

The mental health and wellbeing of children and young people

Policy brief, March 2012

Children and young people in contact with the criminal justice system

The Commissioner for Children and Young Western Australia undertook the Inquiry into the mental health and wellbeing of children and young people (the Inquiry) after hearing consistently from communities across WA about concerns for the mental health of children and young people, from infants to young adults.

The *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia* was tabled in Parliament in May 2011.

This policy brief focuses on children and young people in contact with the criminal justice system. This includes children and young people in formal contact with the police, the court system and serving a community-based sentence or in detention.

It has been estimated by the Inspector of Custodial Services that up to 50 per cent of children and young people in detention have mental health problems.¹

What do children and young people say?

Consultation undertaken with young people in the Banksia Hill Juvenile Detention Centre as part of the Inquiry² found young people valued the assistance they received from the centre's psychologists.

Aboriginal children and young people who were consulted as part of the Inquiry said one of their main concerns was their family's past and current involvement with the criminal justice system.

"My family have all gone down the wrong path – I want to go a different way to them." young Aboriginal person³

What were the Inquiry findings?

Key findings relating to children and young people in contact with the criminal justice system include:

- Western Australia has one of the highest numbers of children and young people in detention in the country (despite having a smaller population than many other states).⁴
- In recent years, Aboriginal young people have comprised between 60 and 90 per cent of all young people in detention⁵
- Children and young people who enter the criminal justice system and have mental health problems are likely to be highly disadvantaged across a range of other areas.⁶
- Many children and young people with a mental illness could be diverted from the criminal justice system, if the required programs were available.⁷



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- The provision of mental health services in detention centres and the Children’s Court are inadequate.⁸

Inquiry recommendations relevant to children and young people in contact with the criminal justice system are:

Recommendation 3: A new collaborative service to address the needs of children and young people who have complex needs be established as a demonstration project. The development of this service should consider the models of Wraparound Milwaukee and the People with Exceptionally Complex Needs.⁹

Recommendation 19: Children and young people appearing before the Children’s Court of Western Australia have access to appropriate, comprehensive mental health assessment, referral and treatment services.¹⁰

Recommendation 20: A dedicated forensic mental health unit for children and young people be established.¹¹

Recommendation 40: A specialised, statewide, 24-hour emergency service be developed for children and young people experiencing a mental health crisis.¹²

What is being done?

Mental Health Commission, Western Australia

The Mental Health Commission has developed a 10-year strategic policy, Mental Health 2020: Making it personal and everybody’s business.¹³ Justice is an action area of the associated Action Plan 2011-2012.¹⁴

The plan states the Mental Health Commission will work with the Department of the Attorney General to:

- provide more options for people with a mental illness before the courts.^{15 16}
- increase the mental health expertise available to the Children’s Court and undertake mental health needs mapping for this population.¹⁷

Other areas of the plan relevant to children and young people in contact with the criminal justice system include that:

- emergency mental health services for children and young people will be expanded.
- the Mental Health Commission has commenced planning a comprehensive youth mental health service for the 16 to 24 year age group.¹⁸

Children and young people with complex needs

A service to address the needs of children and young people who have complex needs, including those in contact with the criminal justice system, has been commenced by the Mental Health Commission, Department of Corrective Services, Disability Services Commission and Department for Child Protection.



What more needs to be done?

To improve the mental health and wellbeing of children and young people who come into contact with the criminal justice system, the following is required:

- The development of a comprehensive mental health plan for all children and young people in WA that identifies and responds to the unique mental health requirements of children and young people in contact with the criminal justice system.
- Comprehensive, inter-agency case management addressing the complex issues and disadvantage of these children and young people.
- The collection of reliable data on the mental health of children and young people who come into contact with the criminal justice system.
- The development of a mental health assessment process and the provision of comprehensive evidence-based mental health services at the Children's Court.
- The establishment of a dedicated forensic mental health unit for children and young people.
- The development of culturally secure programs for Aboriginal children and young people.

Other relevant information

Commissioner for Children and Young People Western Australia

The following publications are available on the Commissioner for Children and Young People's website at: www.ccp.wa.gov.au/content/Publications.aspx

- *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia (April 2011)*
- *Speaking out about mental health: The views of Western Australian children and young people (May 2011)*
- The three reports of the Wellbeing Monitoring Framework:
 - *The State of Western Australia's Children and Young People*: provides a picture of how children and young people are faring through 33 key measures of children and young people's wellbeing.
 - *Building Blocks: Best practice programs that improve the wellbeing of children and young people*: lists and describes 82 best practice and promising programs from WA and other states and territories.
 - *Profile of Children and Young People in Western Australia*: contains a range of socio-demographic information based on existing research and data.
- *Youth Justice*, Issues Paper 4 (April 2010)
- *Youth Justice in Western Australia*, prepared for the Commissioner for Children and Young People WA by Dr Harry Blagg (December 2009).



Mental Health Commission, Western Australia

- Mental Health 2020: Making it personal and everybody's business and the Action Plan 2011-2012 is available at: www.mentalhealth.wa.gov.au

Department of Corrective Services, Western Australia

- Information on youth justice is available at: www.correctiveservices.wa.gov.au
- *Outcome Evaluation of the Pilot Youth Justice Initiative: Final Report (7 July 2011)* is available at: <http://www.quantumconsulting.net.au/go/objectid/382829D3-A0CC-3C8C-D987711529E8401D>

The Western Australian Auditor General

- *Performance Examination, The Juvenile Justice System: Dealing with Young People under the Young Offenders Act 1994 (2008)* is available at: www.audit.wa.gov.au

Parliament of Australia, House of Representatives, Standing Committee on Aboriginal and Torres Strait Islander Affairs

- *Doing Time-Time for Doing: Indigenous youth in the criminal justice system (June 2011)* is available at: www.aph.gov.au

¹ Commissioner for Children and Young People WA 2011, *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia*, Commissioner for Children and Young People WA, p.80

² Commissioner for Children and Young People WA 2011, *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia*, Commissioner for Children and Young People WA, p.81

³ Commissioner for Children and Young People WA 2011, *Speaking out about mental health: the views of Western Australian children and young people*, Commissioner for Children and Young People WA, p.21

⁴ Commissioner for Children and Young People WA 2011, *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia*, Commissioner for Children and Young People WA, p.80

⁵ Commissioner for Children and Young People WA 2011, *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia*, Commissioner for Children and Young People WA, p.79

⁶ Commissioner for Children and Young People WA 2011, *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia*, Commissioner for Children and Young People WA, p.79

⁷ Commissioner for Children and Young People WA 2011, *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia*, Commissioner for Children and Young People WA, p.79

⁸ Commissioner for Children and Young People WA 2011, *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia*, Commissioner for Children and Young People WA, pp.79-81

⁹ Commissioner for Children and Young People WA 2011, *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia*, Commissioner for Children and Young People WA, p.56

¹⁰ Commissioner for Children and Young People WA 2011, *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia*, Commissioner for Children and Young People WA, p.80

¹¹ Commissioner for Children and Young People WA 2011, *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia*, Commissioner for Children and Young People WA, p.83

¹² Commissioner for Children and Young People WA 2011, *Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia*, Commissioner for Children and Young People WA, p.133

¹³ Mental Health Commission WA 2011, *Mental Health 2020, Making it personal and everybody's business*, Government of Western Australia



¹⁴ Mental Health Commission WA 2011, *Mental Health 2020, Making it personal and everybody's business, Action Plan 2011-2012* [website], viewed 23 February 2012, Government of Western Australia, http://www.mentalhealth.wa.gov.au/Libraries/pdf_docs/MHC_action_plan_Web_2.sflb.ashx, p.21

¹⁵ Mental Health Commission WA 2011, *Mental Health 2020, Making it personal and everybody's business, Action Plan 2011-2012* [website], viewed 23 February 2012, Government of Western Australia, http://www.mentalhealth.wa.gov.au/Libraries/pdf_docs/MHC_action_plan_Web_2.sflb.ashx, p.22

¹⁶ Mental Health Commission WA 2011, *Mental Health 2020, Making it personal and everybody's business, Action Plan 2011-2012* [website], viewed 23 February 2012, Government of Western Australia, http://www.mentalhealth.wa.gov.au/Libraries/pdf_docs/MHC_action_plan_Web_2.sflb.ashx, p.21

¹⁷ Mental Health Commission WA 2011, *Mental Health 2020, Making it personal and everybody's business, Action Plan 2011-2012* [website], viewed 23 February 2012, Government of Western Australia, http://www.mentalhealth.wa.gov.au/Libraries/pdf_docs/MHC_action_plan_Web_2.sflb.ashx, p.21

¹⁸ Mental Health Commission WA 2011, *Mental Health 2020, Making it personal and everybody's business, Action Plan 2011-2012* [website], viewed 23 February 2012, Government of Western Australia, http://www.mentalhealth.wa.gov.au/Libraries/pdf_docs/MHC_action_plan_Web_2.sflb.ashx, p.18

