

**The Hon Tim Carmody SC**

Commissioner

Queensland Child Protection Commission of Inquiry

PO Box 12196

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26 September 2012

Dear Commissioner Carmody

We welcome this opportunity to make a submission to the Inquiry on some of the issues raised in the terms of reference, and outlined in the Commission's Issues Paper released earlier this month.

We work within the School of Criminology and Criminal Justice at Griffith University, but have disparate disciplinary backgrounds in law, psychology, public policy and criminology. We are united by a concern for the child protection system in Queensland, and in particular the strong linkages that exist between it and the youth justice and criminal justice systems. These linkages have a fundamental impact on young peoples' lives, yet are often overlooked as the different systems are examined in silos. We have dealt with this impact as practitioners, policy advisors, researchers and educators, and our submission is made against this background.

Our submission therefore focuses on two terms of reference, namely:

- c) (ii) the current Queensland government response to children and families in the child protection system including the appropriateness of the level of, and support for, frontline staffing;
- c) (iv) the transition of children through, and exiting the child protection system.

The thrust of our submission is that our empirical research shows an unacceptably high number of children who are subject to the child protection system come to the attention of the criminal justice system as young, and then adult, offenders. Reducing this pathway should be a significant concern of the child protection system, yet the pathway is largely unacknowledged. People working in the system need an understanding of the pathway to offending, the factors that increase the likelihood that children will follow this pathway, and interventions that can help divert them. This also requires understanding of the broader criminal justice system.

**Links between child protection and criminal justice systems**

We have longitudinal data following the contacts that young people born in Queensland in 1983 or 1984 had with these systems. We have found that seven per cent of all young people born in 1983/1984 had a substantiated or suspected outcome from a child protection notification (Stewart, Dennison & Hurren, 2005). However, these children were over-represented in the youth justice system as one-quarter (26%) of children who were maltreated (substantiated or suspected) subsequently offended, compared with less than

one-fifth (17.5%) of children who came to the attention of the department but were not identified as maltreated.

This research identified that not all children's experience of maltreatment is the same, and that the nature of maltreatment is related to the likelihood of whether or not a young person will offend before the age of 17 years. Children who are chronically maltreated (have more notifications and more substantiations) are more likely to offend, as are young people who are maltreated as adolescents or for whom the maltreatment continues from childhood into adolescence (Stewart, Livingston & Dennison, 2008). The groups who were least likely to offend experienced victimisation that was confined to the early years. These data suggest that services targeted at children who are maltreated in adolescence are extremely important to reduce the risks that these young people will offend.

This earlier research concentrated on the links between maltreatment and youth offending for people born in 1983 and 1984. More recently data have been obtained for this cohort examining their adult offending (to age 25) and experience with incarceration. Of all maltreated children, almost 40% offended either as a youth or an adult. Nearly two-thirds (63%) of the 482 children who had been chronically maltreated offended, with 43% of these offenders incarcerated. More disturbingly, almost 50% of the maltreated children who offended were classified as chronic and serious offenders. Recent research examining the justice system and social costs of offenders indicates that these chronic offenders account for a high proportion of offending and a high proportion of the costs of offending (Allard, et al., under review). This research found that each chronic offender costs over \$300,000 by the time they turn 25.

Given the links between chronic victimisation during adolescence, chronic offending and the high cost of offending, it is important that services and programs be made available to reduce the negative effects of victimisation. The child protection and youth justice systems need to work together to achieve this objective. While our data does not include information that would allow us to examine the circumstances surrounding both the maltreatment and the offending, the scholarly literature identifies that young adolescents who are maltreated are often homeless, have mental health problems, have disengaged from education systems and have families that are unable or unwilling to support them. Consequently these young people are at high risk for offending and coming into contact with the criminal justice system. Services must be made available to address the complex needs of these young people (Ogilvie & Allard, 2011). Implementing these programs and appropriately targeting maltreated adolescents is likely to be cost-effective given the high cost of offending and victimisation to the individuals, government and the broader society.

### **Child protection staffing**

The research referred to above makes clear that abuse and mistreatment of children has not only immediate effects on their health, wellbeing and family circumstances, but for many has the long term effect of triggering offending behaviours. Unless this pathway is addressed at the same time as children's more immediate needs, they face continued marginalisation and increasingly punitive outcomes as they progress through the criminal justice system.

Frontline staff working directly with children need multiple skills. In addition to an understanding of therapeutic frameworks, staff need to understand how and why people turn to offending, and the types of interventions that can stop this happening. Staff also need to understand that even in their therapeutic work, they operate within a statutory framework that is created by and defined by law. The legislation sets out the duties of child protection workers, and staff need to be able to operate within that statutory environment. Finally, staff need to understand the links we have referred to between the child protection and criminal

justice systems and other entrenched problems such as homelessness, mental illness and disengagement from education.

In short, child protection staff operate in a complex environment with multiple responsibilities. The therapeutic role is important, but so too is the ability to understand and operate within the statutory sphere, and to appreciate the links with criminal justice and other broader social systems. While training in social work addresses some of these criteria, so too does a degree in criminology and criminal justice. At Griffith, our program includes courses designed and taught by specialists from a variety of disciplines including social work, law, psychology and criminology. Students take courses on the criminal justice system, but also learn about working with legislation, the causes of offending, youth justice, forensic mental health, and other social problems. Courses also specifically target therapeutic interventions, including working with young people, working with offenders, and psychology and the justice system. Double degrees with psychology and human services are particularly relevant for child protection workers.

In summary, the Inquiry should take notice of the strong links between the child protection and criminal justice systems. It should note that frontline staff will be best equipped when they are able to understand this link, and have the necessary skills and knowledge to operate within their statutory environment, and the broader environment of interlinked social problems.

#### References

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Yours Sincerely



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