



SUBMISSION REGARDING VICTORIA'S YOUTH STRATEGY

BY
WESTJUSTICE COMMUNITY LEGAL CENTRE

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Acknowledgements

We acknowledge the traditional custodians of the land on which we work, the Aboriginal people of the Kulin nations and pay our respects to elders past present and emerging, noting that sovereignty was never ceded.

Authors

Anoushka Jeronimus

Francesca Lai

Contact

Anoushka Jeronimus

anoushka@westjustice.org.au

Director Youth Law Programs

phone: 03 9749 7720

Table of contents

1.	About WEstjustice	4
1.1	How WEstjustice works with young people	5
1.2	Economic vulnerability and consumer law services	8
1.3	Family law and family violence services	9
1.4	Scope of submission	9
1.5	Summary of WEstjustice recommendations	9
2.	Responses to Discussion Questions	10
2.1	We are committed to creating a Victoria where all young people are healthy and safe, and empowered to contribute to the issues that affect them. We want every single young person to have equitable access to opportunities and support to participate fully in the social, economic and civic life of our state. Does this statement capture your vision and aspirations for young Victorians? Why or why not?	10
2.2	Question 2: Do you think the discussion paper captures the key challenges facing young Victorians and the priorities and issues of most importance to them? Is there anything missing or that needs to be changed?	12
2.3	Question 3: What needs to change for all young people to be empowered in every aspects of Victorian life – civic, political, social and economic? Consider the many identities and experiences that shape how young people live in the world.	13
2.4	Question 4: Government, community organisations, businesses, education and service providers all have an important role to play in working with and for young people. How can we work together to better meet the needs of young people?	14
2.5	Question 5: If you could change one program, initiative or policy in Victoria, what would you change?	15
2.6	Question 6: What is working well that the Victorian Government could build on to improve outcomes for young people? Consider initiatives in other states, territories or internationally	16
2.7	Question 7: What role can you or your organisation play to improve the lives of young Victorians?	17
2.8	Youth Employment Program	18
3.	Appendix 1- Example outcomes framework	23
4.	Appendix 2 Case Studies	26

1. About WEstjustice

WEstjustice Community Legal Centre (WEstjustice) welcomes the opportunity to make this submission regarding Victoria's Youth Strategy.

WEstjustice is a community legal centre that provides free legal help and financial counselling support to people living in the western suburbs of Melbourne. We incorporated through the amalgamation of four community legal centres in the Western suburbs in 2015 and have offices located in Footscray, Werribee and Sunshine. WEstjustice offers direct service provision in four local government areas: the City of Wyndham, the City of Maribyrnong, the City of Hobson's Bay, and the City of Brimbank. It also offers some services in the City of Melton, and the City of Melbourne.

To deepen our community impact, enhance performance and support our team more effectively, in 2020 we developed a new WEstjustice Strategy 2020-23. We also redefined our Impact Areas 2020-23 to ensure that we are servicing those in our communities who are the most disadvantaged. These are:

- Young people
- People experiencing gender-based violence
- Economically vulnerable people
- People from culturally and linguistically diverse backgrounds.

We have extensive experience across a range of practice areas including fines, debts, infringements, consumer law, tenancy, family violence, family law, criminal law, employment, and youth law. Critically, years of research and practice experience led to the conclusion that these impact areas intersect and can (and should) not be viewed in isolation.

Our Youth Law Program is responsible for these submissions and recommendations. An overview of the program, along with other WEstjustice services that support young people and their families, is provided in section 1.1 below.

1.1 How WEstjustice works with young people

WEstjustice works extensively with young people (12-25) who live, work, access services, and/or study in the Western suburbs of Melbourne. Our aim is to influence positive life outcomes for our clients, not just achieve successful legal outcomes.

WEstjustice has a Youth Law Program Team that specialises in providing legal education, advice and representation. Our services are based on extensive research on the unmet legal needs of young people ([Invisible Demographic Report](#), [Couch Surfing Limbo Report](#)) which has led to client-centred, place based, multidisciplinary initiatives. Put simply, the work we do seeks to address the '*causes of the causes*'.

Our Youth Law Program delivers direct legal services through a number of innovative programs:

- **School Lawyer Program (SLP):** WEstjustice's SLP commenced in 2015 and currently operates in 4 schools in the West. Over time, other community legal services have adopted and adapted the model so there are now several other programs across the State and country. The SLP is designed to address the challenges that school students and their families face accessing justice in geographically, electronically and socially isolated communities. The program provides an onsite lawyer embedded into the school wellbeing team who provides legal education, advice, representation and community development. Off the back of this highly successful Program, WEstjustice have developed a SLP Framework in partnership with Social Ventures Australia and an SLP Business Plan to expand this program across 50 schools statewide, subject to State Government support.
- **Youth Law Clinics:** Our Youth Law Clinics are strategically based and offer support to disengaged young people accessing services at two multi-disciplinary youth hubs (Sunshine Visy Cares Hub & the Youth Resources Centre, Hoppers Crossing). We work comprehensively with youth services to provide legal assistance, ensure wrap-around services and seamless client referral pathways in relation to e.g. fines, debt and consumer law, crime and family violence. The clients are offered multifaceted law within a multidisciplinary services model in which legal problems can be simultaneous addressed whilst the young person re-engages in society.
- **Youth Employment Project (YEP):** Our YEP Project aims to improve employment outcomes for young people aged 12 to 25 in Melbourne's West. The YEP draws

on the expertise of WEStjustice's Employment Law Team combined with the experience and expertise of our youth lawyers. The program aims to help young people experiencing disadvantage to better understand and enforce their workplace rights and responsibilities, through our pre-existing partnerships with schools, hubs, mental health services, employment programs, and out of home care. The YEP Project also provides employment law education to relevant services providers to assist with their general understanding and to provide more effective warm referrals. Any systemic issues and law reform are escalated, with a specific focus on young workers rights.

More recently we have commenced incubating two new projects working with some of the most under-represented cohorts –children in out of home care and custody.

- **Out of Home Care Legal Clinic:** In 2021, WEStjustice will commence an innovative, fully integrated pilot servicing young people living in residential care homes in Melbourne's West. Using an outreach multi-service model, our lawyers will support children and young people to identify legal problems, working in collaboration with youth, health and wellbeing services.
- **In Custody Legal Clinic:** WEStjustice has commenced a pilot project which seeks to identify and address the unmet legal needs of children in youth detention and partner with non-legal support services to ensure effective transition out of custody; reintegration into the community; and prevention of further offending. Many young people in custody receive access to free criminal law representation but options are extremely limited with regard to their other legal problems such as debts, fines, employment, family violence, et al. This pilot will provide 'in situ' services to ensure that young people can resolve their outstanding legal issues before they are released from custody.

In addition to these Programs and Clinics, our work with young people and the issues we see has led us to develop a number of innovative projects to improve the lives of young people:

- **Travel Assistance Program (TAP):** The TAP initiative evolved through identification of travel poverty and the consequential fines incurred by school aged children. A prevalent reason for not travelling compliantly was because they or their family could not afford the cost of travel. Following research into this issue ([Fare Go Report](#), [Couch Surfing Limbo Report](#)) we developed the TAP initiative to provide disadvantage school kids with a pre-paid myki

card, distributed via school well-being teams. A successful pilot in 2018 led to a scaled program in 2019 involving 13 schools and 266 students. Evaluation data (see [Travel Assistance Program Report](#)) revealed that public transport fines amongst program participants dropped by over 90% in a 12 month period. The data also showed increased school attendance and punctuality, decreased stress, increased access to wellbeing services, decreased non-compliant travel, and helped young people to feel safer. In addition, the report notes that the program helped young people experiencing homelessness and family violence to move to safer places. As a result of the success of the TAP Program, WEstjustice is currently in discussions with the Victorian State Government about a state-wide roll-out of the project.

- **Youth Crime Early Intervention Pilot:** The aim of YCEIP is to increase caution and diversion opportunities for youth offenders in the west and reduce the overrepresentation of children and young people in the west in the criminal justice system.
- **Pasifika Project:** In 2016, WEstjustice received specific funding to work with the Pasifika community and has worked with the community since this time on a range of initiatives to identify the social and legal challenges for Pasifika peoples who live in Australia including implementing a legal clinic to specifically service the Pasifika community during 2018, training a group of Pasifika law students in legal practice; and supporting the training of Pasifika young people to develop radio skills and run a radio show.

In our work we observed the following:

- Pasifika peoples who arrive to Melbourne often experience economic stress and have fewer safety nets available to them compared to the general community. This often includes access to welfare, education, legal services, health services, and housing;
- Pasifika peoples on Special Category Visas make up a particular subset of disadvantaged residents in Victoria, with limited access to the social net over an extended period of time;
- The lack of access to the HECS-HELP scheme for most Pasifika young people on special category temporary visas locks the community into further disadvantage;

- Pasifika communities, like all Australian communities, succeed when their cultures and identities are being valued and respected.¹

The Youth Law Program uses evidence from its work to advocate for systemic change (we have made submissions to the [Royal Commission into Family Violence](#), the [Royal Commission into the Mental Health System](#) and more recently, the [Victorian Government Inquiry into Homelessness](#)) and is actively building and deepening partnerships and coalitions to work collectively to improve the lives of young people with a particular focus on the western suburbs.²

1.2 Economic vulnerability and consumer law services

WEstjustice's Economic Vulnerability Program provides people in the West with legal services in relation to credit and debt, fines, scams, consumer law (particularly disputes with utility and telecommunication providers), tenancy and mortgage stress issues. The team works closely with financial counsellors and social workers. While our School Lawyers and Youth Clinic Lawyers can provide support to young people who directly experience these legal issues, we also have a team that can assist families which, in turn, improves their ability to understand the needs of, and/or to be able to continue to care for their children.

For example, our consumer law team has helped a number of predominately newly arrived migrant families who have been victims of predatory selling scams relating to the sale of expensive, non-functioning 'educational software'. Or, if a young person discloses to our School Lawyers that their family is being treated unlawfully by a landlord, we are able to refer the family to our tenancy team for legal advice and support to maintain or secure stable housing.³

¹ We have prepared a final report with our learning and recommendations and would be happy to discuss further if necessary.

² To highlight, WEstjustice sits on Wyndham Safe Communities Committee, Youth Justice Reference Group; Multicultural CEO Network; Smart Justice 4 Young People; CLC COVID Fines Working Group; YACVIC Steering Committee and Western Integrated FV Committee.

³ To further highlight the interconnectedness of the issues our clients face, in 2016, WEstjustice established a health-justice partnership with Mercy Mental Health, which includes the Clare Moore Building psychiatric inpatient facility in Werribee Hospital. This was the first health-justice partnership in Australia embedded within a mental health inpatient facility. This project provided an opportunity to analyse the interconnectivity between mental health problems and homelessness. The partnership was established to assist patients with fines and debts, to tackle the financial stressors that could interfere with their recovery. However, we found that tenancy and housing issues were significant problems for people in the unit and becoming worse. According to Mercy data, the three year trend for

1.3 Family law and family violence services

WEstjustice's Family Law and Family Violence Program operates to provide court assistance, legal advice and education, primarily to victim-survivors of family violence.

We have also implemented a number of innovative projects designed to identify and prevent family violence (e.g. WEstjustice / Mercy Hospital Maternity Clinic Partnership) and to address the effects of economic and financial abuse on victim-survivors, and their families (e.g. WEstjustice / McAuley Restoring Financial Safety Project).

Through our legal expertise in family law and family violence matters, we provide young people with direct support on these issues, and offer support to victim-survivors, to improve their lives and those of their children.

1.4 Scope of submission

This submission addresses the eight questions contained in the Discussion Paper.

1.5 Summary of WEstjustice recommendations

Based on practice experience, our work within the community legal sector and our partnerships with government and non-government support agencies, we recommend that Victoria's Youth Strategy ("the Strategy"):

- extends to include (or have clear and strong alignment with the approach to) children aged 0-12 to ensure we follow and provide seamless supports to a young person throughout their life;
- is underpinned by a whole of state, whole of government child and young person outcomes framework that:
 - is organised around all domains of a child and young person's life and links to the realisation of the corresponding civil, political economic, social and cultural rights set out in the United Nations Convention on the Rights of the Child (UNCRC);
 - includes guiding principles for *all* decision-making related to, and affecting the implementation of the strategy and assessment of outcomes;

mental health inpatients identifying as homeless demonstrates an upward trend, for example 50 people identifying in 2015-16 compared with 92 in 2017-18 (From WEstjustice's 2020 homelessness paper- Interconnection between homelessness and mental health at [4.1] and [4.2].

- contains clear actions, disaggregated indicators, and targets setting out what *the best place for children and young people to live* looks like in practice; and,
- link clearly to key policies and reforms already underway (state and federal) that will impact on progress toward
- establishes a dedicated portfolio for children and young people and their families within the new The Department of Families, Fairness and Housing; divided into:
 - early childhood,
 - middle childhood,
 - adolescence; and
 - young adulthood.
- recommends the creation of a Minister for Children, Youth and their families:
 - has primary decision-making responsibility; and
 - is accountable for reporting against the framework.
- The oversight powers of the Commissioner for Children and Young People (CCYP) and Commissioner for Aboriginal Children and Young People (CACYP) are expanded beyond child protection, youth justice and child safety standards to cover all actions by statutory bodies relating to children, youth and their families, and their powers expanded to include a comprehensive individual complaint function.

2. Responses to Discussion Questions

2.1 We are committed to creating a Victoria where all young people are healthy and safe, and empowered to contribute to the issues that affect them. We want every single young person to have equitable access to opportunities and support to participate fully in the social, economic and civic life of our state. Does this statement capture your vision and aspirations for young Victorians? Why or why not?

This is a bold statement that aligns with WEstjustice’s vision and aspiration for every young person in Victoria. Our main concern is with how this vision is to be realised and measured.

Most children and young people in Victoria are faring well. However, the benefits of living in this state are not shared equally by all. Too many children and young people are facing significant, often ongoing, hardships and challenges in their lives in a range of areas including violence (including family violence, abuse and neglect); the high prevalence of poverty among

children, disparities in access to education and health services for children and their families; and concerns about children in State care and the criminal justice system.

The COVID 19 pandemic highlighted that many children and young people who contracted the disease live in poverty postcodes, public housing, rural areas and areas with really well-known intergenerational disadvantage.

We know children in out of home care, Aboriginal children, girls and children from refugee backgrounds or new and emerging CALD communities are disproportionately overrepresented in the youth justice system. 71 per cent of children in custody have history of trauma, abuse or neglect and 68 percent were suspended or expelled from school. 55 percent have a history of drug or alcohol abuse, 68 percent have mental health issues and 28 percent had history of self-harm or suicidal ideation and 38 percent had cognitive difficulties which affect their daily functioning. LGBTQI+ children are six times more likely to commit suicide than other children.⁴

For Victoria to be the best place in the world for children and young people to live, the Strategy must identify and aim to address these challenges and reverse these trends. Further, there ought to be an outcomes framework that evidences results.

Despite significant government investment in public policies, services and local initiatives, inequities for many children and young people have proven difficult to solve. At a public policy level, there are too many siloed solutions. Fragmentation and lack of coordination happens vertically (between state and local government), horizontally (between different agencies), by age (such as antenatal and postnatal, preschool, school age, tertiary), and by different groups or areas of focus (such as parenting support, family violence, job seeker).

This same fragmentation is replicated in government and non-governmental contracted services. Investment is often ad hoc, short term and not sustained (despite success). Until now, there has lacked a unifying message, common strategy, child centered approach, or alignment to a common set of goals. This Strategy provides Victoria with a momentous opportunity to indeed make this state the best place for young people to live.

⁴Youth Parole Board Survey 2020 p29
https://www.parliament.vic.gov.au/file_uploads/YPB_Annual_Report_2020_FINAL_PXMrtfK7.pdf

2.2 Question 2: Do you think the discussion paper captures the key challenges facing young Victorians and the priorities and issues of most importance to them? Is there anything missing or that needs to be changed?

The discussion paper considers a number of the overarching aspirations that Victorian young people have for their lives and the main challenges they face in realising them. The scope should be enhanced and expanded to recognise and address the issues and concerns of the carers and service providers (e.g. parents, health providers, educators and employers) in enabling young people to live their best lives here in Victoria. It should also explicitly discuss, and make clear, the inextricably critical relationship with the 0-12 years.

See recommendations referred to above at 1.5- Summary of WEstjustice recommendations.

To elaborate, a Child and Young Person Outcomes Framework will make it clear:

- what children and young people need and want to live a healthy life in an environment which they can thrive;
- the positive obligations on the part of statutory agencies to contribute to the achievement of these outcomes to the maximum extent possible;
- what government needs to do to enable this, and
- how we, the community sector can contribute to this vision and be all held collectively accountable.

An Outcomes Framework across government would facilitate greater whole of government and community service coordination and evaluation, and encourage all services to work towards the same goal in education, health and wellbeing, family relationships, early childhood, housing, and employment.

It will focus our collective attention on **all** children and young people in this state and promote equality of outcomes; social inclusion, identify and reduce inequity of outcomes; and improve the wellbeing of those children and young people with the greatest needs, with particular attention given to groups at risk of marginalisation and/or disadvantage.

Success will require addressing broader social inequities and determinants of health and wellbeing, including poverty, systemic racism, homophobia, transphobia, ableism, sexism, classism and any other types of discrimination.

2.3 Question 3: What needs to change for all young people to be empowered in every aspects of Victorian life – civic, political, social and economic? Consider the many identities and experiences that shape how young people live in the world.

The purpose of the Youth Strategy should be largely to set out a whole-of-state, whole-of-government shared Outcomes Framework for Children and Young People (Outcomes Framework) that includes the vision of Victoria being *the best place for children and young people to live*, guiding principles and is organised around the key life outcome domains.

This approach will crystallize what the ideal '*changed state*' of a child and young person is when living in the 'best place in the world'. The outcomes framework will allow everyone working with children and young people to adopt unified language when measuring our individual contributions through the creation of a common monitoring and evaluation platform.

The outcomes framework:

- MUST focus on those children and young people with the greatest vulnerabilities and needs, particularly groups of young people at risk of marginalization and/or disadvantage including Aboriginal children, children and young people from newly arrived migrant and refugee backgrounds, and children with OOHC experiences.
- MUST identify and address systemic structural challenges of broader economic, education, health and well-being and social inequities including poverty, systemic racism and all types of discrimination.
- MUST, be focused on what we need to do collectively as government and community to empower these children and families to thrive rather than focus on the individual.
- MUST be linked to (and interface with) Victoria's Free from Violence Strategy, Roadmap to Reform, Victoria's relevant commitments to the National Closing the Gap Agreement, Crime Prevention Strategy, Youth Justice Strategy, Education State, early years reform and Victoria's Homeless Strategy and recently announced Anti-Racism strategy.

Guiding Principles

The outcomes framework should be guided by an overarching set of principles that recognise the positive obligation on states to realise these outcomes and the corresponding rights set out in the UNCRC. The overarching set of principles should be applied whenever a decision

relating to a child or young person is being made, and when interpreting how to implement the strategy, namely:

- Prohibition against discrimination;
- Best interests of the child as paramount consideration for all decisions affecting them;
- Child's inherent right to life, and that their survival and development should be ensured to the maximum extent possible; and
- Child's right to participate in all decisions that affect them and the design of services that support them.

The outcomes framework should also be underpinned by a principle of intersectionality that acknowledges the interconnectedness of a child and young person's needs (i.e. gender, sexual orientation, ethnicity, language, religion, class, socioeconomic status, gender identity, ability or age) and the requirement for holistic rather than siloed responses that focus on only one aspect of a young person's intersectional needs.

Outcome domains and indicators

The framework should include overall outcome domains (see **Appendix 1- Example outcomes framework** for proposed example). The overall outcomes should link specifically with the connecting right that children and young people are entitled to under the UNCRC e.g. article 24 of the CRC states that a child has a right to enjoy the highest standard of health attainable.

Each outcome should have a multitude of indicators e.g. 12 months measures (% of children in out of home care) and 5 years measures (e.g. children feeling safe). The framework should include clear disaggregated indicators (age, sex, sexual orientation, gender identity or intersex status; religion, ethnicity/cultural background, ATSI status, disability, child protection and youth justice involvement and socio-economic status) and targets to best hold community and Government to account. Indicators would not only address barriers and adversities that lead some youth cohorts into tertiary services at a higher rate, but also address the disproportionate harms experienced by some of these cohorts once they are in them (such as justice systems for ATSI youth).

2.4 Question 4: Government, community organisations, businesses, education and service providers all have an important role to play in working with and for young people. How can we work together to better meet the needs of young people?

See above response at 2.3.

2.5 Question 5: If you could change one program, initiative or policy in Victoria, what would you change?

We recommend that Victoria's Youth Strategy and outcomes framework be implemented and monitored as follows:

- Government agencies will have collective ownership of, and responsibility for, the implementation of the Youth Strategy: Outcomes framework. Improving child and youth wellbeing is too big and complex a job for a single agency or Department. It involves a multitude of portfolio areas including health, welfare, justice and education, which each hold pieces of the jigsaw.
- Commitment from Cabinet that the Youth Strategy will provide an overarching framework for central government policy development, in recognition of the importance of working together to align policy and services for children and young people right from the start.
- The Strategy be supported by a program of action targeted at addressing child poverty, family violence, inadequate and unsafe housing, improving early years, learning support, health and mental wellbeing, employment pathways and outcomes, for children, young people and their families.
- Amendment of the *Children's Services, Child Safety and Well-being Act* and *Children Youth and Families Act 2005* (currently under amendment) to require the Strategy to indicate the extent to which the outcomes included in the Strategy are measurable and how they will be measured.
- Clear universal purpose, objectives, targets and disaggregated indicators, and regular audits of practice that apply to everyone involved in the provision of all services and supports to children, young people and families in each of these key areas (whether government, private or philanthropic funded). All contracted agencies and or recipients of funding will have to evaluate work against these shared outcomes as well.
- The newly established Minister for Children, Youth and their families, is the responsible minister who will prepare an annual report to Parliament on the progress of the Strategy's six outcomes and achievement of the global outcomes.

- The Strategy should be refreshed every three years, following public consultation and consumer feedback to ensure it remains responsive to current and future issues.
- The oversight powers of the CCYP and CACYP are expanded to cover all actions by statutory bodies relating to children, youth and their families, and their powers expanded to include a comprehensive individual complaint function.

2.6 Question 6: What is working well that the Victorian Government could build on to improve outcomes for young people? Consider initiatives in other states, territories or internationally

A strong coordination of resources and services for children, youth and their families and shared outcomes for all public, private and not for profit statutory bodies and agencies servicing children, youth and their families is the only way to improve outcomes. Moreover, the most effective way to guarantee improved outcomes is to explicitly base them on the rights that youth are entitled to and the positive obligations on the Victoria government to guarantee them.

The New Zealand Child Youth Wellbeing Strategy spans across all of the key domains of a child/ young person's life and provides a [unifying framework](#) and way of aligning and coordinating all related work. The Strategy includes a [Current Programme of Action](#), which sets out the policies, initiatives, programmes and plans to help achieve the vision and outcomes. The Strategy also clearly outlines [how progress will be measured and reported](#) on so that the government measure progress.

See **Appendix 1- Example outcomes framework** for an example child and youth outcomes framework that could be introduced in Victoria, adapted from NZ's *Child Youth Wellbeing Strategy* <https://childyouthwellbeing.govt.nz/resources/child-and-youth-wellbeing-strategy.html#section-6>. We note the outcomes in the NZ strategy *strongly* align with those in your discussion paper.

We also commend the approach being taken in Scotland where the parliament have introduced a bill to incorporate the UNCRC into law. In the related policy memorandum, Scotland acknowledges the UNCRC as the global "gold standard" for children's rights and by

incorporating it into Scottish law, it is committing to “deliver a fundamental shift in the way children’s rights are respected, protected and fulfilled” in that country.⁵

The Scottish approach provides the clearest vision regarding the life outcomes that must be achieved for all children and young people to succeed (e.g. care and protection; health, education, employment; youth justice; civil and political rights; family, non-discrimination etc). It establishes the institutional framework to create the appropriate systems and processes to best guarantee that Scotland can indeed be best place for children and young people to live.⁶

2.7 Question 7: What role can you or your organisation play to improve the lives of young Victorians?

- WEstjustice is able to build on placed based, client led, multidisciplinary solutions to complex problems e.g. schools, youth hubs, places where children in out of home care feel comfortable accessing services and in custody.
- We can contribute expertise and evidence of effective integrated place based multidisciplinary programs and services that are codified and scalable (SLP, YLC, YEP, TAP) and assist with the statewide expansion of these initiatives. We can assist with the development of additional programs and services which are soon to be piloted and targeted to address current unmet needs, reduce engagement with the criminal justice, break cycles of disadvantage.
- Provide input and expertise regarding the realisation of the rights of the child that produce positive life outcomes for children and young people along with the factors that lead to disadvantage and dysfunction - See **Appendix 2 Case Studies** for case studies which highlight this expertise.
- Work with community legal centres and youth services to actively promote the benefit of coordination and shared outcomes e.g. Smart Justice 4 Young People. Below are two examples where WEstjustice could support the achievement of the following outcomes (refer also to corresponding outcomes in **Appendix 1- Example outcomes framework**):
 - **Victorian young people are healthy and well, mentally and physically**

⁵ Policy Memorandum, United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, 1 September 2020 at para 6.

⁶ See <https://beta.parliament.scot/bills-and-laws/bills/united-nations-convention-on-the-rights-of-the-child-incorporation-scotland-bill>.

- **Victorian young people are safe, experience equality of opportunity and are treated fairly**
- **Government, community services and the youth sector are accessible, appropriate and coordinated, and respond to young people's evolving needs**
- **Victorian young people actively participate in learning, education and training**

Youth Crime Early Intervention Pilot

The YCEIP pilot program is a unique collaboration with local police departments, legal services (led by Westjustice) and support services. It seeks to reduce youth offending by diverting eligible children and young people from the criminal justice system and address the overrepresentation of youth offenders in the west by:

- increasing awareness of participating police regarding caution and diversion options and increasing recommendations by improving consistency in police decision making; and,
- linking children and young people charged with an offence with a lawyer early, and as well, support agencies that can help address any underlying causes of offending behaviour.

The YCEIP is intended to be delivered in two phases. The first phase will be implemented by mid-2021 and target 10-17 year olds. The second phase from mid-2021 to mid-2022 will target 18-24 year olds.

The 18-24-month pilot will be evaluated with a view to continuing and expanding to other Police Service Areas if successful.

Out of home care pilot

In 2021 WEstjustice will commence a pilot project to run Out of Home Care Legal Clinics in Melbourne's West. The OOHC Legal Clinics will provide comprehensive legal services to young people in OOHC focussing on residential care homes. We will use a model in which we provide legal services at places where children and young people in residential care feel most comfortable. Our lawyers will conduct legal health checks and provide a range of legal

services (including employment, debts, fines, family violence, consumer, housing, and criminal law) either directly or via warm referrals. We will undertake the OOHC Legal Clinics in collaboration with youth, health and wellbeing services.

Over the course of the 12 month project we will build evidence of unmet legal need amongst this group of young people and identify the benefits of strategic partnerships, early intervention and collaboration across services.

Youth Employment Program

Issues regarding youth employment

There is an abundance of evidence regarding the vulnerability of young Australian workers, who are statistically more likely to be the subject of wage theft, abuse and bullying in the workplace due to such factors as a lack of awareness of workplace rights, the casualization of work and high rates of unemployment.⁷ Since 1 July 2019, the YEP legal service has assisted 88 young clients to seek payment of more than \$249,955.36 in unpaid wages and entitlements from their employers or former employers. These are preliminary conclusions and we look forward to collaborating with others in the sector to develop these further.

In particular, COVID-19 has shone a light on the challenges young people face in obtaining and maintaining decent work. It has also had a disproportionate impact on young people, who are concentrated in insecure work and COVID-affected industries.

- Data collected from the YEP to date, including anecdotal evidence from our clients and major stakeholders and referrers, has highlighted the need for the following measures to support young people to access improved employment outcomes: **A better understanding of the barriers to young people enforcing their work rights.** Studies have been conducted which identify:
 - that young people are likely to underreport health and safety issues in the workplace;⁸

⁷Edward Cavanough, Lachlan Blain, 'Ending Wage Theft: eradicating underpayment in the Australian Workplace' (March 2019) McKell Institute Victoria Report; Young Workers Centre, 'Young workers Health & Safety Snapshot' 2016

⁸ Young Workers Centre, 'Young workers Health & Safety Snapshot' 2016

- the existence of general barriers for children and young people in exercising their legal rights include a lack of awareness of rights and entitlements;⁹ and
- the value of CLE for young people in assisting to understand their legal rights and responsibilities.¹⁰

However, there is a critical gap on literature which examines the key barriers and enablers to young people understanding, exercising and securing their legal rights, specifically in an employment context. Research conducted by the YEP seeks in part to fill that gap. However, COVID-19 has significantly impaired the YEP's research capability, including in the following ways:

- We have been unable to fully evaluate the YEP's place-based service delivery model as a possible means of assisting young people to understand and exercise their rights, given that COVID-19 has restricted ability to provide face-to-face services in-situ – which is a key element of this service delivery model.
 - The Department of Education has paused the Research in Schools and Early Childhood settings (RISEC) process for the duration of 2020, meaning that researchers (including those with RISEC approval (I, must not contact schools to start, continue, or recruit for research and evaluation activity; and the Department will not accept new RISEC applications or requests to amend existing RISEC approvals). We believe the voices and experience of school students who are eligible for assistance through our School Lawyer Program is an important element of our research. However, we will not be able to capture these voices and experiences in-depth in the YEP Phase 1 report, given the RISEC constraints
- **Integrated education programs to increase work-readiness** – The implementation (and evaluation) of integrated employment law education programs, including the introduction of youth work rights and responsibilities sessions into the school curriculum/a range of school programs (including VCE subjects, work experience programs etc.), vocational training and/or job services programs (including Transition

⁹ Louis Schetzer and Judith Henderson, *'Access to justice and legal needs: a project to identify legal needs, pathways and barriers for disadvantaged people in NSW'* (August 2003) Law and Justice Foundation of NSW

¹⁰ Allyson Hose, Monica Ferrari and Dr James Baglin, *'Does Community Legal Education work? Researching the impact of the Learning the law education kit for young people with a mild intellectual disability'* (June 2018), Victoria Legal Aid

to Work). Anecdotal evidence gathered from our stakeholders (in particular our co-located service providers) has told us the following things:

- Many young people feel as though they do not know where to find information regarding their work rights, or where to get help.
- Young people don't know how to speak up about their rights, or feel they don't have the adequate skills to do so.
- There is low motivation among young people to attend additional or extra-curricular training. Effective training needs to be embedded into the school curriculum or other existing training programs.

The YEP is currently looking to pilot a suite of tailored materials and interactive workshops which will help make sure young people start work with a great understanding of what is expected of them, and what the law says about their 'Rights and Responsibilities'. It will include a frequently requested session on 'How to have a difficult conversation with your boss' – enabling young people to speak up in a professional way if they are not paid correctly, or have any questions/concerns about workplace safety/the workplace more broadly. The YEP will likely make recommendations to scale these educational programs more broadly, once we have evaluated them.

- **Place-based employment law services for young people** - Through the YEP, we have identified that young clients are more likely to be referred to us for employment legal assistance than to self-refer. 77 out of 88 (87.5%) of the clients serviced through the YEP were referred through the Sunshine Visy Cares Hub, the Youth Resource Centre or the School Lawyer Program.
- Clients who attended the YEP legal service have reported as follows in relation to the legal assistance they received:
 - 100% of the clients we have surveyed to date strongly agreed that the lawyer helped them to better understand my rights and responsibilities at work
 - All clients we have surveyed to date agreed (and 85% strongly agreed) that after receiving help from WEstjustice, they felt prepared to stand up for their rights at work
 - 100% of the clients we have surveyed to date strongly agreed that they would contact WEstjustice if they had another problem at work, and also strongly agreed they would recommend the YEP legal service to other young people.

- 80% of the clients we surveyed after 6 months of receiving legal advice agreed that knowing about their rights and responsibilities at work has made it easier for them to find work or to keep their jobs.

When asked how getting legal help had made a difference to them, our clients provided the following responses.

- 'It helped me understand my rights to give me the confidence to stand up for my rights.'
- '[I have] More confidence in the workplace; more peace of mind when working and knowing my rights, if ever violated, are fought for'.
- 'Very happy with the solution. It gave me confidence and knowledge. The 2 lawyers were very helpful and patient.'
- '[it had a] Positive impact in knowing my rights.
- 'In the future, at least now I know my rights e.g. if you get fired. I wasn't aware of it before and I have the confidence to go to them.'

Family Violence and adolescent family violence

- WEstjustice represented 51 clients aged under 25 years in 2020. In our practice experience, access to services early before the violence occurs and to support the family to stay safe remains essential. There is a prevailing need to enhance the experience of CALD victim/survivors of family violence in the west seeking to access justice and refer you to our 2020 submission to the family violence monitor reform monitor ([2020 WEstjustice submission to FVRM](#)) for further detail. Anecdotally, we also continue to observe, and hear from CALD victim/survivor clients about the lack of cultural competency in parts of the service response.
- We also endorse the recommendations of the 2020 PIPA Project research report in relation to adolescent family violence in the home.

3. Appendix 1- Example outcomes framework

Outcome	Child and Youth Wellbeing Indicators	E.g. of actions
Children and young people are loved, safe and nurtured	<p>Feeling loved, feeling safe, family/wellbeing, injury prevalence, harm against children, and quality time with parents</p> <p>% of kids in out of home care</p>	<ul style="list-style-type: none"> - Youth strategy incorporates Early Years agenda; Roadmap to Reform; Education State; Youth Justice Strategy, the Crime Prevention Strategy as well as the action plan flowing from the response to Royal Commission into Mental Health. - That each relevant Department have a shared outcome to have culturally competent workforce and response to Family Violence including identification of barriers to service access and targets to addressing barriers including development of appropriate supports. - A cross government commitment to recruiting a workforce that is reflective of the community we serve.
Children and young people have what they need	<p>Material wellbeing, child poverty: material hardship, child poverty: low income, child poverty: low income, food insecurity, housing quality, and housing affordability</p>	<ul style="list-style-type: none"> - Improve housing affordability, quality and security - Help families with the cost of essentials in a non-labelling way and infrastructure to support child and young persons need e.g. laptops, books sports equipment, shoes, uniforms, gym memberships, regular movie tickets, free transport for children & families in need etc. - Young people to be provided access to safe and free spaces.
Children and young people are happy and healthy	<p>Prenatal care, early exposure to toxins, subjective health status, preventable admissions to hospital,</p>	<ul style="list-style-type: none"> - Universal / comprehensive early years support that focuses on strengths/ harm reduction rather than risk - Children are equipped early and continuously skilled to resolve conflict

Outcome	Child and Youth Wellbeing Indicators	E.g. of actions
	<p>mental wellbeing, and self-harm and suicide</p>	<p>constructively, to be resilient & about respectful relationships.</p> <ul style="list-style-type: none"> - Increase support for mental wellbeing, - Provide children and their families with access to any/all of the specialist mental health services that they need to stay healthy and out of the justice system or child protection.
<p>Children and young people are learning and developing</p>	<ul style="list-style-type: none"> - Participation in early learning, regular school attendance, literacy, numeracy and science skills, socio-emotional skills, self-management skills, and youth in employment, education, or training. - Reduction in expulsion and suspensions - Increase in Year 12 retention rate - Decrease in youth unemployment - Increase in university and TAFE complete rates and job attainment 	<ul style="list-style-type: none"> - First Nation history, culture and language centred in school curriculum - Provide safe school environment for students of all sexual and gender identities. - Children and their families are supported to access the NDIS as soon as needed; - Universal health and learning checks conducted at key intervals in a child's life (e.g. prep, grade 3 and grade 5) to identify their learning and development needs; the right support is provided and barriers to access addressed. - Increased and sustained funding for learning support will improve outcomes for children and young people who need extra support in the education system. - Support young people as they transition out of care or youth justice settings. - Support and incentivise schools to keep children especially those at risk in school to year 12.

Outcome	Child and Youth Wellbeing Indicators	E.g. of actions
		<ul style="list-style-type: none"> - Support and incentivise to take active step to promote & achieve social cohesion and diversity amongst youth - Children (and their families) receive all the support they need to make them job ready, attain safe and developmentally supportive employment and retain jobs both part-time and attain the skills required to attain the skills and learning required to lead meaningfully and productive adult lives. E.g. Living Learning - Social Impact Bond (MCM)
<p>Children and young people are accepted, respected and connected</p>	<p>Ability to be themselves, sense of belonging, experience of discrimination, experience of bullying, social support, support for cultural identity, and languages</p>	<ul style="list-style-type: none"> - Develop a workforce reflective of the communities we serve via affirmative employment in partnership with anti-racist training - Police, Courts, social supports, statutory bodies, Child care, kind, schools and health care providers will be supported to be anti-racist organisations and report regularly on progress e.g. the competency levels of their workforce and have clear measures & targets including periodic audits of practices. E.g. zero tolerance policies, action plans to positive redress systemic discrimination and reporting and safe grievance mechanism - They will also be supported to end all other forms of discrimination (sex, sexual orientation, gender identity or intersex status; religion and disability).

Outcome	Child and Youth Wellbeing Indicators	E.g. of actions
<p>Children and young people are involved and empowered</p>	<p>Involvement in the community, representation of children and young people's voices, making positive choices, and involvement in criminal offending</p>	<ul style="list-style-type: none"> - Raise the age of criminal responsibility to 14; the strategy and framework provides an enhanced structure to meet the needs of children under 14 years - Advocate for children and young people's rights - public service competency and capability in children's rights - Expand independent oversight by CCYP across key dimensions of actions by statutory bodies and introduce comprehensive complaint function as per Recommendation in 2019 report and Ombudsman 2020 report - Indicator could be reduction % of children from refugee & newly emerging CALD backgrounds, Aboriginal Children, children in out of home care and girls entering the youth justice system - Active steps taken to promote & achieve social cohesion and diversity amongst youth - Support/fund generalist and community development funded initiatives that promote community participation for vulnerable/at risk children.

4. Appendix 2 Case Studies

Case study 1

The client is 24 years old and worked as a hairdresser for 7 years, 4 of those as a manager. She was given lots of responsibility, and was a highly valued employee.

During a meeting with her boss in early 2018, the owner of the business, our client asked whether she could move to part-time work and use her upcoming long service leave to start a family and set up her own business from home. As a result of making this inquiry our client was summarily dismissed from her employment 3 days later. She was forced to sign a resignation letter, and accused of stealing \$14,000 from the business by providing discounts to clients and stealing products. She was then told to pay back \$2,000 within 48 hours or the owners would report her to police. After pursuing a general protections claim with us her employers did later report her to the police in an attempt to frustrate the claim, providing fraudulent statements and evidence that failed to prove any theft. Having sufficient expertise in employment law and crime we were able to represent her in both matters, including getting all the criminal charges withdrawn by prosecution and eventually compelling her employers to pay out all her entitlements worth \$28,000. The client was pleased with the outcome and now runs a successful business from home part-time whilst caring for her daughter.

Case Study 2

James (not his real name) is an asylum seeker from a non-English speaking background who first sought legal assistance from his school lawyer for a criminal matter. James was charged with theft and we achieved a good outcome for him in Court.

James was assisted with consumer, racial discrimination, debt, employment and a number of fines matters over the years.

James graduated from school and has been gainfully employed for 3 years and has not been in trouble with police since the once off incident. He said that having the lawyer by his side over the 5 years has helped him greatly as he was trying to navigate a complicated legal system in a foreign country.

Case Study 3

Tamara and her husband were married for 10 years and had two children. Tamara's husband was extremely violent, abusive and controlling over Tamara; she wasn't allowed to have friends, a driver's licence or buy clothing. After the tragic loss of their daughter, Tamara's husband refused to pay the funeral expenses and continued to use Tamara's Centrelink benefits to fund his lifestyle. With the money she could access, Tamara paid rent, school fees and her husband's fines. Tamara still had more than \$25,000 in debts for unpaid utility bills, credit cards, a Centrelink debt and a personal loan she used to pay for her daughter's funeral.

Tamara came to the McAuley women's refuge program soon after she separated from her husband. She had to leave her son with a close friend so he could continue his studies. Tamara was skipping meals while living in a safe house to make ends meet. In just five hours, WEstjustice sought and obtained a full waiver of Tamara's \$10,000 personal loan thanks to our contact at a bank. That loan was causing Tamara enormous stress and tipping her into destitution. In one week we also obtained full debt waivers on Tamara's telephone, utilities, other banking and debt collection debts. By clearing Tamara's debts, she could afford to return to a private rental and live with her son again.

Case Study 4

Our client is a single mum with three children and is a survivor of serious family violence. Our family violence team assisted her to obtain an intervention order for her and her children as affected parties. In taking instructions, we understood that the client was suffering serious financial stress because of her changed circumstances. Our client was in arrears of her mortgage with a bank.

We assisted her in entering into hardship negotiations with the mortgagee. Further, our client had two credit cards with balances of approximately \$35,000 and \$2,500 owing on each respectively, and we assisted her in entering into hardship negotiations with both banks by requesting a waiver of each alleged credit card debt. Our client was also in arrears on her council rates, and we requested the council place her rates account on a six-month hold. Our client also had an interstate ambulance invoice for a medical emergency that her family had experienced.

In relation to the mortgage, the bank granted a 12-month hardship arrangement on the mortgage whereby her repayment amounts were reduced to give her time to manage her finances to be able to afford her repayments again. In relation to one credit card, the bank did not accept our request for a waiver of the alleged debt. However, they agreed to a 12-month deferral on payments for her credit card account. In relation to the second credit card, the bank granted a waiver of the alleged debt.

In relation to the council rates, we were successful in negotiating a six-month deferral on payments for her. In relation to the ambulance debt, we assisted in having it waived because the client had a health care card. Importantly, we assisted the client in a multidisciplinary way — offering legal case work and financial counselling work in-house, and referring her to a social worker. As a result of our negotiation and advocacy, the client had a mechanism that

offered her some protection from family violence, and financially she avoided foreclosure, had some debt waived, and had time to get back into a position where she could meet her repayments.