

## The Changing Nature of Education in Youth Justice Centres in New South Wales

LAURA METCALFE

University of Sydney, Australia

CATHY LITTLE

University of Sydney, Australia

GARNER CLANCEY

University of Sydney, Australia

DAVID EVANS

University of Sydney, Australia

**Abstract:** *Education is an important protective factor in preventing involvement in crime. For those young people that enter the youth justice system, and especially youth justice centres, education is a critical, but infrequently explored part of their time in custody following generally disrupted schooling experiences. There are currently six youth justice centres in New South Wales, Australia. Each of these centres have an Education and Training Unit which are schools funded by and staffed with Department of Education personnel. There is evidence that young people accessing these schools regard them very positively. However, this article, drawing on publicly available information, raises questions about how best the significant resources invested in these schools can be deployed. Greater flexibility in forms and modes of educational delivery, as well as in school day and year arrangements would better reflect the dynamic nature of these environments and the needs of young people. Moreover, much greater understanding of post-detention educational and employment outcomes of young people leaving youth justice centres is needed to determine the success of significant investments in these schools.*

**Keywords:** *Youth justice; Education; New South Wales; Australia*

### The Positive Effects of Education on Youth Crime

Research investigating the nexus between education and crime is generally divisible into two categories: literature focusing on longer-term outcomes associated with educational attainment and subsequent criminal activity; and literature focusing on the contemporaneous relationship between education and crime. In the former camp, a number of researchers have found that poor school attainment is negatively correlated with desistance from crime (see Keys Young Pty Ltd., 1997; Sullivan, 2004). For example, a study undertaken in Edinburgh (McAra & McVie, 2010) found that exclusion from school was the second most significant factor for determining whether a young person would stop offending (also see Arcia, 2006; Hemphill et al., 2017). Similarly, the New South Wales Advocate for Children and Young People (ACYP) reported detailed findings from consultations with children and young people in youth detention in New South Wales (NSW) between 2015 and 2019 and noted that the “vast majority of...young people raised the issue of long and multiple suspensions” during which they came into conflict with the law (2019, p. 6). More generally, research has found that poor



school performance and attainment is one of the strongest predictors of delinquency (Geib et al., 2011; Henry, Knight & Thornberry, 2012; Lyche, 2013; Rosenbaum, 2020).

A number of studies have assessed the impact of compulsory education on crime by examining the effects of raising the school leaving age (SLA) on engagement in criminal behaviour. For example, Anderson (2014) assessed the impact of a raised SLA in the United States (US) on juvenile arrest rates and found that the raised SLA was significantly correlated with higher rates of property and violent crime arrest rates for young people aged 16 to 18. Jha (2021) similarly examined the effect of a mandated increase in compulsory education on criminal activity in NSW but found that the increased SLA reduced aggregate incidents of property crime by 19 percent for offenders aged 15 to 17 years.

Research exploring the contemporaneous effect of education on crime point to its potential to incapacitate would-be young offenders by occupying them in educational as opposed to criminal activities. Farrington et al. (1986) and Witte and Tauchen (1994) found that time spent in school is associated with lower levels of criminal engagement. Jacob and Lefgren (2003) and Luallen (2006) found a reduction in rates of property crime, but not violent crime on days that school was in session. Billings and Phillips (2017) conversely found that 'teacher in-service days' or in-session school days lead to a reduction in violent crime. Moreover, Billings and Phillips (2017) found this effect to be magnified for schools populated with more high crime-risk students compared to schools with low crime-risk students. Berthelon and Kruger (2011) assessed the impact of compulsory education on crime by examining the effects of extending the school day on municipal juvenile crime rates in Chile and found a reduction in rates of juvenile crime. Common among these studies is the idea that school keeps young people occupied and reduces opportunity and time available to commit crimes. In a custodial setting, engagement in learning and education may similarly reduce incidents of disruption or violence that result from boredom and inactivity.

What emerges from the above discussion is the significance of the schooling environment for design and implementation of educational programs and intervention strategies for delinquent youth. Both inside and outside of a custodial environment, schooling can neutralise factors that negatively impact the trajectory of young people's lives. For example, Richardson et al. (2008) argue that the many aspects of family dysfunction, peer influence, leisure time activity and socioeconomics that cumulatively heighten (or mitigate) risk for delinquency are counterbalanced by positive schools and teachers.

Turning now to youth justice centres (YJCs) in NSW, we will explore the impact of schools on young people in detention and how circumstances have changed quite significantly in recent years, necessitating changes to the approaches adopted in these schools.

### **Youth Justice Centres in New South Wales**

In Australia, when a young person aged between 10 and 18 years is charged with an offence and bail is refused, they can be held in a YJC on remand or as an unsentenced detainee in custody until finalisation of their matter in court. For youth who have been found guilty of a criminal offence, one of the sentencing options available to courts is to sentence the young person to a period of detention; known in NSW as a control order.

Youth Justice NSW (YJNSW), under the Department of Communities and Justice (DCJ), operates six YJCs throughout NSW (see Table 1 for an overview of the YJCs). Each YJC contains an Education and Training Unit (ETU) or school operated by the NSW Department of Education. Generally, the six YJCs cater for different groups of young people. Frank Baxter, Cobham and Reiby YJCs service the greater Sydney metropolitan area, while Acmena, Orana and Riverina YJCs are based in regional NSW locations. Across the six YJCs, there are a total of 410 beds. Cobham and Frank Baxter YJCs are the largest centres in the state with capacity to house up to 105 and 120 young people respectively. Reiby YJC is the only centre that houses female detainees on a long-term basis, while the other centres occasionally hold female detainees for short stays when required. Some YJCs cater to young people considered a higher security risk while others accommodate younger or older young people (e.g., Reiby YJC caters to young men aged 16 and under and Frank Baxter YJC caters to young men aged 16-21). Regional YJCs accommodate young people from regional NSW, often resulting in a higher proportion of Aboriginal and Torres Strait Islander young people represented in these YJCs.

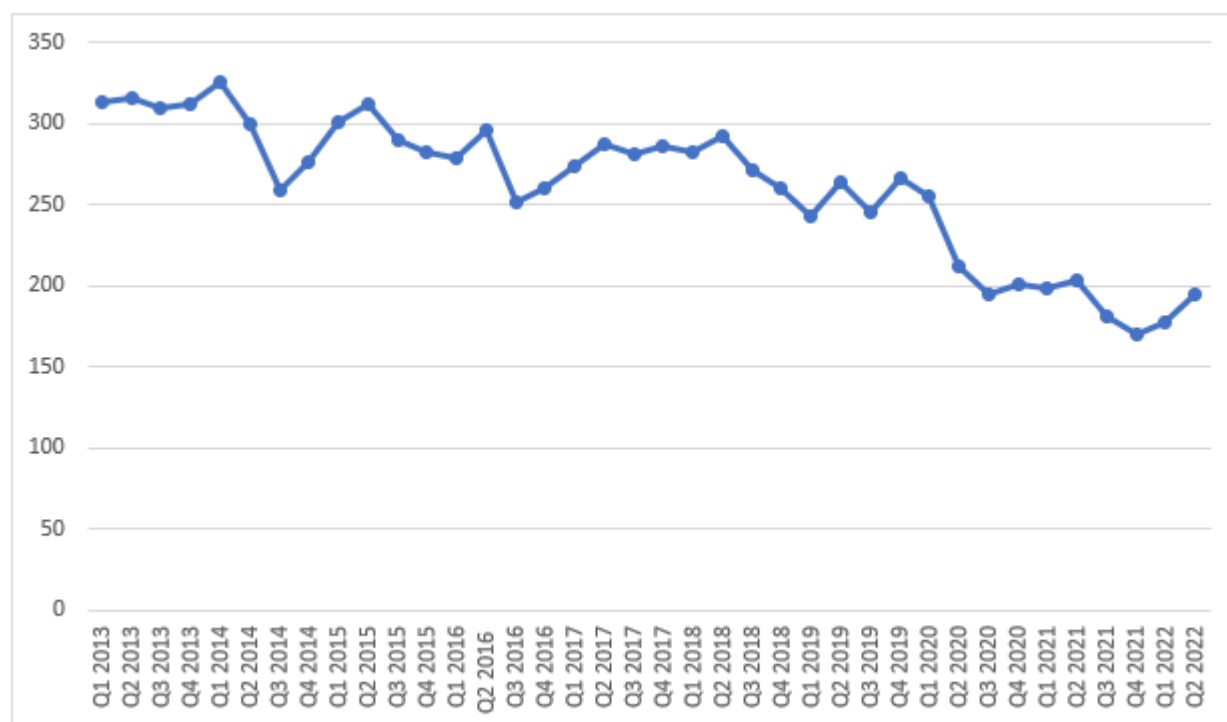
**Table 1.***Youth Justice Centres and Schools in NSW*

| Centre       | Location                    | Service Area                                  | Capacity | Centre Type                                                                                                                                                                                                                  | ETU/School     |
|--------------|-----------------------------|-----------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Cobham       | Werrington (Western Sydney) | Sydney metro area                             | 105 beds | Principal remand centre for males aged 15-21 years of age                                                                                                                                                                    | Putland        |
| Frank Baxter | Kariong (near Gosford)      | Sydney metro area                             | 120 beds | For male detainees aged 16-21 on control orders                                                                                                                                                                              | Girrakool      |
| Reiby        | Airds                       | Metro                                         | 65 beds  | For male detainees under 16 and female detainees on control orders or remanded in custody.<br><br>There is also a pre-release unit (Waratah Unit) at this centre that accommodates up to 10 young people over the age of 16. | Dorchester     |
| Acmena       | South Grafton               | Far North Coast, Mid North Coast, New England | 45 beds  | For male detainees on control orders or remanded in custody                                                                                                                                                                  | Induna         |
| Orana        | Dubbo                       | Central and Far West areas                    | 30 beds  | For male detainees on control orders or remanded in custody                                                                                                                                                                  | Lincoln        |
| Riverina     | Wagga Wagga                 | Riverina and South-Western areas              | 45 beds  | For low to medium risk male detainees on control orders or remanded in custody.                                                                                                                                              | Shepherds Park |

YJCs are dynamic environments. Young people move in and out of centres on a daily basis due to: being granted bail; meeting bail conditions; finalisation of their matter in court; transferral to another detention centre (or to a prison in some cases); or release from a control order. This, coupled with changes in the population of young people detained in NSW in recent years, including falling numbers of young people in custody and an increasing proportion of young people on remand, provides important context for how schools in YJCs operate.

**Figure 1.**

*Total number of young people in custody in NSW from 2013-2022*



Generally, numbers of young people in detention in NSW are falling (see Figure 1). As of June 2022, there were 194 young people in custody. This represents a 37 percent decrease in detained youth between June 2015 and June 2022.

**Table 2.**

*NSW Children's Court – outcome of court appearance from January 2017-December 2021*

| Year | Total matters | On bail | Percentage on bail | Total defendants found guilty of at least one charge | Percentage of defendants found guilty of at least one charge |
|------|---------------|---------|--------------------|------------------------------------------------------|--------------------------------------------------------------|
| 2017 | 6239          | 2477    | 39.7               | 5339                                                 | 85.6                                                         |
| 2018 | 6251          | 2523    | 40.3               | 5254                                                 | 84.1                                                         |
| 2019 | 6006          | 2571    | 42.8               | 5052                                                 | 84.1                                                         |
| 2020 | 5646          | 2552    | 45.2               | 4657                                                 | 82.5                                                         |
| 2021 | 5462          | 2536    | 46.4               | 4358                                                 | 79.8                                                         |

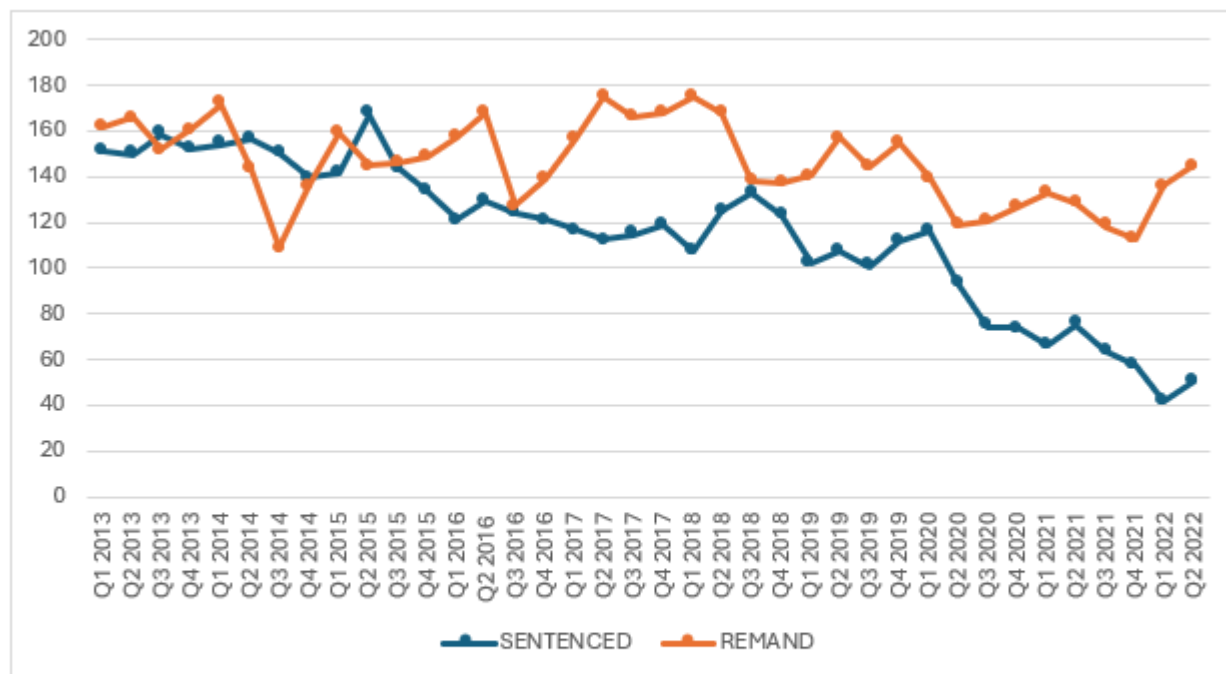
Source: NSW Criminal Court Statistics, December 2021 (NSW Bureau of Crime Statistics and Research, 2021)

All young people sentenced to a period of control in NSW have appeared before the Children's Court. Table 2 illustrates recent declines in Children's Court appearances in NSW, offering further evidence of falls in youth crime. Between 2017 and 2021, the total matters before the Children's Court fell by 777 from 6239 to 5462. Of all matters before the Children's Court between 2017 and 2021, an average of 43 percent of child defen-

defendants were on bail, and an average of 83 percent were found guilty of at least one charge. These percentage rates have remained relatively steady across this timeframe.

**Figure 2.**

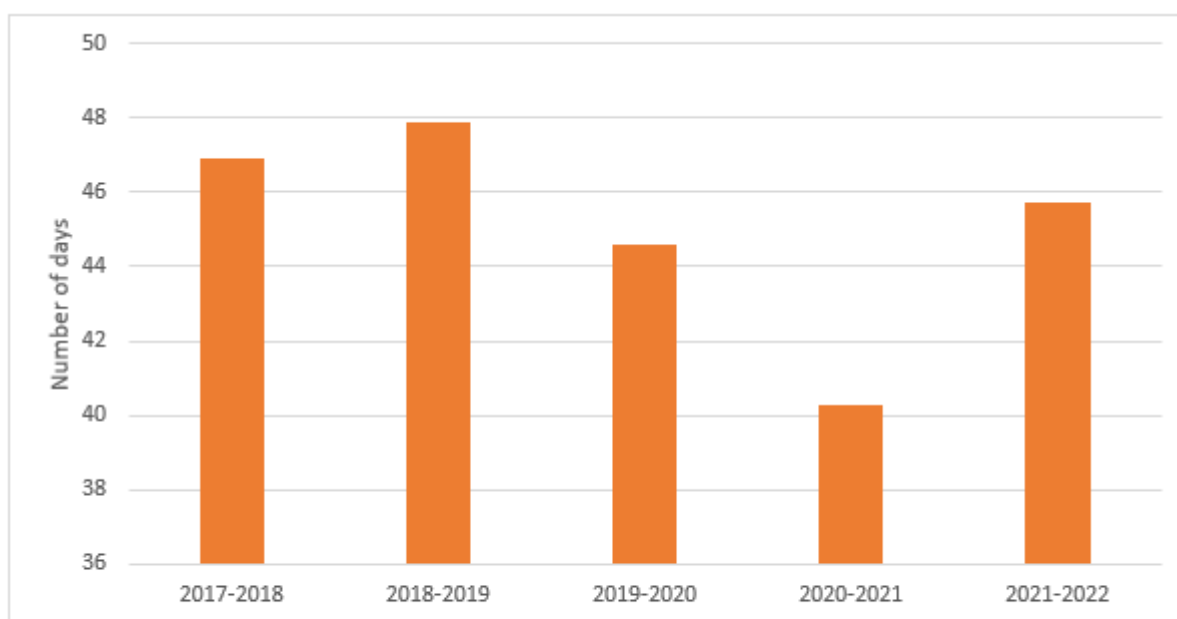
*Total number of young people in custody in NSW from 2013-2022*



Source: NSW BOCSAR Open Data, Custody Statistics (NSW Bureau of Crime Statistics and Research, 2022)

**Figure 3.**

*Length of stay in custody on remand by days*



Source: Department of Communities and Justice, Youth Justice RPE Live Database. Extracted 2 July 2022.

Similarly, numbers of young people sentenced to custody in NSW have fallen from an average of 153 sentenced youth in 2013, to 66 youth in 2021. Comparatively, the number of young people detained on remand has shown a less consistent pattern of decline with an average of 160 youth detained on remand in 2013 compared to 123 youth in 2021 (see Figure 2). Of the 194 young people in detention as of June 2022, 136 or 70 percent were on remand and 58 or 30 percent were sentenced. Consequently, while overall numbers of young people in detention are falling, the proportion of this cohort that are on remand is rising. This rise in remand has ramifications for the average length of time youth are spending in custody. As Figure 3 shows, the average length of stay has reduced from 19.4 days in 2017-2018 to 15.6 days in 2021-2022. These short stays are important when considering the provision of education in YJCs, as many young people on remand will not enter a school during their time in custody, or only for a very brief period with no real opportunity to meaningfully engage in educational programs.

These data demonstrate the lack of consistency and stability in the composition of students attending schools in YJCs by virtue of their different lengths of stay. This issue is not unique to an Australian context. Bail and sentencing decisions determine how long a young person will spend in custody, and consequently, the amount of education they will receive in custody. In the United Kingdom (UK), children and young people spend an average of 91 days in custody (Ministry of Justice and Youth Justice Board, 2022). In the US in 2018, the average stay for young people in detention centres was 27 days (Annie E. Casey Foundation, 2020). For the majority of children and young people who spend a short period of time in detention, completion of recognised qualifications is unlikely. Moreover, short periods of time in custody can be disrupted by transfers between secure settings or YJCs where a young person might experience a lack of continuity in education provision across institutions. Thus, short periods of stay complicate the delivery of educational programs in detention settings especially where programs are focused on attainment of educational qualifications (e.g., Higher School Certificate).

### **Aboriginal and Torres Strait Islander young people in custody**

An ongoing concern in the Australian context is the over-representation of Aboriginal and Torres Strait Islander young people. Aboriginal and Torres Strait Islander young people consistently represent just under half of the overall population of young people in custody and 6 percent of the general population (AIHW, 2022). Since December 2021, the average daily number of Aboriginal and Torres Strait Islander young people in custody has steadily increased to an average of 106 in May 2022, and 107 in September 2022. This has very particular implications for the schools in YJCs: across a number of the schools in YJCs, the majority of students will be Aboriginal and Torres Strait Islander young people.

### **Characteristics of young people in detention in NSW**

These data showcase the declining numbers of young people in custody and the rise in detained youth on remand but reveal little about the nature and characteristics of young people in custody. To fill this gap, data from the Young People in Custody Health Survey (YPICHS) is provided here. The YPICHS is a comprehensive health assessment of young people in detention in NSW. The survey has been conducted on three occasions; in 2003, 2009 and 2015, noting that another survey is underway in 2023. It is a collaborative effort between YJNSW and Justice Health and Forensic Mental Health Network (Justice Health). The survey involves several components including: face-to-face interviews; physical, mental health and cognitive assessments; and pathology testing of blood and urine specimens. Participation in the study is voluntary and participants are able to opt out of any parts of the study. The most recently completed YPICHS was conducted between September and December 2015 with a total 227 young participants (i.e. 59% of all young people in custody).

Consistent with previous surveys, the key findings from the 2015 YPICHS emphasised the multiple levels of disadvantage experienced by young people in custody including: high levels of social disadvantage; a history of child abuse and neglect; fractured family networks and parental incarceration; as well as a history of out-of-home care placements; poor literacy; and low educational attainment (Justice Health & Forensic Mental Health Network and Juvenile Justice NSW, 2017). For example, 21 percent reported they had been placed in out-of-home care before the age of 16 and 38 percent were placed in care three or more times. Just over half (53.6%) had at least one parent who had been incarcerated and Aboriginal and Torres Strait Islander youth were more than twice as likely to have had a parent incarcerated.

Higher prevalences of alcohol and illicit drug use as well as poor physical and mental health compared with their community counterparts were also identified. The majority (96.7%) of participants who had consumed alcohol reported experiencing being 'drunk' with 51.6 percent admitting that their alcohol consumption caused problems with school, friends, health, police and/or parents or caregivers. More than three quarters (77.6%) reported that they were intoxicated at the time of their offence. Lifetime illicit drug use is similarly common with 92.5 percent reporting use of illicit drugs and 65.4 percent reporting committing crimes to obtain alcohol or drugs. One in four participants had a past head injury that resulted in loss of consciousness and almost half (42.9%) of head injuries were caused by an assault, most commonly inflicted by a family member. Most participants (83.3%) met the threshold criteria for at least one psychological disorder and 63% for two or more. This is nearly six times the estimated rate of young people in the general community experiencing a psychological disorder (13.9%). Similarly, the rate of conduct disorder among YPICHS participants is more than 20 times that of the general population. The mean Full Scale Intelligence Quotient (FSIQ) score for the 2015 YPICHS participants was 78.7 which represents a limited range of intellectual functioning. Using standardised assessments, high rates of oral language and reading difficulties were identified. A majority (80.3%) of the young people performed below the average range for their age on core receptive and expressive language measures with almost half (48.7%) of the participants scoring in the range indicating severe difficulties. Almost three quarters (73.2%) demonstrated difficulties in reading common single words with just over half (51.1%) demonstrating severe difficulties (Justice Health & Forensic Mental Health Network and Juvenile Justice NSW, 2017).

Results from the 2015 YPICHS additionally demonstrate the disruptive nature of many young people's experiences of education prior to entering custody. Almost all participants (93.8%) had been suspended from school at least once and 78.1 percent had been suspended a minimum of three times (Justice Health & Forensic Mental Health Network and Juvenile Justice NSW, 2017). Over half (55.6%) had been expelled from school at least once (see Table 3).

**Table 3.**

*History of school suspension and expulsion among YPICHS 2015 cohort*

|                                                       | <b>Males<br/>(n=206) (%)</b> | <b>Females<br/>(n=18) (%)</b> | <b>Aboriginal<br/>(n=123) (%)</b> | <b>Non-<br/>Aboriginal<br/>(n=102) (%)</b> | <b>Total<br/>(n=225) (%)</b> |
|-------------------------------------------------------|------------------------------|-------------------------------|-----------------------------------|--------------------------------------------|------------------------------|
| <b>Ever<br/>suspended</b>                             | 94.3                         | 88.2                          | 93.6                              | 94.0                                       | 93.8                         |
| <b>Repeated<br/>suspension<br/>(≥3<br/>occasions)</b> | 79.9                         | 58.8                          | 76.1                              | 80.7                                       | 78.1                         |
| <b>Ever<br/>expelled</b>                              | 54.9                         | 61.1                          | 53.7                              | 57.8                                       | 55.6                         |
| <b>Repeated<br/>expulsion<br/>(≥3<br/>occasions)</b>  | 7.3                          | 5.6                           | 4.9                               | 10.8                                       | 7.6                          |

Source: YPICHS 2015, Table 9, p15

Similarly, over half (53%) had left school in Year 9 or earlier and a majority (77.6%) had left school prior to entering custody (see Table 4). These rates of early school leaving age are much higher compared with the general population with 8.6 percent of their community counterparts living in NSW in 2016 reporting Year 9 or lower as their highest level of educational completion (Justice Health & Forensic Mental Health Network and Juvenile Justice NSW, 2017).

**Table 4.**

*Level of educational attainment among 2015 YPICHS cohort*

| Year            | Males (%) | Females (%) | Aboriginal (%) | Non-Aboriginal (%) | Total (%) |
|-----------------|-----------|-------------|----------------|--------------------|-----------|
| Year 8 or below | 24.5      | 46.2        | 38.5           | 11.7               | 26.2      |
| Year 9          | 26.5      | 30.8        | 24.2           | 29.9               | 26.8      |
| Year 10         | 36.1      | 23.1        | 33.0           | 37.7               | 35.1      |
| Year 11         | 10.3      | 0.0         | 4.4            | 15.6               | 9.5       |
| Year 12         | 2.6       | 0.0         | 0.0            | 5.2                | 2.4       |

Source: YPICHS 2015, Figure 9, p15

Truancy and poor attendance were also common among the YPICHS participants. A majority (67.9%) reported truanting in the 6 months prior to entering custody and over half (58.9%) reported truanting on multiple occasions (see Table 5).

**Table 5.**

*Rates of truancy among 2015 YPICHS participants attending school in 6 months prior to entering custody*

|                                                      | Males (n=49) (%) | Females (n=6) (%) | Aboriginal (n=34) (%) | Non-Aboriginal (n=22) (%) | Total (n=56) (%) |
|------------------------------------------------------|------------------|-------------------|-----------------------|---------------------------|------------------|
| Truanted in the past 6 months                        | 71.4             | 33.3              | 61.8                  | 77.3                      | 67.9             |
| Repeated truancy (3+ occasions) in the past 6 months | 63.3             | 16.7              | 52.9                  | 68.2                      | 58.9             |

Source: YPICHS 2015, Table 8, p15

Similarly, only 27 percent reported having attended school in the 6 months prior to entering custody (see Table 6). This represents a decline in overall school attendance among the YPICHS participant cohorts with 37.9 percent of the 2009 YPICHS participants reporting attending school (Justice Health & Forensic Mental Health Network and Juvenile Justice NSW, 2017).

**Table 6.**

*School attendance in the last six months prior to entering custody*

| Year | Males (%) | Females (%) | Aboriginal (%) | Non-Aboriginal (%) | Total (%) |
|------|-----------|-------------|----------------|--------------------|-----------|
| 2003 | 18.7      | 16.7        | 18.3           | 18.7               | 18.5      |
| 2009 | 38.2      | 35.9        | 42.3           | 34                 | 37.9      |
| 2015 | 26.2      | 31.6        | 29.6           | 23.8               | 27        |

Source: YPICHS 2003, 2009, 2015

Taken together, it is clear that young people within the youth justice system typically have complex support needs across multiple domains, characterised by ‘troubled and chaotic family backgrounds and home environments, experiences of trauma, neglect and abuse, poor engagement with school, unstable housing, problematic drug and alcohol use and a high prevalence of mental health, health and cognitive health disorders’ (Baldry, Briggs, Goldson & Russell, 2018, p. 640).

In addition, very high proportions of the young people entering custody in NSW have histories of poor attendance, low educational attainment, high rates of suspension and expulsion, and early school leaving ages. Strnadová et al. (2017) report that this results in substantial gaps in their academic and social learning. Additionally, students attending schools in YJCs generally stay for short periods of time and are characterised by multiple levels of disadvantage that work against their ability and willingness to learn.

This is particularly pronounced among justice-involved Aboriginal and Torres Strait Islander young people who generally leave school earlier than non-Aboriginal young people (14 years vs 15.5 years,  $p < 0.001$ ), and are significantly more likely than non-Aboriginal young people to perform more poorly for their age on most language and reading comprehension measures (Justice Health & Forensic Mental Health Network and Juvenile Justice NSW, 2017). These findings are made more concerning by research pointing to the protective impact of education on criminal behaviour and adverse experiences (see Brendtro & Shahbazian, 2004; DeMatteo & Marczyk, 2005; Hoge et al., 1996; Heckenlaible-Gotto, 2006; Harper & Chitty, 2005; Gough & Lightowler, 2019; Geib et al., 2011; Jha, 2021).

These general findings mirror research conducted in overseas jurisdictions such as the UK, US and Canada. A review of education delivered to young offenders in custodial settings across these jurisdictions found that detained youth’s experiences of school and learning is generally disruptive and unfulfilling (see Ahmed, 2019, p. 296). Specifically, the majority of detained youth have experienced periods of suspension or expulsion from local schools, are several grade-levels behind their peers, and are more likely to have a disability than their peers and have a high and complex level of educational need (i.e., access to specialist education services and support; Jacobson et al., 2008; Harrington et al., 2005; Bateman, 2015). Cumulatively, these personal and past educational experiences exacerbate the issue of educational engagement for young people in custody. This presents considerable challenges to the management and administration of schools in YJCs as well as for teachers tasked with delivering lessons to students of mixed attainment and ability.

### Schools in NSW YJCs

YJNSW operates six YJCs across NSW with each YJC contains a school operated by the NSW Department of Education. There are mandated minimum hours of education provision for children and young people in YJCs which ensures they receive some form of education during their time in custody. Each school delivers 5 days of school programs per week over 40-41 weeks with some variation.

Each school caters to differing cohorts of young offenders and is defined or delimited by the design of its partnering YJC, its capacity to attract and retain staff, and its access to local programs. Additionally, the Australian Government's Disability Standards for Education (Australian Government, 2005) mandate that schools provide quality education on an equal basis to students with and without a disability through curriculum, instructional and environmental accommodations, modifications and reasonable adjustments. This is significant given the high prevalence of youth people in custody with a disability (see Indig et al., 2011; Justice Health & Forensic Mental Health Network and Juvenile Justice NSW, 2017; Youth Justice NSW, 2021).

A significant change brought in on 1 January 2010, the Education Amendment Act 2009 raised the minimum SLA in NSW from 15 to 17 years of age. It is now compulsory for young people to complete Year 10 or turn 17 years of age (whichever comes first). If they complete Year 10 but are not yet 17 years of age, they must remain at school until they are at least 17 years of age unless they choose to:

- Undertake approved education or training programs including TAFE, apprenticeships and traineeships;
- Take up full-time paid work (minimum average of 25 hours per week);
- Undertake a combination of the above (s21B Education Act 1990)

School Principals must verify that students who leave school after completing Year 10 have satisfied the statutory requirements for attendance and participation, and the responsibility of parents to ensure the participation of their children in compulsory education and training. A number of legal procedures have been introduced to enforce attendance including conferences, compulsory undertakings, and Compulsory Schooling Orders issued by the Children's Court. Additionally, young people over 12 years of age who live independently of their parents or whose disobedience is the reason for poor attendance may face legal action, and youth not engaged in compulsory education or employment are precluded from earning the youth allowance otherwise accorded to young people their age (Jha, 2021). Ultimately, these changes to the SLA have increased the potential population of young offenders mandated to attend school while in detention. Table 7 provides a summary of some of the characteristics of the schools and enrolment numbers in each of the NSW YJCs.

**Table 7.***Overview of schools in NSW YJCs and enrolment numbers between 2017-2021*

| YJC          | ETU                | Capacity     | Brief overview of educational programs available                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Enrolment numbers <sup>i</sup> |      |      |      |      |
|--------------|--------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------|------|------|------|
|              |                    |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 2017                           | 2018 | 2019 | 2020 | 2021 |
| Cobham       | Putland ETU        | 102 students | Putland provides a targeted education program, the Green Centre Program (GCP), designed for young males with significant challenging behaviours or social difficulties and assessed as at-risk for harm to themselves or others. The focus of the program is maintenance of student engagement or re-engagement in education.                                                                                                                                                                                                                                                                                  | 55                             | 73   | 104  | 56   | 56   |
| Frank Baxter | Girrakool ETU      | 90 students  | Girrakool runs classes with a maximum of 6 students, one teacher and one School Learning Support Officer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 115                            | 107  | 63   | 44   | 34   |
| Reiby        | Dorchester ETU     | 55 students  | Dorchester operates 4 distinct educational programs:<br><ul style="list-style-type: none"> <li>- Warby Unit caters to young male offenders aged 10-14 with a focus on social skills</li> <li>- Whitten and Slattery Units cater for female students aged 10-21 with a focus on achieving credentialed outcomes including vocational education, RoSA Certificate and developing pathways to further education and training</li> </ul> Waratah Unit caters for a maximum of 10 students in the final stages of transition and housed outside of the school with a focus on transition to community-based living. | 56                             | 59   | 66   | 46   | 27   |
| Acmena       | Induna ETU         | 42 students  | Induna caters to secondary students with special needs, offering individually tailored programs that support students to complete a School Certificate, Higher School Certificate or TAFE qualification.                                                                                                                                                                                                                                                                                                                                                                                                       | 33                             | 29   | 36   | 17   | 14   |
| Orana        | Lincoln ETU        | NA           | Lincoln is a School for Specific Purposes for male students aged 10-21. The school offers a unified case management approach with a focus on educational, <u>social</u> and vocational programs that allow students to function independently in society.                                                                                                                                                                                                                                                                                                                                                      | 18                             | 23   | 35   | 22   | 13   |
| Riverina     | Shepherds Park ETU | 42 students  | Shepherds Park programs cater to the literacy, numeracy and vocational needs of 42 male students. The ETU focuses on credentialing as well as transitioning back to their home school, TAFE and their community.                                                                                                                                                                                                                                                                                                                                                                                               | 42                             | 40   | 29   | 14   | 20   |

The descriptive overview of programs available in each school in Table 7 demonstrates key differences in the program types, delivery modes and outcomes across the schools in NSW YJCs. Common, however, is a focus on delivery of activities designed to assist young people in attaining levels of literacy and numeracy and developing vocational skills that facilitate re-integration into the school system or transition to employment upon release.

All schools with the exception of Putland ETU have seen an overall decline in enrolment numbers between 2017 and 2021. Despite these falls in student numbers because of the reduced number of young people in detention more broadly, resources invested in the schools have largely remained unchanged. In fact, there has been a marked increase in investment in, and expenditure from, the schools from 2017 onwards as is shown in Table 8.

**Table 8.**

*Total revenue and expenditure across ETUs in NSW from 2017-2021*

|                       | 2017       | 2018        | 2019        | 2020        | 2021        |
|-----------------------|------------|-------------|-------------|-------------|-------------|
| <b>Total Revenue</b>  | 3,309,894  | 19,699,828  | 20,081,525  | 23,991,702  | 21,824,920  |
| <b>Total Expenses</b> | -1,019,177 | -18,844,135 | -18,096,048 | -20,599,022 | -21,740,099 |

Source: ETU Annual Reports

Table 9 provides a summary of the funding and expenditure (approximately \$22 million per annum) and a breakdown of staffing for the six schools in NSW YJCs in 2021. The bulk (over \$18 million) of the expenditure is employee-related expenses.

**Table 9.***Summary of funding and expenditure and composition of staff across ETUs in NSW in 2021*

| ETU               | Funding and expenditure |           |               |             |                   |             |                          |                 | Staff composition                                                              |                             |                                         |
|-------------------|-------------------------|-----------|---------------|-------------|-------------------|-------------|--------------------------|-----------------|--------------------------------------------------------------------------------|-----------------------------|-----------------------------------------|
|                   | Opening balance         | Revenue   | Appropriation | Expenses    | Employee -related | Operating   | Annual surplus/d deficit | Closing balance | Executive staff including: Principal, Deputy Principal and Assistant Principal | Head and Classroom Teachers | School administration and support staff |
| <b>Dorchester</b> | 1,469,142               | 3,341,340 | 3,340,922     | - 3,095,012 | - 2,659,782       | -435,230    | 246,328                  | 1,715,470       | 4                                                                              | 10.63                       | 13.44                                   |
| <b>Girrakool</b>  | 3,000,582               | 5,011,943 | 5,011,004     | - 5,196,002 | - 3,881,301       | - 1,314,701 | - 184,059                | 2,816,523       | 6                                                                              | 18.7                        | 19.29                                   |
| <b>Induna</b>     | 877,891                 | 2,445,468 | 2,432,911     | - 2,776,057 | - 2,241,030       | -535,027    | - 330,589                | 547,301         | 2                                                                              | 8.8                         | 9.42                                    |
| <b>Lincoln</b>    | 1,030,212               | 2,101,883 | 2,101,776     | - 1,912,039 | - 1,721,855       | -190,184    | 189,844                  | 1,220,056       | 3                                                                              | 7.1                         | 8.62                                    |
| <b>Putland</b>    | 1,646,298               | 6,217,609 | 6,212,544     | - 6,021,231 | - 5,745,995       | -275,236    | 196,378                  | 1,842,676       | 4                                                                              | 23.71                       | 22.51                                   |
| <b>Shepherds</b>  | 464,441                 | 2,706,677 | 2,706,595     | - 2,739,758 | - 2,193,773       | -545,985    | -33,081                  | 431,360         | 3                                                                              | 7.8                         | 9.42                                    |

Source: ETU Annual Reports |

As can be seen from the above table, Putland ETU received the most in revenue and spent the most in terms of staff-related expenditure which aligns with its relatively high enrolment numbers and volume of staff. Overall numbers of executive staff across the six ETUs are high with five out of the six schools employing three or more executive personnel and Girrakool employing six. Numbers of classroom and head teachers employed in 2021 varies significantly across the six ETUs from 7.1 in Lincoln to 23.71 in Putland. Similarly, there is fairly high variation in the numbers of school administrative and support staff employed in 2021 from Putland and Girrakool at 22.51 and 19.21 respectively to Induna and Shepherds Park at 9.42.

Research undertaken in NSW has shown that young people benefit from attending school and report the schools in YJCs as “positive learning environments” characterised by supportive teachers, “flexible individualised learning plans”, and “smaller class sizes” (ACYP, 2019, p. 9). This is very positive given the prior schooling histories of young people in detention and the challenges posed in delivering education in this context. Part of the success of these schools is potentially related to the resourcing and structures available to these schools. However, little is known about the outcomes of these educational programs for young offenders who transition back into the community in terms of their capacity to reintegrate and engage in education in a community setting, their educational attainment more generally, and their longer-term life trajectories. This raises important questions about transition planning arrangements (i.e. post-release schooling and other plans).

### **Transition planning**

Transition planning to support youth in custody transitioning back to community and the community is widely regarded as critical to improving life outcomes (Bullis, Yovanoff, Mueller & Havel, 2002; Unruh, Waintrup & Canter, 2010). Reengagement with education is crucial to successful re-integration (Noorman & Brancale, 2022) and research has shown that reengagement with education can be achieved when evidence-based planning procedures are put in place (O'Neill, Strnadová & Cumming, 2018, p. 9). In the Australian context, transition planning and services have been criticised as “...the most neglected components of correctional education planning” (Baltodano et al., 2005, pp. 104). Specifically, interagency collaboration and information sharing required to facilitate successful transitions have been criticised as lacking or problematic (Chuang & Wells, 2010; Trupin, Turner, Stewart & Wood, 2004). These issues are not isolated to the Australian context. Literature from the UK, US and Canada report a disjunct between education delivered in secure settings and in community settings, indicative of a more complex issue regarding transition planning and community connections as well as an overall lack of clarity and purpose around what children learn during their time in custody. In the UK, a criminal justice joint inspection report (HM Inspectorate of Probation and HM Inspectorate of Prisons, 2019) found that of 50 cases investigated, only 11 children and young people had educational placements immediately on leaving custody. Moreover, the majority of these placements were facilitated by the youth offending teams directly rather than a result of alignment between community education settings and custodial education settings. For children and young people who experience difficulties returning to education, employment or training in the community, the consequences can be dire and recidivism is much more likely.

Findings from consultations with 260 children and young people in YJCs in NSW between 2015 and 2019 reiterated that young people leaving custody find it hard to re-engage in a school that caters to their needs (ACYP, 2019, p. 24). This is exacerbated for young people in regional areas who are often limited to one school in their local area. Prior expulsion from that school can leave these young people with “extremely limited educational opportunities” (ACYP, 2019, p. 24). These difficulties have been also been reported by YJNSW and Department of Education staff who note that it is “difficult to plan young peoples’ return to school in the community after they are released” and that “some schools are reluctant to accept former juvenile justice students” (Audit Office, 2016, p. 3). This issue persists despite targeted transition officers or teams working to transition youth from education in detention to education in the community.

Transition planning and interagency collaboration between the Department of Education and YJNSW has been a focus of recommendations made by recent reviews, inquiries and findings of oversight bodies between 2015 and 2021 relevant to youth detention in New South Wales (see ICS, 2018; Audit Office, 2016; ACYP, 2019). These recommendations highlight the importance of ‘greater coordination’ and ‘joint planning’ between YJNSW, the Department of Education and other agencies ‘at the strategic level’ to enhance: the provision of education to youth in separation, segregation and confinement (ICS, 2018); transition planning for school-aged youth re-entering the community (Audit Office, 2016); support for justice staff developing and delivering

the provision of education to youth in separation, segregation and confinement (ICS, 2018); transition planning for school-aged youth re-entering the community (Audit Office, 2016); support for justice staff developing and delivering rehabilitative programs for youth in detention (ACYP, 2019); and community-based support services and networks for youth post release (ACYP, 2019).

Despite this focus on transition planning, research undertaken in NSW indicates that only one ETU personnel role, the transition advisor, is formally trained in the area of transition planning and practice (O'Neill et al., 2017, p. 53). Moreover, this training consists of “generic career development training for high school students” delivered by the Department of Education, and not focused on young people transitioning from custody to the community. These transition officers are tasked with imparting their training to the rest of the ETU staff.

### ***Shared responsibilities of YJNSW, Department of Education and Justice Health in transition planning and support of learning opportunities in YJCs***

Interagency collaboration is required for post-release schooling plans. Specifically, these plans are generally developed with personnel from the YJC and the education sector. In the NSW context, YJNSW, the Department of Education and Justice Health jointly share responsibility for learning within the YJC environment as well as transitions to community schooling post-release. O'Neill et al. (2017) investigated the transition planning process for school-aged young people detained in a YJC in NSW for 3 or more months. The authors specifically sought to determine what departments, agencies or individuals are typically involved in transition planning and implementation processes. They found first that, collaboration between YJC personnel and ETU personnel primarily took place during weekly case planning meetings to which ETU personnel were invited and information was shared. Interviews with staff across both sectors revealed some communication issues around key terminology differences (e.g., exit plans and transition plans) as well as an overall lack of clarity about the roles played by stakeholders and agencies (O'Neill et al., 2017, pp. 18-19). The authors also found that collaboration and information sharing between YJCs and mainstream schools was particularly strained (2017, p. 22). Overall, while findings of this study highlight collaboration between the Department of Education, YJNSW and Justice Health in the support of learning opportunities within and outside of detention centre environments, the authors note fractures in the efficacy of communication and information sharing between these agencies. For example, one participant was quoted:

“There’s no specific framework that I’m aware of that says the Department of Education should do this for a kid, Juvenile Justice should do this for a person, Justice Health should do this for someone else, non-government agencies who are offering post-release support should do this for the kid...everyone doesn’t know what they’re doing” (2017, pp. 27-29).

### **Extended schooling**

YJCs operate 24 hours a day, 365 days a year, which has given rise to calls for schools to operate longer than the traditional 40-week school year. The NSW Green Paper, a landmark report prepared by the NSW Juvenile Justice Advisory Council in 1993, called for widespread changes to the NSW youth justice system including the provision of educational programs to detained youth ‘beyond the normal academic day and year’ (Recommendation 375, Juvenile Justice Advisory Council, 1993, p. 251).

Subsequently, a trial was conducted at the (now closed) Keelong Juvenile Justice Centre in 1995-96. The trial was to involve an extended school day (8am to 5pm) and extended school year (48 weeks) but was later reduced to an extended school year of 45 weeks. The Keelong Trial Evaluation report noted that students “almost universally enjoyed and benefited from the longer school year...as it helped time pass and it was a far more productive alternative for them than the Recreation Room” (Carroll, Jenkins & Thompson, 1996, p. 19). Additionally, students reported preferring the educational program run during the extended school day and year. Ultimately, the trial proved successful both in terms of offering a “quality educational program...throughout the whole year”; ‘gainfully occupying residents in educational programs during holiday breaks’; maintaining routines established throughout the school year such that there was less of a supervisory burden on Juvenile Justice staff; and producing a ‘more congenial atmosphere’ with ‘fewer incidents’ (Carroll et al., 1996, p. 33).

### **Characteristics of young people in detention in NSW**

These data showcase the declining numbers of young people in custody and the rise in detained youth

Since then, some Australian jurisdictions have adopted versions of extended school years. For example, Parkville College was established in Victoria in 2012. The college is a registered Victorian government specialist school delivering "...education to students who are, or who have been, detained in the criminal justice system or who are in a Secure Welfare Service" (White et al., 2019, p. 31). The numbers of students enrolled in the college have increased from 51 at its infancy to now, approximately 300. These students are taught across four campuses: Parkville, Malmsbury, Ascot Vale and Maribrynong. Importantly, the school operates 52 weeks of the year (including weekends) and caters to students across all levels of education including primary and secondary school curricula. The majority of students work towards a vocational education certificate (White et al., 2019, p. 52) and the Parkville model is often promoted because of its reach and flexible engagement strategies. Despite students' overwhelmingly short stays (average of less than 2 weeks), an evaluation of educational programs delivered in Victorian youth justice centres found that Parkville's 'level of practice' and 'teaching philosophy' is "responsive to its students and environment, which results in purposeful, thoughtful and highly effective teaching and learning" (White et al., 2019, p. 8).

Similarly, three Youth Education and Training Centres in youth detention centres in Queensland have recently transitioned from a 40 to 48-week teaching year. While the efficacy of this ESY system is yet to be measured, there is merit in expanding the reach of education services in youth detention centres, especially given the changing nature of the client group and the generally brief periods spent in custody.

Extended schooling in YJCs has the potential to greatly increase educational engagement of young people especially during what can now be long periods where no schooling is provided due to holidays. Another potential benefit is the maximisation of time spent in school which can be disrupted for various operational reasons because mandated time spent in education classes does not necessarily translate to real-world experiences for detained youth (Ministry of Justice, 2013, p. 13). In overseas jurisdictions, attendance rates are hugely variable and often low in custodial education settings. Reasons for low attendance are partially attributable to managerial and organisational policies around risk assessments. For example, much of the literature points to a prioritisation of risk management over children's educational needs (see Taylor, 2016). In the Australian context, an evaluation of education in Victorian youth custody environments found that a "significant amount of learning time...[is] wasted...because security concerns override those of education" (White et al., 2019, p. 9). 'Keep-apart' and solitary confinement policies to reduce violence and disruption are often reported as impeding access to education and in some contexts, precluding children and young people from securing apprenticeships or educational placements which require internet access to complete an online application (HM Inspectorate of Probation and HM Inspectorate of Prisons, 2019, p. 23). For example, a report by the NSW Inspector of Custodial Services (ICS) investigating the use of force, separation, segregation and confinement in NSW YJCs found that "at most...[YJCs], young people who are placed in separation, segregation or confinement will generally not attend the centre school" (ICS, 2018, p. 125). Overall, the ICS identified inconsistencies in the approach to provision of education to young people in separation, segregation and confinement across the YJCs and recommended that YJNSW work with the Department of Education to ensure that these youth are provided with educational lessons or materials and that any decisions to exclude them from centre schools are regularly reviewed (ICS, 2018, p. 126). Similarly, the Royal Commission into the Protection and Detention of Children in the Northern Territory recommended that, during a period in which a young person is separated, they: "...must not be denied access to education including educational material to enable private study..." (Royal Commission into the Protection and Detention of Children in the Northern Territory, 2017, Recommendation 14.1.8).

## Discussion

Positive engagement in education generally prevents involvement in crime. Young people in custody have histories of poor educational attainment, truancy, suspension and early school leaving (despite the school leaving age being increased from 15 to 17 years of age in NSW). Young people entering custody generally report positive experiences at the schools in NSW YJCs, describing them as "positive learning environments" characterised by supportive teachers, "flexible individualised learning plans", and "smaller class sizes" (ACYP, 2019, p. 9). Despite these positive views, we generally know very little about the post-release education and employment outcomes for young people in NSW. A dearth of research into what works in terms of provision of education in detention centre settings in an Australian context has long been lamented by practitioners and researchers. In

education in detention centre settings in an Australian context has long been lamented by practitioners and researchers. In 1995, McGuire and Priestley contended, in reference to programs focused on young people's transitions from detention to community, that:

“The single most commonly reported finding is that many programs are never evaluated at all and that numerous opportunities for providing information that would be valued...is simply lost” (in Keys Young Pty Ltd, 1997, pp. 8).

This makes it difficult to determine if the annual investment of \$22 million (based on 2021 data) on schools, which is in addition to the nearly \$150 million spent on YJCs by YJNSW in 2019-20 (Productivity Commission, 2021, Table 17A.9), produces desired outcomes such as young people returning to school, completing school qualifications, gaining vocational education qualification and employment and not re-offending.

### **The delivery of education in Youth Justice Centres**

Given the significant changes in the population of young people coming into NSW YJCs, including fewer young people, many of whom are on remand for very short periods, and the significant over-representation of Aboriginal and Torres Strait Islander young people, there are good reasons to consider how educational delivery (and programming more generally) has changed to reflect these conditions. Coupled with additional time spent in isolation due to COVID and the widely reported disruptions caused by operational issues and transfers between YJCs, there is need to reflect on the type of education delivered in these centres, how it is delivered, and by whom. Research undertaken in overseas jurisdictions emphasises that the effectiveness of education delivered in custodial settings is contingent on factors beyond the curricula delivered within the immediate classroom environment. The educational and sentencing policies, managerial and organisational approaches of institutional settings, structure and management of custodial settings and extent of communication between settings, as well as the earlier educational experiences of detained young people, all influence and contribute to the educational experiences of young people in custody. Cumulatively, these and other personal, institutional and structural factors demonstrate the complexity of the learning environment in custodial settings. Consequently, an understanding of ‘best practice’ for education provision in secure settings must take into account the multiple layers of influence that determine the practice of education and move beyond evaluations of specific programs delivered in secure settings.

### **Characteristics of young people in detention**

This paper has demonstrated similar layers of complexity around the learning environments in youth detention centres in NSW. First, young people in custody experience multiple levels of disadvantage including disruptive and unfulfilling experiences of education; have higher prevalence of disabilities and poor mental health that inhibit engagement in school learning; and are heterogenous in their learning abilities and needs. Second, YJCs are run by YJNSW, the schools within them are provided by the Department of Education, and the clinics and mental health care is provided by Justice Health. The potential for duplication or for critical topics to be missed is great in this context. While there is evidence of effective collaboration between the Department of Education, YJNSW and Justice Health in support of learning opportunities within and outside of detention centre environments, research has also highlighted a lack of clarity around responsibility for educational programming and delivery within detention centre settings and transitions to community education (O'Neill et al., 2017, pp. 27-29). In the absence of an overarching framework or guiding document that stipulates each agency's responsibilities for programming and support of young people in detention, this fractured communication is likely to continue. Moreover, it is very difficult to know if the current arrangements remain fit for purpose given the absence of publicly available information that articulates minimum standards of educational and programming delivery within particular periods of time.

### **Transition planning and extended schooling**

Improving transition planning and reviewing extended schooling delivery are two areas that should be considered. Generally, our understanding of how best to assist young people leaving YJCs and re-entering the community is under-researched (see Moore et al., 2011; Chen et al., 2005). While each Australian jurisdiction touts strategies for reintegrating youth into the community, there are few attempts to determine whether YJC personnel and ETU personnel primarily took place during weekly case planning meetings to which ETU per-

these strategies work for young people in terms of re-integration and reduced recidivism (see Mears & Travis, 2004). Recent inquiries and reports pertaining to youth justice in NSW highlight the importance of transitioning educational experiences in detention centres to education in the community. Similarly, given research pointing to the positive effects of learning and education on incidents of disruption or violence resulting from boredom and inactivity, consideration of the benefits of an extended school day and extended school year should be prioritised. Other Australian jurisdictions such as Victoria and Queensland have extended school years and school weeks, which present potential models for NSW to emulate. The Parkville model, operating 52 weeks a year including weekends, has been positively evaluated in Victoria and points to the benefits of educational programs that cater to the unique circumstances and needs of young people in detention (White et al., 2019). Capitalising on the time youth spend in custody learning or advancing their employability post-release is critical given the short stays of many detained youth and the importance of education and vocational learning for reducing recidivism. So, too, is greater use of technology which might help respond to the needs of young people across a 24-hour period rather than during the schooling day, which is the current period of educational delivery in schools in NSW YJCs. For example, the flexibility afforded by digital and online delivery modes of education may mitigate a number of logistical barriers to young people on remand accessing education and training programs.

### **Limitations**

While this article contains publicly available information not frequently compiled for analysis and commentary, it is acknowledged that numerous limitations exist to relying on such information. Many of the creative approaches to education in the schools in NSW YJCs have not been captured here. Moreover, the experiences of staff and students are not well represented here. Operating schools in detention is no easy task with a myriad of operational and security issues impacting educational delivery. Despite these limitations, we believe that there is scope for some re-thinking of how the significant resources invested in schools in NSW YJCs are allocated and considerable scope for the three key agencies (Youth Justice NSW, NSW Department of Education and Justice Health) to collaborate on a program delivery model for young people in custody that reflects the changing circumstances impacting these centres, changes in technology, and changes in the population in these centres.

## References

- Ahmed, F. (2019). Specialist education provision within secure CAMHS units. In D. Gallard, K. Evans & J. Millington (Eds.), *Children and their education in secure accommodation*. New York: Routledge.
- Anderson, D.M. (2014). In school and out of trouble? The minimum dropout age and juvenile crime. *The Review of Economics and Statistics*, 96(2), 318–331. [https://doi.org/10.1162/REST\\_a\\_00360](https://doi.org/10.1162/REST_a_00360)
- Annie E. Casey Foundation. (2020). Juvenile Detention Explained. Blog. Retrieved from <https://www.aecf.org/blog/what-is-juvenile-detention>
- Arcia, E. (2006). Achievement and enrolment status of suspended students: Outcomes in a large, multicultural school district. *Education and Urban Society*, 38, 359–369. <https://doi.org/10.1177/0013124506286947>
- Audit Office of NSW. (2016). Reintegrating young offenders into the community after detention, NSW Auditor-General's Report: Performance Audit, Prepared for the Department of Justice, Juvenile Justice NSW, Audit Office of NSW, Sydney. <https://www.audit.nsw.gov.au/our-work/reports/reintegrating-young-offenders-into-the-community-after-detention>
- Australian Government Department of Education and Training. (2005). Disability standards for education 2005. Canberra, Australia: Attorney-General's Department, Department of Education, Science and Training. <https://education.gov.au/disability-standards-education>
- Australian Institute of Health and Welfare (AIHW). (2022). Determinants of health for Indigenous Australians. <https://www.aihw.gov.au/reports/australias-health-social-determinants-and-indigenous-health>
- Baldry, E., Briggs, D. B., Goldson, B., & Russell, S. (2018). 'Cruel and unusual punishment': an inter-jurisdictional study of the criminalisation of young people with complex support needs. *Journal of Youth Studies*, 21(5), 636–652. <https://doi.org/10.1080/13676261.2017.1406072>
- Baltodano, H. M., Mathur, S. R., & Rutherford, R. B. (2005). Transition of incarcerated youth with disabilities across systems and into adulthood. *Exceptionality*, 13, 103–124. [https://doi.org/10.1207/s15327035ex1302\\_4](https://doi.org/10.1207/s15327035ex1302_4)
- Bateman, T. (2015). The state of youth justice – 2015. London: National Association for Youth Justice. <https://thenayj.org.uk/wp-content/uploads/2015/10/State-of-Youth-Justice-Oct15.pdf>
- Berthelon, M.E. & Kruger, D.I. (2011). Risky behaviour among youth: Incapacitation effects of school on adolescent motherhood and crime in Chile. *Journal of Public Economics*, 95, 41–53. <https://doi.org/10.1016/j.jpubeco.2010.09.004>
- Billings, S.B., & Phillips, D.C. (2017). Why do kids get into trouble on school days? *Regional Science and Urban Economics*, 65, 16–24. <https://doi.org/10.1016/j.regsciurbeco.2017.04.004>
- Brendtro, L., & Shahbazian, M. (2004). *Troubled children and youth: Turning problems into opportunities* (1st ed.). Champaign, Ill.: Research Press.
- Bullis, M., Yovanoff, P., Mueller, G., & Havel, E. (2002). Life on the “outs”. Examination of the facility-to-community transition of incarcerated youth. *Exceptional Children*, 69, 7–22. <https://doi.org/10.1177/001440290206900101>
- Carroll, C., Jenkins, T., & Thompson, S. (1996). Review of the Evaluation of the Keelong Education and Training Trial.
- Chen, S., Matruglio, T., Weatherburn, D., & Hua, J. (2005). The transition from juvenile to adult criminal careers. Sydney: NSW Bureau of Crime Statistics and Research. <https://www.bocsar.nsw.gov.au/Publications/CJB/cjb86.pdf>
- Chuang, E., & Wells, R. (2010). The role of inter-agency collaboration in facilitating receipt of behavioural health services for youth involved with child welfare and juvenile justice. *Children and Youth Services Review*, 32, 1814–1822. <https://doi.org/10.1016/j.childyouth.2010.08.002>
- DeMatteo, D., & Marczyk, G. (2005). Risk factors, protective factors, and the prevention of antisocial behavior among juveniles. In K. Heilbrun, & Seven Goldstein (Eds.), *Juvenile delinquency: Prevention, assessment,*

- Farrington, D., Gallagher, B., Morley, L., St. Ledger, R., & West, D. (1986). Unemployment, school leaving and crime. *British Journal of Criminology*, 26, 335–356. <https://doi.org/10.1093/oxfordjournals.bjc.a047626>
- Geib, C.F., Chapman, J.F., D'Amaddio, A.H., Grigorenko, E.L. (2011). The education of juveniles in detention: Policy considerations and infrastructure development. *Learning and Individual Differences*, 21, 3–11. <https://doi.org/10.1016/j.lindif.2010.05.002>
- Gough, A., & Lightowler, C. (2019). Children's lives, education and secure care in Scotland. In D. Gallard, K. Evans & J. Millington (Eds.), *Children and their education in secure accommodation*. New York: Routledge.
- Harper, G., & Chitty, C. (Eds.). (2005). *The impact of corrections on re-offending: A review of 'what works', Home Office Research Study 291*. Home Office Research Development and Statistics Directorate.
- Harrington, R., Kroll, L., Rothwell, J., McCarthy, K., Bradley, D., & Bailey, S. (2005). Psycho-social needs of boys in secure care for serious or persistent offending. *Journal of Child Psychology and Psychiatry*, 46(8), 859–866. <https://doi.org/10.1111/j.1469-7610.2004.00388.x>
- Heckenlaible-Gotto, M. (2006). From problems to strengths. *Reclaiming Children and Youth*, 15(3), 130–132.
- Hemphill, S. A., Broderick, D. J., & Heerde, J. A. (2017). Positive associations between school suspension and student problem behaviour: Recent Australian findings. *Trends and Issues in Crime and Criminal Justice*, 531, 1–13. <https://www.aic.gov.au/publications/tandi/tandi531>
- Henry, K., Knight, K., & Thornberry, T. (2012). School Disengagement as a predictor of dropout, delinquency, and problem substance use during adolescence and early adulthood. *Journal of Youth and Adolescence*, 41(2), 156–166. <https://doi.org/10.1007/s10964-011-9665-3>
- HM Inspectorate of Prisons for England and Wales. (2019). Annual report. Retrieved from [https://www.justiceinspectorates.gov.uk/hmi-prisons/wp-content/uploads/sites/4/2019/07/6.5563\\_HMI-Prisons-AR\\_2018-19\\_WEB\\_FINAL\\_040719.pdf](https://www.justiceinspectorates.gov.uk/hmi-prisons/wp-content/uploads/sites/4/2019/07/6.5563_HMI-Prisons-AR_2018-19_WEB_FINAL_040719.pdf)
- Hoge, R., Andrews, D. A., & Leschfield, A. (1996). An investigation of risk and protective factors in a sample of youth offenders. *Journal of Child Psychology and Psychiatry*, 37(4), 419–424. <https://doi.org/10.1111/j.1469-7610.1996.tb01422.x>
- Indig, D., Vecchiato, C., Haysom, L., Beilby, R., Carter, J., Champion, U., et al. (2011). 2009 NSW young people in custody health survey: Full report. Sydney, Australia: Justice Health and Juvenile Justice. Retrieved from: <http://www.justicehealth.nsw.gov.au/publications/ypichs-full.pdf>
- Jacob, B.A., & Lefgren, L. (2003). Are idle hands the devil's workshop? Incapacitation, concentration, and juvenile crime. *American Economic Review*, 93, 1560–1577. <https://doi.org/10.1257/00028280332265446>
- Jacobson, J., Bhardwa, B., Gyateng, T., Hunter, G., & Hough, M. (2008). *Punishing disadvantage: A profile of children in custody*. London: Prison Reform Trust.
- Jha, N. (2021). No time for crime? The effect of compulsory engagement on youth crime. *Papers in Regional Science*, 100(6), 1571–1597. <https://doi.org/10.1111/pirs.12624>
- Justice Health & Forensic Mental Health Network and Juvenile Justice NSW. (2017). 2015 Young People in Custody Health Survey: Full Report. Sydney, Australia. Retrieved from <http://www.justicehealth.nsw.gov.au/JuvenileJusticeAdvisoryCouncilofNSW>
- Juvenile Justice Advisory Council of NSW. (1993). *Future directions for juvenile justice in New South Wales: Green paper*. New South Wales, The Council.
- Keys Young Pty Ltd. (1997). *Juvenile justice services and transition arrangements*. Milson's Point, NSW: Keys Young Pty Ltd.
- Luallen, J. (2006). School's out . . . forever: A study of juvenile crime, at-risk youths and teacher strikes. *Journal of Urban Economics*, 59, 75–103. <https://doi.org/10.1016/j.jue.2005.09.002>
- Lyche, C. (2013). *Taking on the completion challenge: A literature review on policies to prevent dropout and early school leaving*. OECD Education Working Papers. OECD Press.

- McAra, L., and McVie, S. (2010). Youth crime and justice: Key messages from the Edinburgh study of youth transitions and crime. *Criminology and Criminal Justice*, 10(2), 179–209. <https://doi.org/10.1177/1748895809360971>
- Mears, D., & Travis, J. (2004b). Youth development and reentry. *Youth Violence and Juvenile Justice*, 2(1), 3–20. <https://doi.org/10.1177/1541204003260044>
- Ministry of Justice and Youth Justice Board. (2022). Youth Justice Statistics 2020/21 England and Wales. *Statistics Bulletin*. Retrieved from [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1054236/Youth\\_Justice\\_Statistics\\_2020-21.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1054236/Youth_Justice_Statistics_2020-21.pdf)
- Ministry of Justice. (2013). Transforming youth custody. Government consultation paper CP4/2013. Retrieved from [https://consult.justice.gov.uk/digital-communications/transforming-youth-custody/supporting\\_documents/transformingyouthcustody.pdf](https://consult.justice.gov.uk/digital-communications/transforming-youth-custody/supporting_documents/transformingyouthcustody.pdf).
- Moore, T., Saunders, V., & McArthur, M. (2011). *Lost in transition: Exploring young people's experiences of transition from youth detention in the ACT*. Canberra: Institute of Child Protection Studies, Australian Catholic University.
- NSW Bureau of Crime Statistics and Research. (2021). Criminal Court Statistics December 2021. Sydney, Australia. Retrieved from [https://www.bocsar.nsw.gov.au/Pages/bocsar\\_court\\_stats/bocsar\\_court\\_stats.aspx](https://www.bocsar.nsw.gov.au/Pages/bocsar_court_stats/bocsar_court_stats.aspx)
- NSW Bureau of Crime Statistics and Research. (2022). Custody Statistics June 2022. Sydney, Australia. Retrieved from [https://www.bocsar.nsw.gov.au/Pages/bocsar\\_datasets/Custody-Statistics.aspx](https://www.bocsar.nsw.gov.au/Pages/bocsar_datasets/Custody-Statistics.aspx)
- NSW Inspector of Custodial Services [ICS]. (2018). Use of force, separation, segregation and confinement in NSW juvenile justice centres, Inspector of Custodial Services, Sydney. Retrieved from <http://www.custodialinspector.justice.nsw.gov.au/Pages/Reports-and-publications.aspx>
- Noorman, K., & Brancale, J. (2022). Barriers to school reentry: Perceptions of school reentry among detained and committed youth. *Youth Violence and Juvenile Justice*. <https://doi.org/10.1177/154120402211477017>
- O'Neill, S., Strnadová, I., & Cumming, T.M. (2017). How juvenile justice and education support the transition of school-aged youth from within a custodial environment to the community: Lessons to be learned and celebrations to share. Report prepared for the NSW Department of Education and Department of Juvenile Justice. Sydney: School of Education, UNSW Australia.
- O'Neill, S., Strnadová, I., & Cumming, T.M. (2018). Transition planning framework for New South Wales youth in custody. UNSW Sydney, NSW Department of Education, NSW Department of Juvenile Justice: Sydney.
- Office of the Advocate for Children and Young People [ACYP]. (2019). What children and young people in juvenile justice centres have to say., NSW Advocate for Children and Young People, Sydney. Retrieved from <https://www.acyp.nsw.gov.au/juvenile-justice-report-2019>
- Productivity Commission (2021). Report on Government Services 2021., Canberra. Research, 85, 33–42. <https://doi.org/10.1016/j.ijer.2017.06.004>
- Richardson, W.J., Parr, M., Scott, J., & McCabe, M. (2008). Viewing juvenile delinquency through a Canadian educational lens: A mixed methodological approach. *The International Journal of the Humanities*, 6(1), 119–131. <https://doi.org/10.118848/1447-9508/CGP/v06i01/42335>
- Rosenbaum, J. (2020). Educational and criminal justice outcomes 12 years after school suspension. *Youth & Society*, 52(4), 515–547. <https://doi.org/10.1177/0044118X17752208>
- Royal Commission into the Protection and Detention of Children in the Northern Territory. (2017). Findings and recommendations., Commonwealth of Australia, Canberra.
- Strnadová, I., O'Neill, S.C., & Cumming, T.M. (2017). A snapshot of education behind the fence: Supporting engagement in education of incarcerated youth in Australia. *International Journal of Educational Research*, 85, 33–42. <https://doi.org/10.1016/j.ijer.2017.06.004>
- Sullivan, M. (2004). Youth perspectives on the experiences of re-entry. *Youth Violence and Juvenile Justice*, 4(2), 56–71. <https://doi.org/10.1177/1541204003260047>

- Taylor, C. (2016). Review of the youth justice system in England and Wales. London: Ministry of Justice.
- Trupin, E. W., Turner, A. P., Stewart, D., & Wood, P. (2004). Transition planning and recidivism among mentally ill juvenile offenders. *Behavioral Sciences and the Law*, 22, 599–610. <https://doi.org/10.1002/bsl.596>
- Unruh, D., Waintrup, M., & Canter, T. (2010). Project STAYOUT: A facility-to- community transition intervention targeting incarcerated adolescent offenders. In D. Cheney (Ed.), *Transition of secondary students with emotional or behavioural disorders. Current approaches for positive outcomes* (2nd ed.) (pp. 347–374). Champaign, IL, L: Research Press.
- White, J., te Riele, K., Corcoran, T., Baker, A., Moylan, P., & Manan, A. (2019). Improving educational connection for young people in custody. Final Report.
- Witte, A., & Tauchen, H. (1994). Work and crime: An exploration using panel data. NBER Working Papers 4794, National Bureau of Economic Research Inc. Public Finance 49(suppl.), 155–167.

## Legislation

Education Act 1990 (NSW)

Education Amendment Act 2009 (NSW)

---

It should be noted that the 2020 attendance data are not comparable to previous years due to the impacts of COVID-19 during which students were encouraged to learn from home. The Department of Education implemented an automated attendance feed system in Semester 1 2021 which automatically transfers data from third-party attendance management systems to the Department's centralised data system every night. This has significantly improved data quality pertaining to attendance rates in 2021.