

1 March 2024

Youth Justice Reform Select Committee  
Queensland Parliamentary Service  
Parliament House  
Cnr George and Alice Streets, Brisbane QLD 4000

Dear Committee Secretary,

**Priority areas for Phase 2 of the Inquiry into Youth Justice Reform in Queensland**

Thank you for the opportunity to contribute to the Youth Justice Reform Select Committee's priority areas for Phase 2 of the Inquiry. Queensland Advocacy for Inclusion (QAI) provided a submission to the inquiry on 10 January 2024 (submission number 111). The recommendations in this letter should be read in conjunction with the recommendations made in submission number 111.

QAI is an independent, community-based advocacy organisation and community legal service that provides individual and systems advocacy for people with disability. Our purpose is to advocate for the protection and advancement of the needs, rights, and lives of people with disability in Queensland. Our individual advocacy experience, particularly working with young people with disability engaged with the youth justice system, informs our understanding and prioritisation of systemic advocacy issues.

**1. A 10-year strategy for youth justice in QLD that engages all government agencies and community organisation which deliver services along the youth justice service continuum.**

The proposed ten-year strategy should be informed by all relevant recommendations made by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission) and within the National Disability Insurance Scheme (NDIS) Review.

In addition, QAI recommends that a 10-year youth justice strategy should be reviewed annually to ensure that it is meeting the needs of the community and the young

people involved in the criminal justice system. This review should be published for accountability.

**2. How to instigate earlier assessment, intervention and prevention strategies that support children and their families to access health, education, housing, and other service.**

QAI's first submission to the inquiry discusses at length the need to improve early assessment, intervention, and prevention strategies. We wish to emphasise the need to improve access to health, education, housing and other essential services as a means of early intervention and prevention.

It is crucial that each body that comes into contact with children (including schools, child safety, law enforcement, youth justice) screen for disability. Identifying disability is necessary to understand an individual child's experience and support requirements. Without this understanding, children and young people with disability are at risk of not having access to appropriate disability-related services and reasonable adjustments. QAI wish to emphasise that any form of disability screening must be culturally informed and respectful. Additionally, each of these bodies are aptly positioned to perform screening and risk-assessments for other essential needs like access to safe housing, health services and education. As discussed in our initial submission, meeting fundamental needs like these can profoundly mitigate a child's risk of interacting with the criminal justice system.

For law enforcement, screening for disability during initial contact can be an important step in preventing children with disability entering the criminal justice system unnecessarily. When disability is identified, law enforcement should take the initiative to find alternative ways to address perceived problem behaviour where appropriate, such a redirection into programs that provide supports. In addition, law enforcement officials are in a prime position to identify when a child requires support accessing housing, health and disability-related services, and education. QAI has observed excessive and inappropriate detention of children with disability in watchhouses *because* the child does not have access to safe and stable housing. Detaining children in any detention setting should not be a solution to housing insecurity, and law enforcement should work proactively to ensure that all children have access to

services and infrastructure that can keep them safe. Law enforcement should be enabled to connect with any relevant services required to ensure the safety of all children, particularly those with disability who are at risk of entering the criminal justice system.

By screening for disability and subsequent support needs when a child is entering the education system, schools can play a vital role in supporting a child to have a positive educational experience. Children who face suspensions and exclusions from school have a disproportionately higher risk of involvement in the criminal justice system<sup>1</sup>. Therefore, providing a child with appropriate supports and reasonable adjustments to stay in school is an essential early intervention and prevention strategy. Additionally, schools are also well positioned to identify other needs of children, like the need for support at home or the need for health and wellbeing services. When a need for these kinds of supports is identified, schools should be assisted to link with relevant services. For instance, the Department of Education could have an interface team that supports children and their family to secure housing or access the NDIS.

A significant portion of children and young people involved in the youth criminal justice system are also involved in the child safety system. Child Safety can play a pivotal role in early assessment, intervention, prevention, and connection to appropriate services and supports. As detailed in our initial submission number 111, YPP advocates have observed several instances of children under Child Safety's care being released from youth detention settings without any access to safe and stable housing, nor connection with appropriate health and disability-related services. It is worth noting that the Child Safety Practice Manual states that children under Child Safety custody are responsible for *"finding and assisting the young person to transition to suitable accommodation"*<sup>2</sup>. The Practice Manual further states that Child Safety must ensure that a young person's basic needs are met in a timely way whilst in

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<sup>1</sup> Novak, A., & Fagan, A. (2022). *Expanding Research on the School-to-Prison Pipeline: Examining the Relationships between Suspension, Expulsion, and Recidivism among Justice-Involved Youth*. *Crime & Delinquency*, 68(1), 3-27. [online]. <https://doi.org/10.1177/001128721999334>

<sup>2</sup> Child Safety. *Child Safety Practice Manual – Respond to a child's specific needs*. [online] [https://cspm.csyw.qld.gov.au/procedures/support-a-child-in-care/respond-to-a-child-s-specific-needs#Respond\\_to\\_a\\_young\\_person\\_in\\_contact\\_with\\_the\\_youth\\_justice\\_system](https://cspm.csyw.qld.gov.au/procedures/support-a-child-in-care/respond-to-a-child-s-specific-needs#Respond_to_a_young_person_in_contact_with_the_youth_justice_system)

custody.<sup>3</sup> Child Safety have key responsibilities to the children in their custody, and providing children and young people with access to these fundamental supports is an essential preventative strategy. By supporting children while they are inside the system, child safety can reduce the risk of future criminalisation.

Finally, youth detention centres should be providing support to access housing, health and disability-related services, and education to all children in their custody. QAI emphasise the importance that access to appropriate health and disability-related services is an essential step in reducing the risk of criminalisation. As discussed in our initial submission, QAI has observed poor provision of these types of services within the youth detention setting. Many of our young clients with disability in youth detention do not have access to services like psychological therapy, drug and alcohol support, positive behavioural support, speech pathology and occupational therapy. Without access to these types of supports, their needs are not being adequately met. QAI notes the following procedures, policies and legislations that underpin the framework for providing generalist, specialist and NDIS related services to children in youth detention custody:

- a) **Service agreements** – children with disability in youth detention centres are currently provided with access to healthcare through the operation of various service agreements. Under the service agreements, the relevant Hospital and Health Service are obliged to provide healthcare services for those in youth detention centre custody, consistent with health services available to youth in the wider community.<sup>4</sup> However, QAI's experience is that access to healthcare services for children with a disability in youth detention centre often does not meet the standard for youth in the wider community. The health care programs that should be available include child health, developmental clinics, mental health, alcohol and other drug (**MHAOD**). Again, it is QAI's experience that these programs are not made available and accessible to all children who require access. It is also worth noting that it is unclear from the current service

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<sup>3</sup> *ibid*

<sup>4</sup> Queensland Health, *Townsville Hospital and Health Service Agreement 2022/23 – 2024/25* (December 2023 Revision); Queensland Health, *West Moreton Hospital and Health Service Agreement 2022/23 – 2024/25*.

agreements whether early disability screening and assessments are mandatory. QAI reiterate the importance of culturally informed disability screening.

- b) **Youth Detention Centre Operational Policy** – the Operation Policy sets out provisions aimed to ensure that young people in youth detention have access to healthcare services and programs. A key takeaway from the policy is that it is the responsibility of youth detention centre staff to inform the supervisor of any relevant health matters, who will then refer these matters to Hospital and Health Service staff. However, it is QAI's experience that the requirements of the policy are not consistently implemented across Queensland youth detention centres. Another key part of the policy is that healthcare services that require an emergency leave of absence must be organised by the supervisor. However, Brisbane Youth Detention Centre is the only youth detention centre has an allocated escort for the Communication and Psychology Team.

Given the responsibility of escalating health matters lies with the staff of youth detention centre, it is crucial that they are provided with relevant training in relation to identifying disability in children and young people. QAI regularly advocates for the needs of children with disabilities in youth detention centre custody because their health and disability-related needs have not been addressed by staff.

- c) **Legislative provisions** – Section 263(3)(a) of the *Youth Justice Act 1992 (QLD)* outlines that it is the responsibility of the Chief Executive of the Department of Youth Justice to ensure child in youth detention centres' custody have access to "services that promote the health and wellbeing of children detained at the centre".
- d) **Access to NDIS Support** - In QAI's experience, children with disability in youth detention centre who have NDIS access struggle to access their NDIS supports while in detention. The *Inspection Standards of Queensland youth detention*

centres released in August 2023 by the Inspector of Detention Services stipulate that:<sup>5</sup>

Children entering youth detention with an approved NDIS plan will continue to have their needs addressed while in the youth detention centre. Their youth detention centre caseworker will liaise with the community caseworker and/or child safety officer to support continued stakeholder engagement with service providers.

**3. Reimagining youth justice infrastructure including best practice standard accommodation for children and young people who are detained, held on remand or transitioning from detention to the community.**

All types of youth justice infrastructure require significant reform. QAI takes the position that it is inappropriate to detain children, particularly children with disability, in youth detention centres and adult watch houses. Our first submission to the inquiry outlines the harm perpetuated in these spaces.

In addition to places of detention, QAI notes significant issues with the current standards for accommodation for children transitioning out of detention and other forms of detention. In particular, YPP advocates have observed issues with the current provision of transitional support provided to children transitioning out of the system, and issues with the out-of-home-care (OOHC) and residential care system.

- a) **Transitional Supports** – We note that our first submission to the inquiry discusses the improvement of transitional support provided to children with disability leaving detention settings. In particular, our previous submission focussed on the inadequate support around housing access. We reiterate that transitional support must involve careful and ongoing consideration of a child's access to housing upon release into the community. If a child does not have access to appropriate and stable housing upon their release into the community, they must be provided with support to locate and secure

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<sup>5</sup> Inspector of Detention Services (Queensland Ombudsman). (2023). *Inspection standards for Queensland youth detention standards*. Pg. 55. [online]. <https://www.ombudsman.qld.gov.au/detention-inspection/legislation-and-standards>

accommodation. We refer back to the Child Safety Practice Manual that explicitly states that Child Safety has an obligation to locate suitable accommodation for children in their care who are transitioning from the youth justice system<sup>6</sup>.

- b) **Residential care** – as previously mentioned, many children in the criminal justice system are also involved in the child safety system and are subsequently housed in residential care. In YPP’s experience, most children who live in residential care cite residential care as a contributing factor in their criminalised behaviour. QAI published a submission on the Queensland Residential Care Review which details the many issues associated with residential care, which include the institutionalised nature of residential care, the inappropriate, the lack of support with education and disability-related needs, and how the residential care system is not equipped to provide basic care to children<sup>7</sup>. The residential care system needs to be replaced with appropriate accommodation and support that meets the needs of children in child safety custody. Providing children with appropriate support and care is key for preventing perceived criminalised behaviour.

## Conclusion

QAI thanks the Youth Justice Reform Select Committee for the opportunity to contribute to this inquiry. We are happy to provide further information or clarification of any of the matters raised in this submission upon request.

Yours faithfully,



Matilda Alexander

Chief Executive Officer

Queensland Advocacy for Inclusion

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<sup>6</sup> Child Safety. *Child Safety Practice Manual – Respond to a child’s specific needs*. [online] [https://cspm.csyw.qld.gov.au/procedures/support-a-child-in-care/respond-to-a-child-s-specific-needs#Respond\\_to\\_a\\_young\\_person\\_in\\_contact\\_with\\_the\\_youth\\_justice\\_system](https://cspm.csyw.qld.gov.au/procedures/support-a-child-in-care/respond-to-a-child-s-specific-needs#Respond_to_a_young_person_in_contact_with_the_youth_justice_system)

<sup>7</sup> Queensland Advocacy for Inclusion. (2023). *Queensland’s Residential Care Review*. [online]. <https://qai.org.au/queenslands-residential-care-review/>