

# **INQUIRY INTO TRANSITION SUPPORT FOR STUDENTS WITH ADDITIONAL OR COMPLEX NEEDS AND THEIR FAMILIES**

**Organisation:** Juvenile Justice

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## Juvenile Justice

Attorney General & Justice

The Director  
Social Issues Committee  
Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Committee Chair

**Inquiry into transition support for students with additional or complex needs and their families**

Please accept the attached Juvenile Justice submission to the NSW Legislative Council Standing Committee on Social Issues *Inquiry into transition support for students with additional or complex needs and their families*.

Research indicates that low levels of educational attainment place children and young people at increased risk of involvement in the human services and criminal justice systems, and are correlated with increased rates of poverty, early parenting, unemployment and a host of other later life issues. Juvenile Justice therefore supports the work of the Standing Committee in examining the educational needs of vulnerable and complex students and their families.

I thank the Standing Committee for its consideration of this submission and look forward to the outcomes of this important Inquiry.

Yours sincerely

John Hubby  
Chief Executive

31/8/11



**Juvenile Justice**  
Attorney General & Justice

# **Juvenile Justice Submission**

**August 2011**

**Legislative Council  
Standing Committee on Social Issues**

**Inquiry into transition support for students with  
additional or complex needs and their families**

## INQUIRY INTO TRANSITION SUPPORTS FOR STUDENTS WITH ADDITIONAL OR COMPLEX NEEDS AND THEIR FAMILIES

### Introduction

Low levels of education are associated with a range of harmful later life outcomes, including

- lower wages and greater financial insecurity;
- poorer mental and physical health;
- a higher likelihood of child abuse and neglect when early leavers become parents;
- higher instances of homelessness, drug and alcohol abuse; and
- mortality rates up to nine times higher than the general population.<sup>1</sup>

Juvenile Justice, in conjunction with Justice Health, has conducted two *NSW Young People in Custody Health Surveys*, in 2003 and 2009, which confirmed that this group of young people are highly vulnerable and subject to multiple areas of disadvantage. The reports found high rates of intellectual disability, borderline intellectual disability and other cognitive disorders among young people in custody. It also found that most of these young people are disengaged from the education system.

The NSW Bureau of Crime Statistics and Research (BOCSAR) have found that among juvenile offenders placed on supervised orders in the community, those most likely to re-offend had one or more of the following characteristics:

- were 14 years of age or younger;
- were not at school at the time of the offence;
- had been suspended or expelled from school; and
- had a number of previous contacts with the criminal justice system<sup>1</sup>.

Research has isolated a number of risk factors that are known to influence the development of offending behaviour, the persistence of offending and the cessation of criminal activity. Education, training and employability problems are foremost among these.

Research clearly demonstrates that those young people most likely to become entrenched in the juvenile justice system, have probably come to the attention of a number of other non-government and Government service agencies prior to first coming to the notice of police. These are the families that agencies find the most challenging and those that require intensive, ongoing support and assistance. The progression of these children and young people into the criminal justice system suggests not only a lack of identification and engagement with existing services, but also a lack of effective programs to address these young people's complex needs.

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<sup>1</sup> Chapman, Weatherburn, Kapuscinski, Chilvers & Roussel, 2002; Vic Department of Premier and Cabinet 2005; Long, 2005; Vinson, 2004a

## **1. The adequacy and accessibility of appropriate support for children and their families**

A significant proportion of the young people within the criminal justice system present with significant educational deficits and a lack of educational attainment. The *2009 NSW Young People in Custody Health Survey* found that:

- the average age at which young people in custody left school was 14.4 years;
- only 38% of young people in custody were going to school in the six months prior to their remand;
- 65% of the sample had left school by Year 9;
- 88% had been suspended from school at least once;
- 47% had been excluded from school;
- 41% had attended a special school or class.

These statistics clearly indicate the degree to which these complex children and young people are failing to engage within the mainstream educational system due to behavioural, psychological or offending issues.

Marginalisation from education and employment, in addition to poor literacy and numeracy, has been shown repeatedly to place young people at significant risk of ongoing involvement in offending behaviour and of poor later life outcomes.

In NSW, there appears to be a lack of adequate and accessible supports for children and their families, particularly those with complex needs. The 2009 report of the NSW Joint Parliamentary Committee on Children and Young People, *Children and Young People Aged 9-14 years in NSW: The Missing Middle*, clearly established the dearth of critical services for this age group in NSW, with the report acknowledging that the lack of supports was of particular concern in relation to vulnerable children and young people.

Juvenile Justice considers that the development of a state-wide education retention and re-engagement strategy is essential to addressing the needs of vulnerable children and young people, and to providing them with the best possible long term life outcomes. This is discussed further in response to Question 2.

Over the last 20 years, NSW has incorporated a number of changes into legislation to address behavioural issues within the education environment. This includes the introduction of behavioural schools aimed at intervening with children who display violent behaviours. A significant percentage of young people in custody have experienced a behavioural school setting, with a typical (Juvenile Justice client) student pathway progressing from support classes to special schools to schools within a juvenile detention setting.

However, a recent study conducted by Macquarie University's Centre for Research on Social Inclusion, found that there had been no systematic

evaluation of the value of segregated educational settings. The study found that the greater utilisation of segregated school settings may in fact work against students returning to mainstream schools, and questioned the educational value of behaviour schools.

Further research is required on the efficacy of behavioural schools within the NSW school system, and the role and success of such schools in returning students to a mainstream education environment.

Schools are the universal service provider to children and are frequently among the first professionals to identify a vulnerable, complex or at-risk young person. The development of appropriate teacher skills to identify such vulnerability is essential, as is the development of referral pathways to adequate cross-agency systems to enable the provision of early, targeted multi-disciplinary supports to address areas of identified risk and need.

## **2. Best practice approaches to ensure seamless and streamlined assistance during transitions**

Wherever possible, Juvenile Justice supports strategies to assist complex needs children and young people to remain in or reengage with the mainstream education system.

Truancy, suspension and low educational attainment are high risk factors for involvement in the criminal and human services systems. School truancy is frequently treated as a management and disciplinary issue, whereas research suggests that interventions need to target the underlying causes of truancy, which can be multi-faceted and diverse.

In the experience of Juvenile Justice, there are three key transition points where children and young people disengage from the formal education system, heightening the risk of engagement or entrenchment within the justice and human services systems. These are the transitions from:

- Primary to secondary school;
- Secondary to post-secondary education or training; and
- Detention to mainstream school.

The development of strategies and systems to support complex children and young people throughout these transitions is essential to enhancing rates of retention and re-engagement. At the heart of these strategies must be the principle that schools should be places where children want to be.

**(a) The Support Teacher's Transition (DET) and Transition Officers (CEO) support teacher (transition) initiative**, assists with the planning process for students with disabilities transitioning from school to post-school settings. These students may be enrolled in special schools, support classes in regular schools or in regular classes.

This program, which supports approximately 30 positions across the state, assists schools in planning transition processes for students with a disability in years 7-12. The program assists personnel to plan for the transition from school to the next educational setting (eg. senior campus, open or supported employment, TAFE, university or an ADHC-funded post-school service).

The scheme can currently be utilised by schools located within Juvenile Justice Centres as part of the planning process for the release of a young person with a disability.

While Juvenile Justice is unaware of any evaluation of the success of this program, this type of tailored support system would seem to represent an appropriate model for supporting vulnerable children and young people across the range of transition points within the education system. Juvenile Justice therefore proposes consideration be given to expanding this and other similar support programs.

#### **(b) Educational retention and re-engagement programs**

The NSW Bureau of Crime Statistics and Research has found that young people with low educational attainment are more likely to offend, more likely to offend frequently, more likely to commit more serious offences and more likely to persist in crime<sup>2</sup>. School disengagement and the lack of educational credentials are also correlated with increased rates of poverty, early parenting, unemployment, and a host of other personal and social ills<sup>3</sup>.

Research has shown that successful interventions to reduce truancy and enhance school engagement:

- should be individually tailored to respond to the needs of each student;
- provide an emotionally and physically safe school setting;
- may require an alternative school setting;
- must involve parents and the community;
- must clearly articulate goals, rules and consequences;
- may involve counselling with the student, family and teacher;
- may involve referrals to community resources, tutoring, mentoring, job placement and evaluation;
- should be long term; and
- should include a maintenance component.

Juvenile Justice proposes consideration be given to the development of a state wide education retention and reengagement strategy, to be supported by local levels systems that respond to the needs of each community and each individual student.

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<sup>2</sup> [http://www.yapa.org.au/openingdoors/juvenile\\_justice/references.php](http://www.yapa.org.au/openingdoors/juvenile_justice/references.php)

<sup>3</sup> Galloway 1985; Reid 1987; Rumberger 1987; Fine 1990, 1991; Bell et al. 1994

### 3. Other related matters

Juvenile Justice notes that there is a clear inconsistency between the Department of Education and Training's ability to exclude students from educational settings, and the requirement for all children and young people to be in full time education or training until the age of 17 years.

As demonstrated by the statistics outlined above, significant numbers of young people within the juvenile justice system have experienced suspension and/or expulsion from school, and/or placement in a non-mainstream class or school.

Juvenile Justice acknowledges the difficulties teachers and schools face in dealing with challenging students and behaviours within the mainstream school setting. However, it is becoming increasingly apparent, in light of the limited number of special school or class placements currently available, that these issues need to be identified and addressed within the local school and community setting.

The continuing ability of public schools to exclude challenging students, despite the lack of alternative educational options, will entrench poor future outcomes for these most disadvantaged and disenfranchised children and young people.

### References

- Hussong, A., Stein, G. L. (2007). Social and academic expectations about high school for at-risk rural youth. *American Secondary Education*, 36(1)
- Letrello, T., Miles, D. (2003). The transition from middle school to high school: Students with and without learning disabilities share their perceptions. Ebsco Publishing, Vol.76, No.4
- Silverthorn, N., DuBois, D.L., Crombie, Gail. (2005). Selfperceptions of ability and achievement across the high school transition: Investigation of a state-traitmodel. *Journal of Experimental Education*. v73 p191

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<sup>1</sup> Weatherburn, D., Cush, R. & Saunders, P. (2007). Screening juvenile offenders for further assessment and intervention. *Crime and Justice Bulletin no. 109*. Sydney: NSW Bureau of Crime Statistics and Research.