

Justice across Borders: A Canadian Experience with the Australian Juvenile Justice System

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Abstract

This report details my practicum experience as an international Canadian student who participated at a community-based organization known as Helping Young People Achieve (HYPA), located in South Australia. The main focus of this report is a comparative analysis of the Canadian and the state of South Australian youth justice systems. The historical contexts of each country vary; however, the countries share both similarities and differences in their approach to the development of their youth justice systems. My chosen practice perspective was the anti-oppressive approach while also developing skills using both cognitive behavioural therapy and positive psychology models. Whether it be direct practice or structural considerations, as positive psychology develops in the field of youth justice, there appears to be new opportunities for social workers and their practice. However, there continues to be significant barriers in the field of youth justice that youth and their service providers encounter in both Canada and Australia. Furthermore, the impact of colonization within both of these countries has impacted the First Nation, Metis, Inuit, Aboriginal and Torres Strait Islander peoples of these lands, resulting in significant intergenerational issues in the youth justice sector. Managerialist social work practice resonated as a theme during this practicum and therefore the impacts it has had on the practice of social work is reviewed with a critical lens. These barriers are often structural, which requires an examination of how social work is practiced and how this practice contributes to these barriers. In conclusion, the past, present and intergenerational issues that often plague the youth justice system are complex social issues that require a societal response.

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Dedication

This practicum report is dedicated to my sister, Hayley Hart, and my grandmother, Sheila Nieszner, who have always supported me in any endeavour I have embarked on.

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Chapter 1: Introduction

I chose to complete my field practicum placement at a non-government organization, Helping Young People Achieve (HYPA). The agency is located in Adelaide, Australia, which required me to relocate from Canada to Australia to complete my field practicum. I was fortunate enough to have the opportunity to complete this practicum placement with the support and coordination of my work place Ranch Ehrlo Society, the University of Regina, and HYPA. The reasons for choosing this placement included the opportunity to engage in new practice methods (i.e., positive psychology), view differences in practice compared to the Canadian youth justice sector, and observe and practice through a multicultural lens. Additionally, the direct practice of the HYPA agency included extensive focus on case management and collaboration with government and non-government organizations.

The HYPA agency is part a larger organization referred to as Stride (as of July, 2018), previously known as SYC, that is broken down into three sub-sections of the organization, including HYPA, Job Prospects, and Training Prospects. The Stride organization has four main areas of focus; Learning, Wellbeing, Home, and Working (SYC, 2017). It is these four principles that assist HYPA in guiding its work with young people. My placement was with the Youth Justice Team of the HYPA program. However, I did have the opportunity to participate in the homelessness program and observe the work of several other departments.

1.1 Practicum Proposal

I completed my required 450 practicum hours over the course of one semester. I began my placement on September 5th, 2017 and completed my hours on December 5, 2017. In addition to my required practicum hours, I also completed my final presentation at the agency on December 19th with members of the youth justice and homelessness services. My practicum

proposal had four objectives that I was seeking to achieve during my placement. My first objective was to develop clinical assessment and practice counselling skills while working with adolescents and young adults who are developing their employment skills and experiences in an organizational setting. My plan on achieving this goal was to shadow case managers, develop a comprehensive psychosocial treatment plan, attend outreach appointments, and develop a knowledge base of the practice approaches utilized by HYP A. Additionally, I participated within other programs such as the Trace-A-Place program and the Bolt program. The use of assessment and counselling skills were practiced differently within each program and I had learning opportunities to practice in each of these settings. HYP A has adopted their own case management style, which is embedded in their work.

My second objective was to develop therapeutic practical skills by conducting group treatment programs and completing a review of the current literature on barriers youth face in the youth justice system. The literature review was completed by reviewing the Canadian and Australian youth justice systems, more specifically their development, legislation, and international tools that guide child-welfare and youth justice practices. After completing the literature review on the youth justice systems, my goal was to complete a literature review on positive psychology, the evidence-based approach that HYP A has adopted to conduct and integrate into their counselling methods with the clients and young people that they serve. There were two therapeutic treatment groups that I participated in during my placement; the Resilient Futures and the Ignition programs. These programs included the use of both cognitive behavioural theory and positive psychology but had different goals for each therapeutic program.

My third objective was to gain practical experiences utilizing a range of evidence-based practices, primarily within a cognitive behavioural therapeutic model. Much of the positive

psychology approach is embedded with cognitive behavioural practices. Between individual and group work, I was able to develop practical skills and a more thorough understanding of cognitive behavioural theory and positive psychology.

Lastly, my final objective was to develop social work skill competency regarding culturally sensitive practices. Similar to Canada, South Australia's Aboriginal adolescents and young adults are overrepresented within the criminal justice system. While developing my culturally sensitivity practices, I was consistently exposed to new cultural norms throughout my stay in Australia, including family dynamics, ethnic cultural beliefs and practices, and work environments

Initially, I would describe my experience as a culture shock compared to what I was accustomed to in Canada. It took a great deal of time to become immersed in different cultural experiences to familiarize myself with customs in Australia. Professionally, I participated in training, engaged in clinical supervision, and learned about cultural practices and experiences from clients.

1.2 Report Outline

Following the introduction, this report provides an overview of the anti-oppressive framework, which guides both my practice and the rest of this discussion. While completing my practicum, it was necessary to engage in a literature review on several topics. The review of literature was for purposes of understanding how the Canadian and Australian legal systems function and the existing similarities and differences between the two systems. The in-depth understanding of the two systems required a review of the historical and contemporary justice system literature on Canada and Australia. This was followed by research on the types of approaches to addressing youth crime such as a child-welfare or justice approach. In this report, I

will discuss the systems and approaches to address youth justice and how the experience of participating with the youth justice team impacted my learning on a professional and personal level.

The therapeutic approaches, cognitive behavioural therapy and positive psychology, have been adopted by HYPAs as their practice models. Therefore, I have included a literature review focused on cognitive behavioural therapy and positive psychology as well as I discuss the PERMA+ model adopted by HYPAs later on in this report. Additionally, I have included some of my own personal experiences of practicing some of these skills in different spaces, most specifically within the Youth Justice Programs and Trace-A-Place. The Trace-A-Place is a program that provides homelessness services and programs to youth, specifically between the ages of 16 to 24 years of age. The program requires extensive knowledge of community resources and crisis experience. I will discuss how cognitive behavioural psychology and positive psychology are integrated into practice at HYPAs. It is important to note that in conjunction with HYPAs' (2013) case management protocols, confidentiality and the limits to confidentiality were explained to the clients that are included in this report, including the right to withdraw consent at any time. Additionally, the names or identifying information in the examples provided within this report have been changed or altered to protect the client's identity. Additionally, there will be discussion about the organization's ongoing involvement in research and the development of programs. Lastly, within this section of the report, I will discuss how HYPAs have been able to provide services where there have previously been gaps in service.

I will then identify the social issues that presented within the agency and the how these social issues impact the work being completed by HYPAs. Some of the challenges that I personally experienced, included the narrow focus of some agencies that HYPAs collaborated

with and their strict adherence to their mandate, the culture shock, jurisdiction and familiarizing myself with new state laws, policies, and environment. Some of the challenges that were present within the organization included the need for resources (i.e., housing options, clothing, or food), disconnection from other organizations, discrimination (i.e., racial, homelessness, sexism), and lack of collaboration.

Lastly, my conclusion will discuss implications for future social work practice. In my conclusion, I will also discuss my final thoughts regarding my placement with the agency HYPA. The HYPA sector and overall agency has had a significant impact on the community and will continue to do so as they will be celebrating their 60th year anniversary of service provision in 2018. Overall, my placement at HYPA has had a significant impact on my knowledge base, skills, and social work practice. I will begin the next chapter by providing an overview of anti-oppressive practice, which I have adopted as the overarching theoretical framework for this report.

Chapter 2: Theoretical Perspective

2.1 Anti-Oppressive Practice

From the beginning of my social worker career, I have practiced from an anti-oppressive framework. Anti-oppressive practice is a framework in social work that “emphasizes issues of power and oppression” (Pollack, 2004, p. 693) and addresses social injustices by collaboration between social workers and marginalized groups through empowerment practices (Danso, 2015). Pollack (2004) argues that anti-oppressive practice seeks to de-individualize social justice issues and combat these injustices in a wider social arena. Danso (2015) argues that the empowerment framework is about creating spaces by which service users are active participants in the collaboration of change against structural oppression. McDonald and Coleman (1999) argue that the anti-oppressive framework is the result of marginalization and domination in society that ascribes people or groups of people as having more value than another group. Oppression is defined as a hierarchal development in which a dominant or privileged group with access to the resources, can use their power and privilege to dominate a group or community (McDonald & Coleman, 1999). This dominant group maintains control and power through political and economic systems (McDonald & Coleman, 1999). In the framework of anti-oppressive practice, oppression is viewed and addressed using ‘isms’, such as racism, sexism, heterosexism, ageism, classism, or ableism (Sakamoto & Pitner, 2005). Anti-oppressive practice in social work includes addressing social justice issues and the oppressive structures that maintain these hierarchies and power structures (Danso, 2015; Strier & Binyamin, 2010). Some of the collaborative ideologies in anti-oppressive practice include approaches of anti-racist, post structural, postmodern, and feminist theories with radical social work providing a foundation (Sakamoto & Pitner, 2005; Pollack, 2004).

One of the limitations of anti-oppressive practice is a lack focus on the individual level (Sakamoto & Pitner, 2005; McDonald & Coleman, 1999; Pollack, 2004). McDonald and Coleman (1999) contend that to account for the practice's lack of focus on the individual, anti-oppressive practice should occur on all levels (i.e., micro, mezzo, macro). Although the focus has been criticized for lacking in individual practice, anti-oppressive practice has struggled on a structural level as well. Sakamoto and Pitner (2005) discuss how social workers must acknowledge how they have failed to be anti-oppressive. This acknowledgment can result in discomfort, which also is an indication that a change is necessary in order for social workers to continue addressing these social injustices. Change at the structural level implies a critical analysis of the existing policies, legislations, and organizational guidelines, which tend to legitimize, maintain and perpetuate power and domination. However, at the personal level, Sakamoto and Pitner (2005) also highlight that "when social workers enter helping relationships, they enter with their own biases and prejudices" (p. 442). When social workers do not acknowledge their own biases and prejudices, often they perpetuate oppressive structures and contribute to the many consequences associated with oppression, such as internalized oppression, which is described as "members of oppressed group believing the stereotypes, misinformation or propaganda being spread about their group as (or partly true). Internalized oppression can lead to low self-esteem, or behaviours that are essentially consistent with their social stereotypes" (McDonald & Coleman, 1999, p. 24). As a result, many of these beliefs are reinforced and the domination or oppression of these groups is justified through individual or group behaviours. Given this theoretical background, I have adopted anti-oppressive practice as the basis for the rest of the discussion including the literature review, which is presented in the next section.

Chapter 3: Youth Justice

3.1 History and Development of Youth Justice in Canada

The development of juvenile justice has been an evolutionary progress in Canada (Department of Justice of Canada, 2004). The 18th and 19th centuries were the foundational years for the development of Canada as a newly colonized country with an emerging industrial revolution and urbanization (Heinen & Spearman, 2006). Historically, colonies were often times a place where undesirable members of the colonial power were transferred to remove them from the “ideal” community (Department of Justice of Canada, 2004). As Canada developed, societal perspectives changed on the view of a child from a contributing member of society to needing to be saved and provided a childhood (Department of Justice, 2004). As this perspective shifted, society required a response to the developing concern of delinquent children, orphans, or children from impoverished homes. The issue of children and young people in the justice system has been a long standing issue in Canada since the societal shift, which has resulted in the development of legislation specific to children and youth (Leon, 1977). As reported in the *Evolution of Juvenile Justice in Canada* (2004) there were “harsh laws, severe retribution and justice tempered with mercy” (p. 6) for children above the age of seven, as established in *Canada’s Criminal Code* of 1892 (Canada, 1892). Children were subject to the same sentences as adults within these institutions and as a result, children, adolescents and adults were housed together (Department of Justice of Canada, 2004). As time progressed, it was ultimately acknowledged that these approaches were ineffective, leading to the reformers of the time suggesting that the impacts of neglectful parenting were more likely responsible for the criminal behaviour (Department of Justice of Canada, 2004).

In an attempt to address the issues of children and youth within the justice system, many of the interventions emphasized “saving children” due to concerns of neglect, orphanhood and poor parenting (Leon, 1977). Due to these concerns, much of the legislation (e.g. the passage of the 1888 Act for the Protection and Reformation of Neglected Children in Ontario and the 1893 Act for the Prevention of Cruelty to and Better Protection of Children) focused heavily on addressing concerns of orphaned children, displaying dysfunctional behaviours, and petty crimes, which in turn led to the creation of industrial schools and reformatories to house the children (Leon, 1977). Historically, the legislation was focussed on addressing the social issues from a “welfare-based” approach to working with children (Bala & Roberts, 2006). The welfare model, at the time, focused on the needs of the child and how to best address the needs through less formal processes (Young, Greer & Church, 2017). Implementation of new techniques were introduced, for example, foster care or free public education (Department of Justice of Canada, 2004). These schools were “more severe than public school, but less severe than a reformatory” (Leon, 1977, p. 80). Although there was a welfare-based approach, children and youth often received consequences similar to their adult counterparts. For example, a child could be whipped or in some cases be hanged, prior to the development of legislation of the *Juvenile Delinquents Act* (1908) (Department of Justice of Canada, 2004). Although the development of the *Juvenile Delinquents Act* (1908) was a progression for the youth justice system, it did not come without barriers, specifically, “underfunding, poor facilities, inadequate programs and untrained staff” (Department of Justice Canada, 2004, p. 19). One of the initial pieces of legislation to address youth justice was *An Act for the More Speedy Trial and Punishment of Juvenile Offenders*, which was the foundation of the *Juvenile Delinquents Act* (1908) (Alvi, 2012) as discussed in the next section of the report.

3.2 *Juvenile Delinquents Act (1908)*

The more comprehensive piece of legislation, the *Juvenile Delinquents Act (JDA)* was in place from 1908 to 1984, and continued to build upon addressing youth justice matters (Bala & Roberts, 2006). The JDA continued to focus on a welfare-based philosophy, stating “every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child” (Department of Justice of Canada, 2004, p. 21). Alvi (2012) reports that a guiding principle of the Act was to have the state “kindly parent”, often referred to as *parens patriae*, children and youth whose parents may lack the resources, ability or the willingness to provide effective parenting. The development of the *Juvenile Delinquents Act (1908)* was the first time Canada had separate systems for youth (12-17 years) and adults (18 years and older) in the justice system (The John Howard Society of Alberta, 2007). The purpose of establishing these separate systems was to hold children and young people accountable for their actions, however, as they lack the maturity of an adult, they could now be held accountable under a different system with different standards as compared to adults (Bala & Roberts, 2006).

While this Act continued to focus on the philosophy of a welfare-based approach, it primarily benefited white, middle class families (Bala & Roberts, 2006). During the 1900s, populations that came from marginalized backgrounds, such as First Nation people, began entering correctional facilities at disproportionately higher rates compared to children or youth from white middle class families (Bala & Roberts, 2006), which is a statistic that has continued to this day (Miladinovic, 2016). While the cultural and social context of the time cannot be understated, there continues to be ongoing contextual issues and social factors in today’s society that similarly emulate the past issues. While it is not the purpose of this paper to explore in detail the specifics of cultural and social (e.g., gender, religion, orientation, class, etc.) factors, it should

be noted that the impacts of colonialism for the First Nation's people has had a direct impact on today's Canadian context, judicial system and overrepresentation of First Nation people within the justice system. The *United Nations Committee on the Convention of the Rights of the Child* concluding report of 2012 noted serious concerns that Indigenous youth in Canada are more likely to be involved in the criminal justice system than to graduate from high school (Committee on the Rights of Children, 2012).

As time progressed, Alvi (2012) reports that during the 1960s there was a significant social and cultural shift in Canada resulting from public dissatisfaction with the principles and philosophies of the JDA. Bala and Roberts (2006) indicate there were increasing doubts about the effectiveness of the Act from the judicial sector. Bessner (1998) highlighted that young people's rights were not being protected and the youth within government institutions were often subjected to abuse and intimidation from other youth and staff (as cited in Bala & Roberts, 2006). As concerns about the effectiveness of the Act and the treatment of young people grew, the development of new legislation began to be explored. In 1970, there was the introduction of the *Young Offenders Act in Canada*. However, it was stuck down quickly due to being identified as too legalistic and punitive (Department of Justice, 2004). In 1973 a committee was developed and a report entitled *Young Persons in Conflict with the Law* provided over 100 recommendations to improve the legislation for young people (Department of Justice, 2004). Following the report, in 1982 the Canadian Charter of Rights and Freedoms was introduced to legislature and provided a framework for the youth justice system in Canada, which contradicted much of the JDA (Alvi, 2012). The framework enhanced the focus on youth rights and as discussed below, the *Young Offenders Act* was introduced in 1984 and replacing the previous *Juvenile Delinquents Act (1908)*.

3.3 *Young Offenders Act (1984)*

The *Canadian Charter of Rights and Freedoms* (1982) had a significant impact on the rights available to young people in Canada. More specifically, legal rights of all citizens were acknowledged under the *Charter* and S.10, S. 11, S. 12, and S. 15 that provide guidelines regarding arrest, court proceedings, and detention of prisoners (*Canadian Charter of Rights and Freedoms*, 1982). The *Canadian Charter of Rights and Freedoms* (1982) protected the rights of all Canadian people, which contradicted the much of the practices of the *Juvenile Delinquents Act* (1908). The development of the *Young Offenders Act* (1984) attempted to address some of the procedural deficits that the *JDA* (1908) had (Department of Justice, 2004). In addressing the rights of young people, the *Young Offenders Act* (1984) aimed to define the legal age a young person may be criminally held accountable. The *Young Offenders Act* (1984) defined young persons as those between the ages of twelve and eighteen.

Alvi (2012) identifies the stigmatization of being involved with the criminal justice system and the introduction of diversionary programs in the *YOA* (1984). Alternative measure programs were developed to keep youth out of the criminal justice system and for youth to accept responsibility for their behaviours without posing a risk to the community (Alvi, 2012). In theory, alternative measure programs had the potential to significantly reduce the number of young people entering the justice system but heavily relied on community involvement. During the late 1990s, the media exacerbated the issue of youth crime, which influenced policy, societal perspectives and attitudes resulting in a “get tough on crime” approach being put into practice (Alvi, 2012). The reality was that youth crime was actually declining since 1991 when it was at an all-time high (Allen & Superle, 2014). There were not many options available to re-direct youth out of the criminal justice process (Alvi, 2012), which led to an overreliance on

incarceration (Department of Justice, 2004). During this period, there were several amendments made to the Act to represent the “get tough on crime” mentality, including increasing the maximum sentence for murder to 10 years and transferring 16 and 17-year-old to adult court for serious violent offences (Alvi, 2012).

During the 1990’s, public dissatisfaction and concerns of an increasingly high incarceration rate of youth began to develop (Department of Justice, 2013). The primary issue with the YOA was that young people were being incarcerated at an alarming rate with approximately three-quarters of young people receiving custodial sentences for non-violent offences (Bala & Roberts, 2006). With attention from the media and young people being incarcerated at a high rate, the response from the government was the publication of a report titled *Renewing Youth Justice* in April 1997, followed by *A Strategy for the Renewal of Youth Justice* released on May 12, 1998 (Department of Justice, 2004). The concerns documented in *A Strategy for the Renewal of Youth Justice* report of 1998 included: prevention, high incarceration rates, lack of alternative measures, concerns from the public, repeat violent or serial criminal offenders, and so forth (McLellan, 1999). The YOA was enacted in 1984 and was ultimately replaced by the current *Youth Criminal Justice Act* (YCJA) in 2003, a piece of legislation that is discussed in the next section.

3.4 Youth Criminal Justice Act (2003)

The *Youth Criminal Justice Act* (YCJA) (2003) came into effect on April 1, 2003. As defined within the YCJA (2003), the principle is to “hold a young person accountable for an offence through the imposition of just sanctions that have meaningful consequences for the young person and that promote his or her rehabilitation and reintegration into society, thereby contributing to the long-term protection of the public” (p. 37). Bala and Roberts (2006) argue

that, “rehabilitation is as important as preventing crime and imposing meaningful consequences” (p. 43). Alvi (2012) describes this approach as “a concern for the welfare of young people, coupled with the crystallization in law of a crime-control ideology” (p. 18). The YCJA (2003) also recognizes the role of social, mental health, and educational services in addressing the root causes of youth crime and prevention of antisocial behaviour patterns (Bala, 2005).

The YCJA (2003) includes provisions of extrajudicial measures, conferences, pre-trial detention, adult sentences, custody and reintegration (YCJA, 2003). Following the recommendations from the *Strategy for the Renewal of Youth Justice report* (1998), there was a recommendation that young people should have alternatives to incarceration. Following this recommendation, the Canadian Federal government provided funding of \$200 million to the provinces and community groups for development of these alternative measure programs (Bala & Roberts, 2006). The developed community programs from local groups resulted in youth being redirected out of youth court and custody facilities to extrajudicial programs that addressed legal matters in the community. The extrajudicial provisions resulted in a continued decline of youth court cases. According to the most recent statistics from 2014-2015, there were 32, 835 completed court cases compared to 1991 where there were approximately 95,000 cases completed in the youth court system (Miladinovic, 2016). Additionally, under the YCJA (2003) there are more options for addressing non-violent youth crime, which makes up for 70% of crimes committed by youth, than under the previous administration of the YOA (1984). However, it is noted that while extrajudicial measures are not technically an admittance of guilt, they can ultimately be used to encourage more severe punishments in future adjudications as they remain on a young person’s record (Bala & Roberts, 2006).

The YCJA (2003) encouraged conferences that are a collaboration of people and services that provide recommendations, coordination of services, and creative solutions meant to be inclusive of the offender, victim, and community (Department of Justice, 2013). While alternatives were developed to redirect youth from the criminal justice system, the issue of custody being overutilized as a child welfare option for youth under the previous *Young Offenders Act* (1984) was addressed under the YCJA (2003). More specifically, pre-trial detention was being overused as a tool for child-welfare and new criteria requirements were developed to ensure pre-trial detention is to only be used for criminal offences (Department of Justice, 2013). The criteria in the YCJA (2003) includes the following:

- (i) there is a substantial likelihood that, if released, the youth will not appear in court when required (p. 24);
- (ii) detention is necessary for public protection, having regard to the circumstances, including whether there is a substantial likelihood that the young person will, if released, commit a serious offence, or (p. 25);
- (iii) if the youth has been charged with a serious offence and neither (i) nor (ii) applies that there are exceptional circumstances that warrant detention and that detention is necessary to maintain confidence in the administration of justice, having regard to the principles set out in section 3 and to all the circumstances (p. 25).

In comparison to the previous JDA (1908) and YOA (1984), these provisions firmly place child-welfare matters in the child-welfare systems and separates child-welfare matters from youth criminal justice issues. Unfortunately, according to the report *The Youth Criminal Justice Act: Summary and Background*, there was an increase of youth who are in remand since the implementation of the YCJA (2003) from 2003-04 to 2009-10 (Department of Canada, 2013).

Conversely, the number of young people who receive a sentence continues to decrease (Miladinovic, 2016).

Overall, the Youth Criminal Justice Act (2003) has proven to be a more effective and responsive tool than the previous Acts. The effective use of the tool has resulted in more youth being redirected from the formal court process and participating in more “meaningful consequences” in which the youth, parents, victim, and community can participate. As previously mentioned, the YCJA (2003) attempts to incorporate both a welfare-based approach and a justice approach to address youth crime. However, a persistent issue within the current system continues to be the overrepresentation of First Nation and Indigenous youth in the justice system. This longstanding issue has progressed throughout the last 100 years in Canada and during the course of the development of the youth justice system. While there have been reports detailing these issues and providing strong recommendations for review such as the Truth and Reconciliation Commission’s 2012 report titled *The Truth and Reconciliation Commission of Canada: Calls to Action*, the issues persist to this day (Truth and Reconciliation Commission of Canada, 2012). Similarly, despite the improvement brought forth by the YCJA, the legislation has not addressed concerns of why youth engage in criminal activity and more importantly how to address the cycle of youth crime, raising the question of how programs and services should be provided so that we reduce crimes committed by youth. I will now discuss the development of youth justice in Australia, the country where I completed my MSW practicum placement.

3.5 History and Development of Youth Justice in Australia

The history of juvenile courts in Australia is long standing, spanning from its inception in the 1890’s to today. During the 1890s, the court systems of South Australia were identified as being at the forefront of progressive approaches to youth delinquency (King, Day & Delfabbro,

2011). Following the trends of the time, South Australia's juvenile court system was developed as a welfare-based model (Wundersitz & Hunter, 2005). Ultimately, South Australia was the first state in the country to adopt the child-welfare approach and the first to abandon it and replace it with a justice model approach that held youth accountable for their behaviour (King et al., 2013). This model was in place until the late 1960s when concerns, such as long delays between the offence and the court hearings, were identified and calls to change were recommended (King et al., 2011).

During the late 1960s into the 1970s, there were substantial shifts in the youth justice approach in Australia (Wundersitz & Hunter, 2005). In 1968, the South Australian Social Welfare Advisory Council generated a report outlining several recommendations, including the introduction of the Juvenile Aid Panels (King et al., 2011). The recommendations were focused on shifting the approach to youth justice from a welfare model to a justice model that would hold youth more accountable for their actions and behaviours (Wundersitz & Hunter, 2005). The shift in perspective and the amendments to the previous Act led to the introduction of the *Juvenile Courts Act* (1971). The Act included the provision of Juvenile Aid Panels that would assist in diverting children deemed 'uncontrollable' away from formal court proceedings (King et al., 2013). Additionally, during this period the child-welfare system underwent significant changes in attempts to separate the issues of child-welfare and youth justice (King et al., 2013), which can at times be confusing because the two systems tend to provide services and programs to the same population. The *Community Welfare Act* (1972) was implemented within the child-welfare arena, however, in 1979 the *Children's protection and Young Offenders Act* (1979) was introduced, which shifted the focus back to due process within the juvenile justice arena (King et al., 2013). In the next section, I turn to the discussion of the *Young Offenders Act* of 1993.

3.6 *Young Offenders Act* (1993)

Similar to the Canadian child welfare system, in Australia, each state develops and enforces its own legislation for child protection and youth justice (Australian Institute of Health and Welfare, 2016). Currently, the *Young Offenders Act* (1993) governs youth justice for the state of South Australia and youth justice programming in Adelaide, SA, where my practicum placement occurred. The Act identifies the parameters of young offenders between the ages of 10 to 17 (Young Offenders Act, 1993) as able to be held criminally responsible for their behaviours. According to the Royal Commission into Institutional Responses to Child Sexual Abuse, the purpose of the Act is as follows:

The criminal justice system typically treats juvenile offenders differently from adult offenders. In particular, diversion from the criminal justice system is generally considered to be a more important priority for juveniles than for adults. Children are usually tried in different courts. If they are convicted, children are sentenced in accordance with different sentencing principles and they are eligible for different types of sentences. (as cited in Wright, 2017, p. 11)

The primary principles identified within the *Young Offenders Act* (1993) is the “protection of the community” and the need to “rehabilitate youth” (Young Offenders Act, 1993, p 4). Changes to the current legislation put protection of the community before the principle of rehabilitation, which has the potential to create a reliance on custody rather than diversionary programming.

The *Young Offenders Act* (1993) heavily emphasizes the use of diversionary methods for addressing youth criminal behaviours however, it often struggled with effective implementation of these diversionary methods. The diversionary methods include police cautions (i.e., informal caution, formal caution, warning, and undertaking) and family conferences. In order for family

conferences to occur, the youth must first admit to the allegations against him/her (Young Offenders Act, 1993). If the diversionary processes are unsuccessful, the youth may be referred to the Youth Court where the case is heard by the Magistrate of the court. This may result in a referral to family conferencing or in a court disposition. If there is a court disposition, sentences may include detention, suspended sentence, community service order, obligation, licence disqualification, fine, compensation, and dismissal without penalty (Young Offenders Act, 1993). It should be noted that there have been several amendments made to the Act since its inception; one of the most significant being the *Statutes Amendment (Young Offenders) Act 2007*. These amendments to the Young Offenders Act were intended to address issues of high rates of recidivism and violent offences by imposing “a different set of procedural rules with regard to applying for conditional release” (King et al., 2013, p. 91).

Youth court is one of several specialist courts in South Australia. Youth matters occur in a separate court jurisdiction as defined by the *Youth Court Act* (1993). This Act is separate from the *Young Offenders Act* (1993) and outlines the following: establishment of the court, the jurisdiction, and the composition, and administration of the court (Youth Court Act, 1993). Furthermore, the *Youth Court Act* (1993) specifies under the Jurisdiction of the Court, that it has responsibility over the proceedings under the *Children’s Protection Act* (1993) and civil and criminal matters. Therefore, while youth justice and child welfare have been legislatively separated, they continue to be conducted through the same court system.

In addition to the *Young Offenders Act* (1993) and the *Youth Court Act* (1993), there is the *Youth Justice Administration Act* (2016), which is “an act to provide for the establishment and management of training centres and community-based supervision services” (p. 1). For the purpose of this report, the term “training centres” is in reference to youth detention facilities in

South Australia. There are two facilities in Adelaide in addition to the remand centre, they are the Goldsborough and Jonal Training Centres. The *Youth Justice Administration Act* (2016) in addition to the above aforementioned Acts, is responsible for the oversight of youth crime and proceedings, youth court, and the training centres within Australia.

3.7 Current Climate of Australia's Youth Justice System

Similar to Canada, Australian's youth justice system continues to have a significant over-representation of Aboriginal and Torres Strait Islander population in the justice system (Australian Institute of Health and Welfare, 2017). While this group makes up less than 6% of the Australian population, they represent approximately 60% of the detention residents in Australia (AIHW, 2017). Young people from lower socio-economic areas were also six times more likely to be involved in the justice system (AIHW, 2017). The 2016-2017 Australian Bureau of Statistics Report, *Youth Offending 2016-2017*, reported that the predominant offence that occurs in Australia is theft (36%), followed by acts intended to cause injury (16%), then illicit drug use (11%) and public order offences (10%).

In the report, *To Break the Cycle* (2007) by author David Cappo, there was a request for an investigation into repeat offenders that led to a task force called Operation Mandrake (Cappo, 2008). Operation Mandrake was a policing response to concerns about a series of repeat offenders. The task force's primary objective was to increase surveillance of those identified as "persons of interest" (Cappo, 2008). As public concern rose about the increase in repeat offending, the public opinion towards the juvenile justice system in South Australia has changed in recent years. The media has portrayed the issue of youth crime as being a more significant problem than the reality. According to Australian Institute of Health and Welfare (2017), statistics show that youth offending has actually been declining in South Australia. In response to

the growing public concern and media portrayal of youth crime, the South Australian government has proposed a new Bill called the *Statutes Amendment (Youths Sentenced as Adults) Bill 2017*. Some of the suggested amendments to legislation are direct violations of many of the rights and standards developed by the United Nations, such as the *Standard Minimum Rules for the Administration of Juvenile Justice*, to protect children within the youth justice system (Wright, 2017). Much of the legislation that guides youth courts, youth sentencing, and the detention of young people are in accordance with the Australian minimum standards. These standards are set out by the Australian Juvenile Justice Administrators ('AJJA Standards'). As reported in the *Human rights standards in youth detention facilities in Australia: the use of restraint, disciplinary regimes and other specified practices* (2016), Australia utilizes the guidelines of the United Nations for the development and maintenance of the juvenile system. The consideration of international legal instruments will need to be reflected on as new legislation is proposed to ensure the rights of youth involved in criminal justice are protected.

3.8 The United Nations

One of the most powerful tools for the regulation and enforcement of international child rights is the *United Nations' Convention on the Rights of the Child* (UNCRC). As Australia and Canada are both signatories of this Convention, it is expected that each country will abide by the standards laid out in this legal document. In addition to the UNCRC, the United Nations has developed several other instruments for addressing the issues of youth and crime. These include: *Rules for the Protection of Juveniles Deprived of their Liberty* (Havana Rules), *Standard Minimum Rules for the Administration of Juvenile Justice* (Beijing Rules), *Guidelines on Children in the Criminal Justice System* (Vienna Guidelines), and *Guidelines for the prevention of Juvenile Delinquency* (Riyadh Guidelines) (Goldson & Muncie, 2006). There are also UN

guidelines focussed on rules governing the treatment of prisoners such as the *United Nations Minimum Rules for the Treatment of Prisoners* (Mandela Rules) (Goldson & Muncie, 2006).

Located in these conventions, treaties, and minimum standards are rights, recommendations, and guidelines that provide standards and models of appropriate services and treatment in the juvenile justice system. All rights contained within the UN conventions do not carry the same weight and governments can often restrict their responsibilities to these instruments when they are ratified (Goldson & Muncie, 2006). While the UNCRC is viewed as an international standard, not all countries are signatories and do not have to abide by the international standards. For example, the USA is not a signatory of the UNCRC and according to Young et al. (2017), the country has reportedly executed 19 juvenile offenders from 1990 to 2005. Although detention is identified as a ‘last resort’ principle in many of the United Nation instruments, for example, in the United Kingdom young people are beginning to be incarcerated for longer periods and for less serious crime (Almond, 2012). However, according to Goldson and Muncie (2006), youth crime has remained stable globally and Young et al., (2017) reports that Canada and Australia have seen a decrease over recent years.

In the literature, there is a clear relationship between youth justice and child welfare issues. In Article 3.2, The Beijing Rules state that “efforts shall be made to extend the principles embodied in the Rules to all Juveniles who are dealt with in welfare and care proceedings” (UN General Assembly, United Nations Standard Minimum Rules for the Administration of Juvenile Justice). The UNCRC (1989) framework includes principles in regard to children who are involved with the law, specifically, Article 40 that states:

...a child accused or guilty of breaking the law must be treated with dignity and respect. They have the right to legal assistance and a fair trial that takes account of

their age. Governments must set a minimum age for children to be tried in a criminal court and manage a justice system that enables children who have been in conflict with the law to reintegrate into society. (UNCRC, 1989, Article 40)

The UNCRC and Beijing Rules emphasize the developmental aspects of youth in their fundamental perspectives, which is also emphasized in both Canadian and Australian legislation, specifically in regard to rehabilitation and treatment (YCJA, 2003; YOA 1993). However, Canada and Australia have both struggled with balancing developmental considerations and a societal pressure for punishment (Wright, 2017; Alvi, 2012) because of the moral panic and resulting from the societal perception of youth as dangerous threats. Both countries have previously implemented a ‘get tough on crime’ approach to young people who engage in repeat offending behaviours or violent crime. Goldson and Muncie (2006) highlight that both the Beijing Rules and the UNCRC have Articles stating that the consequence to an offense committed by a young person should receive a proportional sentence. However, an example of the ‘get tough on crime’ approach can be witnessed in Australia’s *Statutes Amendment (Youths Sentenced as Adults) Bill 2017* that clearly overlooks the child’s developmental considerations and proportional sentencing. Nicholson (2006) has raised concerns around Australia’s failings to effectively implement the provisions of the UNCRC. The proposed changes seek to sentence young people as adults and according to Wright (2017) the emphasis is on community safety rather than the best interest of the child. Additionally, Young et al. (2017) argues that are three primary considerations for sentencing, including retribution, deterrence, and rehabilitation. Utilizing this ‘get tough on crime’ approach will focus primarily on the principles of retribution and deterrence with less emphasis on rehabilitation and reintegrating youth back into the

community. In respect to Canada's and Australia's pasts, each of these principles have been weighted depending on the contextual factors (i.e., welfare or justice model) of that time.

More recently, a commission was conducted in the Northern Territory of Australia regarding young people and detention institutions. The commission called, the *Royal Commission into the Protection and Detention of Children in the Northern Territory* (2017) placed emphasis on human rights and the potential of implementing a human rights approach within Australia's Northern Territory State. Furthermore, the commission highlighted the fact that the Commonwealth of Australia (federal) does not have overarching legislation to incorporate the issue of human rights into their youth justice system (Royal Commission into the Protection and Detention of Children in the Northern Territory, 2017). Future recommendations of this commission include a commonwealth legislation to develop a Charter of Rights for the entire country. The introduction of a Charter of Rights would hold the commonwealth accountable rather than each state being held accountable for separate legislation (Royal Commission into the Protection and Detention of Children in the Northern Territory, 2017).

On an international level, youth crime is a difficult topic to address as many countries define it differently, have different perspectives, different legislation, and different approaches. For clarity in this report, Young et al. (2017) reports that juvenile delinquency refers to "a young person who has committed a criminal offense" (p. 21). Furthermore, juvenile is defined as "an individual who is legally able to commit a criminal offense owing to being over the minimum age of criminal responsibility, but who is under the age of criminal majority, when a person is legally considered an adult" (Young et al., 2017, p. 21). This is important as the Australian states have the responsibility to determine the ages for criminal responsibility and these ages are not consistent across states, a problem which can be resolved by using the UNCRC definition of

child as anyone under the age of 18 years old. Lastly, Young et al. (2017) state that crime is a “range of behaviours which are subject to legislation differing from one jurisdiction to another, and are subject to changes in law over time” (p. 21). The use of international standards can provide a guideline for balancing child welfare versus justice.

In preparation to practice in another country, it was necessary for me to familiarize myself with Australia’s juvenile justice system and its development. Additionally, as each state in Australia develops their own youth court system and legislation, it was equally necessary for me to acquaint myself with the international instruments used to develop the youth justice legislation. As per my induction process, I reviewed HYPA’s policies, procedures, *HYPA Case Notes Manual* (2013) and *HYPA Case Management Manual* (2013). As I reviewed the information contained within these documents that was specific to the Youth Justice program, I connected information between United Nation guidelines and standards, Australian legislation, and historical contexts and the policies, procedures and development of their case management manual. As later discussed, the review of the Australian Association of Social Work (AASW) *Code of Ethics* (2010) was also a part of the induction process in preparation for social work practice in Australia.

3.9 Children, Maltreatment and Offending

As per my learning objectives, I reviewed information pertaining to youth entering the criminal justice system and the systemic barriers they face. Regarding the reasons for juvenile crime, there are several competing hypotheses, however, much of the research suggests multiple factors. For example, Dierkhising, Ko, Woods-Jaeger, Briggs, Lee, and Pynoos (2013) indicate that often youth have experienced multiple forms of trauma including many who present with Post-Traumatic Stress Disorder (PTSD). The American Psychiatric Association define trauma as

“those events that involve experience or observing actual or threatened death, physical injury, or threat to physical integrity and that result in feelings of terror, horror, or helplessness” (as cited in Blaustein & Kinniburgh, 2010, p. 4). Cashmore (2011) states that maltreatment and subsequent trauma experienced by children and adolescents can often result in social problems later on in life. The maltreatment creates “developmental trauma” with its psychological effects and it can also have health risks including increased incidence of obesity, substance use, increased risk of domestic violence or increased risk to the cardiovascular system (Blaustein & Kinniburgh, 2010). Trauma is a recognized as a clinical contributing factor for youth offending, however, there continues to be a lack of preventative and intervention resources available (Cashmore, 2011). Additionally, adolescents are at a higher risk than the general public to experience abuse and neglect (Cashmore, 2011) because of their dependence on adults. Transitions have also been identified as contributing to the likelihood of juvenile offenses, specifically, transitions in schools, out-of-home-placements, and transitioning out of care (Cashmore, 2011). Available statistics also show that children and youth living in single, often female led parent households with financial hardships are also more predisposed to engaging in illegal activity (Alvi, 2012). However, this does not imply that youth from high class backgrounds do not commit crime. On a structural level, Alvi (2012) argues that there are structural barriers that also contribute to youth offending such as welfare dependency, lack of opportunities, community resources, racism, and poverty. We are also starting to witness new crimes such as youth cyberbullying, which is a result of technological advancements

The cumulative and collective experiences of the maltreatment, lack of preventative and intervention services, traumatic experiences, structural inequalities and transitions often lead young people to becoming involved in the justice system. Often children in care achieve low

success in the academic setting, which can be intensified for youth who enter the judicial environment (Neves, 2013). Educational factors such as achieved academics, educational transitions, and positive relationships within educational institutions continues to be highlighted in research as factors that can decrease the risks for a young person becoming involved with the justice system (Young et al., 2017; Dierkhising et al., 2013; Cashmore, 2011). The education system is part of the developmental process of social integration, however, within a judicial setting there is no autonomy and an expectation to adherence of institutional norms (Neves, 2013). In many cases, it is often a combination between individual experiences and structural barriers which result in young people becoming involved with the justice system.

Many countries define the age of criminal responsibility depending on the youth justice model or approach they adopt. Examples of youth justice models are the welfare model and justice model or mixed models, for example Canada and Australia both currently adopted a mixed model approach. The welfare model primarily focuses on the needs of the child or family, the child's diagnosis, and the proposed treatment plan of the child (Young et al., 2017). This model has been criticized for being soft, ineffective, informal and lacking due process and safeguards for young people (Neves, 2013), as well as failing to protect the public. The justice model encompasses the principles of accountability, punishment, and procedural formality (Young et al., 2017); however, this model has been criticized for focusing on punishment and 'just deserts' (Neves, 2013) and not taking into account the rights of the child. As witnessed within the historical contexts of Canada and Australia, these models played an integral role in the development of legislation, judicial services, child-welfare, and detention.

Currently, in the field of rehabilitation, many of the tools are developed for assessing risk and safety for the young person and the community focus on the principles of 'treatment' and

‘accountability’ (Mapham & Hefferon, 2012). This perspective often views young offenders as risks to the community and a social problem (Neves, 2013). In addition to this view, the justice system is inherently embarrassing and shameful. Mepham and Hefferon (2012) suggest the concept of shame and humiliation as being an aggravating factor for violent behaviour, which unfortunately is often the experience for children with histories of maltreatment, abuse, neglect, or traumatic events. Furthermore, a study conducted by Ashkar and Kenny (2008) suggested that the prison culture reinforces and promotes antisocial behaviours, resulting in the opposite effect of the desired intervention.

Presently, the justice system often assigns levels of risk of recidivism to youth through risk assessment such as the Risk Need Responsivity (RNR) model of rehabilitation (Mapham & Hefferon, 2012), which is the model being primarily used by Canada and Australia (Ward & Brown, 2004). The primary principle of this model is to reduce and manage the community risk, although it has some limitations (Mepham & Hefferon, 2012). Ward and Brown (2004) argue that the risk principle focuses on the risk to treatment ratio, the ‘need’ principle is targeting their criminogenic needs or dynamic risk factors, and lastly, the responsivity principle which attempts to connect the program and participant. Researchers argue that the RNR model does address the offender’s motivation (Mepham & Hefferon, 2012; Ward & Brown, 2004) and the more recently updated RNR model takes into account strengths and motivations in rehabilitation of young offenders. However, both the past and updated models do not consider the reasons for offending (Mepham & Hefferon, 2012).

Goldson and Muncie (2006) indicate that “youth crime discourses are increasingly underpinned by the rhetoric of rationality, ‘evidenced-based responses, ‘what works’ priorities, ‘best value’ imperatives, and the need to ensure that ‘programs’ are routinely ‘evaluated’ and

outputs are assiduously monitored” (p. 98). Hartwell et al. (2010) argue that “recidivism is the gold standard by which juvenile offender treatment programs are measured” (p. 496). In the social work world, there has been a shift to progressively utilize a managerial approach and the concept of rational choice. For young people, this begins to overshadow the developmental considerations that are laid out in the international tools, legislation, and many intervention programs (Neves, 2013). Young et al. (2017) highlight that many mental health services may not address the criminogenic issues that have resulted in the offending behaviour.

Shakespeare (2012) also reports that often when a person receives a label, such as a psychiatric diagnosis, the label begins to represent them within the medical model. The label or diagnosis, decontextualizes the structural issues that can contribute to their mental health or criminal behaviours. Pollack (2004) and Delle Fave and Fava (2011) highlight that the medical model is often the approach in which clinical practice occurs, which can result in pathologizing their behaviours and individualizing the criminal behaviour as their choice, leading to notions of holding youth accountable for their behaviour. Cashmore (2011) emphasizes that the majority of young people within the judicial space meet the clinical diagnostic criteria for a psychiatric disorder. Furthermore, Almond (2012) argues that the prison environment is a traumatic experience and often times exacerbates existing mental health conditions. Dierkhising et al. (2013) furthers this argument reporting that young people are additionally exposed to traumatic experiences because aggressive or abusive behaviours are more frequent in incarceration facilities. Almond (2011) emphasizes concerns regarding the increased risk for these young people who often have unmet mental health needs and are placed within a trauma inducing environment. The combination of these effects results in young people who have already experienced trauma, being placed in facilities that increase their mental health concerns and often

do not provide the adequate resources, tools, or interventions to address the side effects, symptoms, and behaviours of these vulnerable youths.

Chapter 4: Therapeutic Approach and Practice

As previously mentioned, as part of my induction, I reviewed the *HYP A Case Management Manual* (2013). HYP A's case management model for practice included the following steps: entry screening, assessment, planning, direct service, co-ordination, monitoring and review, exit planning, and evaluation (as cited in HYP A, 2013; Case Management Resource Kit for SAAP Services, 1997). This service delivery represents a dual approach to case management that includes conducting case management and engaging the service users in counselling. Heinonen and Spearman (2006) illustrate that "the role of a case manager is not merely case coordination but a sophisticated role" (p. 57), which may include facilitation, counselling, advocacy, coordination of resources, and acting as a mediator (Heinonen & Spearman, 2006). In practice at HYP A, the programs included vast areas of practice within multiple types of service areas offered to several populations. During my learning experience working at HYP A, I was required to switch roles frequently while developing my skill set with cognitive behaviour theory and positive psychology.

4.1 Cognitive Behavioural Therapy

Cognitive Behavioural Therapy (CBT) is a therapeutic approach that works to address a person's cognitions and behaviours that are unhelpful or causing impairments in one's ability to function (Chawathey & Ford, 2016; Gonzalez-Prendes & Brisebois, 2012). An assumption about CBT is that our cognitive processes can effect ones emotional and behavioural response, which can be maladaptive in nature (Gonzalez-Prendes & Brisebois, 2012). However, these maladaptive cognitive distortions or processes can be targeted and addressed through therapeutic interventions that work to relieve distress and improve a person's ability to function. Beck (2011) discusses how CBT is an effective therapy for both psychiatric issues, such as conduct

disorder, substance abuse, or sexual offending, and psychological issues such as family discord, grief and loss, and anger management. This is important to note, as youth in conflict with the law may struggle with many of these types of disorders or issues.

CBT programs are often regarded as the evidenced-based therapeutic interventions or the ‘what works in justice programs’ (Pollack, 2004). Additionally, research identifies CBT as being an evidenced-based approach for many mental health related diagnoses (Beck, 2011; Young et al., 2017; Chawathey & Ford, 2016). Within youth justice programming, CBT focuses on issues such as thought patterns or distorted thoughts (Trotter, 2006). In addition, it encourages change through a prosocial approach, which is often times, the behavioural component of CBT (Trotter, 2006). Young people often present with anti-social thoughts or behaviours that have resulted in them being involved in the justice space. CBT is an evidenced-based treatment option for addressing these behaviours (Beck, 2011). Additionally, CBT group work models have been shown to be effective in working with involuntary clients and can encourage more opportunities for participation and more effective treatment if individual treatment is not successful (Trotter, 2006). Pollack (2004) argues that a ‘one size fits all’ approach, often associated with CBT, does not take into consideration ethnicity, culture, or gender. In addition, Pollack (2004) argues that CBT often pathologizes the young person without providing consideration to the environmental factors or structural inequalities, which in my view can be a limitation to anti-oppressive practice with its focus on structural and systemic barriers for marginalized populations.

4.2 Positive Psychology

At the beginning of my practicum, I was unfamiliar with the practice of positive psychology. During my placement I was able to learn and witness the use of the model and interventions associated with the positive psychology approach. Bannink (2014) defines positive

psychology as “the academic study of what makes life worth living and what enables individuals and communities to thrive” (p. 1). Bannink (2014) also reports that there is an inherent strength-based approach rooted in positive psychology. The primary principles of positive psychology included identifying strengths, resources, and focusing on well-being (Bannink, 2014). When one uses the positive psychology approach, strengths are considered a universal phenomenon across communities, cross-culturally and between countries and regions (Biswas-Diener & Patterson, 2011). Additionally, the positive psychology focus includes aspects of how both the individual and the community flourish and thrive (Craven et al., 2016). Maphem and Hefferon (2012) report that positive psychology is relatively new to justice work and offenders.

Tracey and Hanham (2017) highlight how positive psychology could influence the current young offenders’ approaches by keeping two goals in mind; firstly, by enhancing well-being and secondly, by reducing recidivism (as cited Ward et al., 2012). Tracey and Hanham (2017) indicate that recent research is adopting a strength-based approach compared to the previous widely used, risk need responsivity model. A recent study conducted by Tracey and Hanham (2017) identified several ‘needs’, which were important to youth in detention, including relatedness, autonomy, and competency. The combination of addressing the young people’s needs and focusing on enhancing well-being has the potential to increase the efficacy of the current programs in place.

As previously mentioned, the connection between social issues, such as the maltreatment of children, and youth who engage in criminal activity are closely related. With its strong focus on well-being, positive psychology is interconnected with both the individual and the collective. For example, Biswas-Diener and Patterson (2011) indicate, that from the perspective of positive psychology, poverty can be “understood as a unique set of material circumstances that exposes

people to violence and social stigma and presents obstacles to fulfilling basic needs but which also fosters resilience, engenders compassion, and presents opportunities for happiness” (p. 126). This suggests that positive psychology may be able to provide new interventions, approaches or models to a range of other social justice issues that are currently functioning from a deficit perspective.

Additionally, positive psychology shows promising collaboration in cross-cultural settings. Danso (2015) argues that “culture and oppression are complex phenomena that may be perceived and interpreted differently by people in different contexts” (p. 578). Both in Canada and Australia, the disadvantages that face the First Nations, Metis, Inuit, Aboriginal and Torres Strait Islander peoples have been acknowledged. Craven et al. (2016) proposed a model of positive psychology and Indigenous thriving that is inclusive of a research framework focused on building partnerships between researchers and Indigenous individuals, families, and communities. Delle-Fave and Fave (2011) highlight the overwhelming differences for well-being and psychopathology cross culturally and identify how individuals and communities are shaped by culture. Craven et al. (2016) report that much of the research to date has been from a deficit approach, which can often lead to perpetuating the stereotypes and treatment of Indigenous people. Many of the practice models included in positive psychology maintain consistencies with Indigenous populations, which can lead to new narratives applied to the previous deficit-based approaches (Craven et al., 2016).

The program utilized by HYPAs was the *PERMA+* framework developed by Seligman (SAHMRIa, n.d.). The program promotes and encourages well-being and resilience (SAHMRIa, n.d.). *PERMA+* is an acronym that stands for positive emotion, engagement, relationships, meaning, accomplishment PLUS physical activity, nutrition, sleep, and lastly optimism

(SAHMRIa, n.d.). Within the PERMA+ manual developed by South Australian Health and Medical Research Institute (SAHMRI), each of these components to well-being and resilience are further broken down and defined in this model. This framework was utilized by a number of the HYPA programs, specifically the youth justice team, and also included their alternative learning program, Bolt.

4.3 CBT and Positive Psychology

According to Bannink (2014), the combination of positive psychology and cognitive behavioural therapy has shown some promising results in research. CBT is often a solution-focused approach that attempts to address the problem or issues that are present. In addition to addressing the present problem or issues, the inclusion of positive psychology emphasizes going beyond this analysis and to also focus on the development of resources, strengths, and positive emotions. For example, Bannink (2014) proposed a model of CBT and positive psychology that may result in more effective practice that includes many of the traditional CBT techniques (i.e., therapeutic alliance, assessment, homework, etc.) while incorporating the positive psychology interventions (i.e., identifying strengths, what works, etc.).

According to promising research, the Good Lives Model that was produced through a positive strength-based approach, has also been effective in working with young offenders (Ward & Brown, 2012). Positive psychology has only recently introduced as an approach to working with offenders, however, models, such as the Good Lives Model, are being utilized more frequently (Mapham & Hefferon, 2012). The Good Lives Model is embedded in positive psychology and is a strength-based model, however it acknowledges the risk for recidivism that may be present (Maphem & Hefferon, 2012). Ward and Brown (2004) propose that the Good Lives Model may assist people to access and secure their ‘primary goods’ or have their needs

met in a socially acceptable way. Additionally, the model does not negate the risk factors but instead focuses on both risk and the promotion of goods or resources (Ward & Brown, 2004).

The details of how I adopted and integrated both CBT and positive psychology into my learning experiences is provided in the next section regarding my learning experiences.

Chapter 5: Learning Experiences

5.1 Achieving my Learning Objectives

In order to achieve my learning objectives, there were two primary programs that I participated in: the Youth Justice Programs and the Trace-A-Place Program (TAP). However, prior to discussing how I achieved my learning objectives in these two programs, I will discuss some of the barriers I encountered during my practicum experience. Overall, I achieved most of my learning objectives; however, I did encounter some barriers. First, to work with children and young people in South Australia I had to obtain a Department for Communities and Social Inclusion (DCSI) clearance, which required me to be present within the country of Australia. The application process on the part of DCSI can take several weeks to several months to complete, but I was able to obtain mine on November 20, 2017. The second barrier was my focus on linear treatment for CBT treatment plan. Many of the young people who engage with HYPA require clinical and case management services exceeding the length of time I was present for my practicum. Additionally, during my mid-placement review it was determined that my learning objectives would include a focus on positive psychology and reintegration and less on employment and vocational programming. In addition to the learning goals in my proposal, I encountered new opportunities for learning about youth homelessness and poverty from my experiences in the TAP space. I will now turn to discussing the Youth Justice programs.

5.2 Youth Justice Programs

I live in Canada therefore my experience with youth justice has been solely focused on the Canadian juvenile justice system. The exposure to new systems through my practicum was invaluable. The systemic differences between the *Youth Criminal Justice Act* (YCJA) (2003) of Canada and the *Young Offenders Act* (YOA) (1993) in the state of South Australia included the

age a young person can be criminally charged, privacy vs. confidentiality, and restorative justice approaches. Specifically, in South Australia, young people can be charged with a criminal offence as young as ten years of age while under the *Young Offender Act* (1993); whereas, in Canada the age a youth can be charged with a criminal offence is twelve under YCJA (2003). Both the Canadian and Australian youth justice legislations recognize that there are developmental considerations when considering ages of criminal offences and the focus of sentencing should be on rehabilitation rather than retribution (YCJA, 2003; YOA, 1993).

One of the marked differences in my practicum experience was witnessing legislation in practice in Australia. For example, the *Youth Court Act* (1993) lays out the “persons who may be present in Court” (p. 10), which restricts persons who may enter the court. This legislation in practice occurred with each youth matter scheduled at a different time and the sheriff determined who could or could not enter for court proceedings. My first experience with this occurred on September 18, 2017, when the case manager and I sat in the designated seating area for entering youth court. We were approached by a Sheriff from the court and were asked to provide the name of the youth we were there for, the organization we were with, and our names. Confidentiality for the young person was ensured and complied with through the levels present within the court room. In comparison, the *Youth Criminal Justice Act* (2003) in Canada, the law does not provide confidentiality for youth in the court system during court appearances or proceedings unless the court closes the court room. The section “Publications, Records, and Information” (p. 106) in the YCJA (2003) speaks about the specifics of releasing the information in media; however, it does not speak to respecting the confidentiality of the young person in the court room. The experience of entering or participating in the criminal justice system can be humiliating and shameful; therefore, it is imperative that the primary goal of youth crime be to

rehabilitate and reintegrate the youth back into society. In Canada, Bala and Roberts (2006) report that the public has the right to access youth court, which does not protect the confidentiality of youth. This allows all criminal matters a significant degree of publicity and is not conducive to a respectful environment for youth. I acknowledged that the efforts towards confidentiality and the uniform of the guards in Australia is an attempt to limit the overt power differences that are inherent in the judicial system. Lastly, in regard to restorative justice practices, Canada often uses extrajudicial measures and Australia primarily uses family conferences. In both countries, the family conferences and extrajudicial measures are located within separate legislations.

The youth justice programs offered by HYPAs included several programs, such as ReBoot, Integrated Housing, Resilient Futures, Ignition, and services such as case management, counselling, group work (e.g., resilient futures, ignition), legal support, housing, and skill development. I had plans of developing a comprehensive psychosocial treatment plan under clinical supervision but this learning goal was only partially successful. As part of accomplishing this goal, I put together training for psychosocial treatment planning for the youth justice team members. Additionally, I could participate with clients at different stages of their rehabilitation process; however, due to the length of involvement I did not participate from the initial phase to termination of services. For example, on September 26, 2017, I attended an initial appointment with the case manager. While participating in justice programming it can be difficult to address power imbalances, however, during this initial appointment it occurred at the youth's home rather than the office to address power dynamics. After an overview of one of the justice programs, ReBoot, the youth was informed that the program was voluntary. Building rapport was the primary target of this meeting and the young male chose to engage in programming by the

end of the meeting, suggesting that some rapport may have been achieved. During my practicum, I also participated in a case conference for termination of services from the ReBoot program with a female youth named Maria (pseudonym). During this termination meeting, the case managers focused on a positive psychology/well-being approach of rehabilitation/reintegration. The termination meeting involved Maria reviewing the strengths that she had developed during her participation in the program. Maria was initially not cooperative in the program however over time, she established a strong working relationship with her case managers. The language used in regard to her strength characteristics was evident and the primary focus of the termination meeting. The conversation was not deficit-based but instead focused on Maria's initial behaviours and developed strengths overtime as points of growth and positive developments. The process allowed Maria to speak freely about her experience in the program and how she was able to utilize her strengths to achieve a degree of well-being in her life.

Regarding CBT, these techniques were involved in many of the approaches the case managers utilized. Many of these approaches were also client directed. For example, there was a young man, Charles (pseudonym), who was in the process of moving. He was provided with a task from his case manager and scheduled a follow-up with myself. When I followed up, Charles had completed the homework, which allowed us to move onto the next stage. Once Charles was able to complete his homework portion, we were able to have discussion about the termination of HYPA's services and what resources he thought may be best for him following his move and for a continuity of service. Charles displayed an increasingly effective use of CBT skills throughout his participation with HYPA services. Charles was receiving services for approximately one year prior to our meeting and at the time of him initially receiving services, he was heavily struggling with problematic substance use. At the time of his discharge, Charles described his substance

use, and he discussed his thoughts and behaviours regarding it. He identified how his previous use was used as a form of maladaptive coping, however, at his discharge he described using only once every two weeks as he no longer required an interruption of negative thoughts. Charles was able to discuss how he could more often engage in identifying his thoughts when he experienced a negative mood and engage in challenging his thoughts. As Charles experienced extensive trauma, he often had periods where he struggled significantly, but the skill development of CBT provided him tools for independently addressing these issues as they occurred. Charles identified his skills development as empowering as he was able to begin addressing other issues in his life.

5.3 Resilient Futures

The Resilient Futures program engages the model PERMA+ as the overarching framework of the program. Steps in this program involve awareness raising, skill expression and resilient mindset (SAHMRIb, n.d.). Having the opportunity to participate in the program was an exceptional experience. Participation in the program was voluntary, which appeared to be a key factor in participant engagement. This program occurred at Goldsborough training centre and was an all-male program. The young men were respectful and displayed exceptional social skills. However, it should be noted that through my observations, the environment appeared to be plagued by power and social control. The pens, pencils, pencil crayons were counted and then recounted. The youth workers (i.e., guards) were present in the room but did not engage or participate and the young men were patted down and scanned each time they entered the room. Pollack (2004) discusses the ongoing conflict of anti-oppressive practice and the prison system and the inherent power dynamics between prison guards and the young people. Similarly, this is evident with the professional (e.g., social workers) entering the prison institution and the young people due to the controlling nature of the detention facility (Pollack, 2004). Prisons are

institutions of social control and surveillance (Pollack, 2004) and although Pollack's analysis is focused on adult institutions, these dynamics were evident in the youth training centers as well.

5.4 Ignition

In achieving my learning objective regarding individual and group skills development, these groups provided an opportunity to facilitate that goal. For example, following an introduction of myself and sharing that I was completing my practicum for school, I was further challenged during a group activity while assisting a young man with an assignment of writing a letter to himself. It was the client's VIA assessment results and focusing on his strengths that provided an anchor for his participation in the exercise. Focusing on his strengths also assisted me in rapidly building rapport with the client because he was able to inform me about how he has used these strengths in the past.

5.5 Barriers in the Youth Justice Programs

Following the period of detention, young people are expected to return to society, ideally having achieved rehabilitation and ability to reintegrate back in the communities where they are from. Hartwell et al. (2010) suggest that if an offender can remain crime free for a period of two years, the likelihood of recidivism reduces drastically. Desmond-Dawes (2011) proposes that "reintegration conveys a broad meaning in that it also focuses on the offender's ability to function in society in terms of re-attaching with their families and positive peer groups and reengaging with institutions such as school or employment" (p. 694). However, there are significant barriers to reintegrating back into their communities or societies that often present additional barriers to successful reintegration. Without the proper supports from family, the community, or services, the likelihood of a young person achieving a two-year crime free period, becomes increasingly unlikely. Additionally, Cashmore (2011) defines system neglect as a child

and/or youth who are neglected by systems, such as child protection or youth justice, that neglect the needs of the clients they serve. Research indicates several areas of failure from systems neglect that make reintegration increasing difficult to achieve.

Key factors associated with achieving effective outcomes include “a ‘therapeutic’ intervention philosophy, serving high-risk offenders, and quality of implementation” (Young et al., 2017, p. 26) As managerialist approaches have inserted themselves in juvenile justice, the focus on bureaucrats and administrative tasks have become the priority replacing direct practice and contact with clients (Neves, 2013). A focus on rehabilitation and principles in youth detention facilities, is often not the primary objective. For example, Neves’ (2013) study found that there was no clear education model, which limits the impact of education in rehabilitation. However, education and vocational training has been consistently highlighted throughout the literature as a preventative risk factor requiring intervention prior to incarceration and a protective factor during reintegration (Young et al., 2017; Dierkhising et al., 2013).

Trupin et al.’s (2004) study indicated that many of the community resources in place were not frequently accessed or had sustained participation by youth. Health services are a necessity in the juvenile detention system. Many youth do not maintain their health services after discharge therefore it is imperative that the intervention be offered so they improve their health conditions during detention (Wilson & Tully, 2009). Prior to incarceration, many juvenile youths are exposed to significant physical traumas, STI’s, substance abuse, pregnancy, and do not have access to food or nutritious foods (Wilson & Tully, 2009). Hartwell et al.’s (2010) study suggests that a number of young people from traumatic backgrounds do not connect past traumatic experiences as a factor in their present functioning. In combination with the prevalence of mental health issues in young offenders’, young people are often expected to manage these services on

their own accord compared to youth who are not involved in the justice system who may have access to additional resources (Wilson & Tully, 2009).

Furthermore, many young people have co-occurring disorders such as substance abuse issues that can exacerbate impulsive or risk taking behaviours (Dierkhising et al., 2013). Active involvement with young people from service providers is a necessity for these systems to improve their effectiveness for young people (Trupin et al., 2004). Families also continue to be an integral part of discharge planning in achieving improved health conditions (Wilson & Tully, 2009). Discharge planning requires mental health considerations, physical health concerns (e.g., drugs or STIs), social health and wellbeing, health service utilization, discharge and needs assessment planning including community and family contact and communication (Wilson & Tully, 2009). Positive social supports also continue to be identified as necessary for successful reintegration back into the community (Wilson & Tully, 2009), especially meaningful social attachments that can effect change individual identity and encourage positive prosocial behaviours (Desmond-Dawes, 2011). However, compared to non-justice individuals, community treatment is primarily provided under the medical model emphasising individual responsibility and ownership that often does not include family involvement unless the family is actively involved (Trupin et al., 2004).

While many youths are involved in the Australian justice system, Aboriginal and Torres Strait Islander people may experience a disproportionate number of barriers. For example, there was a young Aboriginal man who was present in court to address his legal matters and following the conclusion he was departing from youth court where he was met by officers from Operation Mandrake. He was promptly arrested and taken back into custody for matters that had occurred several months previous. As a result, the young man reported feeling defeated because although

he attempted to address his legal matters, he felt as though police were preventing him from reentering the community. Desmond-Dawes' (2013) study on Aboriginal and Torres Strait Islander people reentering from detention highlighted that they had real/perceived feelings of stigmatization from the community and police. Desmond-Dawes' (2011) study also highlighted issues of youth accessing schools and training centers, family issues, displacement, lack of resources in rural and remote communities, and opportunities for recreation. The study also addressed issues of obtaining respect from time spent in prison as a developmental milestone in families where prison involvement is heavily entrenched (Desmond-Dawes, 2011).

During my placement I witnessed the barriers young people face in the juvenile system. Although human rights instruments, legislation, and programming are directed at rehabilitation and reintegration, the perspectives of front line workers may not be aligning with these approaches. On November 28th, 2017, my professional associate and I participated in the mandatory induction process at the Goldsborough and Jonal training centres. While the two centres have the same mandate, the induction experience was significantly different when compared to one another. During the first induction at Goldsborough, the youth worker conducting the tour informed us that this was a prison or jail for young criminals and we needed to "keep that in mind while conducting your programming". This appeared to be consistent with institutional defence, which Neves (2013) describes as "the process whereby detention facilities concentrate most of their efforts in safeguarding themselves against the risks and the potential threats that are taken to be lurking inside them" (p. 111). During the induction at the Jonal training centre, the youth worker also discussed the many traumas the young people had experienced and how their behaviours were a result of those traumas. This youth worker's

perspective appeared to align more along the lines of a trauma-informed approach to working with youth involved with the criminal justice system.

5.6 Trace-A-Place

Trace-A-Place (TAP) was the second program where I had the opportunity to achieve my practicum learning. In my view, participating in Trace-A-Place space was an incredibly unique experience. The youth homelessness services being provided at HYPA's Trace-A-Place (also a part of the Youth Gateway) are critical for youth. Strier and Binyamin (2010) highlight when dealing with poverty, practitioners must engage in critical reflection to account for the complexity of poverty that often times can lead to them having feelings of both frustration and a sense of helplessness. Furthermore, the authors indicate the unique complexity of poverty and the potential for unknown areas of practice (Strier & Binyamin, 2010).

The practitioners who work in this place could not be commended enough as their skill level, knowledge of resources, and compassion were immeasurable. Part of their ability to function well was a direct outcome of their consistent communication, more specifically their daily handover (i.e., relaying the previous day's information to the team). This communication was also necessary to assist with frequent and ongoing crisis. Additionally, their flexibility and adaptability to new people, situations, and systems was met with creativity and client-centred empowering approaches. Some of the positives I learned in this place was the ability to 'go with the flow'. In the past, I have taken an organised and rigid approach with organizing my day in order to meet deadlines, academic demands, and personal or social demands. However, there was really no way to prepare for a day in the Trace-A-Place space as it is a crisis driven service where flexibility, the ability to adapt, and creativity are key traits for success in the role. This was a difficult transition for me.

When addressing issues of poverty, Strier and Binyamin (2010) group theories of poverty into three categories: “individual, cultural/behavioural, and structural” (p. 1909). Strier and Binyamin (2010) argue that there is an “intimate association between poverty and oppression that in many cases, results in a partial or general deprivation of basic human and social rights” (p. 1910). This was a significant factor for young people seeking services from Trace-A-Place. Many of the basic human rights that people have access too were often not readily available to the youth in this program, which perpetuated the oppression and marginalization of these groups. Many homeless programs aim to address the immediate needs of the homeless population; however, often services do not address homelessness on a group level or by addressing the systemic root cause of homelessness (Biwas-Diener & Patterson, 2011). Strier and Binyamin (2010) suggest that many service providers and policies seek to create personal responsibility for the people accessing these services in hopes that they will integrate into the labor market and reduce dependency on social service organizations and agencies. However, this individualized approach places blame and ownership of the issue on the young person seeking services. Poverty is not an individual problem; it is a societal issue that requires a response on a structural level.

Social stigmatization and poverty are closely tied and according to Biswas-Diener and Patterson (2011) people often feel that they are defined by their poverty. Strier and Binyamin (2010) highlight that accessing services and requesting assistance is often a humiliating experience. Additionally, the difficulty with addressing poverty, especially from a medical model, is that “poverty can be political, rather than scientific” (Biswas-Diener & Patterson, 2011, p. 126); therefore, it should be addressed structurally rather than pathologizing those who experience poverty. The impact of poverty can include lower education, poor health, or cognitive or behavioural issues that create further barriers to poverty alleviation (Alvi, 2012). Strier and

Binyamin (2010) advise that many positive qualities, such as resilience, are overlooked because of the pathology which furthers the depoliticization of poverty. However, Biswas-Dierner and Patterson (2011) argue that although people may be in poverty, they can also possess qualities of strength including hope, motivation, and happiness.

In my experience at Trace-A-Place, I had several opportunities to expand my assessment skills when dealing with issues of homelessness. In line with HYPA's approach, I had to be cognizant of conducting an assessment from a trauma-informed approach that offered an opportunity for the client to engage in a therapeutic alliance with me while providing client-directed services. Empowerment was a key component in this space. Even though I was the service provider, the client identified what type of service they were looking to receive and we collaboratively explored the strengths of the client to achieve their goal(s). These interventions included components of the CBT assessment but the sessions also incorporated components of positive psychology.

In addition to the youth in poverty, case managers often used the homelessness services to develop plans for their clients. For example, while participating on 'duty', we would receive phone calls from the training centres by workers who were making arrangements for their young people being discharged from the detention centre. This crisis service was an inadequate system for receiving these types of phone calls because nothing could be guaranteed for the young people, often resulting in the young person being discharged into homelessness. These types of actions contradict legislation that clearly states that young people should have accommodation when they are discharged from the penal system. When this does not happen, these children and youth are often denied bail or remanded for the purposes of accommodation (Cashmore, 2011). Cashmore (2011) highlights how these are forms of 'systems neglect' in which child protection

and juvenile systems are equally responsible. During days of duty, this was not an uncommon practice. However, it was also not only the justice system that would attempt these arrangements, but health services also used the system similarly. For example, a young female, Janet, presented on September 27, 2017, after being discharged from the hospital following a surgery. This young lady had indicated she felt it necessary to discharge herself from hospital care due to the treatment from hospital staff. Upon discharge she was directed to the homelessness service. Many times, people are not adequately prepared or rejected for not meeting an agency mandate. However, the homelessness services available in South Australia often represent a safety net for many services and all individuals. Moving on from the discussion of my learning activities and the practicum barriers, I will now discuss what these experiences mean in terms of social work practice and policy. This discussion forms the next section of the report.

5.7 Implications for Practice

During my placement, I learned of the public's perception of youth crime and the misrepresentations that occurred through the media. For example, when I participated in the internal professional development, *Working with Young People with an Offending History* on November 14, 2017, the training emphasized how the negative impacts of stereotypes have influenced the public's perception on youth offending (Turner & Gale, 2017). The example provided was the "gang of 49", which was repeat criminal offences reportedly being committed by a group of 49 young people (Cappo, 2008). As a result, there was a divide between public opinion and the reality of the situation (Cappo, 2008). Unfortunately, what was highlighted in both the professional development and the report *To Break the Cycle* (2007) was that there was no actual gang, but a small group of young people who engaged in serious repeat offending. Due to media sensationalism, there was an increase of young people who began engaging in criminal

behaviour as a response therefore exacerbating the issue of young people engaging in offending behaviour (Cappo, 2008). The training supported a critical thought response to the media misrepresentation and reality of juvenile justice.

The task force Operation Mandrake continues to operate and the South Australian Government has remained focused on an increase of punitive legislation. In July 2017, the proposed amendment, *Statutes Amendment Bill 2017*, was presented to the South Australian government. The Bill sought to impose adult sentences on young people who have repeatedly engaged in offending behaviour or young people who have committed serious criminal acts (Wright, 2017). Several community organizations, the Guardian's office, and the Australian Law Society advocated against this proposed bill indicating that the punitive and deterrent response was inappropriate for young people (Wright, 2017). Wright (2017) argues that the bill contradicts the Convention on the Rights of a Child, the Beijing Rules, and that it continues to diminish the rehabilitation ideology that is presently laid out in South Australia's Young Offender's Act (Wright, 2017).

McDonald and Coleman (1999) report a foundational component of oppression is "in the process of operationalizing hierarchies of oppression by ascribing value to attributes" (p. 23). For example, in regard to the implementation of the proposed legislation, I would argue that the South Australian Government has engaged in 'ascribing value' to young offenders. Furthermore, I would also argue that the bill reinforces the stereotype that young people do not possess value and are therefore disposable in the young offender justice system. Young people are already recognized as a vulnerable population and their involvement in the justice system will only serve to further increase their vulnerability and oppression (Cashmore, 2011). McDonald and Coleman (1999) argue that "it is important to remember that the amount of resources made available to

society by governments is at least partly related to the degree of political will” (p. 24). Arguably, in combination with the misrepresentations by the media (e.g. ‘gang of 49’), young people are likely to be condemned by political will in the present climate of South Australia.

The models and approaches of policy and law makers are often inconsistent with what research or practice experience suggests. Neves (2013) argues that the managerialist approach is impacting the educational opportunities and rehabilitation model in justice practice. Examples of this have been embedded throughout this report, specifically the introduction of the *Statutes Amendment (Youths Sentenced as Adults) Bill 2017*. As noted in chapter 3 of this report, we have also seen the trends of punitive justice in Canada during the 1990s. As Australia plans to implement similar legislation in response to concerns about youth crime, one can imagine that there will be similar outcomes after the implementation of this law. It is clear that there needs to be a shift focused on providing prevention services rather than a reactive system that implements punitive penalties. Providing prevention services has the capacity to address the issue of individualizing social issues and address them as what they are, social issues.

Reducing community poverty is one of the preventative measures for addressing crime (Alvi, 2012). There is an overwhelming amount of evidence and research focused on the effects and consequences of poverty on young people and their families prior to entering the criminal justice space and reintegration back into the community following detention. Social issues, such as poverty, continue to be individualized, however, throughout this report many of these individual barriers are not recognized as personal deficits. Alvi (2012) argues that we require a fundamental shift in our perception of young people and crime, especially with regards to individualizing what are social problems. Moving away from individual blame of young

offenders and addressing the social problems is necessary in order to reduce youth crime and conflict with the legal system.

Cultural competency also continues to be a significant social justice issue in the juvenile justice system. Social justice research focuses on empowerment of communities and often researchers utilize tools that are culturally inappropriate or further oppress the communities being studied (Danso, 2015). However, as Craven et al. (2017) proposes there are frameworks that integrate research methods while being culturally competent in practice. The ongoing over-representation of impoverished young people in the justice space is evident across child welfare, justice and corrections and continues to require improved practice standards to address these inequalities. Continuing to utilize culturally appropriate traditional practice in restorative approaches, appears to be more effective compared to justice approaches focused on retribution and punishment for Indigenous offenders (Desmond-Dawes, 2011) that are often viewed as ineffective and oppressive. It is evident this is an international issue resulting from varying forms of colonialization.

Lastly, these issues are highly complex and will not be addressed by simple solutions. As previously mentioned, there are both contributing community and individual factors that result in youth involvement in the criminal justice system. In addition to this, the systems designed to reintegrate and reduce recidivism are often not well resourced, leading to ineffective programs and services to meet the young person's needs. Additionally, many of the interventions continue to focus on individualizing the issue. Throughout this report, there have been frameworks, models, and approaches discussed including empowering the client and the community. Many of the principles in social work have the potential to be lost in practice if policies or laws are not challenged at a structural level. Anti-oppressive practice provides a framework to engage with

these platforms, which are inclusive of the cohorts we work with in a more balanced way of practice. Additionally, anti-oppressive practice emphasizes the social issues as societal problems resulting from oppression and power differentials therefore removing the focus of individualizing social issues. The integration of anti-oppressive practice and ideals of respect, dignity and cultural competency are integral to both the Canadian Association of Social Work (CASW) and Australian Association of Social Worker's (AASW) Code of Ethics as discussed in the next section.

5.8 The CASW and the AASW

The AASW *Code of Ethics* (2010) and the CASW *Code of Ethics* (2005) are similar documents for outlining ethics in social work. HYPA's practice included the AASW *Code of Ethics* (2010) in their policies and procedures. As my practicum occurred in the context of South Australia, I will be primarily referencing the Australian Association of Social Worker's (AASW) *Code of Ethics* (2010) as this was the practice standard of the location of my practicum. As part of my induction at HYPA, I participated in the *Child-Safe Environment* (CSE) training which was mandatory for all HYPA employees to complete prior to contact with clients. The training reviewed how to facilitate a report on child abuse and the types of behaviours and warning signs to be aware of, from both a child and a perpetrator. This training facilitated my understanding and provided me with clarity around child abuse reporting while practicing in Australia. The dignity and worth of a child was heavily emphasized throughout my experience at HYPA. "Respect for human dignity and worth" (AASW, 2010, p. 17) is as Borowski (2007) argues, "integral to what social workers do on a day-to-day basis" (p. 723). Often, children's dignity, decision making, and choice can be overlooked when decisions regarding child welfare or justice issues are made. Dollgoff, Loewenberg, and Harrington (2009) argue that social work decisions

and actions in practice are based on social work values; however, incorporating the child's voice should always be a primary consideration when decisions are made. HYPAs services are primarily provided to vulnerable and disadvantaged populations who often experience multifaceted oppression and therefore it is imperative that the organization develop and deliver its programs and services to the specific needs of the child.

Issues of social justice were both present and evident throughout my practicum work experience. HYPAs engaged these social issues on multiple different levels (micro, mezzo, and macro) in order to adequately facilitate change through advocacy on all levels. During my placement, HYPAs emphasized addressing social justice issues through relationships with clients, collaborating organizations, and the supervision of staff. Hair (2015) discusses the necessity to create a space of egalitarianism in supervision to reduce the power imbalance and have reflective practice discussion. During my placement, this working environment and space was created quickly with my professional associate. In addition to the adoption of egalitarianism space, throughout my practicum and supervision, the organization also engaged in frequent discussions focused on gender-based violence. The issue of gender-based violence was an integral part of my understanding of the development of issues facing youth who are exposed to it. Often times, gender-based violence was a social issue for the young people in Australia whether they witnessed it in their families or if it was a problem in their current relationships. Developing a deeper understanding of gender-based violence informed my assessment when engaging with young people.

Another area of focus within the HYPAs organization was the practice of cultural competency (AASW, 2010; CASW, 2005). Australians and the Aboriginal and Torres Strait Islanders were new cultures to me as a practitioner and therefore required the development of

cultural understanding. Delle-Fave and Fave (2011) highlight the complexity of cultural diversity through acknowledging that collective norms, daily activities, and societal roles have different weights and, that these activities and behaviours may have different functions or meanings depending on the culture. Both in social work and anti-oppressive practice, cultural competency is identified as a requirement for addressing issues of oppression. The AASW Code of Ethics (2010) advises that culturally competent practice involves “acknowledging the significance of culture in their practice and recognizing the impact their own ethnic and cultural identities, views, and biases can have on their practice and on culturally different clients and colleagues” (p. 17). In many cases, identifying our social identities may include a reflective analysis and identification of our own experiences as an oppressor or of being oppressed. Issues of cultural oppression were more evident for me as I had an objective perspective being new to Australia and being unfamiliar with cultural norms of Australians, Aboriginals, and Torres Strait Islanders. A HYPAs case manager had a strong interest, knowledge and understanding of the cultural oppression that occurs in Australia and guided me as I attempted to develop areas of cultural competence.

5.9 Values, Strengths, and Ideology

HYPAs (2013) areas of focus include four main areas of intervention: home, well-being, learning, and working. In providing services for young people, HYPAs seeks to empower young people by utilizing positive psychology techniques, such as focusing on their strengths and resilience. One of HYPAs primary principles is “Positively influencing the community’s view of young people” (SYC, 2017, p. 5). On a structural level, HYPAs is changing the narratives for youth involved in justice and homelessness services and through service provision, is also attempting to improve the public discourse on these matters. Furthermore, they have empowered

youth to participate in this process through programs such as the Youth Leadership Team. HYPAA (2013) aims to practice from a trauma-informed approach when providing their services to young people and often collaborates with other community agencies to incorporate a holistic approach to case management.

Over the past several years as a practicing social worker, my values have remained relatively the same although have also developed and grown through my relationships, educational opportunities, and experiences. My personal values include: honesty, family, fairness, equality/equity, the importance of community, a sense of humour, education, and respect for culture. My personal framework is directly aligned with much of the literature focussed on anti-oppressive practice. These values guide and influence my practice skills as a social worker in the communities in which I work. However, over time these values have changed and during my placement, I had the opportunity to continue to grow and develop. For example, on November 9th and 10th, I participated in a domestic violence training opportunity facilitated by an organization called Life Line. During the presentation, the facilitator provided an example of Aboriginal family systems, which provided a new concept through which to view family systems and the connection to their culture in this way. The training enhanced my learning by expanding my knowledge and understanding of family systems and the interdependence in these systems, through a cultural lens. It has been an ongoing period of self-reflection as my experiences continue to influence my values. My experience with learning, whether it has been formal or informal, has been an asset to me on a personal level and in my practice. Upon beginning my practicum, one of the first tasks I completed on September 13, 2017 was the VIA assessment (VIA Institute, 2016) that provided a list of a person's top character strengths. In my top five strengths was humour, honesty, fairness, perseverance, and

judgement. These identified strengths corresponded well with my identified values. This was one of my first experiences participating in the positive psychology field and exploring my own strengths.

Participating in the environment at HYPVA, I often found that my values were similar to those of colleagues and clients. On November 15th, I was in the group room with a several young people who were having an informal group discussion about a range of topics. One of the themes that continually came up was the consistent need for safety and security. Through participation and observation of the conversation, I recognised that my social location and status had enabled me not to consistently identify this need as a value on a daily basis. The young people discussed issues of betrayal amongst friends, drug use, and being accosted on the street; all of which were issues that I had not personally experienced. One young female even identified carrying screwdrivers in her purse in case she had to defend herself. This was a beneficial learning opportunity because it reminded me how important safety is and how quickly it can be taken for granted when you are not struggling with the barriers associated with homelessness. The discussion prompted self-reflection of anti-oppressive practice as I heard the youth describe their daily life experiences and encounters with multiple and interconnected systems of oppression. However, during the last three weeks of my practicum there was a conflict of values with a case manager and client. The issue presented as a young man who appeared to be struggling with significant mental health concerns, however, the young man's cultural beliefs did not agree with the concept of mental health. The value of treating mental illness vs. cultural beliefs conflicted with one another as initially this young man would not receive treatment for his mental health conditions. It required consistency and support from the young man's case manager for the young man to decide to receive intervention. However, the case manager had to

research and collaborate with the young man to be respectful of his cultural beliefs to encourage treatment. The young man and case manager were able to agree to a mental health assessment as an initial step to addressing the mental health concerns. As I have worked in mental health services for many years, I was able to assist the case manager in identifying symptoms of the mental illness, however, it was difficult for me to watch the ongoing deterioration of this young man's mental health. At the conclusion of my practicum, we developed a plan to respect the young man's right to autonomy and his cultural beliefs. However, we developed a safety plan to ensure his safety and to intervene if his condition worsened and he became a risk to himself or others.

As I conducted the research for this report, I came across information about the "other" and the conservative and liberal viewpoints on the "other." Young (2007) defines conservative or right-wing political spectrum "othering" as projecting "negative attributes on the other and thereby grants positive attributes to oneself" (as cited in Alvi, 2012, p. 32) and liberal left-wing political spectrum as "the other is seek to lack our qualities and virtues... as a deficit which is caused by a deprivation of material or cultural circumstances or capital, as well as denial of human rights. They would be just like us if these circumstances improved" (as cited in Alvi, 2012, p. 32). I felt challenged by these perspectives of "the other" and where my political standpoint connected with the provided information. These perspectives challenged my thinking as I have often understood clients and their experiences as influenced by their circumstances and I had not challenged myself beyond the political ideological understanding of "othering." This experience was beneficial during my periods of reflective journaling and during my placement in general as it reinforced issues of self-determination, autonomy, and non-judgemental practice.

Additionally, I was able to review my anti-oppressive practice, the maintenance of my beliefs, and conduct and practice during my practicum work.

Within the context of social work interventions and service provision, Strier and Binyamin (2010) and Hair (2014) articulate how a neo-liberal and managerial ideologies have placed themselves within many human services agencies over the past few decades. In this context, youth justice falls under this umbrella and has resulted in the management and correction of young people while ignoring the contexts and social inequalities which they came from. As a result, social workers are often responding to the administrative practices rather than addressing social justice issues as they are within a hierarchy in their own work environment, which is a key concern that requires our attention. Relatedly, in the next section, I discuss other challenges and ethical considerations which I encountered during my practicum.

Chapter 6: Challenges and Ethical Considerations

During my practicum experience, I notified colleagues and clients that I was a graduate student and discussed issues of privacy, confidentiality, and informed consent. I informed the clients of my limits to confidentiality and their right to decline or withdraw. All of the clients I worked with provided verbal consent to working with me. Additionally, I was always in the presence of another worker, which was part of the established process at HYPA.

One of my most significant challenges was learning the historical international development of youth justice in Canada and Australia and comparing the developments to the present climate of the juvenile justice system in both countries. I found the historical development of the system fascinating; however, I was surprised at the similarities of the challenges Australian systems faced compared to those in Canada. For example, both countries have struggled with the media frequently reporting inaccurate information regarding crime, policies and/or legislation and often sensationalizing crime stories for the purpose of sales rather than reporting with critical thought. (Alvi, 2012). Media has had a significant impact on the treatment and beliefs of young people and crime. Furthermore, the legislation that is developed or amended often contradicts research, reports, communities, and internationally recognised instruments (i.e., guidelines, treaties, conventions, and standards). Arguably, the concept of social disapproval is lost when individuals in a community are no longer interdependent, which impacts the community's ability to disapprove of the youth's behaviours then reintegrate the young person back into the community (Alvi, 2012). This point is critical as it further creates isolation, decreases available resources, and does not facilitate healing within the community. I struggled with becoming more familiar with the systems, research, and standards in juvenile justice in both countries and the public's perceptions of youth crime. In addition, Alvi (2012)

suggests that capitalism is at a point where the pursuit of business ventures and development carry more weight than families, youth, and children. Furthermore, Alvi (2012) reports that due to the neoliberal ideological and advanced capitalist paradigm shifts beginning in the 1970s, the welfare state in many developed countries is being dismantled. In this social, political and economic system, there is an emphasis on individualisation of social problems and people being solely responsible for their own well-being as opposed to state interventions. I would agree with this statement because much of the literature I have researched indicates the existence of a “managerial” approach in many social services institutions and community agencies. This was disheartening to witness in the field of social work and challenged my professional value system as a social worker. However, the positive psychology approach was encouraging in my experience at HYP A because it emphasizes individual and community well-being and resilience and empowering the service users. Research on positive psychology suggests there are promising changes in the field and I believe that the practice offer new tools that can be used to adjust some of the current practices that have been implemented.

When I was participating in the resilient futures program, a dilemma arose very close to the end of my practicum. In the resilient futures program, there is a facilitator from HYP A and a facilitator from the education system in the training centre. During a group discussion about movies, the educator from the training centre made a statement suggesting that because the young men were considered criminals, they cannot watch movies that involve crime. Following this incident, another comment was made by one of the facilitators about how these young men are criminals, but some of them have really nice hearts. The educator did not appear to be intentionally harmful in her comments; however, these statements in a rehabilitative program for young people was particularly difficult to witness. These examples connected issues of a

practitioner creating barriers and the therapeutic alliance between practitioner and client being impacted as a result. It was evident that the educator brought her own biases and prejudices into the classroom and it became emphasized in her work with the youth. Specifically, on December 8th, 2017, during the last day of the resilient futures program the young men were writing letters to their future selves. Contained within one of the young men's letters was a statement where he referred to himself as a "low life" and wanting to prove this self-image wrong. Arguably, the beliefs of others could have impacted this young man's view of himself. These types of incidents become difficult to challenge, even more so in a training centre, as the relationship between the training centre and HYPA is a necessary for HYPA to conduct programming. In the AASW Code of Ethics under article 2.2, it states that a purpose of the *Code of Ethics* (2010) is to "provide social workers with a foundation for ethical reflection and decision making" (p. 10). I debriefed with my supervisor and discussed this situation, and talked about how this experience encourages me to engage in reflective practice to maintain an anti-oppressive and therapeutic relationship with my clients while respecting their inherent dignity.

Lastly, another challenge I faced was during the workshop titled *Family Safety Framework Training* (FSFT) provided through the agency Victim Support Service. The training was focused on the Family Safety Framework and utilized the risk assessment tool to refer to the Family Safety meeting (Victim Support Service, 2017). The framework is a collaboration of service providers that meet and review referrals to determine how best to support families in violent situations (Victim Support Service, 2017). The training presented a concern for several reasons, however most prominently it did not appear to account for cultural differences, other minorities (e.g., LGBTQA), or provide research evidence to support the assessment tool. This was concerning because Aboriginal and Torres Strait Islander women were 2 to 5 times more

likely to experience domestic violence compared to their non-indigenous counterparts (Lifeline, 2016). The assessment tool did not take cultural context into consideration within the risk assessment and may perpetuate the ongoing inequality for minorities, such as the Aboriginal or Torres Strait Islander, which is contrary to Article 5.2 of the AASW Code of Ethics that encourages “culturally competent, safe, and sensitive practice” (p. 17). The issue of using a non-evidenced based tool, that does not engage in culturally competent practice, was of notable concern as the risk assessment provides access to the Family Safety Framework meetings and to those facing significant barriers. Dolgoff, Loewenberg, and Harrington (2006) discuss the principle of least harm in the field of social work reporting it as “choosing the option that will result in the least harm, the least permanent harm, or the most easily reversible harm” (p. 63). As previously mentioned, social work is increasingly focusing on a managerial or administrative approach to practice that does not align with the principle of least harm. Unfortunately, the training poses the potential risk of having people utilize this tool and engage in oppressive and harmful structural inequality.

6.2 Skills of Consultation, Collaboration, and Supervision

Supervision was one of the most significant strategies for skill development during my placement. Supervision was vital during my placement as I was exposed to a new country, agency, culture, and context. It was also necessary for me to engage in frequent consultation with youth justice and TAP team members. Unfortunately, across much of the human services field the business model has encroached on supervision and supervisors provide effective supervision rather than focusing on task completion (Hair, 2014), leaving limited time for supervisor/supervisee consultation. However, HYPAs approach to providing supervision was conducted effectively by providing both administrative and clinical supervision. This supervision

model assisted me in balancing work place demands while maintaining time for personal, formal, or reflective supervision without it being overrun by administrative necessities. Throughout my practicum, I received clinical supervision, which provided me with opportunities to engage in reflective practice with my professional associate.

Throughout my graduate studies, gender inequality has developed as an area of passion and interest. While family violence is not the primary focus of this report, the study of family violence contributed to my learning experience that was better facilitated through the positive experience of supervision. In the field of justice, there are a combination of contributing factors that result in criminal offending for youth and adults alike. As previously mentioned, Alvi (2012) reports that single parent households are often led by women, which has a significant effect on the gender pay gap and gender inequality in general, resulting in children being raised in lower socio-economic environments. Due to the gender pay gap, defined by feminist scholar Enns (2004), as the financial self-sufficiency and economic resources accessible to women to establish egalitarian relationships, women continue to struggle more significantly compared to their male counterparts. In addition, women experiencing domestic violence also face barriers such physical and mental health issues and increased risk of death (Lifeline, 2016). Within Australia, it is estimated that one woman per week dies as a result of domestic violence (Lifeline, 2016). In supervision, I was able to engage in continual reflection with my professional associate to deepen my understanding regarding the issue of gender inequality and gender-based violence. Through supervision, there were opportunities to discuss the influences during a child's development, role modeling behaviours of parents, service provisions available and considerations for areas of practice to consider with gender inequality.

Unfortunately, due to my DCSI clearance, I was unable to participate in the Youth Leadership IMPACT Project that provided me with a powerful example of collaboration. The purpose of the project was to engage approximately 70 youth from various backgrounds and have them collaborate and discuss policy issues that directly relate to them and then present these issues to the South Australian Government. The forum focused on empowering young people to be active in politics and decisions regarding their service provision. While I was not able to directly participate in the project, I was able to observe collaboration in practice through the IMPACT forum. The group convened on four separate occasions to collect the voices of the young people and to gather and discuss various policies. SYC provided an opportunity for collaboration and empowerment of young people on a structural platform that would inform the South Australian Government. This example represents the anti-oppressive framework in action through the empowerment of young people to address the policies that directly relate to them through active engagement. SYC facilitated the forums and assisted with the power imbalance between young people and the South Australian Government.

Chapter 7: Conclusion

Canada and Australia have taken similar approaches to addressing youth crime. The legislation that guides social work practice in this space have both strengths and weaknesses. Alvi (2012) reports that many people continue to try to find a simple solution for the complex issue of young people and crime. Alvi (2012) contests that the reasons youth crime legislation is unlikely to make a significant impact is that the law does not impact or address the issues that are present pre-arrest such as the socio-economic disparities and other social justice related issues. Available academic research strongly indicates that poverty, inequality, health and mental health issues, violence, structural oppression, combined with environmental factors of family dynamics, situational incidents, internalised oppression, all contribute to young people being involved in crime. Our responses have changed over time from a welfare approach to a justice model with more focus on deterrence and punishment rather than healing and rehabilitation. Research and practice also indicate that there is a need to focus on the preventative measures and interventions prior to justice involvement. Positive psychology appears to provide a framework to begin to address the deficit-based issues on an individual, group/family, or structural levels.

At the beginning of this practicum, my intentions were to develop my clinical skill set through individual and group practice and the development of a culturally competent skill set. While it was not a primary focus in my practicum proposal, social justice issues were extensively present throughout my experience at HYPAs. However, working in a different environment, I could engage in research and reflection while deepening my understanding of social work practice. My social work practice often focused solely on micro or mezzo practice with little exposure to macro or structural practices. Moving forward as a social worker, I would like my work to expand further beyond individual practice and engage with policy makers to create

effective change in the systems we work within. The literature suggests that the contemporary model of social workers working in the justice space are not effective due to the systems and barriers preventing ongoing long lasting and effective change. As I continue moving forward in my education process, I will be seeking opportunities to engage in law and policy. At this stage, I am not certain whether this will take place through formal education or incorporation in my current practice of formal and informal learning opportunities.

The profession of social work has developed significantly over the past century and I expect it will continue to progress. However, increased individualism challenges social work's ability to create social change in the current state of managerialist social work practice (Neves, 2013). Efforts to change the direction for the future of social work must be conducted through role modelling the importance of community in our personal lives and the practice of social work. The further we drift from the core philosophies embedded in social work practice, the less effective the solutions to addressing the social justice issues that are still prevalent in today's society will be. After all, as professionals our goal still is to see these youth succeed in realizing their full potential and become healthy happy citizens.

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