



Research With Young People Released From Youth Justice Detention in Australia: Ethical Tensions and Practical Limitations During a Pandemic

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Abstract

This article explores and reflects upon some of the ethical tensions and practical issues relevant to the author's research which involved undertaking narrative inquiry with young people from Anglo-Saxon and Pacific Islander cultural backgrounds, and First Nations young people, all recently released from youth justice detention in New South Wales (NSW), Australia. Ethical tensions which arose while undertaking this research related to the impact of gatekeeper reliance, through minimising the likelihood of reprisals for young people engaging in the research, as well through practical and relational limitations exacerbated by the advent of Covid-19.

Keywords

children and young people, everyday ethics in social research, research governance, youth justice detention

Introduction

The practice of youth justice detention in Australia reflects back to us a series of compounding social policy failures. Hidden behind the media and political fear mongering about children 'out of control' and cultivated moral panic (Goldson et al., 2020: ch. 3) are detained children and young people who have been involved with the child protection system (Baidawi and Sheehan, 2020), who have disengaged from training and educational activities (e.g. O'Brien and Trudgett, 2020), who likely have cognitive impairments or mental health issues (e.g. Bower et al., 2018) and who were born into families and communities where poverty is endemic (e.g. Justice Health and Forensic Mental Health Network, 2017: ch. 1; Walsh, 2007). First Nations children and young people in the youth justice detention system, who are vastly overrepresented compared to their non-First

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Nations counterparts (Australian Institute of Health and Welfare (AIHW), 2023), are subject to the additional impacts of the intergenerational trauma wrought by settler colonisation on their communities (Cunneen, 2016; Finlay et al., 2016). The unfairness, the inequality and the discriminatory systems in which these children and young people exist, both First Nations young people and those from other cultural backgrounds, is mirrored in our youth detention populations (AIHW, 2023; Malvaso et al., 2022).

On occasion, the plight of children and young people in youth justice detention reaches the mainstream media. *The Guardian* (2021) online newspaper ran a series dedicated to young people caught up in the youth justice system in New South Wales (NSW). The ABC's Four Corners documentary programme in 2016, episode 'Australia's Shame' (Meldrum-Hanna and Ferguson, 2016), triggered the *Royal Commission into the Protection and Detention of Children in the Northern Territory* (Commonwealth of Australia (CoA), 2017). However, recent reporting indicates that such media coverage and government inquiries make insufficient headway into generating a policy and practice rethink on the operation of youth justice detention in Australia. Some scholars argue that Royal Commissions and other government inquiries can be viewed as an exercise in public relations, with genuine impact and change on the ground a secondary consideration (e.g. Marchetti, 2005). Thalia Anthony (2020) argues that Royal Commissions within traditional legal positivist confines set up adversarial processes that are not geared towards generating institutional change. Arguably, youth justice detention practices in Australia have not significantly changed over the last 40 years, despite the fact that it is recognised globally that closed institutions are sites where corruption and inhumane treatment against those detained can flourish (e.g. Bicknell, 2017; Ewenson and Naylor, 2021; Nowak, 2019). Furthermore, youth justice detention doesn't 'work'. The return to youth justice supervision rate (community based or detention based) at the 12-month point after a child or young person's release currently sits at 57 per cent (Productivity Commission, 2024: Fig. 17.2). Young people are not necessarily equipped with the relationships or resources they need upon leaving detention to navigate the numerous structural challenges they face on the outside. In order to help promote the overall societal goals of community safety and all young people leading fulfilling lives of their choosing, youth justice detention practices across Australia are in urgent need of an overhaul. We need to rethink the institution within a context of decarceration leading to eventual abolition (Pranteau et al., 2022), so that in the future it looks significantly different and provides a functional humane platform for young people to go on and lead satisfying lives. This was the overarching goal for the author's research.

This article outlines the frameworks that guide ethical research with children and young people who have experienced youth justice detention in Australia. It is this lived experience expertise which academics, policy makers, politicians, and the broader public need to learn from, as these children and young people are the experts of the youth justice detention experience (Nowak and Krishan, 2021; Pleysier and Kilkelly, 2023). Participatory research creates the opportunity to disrupt the traditional power imbalance between adults and children, and to at least some extent, steps away from the ingrained misnomer that 'adults know best'. Furthermore, international human rights law and associated literature calls for such participatory research to occur (Nowak, 2019; United Nations General

Assembly (UNGA), 1989: art. 12; United Nations Secretary-General, 2019: para. 103). Given the extreme state sanction to which detained young people have been subjected, it is critical that they have the opportunity to have a voice, so detention practice can evolve and improve over time. This article first sets the research context and second outlines the frameworks which direct researchers to undertake research with children and young people engaged in the youth justice system. This article will then explore some of the ethical and practical tensions the author navigated undertaking this social work research with young people previously detained in the youth justice system.

Context

The author engaged with 12 young people who had experienced youth justice detention in NSW for her research (Human Research Ethics Council ref. – 1567/19) (Ewenson, 2022). Six were First Nations young people and the other six young people were from Anglo-Saxon and Pacific Islander cultural backgrounds. This research project was focused upon learning from these young people about both the positive and negative aspects of youth justice detention in NSW and sought their ideas for transforming the institution. The findings of the research are discussed in related publications (Ewenson, 2022, 2023; Ewenson and Naylor, 2021). At the outset of this article, it must be emphasised that the author is deeply committed to a process of significant decarceration leading to eventual abolition, a process which includes raising the age of minimum criminal responsibility to at least 14 (e.g. Krishna and Moulds, 2020; United Nations Committee on the Rights of the Child (UN CRC), 2019: para. 22), ensuring that those with Foetal Alcohol Spectrum Disorder and other neurodevelopmental disorders are not detained at all (UN CRC, 2019: para. 28), ensuring that use of pre-hearing detention is minimised, detaining only young people convicted of the most serious of violent offences, and dramatically reducing the over-representation of First Nations young people in the youth justice system, aiming for, at most, population parity. This objective of decarceration is in line with Australia's international human rights obligations stemming from the United Nations Convention on the Rights of the Child (UNGA, 1989) (UN CRoC) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('The Beijing Rules') (Rule 19.1) (e.g. Cunneen et al., 2021; O'Brien and Fitz-Gibbon, 2018).

All researchers within universities become familiar with the process required for seeking institutional ethical approval. In a bid to complete the ethics review process efficiently, the ethics application process may, unfortunately, for some researchers, be reduced to a 'tick the box' exercise. Within peer-reviewed articles in the discipline of social work, commonly the only reference to the ethical considerations for the research is flagged by noting the ethics application number and the according institutional approval for the project. Such minimisation of the significant ethical consideration process for social work research is a loss, as it provides a robustness and a deep richness to the research, and it also helps guide future ethical research in the field (Banks, 2021). The Australian Association of Social Workers (AASW) Code of Ethics (2020) provides an overarching framework for social work practice and research highlighting the profession's dual focus of 'assisting human functioning and identifying the systemic issues that create inequity

and injustice' (p. 6, 1.2). While the AASW Code of Ethics (2020) refers to research as a core activity of social work practice (p. 6, 1.1), the specific human research ethics guidelines and statements, as discussed throughout the body of this article, provide the finer detail for guiding social work research.

International Standards and the Involvement of Children and Young People in Research

The United Nations Convention on the Rights of the Child (UNGA, 1989) (UN CRoC) recognises that all children, defined as those under the age of 18 years, are themselves rights holders, are competent social actors and are to no longer simply exist in the legal shadow of their parents or whomever has been charged with their care (Lansdown et al., 2015). A relevant part of the UN CRoC is Article 12(1), frequently referred to as the 'participation principle', which proclaims:

State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Laura Lundy discusses the appropriate application of Article 12(1), including emphasising the point that consultation alone with young people on any matter which affects them is insufficient, instead genuine weight must be given to their views and appropriate space must be created in order for these views to be elucidated (Lundy, 2007; Lundy and McEvoy, 2011). It is also worth noting that the UN CRoC recognises there is a broad diversity of childhood experiences and that there is no one universal childhood experience (UN CRoC preamble). The author's research sought to operationalise this Article 12(1) and learnt from young people who had experienced youth justice detention in NSW, young people for whom the legal system had determined that they were deserving of the harshest imposition of state power, the deprivation of their liberty. If our society sees fit to impose full criminal liability and punishment on these young people, it makes no sense to exclude them from research processes due to their age. Furthermore, the UN Committee on the Rights of the Child (the Committee) recently demanded that

children are involved in this evaluation and research [pertaining to the child justice systems], in particular those who are or who have previously had contact with the system, and that the evaluation and research are undertaken in line with existing international guidelines on the involvement of children in research (UN CRC, 2019: para. 115).

There is a reluctance to consider the application of human rights frameworks with regard to young people who have committed the most serious crimes, more scholarly literature is dedicated towards discussion of diversionary practices for lower level offending (Lynch and Liefwaard, 2020). However, in recognition that some limited form of youth detention practice will likely continue, even if the agenda of decarceration is successful over the long term, it is important to learn from young people who have experienced youth justice detention (Nowak and Krishan, 2021; Pleysier and Kilkelly, 2023). Research employing

the principle of child participation in seeking the promotion of human rights is referred to as utilising a ‘Child Rights-Based Approach’ (CRBA). It is also important to note that in 2009 Australia announced support for the United Nations Declaration on the Rights of Indigenous People (2007) (UN DRIP), which demands self-determination for Indigenous people (Article 3) and the right for Indigenous people to ‘determine and develop priorities and strategies for exercising their right to development’ (Article 23) (Davis, 2012; Maguire, 2014). The method through which this research project was undertaken strived to also uphold these obligations of the UN DRIP and is discussed in further detail below.

Relevant Australian Ethics Research Guidelines

All human research auspiced by a university in Australia needs to be endorsed by a fully constituted ethics committee and evaluated to be compliant with the *National Statement on Ethical Conduct in Human Research* (the Statement) (National Health and Medical Research Council (NHMRC), 2023). For research involving First Nations people, such research projects must also be considered in light of the National Health and Medical Research Council’s (NHMRC) document *Ethical Conduct in Research with Aboriginal and Torres Strait Islander People and Communities: Guidelines for researchers and stakeholders* (NHMRC, 2018) (the Guidelines). Complementing this second NHMRC set of guidelines is the new Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) (2020) *Code of Ethics for Aboriginal and Torres Strait Islander Research* (the AIATSIS Code of Ethics).

The Statement is broken into the four overarching themes: research merit and integrity, justice, beneficence and respect (including voluntary consent), building on both the Nuremberg Code and the Helsinki Declaration (Beauchamp and Childress, 1994). Chapter 4.2 of the Statement details the considerations which must be applied when undertaking research with children and young people. This component of the Statement reflects the ethos of the UN CRoC, as discussed above, in the realisation that children and young people should be encouraged to participate in meaningful and relevant research, and notably that parental or guardian consent is not required if the ethical review body is ‘satisfied that he or she is mature enough to understand and consent, and not vulnerable through immaturity in ways that would warrant additional consent from a parent or guardian’ (NHMRC, 2023: Guideline 4.2.8: 68). The application of the AIATSIS Code of Ethics and the Guidelines in this research project is discussed below.

Social Work Research Practice – Humility, Relationships, Respect, and Reciprocity

The main ethical review body for the author’s research project was the ethics committee of the NSW Aboriginal Health and Medical Research Council (NSW AHMRC). The research project was then endorsed by the NSW Department of Communities and Justice (Youth Justice) (NSW DCJ) (with whom a research agreement was also entered into) and the Royal Melbourne Institute of Technology. The NSW AHMRC provided generous guidance to the author, a researcher of Anglo-Saxon heritage, about the design of the

project and the necessary governance oversight process, providing firm direction, while also providing support and encouragement for the research to proceed. A small and munificent Aboriginal Reference Group, of two respected senior community members, at the time of first meeting the author working for community organisations based in Sydney, provided intermittent advice, direction, and overall support for the project, particularly in the project development phase. As an early career researcher (though with a related professional background), the author thus placed herself in the position of ‘critical allyship’, well aware that this is a process, rather than a fixed status, and needs ongoing reflection, re-positioning and humility (Dew et al., 2019; Duke et al., 2021). It is this ongoing reflection and reorientation which the new AIATSIS Code of Ethics and the Guidelines demand for social research carried out within Western institutions. The NSW AHMRC had ethical oversight of the entire project (for all 12 young people involved) and provided feedback on the final draft of the thesis. This NSW AHMRC governance thus shaped First Nations oversight of the project, trying to shift this research involving First Nations people away from its ‘dirty’ (meaning unethical) past (Humphery, 2001; Smith, 1999). The author is, however, also aware of the inherent and enduring tension within this small research project, emanating from a Western academic institution, by a researcher of Anglo-Saxon heritage who has a broad interest in children’s rights, writing a sole author thesis for examination within relatively tight time frames.

Across Australia almost 60 per cent of young people detained are First Nations (AIHW, 2023). Therefore, at the outset of the project, the author aimed for around half of the participants to be First Nations and half from other cultural backgrounds. As it transpired, the research project was carried out over 2020–2021, during the peak of the Covid-19 pandemic. The number of young people who engaged was significantly smaller than initially anticipated as face-to-face research was suspended by NSW DCJ for number of months in 2020. As noted earlier, 12 young people participated in this project, six were First Nations and the other six young people were from Anglo-Saxon and Pacific Islander cultural backgrounds, reflecting the cultural backgrounds of young people detained in NSW. The author was also particularly aware of the ‘stain of colonialism’ within social work practice (Cunneen and Rowe, 2014), within social work research (Rowe et al., 2015), as well as within the criminal justice system more broadly (e.g. Kendall et al., 2020). Drawing from elements of First Nations research methods, including yarning, as used in a recent Western Australia study with young people in detention (Hamilton, 2020), this project utilised narrative inquiry (Riessman, 2008), employed with the underlying praxis and ethos of utilising a ‘strengths-based approach’ (e.g. Bryant et al., 2021). The author was aware that the young people who participated in the project had probably never been asked for their detailed opinion of any institutional issue, let alone be principal contributors to a research project, albeit a small one.

Part of the objective of undertaking narrative inquiry with these young people, asking a broad open question and letting the young people tell their stories about their time in detention was to help build the confidence of these young people, for them to become further aware that their experiences really matter. Each young person was given a 30-dollar gift voucher for their involvement in recognition of their time, efforts and any incidentals incurred (the median length of each narrative inquiry itself was 42 minutes). While it

is acknowledged that this is a tiny sum for a significant contribution, arguably a greater payment may have been perceived by some, including ethics committees, as a form of coercion to participate. At the conclusion of each of the narrative inquiry sessions and in any follow-up contact with the young people, the author emphasised that they had contributed significantly to this research and that their individual input was vitally important for adding to a body of knowledge aiming to improve youth justice detention. All the young people were offered the opportunity to review the transcript of their narrative inquiry session, though none decided to do this, which is reasonable given their busy lives and also indicated a level of trust in the research.

Gatekeepers

For the author's research project, the ethics committee granted permission for the author to engage with young people recently released from youth justice detention, aged 16 years or above, without their parent or guardian consent (though their additional consent or knowledge of the project was not precluded). It was concluded by the author that 16 years of age and above was an appropriate age threshold to invite young people to reflect upon their lived experiences of detention, which may have been traumatic, noting however that many of the young people who participated experienced youth detention prior to the age of 16. It is possible that younger people may also have found participating in such research satisfying and their omission from the project is a limitation with this research. Parental or guardian consent was not sought given these young people had already 'lived independently' in the youth justice detention system, and because close to half of young people detained are already living in out-of-home care arrangements (AIHW, 2022; McFarlane, 2018). The young people who participated in the research project were, however, linked in with the researcher through their NSW DCJ youth justice case manager, who had the opportunity to discuss the research project with them at length prior to them deciding to participate.

As noted in the introduction, the author signed a research agreement with the NSW DCJ, a necessity for any researcher seeking departmental support to engage with children and young people under any form of youth justice supervision (i.e. custody or community supervision) within NSW. Commonly after release from youth justice detention in NSW, young people remain under some form of community youth justice supervision. As the overarching objective of the research project was to reimagine youth justice detention in NSW based on the lived experiences of young people recently released, it was considered necessary to partake in this NSW DCJ research agreement to have assistance linking in with young people, noting that the author was aiming to speak with young people within months of their release so that their memories of detention were 'fresh'. Furthermore, it was anticipated that the findings of the research would have more influence within government if the author was connected with the NSW DCJ through official research channels. Fortunately, preliminary interest has been expressed by staff within the NSW DCJ in drawing upon the provisional reimagined youth justice detention model the author configured based on this research (Ewenson, 2023).

The process of the youth justice case managers acting as the intermediary – as effectively gatekeepers to participation in the research project – certainly shaped the cohort of

young people who engaged. This arrangement also ensured that the youth justice managers were relatively confident that the research process for the young people referred, in talking about their time in detention, would not likely distress them, although the author was aware of this risk for all participants during the narrative inquiry process and had strategies for assisting the young people in such a situation. All the young people who participated in the project had sufficient oral language competence to describe their experiences of detention. This does mean, however, that it is likely that young people with language challenges, of whom there are many in detention (Hamilton et al., 2019; Snow and Powell, 2011), may have been essentially excluded by the youth justice case managers acting as gatekeepers. Notable also was an absence of the involvement of young people who had been involved in the recent riots in youth justice detention in NSW (Shearer, 2019). Despite the author asking youth justice community managers whether any of their young people who had been involved in the riots would like to participate in the project, the author was either told that none of these young people demonstrated any interest in participating or received no response. This is a significant limitation of the project and a stark example of the tensions and challenges created by gatekeeping. Furthermore, the NSW DCJ did review the final draft of the thesis and requested a limited number of amendments, the most notable with regard to the potential identification of a youth justice detention staff member who was not described positively from a young person's perspective.

To Do No Harm – Research With Young People Involved in the Youth Justice System

Since the mid-20th century and the evolution of human research ethics guidelines, which in Australia has resulted in the Statement, the Guidelines and the AIATSIS Code of Ethics as described above, the overarching principle informing social work research is to 'do no harm' (Drake, 2014). In the context of conducting qualitative research with young people who have experienced youth justice detention, given the author's recognition of the possibility of reprisals for engaging in such research if it was carried out within detention facilities (by either staff or other young people in detention), this indeed creates a risk of harm, which was not considered reasonable for this small project. Reprisals for any kind of involvement in research or monitoring is a risk within closed environments and is a risk which researchers and monitoring authorities need to grapple with on a continuing basis (Ewenson and Naylor, 2021). The author, having worked within a youth justice detention setting for a number of years, was acutely aware that sometimes even the simple presence of an external person visiting someone in a closed environment can place them at risk, even if efforts are made to ensure discussions are held out of hearing and/or sight distance (of staff and other prisoners). Furthermore, sentences to youth detention in Australia are generally relatively short in length. For example, within NSW, those discharged from youth detention in the March 2024 quarter, who had been sentenced, served an average of 119.9 days in custody (Bureau of Crime Statistics and Research (BOCSAR), 2024: 13), so engaging with young people after their release, rather than while detained made sense for this project. While it would have been logistically far simpler to locate and engage with young people who have experienced detention, while they were actually in detention, the

risk of reprisal for their involvement, no matter how small a risk, removed this, in the author's perspective, as an ethical option for this small project. Furthermore, the author wanted the young people to speak as freely as possible about their detention, in a comfortable environment of their choosing, to allow the young person to describe their experiences and reducing the need for self-censorship.

The requirement for anonymity of children and young people engaging in any research project is standard across Western institutions, although it can be challenged in some situations, as it can arguably deprive young people ownership of their input and experiences (e.g. Yanar et al., 2016). One recent example of this point is of Dylan Voller who consented to having his name made public when describing his experiences of youth justice detention in the Northern Territory for the process of a Royal Commission (CoA, 2017: Volume 2A, Ch. 8: 5). In the context of undertaking research with young people who have been convicted of criminal offences, the research must comply with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the 'Beijing Rules') Rule 8 which states:

The juvenile's [child/young person involved in the criminal justice system] right to privacy shall be respected at all stages in order to avoid harm being caused to her or him by undue publicity or by the process of labelling. In principle, no information that may lead to the identification of a juvenile offender shall be published.

This ban on the publication of the names of children and young people involved in the criminal justice system has been incorporated across the Australian jurisdictions (see Chappell and Lincoln, 2009) and remains a firm exception to the traditional common law process of an open and transparent criminal justice system (Crofts and Witzleb, 2011). In New South Wales, the prohibition in place regarding the publication and broadcasting of the names of children and young people involved in the criminal justice system is detailed in section 15A of the *Children (Criminal Proceedings) Act 1987* (NSW). A further point is that this blanket anonymity for young people involved in the criminal justice system is also significantly challenged by the advent of social media (Gordon, 2018). For the purposes of the author's doctoral project, the anonymity of the young people who participated was preserved (a pseudonym is used), but their gender and cultural background was noted alongside their quotes used in the thesis. These identifiers were, however, removed if they were considered, for that individual, too distinguishing. At each of the narrative inquiry sessions, the process of applying these two identifiers was discussed with the young person and no concerns were raised (AASW, 2020: 5.4.9). It was considered important within this research to learn and convey if the lived experiences of detention depended on Indigeneity or cultural background, and to also understand if young men and women had differing experiences of detention (Marchetti, 2008).

It was also essential for the author to be mindful of ensuring that the research process did not distress the young people involved. Youth justice detention practice in Australia, as numerous recent government inquiries and reporting has demonstrated, can be a frightening place for young people where their human rights are sometimes breached (CoA, 2017; NSW Ombudsman, 2021; Office of the Inspector of Custodial Services (OICS), 2020,

2022; Victorian Ombudsman, 2017, 2019). The author did not intentionally steer the narrative inquiry sessions into areas of discomfort for the young people, instead the author found that the young people had numerous aspects of life in detention which they wanted to talk about, and they all reported enjoying the opportunity to discuss experiences that no one else had asked them about. After the initial rapport building, the author simply asked the young people to talk about what was good and bad about their experiences of youth justice detention, and what were their recommendations to improve the institution. The author intentionally invited the young people to speak about detention experiences of their choosing, thus harnessing their strengths to speak of matters of their concern. Furthermore, while emphasising the significance of drawing on lived experiences within participatory research and social work more generally (O'Leary and Tsui, 2022), care was taken to minimise risks of re-traumatisation by asking this broad opening question about youth justice detention (noted above), the direction of the response could then be governed by the young person interviewed (Shankley et al., 2023). Adding to these points was the importance of the researcher clearly remaining in the research role, so there remained a clear distinction between the researcher and the role of the DCJ employed youth justice psychologist, social worker or youth justice case worker who the young person could access to debrief or raise further concerns with after the narrative inquiry session, if the need arose.

Covid-19, Research and Relationships

The Covid-19 pandemic unquestionably had a significant impact on the lives of children and young people detained in youth justice detention centres across Australia. While there were calls for mass release of people in detention due to Covid-19 (Craig, 2020), and the numbers of young people incarcerated across Australia have marginally dropped since the onset of the pandemic (AIHW, 2023), for those detained during the pandemic further restrictive impositions were significant. With the objective of reducing the entry and spread of the virus across the six youth justice detention centres in NSW, there was an enforced 14 days of quarantine upon reception to youth justice detention, the suspension of in-person visits (at times of greater community transmission) replaced by video calls and increased centre lockdowns (Kasinathan et al., 2021). Children and young people in broader society bore the brunt of Covid-19 restrictions through their disrupted access to education, their reduced access to recreation facilities such as playgrounds, being last in the queue for vaccinations, despite having the longest lifespan of all of the population ahead of them (Peleg et al., 2021). Children and young people in youth justice detention during this pandemic experienced a difficult process, at a particularly challenging time, with even greater restrictions. Despite the occurrence of the pandemic, it remained imperative to undertake research with children and young people, their right to have their views sought and given due weight remained, and as Lundy *et al* argue, that this right is in fact heightened during a time of crisis (Lundy et al., 2021).

Ethical approval to commence this research project was obtained in February 2020. In March 2020, the NSW DCJ cancelled all research for the foreseeable future due to the arrival of the Covid-19 pandemic. Sydney went into periods of lockdown, while patterns of work and also youth justice community supervision changed literally overnight. All the

12 narrative inquiry sessions took place between November 2020 and February 2021 after the NSW DCJ lifted its initial research ban, although this period remained squarely within the time of the pandemic. At the conception of this research, it was envisaged that the narrative inquiry sessions would all take place face-to-face, in a location which the young person felt comfortable, to ensure there was the opportunity for rapport to be developed between the researcher and the young person, although within a short time frame. Due to the advent of the Covid-19 pandemic, the use of video call technology, including Zoom, became far more prominent, and because of greater difficulty in finding young people to participate face-to-face due to ongoing lockdowns and other Covid-19 restrictions (including a temporary partial pivot to phone-based community youth justice supervision), the author was able to cast a broader net across NSW to engage with young people who had experienced youth justice detention. As a result of this pivot from exclusively undertaking research on a face-to-face basis, the author was able to engage with four young people by video technologies who would not have been able to otherwise participate. Two of these young people were residing in alcohol and drug rehabilitation facilities, another was living in the community in far west NSW and another was ordered to remain at home due to pending court proceedings. Beyond the delight at having much broader access to young people who had experienced youth justice detention, the author also felt surprised at how well the video call narrative inquiry sessions proceeded. While there was less scope to build rapport with the young person, and also less opportunity to learn and read from their body language, the young people all demonstrated ease at talking over such mediums, an ease surely developed from being part of a generation who has grown up with such technology (Lynch and Kilkelly, 2021). With the eight young people whom the author engaged with on a face-to-face basis, because of the effectiveness of the border lockdowns across NSW (from interstate and overseas) during the summer of 2020–2021, there were relatively few Covid-19 cases in Sydney, so there was a reduced concern about contributing to Covid-19 transmission at this time.

Another Covid-19 impact on this research was that due to the intermittent lockdowns, and a widespread transition to people working from home, the author's relationships with staff at NSW DCJ were less developed than what they could have otherwise been, as were the author's relationships with staff at the NSW AHMRC and the Aboriginal Reference Group. The small Aboriginal Reference Group of two highly respected First Nations men working, at the time, in community organisations, provided guidance about the methodology and initial design of the research project across 2019, while also providing insight about issues of concern regarding First Nations young people and their contact with the legal system more broadly. The Covid-19-induced pause on this research project diminished overall project momentum and both Aboriginal Reference Group members in this period were promoted to senior professional roles no longer based within the community sector. Despite moving away from community-based roles (the preference for NSW AHMRC governance arrangements), one reference group member provided further guidance reviewing the thematic analysis of the narrative inquiry transcripts with the author, ensuring the appropriateness of the author's interpretation of the data generated with regard to the First Nations participants, and this continuity of relationship was deeply valued by the author. Both members of the Aboriginal Reference Group had the

opportunity to review the final thesis draft and were supportive of this milestone being reached, the draft was then submitted to the NSW DCJ and the ethics committee of the AHMRC for review. The author was immensely grateful for this support and guidance from the Aboriginal Reference Group and is aware that without this guidance, the project design, analysis and findings would have evolved quite differently. However, the reduced opportunity for face-to-face meetings with regard to both the institutional and governance arrangements for this research during this challenging time of the pandemic impacted upon these imperative relational connections and was unfortunately a significant limitation of this project. Furthermore, the author was acutely aware of the burden of time and guidance seeking requests placed upon this small Aboriginal Reference Group, all for a relatively small research project, for which they were not paid. Providing explicit budgetary support for this governance arrangement would be an effective way for a university to demonstrate its importance (Rangan, 2022).

Conclusion

The academic research drawing from the lived experiences of young people who have experienced youth justice detention in Australia is small, but growing (Deegan, 2021; Doyle et al., 2021; Goldson et al., 2020). This is a group of young people who have historically been silenced due to the long-held perception that children and young people are not the holders of human rights and that their opinions matters little, if at all. The emergence of a CRBA gives social work researchers a platform and confidence to engage in research with young people who were previously detained. In Australia, in accordance with the principles of the AASW Code of Ethics (2020), such critical social work research must contribute towards dramatically reducing the distressing rates of over-incarceration of First Nations young people, as well as ensuring that any form of detention for young people is used as a genuine last resort. The decolonisation of social work is a personal process for social workers to acknowledge, including responding to the ongoing impact of colonial structures such as universities, and this was the author's endeavour within this research process, while noting project limitations and inherent tensions (Green and Bennett, 2018). Social workers are professionally obligated to be 'courageous ethnographers' where the promotion of human rights, including through ethical research, must be at the centre of the profession (Briskman, 2013; Williams and Briskman, 2015; Ewenson, 2024).

Undertaking this research project was not a straightforward logistical venture, nor was it free from ethical concerns, many of which cannot be easily resolved. Gatekeepers limited the author's access with children and young people who had been involved in recent detention centre riots, and Covid-19 lockdowns reduced the opportunity for important face-to-face relational development with the Aboriginal Reference Group, as well as with staff at the NSW DCJ and the NSW AHMRC. A choice was made by the author to engage with young people after they were released from youth justice detention, to ensure their safety and so they could speak freely, however some interested parties believe the risks for undertaking research within such closed environments to be limited and hold that the author's research was unnecessarily restricted. This is therefore a tension which remained and ethical principles were applied with reflexivity to come to a resolution. Ethical social

work research with children and young people who have lived experience of youth detention needs to lead towards a validly informed understanding of the detention experience aiming to radically transform youth justice detention in Australia, and this is what this small research project sought to contribute to.

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