

# Foreword

Judge Andrew Becroft, Principal Youth Court Judge  
for Aotearoa New Zealand: Te Kaiwhakawā Matua o  
Te Kooti Taiohi

“If you are planning for a year, sow rice; if you are planning for a decade, plant trees; if you are planning for a lifetime, educate children.” (*Chinese proverb*)

If there is a central message to this challenging book, it is that keeping young people in school, rather than excluding them, is of pivotal importance to our community’s long-term health. This is a message that resonates with all those involved in youth justice. It is music to our ears, especially those involved at the coal face who each day deal with our most challenging and problematic young people. This is because most serious young offenders are not engaged in education. They have drifted out of the formal education system, often in their early teenage years, having been the recipient of a series of failed school-based interventions. Then they typically move through successive programmes aimed at curbing their behaviour. All too often they end up before the Youth Court.

That is why it is not so unusual that a Youth Court judge would write a foreword to a book such as this. Youth Court judges have a significant interest in our education system. There is also a statutory mandate to address the causes underlying a child’s or young person’s offending. Of course there is no magic bullet to reduce youth offending. But if there were, it would be to keep every young person meaningfully involved in education—preferably mainstream education—for as long as possible. Nowadays, all those involved in the youth justice community accept that educational involvement is one of the most significant protective factors in a young person’s life. It builds resilience. Re-engagement in education is probably the most effective response that the youth justice system can make to repetitive youth offending.

It is perhaps worth unpacking my perspective in more detail. In

New Zealand, most youth offenders do not come to court and are dealt with effectively by the police in the local community. For most of these young people, educational disengagement is not the issue. However, about 20 percent of youth offenders are charged and brought to court. Most are what are known, according to the jargon, as “life course persistent offenders” or “early onset offenders”. They make up probably only 10 to 15 percent of all youth offenders, but they might be responsible for up to 50 percent of youth offending in their area. They come with an alarming cocktail of characteristics which are often referred to as co-morbid, or co-occurring and inter-related.

- About 81 percent are male, although the number of young women who are offending is increasing, especially for violent offending. Young women present with a range of issues that differ from those of young men, making engagement more difficult and time consuming to address.
- A number of youth offenders (estimated at 10 to 15 percent), both male and female, are already parents of children themselves. In many cases they are the subject of government intervention regarding the care and protection of their children.
- Up to 70 to 80 percent of young offenders have alcohol or drug issues. The drugs of choice are mainly alcohol (beer and Ready to Drink beverages (RTDs)) and cannabis. Many young people before the Youth Court started their drug use before 10 years of age.
- Crucially for the purposes of this book, up to 70 percent of youth offenders are estimated not to be engaged with school or even enrolled at a secondary school. They have usually been excluded or simply drifted out of education. Non-enrolment rather than truancy is the key problem.
- Most have experienced family dysfunction and disadvantage and are transient and violent. They also lack positive role models.
- Many have some form of psychological disorder, especially conduct disorder, and display little remorse or empathy.
- Many have a neuro-disability. No prevalence study on this issue has been undertaken in New Zealand, but it is unlikely that the rate here would differ significantly from those found in a study carried out by

the Office of the Children’s Commission for England and Wales. The study undertook an “extensive structured literature review ... chosen to provide extensive coverage of a variety of relevant academic disciplines” (Hughes et al, 2012, p.20). The review found that young people held in custody had significantly higher rates of neuro-disability than young people in the general population across all neurodevelopmental disorders. Young people in custody, for example, are eight times more likely to have autistic spectrum disorder and twice as likely to have traumatic brain injury. More than one in three young people in custody are also likely to have a learning or communication disability

- Māori, the indigenous population of Aotearoa New Zealand, are over-represented among youth offenders. They make up 24 percent of the 10–16-year-old population, yet they comprise 61 percent of court appearances nationally, and in some North Island courts the appearance rate is significantly higher. The disproportion of Māori representation in the Youth Court is getting worse, not better (an increase from 44 percent in 2005 to 61 percent in 2014).
- Child, Youth and Family records show that 73 percent of youth justice clients are known for care and protection concerns.

This is a rather depressing and bleak analysis. However, it does indicate the significant number of young offenders who are not engaged in education in any form and the likelihood that they have other co-occurring problems. It also serves to emphasise the size of the problem that will face some secondary schools in retaining young people with these sorts of challenges. They represent some of the most damaged and challenging young people in the country.

I do not wish to be misunderstood. In some cases it seems to me that exclusion from school may well be inevitable in the interests of the greater majority of students. But the message of this book is that such a step must be a last resort, and in fact may apply to many fewer children and young people than previously thought. In this respect, it has long been suggested that schools in the future may well become ‘social service hubs’, where co-located expert services provide input and assistance to the school’s most problematic and damaged pupils.

There is every reason to think that the young people in the education

system who are most at risk of exclusion display many of the characteristics identified and described above. This book addresses these issues very frankly and brings a message of hope. The practical initiatives collected in Part Two of the book focus on endeavours that are being used in Aotearoa New Zealand and Australia to keep challenging young people engaged in school. Especially encouraging are the efforts described that aim to include indigenous young people, who are just as disproportionately represented in the school disengagement statistics as they are in the youth justice statistics.

There is also an interesting chapter on the use of restorative justice. This will resonate with all New Zealanders involved in the youth justice system, given the use of the Family Group Conference as the key decision-making mechanism for all those young people who appear in our courts. Family Group Conferences are practised in a restorative justice way and are often hailed as the first comprehensive (and probably only) example of restorative justice being incorporated into a country's legal system. The use of restorative justice in secondary schools in Aotearoa New Zealand is already well advanced and proving very successful. There are other New Zealand government initiatives, such as Positive Behaviour for Learning initiative (PB4L), which are also bearing fruit in terms of providing a school-wide approach to improving responses to challenging behaviour.

I could go on. The point is that significant strides are clearly being made by schools to involve difficult and problematic students. The message of this book is that more needs to be done and can be done. Indeed, there is another interesting chapter which flips conventional wisdom on its head and talks about how schools can change to deal with difficult young pupils rather than seeing the solution as a matter of fixing the pupils. In this way, school disengagement is seen as the school's issue rather than the young person's problem: what has the school done to alienate the young person? This all represents a different paradigm and constitutes challenging new thinking.

From the Youth Court's perspective there have already been significant changes in the attitudes of Aotearoa New Zealand secondary schools to retaining their most difficult young people. Increasingly it seems to be accepted that excluding or expelling a problem does not solve that problem for the community: it only relocates it. There has

been a sea change in the attitude of most schools, and we see the benefits in youth justice. Youth Court numbers have halved in the last 5 years. The rates of appearances in court have reduced dramatically. It is difficult to isolate a single factor, but the view of most is that the increased commitment by the Ministry of Education and schools around Aotearoa New Zealand to retaining students within the school community has been a significant contributing factor. Long may this continue. And improve.

I conclude with a challenge through the lens of a Youth Court judge. Schools are the community's ultimate—and certainly its first-line—'crime fighters'. Schools that engage and involve as many young people as possible, and for whom exclusions/expulsions are a rarity, provide an enormous service to the justice system and their country. Their efforts bring down the crime rate. Schools are not usually cast in this role. The language of crime fighting is seldom attributed to the educational community. But it should be. Young people who are no longer locked out of school and who are able to access some form of meaningful educational/vocational training are unlikely to become adult criminals.

All those in education will find this book interesting and challenging. But it is also a message of practical hope for the wider community, and, in particular, the youth justice community, which relies so much on successful educational engagement. The words of this whakataukī (Māori proverb), with which I conclude, perhaps put it best:

Māmā kē te tohutohu tamariki, i te whakatika pakeke.  
(It is better to train up a child than to try to repair an adult.)

## **References**

- Hughes, N. Williams, H., Chitsabesa, P. Davies, R. & Mounce, L. (2012). *Nobody Made the Connection: The Prevalence of Neurodisability in Young People Who offend*. United Kingdom. The Office of the Children's Commissioner.