

PeakCare

Queensland Inc.

17 April 2019

Imprisonment and Recidivism Inquiry
Queensland Productivity Commission
PO Box 12112
George St
Brisbane QLD 4003

Dear Commissioner

Inquiry into imprisonment and recidivism - submission in response to draft report

PeakCare Queensland Inc. (PeakCare) welcomes the opportunity to provide information in response to the Queensland Productivity Commission's invitation calling for submissions to the inquiry into imprisonment and recidivism's draft report.

About PeakCare

PeakCare is a not for profit peak body for child and family services in Queensland, providing an independent and impartial voice representing and promoting matters of interest to the non-government sector.

Across Queensland, PeakCare has around 55 members which are a mix of small, medium and large, local and statewide, mainstream and Aboriginal and Torres Strait Islander non-government organisations that provide prevention and early intervention, and generic, targeted and intensive family support to children, young people, adults and families. Member organisations also provide child protection services, foster and kinship care and residential care services for children and young people and their families who are at risk of entry to, or who are in the statutory child protection system.

A network of supporters made up of individuals and other entities with an interest in child protection and related services and who are supportive of PeakCare's policy platform around the safety, wellbeing and connection of children and young people, also subscribe to PeakCare.

PeakCare's submission

PeakCare's primary concern is child protection and allied services, and as children, young people and families who experience disadvantage are often involved in multiple service systems, PeakCare has an

interest in this inquiry, specifically in relation to the intersection between child protection, youth justice and the adult criminal justice systems.

There are a range of initial submissions to this inquiry from organisations with more depth of expertise in relation to reducing imprisonment and recidivism and as such PeakCare endorses, in particular, the submissions of the Youth Advocacy Centre (YAC), the Queensland Council of Social Service (QCOSS) and the Queensland Network of Alcohol and Other Drug Agencies (QNADA).

Children and young people

PeakCare agrees with YAC in proposing that as the evidence indicates those children and young people who become entrenched in the youth justice system and youth detention are at significantly greater risk of involvement in the adult justice system and adult detention, it is important to focus on preventing imprisonment and recidivism of children and young people in order to improve outcomes for the community over the medium to longer term.

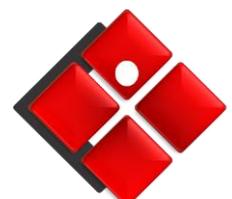
PeakCare supports the government implementing the recommendations from the Atkinson Report on Youth Justice, and the subsequent release of the Youth Justice Strategy, focussing on intervening early to address risk factors, increasing diversion options to keep children out of court and out of custody and targeted programs to reducing reoffending.

Those young people subject to statutory child protection intervention as well as youth justice intervention may have particularly complex needs compounded by family dysfunction, abuse and neglect, poor educational attainment, and other problems such as disability, mental health and alcohol and other drug misuse which, combined with adolescent developmental psychosocial immaturity, can vastly increase vulnerability to entering the youth justice system.

As YAC detailed, there are some specific circumstances where children and young people are unnecessarily or inappropriately criminalised, including:

- Residential care services at times seeking police intervention to respond to trauma-related reactive behaviours of children in care
- Charges resulting from peer related, developmentally appropriate exploration of sexuality and/or consensual sharing of intimate/sexual images
- Public order offences are common as young people frequent public spaces with peers, and
- Fare evasion, usually linked to poverty and homelessness

Addressing these issues which unnecessarily bring children into conflict with the law would assist in reducing involvement in the criminal justice system.



Families

The levels of socio-economic disadvantage in our society, for many people compounded by adverse life events and intergenerational trauma, which can be seen in rates of homelessness, domestic and family violence, poor physical health, mental health issues and drug and alcohol misuse, can all impact on parenting capacity. PeakCare advocates that these social factors increase vulnerability and require a significant shift in government investment to prevention and early intervention and accessible services to support families, before a crisis point where child protection and/or criminal justice systems intervene.

As QCOSS notes in their initial submission, the criminal justice system has a disproportionate impact on people experiencing vulnerability or disadvantage. This is reflected in the prison population where Aboriginal and Torres Strait Islander people, people living with a mental illness, people who have experienced trauma, people experiencing homelessness and people with drug and alcohol dependencies are significantly over-represented.

For Aboriginal and Torres Strait Islander peoples, the intergenerational nature of trauma and social and economic disadvantage has contributed to over-representation in the youth justice and adult criminal justice systems. Effective responses require a long term community-led approach.

When a person spends time in prison, away from their family and community, they are likely to experience negative consequences that extend far beyond their time in prison, including barriers to employment, housing stress and financial hardship, all factors which can adversely impact on parenting capacity and subsequently the safety and wellbeing of children.

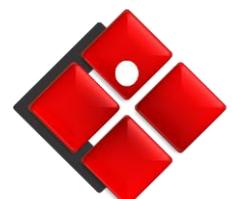
Peak Care supports QCOSS's initial submission recommending a focus on building strong resilient communities that support people and families that are experiencing vulnerability and disadvantage, with adequately funded prevention and early intervention support services to support people both before they encounter the criminal justice system, and after they transition back to their community.

PeakCare believes safe, affordable community housing options would relieve the need for some young people and adults to be remanded in custody and would assist in successful community reintegration for some people following custodial sentences.

PeakCare supports QNADA's initial submission advocating for system responses to alcohol and other drug use to be health and treatment focused as opposed to the current criminal justice/law enforcement approach. This needs to include increased investment in a range of culturally appropriate support and treatment options to improve health outcomes and reduce imprisonment and recidivism for Aboriginal and Torres Strait Islander peoples.

Information request – addressing gaps in prevention and early intervention

While investment in prevention and early intervention service responses increased in Queensland following the *Crime and Misconduct Commission Inquiry into the Abuse of Children in*



Foster Care (2004) and the *Queensland Child Protection Commission of Inquiry (2013)*, the legacy of underinvestment means the gap is yet to be redressed, with the vast proportion of investment remaining weighted towards tertiary service responses. Queensland's spread of population across a vast and diverse geographical area, including very remote locations, creates particular challenges in enabling ready access for families to locally based, non-stigmatising support services.

It could be argued that many currently funded family support services are not true 'early intervention', being funded by the statutory agency to deliver family support for complex cases well along the continuum of support services, often just pre-statutory child protection intervention, and there continues to be a need for more adequately resourced and accessible prevention and early intervention services.

There are very few Aboriginal Community Controlled Organisations funded to deliver prevention and early intervention services, and consequently their coverage across the state is limited.

There are also very few services that utilise assertive outreach strategies to engage families who are more marginalised and less likely to seek help.

As noted already in the preliminary findings, there are many factors that influence imprisonment and recidivism, and the issues are much broader than the prison system. The lack of integration between government services, and lack of alignment between social policies impacting on children and families (such as housing, social security payments, employment etc), is an ongoing concern contributing to challenges in effectively meeting the needs of children within the child protection and youth justice systems. Consequently many submissions spoke to multi-agency collaborative efforts being required and PeakCare strongly supports the need for this approach.

PeakCare commends the preliminary recommendations, particularly those relevant to PeakCare's primary interest in child and family services, including redefining some offences currently listed as crimes, increased investment in prevention and early intervention services, increased diversion options and non-prison options, and better rehabilitation and reintegration services.

Thank you for the opportunity for consultation on the issues raised by the inquiry.

Yours sincerely



Lindsay Wegener (Mr)
Executive Director
PeakCare Queensland

