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Department of Justice and Community Safety

By email [REDACTED]

Dear [REDACTED]

### **Consultation – Victim-Centred Restorative Justice Program**

Thank you for inviting the Commission for Children and Young People to contribute to the development of the new Victim-Centred Restorative Justice Program. This brief, high-level response focuses on the proposed stream for adolescents who use violence in the home.

As you may know, the Commission has a strong interest in the family violence reforms relating to children and young people, and a particular focus on improved responses to adolescents who use violence in the home.

The Commission supports the proposed development of the specific restorative justice option for adolescents who use violence in the home and their families (where appropriate) and would welcome ongoing consultation as the program is being developed.

#### Suggestions

At this early stage, we encourage the department to consider the following to help guide development of the restorative justice program:

- We welcome the department’s consultative approach to the program’s design and development, noting that the recent suggestion of the Family Violence Reform Implementation Monitor (FVRIM) for a further restorative justice trial emphasised the need for careful design and implementation.<sup>1</sup>

As part of the department’s consultative approach, we strongly encourage the department to engage directly with children and young people with lived experience. Direct engagement would give the department information critical to victim-centred design and recognise children and young people’s unique perspective and expertise in their own lives.

We would welcome a discussion with the department about how the project could engage with children and young people, drawing on the advice of the Commission’s Youth Council. The young people on the Youth Council advise the Commission on how to bring youth voice and lived experience to the Commission’s work.

- We strongly support the program being available prior to police or justice system involvement. The response to adolescents who use violence in the home must ensure that all efforts are made to avoid criminalisation of young people who need early, specialised therapeutic support (as the consultation paper notes). We suggest that where police

become involved with a young person and their family, they can refer them to the restorative justice program, instead of taking police action.

- It is also essential that the restorative justice program is part of a co-ordinated, system-wide response. We are encouraged that it is intended that practitioners will work in collaboration with other services providing support to the family, and emphasise the importance of having:
  - Referral pathways into therapeutic services, noting the state-wide expansion of the Adolescent Family Violence Program. As the Commission found in our 2016 *Neither seen nor heard* inquiry, young people need access to an integrated response that includes evidence-based and trauma-informed treatment services.<sup>2</sup>
  - A referral pathway for children and young people involved with the child protection system. We suggest that the department work with the Department of Families, Fairness and Housing to identify these opportunities.
- Adolescents who use violence in the home often experience a range of complex needs, including mental ill-health, disability, experiences of family violence or other trauma and abuse (as the consultation paper reflects). The restorative justice program must be able to respond to young people's diverse needs, to ensure they receive appropriate, safe and individualised responses. Engagement with and information for young people needs to be youth-friendly, developmentally and culturally appropriate and trauma-informed – including ensuring that the unique cultural needs and rights of Aboriginal children and young people are met (noting the *Lotjpadhan Restorative Justice Pilot*).
- The consideration being given to the structure of Victoria's 'dual track' system is welcome, given the FVRIM identified a lack of 'activity focused on differentiated responses for young adults aged 18–24 years' and 'need for further consideration of how to suitably respond to young adult victim survivors or perpetrators'.<sup>3</sup> The FVRIM also noted the need for growing demand for responses to younger children aged eight to 12 years,<sup>4</sup> and we encourage the department to consider the suitability of the restorative justice program for these children.
- We suggest that the Restorative Justice Knowledge Hub include a focus on building the evidence base for effective, trauma-informed and culturally safe models for children and young people.

We also note the current ANROWS research *WRAP around families experiencing adolescent violence in the home (AVITH): Towards a collaborative service response* and encourage the department to consult with the researchers.<sup>5</sup>

#### Next steps

We would be pleased to discuss any of these points further. If this would assist, please contact

[REDACTED]

The Commission looks forward to further consultation with the department on this project.

Yours sincerely



Liana Buchanan  
**Principal Commissioner**

29 October 2021

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<sup>1</sup> *Report of the Family Violence Reform Implementation Monitor, As at 1 November 2020*, pages 102 and 103.

<sup>2</sup> *Neither seen nor heard – Inquiry into issues of family violence in child deaths 2016*, page 49.

<sup>3</sup> *Report of the Family Violence Reform Implementation Monitor, As at 1 November 2020*, page 140.

<sup>4</sup> *Report of the Family Violence Reform Implementation Monitor, As at 1 November 2020*, pages 99, 103.

<sup>5</sup> See: Australia's National Research Organisation for Women's Safety (ANROWS) WRAP around families experiencing adolescent violence in the home (AVITH): Towards a collaborative service response, <https://www.anrows.org.au/project/wrap-around-families-experiencing-adolescent-violence-in-the-home-avith-towards-a-collaborative-service-response/>