engagement with the Commonwealth in whole of government approaches to welfare reform. The *Report on Government Services* (2002) commented on the lack of comprehensive analytical and statistical data on adult and juvenile prisoners for Australia. A recent exercise in negotiating a protocol between Centrelink and NSW Department of Juvenile Justice (DJJ) highlighted the importance of good statistical data at a local level to establish areas of mutual interest for establishing a co-operative agreement.

For England and Wales, the Home Office Statistical review of the Prison population provides comprehensive census data for juvenile and adult correctional facilities as well as all receptions, discharges and throughput. Despite such comprehensive data and a Home Office Report in 1995 which identified ex-prisoners as making up a third of the labour market, according to Fletcher (2001) it was only when the Employment Service began to keep statistics on ex-prisoners along with other disadvantaged groups under New Deal that the extent of their severe labour market disadvantage was revealed.

Conclusions

Despite the inherent challenges in Australia of trying to link State justice department risk of re-offending agendas to the Commonwealth welfare reform agendas of the risk of long-term unemployment, it is essential to try to establish whole of government approaches. For juvenile justice clients the absence of clear targeting of Youth under AWT is a further challenge.

In NSW with more than 4000 juvenile justice clients in detention and in the community per year, the need for attempting better linkages with Commonwealth welfare reform strategies is evident. An incremental educative role, the development of more comprehensive statistical data and the need to alert the Commonwealth to the Indigenous over-representation, particularly throughout the juvenile justice sector, should ensure a lively basis for engagement.

* *Disclaimer: The views expressed in this paper are those of the authors and do not reflect official views of any government agency.*

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