



SHINE for Kids®

ACT Pre-Election Submission: Youth Justice & Raising the Age

Targeted and early-intervention programs & coordinated diversion pathways for young people interacting with the youth justice system

Proposal Summary

SHINE for Kids is seeking to engage in targeted consultation with key stakeholders in the ACT justice system to better understand the current diversionary processes and services available to young people on bail in the ACT, and how raising of the age of criminal responsibility will affect these services and systems. As part of this consultation, SHINE for Kids also seeks to determine the feasibility of a point-of-arrest referral system for young people who are diverted from sentenced detention, to ensure access to holistic and supportive rehabilitation programs early.

As a service provider of both early-intervention and targeted intervention programs for young people who are at-risk of contact with the criminal justice system, (in addition to Child & Family programs we run through ACT Corrective Services), SHINE for Kids also seeks to determine the opportunity for our targeted and early-intervention programs in the ACT, including Bimberi Youth Justice Centre. These include:

- **Stand As One** | One-on-one mentoring program for young people transitioning out of the criminal justice system to provide holistic support and help them navigate life on the outside
- **Rise** | In-community early and targeted-intervention mentoring program for children (5-14 years) experiencing parental incarceration or identified as at-risk for disengagement or offending.

As a provider of these programs both in community and in youth detention centres in QLD and NSW, and with strong working relationships with ACT Corrective Services (ACTCS), SHINE for Kids is highly equipped to support the ACT with its vision to raise the age of criminal responsibility and provide appropriate diversionary services and supports to at-risk young people. By targeting the key risk factors for re-offending drivers with an intensive, holistic program that connects young people to available supports, we can help contribute to safer, thriving communities in the ACT.

Background & Evidence

SHINE for Kids has 40+ years of experience working with thousands of children and young people affected by the youth justice system, including young people transitioning out of custody. This cohort face complex needs and challenges, with approximately 72% of young people in custody having experienced abuse, neglect or trauma in childhood or adolescence.¹ Young people experiencing parental incarceration face acute risk factors associated with reintegration such as poverty, family instability, domestic violence, addiction, homelessness, interrupted education, and a limited access to reliable, trusted support services. The consequences of these issues are reflected in recent data which reveals concerning rates of school disengagement,² dropout³,

¹ Justice Reform Initiative: Jailing is Failing (March 2023 Reports)

² Monash University (2023) reported that around one-half of the children are regularly absent from school (49.2%), with many carers struggling to get the children to attend due to anxiety and mental health challenges. Access: Flynn, C. et al (2023) [Mapping the needs and experiences of children affected by parental imprisonment: A national survey](#), Monash University, April 2023

³ Senate Legal and Constitutional Affairs References Committee (2013) [Inquiry into the Value of a Justice Reinvestment Approach to Criminal Justice in Australia](#),) Parliament of Australia, Report June 2013, p. 22

Building futures
so kids can shine



SHINE for Kids®

developmental delays⁴ and negative health and behavioural outcomes^{5,6} among children with a parent in prison. This vulnerable cohort face a higher risk than their peers of ending up in the justice system themselves,⁷ with approx. 52% of young people in youth detention nationally having had a parent in prison.

In the ACT, 30% of the children in detention in the ACT are Aboriginal or Torres Strait Islander,⁸ although only 2.9% of the ACT's population between the ages of 10 and 17 are Aboriginal or Torres Strait Islander.⁹ Young people in custody are more likely to have experienced early contact with police, engagement with child protections services, unsupported mental health disorders or cognitive disabilities, homelessness or unstable housing and coming from disadvantaged locations.¹⁰ Recent AIHW data revealing that **80% of young people released from sentenced detention in the ACT were returned to sentenced supervision within 12 months.**¹¹

This is the cycle of disadvantage and incarceration SHINE for Kids is working tirelessly to break.

SHINE for Kids delivers a suite of programs nationally, including in the ACT, which together offer a continuum-of-care for children and young people, from infancy through to adolescence, including young people experiencing parental incarceration (currently at Alexander Maconochie Centre in the ACT).

Current State in the ACT

As the ACT begins to implement the Raising the Age legislation, the need for strong diversionary services, service pathways and support programs for young people diverted from the justice system is critical. This includes early-intervention programs to reduce the likelihood of offending, and wrap-around supports for young people on bail to minimise the risk of recidivism and connect young people to broader services and supports.

Need for Integrated & Coordinated Responses

A recent consultation report by the Australian National University (2021) responding to this legislative change highlighted gaps in the current service system. The report maintained the need for 'more trauma-informed

⁴ Bell, M. et al (2018), [Using linked data to investigate developmental vulnerabilities in children of convicted parents](#), Developmental Psychology July 2018; 54 (7), p. 1219-1231

⁵ Besemer, van de Weijer & Dennison (2018) report that children with a parent in prison face significant disadvantages across a range of psychosocial indicators.

⁶ ANU & Emerging Minds National Workforce Centre for Child Mental Health (2020): Adverse Childhood Experience (ACE) evidence demonstrates that ACE's such as experiencing parental incarceration in youth are linked to negative physical and mental health outcomes, developmental delays and lower educational attainment, among other challenges – [Adverse Childhood Experiences \(ACEs\): Summary of evidence and impacts, January 2020](#)

⁷ Tzoumakis S, et al (2019) [The intergenerational transmission of criminal offending behaviours](#). Report to the Criminology Research Advisory Council. CRG 19/14–15. Canberra: Australian Institute of Criminology

⁸ Productivity Commission (2023). '17: Youth justice services'. Report on government services 2023, table 17A.5

⁹ Ibid, table 17A.28

¹⁰ Ruth McCausland and Eileen Baldry, Who Does Australia Lock Up? The Social Determinants of Justice, International Journal for Crime, Justice and Social Democracy, April 2023

¹¹ AIHW, 2023, [Young people returning to sentenced youth justice supervision 2021–22](#) | Table S17: Young people released from detention in 2014–15 to 2020–21 and aged 10–16 at time of release who returned within 12 months by state of index sentence

Building futures
so kids can shine



SHINE for Kids®

services¹², building the capacity of 'primary schools as a site of holistic early help and support'¹³ and, crucially, an **improved integration of responses to meet children's needs**.¹⁴

On this last point, the report identified through consultation "how difficult it is to provide services to children and families with multiple and complex needs in a **timely and early way**", finding that children with complex needs are typically "responded to reactively, having to enter the statutory systems of child protection and/or youth justice to receive more coordinated responses."¹⁵

Need for Programs for 10–13-year olds

The report also reviewed currently available services for 10–13-year-old children in the ACT and found that '**although there are some programs for children in the aged group 10-13 years, they are limited**. For those programs that do include younger children, there are **considerable waiting times**.'¹⁶

Looking at current services available in the ACT, it is evident that holistic and long-term mentoring programs for at-risk young people (especially in the 10-13 age bracket) – which empirical and practice evidence consistently underscore as achieving positive outcomes for this cohort across multiple domains¹⁷ – are largely absent in the ACT, while those that *do* exist not specifically focusing on young people affected by the justice system, and facing waitlist times of up to 3-4 months.¹⁸

Proposal

SHINE for Kids sees a great opportunity in the ACT to demonstrate the potential of an integrated and coordinated is seeking to engage in targeted consultation with key stakeholders in the ACT justice system to better understand the current diversionary processes and services available to young people on bail in the ACT, and how raising of the age of criminal responsibility will affect these services and systems.

Specifically, SHINE for Kids seek to:

1. Engage in community consultation to review both early-intervention and diversionary service pathways and holistic services available to young people following Raising the Age legislation.
2. Convene an operational round table to determine the practical challenges and opportunities for implementing point of arrest / point of bail diversion pathways.
3. Explore and seek feedback on options for delivery of our early-intervention and targeted-intervention mentoring programs as pilots for young people:
 - a. at-risk of offending (i.e. under community supervision, identified by schools)
 - b. either on bail/remand or transitioning out of custody at Bimberi Youth Justice Centre

¹² Em Prof. McArthur, A., Dr. Suomi, A. & Kendall, B. (2021) [Review of the service system and implementation requirements for raising the minimum age of criminal responsibility in the Australian Capital Territory](#), Final Report, p. 77

¹³ Ibid, p. 76

¹⁴ Ibid, p. 76

¹⁵ Ibid, p. 50

¹⁶ Ibid, p. 83

¹⁷ A substantial body of international and domestic research demonstrate positive outcomes from peer mentoring across domains including cognitive, social and emotional development, academic and community engagement, mental wellbeing, positive self-identity, shifts from negative behaviours, and help-seeking/resilient behaviours (AIC, 2020; AIHW, 2023; DuBois, 2005; Parra et al., 2002; Cavell et al., 2009; Herrera et al., 2011, 2013)

¹⁸ Em Prof. McArthur, A., Dr. Suomi, A. & Kendall, B. (2021) [Review of the service system and implementation requirements for raising the minimum age of criminal responsibility in the Australian Capital Territory](#), Final Report, p. 89

Building futures
so kids can *shine*



SHINE for Kids®

Ministerial Briefing

Subsequent to the operational roundtable, SHINE for Kids will brief relevant Ministers on the opportunities and potential challenges of a pilot service for coordinated support for young people by a non-government agency. The Ministerial Briefing could focus on:

- An understanding of the current services and state of play
- Proposed pilot for children and young people at point-of-arrest or bail
- The impact that is likely to have based on the evidence.

In closing, we are excited to commence discussions around this proposed pilot. We would be grateful if you could provide direction to the relevant officers to facilitate the two briefings as outlined above.

Yours sincerely,

Julie Hourigan
Chief Executive Officer
SHINE for Kids

26 February 2024

Building futures
so kids can *shine*