



**Alannah & Madeline  
Foundation**

Keeping children safe from violence

## PROJECT REPORT

# Cubby House Evaluation

**Cubby House**



Prepared by Effective Change Pty Ltd  
June 2016

Report commissioned by **The Alannah & Madeline Foundation**

The Alannah & Madeline Foundation is a philanthropic not-for-profit organisation established in memory of Alannah and Madeline Mikac, aged six and three, who, with their mother and 32 others were killed at Port Arthur, Tasmania on 28 April 1996. The foundation cares for children who have experienced or witnessed serious violence and runs programs that prevent violence in the lives of children.

### **Acknowledgements**

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### **Photographs and images**

All photographs and images reproduced with permission. Children appearing in photographs are professional models.

Front cover: Entrance to the Cubby House. Photograph: Peter Bennetts

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The external play area of the Cubby House. Photograph: Peter Bennetts

# Executive Summary

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*The Cubby House is an absolutely brilliant initiative. When you see it, everyone questions why we didn't do this before.*

Her Honour, Judge Amanda Chambers, President, Children's Court of Victoria

The Cubby House is a child-friendly space at the Broadmeadows Children's Court, resourced by a Youth Worker employed by the Alannah & Madeline Foundation (AMF).

The space is for children attending the court, typically in Emergency Care of the Department of Health and Human Services (DHHS), whilst the DHHS makes an application for their protective care. In practical terms, this generally means a child has been removed from their family home because they have been, or are at significant risk, of abandonment, neglect, physical, emotional or sexual abuse. They may have left home the day before with not much more than the clothes on their back, and may have spent the night with a relative or a temporary foster care placement.

It does not take much imagination to appreciate that children – generally from the age of 10 up to 18 years – will arrive at court feeling disorientated, concerned and probably quite scared. They may be on their own or in a sibling group.

The Cubby House is a simple concept – a friendly space with games, entertainment and space for quiet relaxation areas and a friendly face, in the form of the Youth Worker, there to support the child.

Surprisingly, this is the only example of such a space in any Children's Court in Australia.

In the six months since opening in late October 2015, 114 children have spent their time at the Broadmeadows Children's Court in the Cubby House. More than 100 further children have been engaged in activities with the Youth Worker in the court's foyer.

This evaluation was commissioned by the Alannah & Madeline Foundation in order to investigate how the elements of a child-friendly space, supervised by a youth worker contribute to:

- the experience of children at court, and
- the experience of DHHS child protection staff who retain responsibility for the welfare of children at court.

The evaluation has also explored whether any other benefits result from the Cubby House, particularly for other court users.

The results are intended to identify any possible improvements to the model and for the learnings to inform potential application of this model to other Children's Courts.

The evaluation found that the implementation of the Cubby House model at the Broadmeadows Children's Court:

- significantly improves the experience of spending time at court for young people in emergency care
- significantly reduces the number of incidents involving children at court

- significantly enhances the working environment for child protection staff
- significantly relieves the stress of child protection staff whilst at court with children in their care
- enhances children's capacity to provide instructions to their lawyer in a calm and relaxed state
- reduces tension and enhances the environment in the public waiting areas of the court for users of the court and for court staff
- improves and enhances the experience of Aboriginal children and families at the court
- improves productivity and efficiency for court staff, child protection staff and lawyers.

Feedback from stakeholders highlighted the combined factors of the well-designed space, the skills and capabilities of the Youth Worker, and the benefits that these provided to children, families, child protection workers, lawyers, the court and court staff:

- *The key factors are that the children are away from the chaos of the court, it is a safe location and the parents can't be there. It is a comfortable, friendly space. It makes court less intimidating and the children feel it is therefore okay to come back. (Child protection worker)*
- *The consistency of the same adult in the space providing that supportive role is valuable. At other courts, children who are kept in separate spaces are often left alone for long periods or managed by multiple different adults. (Private lawyer)*
- *The Youth Worker can give children her full and undivided attention, which child protection workers can't do at court. (Child protection worker)*
- *The Cubby House provides a better experience for Aboriginal people compared to other court settings. (Koori Services Manager)*
- *Children actually ask to come to the Cubby House. (Child protection worker)*
- *The Cubby House definitely reduces stress and emotional anxiety for child protection staff. (Child protection worker)*
- *For the courts, the benefits are that the children in Emergency Care are safe, secure and away from the foyer. The initiative alone is good, but is enhanced by the Youth Worker, especially when she can assist with children in the foyer. (Registrar)*
- *It makes a difference taking instructions from a more relaxed child. (Lawyer)*

Stakeholders were unanimous in believing that the model could be implemented in other settings – either through retro-fitting in an existing court or integrating into newly constructed courts.

However, successful future implementation requires building from the lessons of this evaluation. The critical lessons, and factors for success revolve around understanding the two key elements of the Cubby House:

- a high quality, child friendly designed space
- resourced by a skilled and experienced Youth Worker.

The Cubby House experience also shows the importance of establishing a partnership between the courts, the DHHS and the non-government partner as early as possible in the design and implementation of the model.

*'So many of those who end up in the courts have been born into extreme disadvantage; some of them have been in protective care literally from their first breath... Young people are our future, and we must have hope, and a belief in change in this jurisdiction. Help at early stages when they come in contact with the Children's Court is an investment which will benefit the community... The court's focus must be on therapeutic, innovative approaches, which look at building strengths not concentrating on weaknesses.'*

Judge Peter Couzens (retired)

*'Young people are our future': Judge Peter Couzens on Children's Court initiatives and the importance of early intervention, Victoria Legal Aid 18 February 2015*

## Recommendations: Strategic

- Recommendation 1: That the AMF disseminate this report, in particular to the Children's Court of Victoria, in order to share the growing evidence base developing on the Cubby House model.
- Recommendation 2: That the AMF commence discussions with the Children's Court of Victoria to explore opportunities to replicate the Cubby House Model in other settings. The Melbourne Children's Court should be considered a priority location. The new court complex in Shepparton should also be considered a priority, as a new Cubby House could be integrated into a newly designed courthouse.
- Recommendation 3: That, subject to support from the Children's Court of Victoria, the AMF explore options for funding to support Cubby House models in other courts.
- Recommendation 4: In the event that support is provided to implement the Cubby House in other court settings, the essential and desirable elements articulated in the Cubby House model (see p.24) are used to specify the program requirements.
- Recommendation 5: In the event that support is provided to implement the Cubby House in other court settings, new partners (from the courts, DHHS and legal practitioners) are taken to observe and learn how the Cubby House operates at the Broadmeadows Children's Court, including speaking to their peers about the Cubby House.
- Recommendation 6: In the event that support is provided to implement the Cubby House in other court settings, the Cubby House Youth Worker provides training and mentoring for new Cubby House Youth Workers.

## Recommendations: Operational

- Recommendation 7: That the Cubby House is provided a standard agenda item on the Court Users Group meeting to report on young people's experience of the court, any general issues or matters arising.
- Recommendation 8: That the AMF and the DHHS meet on a regular basis to review, monitor and discuss operational matters to ensure duty of care obligations are consistently maintained.
- Recommendation 9: That the AMF and the DHHS review and formalise opportunities for the Youth Worker to provide feedback to DHHS Child Protection on observations of children and families, to contribute to the DHHS assessment process.
- Recommendation 10: That the AMF canvass project partners about formalising and extending the role of the Youth Worker to provide support in the court waiting area. Should there be strong support for this, the resource implications will need to be considered within AMF and discussed with project partners.
- Recommendation 11: That the AMF prepares a professional support and development plan for the Youth Worker, which ensures that professional supervision is provided, and the risks of professional isolation of the role are minimised.
- Recommendation 12: That the AMF resource and support the piloting of collecting feedback from children (on a voluntary basis) using the Photovoice technique. This would require some resources in the room, including digital cameras and a photo printer, and potentially some training for the Youth Worker in this technique.



The Cubby House children's areas. Photograph: Peter Bennetts

# Introduction

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The Cubby House at the Broadmeadows Children's Court of Victoria is Australia's first purpose-built waiting space for young people attending court in the protective care of the Department of Health and Human Services (DHHS).

## Cubby House overview

Launched in October 2015, the Cubby House at Broadmeadows Children's Court offers young people a safe and comfortable space, equipped with resources to engage and distract. A Youth Worker from the Alannah & Madeline Foundation (AMF) staffs the Cubby House.

DHHS staff who are accompanying children at court have an office space adjacent to the Cubby House, with clear lines of sight to children in their care, which provides a quiet, comfortable and productive work area.

## Background

The Cubby House was developed in response to clear needs identified within the community. With the exception of the Broadmeadows Children's Court, DHHS staff supervise children attending court on protection orders with few amenities and distractions. They must also prepare and present protection and care applications to the court, and undertake the necessary negotiations, whilst also supervising children in their care.

The construction of a new Children's Court at Broadmeadows presented the opportunity to address these challenges.

## The role of the Alannah & Madeline Foundation

As a leading charity protecting children from violence and bullying, the Alannah & Madeline Foundation (AMF) was approached to develop

an innovative program to respond to this need. The AMF managed the design and fitout of the Cubby House by Mihaly Slocombe Architects which was funded by the AMF, their supporters including the Ian Potter Foundation, and Court Services Victoria. The Cubby House is staffed by an AMF Youth Worker to ensure children and young people are appropriately engaged and cared for during their time at court.

## Project evaluation

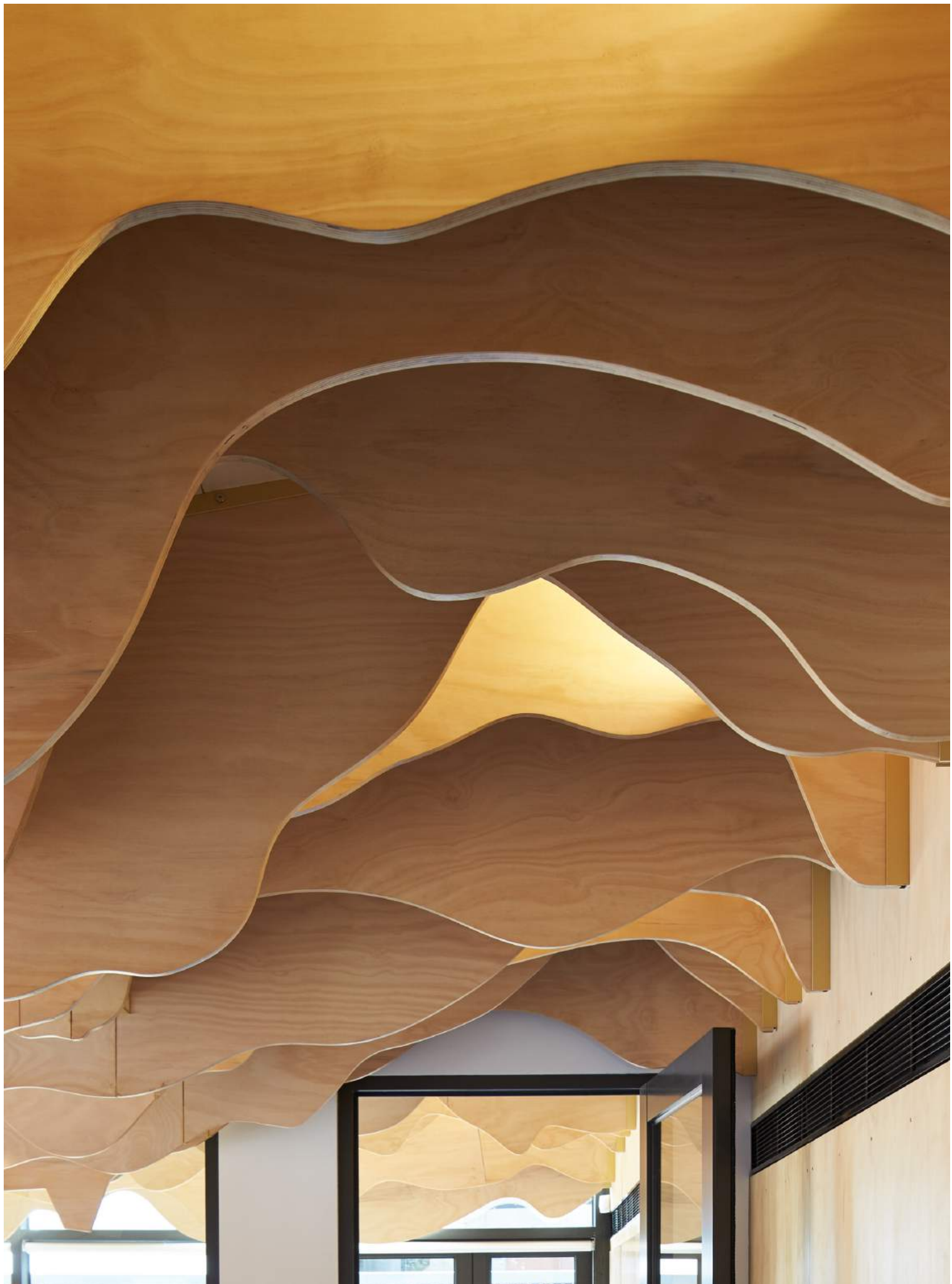
### Purpose

Whilst the Cubby House offers a unique service delivery model, with potential to be rolled out across similar settings, an evaluation was seen as essential to:

- assess the appropriateness of the model
- identify opportunities for improvement, and
- build an evidence base to advocate for funding to address this gap.

### Report

This report, prepared by Effective Change Pty Ltd, provides the results of the Cubby House evaluation, and includes the project's background, the rationale, and the project outcomes.



Ceiling fins. Photograph: Peter Bennetts

# Background and context

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This sections set out the background to the work of the Family Division of the Children's Court, the 2011 Inquiry into *Protecting Victoria's Vulnerable Children* and its links to the innovative reforms at the Broadmeadows Children's Court.

## The Family Division of the Children's Court

The Family Division of the Children's Court of Victoria has jurisdiction to hear a range of applications and make a variety of orders in relation to the protection and care of any person under the age of 17 years.

When is a child in need of protection?

A child may be in need of protection if any of the following has occurred, or is likely to occur:

- ♦ the child has been abandoned by his or her parents
- ♦ the parents are dead or incapacitated
- ♦ the child has suffered physical abuse
- ♦ the child has suffered sexual abuse
- ♦ the child has suffered emotional or psychological abuse
- ♦ the child has been neglected.

A child may also be in need of protection if the court finds that there is at the time a substantial irreconcilable difference between the child and his or her parent/s (or person who has custody) which is likely to seriously disrupt the care and control of the child.<sup>1</sup>

## Protecting Victoria's Vulnerable Children Inquiry

Conducted in 2011, the Protecting Victoria's Vulnerable Children Inquiry's wide-ranging terms of reference included an examination of possible changes to the processes of courts,

and how departments, agencies, courts and service providers can better work together to support at-risk families and children. On the basis of submissions received and observations of the Inquiry who visited the (Melbourne) Children's Court and witnessed *'the crowded corridors of the Family Division, with parents, workers, lawyers and children and the stressful environment for all concerned'*, the Inquiry reported that *'The environment (at the Family Division of the Melbourne Children's Court) is simply not conducive to productive outcomes for children and their families.'*<sup>2</sup>

The inquiry concluded that *'improving (the environment at the Melbourne Children's Court) should be a priority reform for the Victorian Government.'*<sup>3</sup>

*'The Children's Court should be resourced to decentralise the Family Division by offering more sitting days at Magistrates' Courts or in other customised facilities in those Department of Human Services regions with high demand. Existing court facilities should be adapted as appropriate to meet the needs of children and their families.'*

Recommendation 55  
Cummins et al (2012) *Report of the protecting Victoria's vulnerable children inquiry*, Department of Premier and Cabinet (Victoria), p. lvii

## Broadmeadows Children's Court

As a result of the Protecting Victoria's Vulnerable Children Inquiry (the Cummins Report) and other major reviews into Victoria's child protection system<sup>4</sup> the Children's Court of Victoria has implemented a range of reforms. These include a move to decentralisation, and changes in practice which 'aim to move the Court from traditional adversarial roles and processes to therapeutic and restorative approaches'.<sup>5</sup> The reforms aim to positively impact on the lives of vulnerable children. Launched in October 2015 by the Attorney-General, the Hon. Martin Pakula MP, the Children's Court Family Division at Broadmeadows is an example of these reforms. The court is to be 'a centre for innovation in managing child protection cases for the community of northern metropolitan Melbourne...with an emphasis on collaborative and constructive court processes to assist in decision-making'.<sup>6</sup> Innovative legal practices implemented at this court include:

- The Family Drug Treatment Court – the first of its kind in Australia
- Case docketing, which provides for magistrates to maintain carriage of cases

for the duration of proceedings from commencement to finalization

- Piloting of a Koori Hearing Day program that provides a culturally responsive court experience for Aboriginal and Torres Strait Islander families involved in child protection cases.

In her remarks at the launch, Judge Amanda Chambers, President of the Children's Court of Victoria drew attention to the layout of the complex – 'designed to reduce the stress on all those who are obliged to attend (and to) encourage, rather than hinder, less adversarial court processes.'<sup>7</sup>

In addition to the Cubby House, innovative design features of the new complex include:

- two courtrooms specifically designed for child protection cases
- accommodation for DHHS staff, Victoria Legal Aid and private lawyers
- dedicated meeting and interview spaces
- large public waiting areas
- outdoor children's area and a separate quiet outdoor space for adults.



Broadmeadows Children's Court. Designed by Lyons Architects

# The Cubby House model

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The Cubby House model involves three integral elements: the physical space, the AMF Youth Worker and the partnership between the key parties. This section of the report describes those elements.

## The space

The Cubby House is architect-designed and purpose-built to provide:

- a safe, calming and comfortable space for children attending court in the protective care of the DHHS, and
- a designated office space for DHHS staff with clear lines of sight to children in their care, whilst providing a quiet comfortable and productive work area.

The Cubby House is located in the secure area of the court, and can only be accessed with a security pass.

The physical space comprises three zones – an internal and external area for children, and an office space for DHHS staff, as shown in the floorplan (Figure 1).

The children's space has:

- soft furnishings
- a reading nook
- games and activities
- children's library
- an audio-visual centre
- office storage
- secure storage.

The external balcony area has an activity wall and potted plants. The beanbags are suitable for outdoors, and can be taken out to the deck. Windows provide natural light for the internal space and there are further windows

in the DHHS office.

The children's area and the DHHS office space is separated by windows and a glass door, which provides lines of sight for DHHS staff to the children's area but soundproofs each of the rooms.

Understanding that children attending court in the protective care of the DHHS are likely to have undergone significant upheaval, often in



Figure 1: Cubby House floorplan. Source: Mihaly Slocombe Architects

the previous 24 hours, the architectural brief was to create 'a sanctuary' acknowledging that home is not necessarily a safe place. The AMF branded Cubby House name-plate on the entry door in the shape of a porthole, visually signals entry to a space for young people.

Drawing inspiration from the iconic multiplane camera used by Disney studios to create animations, architectural firm Mihaly Slocombe's response was to create an 'upside down' world, through a series of plywood fins on the internal ceilings representing cities, lakes and mountains. The fins create a three-dimensional landscape across the ceilings, most effectively perceived when lying on a beanbag looking up.

Extending the sanctuary concept, the architects created a reading nook, which provides a cocoon, a space for a child to curl up and read, listen to music, nap – have their own time. Playing with these concepts led to conceiving of the area as a space for kids – a Cubby House.

The Cubby House is housed within the overall court complex, designed by Lyons architects and was commissioned after the design of the court complex. The total space of the three zones measures 63 square metres (6 metres by 10.5 metres).

The design challenges included catering to the needs of a cohort of girls and boys ranging between 10 to 17 years, each with differing circumstances and needs. Length of time to be spent in the space would be determined by court processes, and could vary from less than an hour to a full day. The number of children using the space at any single time could also range. Whilst creating a sanctuary for children, the design also needed to create a safe space for all. The design of the balcony, for example, needed to take into account the possibility of flight risk, or intentions to cause harm to self or others.



View of the Cubby House ceiling showing the upside down, three dimensional landscape. Photograph: Peter Bennetts

## The AMF Youth Worker

The Cubby House is staffed full-time, by a Youth Worker employed by the AMF. In addition to professional qualifications, the staff member has a current Working with Children Check and a Victorian Police Check. The role of the Youth Worker is to monitor and support young people spending time in the Cubby House whilst in the protective care of the DHHS. The worker attempts to establish rapport and engage with all young people entering the Cubby House. She observes and takes cues from the young person in terms of their preference for talking or engaging in activities. Some young people prefer to 'chill out' or not engage, whether through age, fatigue, boredom, feelings of being overwhelmed or confused at court, emotional reactions to their personal situation, the affects of trauma, developmental delays or disability. The young person may simply want to sleep, listen to music, watch a movie or play on their phone.

The Youth Worker does not have a case role with the young person. However, as the permanent staff member within the Cubby House, she is in daily contact with children in Emergency Care.

When young people are happy to engage with the Youth Worker, time can be spent on diversionary activities - playing games, craft activities, drawing on the blackboard or simply chatting. The room does not have a kitchen, but drinks, fruit and snacks are available.

## The Partnership

The Cubby House is supported by a partnership between the Alannah & Madeline Foundation, the Department of Health and Human Services and the Children's Court of Victoria. The partners' roles and responsibilities are outlined in a Memorandum of Understanding (MOU). Collectively, the partners agree to collaborate on key activities, meet if one or more party requests and explore opportunities to promote each other's work.

### The Alannah & Madeline Foundation

The AMF is responsible for operating the Cubby House, funding its services, including the employment of the staff member and all equipment, material, aids and games. The AMF will remove any items considered dangerous or unsafe if a reasonable objection is made. As DHHS staff are responsible for the supervision of children in Emergency Care, AMF staff are not to accompany young people outside of the Cubby House. If AMF staff encounter an incident or challenging behaviour from young people, they agree to seek the support of DHHS staff, and can leave the Cubby House if they feel unsafe and the incident is to be resolved by the DHHS staff.

### Department of Health and Human Services

The DHHS is responsible for the safety and supervision of children and young people, and for managing any challenging behaviour in accordance with existing plans. The DHHS is responsible for following Incident Reporting Procedures for incidents at the Cubby House.

### The Children's Court

The Children's Court provides access to the Cubby House to the AMF, the DHHS and children and young people in Emergency Care. The Court is responsible for maintenance, servicing, cleaning, property damage, maintaining occupational health and safety policies and procedures and appropriate access and security services.



Cubby House interior showing the reading nook and window to the office for DHHS child protection staff. Photograph: Peter Bennetts

# The evaluation

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An evaluation framework was developed to guide the evaluation, using a mixed method approach. Data collection focussed on qualitative information, given that the Cubby House is a new initiative in Australia and comparative data is not available.

## Key evaluation questions

Aligned with the aims of the Cubby House, the evaluation explored:

- whether stakeholders had experienced and/or observed positive outcomes for children and young people at court (reduced emotional distress and anxiety, enhanced positive behaviour)
- how and/or whether the physical design of the Cubby House and the role of the AMF staff member contributes to outcomes
- whether stakeholders had experienced and/or observed positive outcomes for child protection staff (reduced stress, increased work satisfaction and productivity at court).

Stakeholders were also asked:

- to identify any other unforeseen benefits, or disadvantages of the Cubby House model
- potential improvements
- potential for replication of the model in other settings.

## Methods

### Observation

The consultants visited the Cubby House on four occasions, to observe the space and its operation. On two occasions young people were using the space. The consultants also visited the Melbourne Children's Court and observed the children's room and waiting area for children in protective care.

### Searches and literature scan

The consultants conducted Google searches, as well as interrogating academic databases to identify comparable children's spaces in court settings, using a range of search terms (eg. purpose built children's space). Contextual reports were also examined, in particular the *Report of the protecting Victoria's vulnerable children inquiry* (also known as the Cummins Report).

### Quantitative data

The Cubby House attendance data was collected and analysed.

### Stakeholder and key informant interviews

A total of 34 stakeholders were interviewed using a semi-structured interview schedule. Table 1 shows the stakeholder groups and the number of interviews conducted. The majority of interviews were face to face, three were conducted by telephone and two stakeholders provided written feedback. Children's Court of Victoria representatives consulted included:

- Her Honour, Judge Amanda Chambers, President of the Children's Court of Victoria
- Her Honour, Magistrate Kay Macpherson, Broadmeadows Children's Court
- Simon McDonald, CEO
- Kylie Pieters, Operations Manager.

**Table 1: Cubby House evaluation consultations**

<b>Stakeholder groups</b>	<b>Number</b>
<b>Court and court services</b>	
Children's Court of Victoria	3
Broadmeadows Children's Court	4
Court Services Victoria	1
<b>DHHS Child Protection – North Division</b>	
Operations Manager	1
Child protection staff (with direct experience of a child in their care accessing the Cubby House)	7
Child protection staff (who had observed children accessing the Cubby House)	5
<b>Lawyers</b>	
DHHS Legal representatives	2
Private lawyers (from five separate firms)	6
Victoria Legal Aid lawyers	2
<b>Architects / designers</b>	
Mihaly Slocombe Architects	2
<b>Alannah &amp; Madeline Foundation</b>	
Youth Worker, Cubby House	1
<b>Total</b>	<b>34</b>

## Consultations with young people

While young people are the core stakeholders of the Cubby House, they were not consulted for the evaluation for multiple reasons. Primarily, given that young people in protective care are attending court under stressful conditions, it was considered neither appropriate nor ethical to involve them in an interview on that day. Further, ethical requirements, such as obtaining informed consent and/or consent of parents or guardians, would not have been achievable.

To overcome this gap interviewees were asked to share feedback received about the Cubby House from young people and/or to provide their professional observations of young people's experience of Cubby House.

# Courthouse design and children's experience of court

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A literature review was conducted to identify whether there were other spaces or programs in Australia that are similar to the Cubby House.

Courthouses are generally not designed with the needs of children in mind and as a consequence, can be intimidating. While this review is not exhaustive, no spaces or programs were identified that were identical to the Cubby House in other Australian jurisdictions.<sup>8</sup> Consistent with international obligations, numerous reports and reviews on juvenile justice and child protection have noted a desire to improve children's court experience.<sup>9</sup>

The Australian Law Reform Commission (ALRC)<sup>10</sup> identified the impact of the court environment on children's experience of the legal system. Authors reported that young people [were] often waiting for hours and should be able to wait in a calm and reasonably private environment, and therefore recommended that guidelines be established for the design of courts.<sup>11</sup> Currently, the only design standards publicly available are those for Western Australia. These standards recommend an understanding of the psychology of architecture and the creation of user-friendly courts to help all people (including children) feel they are in a safe place.

Following the ALRC report, a 2008 study into the design and layout of children's courtrooms in NSW found that courts did not incorporate good design principles. A custom-designed court failed to facilitate meaningful participation due to the size of the courtroom, reliance on

the dock, linking of public announcements to the emergency system and poor audio-visual equipment. The authors were also critical of the design of waiting areas, interview and victim's rooms and noisy acoustics.

Recommendations included:

- Adequate seating in waiting rooms
- An effective system in place to call young people to have their matter heard
- Availability of private victim's rooms, to reduce anxiety resulting from seeing the offender
- Separate waiting rooms for criminal and care matters
- Provision of services and entertainment to assist children awaiting matters.<sup>12</sup>

A national assessment of Australian children's courts in 2009–11 highlighted the importance of adequate resourcing of the child protection system and courts.<sup>13</sup> The assessment reported a shortage of child protection and youth workers (CPWs) across Australia, and noted that CPWs in Victoria in particular identify court as a very difficult work environment.<sup>14</sup> The assessment also identified universal concern about the state of children's court facilities across Australia.

*"All buildings were reported as failing to cater to children's needs. They were described as overcrowded, tense, chaotic and often unsafe and without adequate security. They had either no or inadequate interview rooms for lawyers*

*to meet clients. Many also had either no or inadequate audio-visual systems to permit parents unable to travel long distances to participate in proceedings...But however poor the facilities in metropolitan locations, they were uniformly seen as much worse in regional and remote locations.*"<sup>15</sup>

In addition, the assessment found children's courts had not fared well in the competition for funding from government and authors expressed their concern about this "underinvestment in society's greatest asset....its children and young people."<sup>16</sup>

The Cummins Report recommended a range of improvements to existing Children's Court facilities, and in particular identified that improvements to the Melbourne Children's Court should be a priority for the Victorian Government.<sup>17</sup> The more recent Victorian Royal Commission into Family Violence also recommended changes to enhance the safety of Magistrates Courts, including 'providing adequate facilities for children and ensuring that courts are child-friendly'.<sup>18</sup> The Victorian government has accepted the report and committed to implementing all recommendations, and has allocated funding for building refurbishments in the 2016 budget.

#### Children's experience of courts in the United States of America

Since the 1980's, US states have legislated for the provision of child friendly waiting rooms in court.<sup>19</sup> Volunteers are used in the USA court system to provide services to support families in children's waiting rooms and day care centres. Volunteers may also fund and staff courthouse waiting rooms; act as court appointed advocates for children, or provide ancillary programs after court such as accessing donated books.

Unlike Australia, many of the children's spaces in courtrooms in the USA are court based registered child-care centres.<sup>20</sup> Court based child care is usually a free service for parent's resolving issues in court; many provide activities for children such as board games, arts and craft and video games and offer snacks. These services are predominantly limited in age to children between 2-12 years,

but play areas tend to also have activities suitable for teenagers.

The Edmund D Edelman Children's Court in Los Angeles<sup>21</sup> was the first courthouse in the USA specifically designed to be sensitive to children and families, and make the court proceedings less intimidating. It opened in 1991 and has twenty-five courtrooms designed to be accessible to children, and has well-appointed waiting areas to reduce stress and trauma. It also has special areas for family visits, others to provide activities to occupy children awaiting court appearance (largely staffed by volunteers), child-appropriate interview rooms, children's research facilities, recreational facilities for children, an outdoor playground, light fixtures designed to blur boundaries between indoors and outdoors, and a cafeteria.

Free Arts is a program at the Edelman Children's Court run by volunteers to help children escape the anxiety of their court hearings through arts and crafts projects.<sup>22</sup> Given that some children's cases will be called soon after they arrive and others will have to wait for hours before entering the courtroom, activities are open-ended so children are welcome to join and leave at different times. Annually the program serves more than 20,000 children.<sup>23</sup>

Finally the Edelman Children's Court also supports a court assistants program, Shelter Care. This program serves unaccompanied children awaiting hearings in dependency court.<sup>24</sup> It occupies a safe place with an outdoor playground, a movie room, games, occasional speakers and entertainment. Court assistants go with children to their hearings and often remain with them for long term support and follow up issues where necessary.

#### Children's experience of courts in the United Kingdom

The Children and Family Court Advisory and Support Service (Cafcass)<sup>25</sup> is an independent public body and the largest employer of social workers in the UK. Cafcass represents children in family court cases (equivalent to the protection jurisdiction in Australia), ensuring children's voices are heard and decisions are

made in their best interests. They are currently involved in court reviews to make recommendations on how the court buildings could become more approachable and welcoming for children and young people. This includes suggesting appropriate resources and information for children and young people at court. Cafcass also seeks and acts on feedback from the Family Justice Young Person's Board (FJYPB). Currently, it seems that there are no 'waiting areas' for young people as found in the USA, or the Cubby House model in Victoria, Australia.

### Children's current experience of courts in Australia

Some courts in Australia have a designated area for children. The Court Support 4 Kids program at Sunshine Magistrates' Court was the only program identified that included the resource of a professional whose role was to support children waiting at court. The current facilities and relevant waiting spaces in Australian states and territories for children identified in the literature are summarised in the table below.

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#### New South Wales

In protection matters children often wait with their families outside courtrooms in areas where there is little to entertain them, or distract them from the stressful nature of appearing in court. Safe rooms for witnesses are more typically designed for witnesses giving evidence from a remote facility and are not designed as play areas. At best court-waiting areas might have some books and toys. A new Children's Court at Surry Hills was recently announced and will be built using the historic Albion St Metropolitan Children's Court.<sup>26</sup>

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#### Queensland & Northern Territory

Some courts have rooms for vulnerable witnesses but there are no specific play areas for children either in the public areas of the court or in more secure spaces.

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#### South Australia

At the Adelaide Youth Court, there is a parent's room in the care and protection unit, which is available to all court users. There is also reportedly space, which is rarely used, for children to wait and play in the care and protection area, with computers with games, toys, books and court related information.

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#### Victoria

The Court Support 4 Kids program at Sunshine Magistrates' Court established by McAuley Community Services for Women is delivered on an outreach basis by a social worker located in the court waiting area. The program provides playful and therapeutic support for children who attend court with their mothers as a result of family violence.<sup>27</sup>

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#### Western Australia

There is an absence of play areas in the children's court but the newly completed Kununurra Courthouse in the Kimberley does have a play area. It has been designed in response to the over representation of Indigenous people in the justice system and reflects their socio-spatial needs. The overall design of the building reflects the local culture and is strongly connected to the surrounding landscape, allowing people to feel connected to the external environment from within the Courthouse. The waiting areas within the Kununurra Courthouse are laid out informally to allow people to wait individually, in small family groups or larger groups. Screens provide privacy to people who are waiting to diffuse potential conflict between users. A secure external courtyard is provided to allow people to wait outside before entering a courtroom. There is a witness area and play area (with toys and books) located away from the courtrooms providing a safe and secure area for child witnesses and victims of crime.<sup>28</sup>

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### The future of Children's Court facilities

The literature on court facilities for children suggests that the renewal of court spaces is significantly overdue. The US-based Project for Public Spaces (PPS) is dedicated to helping people create and sustain public spaces that build stronger communities, and has been facilitating an international discussion about courts reconnecting with the community to become civic destinations that engage with and respond to their users. This requires a fundamental reconsideration of court space, both interior and exterior. PPS argues for approaches that emphasise context, use, comfort, and creating a sense of place within and surrounding courthouse facilities. Critical to change is the participation of all stakeholders. Court properties have the potential to serve as "integral places, key parts of the communities in which they reside. Courts are, after all, the people's houses of justice, and only by becoming engaging places can they live up to their potential."<sup>29</sup>



The Cubby House chalkboard showing children's drawings. Photograph: Effective Change

# Evaluation Findings

This section reports the evaluation findings about the impacts of the Cubby House design and implementation at the Broadmeadows Children's Court, and the impacts of these on the experience of young people attending this court in the care and protection of the DHHS.

## Usage and demographics

Since its launch in late October 2015, **114** children have attended the Cubby House. Table 2 shows attendance data by gender and month.

**Table 2: Attendance by gender and month**

	Month	Female	Male	Total
2015:	Oct	1	0	1
	Nov	4	4	8
	Dec	22	8	30
2016:	Jan	5	7	12
	Feb	8	14	22
	Mar	6	13	19
	Apr	4	6	10
	May	9	3	12
	<b>Total</b>	<b>59</b>	<b>55</b>	<b>114</b>

The Cubby House has been attended by roughly equal numbers of females (52%) and males (48%). Monthly data shows a slow start in November, followed by a spike in December with 30 children or 25% of the total usage (to May 2016) in child protection notifications at this time of the year. Attendance data for 2016 shows increases in February and March, and 10 – 12 children using the space in the other months.

To date, the majority of children attending the Cubby House have been in the 10 – 12 year

and 13 – 15 years age groups (see: Table 3). The children's ages have ranged from eighteen months up to 18 years. Children attending court to provide instructions are generally ten years or older. However, in emergency situations or when the child is deemed competent to provide advice, younger children attend court. Children younger than 10 years old have made up almost 8% of the total children attending the Cubby House. These children have been in emergency situations and their attendance has been short-term.

**Table 3: Total attendance by age group**

Age group	#	%
0-9 years	9	7.9%
10-12 years	50	43.8%
13-15 years	47	41.3%
16-18 years	8	7.1%
<b>Total</b>	<b>114</b>	<b>100%</b>

In terms of cultural background, the total number of children attending the Cubby House has comprised:

- 10% Aboriginal and Torres Strait Islander children
- 14% culturally and linguistically diverse (CALD) children.

This data is obtained from the sign-in sheets completed by child protection staff. In terms of ATSI data, it is likely to be an under-representation of the numbers.

## Contribution of Cubby House design

Stakeholders were asked whether the design of Cubby House contributes to reducing the emotional distress and anxiety of children whilst at court, and enhancing positive behaviour.

Stakeholders from all groups (child protection workers, lawyers, courts, court service providers) were positive about the Cubby House design and layout and reported that the design of the room contributes to reducing children's distress and anxiety. All stakeholders felt that there was a clear link between the design of the room, and children's calmer, emotional states. Having a bright, child-friendly room, with a wide range of available activities and options, as well as having supervision and company, were highlighted as key features. Importantly, it was also seen as a protective space, keeping children in a safe space away from the public spaces. The Cubby House Youth Worker reported that children frequently remark that they 'wish (the Cubby House) was my bedroom.'

Does the design of the Cubby House contribute to reducing emotional distress and anxiety, and enhancing positive behaviour whilst at court?

The following quotes are indicative of the responses received to this question:

- ♦ *Definitely – it's awesome. Courts are not child-friendly. Most kids who come here have been traumatised. At the Cubby House, they can escape the pressure, get lost in activities.*
- ♦ *The Cubby House is not intrusive, children are supervised. Children are not left to their own devices, it's well-supplied, there is heaps to do. It is a very relaxing room.*
- ♦ *The layout is comfortable and children like the beanbags and range of activities.*
- ♦ *The calmness of the room is a better place for children, compared to the tension and sometimes anarchy in the foyer.*

*It's a lovely, welcoming space for children. I always think 'I'd like to be in there.'*

Child Protection Worker

*The key factors are that the children are away from the chaos of the court, it is a safe location and the parents can't be there. It is a comfortable, friendly space. It makes court less intimidating and the children feel it is therefore okay to come back.*

Child Protection Worker

## Comparison to other Children's Courts

Child protection workers and lawyers interviewed for the evaluation were most familiar with the Melbourne Children's Court, having worked there in the past, or continuing to work there currently. Some were familiar with the Moorabbin Children's Court. Attached to the Child Protection Office at Melbourne Children's Court is a small waiting room for children (see: photo below). This is roughly the equivalent of the Cubby House, in that this is the space where children in Emergency Care are required to wait. As the photo shows, there is no natural light or entertainment, other than a television. There is no external supervision, DHHS staff must monitor children whilst continuing with their work. One interviewee described the space as being like a 'Soviet-style bunker'.



The DHHS child protection office, Melbourne Children's Court.  
Photograph: Effective Change

In essence, stakeholders reported that 'there was no comparison' between the Cubby House at the Broadmeadows Children's Court and the facilities at the Melbourne Children's Court.

Child protection staff, court staff and lawyers reported that with the absence of a supported space for young people at Melbourne Children's Court young people feel isolated and are:

- highly stressed, bored – a bad combination
- not well-supervised, on the loose, likely to act up
- exposed to 'everything' - unsuitable conversations, seeing their parents in the waiting areas, tensions in the foyer
- spending time with children they don't know or don't feel comfortable with or not interacting with anyone
- not necessarily informed about the court processes or understand what is happening, how long they will be there or progress on their hearing.

Child protection staff also reported that it was a very difficult environment for *'little one who come in if there is no placement...they can't entertain themselves.'*

The alternative spaces at the Melbourne Children's Court are the children's room in the public area downstairs or in the general waiting areas. Stakeholders described both spaces negatively and as 'unsuitable for children'.

Stakeholders reported that the stress experienced by children, either wholly or partially through the design of the court, was evident in their behaviour.

The President of the Children's Court reported that the Melbourne Children's Court *'sees young people acting out because they are frightened, especially if they have been in this situation before. In worst cases, this can escalate to an aggressive incident requiring a response from the Protective Services Officers, or young people walk out and flee.'*

The accumulation of this stress also flows through to impact on other court users and members of the public.

In contrast, as a child protection worker observed *'Kids like the Cubby House. It is a massive improvement on (other courts). The children are much more relaxed.'*

## Contribution of the Youth Worker

Stakeholders were asked whether (and how) the presence of the Cubby House Youth Worker contributes to reducing the emotional distress and anxiety of children whilst at court, and enhancing positive behaviour.

While feedback about the Cubby House space was positive, it was outstanding in relation to the Youth Worker, Charlie Bracey. Those with more contact with Charlie were even more emphatic that she had a direct role in reducing emotional distress and providing a positive experience for children at court.

Feedback about the Youth Worker highlighted the following features of the role:

### Independence from court and child protection processes

- *Someone who is not a child protection worker and can sit with the child is a great advantage.*

### Consistent staff member

- *The consistency of the same adult in the space providing that supportive role is valuable. At other courts, children who are kept in separate spaces are often left alone for long periods or managed by multiple different adults throughout the day.*

### Professional youth work qualifications

- *Charlie's training as a youth worker is excellent. She purposefully directs conversations with children away from sensitive topics, keeps kids occupied and entertained.*

### Skills and knowledge fit the sensitive setting

- *Charlie is able to de-regulate and de-escalate when someone is upset. She is quick to observe concerns and acts pre-emptively.*

### Ability to engage children in fun activities

- *From what I've seen, kids come here and the experience is 'Let's play, have some fun.'*

### Ability to connect with all children

- ♦ *...always welcoming, engaging with kids of all ages. Even adolescent boys end up smiling in the Cubby House – bit of a miracle in itself.*

### Supervision and support

- ♦ *The Youth Worker can give children her full and undivided attention, which child protection workers can't do at court.*

### Understanding of professional boundaries and roles

- ♦ *The Youth Worker understands the roles of the lawyers, child protection workers and court staff. This is important to avoid over-stepping professional boundaries, or worse, creating any confusion for a child.*

### Capacity to provide feedback to DHHS

- ♦ *Getting feedback about the child's perception of court can be helpful, so Child Protection can put measures in place if necessary, or report on anxiety or agitation which can be helpful in our assessment of the situation.*

### Supporting information flow

- ♦ *It has been really useful to have a permanent staff member in the space as a point of contact for kids or to pass on a message, eg. I'll be up in five minutes with an update.*

The consensus view from stakeholders was that the presence of the Youth Worker enhanced the Cubby House, and her skill mix and level was critical to its success.

*Charlie definitely enhances the children's experience at the Cubby House. Even without the room, if she was present, she is so warm, accommodating, attention-giving, she would make the experience better for children. Little things, like how she engages with children. I talk about legal things and it's a limited conversation. Charlie knows how to keep the conversation going with the child.*

Private Lawyer

### Impacts for children

Stakeholders were asked for concrete examples to illustrate children's experience of the Cubby House.

Lawyers consulted for the evaluation had all had the experience of taking instructions from children using the Cubby House and reported that they had found children to be 'content and relaxed', even after potentially stressful situations the night prior when removed from their family.

*The children that I have visited in the space have usually been occupied by an activity of some kind...and have therefore been content to spend time there during the inevitable delays in the court process. (Private lawyer)*

A number of lawyers commented that the Cubby House works particularly well for children with ADHD, who 'cannot handle a whole day at court, without these resources.'

Most child protection staff interviewed for the evaluation had attended court with children in Emergency Care, who had accessed the Cubby House. They reported examples of children who:

- ♦ ask to come to court for the Cubby House
- ♦ are more willing to attend court after they have been to the Cubby House
- ♦ don't want to leave the Cubby House
- ♦ are upset if, after attending the Cubby House, they find they are required to attend the Melbourne Children's Court
- ♦ give their child protection worker artwork and cards that they have made in the Cubby House.

While some child protection staff are in roles that do not require them to accompany children to court, they are able to observe children's behaviour in the Cubby House through the glass partition. Stakeholders in this group reported that they observe that children are engaged and generally relaxed in the Cubby House.

Common themes in the feedback from child protection workers was that accommodating children in the separate Cubby House space,

located away from court foyers and corridors:

- protected children at court in Emergency Care from overhearing sensitive and difficult conversations between various professionals about their own circumstances and their future living arrangements
- provided children with a sense of safety when they did not want to see their parents or caregivers
- limited children's exposure to the heightened anxieties of the court's waiting area.

How well does the Cubby House work for all children?

Child protection workers felt that the Cubby House was suitable for children of all ages. Some, with less experience of bringing children to the Cubby House, thought that it may not be as suitable for older teenagers and that activities maybe more directed to younger age groups. However, those who had brought teenagers to the Cubby House reported that it worked equally well for older and younger children. As one reported, *'Even 15 year olds like colouring in sometimes, but Charlie provides age-appropriate activities.'*

The Youth Worker acknowledged that many of the room's resources are directed at younger age groups, and that there are plans to purchase more resources, such as iPads, for use of teenagers (with parental controls in place), however older teenagers often found watching a familiar 'kids movie' or becoming engrossed in craft activities actually assisted in relaxing them. *'The young people are not coming to the Cubby House to be challenged – they are already enduring a challenging day.'* When they are in the Cubby House, they want to feel comforted and supported – watching the Lion King or cartoons is better suited to their head space during their day at court than playing war games.

Child protection staff reported a number of examples highlighting how individual children had experienced the space. For example:

**A sibling group:** *Had been to court a number of times, all enjoyed the variety of activities. They wanted to be away from their father at court because of disclosures they had made, and they felt safe in the Cubby House.*

**A ten-year old boy:** *Had been abandoned by his parents. At home, everything was about mum's health, dad's interests. In the Cubby House, he didn't have to look after his mother, or do anything but be a kid. The one to one attention he received there was probably the most attention he'd ever had. He didn't want to go, and told me he wanted to come back the next day.*

**An eleven year old girl:** *Had had a full-blown anxiety attack at Melbourne Children's Court and had to be taken to the Royal Children's Hospital. She has since been to Broadmeadows Children's Court and the Cubby House and has been fine. She doesn't see it as a chore, but rather a fun time with Charlie.*

**A teenager:** *She spent the time colouring and drawing and then gave me a card saying 'Thank you for believing me.'*

**An older teenager:** *This young woman has a very sad history of abuse and of mental health problems. She is very troubled, very damaged, has been preyed upon. She would not feel safe in many places, with good reason. She asked to go into the Cubby House. To see her then watching a movie, with a smile on her face was really remarkable. I would imagine there would be very few places where she would be able to feel safe – but the Cubby House is one.*

The Koori Services Manager reported that, given that there are more Indigenous children in out of home care now than during the Stolen Generations, a high number of Indigenous children use the space. He is a frequent visitor to the Cubby House, and will play with the children up there. In his view, the Cubby House provides a *'better experience for Aboriginal people (compared to other court settings).'* There are challenges though, for example, with a small room, and trying to bring *'an outside culture into a single room.'*

## Outcomes for Child Protection staff

Child protection staff universally agreed that the Cubby House model – in particular the combination of an attractive, child-friendly room and the Youth Worker – greatly alleviated their stress at court, and enabled them to focus on their work, and is a ‘massive improvement’ on Melbourne Children’s Court.

Several key themes emerged clearly from the feedback of child protection staff. The accompanying quotes are illustrative of the examples and responses received.

### Child protection staff do not have to attend to immediate needs of children in their care

*The Cubby House definitely reduces stress and emotional anxiety for child protection staff. The child can be in the Cubby House, and you don’t have to worry about them (Are they hungry? thirsty?). Of course in our role, we want the children we bring here to be happy, and not asking ‘When can we leave?’ all the time because they are bored.*

### Child protection staff are able to talk freely with other professionals - and children are not exposed to these discussions

*Previously I would get stressed with children in the same room, hearing things. Now the Cubby House is configured so that they will not overhear. It gives me buckets more time. I am busy anyway, but it is easier.*

### The Cubby House provides child protection staff with a pleasant workspace, more time to focus on their work and greater work satisfaction

*At Melbourne, you have to say to another worker ‘Can I leave the child with you?’ and run upstairs when you need to. It is all better (at Broadmeadows). The key factors are that the Cubby House availability gives us more room to work, more tables to actually type. At Melbourne there are eight computers for all child protection staff – really inadequate, even with only east and west regions there. No one supervises the children’s room and it is trashed. I would not want that here.*



The DHHS child protection office, Broadmeadows Children’s Court. Photograph: Peter Bennetts

Lawyers and court staff observed that the Cubby House allows DHHS staff to ‘prepare for court, rather than needing to entertain kids.’

## Other outcomes

Whilst the Cubby House is designed primarily to meet the needs of children and young people at court, and to facilitate the work of child protection staff, the evaluation found evidence of outcomes for other stakeholders.

### Lawyers

Lawyers reported that it was easier to talk to child protection staff, and therefore progress work on cases, as a result of the Cubby House because:

- children are safely accommodated, monitored and engaged in activities
- child protection staff do not have to attend to children’s needs and are therefore less distracted.

Whilst lawyers would like a private interview area in the Cubby House for taking instructions confidentially when more than one child was using the room, they also reported that ‘it makes a difference taking instructions from a more relaxed child’. Child protection staff also observed that ‘being relaxed and engaged while here allows kids to give much better instructions – everyone thinks more clearly when they are less stressed.’

## Outcomes for the court

Prior to considering the outcomes that the Cubby House provides for the court, it is important to note that it is located within a newly designed court building where a number of innovative practices have been introduced. Stakeholders felt the combined impact of these innovations (such as docketing (in which the same magistrate will continue with a case) and the use of a beeper system, rather than a public address system, separate areas for lawyers and child protection staff) resulted in a quieter, calmer court which promoted collegiate working relationships. The public areas are new, clean and well-designed. A number of stakeholders remarked that *'the whole setting of the court is better...'* One worker described it as *'a far less brutalised, far less intimidating court. You can't underestimate the role of the space in achieving a friendlier, physical environment.'*

In addition, with a lower volume of cases it is also perceived as a calmer court. *'People actually know each other. Even the Magistrates know the children.'* The court-based support for Indigenous people is also seen as an important additional resource for the court.

The Cubby House is therefore one of a number of innovations within this overall enhanced environment designed to improve the court user experience.

With children in the care of the department located in the Cubby House, away from the main foyer, there are fewer people in the public waiting area and children in Emergency Care are separated from parents.

In addition to this, when the Cubby House is unattended the Youth Worker spends time with children in the public waiting area. She will take a pack of Uno cards, or some other game, and engage children in an activity. Between January and May 2016, she has engaged 104 children in activities in the public waiting area. Sometimes she will engage adults too. As one child protection worker observed this is *'probably a rare opportunity for some parents to be guided in play activities with their children.'*

Court representatives have reported that there are significant benefits to the court through having fewer children in the foyer, and fewer disengaged children.

This reduces tensions, impatience and frustration in the foyer, or the potential for these emotions. Court representatives reported that not only is stress in public areas detrimental to children and families, incidents such as verbal altercations or a child trying to flee the court or other matters requiring the intervention of Protective Services Officers, also impact on registry and other court staff.

Since commencing operation in October, there has been only one incident report in the Cubby House. This incident was dealt with using appropriate protocols, and did not escalate to a serious event. As the court is responsible for the overall security and health and safety in the court building, a reduction in the number of safety and security incidents has clear benefits for the court.

## Outcomes for parents and families

As the Cummins Report highlighted an overcrowded and stressed court environment is not in anyone's interests, and does not assist families under pressure. Whilst a clean and pleasant environment does not eradicate the stress of attending court in relation to a protective care application, it does remove avoidable tensions.

Child protection workers also observed that they are often working with families over the longer term. This work is assisted if families see that it occurs within an institution that is functioning smoothly and in a calm and contained environment that demonstrates its value for children. On the other hand, when this work occurs in an environment perceived as adversarial, intimidating and at times, chaotic, the work and progress with the family is challenged.

## Potential improvements

### Design and resourcing

While stakeholders did not identify any negative elements of the Cubby House design, possible improvements suggested including:

- ♦ A bigger space to better accommodate larger groups of children. There has been at least one occasion of seven children using the Cubby House at once. While this does not often occur, when it does the resources are stretched.
- ♦ Private interview area for lawyers to take instructions. If there is more than one young person in the Cubby House either one child must move to the outdoor area or one or other child must leave the space.
- ♦ Break-out area to assist in supporting an individual young person with heightened anxiety who may need to be separated from others in the room and have space to calm down.

Other resources on the Cubby House wish-list include:

- ♦ Kitchen facilities, including a tap and sink and a fridge.
- ♦ Closer access to a toilet.
- ♦ Sun shade on the balcony.
- ♦ More storage space.
- ♦ More resources, including iPads, a camera and sensory and tactile items for play such as kinetic sand and playdough.

## Youth worker

The only feedback received in relation to the youth worker role was simply wanting the staff member to be there all the time, or for there to be backfill to cover absences.



Origami created in the Cubby House, displayed along the internal window. Photograph: Effective Change

# Replicating the Cubby House Model

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This section of the report presents stakeholders' perceptions about the potential for replicating the Cubby House Model. Further, it provides an overview of the essential and desirable elements of the model to assist in implementing the model in other settings.

## Could the Cubby House Model be replicated elsewhere?

Stakeholders universally agreed that the Cubby House model could be replicated in other courts. Most immediately suggested that *'it would be great to have this at Melbourne Children's Court.'* Many stakeholders consulted also work or have experience of the Melbourne Children's Court and are aware of the volume of cases and the limited resources in the court. Most acknowledged not knowing where it would or could be located, but felt that this was a problem of logistics which could be solved by other experts.

The architects of the Cubby House indicated that ideally, a designer is involved with the process from the start. Whilst brought in relatively early in the design process at Broadmeadows, there were still some challenges. For example, toilets and bathrooms were already allocated in the space, whilst the architects would have preferred that these facilities were closer to the Cubby House.

However, the architects also strongly believed that a resource such as the Cubby House can be retro-fitted to a building, and that it is the role of the architect to solve the design challenges that this may present. They felt that if the Cubby House were replicated, it should be a bespoke design that responded to the building in which it was contained, rather than transplanting a generic Cubby House. Their

essential criteria for the space were natural light and outdoor space.

The Cubby House was also seen as appropriate model for other magistrates courts or indeed other settings where children in protective care are taken, including DHHS offices.

Stakeholders emphasised that the Cubby House is a 'package deal' comprising the space and the Youth Worker. Without the Youth Worker, Child protection staff reported *'we're still supervising – it wouldn't achieve much.'*

## Potential for locating support in foyers

Some stakeholders believed that a version of the Cubby House could be introduced into court foyers – a dedicated space, toys and a staff member. This approach, in public areas, could potentially be implemented with the assistance of volunteers.

## The use of volunteers

Whilst volunteers could potentially be engaged to support play and art activities in public foyers, as occurs in some US courts, stakeholders clearly stated that the current Cubby House model requires a paid employee with professional qualifications – anything less under-estimates the demands of the role. The risk of overstepping or blurring professional boundaries was seen as too great for this to be a volunteer role.

The 'Cubby House' model		
Element	Essential and desirable criteria	
Design	Essential	<ul style="list-style-type: none"> <li>♦ Natural light</li> <li>♦ Outdoor space</li> <li>♦ Location away from public foyer</li> <li>♦ Custom-designed for children and young people, 10 – 17 years</li> <li>♦ Visual connection between the DHHS office and children's space</li> </ul>
	Desirable	<ul style="list-style-type: none"> <li>♦ Integrated with initial building design</li> <li>♦ Interview space for lawyer / client consultations</li> <li>♦ Breakout space for users to have separate spaces</li> <li>♦ Large enough to accommodate expected number of users</li> <li>♦ Sound proofing and no public address announcements</li> </ul>
Youth worker / resourcing	Essential	<ul style="list-style-type: none"> <li>♦ Professional, youth work qualifications</li> <li>♦ Independent from courts and child protection</li> <li>♦ Consistent staff member</li> <li>♦ Proven ability to work with young people in the age range (male and female), Aboriginal and Torres Strait Islander young people, young people from CALD background</li> <li>♦ Knowledge and expertise in trauma-informed practice</li> <li>♦ Professional understanding, skills in working with young people, families with: mental health issues, intellectual disabilities, physical disabilities, drug and alcohol issues</li> <li>♦ Access to professional supervision</li> </ul>
	Desirable	<ul style="list-style-type: none"> <li>♦ Knowledge, skills in working in child protection, courts and court users</li> <li>♦ Capacity to back-fill absences</li> </ul>
Operation	Essential	<ul style="list-style-type: none"> <li>♦ Memorandum of understanding between users of the Cubby House space</li> <li>♦ Clarity around responsibilities for children at all times</li> <li>♦ Security and safety policies and protocols</li> <li>♦ Protocols for using the space for all parties (eg. who can enter, when)</li> <li>♦ Communication protocols between DHHS and Youth Worker (esp for high risk children; highly vulnerable children; potential risks in the mix of children using the space)</li> </ul>
	Desirable	<ul style="list-style-type: none"> <li>♦ Training and updating new staff on protocols for using the space and roles of each of the parties</li> <li>♦ Resourcing and capacity for Cubby House staff to engage children in the public waiting areas</li> </ul>
Partnership	Essential	<ul style="list-style-type: none"> <li>♦ Independence of the 'Cubby House' partner</li> <li>♦ Regular meetings, communication and review of the operation</li> </ul>
	Desirable	

# Organisational reflections

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Implementing an initiative such as the Cubby House that has not previously been tested inevitably leads to new understandings. This section of the report discusses the AMF's reflections on the challenges and successes of the Cubby House, and potential opportunities that have emerged from eight months of program experience.

## Challenges

### Gaining consensus and resource allocation

Whilst there is a sense of inevitability when viewing the Cubby House in 2016 - as the President of the Children's Court of Victoria, Her Honour Judge Amanda Chambers remarked *'When you see it, everyone questions why we didn't do this before'*, there was nevertheless a lengthy process from the genesis of the idea to gaining consensus to proceed.

The proposal for the Cubby House originated from the Court Security Coordination Unit of the (now) Court Services Victoria, inspired by innovative security solutions at the redeveloped Royal Children's Hospital Melbourne. A concept brief was submitted to the Broadmeadows Children's Court Steering Committee in November 2013. Building of the new court complex was seen as an opportunity to *'explore innovative secure environments and solutions which can improve the way that children and families interact with, and respond to, what is for most, an environment of heightened anxiety and emotion.'*<sup>30</sup> Those developing the concept presciently recognised that if the physical environment was shaped to ensure that it was not only safe but also *'calm and non-threatening...welcoming and reassuring, (it) must impact positively on the way people behave...and...behave toward one another...This can only improve outcomes for those using and working in the environment.'*<sup>31</sup>

The opportunity to partner with the AMF to resource a new children's space was also recognised at this time.

The (then) President of the Children's Court of Victoria and the Acting CEO of the Children's Court of Victoria supported the concept in principle, but required consensus from all stakeholders and the development of a business case. Consultations were held with internal and external stakeholders, such as the DHHS and the Steering Committee overseeing the development of the new court. Those considering the concept interrogated the ideas to ensure that concerns around safety and security for all and respect for the traditions of the court had been addressed and would not be compromised. Support was given to develop a business case, and on approval, funding was allocated to the development of the children's space. Resources allocated did not fully cover all elements that the AMF and the architects wished for the space, which were supplemented through AMF and philanthropic support.

*...the layout, design and overall feel of the environment can have a tangible and positive impact on the outcomes delivered for the children and families using the (Broadmeadows Children's Court).*

Concept Brief, An Innovative Approach to Security Design at the new Broadmeadows Children's Court, 2013

## Design process

Approval for a custom-designed children's space at the Broadmeadows Children's Court was granted after the design of the overall court complex, which created a number of design challenges. Limited space was allocated to accommodate the Cubby House and the adjacent child protection office. Despite stakeholders accepting the rationale for an internal bathroom and kitchen, there was no capacity to include these facilities in the space or gain closer access to the external bathroom. This not only inconvenienced children, it continues to have implications for the Cubby House Youth Worker and child protection staff. As children attending the Cubby House are in the care of the DHHS child protection workers, a child should only leave the space in the company of a child protection worker. In practice, if no child protection worker is available, the Youth Worker will use her professional judgement and accompany the child to the toilet. However the challenges and associated duty of care issues increase with vulnerable children and/or multiple children.

Limited data or knowledge of the children who would use the space also created design challenges. Whilst it was known that children would be in the age range of 10 – 18 years, it was anticipated that they would generally be at the younger age range. With experience, some elements could be re-designed to better accommodate 'older' young people. The reading nook, for example, is designed to be cosy, but on current dimensions it is a tight squeeze for a tall 17-year old male and ideally could be larger.

## Implementation challenges

With no template to follow a range of challenges were encountered in implementing the Cubby House program.

### Developing an appropriate legal framework for the partnership

Given that the key partners have specific, and differing, roles and responsibilities, particularly in relation to responsibilities for children, it was important that these were made explicit in an appropriate legal framework. The partners'

solution was to develop a Memorandum of Understanding outlining these roles and responsibilities.

### Policies and protocols for the operation of the Cubby House

Whilst the MOU outlines the responsibilities of all partners, each partner organisation needs to develop and reinforce the policies and protocols for their own staff. This needs to be a dynamic process, to learn from and adapt to new scenarios as they are encountered. One of the challenges the AMF has encountered is DHHS staff not being aware of their responsibilities for the children in their care. Child protection staff have sometimes left the child protection office, without informing the Cubby House Youth Worker where they are going or when they will return, or leaving children in the space during the Youth Worker's lunch break, when the space technically should not be used. While the resource challenges in child protection and high turnover of staff are well-known, it is essential that all staff use the space according to their organisation's responsibilities and the agreed protocols. This remains an on-going challenge for the AMF.

The AMF also requires an appropriate understanding of any special needs of children using the space, vulnerabilities, risks or challenges, in order to provide safe, short-term care for all children in the space. A sign-in sheet is provided for child protection workers to provide a summary of these details, but there have been occasions where important information has not been passed on.

### Usage of the space

Use of the Cubby House was slow and sporadic initially, and there are still occasions when there are no children using the space. Being unoccupied at these times has been challenging for the Youth Worker, and should be noted for future iterations of the Cubby House. Over time, the Youth Worker has developed strategies, such as engaging with children in the public foyer, to overcome these challenges.

## New challenges identified through experience

With the benefit of experience implementing the Cubby House program, other challenges (and successes) have become apparent which were not anticipated in the current structure of the program.

### Needs of children in the court foyer

Children attending the court in the care of their parents or carers, rather than the DHHS, do not have access to the Cubby House. They must remain with their parents in the public waiting area. This can be a highly charged environment, and any child waiting there can be exposed to difficult scenes and emotions.

The Cubby House Youth Worker has taken the initiative to engage with children in the public waiting area at Broadmeadows Children's Court if there are no children in the Cubby House. Court staff and court users are highly appreciative of this practice.

The experience suggests a clear need to provide this support in the public waiting areas of the court. Under the Cubby House's current structure, this can only occur on ad hoc basis when the Youth Worker is not required in the Cubby House. To fully meet the needs of children in the public waiting area would require additional resources.

## Staffing challenges

### Absences and backfill

There is only one Cubby House Youth Worker funded under the program. Therefore, when the worker is absent on leave, attending training or meetings, there is no backfill of the role, and consequently, the Cubby House is not available for the use of any children at these times. This then also impacts on the experience of child protection staff, court staff and lawyers at these times.

### Professional support for outreach staff member

As an outreach worker, with no on-site colleagues, the Youth Worker requires appropriate professional support to deal with the challenges of the role and opportunities to undertake professional development activities.

## Successes

The Cubby House has demonstrated multiple successes. The AMF reflected on the following as factors contributing to the overarching success of the program and the model:

- AMF's experience and track record in helping to conceptualise, pilot and implement child-focussed service delivery programs.
- AMF's experience in recruiting highly qualified staff with professional qualifications and skills suitable for a flexible role. The recruitment process and selection criteria for the Cubby House Youth Worker addressed the capacity to work autonomously, in a sensitive environment and having the inter-personal skills and personal style suitable for a flexible and challenging program.
- Flexibility to respond to new challenges. The Cubby House was originally envisaged using a volunteer model. When the requirements of the role were better understood, the organisation was comfortable in making quite a fundamental change from the original volunteer approach to the recruitment of a paid employee with appropriate qualifications and skills. Similarly, the AMF supports the broadening of the Youth Worker's role to include interacting with children in the foyer, when this is possible.
- Support of funding partners. The AMF has long and strong relationships with funding partners. This was particularly helpful with this program, when support and resources were required to implement and develop the model, including resources for the fitout of the space. The support of funding partners also allowed for the evaluation to be conducted.

The AMF's aims for the program were also shared by the partners. Implementation of this new model in the environment of a new court, modeling a range of new, child-focussed and child-friendly approaches was also extremely helpful to testing new approaches.

## Opportunities

### Replication and expansion

The implementation of the Cubby House program, and its evaluation has demonstrated that the model is viable and that the program meets a clear need in children's courts, with the potential to be implemented in other courts.

The Cubby House model could be implemented in a new court, or retro-fitted to an existing court, but each approach would require adaptation of the program to fit the context and design of the respective setting. The approach to design and resourcing should be informed by factors such as the number of users, demographic characteristics, and special needs and the physical layout of the adjoining spaces. The implementation should be approached with the same flexibility and monitoring that occurred at Broadmeadows, so that modifications can be made as required. Child protection workers, lawyers, court staff and AMF staff should be provided with opportunities to provide feedback, as each group has different expectations of the use of the space, and different suggestions for its improvement. An overarching governance structure, with representatives of stakeholders, is useful to monitor implementation and required improvements.

There are also opportunities to more formally expand the Cubby House program to include coverage of the public waiting areas. At the Broadmeadows Children's Court this has occurred on an ad hoc basis, but with appropriate resourcing this could be implemented as a permanent element of the Cubby House program.

### Collection of feedback from children

Capturing children's experiences of courthouses is a challenging undertaking considering children and young people are usually entering the courthouse at a highly vulnerable point in their life. It is imperative that any process to capture their experiences does not add to their burden. Photovoice has been used in a number of different settings with vulnerable populations to capture the perceptions of program participants. Briefly,

Photovoice involves giving participants or the group of people exposed to the program or initiative, in this case those who use the Cubby House, a camera and depending on the desired information the staff member may ask the young person to take a photo of something they like in the Cubby House and write a brief caption about the photo they took. In a recent article in the Evaluation Journal of Australasia, a case study of the use of Photovoice was presented as part of an evaluation of a disability service based in Western Australia.<sup>32</sup> The author noted that the approach was rigorous (in comparison to other participatory evaluation methods), and enabled the participants, who had a range of intellectual, developmental and physical disabilities, to share their perspectives without the need for a proxy. Importantly, the method also has the advantage of being flexible and adaptive to context and need while still generating valuable, valid and rich information about experience.

### Monitor innovative developments relevant to the Cubby House

Cubby House program staff should monitor and where possible, observe innovative developments relevant to the delivery of the Cubby House program. Examples include:

- The Child Witness Service (CWS), a specialist service located in a purpose-built facility with remote witness rooms, available to child witnesses appearing in criminal proceedings. The centre is child and family friendly and aims to reduce the trauma and stress for child witnesses.<sup>33</sup>
- The Court Support 4 Kids program at Sunshine Magistrates' Court which provides playful and therapeutic support for children who attend court with their mothers as a result of family violence.<sup>34</sup>
- The Protected Persons' Space at Ringwood Magistrates' Court which provides a safe space for intervention order applicants, and a secure and separate waiting area whilst attending Court.<sup>35</sup>

# Conclusion

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The elements of the Cubby House model are simple – a nice space, a skilled worker and a constructive partnership.

However, as the first evaluation of this space, the first of its kind in Australia, it is critical to underscore the depth that sits behind each of those elements. The space in the Broadmeadows Children's Court complex has been designed to maximise the child-friendly potential of every square centimetre available to the Cubby House. The skilled Youth Worker, employed by an organisation dedicated to keeping children safe from violence, has demonstrated an extraordinary skill set. Her skills span engagement with young people from all age groups, male and female, and practice informed by an understanding of trauma, cultural responsiveness, disability, behavioural and emotional challenges. She understands the boundaries of her role, the roles of all other parties at court and how best to conduct professional interactions. She is capable of using her professional judgement in challenging situations, such as disclosures from children of sensitive issues. The AMF provide professional supervision to support her, and to ensure that as an outreach worker, she is not professionally isolated.

The partners involved in the Cubby House – the Broadmeadows Court, the DHHS and the AMF have approached the partnership with a commitment to collaborate, to innovate and to monitor the evolution of the model. Each of the partners are working under pressure to meet

demands – courts and child protection in particular, and it is critical that investing time in the partnership development is not compromised by the other pressures of meeting demands.

It is imperative that these points are appreciated in considering the replication of this model.

Stakeholders all agreed that the model is eminently replicable, with two options frequently suggested: Melbourne Children's Court, because improvements are desperately needed and the new court complex under construction in Shepparton, because this offers the opportunity to replicate a safe children's space in a new building.

With these reflections in mind, if the critical elements of high quality architectural design, an appropriately skilled and professionally support staff member and a collaborative partnership are applied, the evaluation can conclude with confidence that the model is replicable, could be retrospectively implemented in an existing court complex, or ideally, could be integrated into the design of a new court complex. The essential and desirable elements of the Cubby House model have been articulated to assist the process of replicating the Cubby House in other court settings.

# Recommendations

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## Strategic

- Recommendation 1: That the AMF disseminate this report, in particular to the Children's Court of Victoria, in order to share the growing evidence base developing on the Cubby House model.
- Recommendation 2: That the AMF commence discussions with the Children's Court of Victoria to explore opportunities to replicate the Cubby House Model in other settings. The Melbourne Children's Court should be considered a priority location. The new court complex in Shepparton should also be considered a priority, as a new Cubby House could be integrated into a newly designed courthouse.
- Recommendation 3: That, subject to support from the Children's Court of Victoria, the AMF explore options for funding to support Cubby House models in other courts.
- Recommendation 4: In the event that support is provided to implement the Cubby House in other court settings, the essential and desirable elements articulated in the Cubby House model (see p.24) are used to specify the program requirements.
- Recommendation 5: In the event that support is provided to implement the Cubby House in other court settings, new partners (from the courts, DHHS and legal practitioners) are taken to observe and learn how the Cubby House operates at the Broadmeadows Children's Court, including speaking to their peers about the Cubby House.
- Recommendation 6: In the event that support is provided to implement the Cubby House in other court settings, the Cubby House Youth Worker provides training and mentoring for new Cubby House Youth Workers.

## Operational

- Recommendation 7: That the Cubby House is provided a standard agenda item on the Court Users Group meeting to report on young people's experience of the court, any general issues or matters arising.
- Recommendation 8: That the AMF and the DHHS meet on a regular basis to review, monitor and discuss operational matters to ensure duty of care obligations are consistently maintained.
- Recommendation 9: That the AMF and the DHHS review and formalise opportunities for the Youth Worker to provide feedback to DHHS Child Protection on observations of children and families, to contribute to the DHHS assessment process.

- Recommendation 10: That the AMF canvass project partners about formalising and extending the role of the Youth Worker to provide support in the court waiting area. Should there be strong support for this, the resource implications will need to be considered within AMF and discussed with project partners.
- Recommendation 11: That the AMF prepares a professional support and development plan for the Youth Worker, which ensures that professional supervision is provided, and the risks of professional isolation of the role are minimised.
- Recommendation 12: That the AMF resource and support the piloting of collecting feedback from children (on a voluntary basis) using the Photovoice technique. This would require some resources in the room, including digital cameras and a photo printer, and potentially some training for the Youth Worker in this technique.

# References

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<sup>3</sup> *ibid*

<sup>4</sup> Ombudsman's Own Motion Investigation into DHS Child Protection (Nov 2009), Victoria Law Reform Commission: Protection Applications in the Children's Court (Nov 2009), Premiers' Child Proceedings Taskforce (2010)

<sup>5</sup> Children's Court of Victoria *Submission to the Family Law Council: Families with Complex Needs and the Intersection of the Family Law & Child Protection Systems*, May 2015

<sup>6</sup> <http://www.courts.vic.gov.au/news/new-children's-court-broadmeadows>

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<sup>8</sup> Children may not necessarily attend court in child protection hearings in other jurisdictions.

<sup>9</sup> Australia is a signatory to the United Nations Convention on the Rights of the Child (UNCROC) and many of the principles within the Convention are embedded within child protection legislation, policy and practice and promote acting in the 'best interests of the child.'

<sup>10</sup> Australian Law Reform Commission [ALRC], (1997). *Seen and Heard: Priority for Children in the Legal Process*, Australian Law Reform Commission Report No.84 (1997), sections 18.185, 18.189, 18.190 and Recommendation 234. Retrieved 19 April 2016, <<http://www.alrc.gov.au/publications/report-84>>

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<sup>12</sup> Makari, R., Briffa, P., Crofts, P., Amarasekara, S. & Remedios, M. (2008). Design and children's courts. *Alternative Law Journal*, 33(4), pp.229-234

<sup>13</sup> Borowski, A. (2013). Whither Australia's Children's Courts? Findings of the National Assessment of Australia's Children's Courts. *Australian & New Zealand Journal of Criminology*, 46(2) pp.268-288

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<sup>15</sup> *ibid* at p.279

<sup>16</sup> *ibid* at p.286

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