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A new focus on family

The State Government's newly announced strategy An Intensive Support System for South Australia’s children and families promises a more sustained and holistic response to child protection by shifting the focus to families. Under the strategy the Child and Family Assessment and Referral Networks (CFARNs), the Child Wellbeing Practitioner and Strong Start programs will be brought together in a new Intensive Support Unit to be formed in the Department for Human Services.

The family, in its many styles and structures, remains at the core of human society. It is how we care for each other, a basic economic unit, a basis for our sense of who we are, a psychological comfort and a vehicle for raising our children. It is also the site of some of our greatest problems, of violence, abuse and neglect. Over generations it can perpetuate our noblest aspirations but also nurture our darkest failings. For some families, problems with poverty, debt, unemployment, drug misuse, mental illness, family violence, insecure housing and contact with the justice system combine to create major barriers to the enjoyment of the relative wellbeing and wealth that our community has to offer.

Informed by the research commissioned on the back of the Nyland Royal Commission into the Child Protection System in SA, the Department’s planned Intensive Support Unit promises to focus squarely on the families with the most entrenched and challenging issues. It aims to work with families to identify issues they face and coordinate the services and supports they need in sustained way. In the past we have striven to ‘rehabilitate’ the individual young offender or ‘cure’ the person with a mental illness without regard for the social circumstances they came from and to which, in all likelihood, they will return. The Department’s new strategy will refocus the bulk of the family support, domestic violence and children’s support services that it provides and contracts on these families.

The rationale and structure resembles the Troubled Families program that has been in place in the United Kingdom since 2012. The program recently released its National evaluation of the Troubled Families Programme 2015-2020: Findings Evaluation overview policy report.

In the program, intervention is based on a keyworker who builds an understanding of problems and of the individual family dynamics. They look at the totality of what’s going on and use what the report calls ‘a persistent and assertive approach establishing a relationship with the family and working closely with them to make sure the family resolve their problems’. The keyworker agrees on a plan with the family and local services so that interventions are sequenced and coordinated and there is a shared ownership of outcomes among service providers.

The evaluation report shows some headline gains including an almost one-third reduction in children being taken into care after a 19-24 month intervention and a one-quarter reduction in young people receiving custodial sentences. The economic benefits and net budget savings modeled in the report make a strong argument for the UK Government to persist with the program.

We should anticipate that the South Australian strategy will encounter some challenges of its own as it is rolled out. Services will need to adapt their practice, data collection and information sharing to a family-based way of working and being funded. We can look to the NDIS as an example of the difficulties a change of service model can produce for clients and providers if not well managed, no matter how well intended. The shift to a payment-by-results model can produce distortions in the provision of services and a gaming of the system if not well-conceived and managed from the outset.

Perhaps the biggest challenge for the new strategy will be how well it addresses the outcomes for Aboriginal families. The last Closing the Gap report confirmed that, after more than ten years of investment, we still struggle to provide services to the Aboriginal community that are culturally safe, trusted and effective. If we shift the focus to families we will have to understand and embrace an Aboriginal concept of family which is very different in how it operates to the white European model on which much of our current system is based. On top of that we will have to translate what words like ‘disadvantaged’, ‘troubled’, ‘struggling’, ‘complex’, and the many other policy terms governments use, mean to Aboriginal families. It will need to develop an understanding of how Aboriginal families define their needs and what success means to them.

To its credit, the new DHS strategy explicitly acknowledges the necessity for serious Aboriginal involvement in the design and governance of the new system and in the decisions that affect the lives of Aboriginal families and children. Getting this right for Aboriginal families will be a touchstone for the success of the strategy as a whole and its ability to serve the very diverse set of groupings and relationships that we call ‘family’ in the 21st century.
What’s been done     February 2019 – April 2019

Cultural awareness training in courts
Working in conjunction with Judge Hinton of the South Australian Supreme Court and the Courts Administration Authority, Conrad Morris and Travis Thomas from the Guardian’s Office facilitated Aboriginal young people to share their experience of youth justice detention. The young people shared their experiences with court professionals about what cultural considerations need to be taken into account when Aboriginal young people go through the courts system.

Training Centre Visitor report highlights residents’ concerns
In early April, the Training Centre Visitor Unit’s Report on Pilot Visiting Program and Review of Records was tabled in Parliament. It draws particular attention to concerns raised by residents of the Adelaide Youth Training Centre (AYTC) about being subject to an unclothed search regime and minimal (or no) access to cultural support and programs.

From 2019, the visiting program will conduct quarterly visiting rounds linked to school terms. There will be five fortnightly visits to both of AYTC’s two campuses per term, and informal visits between terms. The first full formal inspection of the Centre will occur later this year. Children and young people detained in the AYTC also have ongoing individual and systemic advocacy support through the Training Centre Visitor team.

Charter of Rights endorsements
Charter Champions are people with a strong belief in the rights of children and who represent the Charter for the benefits it brings to children and young people under guardianship in their organisations. To date, there are 88 endorsed agencies in the Charter Network and 354 Charter Champions have been appointed.
Consequences of childhood trauma on brain development

The Principle Advocate and Assessment and Referral Officer attended a two-day workshop on the neuroscience of childhood maltreatment. Conducted by Dr Martin Teicher from the Department of Psychiatry at the Harvard Medical School, the workshop focussed on studies that looked at the consequences of maltreatment, the clinical importance of different types of maltreatment and the application of the Neurodevelopmental Trauma Model.

The model provides an explanation of what underlies symptoms, links current challenges to past experiences and helps people understand how their brain adapted to enable them to be successful in a traumatic environment. The workshop covered a range of areas including the influence of early life stressors on brain development and hormone systems.

Conferences and presentations

In the last quarter, the Guardian presented to the Family Drug Support Awareness Day and the Australian Institute of Administrative Law.

The Senior Policy Officer attended a seminar from the Law Society of South Australia on Doli Incapax. She also provided an overview of the functions of the Guardian’s Office to the Women and Children Protection Division from the West Java Women’s Empowerment, Children Protection and Family Office, auspiced by the Legal Services Commission.

An advocate presented to DCP Youth Work students at the Education Development Centre as part of their training. The Principal Advocate met with the leadership team at Hindmarsh DCP to present information on annual review audits and the work of the advocacy team.
New staff will increase visiting capacity

The Child and Young Person Visiting Program (CYPVP) has continued conducting visits to Department of Child Protection residential care houses. In the last quarter, the program recruited three new Community Advocates (pictured below) to the team, following the resignation of Mignon Borgas earlier this year.

The CYPVP is partnering with Relationships Australia SA to interview young people who have experience, or are currently, living in residential care. The information gained from these interviews will inform the further development of the CYPVP program.

The CYPVP trial was developed in response to Recommendation 137 of the Nyland Royal Commission and is funded for two years from July 2017. Unless extended, the trial program will conclude in June.

High numbers of young people self-referring for advocacy

In the quarter ending 31 March 2019, the Guardian’s Office received 101 in-mandate enquiries, representing 111 children and young people. This compares with 56 in-mandate enquiries received in the January to March quarter in 2018. The Office also received a further 18 inquiries which were not related to the Guardian’s mandate for children and young people in state care and detention and which were referred to relevant organisations and services.

Overall, 48 children and young people self-referred during this quarter, which is almost half of in-mandate requests for advocacy. The proportion of children self-referring has grown steadily in recent years and is now at the highest rate ever.

The top four issues raised concerned stable and secure placement, safety, contact with significant others and education.

The Principal Advocate audited 90 DCP Annual Reviews in Gawler, Salisbury, Marion, Mount Barker and Port Pirie. Of the reviews audited, approximately one third were for Aboriginal children.

New publications

In case you missed out first time around, here are some of the interesting items the Office published in the last few months:

- Training Centre Visitor’s Pilot Visiting Program Report – March 2019
- Expenditure on child protection in SA (from the Report on Government Services 2019)
- The Guardian’s Quarterly Newsletter – February 2019
- Young people in care creating a mural - video
- Raising an issue in residential care – animated video
- Raising an issue in residential care – live action video
The story of the Charter of Rights for Children and Young People in youth detention

Children and young people in detention are uniquely vulnerable and invisible.

When in a place of youth detention, like the Adelaide Youth Training Centre (AYTC), children and young people should have access to the same rights and protections as other children in the community. The purpose of youth detention is rehabilitation, not punishment.

Concerned about the wellbeing of children in detention in Australia, the Australian Children’s Commissioners and Guardians (ACCG) in 2014 released a model charter of rights for children and young people detained in youth justice facilities.

The model drew on international agreements to which Australia is a signatory. This included the UN Rules for the Protection of Juveniles Deprived of their Liberty (1990), the UN Minimum Rules for the Administration of Juvenile Justice or the ‘Beijing Rules’ (1990) and the Convention on the Rights of the Child (1989). It was intended to be a guide for states and territories to develop and legislate their own charters.

The Convention on the Rights of the Child is the great grandparent of South Australia’s Charter of Rights for Children and Young People in Care. We’ve looked at the origins and importance of these documents in a series of previous articles.

South Australia’s Youth Justice Administration Act (2016) sets out the requirements for the Charter of Rights for Children and Young People Detained in Training Centres (the Charter).

The South Australian Charter is based closely on the ACCG model and covers rights specific to children and young people in youth justice—from when they are detained, while they are in detention and as they prepare to leave. Three amendments were made to the basic model following consultation with residents, AYTC management and staff, and other stakeholders.

The 24 rights include the right to receive proper health care, to get help to see a lawyer, to have regular contact with family and friends and provide protections around isolation and the use of force and restraints.

The Charter also guarantees the right to make a complaint about treatment to an independent officer, like the Training Centre Visitor (TCV), and to be kept informed about what happens to that complaint.

The recently released TCV report of its pilot program noted, for instance, that Aboriginal and Torres Strait Islander residents at AYTC were concerned about not being able to participate in cultural activities and ceremonies.

Ensuring residents are aware of and supported in realising their rights is a vital protection for a vulnerable group locked away out of public sight and so easily forgotten.
Events at Darwin’s Don Dale Youth Detention Centre in 2016 alarmed the community and shone a spotlight on the unsuitable treatment and environment in centres across the country.

Riots, like those seen at Don Dale and other detention centres, demonstrated how complaints and concerns among residents could fester and escalate without appropriate and timely intervention. It is essential that the wellbeing of residents and staff in institutions closed to public view is assessed and monitored to ensure young people in juvenile detention, who are some of our most vulnerable, are protected.

Strengthening the way places of detention are monitored is one way to prevent mistreatment. In jurisdictions across Australia there are processes in place to investigate and review detention facilities.

In South Australia, the Training Centre Visitor Unit (TCVU) conducts visits to both campuses of the Adelaide Youth Training Centre (AYTC). Legislated in the Youth Justice Administration Act 2016, the Training Centre Visitor protects and promotes the rights and best interests of young people on remand or sentenced at the AYTC. This allows the visitor ‘to act as an advocate for the residents of a training centre to promote the proper resolution of issues relating to the care, treatment or control of the residents.’

The ability to make a complaint to an independent person, like an official visitor, is also one of the rights in the Charter of Rights for Youths Detained in Detention Centres.

In March, the TCVU released a report about its pilot visiting program and review of records. During the pilot, residents raised issue with the frequency of unclothed searches. Identifying these kinds of resident concerns and raising them with AYTC management and the Minister can draw attention to degrading procedures as well as potentially preventing the issue from escalating. Readers may have seen a recent article in The Advertiser in which Penny Wright, the Training Centre Visitor, made it clear that she did not support the continuation of excessive and intrusive unclothed searching and methods such as ‘squat and cough’.

This preventative approach will be further refined following Australia’s ratification of the Optional Protocol to the Convention Against Torture (OPCAT). OPCAT is an international agreement that’s main aim is to prevent the mistreatment of people in detention.

Australia has three years to fulfil its obligations and develop an independent National Preventative Mechanism (NPM). The NPM conducts inspections of all closed spaces and places of detention. Australia joins 88 other countries as a party to OPCAT, 71 of which have designated their NPM.

The Australian Human Rights Commission has been conducting consultations on how Australia should implement OPCAT. The Commonwealth Ombudsman is also coordinating an assessment about how a ‘diffuse’ NPM model might operate across State and Territory jurisdictions. At the moment it is unclear what Australia’s NPM will look like and what the involvement of existing monitoring bodies will be.

The TCVU will conduct its first formal inspection of the AYTC in the final quarter of this year. It will be informed by the work and information gained during the program of visits and reviews of records that have been implemented since mid-2018. This inspection process is being developed so it will be compliant with OPCAT requirements.

Around the world, jurisdictions similar to Australia are having success with models of juvenile rehabilitation that are radically different to those here. Much stronger independent oversight and monitoring will increase transparency and identify problems before they intensify. Success can also be measured by the way these programs challenge and force reconsideration of the largely penal model that dominates Australia’s youth justice system.