

WINSTON CHURCHILL MEMORIAL TRUST OF AUSTRALIA

Keeping kids in school and out of court: a study of
education – youth justice collaboration
in the US, Scotland and Denmark

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2015 Jack Brockhoff Foundation Churchill Fellow

We must remember that with the right opportunities, our clients, these children, can do well. We cannot be among the doubters; we must be among the promoters, the ones with hope for the futures of our young people.

National Children's Law Network (2007), *In School, The Right School, Finish School*.

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Signed

Jackie Anders
November 2016

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Finally, thank you to my family and friends who shared in my excitement in receiving this Churchill Fellowship, and who have supported me unstintingly while I've been in "Churchill mode", for the past year or so.

Executive Summary

Keeping kids in school and out of court – a study of education-youth justice collaboration in the US, Scotland and Denmark

Engagement in education is well known as an important protective factor for children against involvement in crime, and can provide a positive pathway to the future for those already ensnared in the youth justice system. However, all too many children, disproportionately those from poor backgrounds and experiencing a range of social, learning and behavioural needs, do not receive the support they need at school, drift or are pushed out of the system, and become involved in offending.

In May and June 2016 I travelled to the United States of America, Scotland and Denmark to learn about cross-system collaborative efforts in these countries to keep young people in school and out of the justice system. My goal was to identify policies, practices and approaches that could inform improvements in Victoria.

My fellowship travel encompassed five states in the US, Scotland and Denmark and involved meetings with over 50 experts – practitioners, judicial officers, educators and researchers – working in organisations that included juvenile courts, welfare and educational advocacy NGOs, schools, legal services, universities, local authorities and training and technical assistance providers.

The approaches I looked at ranged from community-based preventative efforts, judicial-led initiatives for young people entering the court system, and support for young people transitioning out of custody to access education in the community. I also looked at examples of education advocacy for children not having their educational needs met, and approaches within school systems to retaining and re-engaging students in school.

There were numerous highlights of my fellowship trip, some of which included:

- Participating in the inaugural School-Justice Partnerships fellowship program at the Center for Juvenile Justice Reform at Georgetown University, which gave me a strong foundation of knowledge for the rest of my study and connected me to many experts in the field.
- Spending three days at the Clayton County Juvenile Court, learning about the pioneering “Teske Model” of school-justice partnerships.
- Meeting Marlies Spanjaard in Boston, who introduced me to the holistic educational advocacy work of the EdLaw Project.
- Learning about the close connection between practice, research and policy-making in the Scottish youth justice system, demonstrated through the work of the Centre for Youth and Criminal Justice.
- Observing the work of Apex Scotland to reduce school exclusions in Dunfermline and Levenmouth, through their innovative Inclusion Units.

- My two days with SSP Copenhagen, learning about the Danish approach to youth crime prevention.

The findings of my Fellowship will be shared with policy makers, program developers and practitioners in the education and youth justice system to generate and inform discussions of how an 'education focus' can be further embedded within the court and youth justice system.

I will deliver a presentation on my Fellowship to the South Pacific Council of Youth and Children's Courts in November 2016, and seek further opportunities to present on my Fellowship to various government and non-government stakeholders in late 2016 and early 2017.

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Introduction

A good education is essential for positive youth development and transition to adulthood. Young people who complete secondary school have better outcomes in terms of employment, health and welfare than those who leave school early. Education is also a powerful protective factor against involvement in crime, by assisting young people to develop the skills they need to succeed as adults and helping them to develop strong social and interpersonal bonds with peers and supportive adults. The Center for Juvenile Justice Reform at Georgetown University, one of the organisations I visited, summarises the impact of education on crime in its recent briefing on education and interagency collaboration: “education is effective in reducing youth’s involvement in crime because it provides not only academic remediation, but also social services, recreational programs, and mentoring opportunities. When youth are equipped with the necessary supports, resources, and skills to become productive members of the society, the risk of delinquency and recidivism decreases” (Farn and Adams, 2016, p. 6).

Sadly, too many young people who struggle in school – often due to a combination of learning, behavioural and social welfare issues – do not get the support they need to succeed, and drift, or in some cases are pushed, out of the school system. Many of these young people wind up in trouble with police, and fill our courts, our youth detention centres, and – as adults – our prisons.

The close correlation between school-related issues - such as low achievement, disruptive behaviour, poor attendance and truancy – and involvement in offending has been well-established through research. This link is also apparent in Victorian statistics, which show that 62% of the 176 young people in detention in October 2015 had previously been suspended or expelled from school, and less than 14% of adults entering Victorian prisons have completed secondary education.

The prevalence of school disengagement among young people in the youth justice system was recognised as a pressing issue by Judge Peter Couzens, the (now former) President of the Victorian Children’s Court in 2013. His keen interest in this issue led to the establishment in August 2014 of the Education Justice Initiative (EJI), a collaborative project of the Melbourne Children’s Court and Department of Education and Training, managed by Parkville College, the secondary school delivering academic and vocational education to students in all secure settings in Victoria. The EJI involves education consultants working directly at the court, to provide information, advice and advocacy for young people to address education issues and help them reconnect to school or training. EJI also acts as a resource for youth justice workers, legal practitioners and the court, providing advice on options for youth and processes and policies within the education system.

I have worked with the EJI since its inception and it was through this experience that the seed for this Churchill Fellowship project was planted.

Over the past two years, my colleagues and I have encountered hundreds of young people with histories of education disruption and failure - they didn't enjoy or do well at school, were not attending regularly or at all, had been excluded (often many times) for disruptive behaviour, and in some cases were not enrolled in any school following multiple moves, family upheaval and/or unsuccessful transition to a new school or setting. While some have been extremely alienated by school, others express a strong desire to stay in, or return to, a "normal" school setting, to be around peers and complete Year 12.

Working closely with young people, parents, youth justice workers and schools over the past two years, we've been able to achieve 'wins' for individual young people such as preventing an exclusion, securing a new school enrolment, linking a young person to a vocational course, or advocating for a disability assessment to be undertaken to inform education planning. However, we have encountered a number of systemic challenges that conspire to restrict opportunities for those young people most in need of positive education experiences. These include:

- Inconsistent application by schools of policies relating to student admission, behaviour support, and use of discipline including suspension or expulsion.
- Reticence among schools to enrol young people with a history of disruptive behaviour and/or involvement in the justice system.
- Lack of clear accountability for the provision of support services for children with multiple-system involvement (schools, child protection and youth justice).
- Lack of clarity around what information about young people should be shared between systems, and when.
- Limited flexibility in schools in terms of structuring education programs to meet the needs of individual young people with additional learning needs or transitioning from long periods of non-attendance.
- Patchy provision of quality alternative education options providing tailored education and intensive learning and welfare support.
- Youth justice system involvement exacerbating issues of school non-attendance, due to young people often being required to attend multiple court hearings, invariably held during school hours.

These issues are not the fault of a single school, agency or system, and will not be solved by finger-pointing and apportioning blame. As Leone et al (2010, p. 2) write, "the incapacity of systems to address the educational barriers that these children and youth face reflects the fact that each system may be overwhelmed by the unmet needs of the students". Schools may feel they do not have the resources or capabilities internally to adequately address the needs of highly disengaged and disruptive students. Youth justice and other support services may be restricted in their capacity to support clients' education engagement due to high workloads and the time-limited nature of their involvement with some young people.

Nonetheless, the costs of education disengagement and youth offending are too high for us to accept the status quo. The complex and interrelated nature of these issues means that no single entity has the resources or authority to bring about the

necessary change. We must think beyond the ‘business as usual’ approaches in our education, youth justice and welfare systems and ensure these work together to overcome systemic barriers and holistically address the educational and support needs of these young people. To be truly comprehensive, this collaboration should address needs across the spectrum, from prevention and early intervention where issues are identified, to diversion of young people already in contact with the youth justice system, and transition of young people from custodial settings to the community.

Grappling with these issues through my work with EJI prompted me to research further the area of cross-system collaboration internationally. I was fortunate to receive a Churchill Fellowship to learn more about collaborative approaches in the US, Denmark and Scotland. I selected these countries based on my preliminary research into good practice in this area. Denmark and Scotland have long-standing models of collaboration geared towards promotion of positive youth development and crime prevention and early intervention. In the US, in response to alarming rates of young people being pushed out of schools and into the justice system for often minor behavioural issues, there has been a growing movement of education-youth justice collaboration, led in the main by juvenile court judges and known as school-justice partnerships.

This report outlines the development and operation of these collaborative models and my reflections on how they could inform the potential development of similar approaches here in Victoria. In addition to these examples of cross-system collaboration, I also looked at the practice of education advocacy, and examined different models of education provision for students who struggle in mainstream settings. My report concludes with recommendations for improvements for consideration by policy-makers, practitioners and educators in the youth justice and education sectors in Victoria.

Some positive developments in the youth justice area are already underway in Victoria, such as the State Government commitment to a statewide diversion approach announced in the 2015-16 Budget. Likewise, several initiatives to address school disengagement have been introduced recently.¹

However, at the same time there are calls for a stronger, “tough on crime” approach to youth offenders, following a spike in serious offending by a small number of young people and high-profile incidents at youth detention facilities. In this climate, it is all the more critical that our policies and practices are coordinated and driven by evidence of what works, both to address youth offending, and – most importantly – to prevent it wherever possible. By shining a light on good practice in other countries, it is my hope that this report contributes to the strengthening of Victoria’s responses to vulnerable young people.

¹ I refer here to the Navigator initiative and the Lookout Centres, which aim to boost education outcomes for children in out of home care, introduced in 2015 as part of the Education State agenda. For more information on these initiatives, see www.education.vic.gov.au/about/educationstate

Methodology

The research on which this report is based was conducted primarily through face-to-face interviews with professionals in courts, schools, research bodies, local authorities and non-profit agencies in the fields of education and youth justice. I also observed practice in action, for example court hearings in Clayton County, Georgia, a children's hearing in Edinburgh and the Inclusion Units at Kirkland and Dunfermline High Schools in Scotland.

Given the broad nature of the topic and the different functions and focuses of each organisation I visited, I did not use a standard interview template. I had email, and in some cases, phone contact in advance of my interviews in which I explained the purpose of my fellowship and the sort of information I was seeking to gather. I prepared questions for each interview but these were used mainly as prompts. The interviews generally unfolded in an unstructured, conversational manner. I recorded (and later transcribed) some interviews and took hand written notes in others.

Although this report doesn't quote or directly reference every last organisation or expert I met or had contact with during the course of my fellowship, this report and the reflections and conclusions herein were shaped by the wisdom and insights offered by all those I spoke with.

Denmark: partnerships for crime prevention

In recent years it seems to have become commonplace, when seeking out best practice in almost any area of social or education policy, to turn to Nordic countries for direction. These “Northern Lights” are regularly hailed for their achievements in balancing economic prosperity, social equality and environmental responsibility. In the area of youth justice, there are many similarities between the systems of Denmark, Sweden, Finland and Norway, which have led these being referred to collectively as a ‘Nordic model of youth justice’. This model is characterised by a high age of criminal responsibility (15)², a focus on addressing the welfare needs of children, collaboration between the justice and child welfare systems, and the absence of specialised juvenile courts. Given there is no separate court or legislation for dealing with crimes committed by those under 18, the question can be asked as to whether there is even a “youth justice” system in Denmark to speak of. Tapio Lappi-Seppälä, Director of the Finnish National Research Institute of Legal Policy describes the Danish system (and the Nordic approach more generally) as having “one foot in the adult system and one in child welfare” (2011, p. 199). In contrast to the Australian system where 10-year-olds can end up in court, the Danish system appears to be markedly less punitive and more developmentally appropriate in its treatment of children.

The absence of a youth-focused justice system does not mean that youth crime and delinquent behaviour is not a focus of public policy in Denmark. Rather, it reflects Denmark’s commitment to addressing crime through preventative and early intervention efforts embedded within universal systems.

The framework through which this crime prevention work is undertaken is the SSP, which is a nation-wide model of collaboration between the agencies with primary responsibility for youth wellbeing and positive development: Schools, Social Services and Police (hence SSP). SSP was developed by the Danish Crime Prevention Council in the mid-1970s in response to concerns about growing youth crime and the need for greater co-operation and communication between agencies and government departments in order to deal with the issue effectively.

The SSP is not an institution in and of itself or an initiative with a fixed blueprint for its delivery. Rather, SSP is variously referred to as a model, a process, a system, a “way of working”, and a “cross-disciplinary approach”. While it is not mandated in law, the SSP model of crime prevention has been adopted in virtually all local municipalities in Denmark.

In practice, the SSP model involves schools, social services and police within a local authority area working (alongside other services working with children and young

² The minimum age of criminal responsibility in Denmark was lowered by the Government to 14 in 2010 following political pressure from a right-wing party, however it was restored to 15 again in 2012.

people such as youth clubs) to develop and implement a tiered model of crime prevention covering:

- Universal efforts aimed at all children in schools
- Specific efforts targeting groups of children and young people experiencing issues, such as coming to the attention of police or not attending school
- Individual efforts responding to those who have engaged in offending.

The work of the SSP is guided by a strategy developed biannually by members of the governing board, which comprises directors of all relevant partner areas within the municipality. This strategy provides the framework for the development of local annual prevention plans, which set out priority issues and activities at each tier, based on local crime data as well as relevant information from the partner agencies on issues such as substance use and school attendance.

The work of the SSP in a local area is coordinated by the SSP consultant, whose role involves but is not limited to:

- Collecting information about the nature and causes of child and youth crime in the local area
- Collecting and disseminating knowledge about child and youth development
- Planning and coordinating professional development for relevant agencies in the area of crime prevention
- Leading the development of the SSP annual prevention plan
- Coordinating the various efforts required as part of the plan, including convening regular meetings between agencies
- Evaluating and reporting on SSP activities and achievements³

The SSP consultant acts as the ‘glue’ between the three levels within the SSP structure: management (involving senior executives at the municipality level, with overall shared responsibility for crime prevention), coordination of SSP (involving leaders in school, social service and police administration in a district or local area, who have responsibility for developing and implementing the local SSP plan) and implementation of SSP activities by frontline staff in youth clubs, police and schools. The value of SSP work within the education system is reflected through the allocation of teachers as designated SSP representatives within each school to lead school-based crime prevention activities under the prevention plan.

The largest and longest-standing SSP partnership is in the Danish capital, Copenhagen, where I spent two days learning about SSP operations. In the capital, SSP activities are coordinated by a central Secretariat within the municipality comprising five crime prevention consultants, each with responsibility for a designated geographic area in the city, as well as a communications officer, secretary, and head of office.

³ Drawn from Danish Crime Prevention Council (2012) “SSP Cooperation: basis and organization”; Pedersen, J. and Stothard, B. (2015) “The Danish SSP model – prevention through support and cooperation” *Drugs and Alcohol Today*, 15(4); and discussions with Michael Langholm-Pedersen of SSP Copenhagen, 13-14 June 2016.

Crime prevention consultant Michael Langholm-Pedersen gave me a comprehensive overview of SSP activities in the capital. Recent universal efforts include the delivery of a support program for parents of adolescents, and development of an online crime prevention teaching guide for use in schools, detailing evidence-based approaches for reducing risk-taking (e.g. drug use) or delinquent behaviour among children. Targeted efforts include youth clubs running positive youth development programs involving recreation, mentoring and street outreach for groups of young people in a local area identified by schools and/or police as needing assistance. Individual efforts involve developing more intensive multi-agency support plans for young people involved in offending.

Issues concerning individuals or groups of children are brought by police (or other agencies in some cases) to the regular meeting of the local area SSP committee for consideration and development of a plan to respond to their needs and behaviour. The partner agencies and other organisations involved share all relevant information about the child, including nature of offending (and charges if they are over 15), school participation and welfare issues to help ensure that the plan addresses the causes of the offending behaviour. Based on the individual's needs, a decision will be made at the meeting about which agency should take the lead in working with that child. Individual work may range from restorative justice approaches aimed at repairing harm caused, as well as opportunities for positive development through mentoring, reconnection to education and recreation programs.

By meeting regularly – either weekly or fortnightly – SSP committees are able to respond quickly to issues that arise. Furthermore, the local nature of the SSP work helps to ensure that partners involved in committee meetings and in delivering SSP activities know the community, and each other, well. In Copenhagen, a city of less than 600,000 people, there are 13 SSP committees, each covering one or more districts within the city.

Information sharing between partner agencies is at the heart of SSP work. This is enabled through a provision in the Administration of Justice Act (section 115), legislated when the SSP model was introduced in the 1970s. This provision allows disclosure of personal information without consent between government agencies for the purposes of crime prevention. However, in order to maintain trust and effective working relationships among SSP agencies and the community, the legislation prevents police using information obtained through SSP cooperative work for investigative purposes. Research suggests that this important distinction can be difficult to maintain, particularly in areas with persistent crime. I met with Dr Kevin Perry of Aalborg University, who conducted a study of SSP in two unnamed municipalities in 2012. Dr Perry's research found that SSP consultants were passing information about young people's criminal involvement to investigative police, breaching confidentiality and leading to a lack of trust in the local SSP in these communities. While these issues may have been confined to particular areas, Perry's findings highlight the need for information-sharing practices to be carefully

implemented and monitored to ensure legislative compliance and avoid undermining the effectiveness of collaborative approaches.

While I did not get the opportunity to speak with individual young people about their experience of the SSP process, nor did I visit municipalities outside Copenhagen where the model may operate differently, my discussions with professionals from the education and youth support organisations in the capital indicated the SSP model is strongly supported within these sectors.

The overall benefit of the SSP model is hard to measure in any quantifiable way, as there are no outcome measures for the model itself. However, there does not appear to be any risk of the SSP model being abandoned due to the widespread acceptance within Danish society that collaboration between systems is the best way to achieve good outcomes for children. However, the SSP is not immune to external pressure; Mr Langholm-Pedersen told me of how incidents in violent crime, however isolated, caused leaders within the municipality to seek speedy action by the SSP to quell public concern, even where such actions were not supported by evidence of best practice. Ansbjerg and Lywood (2015), warn of the potential risks to effective crime prevention resulting from knee-jerk reactions to youth crime issues:

“One of the biggest enemies of the SSP co-operation is “the anxiety level” created by the media and local individual cases and quick fix solutions to satisfy the pressure from the society. For example, if you continuously claim that “the violence is sky rocketing” despite the fact that it is not true, then it can give the youngsters the impression that what they do is “normal” (p. 9).

Scotland: Early and Effective Intervention

Like Denmark, Scotland's juvenile justice system is predominantly characterised by a 'welfare' approach, which sees the offending of children as an indicator of welfare needs and focuses system efforts on addressing those needs. However, some aspects of the Scottish youth justice system are not entirely progressive: 16-17 year olds may be prosecuted in adult court, and the minimum age of criminal responsibility is eight, two years below Australia, and four years below the minimum recommended by the UN.

I visited Scotland to learn particularly about Early and Effective Intervention (EEI), a component of the Scottish Whole System Approach (WSA) to juvenile justice designed to divert young people from formal justice system interventions wherever possible.⁴ The Whole System Approach to addressing the needs of youth offenders was rolled out across Scotland in 2011, following earlier pilots in several local authority areas.

Background to EEI – Children's Hearing System

Before addressing Early and Effective Intervention, it is useful to provide some context for the introduction of this process, and the WSA more broadly. Collaborative, multi-agency approaches to dealing with children's offending, welfare and education needs have been well-established in Scotland for over forty years. In 1968, Scotland introduced the unique, and much-written-about children's hearing system, based on the recommendations of the Kilbrandon committee, set up to investigate and propose system improvements for responding to children who were in trouble or at risk.

The hearing system, involving panels of lay volunteers in each of Scotland's 32 local authorities (coordinated nationally by Children's Hearings Scotland), operates in place of a court system for matters concerning children's offending and welfare. The premise of the hearing system is that children requiring care through the welfare system and those who have offended have similar needs, and responses should focus on addressing these needs as early and as holistically as possible to prevent the development of further problems.

All referrals to the children's hearing system, whether for offending or welfare concerns, are handled by the Children's Reporter, who decides whether there are

⁴ Beside EEI, the other core elements of the WSA include Diverting young people (16-17 year olds) from prosecution; Support for young people who go through court; Community alternatives to secure care and custody; Managing high risk, including changing behaviours of those in secure care and custody; and Improving reintegration back into the community.

legal 'grounds'⁵ for the referral and whether a compulsory supervision order is necessary for the child. If a referral is accepted, it is then the role of the panel to decide the nature of any compulsory measures, for example, supervision by a youth justice social worker. Unlike our court system, the panel does not consider the question of guilt or innocence of a young person, nor does it determine a “sentence” as such in criminal matters. For a referral to the hearing system to proceed, there must be an acceptance of responsibility by a young person. Where involvement in a crime is contested, this is referred to the sheriff’s court for determination before a hearing can be convened.

Education issues are a key consideration of the hearings system. The Children’s Reporter routinely contacts schools for information about learning, attendance and behaviour as part of their investigations, and in the event of a hearing it is common for school staff to attend.

I had the opportunity to observe a hearing while visiting Edinburgh. There were two matters scheduled, the first of which had to be rescheduled as the family did not attend. The second matter involved a review of progress of a compulsory supervision order for a 13 year old girl, which required her to engage with a social worker from the local authority due to a range of concerns relating to absconding from home and school, conflict with her mother, and coming to the attention of police for minor offending. In addition to the young person, her mother, panel members and children’s reporter, also present was the young person’s social worker, therapist and school assistant principal. A considerable part of the 45-minute hearing involved discussion of school-related issues, with panel members asking both the young person and school representative about how things were going at school and trying to get to the bottom of particular areas of conflict (for example the young person leaving school without permission and not knowing what her timetable was).



Scottish Children's Reporter Administration building in Edinburgh where I attended a children's hearing.

⁵ The full list of grounds for referral can be found at <http://www.chscotland.gov.uk/the-childrens-hearings-system/how-does-the-childrens-hearings-system-work/>

While not all hearings may have such a focus on school-related issues, the social workers, panel members and others I met consistently spoke of the strong education emphasis of the hearing system. This point was reinforced by a school leader, who advised me that “supporting children’s hearings is an integral part of what schools do...staff attend [to support students] wherever possible”.

Critically, the children’s hearing system has the ability to hold the education system to account for serving children who are excluded from school. Under the Children’s Hearing (Scotland) Act 2011, where a hearing believes an education authority is failing to comply with its duty to provide education for a child who has been excluded, the matter can be referred to the relevant Scottish Minister for resolution. This provides an important external mechanism for resolving issues that excluded students and their families may be unable to resolve on their own.

Early and Effective Intervention

The Early and Effective Intervention (EEI) process was first piloted in 2008, in an attempt to reduce unnecessary referrals to the children’s hearing system and to respond to the needs of children and young people who offend, through community-based measures. The move to EEI was driven by two related factors: persistently high referrals into the hearings system, and the development of a compelling evidence base (led by Susan McVie and Lesley McAra’s work on the Edinburgh Study of Youth Transitions and Crime), which showed that better outcomes for young people involved in offending could be achieved by diverting them away from statutory justice system interventions and implementing early intervention and robust community alternatives.

The Centre for Youth and Criminal Justice, in their guidance on the Scottish Youth Justice System describe EEI as “a voluntary process in which children, young people, and families should make informed decisions about their involvement. It should not lead to unnecessary interventions into the lives of children and young people and, where possible, identified needs should always be met through universal services including education, health and employment/training.” (CYCJ, 2015, p. 74)

Since 2011, EEI has been rolled out across all 32 local authority areas in Scotland as part of the Whole System Approach. The structure of EEI processes vary quite considerably between local authorities, depending on how they have chosen to implement it, taking into consideration demographic issues, range of services available and the nature of existing approaches to service delivery and coordination.

The EEI process can be broadly summarised as follows:

1. Upon charging a young person (17 years or under) with an offence, police determine whether he or she is a suitable referral for EEI.⁶ If so, a referral is made to the EEI coordinator within the local authority – usually based in the social work team. Police inform the young person and parents about the EEI referral and what the process involves.
2. Based on the nature of offending, and additional information gathered about the young person's background and current situation from the family, school and welfare services (if involved), the coordinator determines an appropriate response. This could include no further action (if the offending was minor and there are few or no other issues), referral for direct measures by social work or education, referral to the children's hearing system if not appropriate for EEI, or referral to a multi-agency meeting for development of a response.
3. A multi-agency meeting is convened which considers the presenting issues, risks and protective factors, determines the most effective interventions and agrees on which agency should take the lead. Agencies involved in the EEI process include social work, youth justice, education, police, plus youth service providers and specialist agencies such as mental health and drug and alcohol services.
4. Interventions are delivered to the young person in line with the plan.

Although EEI is referred to as a voluntary process, a young person's consent is not required for police to make a referral to EEI, nor for the multi-agency meeting to be undertaken. However, young people are not compelled to engage with the services suggested. Where offending continues and young people do not engage with voluntary services, police would likely refer a young person to the hearing system for compulsory supervision.

A 2015 evaluation of the Whole System Approach by the Scottish Centre for Crime and Justice Research examined the operation of EEI in three local authority areas and found that the approach functioned well in each. The involvement of cross-system representatives in multi-agency meetings was seen as a particular strength as it promotes information sharing and the development of trust and professional understanding between agencies. Furthermore, "the diversity of expertise allows the group to respond in a swift and informed fashion" (Murray et al, 2015, p. 8). The evaluation found that youth crime fell in each of the local areas (in line with nationwide trends), but as this decline commenced prior to the introduction of EEI it is difficult to know the exact contribution of EEI to this reduction in crime levels.

⁶ Decisions made as to the suitability for EEI are primarily based on the gravity of offence and rest with the police. Government guidance advises that all offences should be considered for EEI unless they are explicitly excluded through guidelines of police, the prosecutor service or the Lord Advocate.

Information sharing and the Named Person

Early and Effective Intervention, and the Whole System Approach more broadly, is underpinned by the national Getting it Right for Every Child (GIRFEC) framework which promotes an early intervention approach and requires that all child-serving agencies work together and share information in the best interests of children.

A key plank of GIRFEC is the introduction of the Named Person role, who acts as a central coordinating point for all information about a child, to ensure wellbeing needs are met. They will also be a point of contact for other services if they have any concerns about a child's or young person's wellbeing. In the case of school-age children, the Named Person will generally be the school principal. In practice, this means all information about a child's offending and welfare needs are passed on to the school, even where the offending did not occur at school.

Some community groups and service providers have raised concerns about the potential for excessive intrusion into the lives of children and families and for unnecessary information sharing created by the Named Person role. The Named Person was the subject of a new law due to come into effect in August 2016, but it has been delayed and will require some amendments following a court challenge against the Named Person provision.

Given the controversy about the Named Person, I expected to encounter some negative attitudes to this provision. But, among the professionals I spoke with from across the education, justice and welfare fields, there was almost universal support for the Named Person, with most seeing it merely as a formalisation of practices that already occur, and not a source of concern if done in the best interest of children.

Early and Effective Intervention in Glasgow

I met with Jamie Callaghan, coordinator of EEI based at Community Safety Glasgow to understand how the processes work in Scotland's largest city. Mr Callaghan advised that over 1000 cases were referred to the EEI process in 2015. He manages two teams, one that facilitates the EEI process by coordinating all screenings, information gathering and multi-agency meetings, and another that delivers targeted interventions to young people who come through the EEI process.

In Glasgow, EEI multi-agency meetings are held fortnightly in each of three local areas. Each meeting considers a maximum of 12 cases. Holding meetings regularly enables the delivery of timely responses to identified issues; cases are usually considered by the multi-agency group within 2-3 weeks of the initial referral. This is in contrast to the children's hearing system, where the average length of time from referral to final decision is almost eight weeks (SCRA 2016).

The nature of education involvement in Glasgow multi-agency meetings has evolved over the years since EEI's inception. Mr Callaghan reported that initial attempts to

have a central education representative, with access to relevant databases, attend each meeting did not prove effective. Now, the EEI teams have built good relationships with pastoral care staff in schools across the city, enabling them to rapidly collect relevant education information (attendance, current progress, welfare concerns, behavioural difficulties) during the initial information-gathering stage of the EEI process.

Information-sharing procedures for the Glasgow EEI process are set out in a written agreement detailing the EEI partnership arrangements. These arrangements are likely to be somewhat affected by the Named Person provision when it officially comes into effect, as referrals for EEI will have to come from Named Persons in schools (as the primary information holder) rather than police directly. Mr Callaghan raised several concerns about this, ranging from lack of information security within schools, to tension that may be created by school representative acting as a student's Named Person, where they may also be the complainant about the student's behaviour.

Scottish Youth Justice Strategy

Scotland's focus on addressing risk factors for youth offending is articulated in the strategy *Preventing Offending: Getting it right for children and young people*. This strategy gives particular attention to the role school exclusion and failure plays in youth offending. The strategy also embeds a collaborative approach through establishing cross-system implementation groups to help deliver the Strategy's three priorities: Advancing the Whole System Approach, Improving Life Chances, and Developing Capacity and Improvement.

These implementation groups are convened by the Centre for Youth and Criminal Justice (CYCJ) at Strathclyde University. I spent several hours visiting CYCJ and meeting with members of the Improving Life Chances Implementation Group. In my conversation with this group, I was impressed by the sense of shared responsibility for responding to young people's needs holistically. This was captured in the following comment of one group member: "I want us to rewind from just managing a child's offending behaviour and think instead about what did our system do, or fail to do for that child."

A common theme of my discussions in Scotland was the close connection between policy, research and practice in the youth justice area. A key facilitator of this has been the Scottish Government's commitment to effective, evidence-based policy and practice. This commitment is demonstrated by its funding of CYCJ, which plays a central role in connecting researchers, policy-makers and practitioners to drive research, practice development, and knowledge-sharing.

United States of America

Education, youth justice and the school-to-prison pipeline

I spent four weeks in the United States during my fellowship, visiting five states, to learn more about the collaborative efforts between education and youth justice systems that have gained momentum nationwide over the past decade.

These efforts have developed largely in response to a disturbing trend over the past twenty years whereby millions of children and young people – disproportionately black and Latino – have ended up in the youth justice system for often minor behavioural infractions at school, through excessive use of harsh disciplinary practices including suspension, expulsion and arrests. This phenomenon has come to be known as the “school-to-prison” pipeline.

The growth of the school-to-prison pipeline has been attributed to the widespread introduction in the 1980s and 1990s of two related policies: zero tolerance discipline approaches in schools, and the deployment of police officers (generally known as school resource officers or “SROs”) in schools throughout the country.

Lisa Thureau, who works to improve relationships between police and young people through her organization Strategies for Youth, explained to me that while the purpose of zero tolerance and SROs was, in theory, to keep school students safe against the threat of drugs and weapons in the wake of events such as the Columbine school shooting in 1999, they have all too often been used by schools to respond to behaviour that would previously have been dealt with, in the main, by school discipline procedures.

This criminalisation of student behaviour has resulted in situations whereby students who swear at teachers, get involved in schoolyard fights, or defy SRO instructions, end up in court on charges of disrupting a school, assault and obstructing law enforcement. One of the legal professionals I met with in Boston spoke of clients being charged for “crimes” as simple as drawing on a desk or throwing food at another student. Even where students are not arrested for such behaviour, they are often suspended or expelled for extended periods of time, dramatically increasing their chances of dropping out of education and entering the justice system.

In recent years, the school-to-prison pipeline has received widespread attention and has become a focus of policy reform at the national and state level. Experts that I spoke to in Washington DC and Boston attributed the elevation of this issue to the national stage to the convergence of a number of factors, including:

- Extensive grassroots campaigning on this issue, particularly by civil rights advocacy and legal organisations representing the black and Latino families overwhelmingly affected by these practices
- Comprehensive, high profile research highlighting the damaging effects of harsh discipline and the disproportionate impact on minority communities (most

notably, the Texan study “Breaking School Rules” published by the Council of State Governments Justice Center in 2011)

- Sustained philanthropic investment (primarily by Atlantic Philanthropies) in efforts to reform school discipline approaches across the country
- A growing number of juvenile court judges being vocal about the high level of unnecessary referrals to their courts, and taking action to address this issue through establishing school-justice partnerships.

School-justice partnerships are collaborative efforts for system reform involving leaders in the court system, schools, service providers, and law enforcement.

While the primary impetus for their development has been the funnelling of students into the justice system through school-based arrests and excessive use of harsh discipline, these partnerships have become a vehicle for broader reform aimed at implementing evidence-based, positive and developmentally-appropriate school discipline and youth justice responses.

Clayton County, Georgia

I spent several days in Clayton County on the suburban fringe of Atlanta, Georgia, learning about the pioneering school-justice partnership work led by the presiding judge of the juvenile court, Judge Steven Teske. The Clayton County approach is known widely as the “Teske model” and is used as a template for school-justice partnership work across the country.



The progressive orientation of Clayton County’s youth justice system is hinted at by the name of its court: the Clayton County Youth Development and Justice Center (above).

Judge Teske was propelled into action following a 10-fold increase in referrals to his court in the early 2000s, mostly for minor school-based offences. Unsurprisingly, the court buckled under the weight of this tide of referrals: probation workers carried

caseloads in the hundreds, and were unable to differentiate their support between low- and high-level offenders; according to Colin Slay, the chief of staff of the Clayton County Juvenile Court, “there was no way to even put out fires”. Recidivism rates blew out, and school graduation rates plummeted as the number of young people charged and put out of school grew.

Seeing the urgent need for change, Judge Teske in 2004 drew together leaders from the public school system, the police department and social services to find ways of reducing court referrals for school discipline infractions.

Nine months of meetings and collaboration between the parties produced a School Referral Reduction Protocol (SRRP), which outlined an agreed process for dealing with students who committed minor offences⁷ at school with the aim of, wherever possible, keeping them out of the court system. Under this protocol, students are given a warning for a first, low-level offence, and if they offend again they are referred to a conflict diversion program or mediation program run by the court. A student may be referred to formal court procedures if they commit a third or subsequent similar offence during the school year, but only after the principal conducts a review of the student’s behaviour plan to determine if all other possible steps have been taken.

The written protocol agreement is an essential component of the partnership as it commits all parties to the agreed responsibilities and provides a clearly documented process to be followed by those on the frontline in schools and the court.

The introduction of the protocol has been highly successful in combating the school-to-prison pipeline: by 2013 there had been an over 70% reduction of court referrals by Clayton County schools, and graduation rates stood at 85%, compared to 58% in 2003 (Annie E. Casey Foundation, 2015).

An important lever for Judge Teske in drawing these partners together was the Georgia Juvenile Code, which authorises the court to compel external parties - such as the school system and welfare agencies - to share information and work together to develop “risk reduction” programs. Mr Slay explained that, while this legislative provision was important for getting stakeholders to the table, another factor central to the success of the partnership was the use of a data-driven approach. Statistics showing the correlation between school discipline practices, referral to the juvenile court and school dropout rates helped to convince partners that this was a shared problem that could only be solved by working together. Having a clear understanding of the issues from the data helped the partners design a protocol that targeted key issues and monitor the impact of changes in practice.

⁷ Eligible offences include fighting, disorderly conduct, disrupting a public school, criminal trespass, and failing to obey commands from a police officer.



"No Weapons" signs at the entrance to a high school in Clayton County

The early success of the School Referral Reduction Protocol created the opportunity for broader collaboration between the Court, the school system and other partners in law enforcement, child welfare and community services, to address common issues. Over the past decade, Clayton County has introduced several additional innovative initiatives aimed at keeping young people out of the justice system and in school, including: the Finding Alternatives for Safety and Treatment (FAST) Panel; the Clayton County Collaborative Child Study Team (QUAD-CST); and Second Chance Court.

The *Finding Alternatives for Safety and Treatment (FAST) Panel*, is a multi- agency detention review committee that meets every Monday, Wednesday and Friday in a meeting room of the court building. The role of the panel is to consider the circumstances of children who have been arrested and placed in custody in the preceding 48 hours, and identify services and resources that could support the child to safely return to the community while their court matters are resolved. The panel comprises representatives of the court, probation, education system, mental health, child welfare and community service providers, along with trained community volunteers. A parent or family member of the young person concerned also attends the meeting to provide information about the family background, what supports and services are already in place and any issues that may impact on whether the young person can safely return home (including whether the family is willing to have them return).

From my observation of the panel, it was clear that while the immediate focus of FAST is identifying alternatives to detention of young people wherever possible, the

broader goal is to identify unmet welfare, health and educational needs of children coming into the court, and to connect them with suitable services.

At the panel meetings I attended, the issue of school attendance and achievement of the young people was a strong focus of discussions. In my conversations with panel members, it was unanimously agreed that it was critical to have education representatives at the table, given what is known about the links between educational problems and involvement in the justice system. Clayton County Public Schools' support for this process is evident in its allocation of at least one school social worker for every FAST panel meeting (which occur three times per week). Panel attendance is rotated among a number of different school social workers, who each work with different schools in the county. Their role on the panel is to provide information about the young person's school attendance and progress; each social worker brings a laptop with access to a central education database through which they can access this information. The social workers also provide advice around additional school-based services that could be provided to the young person to help improve their behaviour and/or learning.

The FAST panel does not consider the young person's alleged offending in detail, nor is it in a position to make decisions regarding their ongoing detention. Rather, the panel makes recommendations to the court regarding release or continued detention based on information discussed in the panel meeting. A recommendation for release may be accompanied by proposed conditions, for example, that the young person must not commit family violence, and must undergo a psychological evaluation. Mr Shannon Howard, coordinator of the FAST panel advised that in 2016 there had already been 250 young people considered by the panel, with a release rate of 54%.

Observing the court hearings in the afternoon following the FAST panel – where a judge considered whether the young person would continue to be held on remand – I was struck by the detailed focus on the educational progress and needs of the young person in question. The judge sought specific information about how the young person was going at school, which classes he was passing and failing, and whether he was receiving special education provision for any learning disabilities. While the decision of whether to release or remand the young person did not turn on this information alone, these questions indicated to me that the court was interested in the overall welfare and outcomes of the child, and saw education information as vital in developing a holistic picture of the young person's needs and risks.

The *Clayton County Collaborative Child Study Team (QUAD-CST)*, is a multi-system group similar to the FAST panel but aimed at addressing the needs of those who are chronically truant and/or disruptive in school to prevent their contact with the juvenile justice system altogether. Families, schools and the court can refer children to QUAD-CST for consideration of their needs and connection to services. Associated with the QUAD-CST is the court-based "System of Care Liaison Unit" comprising two

outreach staff who work directly with schools to connect students in need to services.

Second Chance Court is an alternative-to-incarceration program for high-risk offenders. Participants and their parents have to agree to the terms of the program, which involves engagement with two specialist probation officers, multi-systemic therapy, group activities, drug screens, and weekly attendance at court after school hours to check in with the judge about progress on a range of issues including attendance and progress at school. Compliance with the program is closely monitored and young people risk long periods of incarceration if they breach the program requirements.

With the introduction of these approaches, Clayton County juvenile court has positioned itself not just a place where judgements are handed down, but rather as leader of system reform and a hub of innovative service delivery to improve the life chances of young people who are in, or at risk of entry to, the justice system. Many of those I spoke to emphasised the importance of judicial leadership in driving system improvements, due to the influence judges have to bring others to the table, and the central decision-making role of the court in youth justice and child welfare matters. Mr Slay reflected that while the court itself does not have a lot of resources, its power comes from being at the “hub of a wheel”, connecting many systems including police, probation, child welfare and schools.

Washington DC

School Justice Partnerships Program, Center for Juvenile Justice Reform

The potential for collaborative system responses to address the educational needs of young people in the youth justice system has been recognised at the national level with the development of several initiatives and organisations aimed at fostering and disseminating best practice in the field.

The Center for Juvenile Justice Reform at Georgetown University is a leader in the research, design and promotion of evidence-based, multi-system approaches to improving outcomes for young people in the justice system. A key part of CJJR’s work is the delivery of intensive certificate programs addressing key issues impacting youth at risk, for leaders in youth justice and related systems.

In 2015 I attended CJJR’s inaugural School Justice Partnerships program in September 2015. Delivered over five days, the course involved sessions on key issues and best practices in collaboration in education and youth justice, including:

- Cultural change within and across agencies
- Positive youth development
- Trauma-informed approaches to youth and family engagement
- Strategies for cross-system collaboration
- Building restorative school systems



Attendees at the 2015 School Justice Partnerships Program at Georgetown University. Photo courtesy of CJJR.

Several key points raised during the course were:

- Lack of understanding and mistrust between systems create significant barriers to effective collaboration and must be proactively addressed through strategies such as cross-training on key issues, and education about the legal, policy and organisational contexts of each other's systems.
- Thorough collection and analysis of data should underpin the development of collaborative strategies to ensure they are well designed to address problems. Of particular importance is comprehensive data on school exclusion as this is a key indicator on entry into the youth justice system
- Information sharing is pivotal for effective cross-system collaboration, but can be undermined by uncertainty about what information sharing is allowed under privacy and other legislation. Memoranda of understanding between agencies are important tools to clearly articulate how and when information will be shared to achieve shared goals
- Juvenile court judges can play an important role in convening partners in a school-justice partnership due to their position of influence and connection to many other systems
- Achieving change relies on finding 'champions' within each system who are willing to reach across system boundaries and also advocate for system reform with others in their own system.

Aside from four individual attendees (including myself), the course was attended by cross-system teams comprising leaders from school systems, courts, law enforcement, youth justice and child welfare agencies. These teams came from locations as diverse as New York, Ohio, Arizona and Nebraska. The diversity of participants meant that cross-system collaboration was embedded within the course

itself, as there were structured opportunities for teams to start developing strategies to address key issues in their city or county.

Attending the course as an individual, there was not quite the same opportunity to apply the lessons immediately as there would have been attending as part of a cross-system team. Nonetheless, I found the SJP program provided a very useful opportunity to engage with the issues impacting young people in youth justice and education systems and learn about strategies to address these, both from the experts presenting and from the range of cross-system professionals in attendance.

Judicial education checklists

The CJJR course presented a range of practice examples of working across education-youth justice boundaries to improve youth outcomes. One example I found particularly interesting was the use of judicial education checklists, as a means of embedding a consistent focus on education in court practice. Education checklists have been introduced in a number of juvenile courts across the USA, particularly in the child welfare area, and the National Council of Juvenile and Family Court Judges has developed a guide for developing these checklists, with a focus on children in out of home care. This guide, called *Asking the Right Questions*, articulates the importance of embedding an education focus in court practice:

“The juvenile court judge, who inquires about the educational needs and outcomes of children and youth from the bench, is setting expectations and standards for practice which may have a significant impact on how social workers, educators, and other service providers respond to young people in the future” (NCJFCJ, 2008, p. 2).

National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth (NDTAC)

The CJJR delivered the School Justice Partnerships program in close partnership with the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth (NDTAC), another leading organisation in the youth justice sector. Established in 2002 and funded by the federal government, NDTAC serves as a national resource centre providing direct assistance to States, schools, communities, and parents seeking information on the education of children and youth who are in, or at risk of entry to, the justice system.

NDTAC’s core function is supporting state education departments and local administrators to implement effective programs funded through “Title 1, Part D” of the federal education act, the Every Student Succeeds Act.

Title 1, Part D explicitly addresses the education needs of young people in the youth justice system by providing grants to states to:

- Improve educational services within correctional facilities

- Provide young people with services to successfully transition from detention to further schooling or employment.
- Prevent youth who are at-risk from dropping out of school, and to provide dropouts with a support system to ensure their continued education.

Unlike federal education funding provision in Australia (and much other education funding in the US), which is not tied to specific programs or outcomes, Title 1, Part D funds are tied to delivery of programs for young people in youth justice. Programs must be evaluated and participation data reported (disaggregated by gender, race, ethnicity, and age) not less than once every 3 years.

Those I spoke with at CJJR and NDTAC all emphasised the importance of this tied funding for ensuring that states can be held accountable for improving education outcomes for this particularly vulnerable cohort. However, such programs are not universal. One area where there are significant gaps is in the re-entry from custody; a recent CJJR briefing reported that half the states in the US “provide no guidance or supervision to ensure that incarcerated youth transition to an education or vocational setting upon release” (Farn and Adams, 2016, p. 8).

Washington State

Education Advocate Program

One promising education transition program funded under Title 1, Part D is the Education Advocate (EA) program in the state of Washington.

I visited Seattle as part of my fellowship to meet with the people behind the Education Advocate program: Kathleen Sande of the Office of the Superintendent of Public Instruction (equivalent to the Victorian Department of Education) who led the EA program development and oversees its implementation, and Kristin Schutte, who wrote the program manual and oversees program delivery in the Olympic Education Service District.

The overall purpose of Education Advocates is to assist young people leaving detention centres or other juvenile institutions to successfully transition back to community schools, vocational training, college, GED (high school equivalent) programs or jobs.

The EA program grew out of an existing transition support service that commenced in 2006, supporting young people exiting from three long-term detention facilities. Following a review of this program, and with an increase in funding under Title 1, Part D, Ms Sande expanded this program to provide more community-based support to young people post-release to engage and remain in education. Ms Sande worked with Educational Service Districts (ESD), to implement the EA program in each ESD across the state, engaging staff who were already working in schools as drug prevention and intervention specialists to also provide specialist advocacy and support to youth justice clients on a part time basis. Employing staff already working

with schools proved beneficial as they had good relationships with school staff, and an understanding of local youth service provision. There are now 28 EAs working across Washington State, who together served over 600 young people in 2014-15.



King County Juvenile Court building in Seattle

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The functions of Education Advocates are set out in the program manual and include:

- Assessing student needs and recommending educational programs to meet those needs for the purpose of a successful transition into a community school program.
- Assisting in developing education plans for transitioning students suspended or expelled from school for the purpose of finding an appropriate school.
- Meeting with students and families, counsellors, school officials and others for the purpose of facilitating school enrolment and coordinating job placement.

- Monitoring progress and attendance of transition students for the purpose of assisting students in developing and achieving educational goals.
- Participating in a variety of meetings and travels both locally and state-wide (e.g. conferences, meetings, training sessions) for the purpose of gathering and conveying information regarding transition students.
- Serving as a liaison between the students and a variety of educational opportunities; managing a variety of records (participant files, portfolios) and reports for the purpose of providing information and documentation required for Federal US Department of Education reporting.

While originally focused on young people leaving custody, the EA program has expanded to work in a preventative capacity with students at risk of disengagement and entry to the justice system. EAs are placed in high schools and juvenile detention facilities across the state; the location of the position and the local context (e.g. urban vs. regional, level of local service provision) shapes the way in which the EA works in each district and the eligibility criteria, to avoid duplicating effort. Young people are not mandated to work with EA services, rather they are referred by youth probation, detention centres or schools where there are identified educational needs. EAs will “sell” the program to young people, building up a relationship with them - and their family if possible - over time.

To reflect the differing needs of young people, the EA program operates along a three-tiered model of support, tailoring the level of support to a young person based on an intake process and assessment of risk and protective factors. This includes assessment of educational issues but also barriers to engagement and success, including history and severity of offending, and drug and alcohol use. For young people with complex support needs and high risk of re-offending (Tier Three), EAs provide intensive support, involving at least weekly contact with the young person and other adults and services involved, for usually three months (although sometimes much longer). Tier Two support involves at least monthly contact and is provided to young people who have low-to-medium offending risk and an established plan to work toward education or vocational goals. Where progress is being made and young people are stable with minimal support needs, Tier One support is provided. This involves quarterly monitoring to ensure things remain on track.

Education Advocates work with a caseload of around 25 young people, ranging from Tier One to Tier Three support. The program is based on evidence that young people can thrive when they have a stable, supportive adult in their life. For this reason, EA support is maintained until a young person turns 21 unless they choose to cease contact or move prior to this. Based on the description provided by Ms Sande and Ms Schutte, it seems a core element of the Education Advocate role is “being there” for young people until they’re ready to receive support:

“You’ve got some kids with drug and alcohol issues, that’s their focus....the education advocate will check in repetitively, they won’t want any services, but one

day they get past that and may call up the EA to see what they can help with.”
(Kristin Schutte)

Given Education Advocates work closely with probation officers, I was curious as to whether there was a risk of overlap between these two roles. Ms Sande’s view was that duplication is not an issue, as probation officers generally have larger caseloads and have a long list of issues they need to focus on which precludes them providing strong educational support. Probation officers will identify young people on their caseload who need the additional support and refer them to the Education Advocate.

Building relationships within the youth justice and school systems has been essential for the EA program success, but this did not happen overnight. Ms Sande said that, when the program first started within detention facilities, some people thought “it’s just another program, it’ll be gone soon”, but over time the relationships have become well established and the Education Advocate role is seen as a core part of the juvenile rehabilitation team.

Likewise, for EAs based in schools, relationships with school and district staff have been the key to success. Employing staff with school experience and being based within the education system (through the Educational Services Districts) have been key factors in helping the program work well and ensuring schools (and young people) feel supported. That said, not all schools are open to working closely with EAs and push back on students entering their schools from the youth justice system. Other difficulties arise in areas where there are few alternative school options.

The focus of Education Advocates to date has generally been advocacy at an individual and school level, rather than advocacy for system reform, but Ms Sande advised that an evaluation of the program is under way which will put forward some system-level recommendations based on the data from the EA program. While there are no state-wide data on the impact of the EA program, a 2015 study of the service in Vancouver, Washington, showed a positive impact with improved rates of school outcomes and reduced recidivism for the majority of the 78 young people served (referenced in Farn and Adams, 2016).

Education advocacy

In addition to the re-entry support and advocacy model of the Education Advocates program, I was also keen to explore other examples of education advocacy while in the US, to understand the similarities and differences to Victoria, and identify approaches that could potentially be adopted here.

TeamChild, Washington State

In Seattle, I met with Hillary Behrman of TeamChild, an independent, non-profit law firm operating across Washington State, which provides individual legal

representation and strategic advocacy to realise children's basic rights – to housing, health care, and education. TeamChild lawyers work with youth, generally between the ages of 12-18, who come from low-income families and are involved, or at risk of involvement, in the juvenile justice system. Where young people are already facing charges, TeamChild works alongside criminal defence attorneys to provide a holistic service that addresses underlying need.

Ms Behrman explained that the TeamChild model is “rooted in delinquency prevention”, focusing on addressing risk factors for justice system involvement: “school troubles, foster care, trauma, homelessness – they are all what suck you in. And so those are the areas we’re focusing on.”

TeamChild works with over 1000 young people a year, and over half of these are referred because they are out of school, or having problems at school. Most are facing discipline issues, special education issues or both.

TeamChild's approach to advocacy differs depending on the issues a child is facing, and the stage at which they come to access support. Individual advocacy activities involve:

- Attending school meetings to help negotiate individual education plans for students seeking special education services.
- Advocating directly with schools for the return to school of students who have been unfairly suspended or expelled.
- Representing students at school disciplinary hearings and appeals.
- Representing students at truancy hearings (in the juvenile court).
- Working with families and schools to develop re-engagement plans for students who have been out of school for significant periods.

Beyond individual advocacy, TeamChild uses a variety of ‘tools’ to seek system-level change in the area of school discipline reform. These include strategic advocacy for policy and legislative change; litigation against school districts and boards where laws are violated; delivery of education materials and training to organisations, families and individuals about education rights; and collaboration with other advocacy bodies. Alongside non-profits Washington Appleseed and Treehouse, TeamChild has produced a comprehensive, 400-page manual on education advocacy for families and community organisations, outlining all relevant legislation, policies and processes in plain language to help young people get the support they need at school.

Many of the issues confronted by Ms Behrman and the children she represents – for example, school pushout of disruptive students, lack of appropriate trauma-informed support in schools – are similar to issues I see in my work at EJI. Furthermore, Ms Behrman's description of the TeamChild role as often being like “detective work” also rings true for EJI.

A key difference between TeamChild and the EJI model is that TeamChild adopts a legal approach to advocacy. Ms Behrman reflected that while “a lot of what our

lawyers do look like social work”, involving a lawyer in educational advocacy was important both symbolically and practically in assisting the most marginalized young people:

“Lawyers have ways of using legal structures that a layperson may not have. For better or worse, people will do things if there is a lawyer involved...I do think having a legal advocate in this country is a powerful tool for disenfranchised populations who otherwise would not be heard”.

TeamChild sometimes works with young people for up to several years, as they have numerous issues requiring legal support. Funding for this work is received primarily through the state.

EdLaw Project, Massachusetts

In Boston, I was lucky to be able to arrange a meeting at short notice with Marlies Spanjaard, Director of the EdLaw Project, following an enthusiastic recommendation by other professionals I met with.

The EdLaw Project, like TeamChild is an educational advocacy service delivered by lawyers, but the model is quite different. EdLaw is a partnership between the two legal aid bodies working in the area of child welfare and youth crime in Massachusetts - the Children’s Law Center and the Youth Advocacy Division of the Committee for Public Counsel Services.

EdLaw was established in 2000 in response to youth crime lawyers finding that all of their clients had education-related issues, and they were unsure how to assist. The EdLaw Unit was created as a specialized unit of four lawyers with education law expertise to provide education-specific advice and representation to children facing court on criminal charges. Many of the issues EdLaw works on are similar to TeamChild’s, such as preventing or challenging suspensions and expulsions, advocating for learning and behavioural support, negotiating special education provision and individual education plans.

Until recently, EdLaw provided direct advocacy services for children and young people only in the Boston area. Now, in line with a restructure of legal aid services, EdLaw has rejigged its model to focus on training child welfare and youth crime legal aid lawyers across the state in education advocacy to expand the reach of the service. In Ms Spanjaard words: “we’re creating an army of close to 1000 lawyers...the idea is to embed educational advocacy within the system”.

The role of Ms Spanjaard and her three colleagues now is to deliver training and advisory services to lawyers across the state. In a small number of cases, EdLaw will undertake direct representation for a young person experiencing very complicated issues. In addition to providing comprehensive training to lawyers, EdLaw conducts

workshops for parents, social workers and other youth-serving professionals on children's rights in education and access to learning and behaviour support services.

Despite EdLaw being set up as a specialised unit, educational advocacy is not a separate service as such, rather it is part of general defence and child welfare representation. The EdLaw Unit itself is funded through a philanthropic grant, but because the educational advocacy activities of lawyers are seen as part of general representation, there is no additional funding for lawyers to undertake these activities. While this has placed some additional pressure on legal aid lawyers by expanding their workload, Ms Spanjaard explained that: "the organization has taken the position that education advocacy is part of effective representation. In order to effectively represent your client in court you have to apply a youth development approach and be thinking about services needed...it should not just be about the charge in a vacuum".

I spoke with Ms Spanjaard about the outcomes of the EdLaw work, and she reflected that identifying specific outcomes of advocacy intervention was difficult due to the problem of attribution. Nonetheless, EdLaw has created a set of outcomes – such as prevented suspension or expulsion, negotiated education plan that family is happy with – on which it reports to its funder. Other mechanisms used to measure the value of EdLaw are obtaining feedback from lawyers and from parents and workers who attend workshops.

Which school is the right school?

Any discussion of how to improve education engagement and outcomes for children involved in the justice system must give consideration to the question of what model of education is best placed to help them succeed. This report has already discussed the issue of school exclusion and the need for schools and school systems to employ different, more positive approaches to discipline so as to minimise the number of young people who are actively excluded or simply drift out of a school system that cannot respond effectively to their needs. But, even with improvements in this area, the features of the traditional, mainstream secondary school model – large classes of students with greatly varying skills and abilities, regular rotation of teachers during the day or week making development of close teacher-student relationships difficult, limited flexibility in the curriculum, little individualised programming and a dearth of specialist welfare support staff – may not be the best fit for many young people facing complex issues related to their learning and/or their home life.

Recognition of the fact that mainstream schooling is not working for many young people, and that different approaches are needed has led to the establishment of numerous alternatives, variously termed flexible learning programs, alternative education programs or re-engagement programs. The most comprehensive Australian study of such programs is *Putting the Jigsaw Together: Flexible Learning Programs in Australia*, by Professor Kitty te Riele of Victoria University. Through her research of approximately 900 programs, te Riele (2014) found that these could be grouped into three categories: programs within mainstream secondary schools; programs within TAFE and Community Colleges; and separate alternative programs, catering exclusively to young people outside the education mainstream.

Alternative programs can also be differentiated in terms of their underlying goals or approach. Raywid (1994, cited in Thomson 2014) identifies three different types of programs: true educational alternatives, which strive to meet student need to help them succeed, and operate as schools of choice; alternative discipline or “last chance” programs focused on behaviour modification which may be long-term, or have a goal of returning students to traditional schools or classrooms; and time-limited remedial programs providing intensive support for academic and/or social, emotional and behavioural needs.

Given this diversity of goals and approaches, it is difficult to clearly identify what successful outcomes looks like for students in alternative education programs, taken altogether. For some, this may be return to mainstream classes, for others the achievement of a school or vocational qualification. However, much research both in Australia and internationally has been undertaken into the common features of effective alternative programs. The Massachusetts-based Rennie Center for Education Research and Policy (2014) summarises the elements of good practice as:

- Development of a comprehensive alternative pathway
- Clearly identified goals with high expectations for social, emotional, behavioral, and academic growth.

- Low adult-student ratios, and significant staff autonomy.
- A non-deficit philosophy (teachers adjust their instructional approaches to accommodate individuals, rather than demanding that students change to fit the approach).
- Training and support for teachers in areas such as behavior management, alternative learning styles, and communication with families.
- Individualised student support with links to multiple agencies and individuals outside of the school building, including students' families.

Notwithstanding the high number of flexible learning or alternative programs across Victoria and Australia and the important role they play in catering to students outside mainstream schools, these programs occupy a somewhat precarious and contested position within the broader education system. There are gaps in provision in many areas and there is also not a comprehensive policy, quality assurance or funding framework for their delivery.

These challenges facing alternative education are not unique to Australia. In the US, there is a huge diversity of alternative education provision, but I did note that “alternative discipline” programs that students were directed to attend (as opposed to choosing to attend), were common in each of the states I visited. Many of these programs cater to students who are serving lengthy suspensions from their mainstream school.⁸ In Scotland, while I did not get a comprehensive picture of alternative provision, I found that there is an emphasis on initiatives that attempt to maintain student engagement within mainstream schools, or return them to school after short periods in off-site support units. The focus on maintaining school engagement is articulated in Scotland’s policy *Included, Engaged and Involved Part 2: A Positive Approach to Managing School Exclusions*, and reflected in the dramatic decline in school exclusions from 44,794 in 2006-07 to 18,430 in 2014-15 (Scottish Government, 2015). In 2014-15, only 5 of the exclusions involved a student being removed from a school register (expelled); the rest were temporary exclusions. By contrast, Victorian government schools expelled 201 students in 2015 (Jacks, 2016).

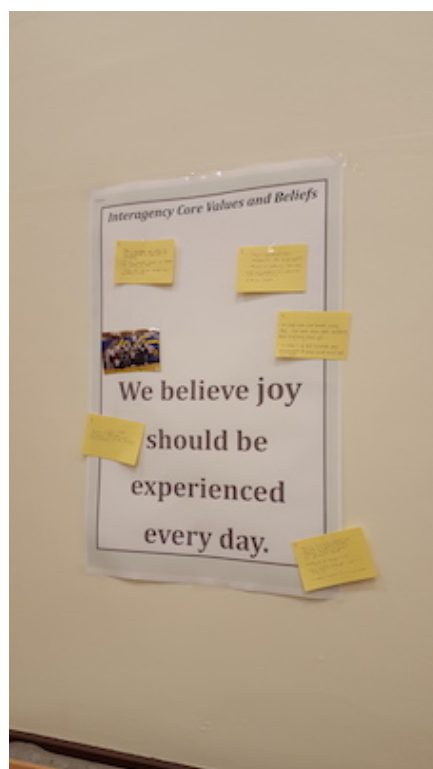
In Denmark, consistent with the strong welfare focus underpinning the national approach to youth development and crime prevention exemplified in the SSP model (see page 14), there is a strong focus on inclusion of all students within the mainstream education system. In 2012 the education legislation was amended, decreeing that by 2015, 96% of all children would be educated within mainstream schools. There are alternative education options, but these seem well-integrated into the broader education system and are widely available across the county.

⁸ While policies on suspension and expulsion differ between states, in the US students can often be suspended for lengthy periods of up to a year. In some areas they can also be expelled not just from an individual school but from an entire school district. By contrast, in Victoria there is a requirement that students are not suspended for more than five days at a time, and school expelling students support their transition to a new school setting.

This section presents information, and my reflections, on three different models of flexible learning programs I observed during my fellowship – one in Seattle, the second in Fife, Scotland and finally in Copenhagen.

The Interagency Academy, Seattle

Interagency Academy is a multi-campus alternative high school within the Seattle school district, the largest school district in Washington State. I spent a day touring the Interagency Academy alongside the Principal, Kaaren Andrews. The students attending Interagency are those who have disengaged or have been excluded from mainstream schools. As Ms Andrews put it, “Interagency exists because mainstream, traditional schools don’t work for a lot of young people”. Some have voluntarily sought out Interagency for its more flexible program and others have been assigned directly by the court or school district to attend (when they have been expelled from another school or are exiting detention).



A poster in Principal Kaaren Andrews' office at Interagency Academy

About 900 students go through the school each year, but the enrolment at the time I visited was under 700⁹, and actual attendance on any given day was close to half this, due to the complex needs and out-of-school commitments of the student population. Interagency has a constantly changing school population as intake sessions for prospective enrolments are conducted weekly throughout the school

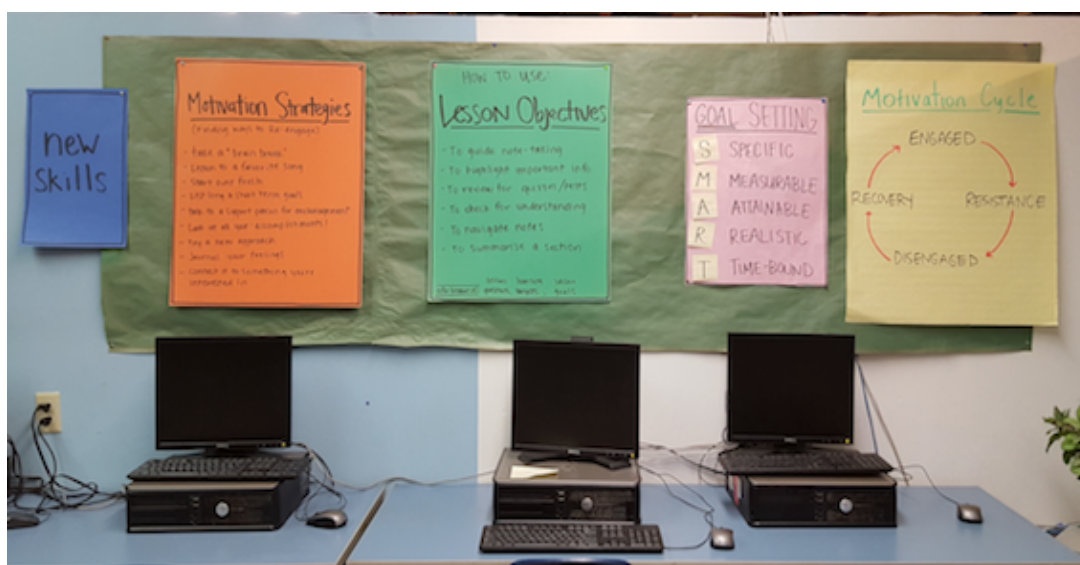
⁹ Note, this refers to enrolment in the community-based campuses only; the two campuses within detention facilities cater to over 2000 students.

year. On the day I attended there were eight prospective students in attendance, which Ms Andrews reported was a relatively low number – there had been twenty prospective students the week prior, and forty the week before that.

Regardless of which campus they wish to attend, all new enrolments spend their first week together at the Columbia Center campus in South Seattle. This week involves three hours per day of structured activities designed to induct students into the school, including:

- developing an individual learning plan
- 'getting to know you' activities
- goal setting around attendance, and academic programming
- circle time, focused on encouraging communication and building relationships within the school community
- determining which campus is the best fit for each student.

The school's focus on building relationships with students was evident in the intake session, which involved staff introducing themselves in a very relaxed manner, greeting each young person and their family members individually, offering snacks and interacting with them in a very informal way to ensure they felt comfortable in the environment. Ms Andrews used a reflective circle approach, inviting all the new students, family members and staff to sit in a circle and take turns to introduce themselves and share their hopes for their time at Interagency. While several of the students were reluctant to participate, the school uses this approach at intake to accustom students early on to Interagency's way of working, with its emphasis on respectful communication.



Classroom at Interagency Academy's Opportunity Skyway campus

Key components of the Interagency model as described by Ms Andrews are as follows:

- Individual student learning plans, developed in consultation with students during the first week at Interagency Academy.
- Small student to staff ratios – each site has approximately 30-50 students, with 4-5 staff per site
- Full time schedule (9am-3pm) with modifications made for individual students as needed and documented in their learning plans.
- Students can work toward their high school diploma or prepare for the GED (General Education Development) credential which is a recognised high school equivalent
- Blended learning model including teacher-taught classes (maths and English) and online subjects which students complete in the classroom
- Community partnerships are a fundamental part of the school's operations, with staff of community organisations co-located at school campuses to provide vocational programs including job training workshops and access to internship programs

Interagency Academy, as with many alternative education programs in Victoria, places a strong emphasis on literacy and numeracy skill development, alongside a range of opportunities for young people to develop vocational skills. Walking through the classes at the Columbia Center I was struck by the “academic” approach of the classes I saw – rather than seeing young people undertaking hands-on projects, I observed a number of classes where students were working silently at computers. This may have been due to the time of year; being May, students were busy preparing for final exams.



The Giving Room and Career Closet at Columbia Center campus, with free baby clothes and other goods for students with children, and clothing for students to wear to job interviews.

Ms Andrews reflected that the multi-campus model has enabled Interagency to be responsive to the needs of individual students, in terms of their interests, learning level and welfare issues. For example, one campus is located at a drug and alcohol rehabilitation centre and is dedicated to serving students working to overcome addiction issues. Other benefits of the large-scale, multi-campus model include being able to accept new students usually immediately; there is no waiting list. Also, in extreme circumstances the school can separate students who, due to relationship problems or in some cases legal issues, could not be placed in the same campus together.

As with many alternative programs in Australia, Interagency has struggled to maintain sufficient, stable funding. The mainstream school funding mechanism in Washington State, which allocates dollars based on the number of students enrolled and attending at a particular cut-off date early in the school year, assumes a level of stability in enrolments and attendance that does not apply to the student cohort at Interagency. Following years of advocating on this issue with the school district, the school has been able to negotiate a funding model that reflects the overall number of students the school caters to through the year. This funding is supplemented by additional funds from the City of Seattle for case management, partnerships with community services, and federal funding allocated to the state education agency specifically for education of young people in the juvenile justice system.¹⁰

Youth Schools and Production Schools, Denmark

Compulsory education in Denmark, which covers primary and lower secondary (years 1-9), is predominantly delivered through the 'folkeskole' (public school). After completing compulsory education, students can go on to 'youth education', either an academic upper secondary program or vocational training. However, many students are not ready or able to move into youth education as they have struggled in a mainstream school or dropped out before completing year 9, and need additional support. There are alternative options for such young people, the main ones being Production Schools and Youth Schools. Both these types of schools, which are well established throughout Denmark, combine formal and non-formal education provision, and are underpinned by legislation which sets out their function, organization and establishment. The profile of students attending Production and Youth Schools is similar to that of alternative settings in Australia: young people who are educationally marginalised through disrupted schooling and learning or behavioural issues, who may lack parental support and/or have experienced family breakdown, substance use, mental health or offending issues.

¹⁰ More information on funding provided under Title 1, Part D of the Every Student Succeeds Act is provided on page 31 of this report.

Production Schools

There are approximately 80 Production Schools¹¹ throughout Denmark, providing education to about 6000 students aged 14-25 (average age is 18). Production Schools are established by local municipalities and are funded jointly by the municipality and the state. The aim of this type of school is to create a practical learning environment that prepares young people to complete general or vocational upper secondary education or to obtain work in the labour market. Students develop their skills through participation in practical work and production in different workshops across a range of industries. The production of goods or services that are sold to real customers is central to the operation of the schools, giving the students the opportunity to see immediate value in the skills they are learning. In addition to practical learning, students also undertake supplementary classes in foundation subjects (Danish, maths and IT) at year 9 level, and are provided with guidance, counselling and wellbeing support. Students are only able to enroll at a production school for one year, so the focus is very much on preparing them to move on to youth education or work. According to 2004 statistics, about 37% of those leaving production schools went on to further education, 32% went to employment or other positive destinations, and 31% were not in study or employment.

Youth Schools

Youth Schools have existed throughout Denmark since 1942, when they were established through legislation with the aim of educating Danish youth in the spirit of democracy and providing meaningful and healthy leisure time activities. Now, the Youth School has two functions: formal education delivery (known as “second chance education”) for young people who have struggled in or disengaged from mainstream schools, and provision of recreational activities and “leisure time courses” for all young people. The target group of the youth school is young people aged 13-21.

I visited the headquarters of the Copenhagen Youth School, and was given an overview of the school’s activities across the city. The second chance education programs are delivered across several campuses throughout the city and cater to over 500 students who haven’t completed year 9. Each program caters to a different cohort (for example, young migrants, or 13-14 year olds at risk of offending). Like Production Schools, the goal of all is to assist young people to complete the leaving examination of compulsory schooling, and help them into upper secondary education or a job. Youth schools are required to deliver core school subjects including Danish, maths and English, but these are supplemented by vocational, recreational and personal development programs tailored to young people’s interests and needs. Youth School and Production Schools may partner for the

¹¹ I did not get the chance to visit a production school during my visit. The information presented here is drawn from *The Danish Production Schools – an introduction*, produced by the Production School Association.

delivery of some of their programs. Youth Schools all employ guidance counsellors to connect students in second chance programs to education and training once they've completed their leaving certificates.

In addition to second chance education programs described above, the Youth School delivers a year 10 program at four sites across Copenhagen, which is an extra year of school for young people who, after finishing compulsory schooling (year 9), need an extra year of study before they are ready to move on to secondary education. Young people may enter this program voluntarily, or be advised to enter by a guidance counsellor, whose role it is to assess readiness of all students for secondary education.

The provision of comprehensive youth guidance services is fundamental to the Danish education system, and is an important mechanism for 'catching' students who might otherwise fall out of the system. Guidance centres exist in each municipality and are responsible for assessing readiness for secondary education (i.e. post year 9 or 10). In mainstream schools, counsellors evaluate the academic, social and emotional progress of all students at the end of compulsory schooling and advise students on the best pathway. Guidance counsellors also undertake an important gatekeeper function for Production and Youth schools; by undertaking assessments for entry into the schools they help avoid inappropriate referrals.

The Youth School's outcomes are varied across the different programs they deliver, reflecting the complexity of the issues within each cohort and their capacity to engage in the program. Of students in the Copenhagen 10th grade classes, 74% were placed in either secondary education or vocational training 3 months after leaving the Youth School, whereas only 52% of students in the 'second chance' programs had achieved the same result.¹²

Australian research has identified that alternative education models such as those delivered by production and youth schools "can be perceived not so much as a 'second chance' but as 'second best': schools on the margins for students on the margins" (te Riele, 2008, p. 3). In Denmark it seems this is not such an issue; all the professionals I spoke to about youth schools indicated they occupy a well-regarded role within the broader education system and are not seen as a 'dumping ground' for those not succeeding in mainstream schooling. There are likely to be several reasons for this, including the fact that Youth and Production Schools are supported by legislation, have existed for many years and are located throughout the country so have high recognition in the community. Also, youth schools' second chance education programs are delivered alongside learning and recreational activities catering to all young people, meaning the schools are not viewed solely as places for disengaged or at-risk young people but rather as hubs of youth service delivery within the community.

¹² Thanks to Birgitte Arendt Toft of the Copenhagen Youth School for providing me these statistics at our meeting.

Importantly, the extensive provision of Youth and Production Schools helps to ensure that students who are not willing or able to continue in mainstream schools are able to easily access alternative schooling within their local community.

Apex Inclusion Units, Fife, Scotland

The Apex Inclusion Unit, as suggested by its name, is focused on inclusion of all students in school. Rather than operating as a re-engagement model for young people already outside the education mainstream, the Inclusion Unit model applies an early intervention approach within mainstream schools to proactively address issues that might otherwise result in school exclusion and drop out, and all the negative outcomes that these are associated with, including involvement in offending.

I visited Inclusion Units at two high schools in Fife - Kirkland High School and Dunfermline High School. These “units” are rooms within the school building, staffed by 1-2 student support workers employed through Apex. The role of these staff is to complement the role of classroom teachers, guidance teachers and behavioural support staff (such as psychologists and learning aides) by providing support to students who struggle with learning and behaviour in the classroom environment, and would traditionally have been regularly suspended from school. The nature of inclusion unit support is tailored to individuals or groups of students. For some, attendance at the unit is part of an ‘alternative to exclusion’ plan, whereby a student who has been highly disruptive in class spends one or two days completing classwork in the unit and undertaking tasks with support staff designed to enhance their ability to regulate behaviour and understand the consequences of actions.



Entry to the Apex Inclusion Unit at Dunfermline High School

Some students may attend the Inclusion Unit at regular times during the week as part of a modified timetable, and others undertake group work activities aimed at developing interpersonal skills or addressing issues such as building self esteem, managing anger and improving decision-making.

At Dunfermline High, Apex is involved in running a highly structured program called the Challenge Program for the school's most disruptive or disengaged students. This was developed as an additional offering within the school for students who have not responded to lower level interventions (including the Inclusion Unit itself).



Apex Inclusion Unit, Dunfermline High School

Through my observations and discussions with students and staff it was clear that the Inclusion Unit is not merely a dumping ground for problem students. Rather, students' involvement with the unit is carefully planned and monitored by school leadership, with guidance teachers acting as gatekeepers for referrals into the unit. The units at both Kirkland and Dunfermline were also welcoming spaces in the centre of the school, where students and staff regularly dropped in to speak with staff. An evaluation (Duff, 2012) of the Dunfermline Inclusion Unit found that key to its success was the fact that it operated, and was perceived, as being part of an integrated whole school system of student support.

Other critical success factors identified by the evaluation included:

- The overall positive ethos of the school system, focusing on including all students within the mainstream environment
- The skills and attributes of the staff delivering the service; and
- The flexibility of the activities and educational approach undertaken by students and staff.

All staff that I spoke to emphasised the importance of having external Apex staff run the Inclusion Units, rather than running them as in-house school programs. This was because, despite the close integration of Apex workers within the broader school staff, students perceived them differently to teachers, allowing them to act as effective 'circuit-breakers' for issues that might otherwise escalate between students and school staff.

The close collaboration between Kirkland and Dunfermline High Schools and Apex in the delivery of the inclusion units reflects a more general commitment to collaboration between Scottish schools and external agencies in addressing student need, in line with the national "Getting it Right for Every Child" policy. In Dunfermline, this collaboration is undertaken in a highly structured way, with a fortnightly multi-agency School Liaison Group (SLG) meeting involving school leadership, teachers, behaviour support, inclusion unit staff, along with child protection social workers, police representatives and health and welfare support services. The aim of the SLG is to ensure that the needs of the most vulnerable young people in the school community are met, through timely information sharing and collaborative planning of interventions.

The introduction of the inclusion unit in Dunfermline in 2007 saw immediate results, with a 52% drop in school exclusions in the first year of operation (compared with 14% for the local authority area overall). The school continues to achieve positive outcomes, last year recording positive destinations for 94.8% of leaving students, above the local authority and national averages. At Kirkland High School, the introduction of the inclusion unit saw a 75% reduction in school exclusions (statistics provided by Apex Scotland). At the time I visited Kirkland, it was shortly to be closed and merged with another local school to create the Levenmouth Academy; this school was purpose built and included space for a new inclusion unit to be established.

Conclusions and recommendations

I did not set out on this fellowship to find a model of education-youth justice collaboration that could be transplanted wholesale to Victoria. There is no perfect system or magic intervention that can prevent or solve complex issues that underpin educational disengagement and entry to the youth justice system. However, clearly there is scope to improve our approach in Victoria and my fellowship gave me insights into innovative approaches in other countries that may have application here.

What I found in each of the jurisdictions I visited was that successful collaborative approaches involve committed, deliberate effort over time. Underpinning this effort is a recognition that, ultimately, our education, youth justice, welfare, law enforcement and court systems all serve the same children and share a common goal: the positive development of young people into healthy, happy, productive adults. This recognition alone, however, is not enough for collaborative effort to occur. Through the many conversations, observations and research conducted for my fellowship, I identified the following important elements and enablers of effective collaboration:

- *Structures for collaboration* – In order for collaboration to become business as usual, structures must be put in place at every level – from frontline work, to management and policy development. Structures such as the multi-agency meetings of the Scottish EEI approach, Danish SSP model and Clayton County’s FAST panel serve to hold all systems accountable at the local level for the needs of vulnerable children and young people, and create a forum for the development of creative strategies to address complex issues. These forums must be mirrored at management and policy levels to ensure there is clear connection between policy and practice, and mechanisms for addressing issues when they arise on the ground. The cross-system working groups created through Scotland’s youth justice strategy represent a good example of drawing experts from across education and other relevant agencies.
- *Policies and legislation* – Policies and legislation at the state and national level that emphasise collaboration are important because they create expectations and an authorising environment for this activity to occur. They also help to ensure that there is a cohesive approach to issues across the spectrum from prevention and early intervention to ‘deep-end’ responses. The Scottish youth justice strategy *Preventing Offending: Getting it right for children and young people* is an example of a comprehensive strategy that explicitly addresses risk factors for offending such as school exclusion, and sets out strategies for addressing these.
- *Use of data* – Comprehensive data are essential for the development of a detailed understanding of issues such as, how school disengagement and entry to the justice system correlate, who is most affected, and where. Without this

understanding, there is a risk of putting in place ineffective ‘one size fits all’ policies and practices that undermine collaborative efforts. The school-justice partnership in Clayton County, Georgia demonstrates the value of a data-driven approach to collaboration as this enabled partners to develop highly targeted responses and monitor progress closely. Likewise, Scotland’s response to youth justice issues has been shaped using a strong evidence base of what works best to keep young people out of the justice system. In Denmark, local crime and school data guide the development of local prevention plans, ensuring that SSP activities are responsive to local needs and issues.

- *Clear information-sharing arrangements* – Across all jurisdictions I visited, uncertainty about information sharing was identified as an obstacle to effective collaboration and ultimately to achievement of better outcomes for vulnerable children and youth. Information-sharing arrangements must balance legal requirements around privacy and confidentiality and the goals of collaborative practice. Tools such as memoranda of understanding and information-sharing protocols between system partners are essential and should be as detailed as possible to give confidence to practitioners about what they can and can’t share, with whom and when.
- *Champions for change* – Time and again through my fellowship I heard about the importance of finding champions within systems who recognise the importance of collaboration, are willing to challenge the way in which things are done, and reach across system boundaries to create new ways of doing things. While champions at all levels are important, people with decision-making power about programs, practice and funding within a particular area are necessary for system reform to occur. In the US, I found there to be a particular emphasis on the importance of judicial leadership in driving collaborative efforts.
- *A focus on practice development* – For collaborative efforts to be effective, they must be underpinned by a strong focus on continuous practice improvement in the youth justice and education systems. Practitioners on the ground – whether teachers, school principals, or social workers – invariably do not have the time or resources to research and implement best practice approaches on their own. Turning ‘evidence-based practice’ from rhetoric into reality requires system leaders to prioritise funding of research, practice development and evaluation. In each of the countries I visited I found examples of good practice in this area, such as Scotland’s government-funded Centre for Youth and Criminal Justice and the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth (NDTAC) in the US. Training programs, such as the intensive courses run by the Center for Juvenile Justice Reform in Washington DC, play an important role in connecting research, policy and practice and providing structured opportunities for collaboration to occur.

Based on the findings of my fellowship I make the following recommendations:

1. Victoria should introduce a Youth Justice Strategy similar to Scotland's *Preventing Offending: Getting it right for children and young people*, which is focused on preventing offending and clearly articulates the link between school failure and exclusion with involvement in offending. The strategy should emphasise the need for the youth justice system to work with education providers and other agencies to prevent youth offending and to effectively respond to the needs of children and young people at risk.
2. This strategy should incorporate a structured, cross-system approach focused on early intervention. The approach should be locally-based, and involve representation from education, welfare, youth support, law enforcement, health and mental health services, drawing on the strengths of the Danish SSP model and Scottish Early and Effective Intervention approach.
3. The Victorian Children's Court should work with partners in education, youth justice, police and community services to explore the potential for a multi-agency approach like Clayton County's Finding Alternatives for Safety and Treatment (FAST) panel to improve outcomes for young people entering the youth justice system.
4. Policy makers in the education and youth justice systems should create an information-sharing protocol to underpin collaborative working arrangements. This protocol should clarify what information about education and contact with the justice system can and should be shared between parties, for what purpose, when and by whom.
5. Data on exclusionary discipline (both suspensions and expulsions) in Victorian Government schools should be collected and published annually. These data should be disaggregated by gender, ethnicity and disability status and the grounds on which exclusions were made, to enable transparent analysis of the behavioural and welfare issues prevalent in schools, and which students are most impacted by exclusion. This information should inform program development and associated funding provision to schools.
6. Government policies on school responses to student behavioural issues should include an explicit goal of reducing the use of exclusionary discipline by schools, and strengthen requirements for schools to implement evidence-based behaviour support initiatives.
7. Schools should partner with community agencies to develop creative models of education provision and support (drawing on Scotland's Apex Inclusion model) to maintain engagement of students within mainstream school environments wherever possible.

8. The Department of Education should apply a coordinated approach to planning provision of flexible or alternative education in local areas, drawing on school retention and exclusion data and information from community services, families and police, to address provision gaps and ensure programs are tailored to local need.
9. Support for young people transitioning from custody should have a greater focus on swiftly engaging young people with education or training upon their re-entry to the community. Youth justice and education should work together to refine or create processes to identify the education needs and options of young people in the youth justice system as early as possible, to address system barriers to re-engagement (or enrolment in new settings) and to ensure educational records are transferred between settings in a timely fashion. Transition support should provide different tiers of support to young people based on level of need and be available until the age of 21.
10. Using Scotland's Centre for Youth and Criminal Justice as a model, Government, in partnership with a university and/or philanthropic partners, should establish an independent body dedicated to research, practice development and knowledge-sharing in the field of youth justice.
11. Legal services working with youth should explore the potential for delivery of a dedicated education advocacy service for young people in the youth justice and child protection system.
12. The Victorian Children's Court should work with the Education Justice Initiative and other partners to further embed a focus on education in court processes, such as through the introduction of judicial education checklists.

Dissemination

The aim of this report is to raise awareness of how education and youth justice issues intersect, and the need for these sectors to work more collaboratively if we are to address the needs of young people who offend or are at risk of offending. To achieve this I will share the report with leaders in the education and youth justice sectors in Victoria, specifically within the Department of Education and Training, Department of Health and Human Services, Children's Court of Victoria and the Commissioner for Children and Young People.

I plan to share the report with relevant community and youth services via the Smart Justice for Young People coalition which aims to improve outcomes for young people in contact with the justice system through advocacy for effective, evidence-based policies and programs. I will seek opportunities to discuss the ideas and recommendations in the report with member organisations and contribute to SJ4YP advocacy activities.

I will deliver a presentation on my Fellowship to the South Pacific Council of Youth and Children's Courts in November 2016, and seek further opportunities to present on my Fellowship to various government and non-government stakeholders in late 2016 and early 2017.

Many of the ideas I gathered through the Fellowship are relevant to the day to day practice of the Education Justice Initiative and Parkville College. I am already having conversations with colleagues about how we can improve our practice in the areas of education advocacy and transition from detention to education and will continue these over the coming months.

My reflections on the Scottish youth justice system have been published in the Centre for Youth and Criminal Justice blog at <http://www.cycj.org.uk/reflections-on-the-scottish-youth-justice-system/>.

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