

**Submission
No 27**

INQUIRY INTO THE ADEQUACY OF YOUTH DIVERSIONARY PROGRAMS IN NSW

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INQUIRY INTO YOUTH DIVERSIONARY PROGRAMS IN NSW

NSW DEPARTMENT OF JUSTICE

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Executive Summary

The NSW Government is committed to reducing the impact of juvenile offending on our communities by ensuring that young people who are at high risk of entering or becoming entrenched in the criminal justice system are supported to take responsibility for their behaviour; to make positive changes to their lives and reduce reoffending. Law enforcement and other government agencies responding to juvenile crime requires the sustained commitment of specialised skills and resources under a framework of interagency and community partnerships.

Diversion programs and related interventions are structured into the justice pathway a young person may take. Non-custodial diversion options are not available to children who have committed serious offences, traffic offences or sex offences.

The NSW Government takes a whole-of-government, system-wide approach to diversionary programs for young people. Diversionary programs can encompass early intervention initiatives, as well as programs aimed at diverting young people away from the criminal justice system. These programs can also have an impact on reducing rates of reoffending. This recognises that many young people at high risk of contact with the criminal justice system have complex backgrounds and needs, may have experienced significant disadvantage and trauma, and may live with ongoing physical and mental health issues.

Diverting young people from the criminal justice system requires a coordinated effort across many government and non-government organisations, combined with support from people with specialised criminogenic knowledge and skills. Success in delivering diversion programs is achieved by early identification of, and response to, a young person's criminogenic risks, as well as their health, social, education, employment and cultural needs.

Pre-court and pre-sentence diversions apply to young people between the age of 10 and 18. The *Young Offenders Act* 1997 allows the NSW Police Force to divert young offenders from court using a range of tools including warnings, cautions and Youth Justice Conferencing and a range of diversionary programs.

Diversionary programs are particularly important for young people who come into contact with police at a young age. Young people who come into contact with the criminal justice system at a very young age are the most likely to become persistent offenders.¹ Intervention at this early stage in a young person's life, to prevent further offending behaviour and entrenchment in the criminal justice system, has the potential to deliver positive outcomes for the young person and their family and in doing so make our communities safer, while delivering significant cost savings for the NSW taxpayer.

Australian jurisdictions, including NSW, continue to build the evidence base for effective diversionary programs. Results from pilots are promising, and work is

¹ Australian Institute of Health and Welfare 2013. Young people aged 10–14 in the youth justice system 2011–12. Juvenile justice series No.12. JUV 19. Canberra: AIHW.

underway to further evaluate and build on these results. Evidence to date reinforces the need for a coordinated and integrated approach.

This coordinated approach is critical if early intervention and diversionary programs are to have a role in reducing Aboriginal² over representation in the juvenile justice system. Aboriginal young people make up more than half the population of young people in juvenile detention at any one time. To address over-representation and reduce the severe impacts on young people, families and communities the NSW government has working to build genuine and sustainable partnerships with Aboriginal communities and organisations and give Aboriginal people a voice in determining what and how services are delivered to their communities will be central to reducing Aboriginal over representation.

To be successful for Aboriginal young people, early intervention and diversion programs must be culturally responsive, and developed in partnership with Aboriginal peoples.

The NSW Government recognises that diversion programs have multiple benefits for individuals, their families and the safety of the community, as well as being a responsible economic decision. Early intervention programs, such as Youth on Track, provide an opportunity for the NSW Government to generate benefits for the community due to improvement in offender's lives and the reduction in the number of people who become victims. The Washington State Institute of Public Policy found that most programs have social benefits about four times larger than the direct savings to Government.³

² The term Aboriginal is used through the submission, reflecting that the Traditional Owners of NSW are Aboriginal Australians and the significant majority of Indigenous Australians in NSW are of Aboriginal descent. Unless otherwise noted, statistics and programs which refer to Aboriginal people in NSW include both Aboriginal and Torres Strait Islander Australians.

³ Lee, S., Aos, S., Drake, E., Pennucci, A., Miller, M., & Anderson, L. (2012). *Return on investment: Evidence-based options to improve statewide outcomes*, April 2012. Washington State Institute for Public Policy.

1. Introduction

The NSW Government welcomes the opportunity to contribute to the Parliament of NSW Committee on Law and Safety Inquiry into the adequacy of youth diversionary programs in NSW. The Department of Justice prepared this submission on behalf of the NSW Government, with assistance and contributions from NSW Police, Family and Community Services, the Ministry of Health and the Department of Education.

In addressing the terms of reference for the inquiry, this submission focuses on the NSW Government's use of a system-wide approach to divert young people from the criminal justice system and improve community safety. The submission describes the legal, health, education and welfare programs that target young people most at risk of long term engagement with the justice system.

This submission addresses the Committee's terms of reference:

- a. the way in which youth diversionary efforts work with:
 - NSW Police
 - Juvenile Justice
 - Community Corrections
 - Courts
 - Health, Housing and children's services
 - Schools and educational authorities
 - Non-government organisations and the local community
- b. Aboriginal over-representation in the Juvenile Justice system
- c. evaluating outcomes and identifying areas for improvement
- d. staff capacity and training requirements
- e. case management options
- f. bail issues
- g. the experience of other jurisdictions
- h. any other related matter

2. Context

2.1 Defining diversion

The key driver of diversionary programs within NSW is the principle that young people should be placed in detention as a last resort. This principle is consistent with the United Nations *Convention on the Rights of the Child* (UN CRC). The UN CRC requires that children be deprived of liberty only as a last resort and for the shortest appropriate period.

Diversion prevents detention by channelling children who are in contact with the criminal justice system away from judicial proceedings, criminal orders and potential incarceration and into other programs or processes. Early intervention is an effective investment, as the likelihood of a young person becoming a persistent offender and ultimately entering the adult corrections system significantly increases with frequency of formal contact with the Police and the juvenile justice system⁴.

Diversion options in this submission include both legislative measure as such as those established by the *Young Offenders Act* 1997 and early intervention programs provided across government. Their purpose is to prevent a young person from entering and being detained in the criminal justice system, as well as to deter young offenders from long term involvement with the criminal justice system. Diversion and early intervention have different meanings across agencies; however, there is significant crossover in cohorts for FACS, Education, Health and Justice. Youth justice diversion programs aim to identify and address criminogenic risk factors and behaviours as well as education, mental health and family dysfunction, which are all underlying contributors to criminal behaviour.

The NSW Police Force (NSWPF) is usually the first point of contact with the criminal justice system for young people who have offended or engaged in anti-social behaviour. The *Young Offenders Act* provides options for Police to give a warning, caution or refer a young person to a Youth Justice Conference as an alternative to court proceedings. Policing options are then supported by services and programs to address the underlying causes of criminal behaviour and enable the young person to change and get their life back on track.

The NSWPF and agencies such Health, Family and Community Services and Education offer programs that are designed to support young people at all entry stages of the criminal justice system to take responsibility for their behaviour and prevent them becoming entrenched in the system. All diversion programs have a common objective of identifying and addressing the underlying causes that contribute to criminal behaviour, to put in place an intervention strategy before offending occurs or escalates.

⁴ Australian Institute of Health and Welfare 2012, *Young people aged 10-14 in the youth justice system*

This submission describes how the NSW Government implements intervention and diversion programs at several points in the life path of a young person in contact with the criminal justice system.

These can occur as:

- early intervention: child protection services, education or other services identify children who may be vulnerable in these areas, so that steps can be taken to address these vulnerabilities and help the young person stay out of the criminal justice system
- pre-court diversion: Police or courts use the *Young Offender's Act* to guide interventions
- pre-sentence diversion: bail support, case work for young people in the community or on remand
- post-conviction: interventions to reduce reoffending

Youth diversionary programs can include some or all of the following elements:

- needs assessment or criteria to determine eligibility (using verified instruments)
- provision of or referral to health, education, disability, accommodation and other services
- restitution to victims of the offence
- completion of community service hours
- mandated avoidance of situations/locations that may lead to committing another offence for a specified period
- family intervention
- evaluation and review
- interventions that address criminogenic needs

What is a 'criminogenic need'?

Developed in Canada and adapted for local use with the assistance of Charles Sturt University, the Youth Level Service Inventory – Australian Adaptation (YLS/CMI-AA) is a tool used by Juvenile Justice staff to develop a risk-score to determine the level of intervention to reduce a young person's the risk of recidivism.

A comprehensive assessment is conducted to ascertain the young person's environment and circumstances in order to understand their particular pattern of offending behaviour. The YLS/CMI-AA identifies the dynamic criminogenic need and risk factors related to offending (i.e. aspects of their lifestyles or patterns of thinking, feeling and acting) that are closely connected with committing offences. Based on the assessment, Juvenile Justice staff target their interventions in the identified areas of need.

The YLS/CMI-AA assesses eight criminogenic domains:

1. Prior and Current Offences
2. Family and Living Circumstances
3. Education / Employment
4. Peer Relations
5. Substance Abuse
6. Leisure/Recreation
7. Personality/Behaviour
8. Attitudes /Beliefs

2.2 The case for early intervention and diversion programs in youth justice

Juvenile offenders are different to adult offenders; they are at an age where they are still dependent on others for their basic needs and often enter the justice system with high-risk indicators such as being subject to physical and emotional abuse and neglect; early onset of alcohol and other drug use; and disengagement from education.

The growing body of evidence about the development of the adolescent brain also supports the need for youth specific responses. Adolescent years are a period of rapid change and neurological re-organisation in the brain. As the brain changes children exhibit increases in risk-taking behaviours and less capacity than adults to accurately weigh the consequences of their actions. Neural processes responsible for skills decision making and social responses are particularly sensitive to experiences such as incarceration at this life stage⁵.

2.2.1 Benefits of early intervention

There is a broad body of research, both in Australia and internationally, indicating that intervening early with vulnerable children and young people is beneficial in the long term. Benefits for the young person and their family include facilitating access to health, disability and social services⁶. This is particularly relevant for younger offenders who need assistance to remain with their family and participate in mainstream school, as well as engaging in pro-social community activities⁷.

Reducing the number of young people in custody has potential to reduce social costs because the young person can maintain links with their family, community and education, as well as custodial accommodation expenses. Cohen and Piquero⁸ reported in the United States the value of saving a 14-year-old high risk juvenile from a life of crime ranged from US\$2.6 to US\$5.3 million. Similarly, it was estimated that saving a high-risk child from 0-5 years of age from involvement in crime would save government between US\$2.6 and US\$4.4 million. When the costs of the associated problem behaviors of drug use and school disengagement are included, the total societal cost of a high-risk youth can be even higher.

The NSW Government has committed \$90m over four years to July 2020 to implement Multi-systemic Therapy for child Abuse and Neglect and Functional Family Therapy – Child Welfare as part of the Their Futures Matter Program. Up to 900 vulnerable children and families per year will receive the new services, with 50 per cent of places dedicated to Aboriginal children and their families. The Government also committed \$14.48m over three years to July 2019 to implement Youth on Track in six sites. Up to 380 young offenders will receive intensive case management and

⁵ Blakemore SJ, Choudhury, SJ *Child Psychiatry*, 2006 Mar-Apr;47(3-4):296-312 *Development of the adolescent brain: implications for executive function and social cognition*

⁶ Cohen and Piquero (2007) New Evidence on the Monetary Value of Saving a High Risk Youth, *Journal of Quantitative Criminology*, March 2009, Volume 25, [Issue 1](#), pp 25–49

⁷ Goldson and Muncie, chapter in *Youth Justice: Ideas, Policy, Practice*, Roger Smith, 2006, Routledge

⁸ Cohen and Piquero (2007) New Evidence on the Monetary Value of Saving a High Risk Youth, *Journal of Quantitative Criminology*, March 2009, Volume 25, Issue 1, pp 25–49.

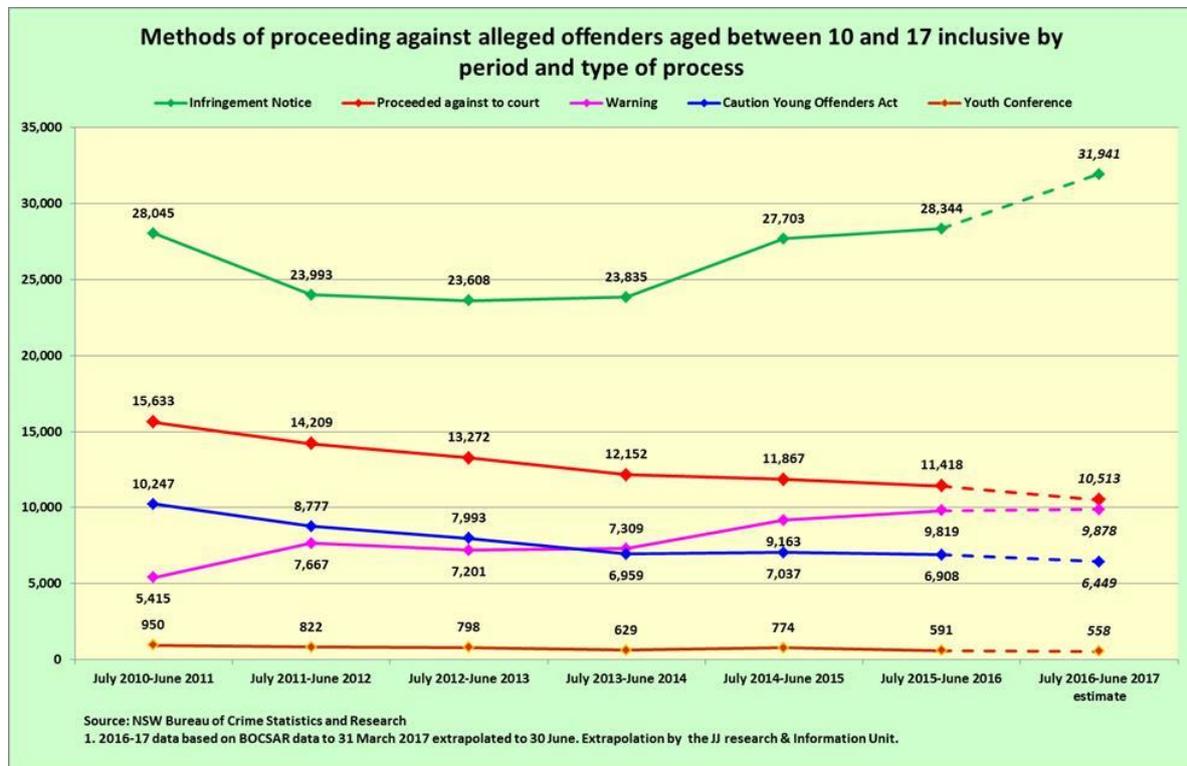
offence focused interventions, with over 60 per cent of participants being Aboriginal young people and their families.

2.3 Population of young people in diversion programs

In NSW diversion and early intervention is widely used by the NSWPF. Police application of the Young Offender’s Act determines when a young person is eligible for a diversion. Police consider the seriousness of the offence, harm to the victim and the attitude of the young person. A young person may refuse the diversion and proceed to court. The options under the *Young Offenders Act 1997* used by the NSW Police Force in 2016-17⁹ included issuing 31,941 infringement notices¹⁰; 558 to Youth Justice Conferences, 9,878 warnings and 6449 cautions. The total number of diversions far exceeds the number of young people who proceeded to court (10,513). An even smaller number dealt with by the court received an order that required management by Juvenile Justice NSW, with only around 1500 young people a year being supervised by Juvenile Justice.

In 2015–16 Juvenile Justice case workers supported (on an average day) 1200 young people who live in the community to desist from further offending by taking responsibility for their behaviour, addressing their anti-social values, attitudes and behaviours as well as supporting them to access education, work, housing, health and welfare needs.

Figure 1: Methods of proceeding against alleged offenders aged between 10 and 17 inclusive by period



⁹ Source: Bureau of Crime Statistics and Research, Methods of proceeding against alleged offenders, unpublished.

¹⁰ Young people who are eligible can undertake a Work Development order as an alternative to paying fines. This can include community work or therapeutic options. Further details can be found at: <http://www.revenue.nsw.gov.au/fines/eo/wdo>

Further details about NSW young people in the justice system can be found in the Australian Institute of Health and Welfare Youth Justice Fact Sheets.¹¹

2.4 Design elements of effective diversion programs

NSW diversionary programs are built on international models that have proven to be effective. For example, the American Reducing Recidivism Using Wraparound project¹² and the Functional Family Therapy (FFT) model¹³ provide a solid evidence base on which to model new programs. The Washington State Legislature found that: “*FFT is an attractive evidence-based program that reduces crime and achieves a favourable return on investment*”. The *Wraparound* program - called *Connections* - was an individualised, coordinated mental health service within a juvenile agency. Participants in the program were less likely to reoffend than young people receiving mental health and juvenile justice services in a traditional manner.

The core elements of these programs show that successful programs for high-risk adolescents need to be:

- intensive
- targeted at specific needs (those that are shown to have a causal effect on offending)
- be responsive to the individual (their circumstances, culture and learning styles)
- coordinated by one case management agency but delivered by a multitude of agencies, working in collaboration.
- delivered by professionals, with expertise and knowledge about young people in the criminal justice system
- provided in partnership with the community and non-government agencies

¹¹ at <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2015-16/contents/state-and-territory-factsheets>

¹² Michael D. Pullmann, Jodi Kerbs, Nancy Koroloff, *Juvenile Offenders With Mental Health Needs: Reducing Recidivism Using Wraparound* First Published July 1, 2006.

¹³ Washington State Legislature http://www.wsipp.wa.gov/ReportFile/1102/Wsipp_Return-on-Investment-Evidence-Based-Options-to-Improve-Statewide-Outcomes-April-2012-Update_Full-Report.pdf accessed on 21 December 2017

3. Delivering Diversion Programs in NSW

3.1 Coordinating diversion programs

a. The way in which youth diversionary efforts work with:

- **NSW Police**
- **Juvenile Justice**
- **Community Corrections**
- **the Courts**
- **Health, Housing and children's services**
- **Schools and educational authorities**
- **Non-government organisations and the local community**

This section outlines the NSW Government's current approaches to delivering a system-wide approach to diversion programs for young people.

3.1.1 NSW coordinated approach to diversion

Juvenile Justice NSW (JJNSW), NSW Police Force (NSWPF), NSW Health, Family and Community Services (FACS), Education and non-government services deliver intervention and diversion programs for young people at risk of offending and reoffending. Agencies during their work screen young people to identify risk and assess their needs to provide effective, individualised referrals to programs and services.

In the past decade the NSW Government has developed and implemented several intervention and diversion options, using international best practice as a framework. Experience has shown models used successfully in other countries require testing and adaption to the Australian environment to ensure social, cultural and geographic relevance. The ANTS (Act Now Together Strong) Family Intervention Program and the Youth on Track Scheme are two examples of JJNSW programs that have been adapted from the international evidence base and experience and are demonstrating good results to date.

The success of NSW diversion programs centres on close partnerships between government and non-government services. The principles that govern these partnerships include:

- shared goals and governance arrangements
- recognition of the expertise and responsibilities of each agency
- investment based on evidence of need increasing supports for young people in the community
- information sharing
- monitoring and evaluation
- engagement with local communities, particularly in the context of Aboriginal young people.

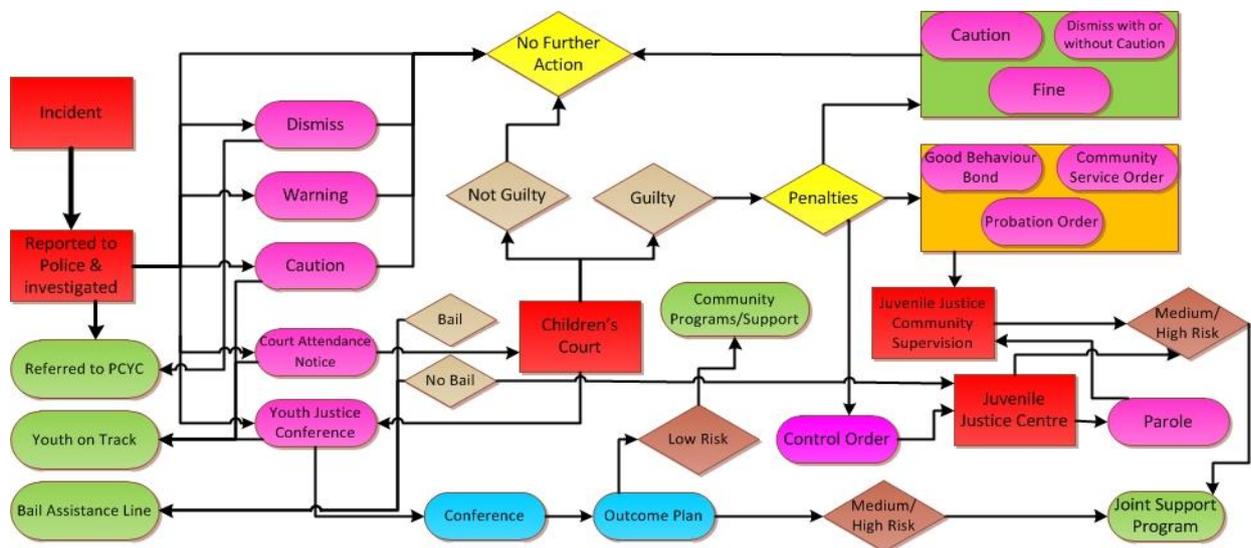
3.1.2 Reducing reoffending – current intervention and referral pathways

The diagram below depicts the current pathway and diversionary options for young people once they encounter the criminal justice system. It excludes matters which proceed in the District and Supreme Courts.

Following an incident, Police will use the *Young Offenders Act 1997* to determine if the young person is eligible for a diversion (e.g. warning, caution, Youth Justice Conference) or the matter should proceed to court. Young people can refuse to accept a diversion and proceed to court if offered a caution or conference; they can also plead guilty at any stage. At the point of contact with Police, young people may also be referred to other voluntary support services such as the Youth on Track, the Police Citizen’s Youth Club, or the Bail Assistance Line (see section 8 for more information) to address the underlying issues that may contribute to their offending.

If proceeding to court, Police will then decide whether to grant bail. In serious matters, the court will decide on bail. Cases that proceed to court will then end with the young person found not guilty or the court issuing a penalty. The Children’s Court can refer a young person to a Youth Justice Conference, issue a caution or a fine, sentence the young person with a good behaviour bond, community service order, probation order, or to community supervision or custody. The Court can also dismiss the charge.

Figure 2: Flow chart mapping the paths of young people through diversion and the NSW Criminal Justice System



3.2 Forms of diversion

3.2.1 Early intervention diversion programs

Early intervention and diversion programs are part of a continuum of care for young people at risk of contact with, or entrenched in, the criminal justice system. Early intervention and diversion programs can and do begin long before a young person has come to the attention of the Police. Schools, child protection services, welfare and health services identify vulnerabilities and behaviour that could lead children to criminal offending and formal contact with Police. Effective and targeted earlier intervention and diversion can greatly reduce the likelihood of a child or young person experiencing disengagement from school, poor physical and mental health, welfare dependency, substance misuse, criminal offending and ongoing involvement with the criminal justice system.

The clear majority of contact between young people in NSW and Police is positive and takes the form of informal socialising in the community at sporting functions, school lectures and presentations delivered by School Liaison Police or at Police Citizens Youth Clubs (PCYC).

The **Targeted Earlier Intervention Program (TEIP) reform** is a major NSW Government initiative led by Family and Community Services that aims to deliver a cohesive, flexible, client-centred service early intervention system, to benefit more than 130,000 children, families and communities across NSW.

TEIP reform targets vulnerable children, young people, families and their communities at the point where they can have the most impact - early in life and early in need. Within this broad target group, there are three priority groups: 0-3 year-olds; young parents; and Aboriginal clients.¹⁴ The reform will consolidate six existing early intervention programs into a single cohesive service system ensuring evidence based service design and delivery.

The Department of Education delivers education services in each of the Juvenile Justice centres in NSW and manages many programs designed to create inclusive school communities that allow all students to connect and thrive. School offers an opportunity to identify and support young people who may be at risk before more complex issues emerge. Belonging and connectedness can be a protective factor for problematic behaviour. Young people are supported with a range of individual support plans through a transition process when entering a juvenile justice setting and upon release from the centre back to the school community.

Mentoring programs assist schools in developing a more personalised, integrated and holistic approach to connect students to their learning. Connecting each student in ways which ensure their learning is purposeful and engaging, and differentiated to

¹⁴ TEIP includes a number of interventions for families with children in this age group including, Child, Youth and Family Support, Community Builders, Families NSW, Aboriginal Child Youth and Family Strategy, Getting It Together, Triple P

ensure it is directly related to each student's stage of development, reduces the likelihood of the student becoming vulnerable.

As an early intervention initiative, this strategy helps to identify and address some of the signs of vulnerability that may lead to a young person participating in problematic and potentially criminal activity. While this strategy was designed to help schools manage antisocial and extremist behaviour, it has a wider reach and assists schools to respond proactively to a range of behaviours that can put a young person at risk

NSW Health delivers targeted services that respond to the immediate and long-term needs of children and young people at risk of significant harm, as well as specialist services, that provide therapeutic interventions to address the effects of violence, abuse and neglect. With specific regard to services that could divert young people from the criminal justice system, **Child Protection Counselling Services** and **Family Referral Services** offer support to this group of vulnerable young people.

The **Sexual Assault Service** and **NSW Health Children's Counseling Services** respond to children under 10 years old with problematic or harmful sexual behaviours (harmful to self or others), and their family/caregivers. NSW Health provides a specialised, early intervention, community-based service called **New Street Services**, to address harmful sexual behaviours displayed by 10 -17 year-old young people who, for a range of reasons, have not been criminally prosecuted.

NSW Health also provides funds for a range of support services available in the general community that young people can access by either self-referral or referral by case workers from other agencies. The most important service types for young people at risk are drug and alcohol services, mental health, domestic violence services, sexual assault and child abuse treatment services.

3.2.2 Pre-court diversions

Pre-court and pre-sentence diversions under the YOA apply to young people between the ages of 10 and 18. The *Young Offenders Act 1997* allows the NSW Police Force to divert young offenders from court using warnings, cautions and Youth Justice Conferencing. These diversion options administered by Police are not available to children who have committed serious criminal offences, traffic offences, or sex offences.

The *Act* encourages young people to take responsibility for their crimes and understand the impact of their actions on victims, family and the community. Police diversions are also an opportunity for the young person to access health, community and education services.

The first legislative principle of the *Act* guiding decision making is that the least restrictive form of sanction is to be applied to the young person. If eligible, the young person is then informed of their right to obtain legal advice. If a full admission is made, and the young person is eligible for a caution or Youth Justice Conference, one of these options is taken. The third principle states that criminal proceedings are not to be taken against a young person if there is an alternative and appropriate means of dealing with the matter. Warnings, cautions and Youth Justice Conferencing can lead

Police to refer to programs such as PCYC programs, the Youth on Track Scheme or health and welfare services that respond to the underlying causes of the offending.

Police diversions

Police may decide that a warning or caution is not appropriate, or a young person may have already received the limit of three cautions, and refer the matter to a **Youth Justice Conference (YJC)**. Courts can also refer matters directly to a YJC. The philosophy of restorative justice is to encourage offenders to take responsibility for their criminal behaviour and repair damage to the victim and the community. Juvenile Justice administers the YJC process, bringing together the offender, victim, and representatives from the community to formulate a constructive remedy. The participants discuss an 'outcome plan' which may involve the offender apologising, making reparation to the victim, receiving counselling, and completing a rehabilitation or educational program.

A YJC outcome plan may include a referral to a treatment service to address risk factors identified during a conference, including drug and alcohol use, mental health or behavioural/cognitive issues. However, an outcome plan cannot require a young person to attend treatment. This is because acceptance into a treatment program is dependent on decisions during intake and assessment that are outside the control of the young person, and it would be unfair for the young person to be sanctioned as a result of a service's decision not to accept them.

Police can also divert young people from custody by giving them bail instead of remanding them in custody until their court appearance. Bail support programs assist young people who would otherwise be remanded in custody to meet their bail conditions and remain in the community. See section 8 for more information about bail interventions.

Youth on Track

Youth on Track is a voluntary early intervention scheme for 10 –17 year-olds which identifies young people at risk of long-term involvement in the criminal justice system. Non-government organisations, Mission Australia, Social Futures and Centacare are contracted by the NSW Government to deliver the Youth on Track service. Youth on Track provides police and school staff with an opportunity to refer young people, known to be at medium to high risk of reoffending. Youth on Track operates alongside and after formal contact with the system.

The Youth on Track case manager conducts a comprehensive assessment of the young person's needs relating to their offending which guides the development of the young person's case plan to address the individual risks and needs as identified through assessment tools. Youth on Track case management is a combined direct service case management and coordination model. This combined model requires Youth on Track case managers to coordinate service delivery, facilitate access to supports such as mental health support, drug and alcohol counselling, improving links to education, and to deliver offence-focused behaviour and family interventions.

Youth on Track has the benefit of multi-agency support. It works collaboratively with other service providers to ensure consistent service provision without duplication of service. Juvenile Justice applies its expertise by working with funded non-government organisations to ensure their staff undertakes specialised training in assessment of criminogenic needs and working with young people and their families.

Since starting in 2013 in just three locations, over 500 young people and their families have participated in Youth on Track, with promising results. Specifically, 84 per cent of participants reduced or stabilised formal contact with Police in the 12 months after referral to Youth on Track and Aboriginal young people at the same rate as non-Aboriginal young people - with 72 per cent of those referred to Youth on Track and 72 per cent of those who participated identifying as Aboriginal. The 2017 Youth on Track Social Outcome Evaluation, completed by the Cultural and Indigenous Research Centre of Australia, showed that after three months participants significantly reduced their risk of reoffending and improved engagement with education, employment and the community and after six months, participants also showed significant improvements in positive peer relationships.

Due to initial promising results, the NSW Government provided funding to expand Youth on Track to six sites, covering 13 Police Districts for a further three years. The social outcomes evaluation is part of a broader evaluation plan and sits alongside the randomised control trial that the NSW Bureau of Crime Statistics and Research is conducting to evaluate the impact of Youth on Track on reoffending by 2020.

Youth on Track Partnerships

Jarrold was 15 years old when he was referred to Youth on Track (YoT) by the NSW Police Youth Liaison Officer in his home town; after receiving two cautions for stealing. The Youth on Track case worker conducted an assessment and found he needed help with antisocial attitudes, antisocial peers, substance abuse and structured leisure activities.

The case worker introduced Jarrold to the PCYC gym where he trained with police and worked through the Youth on Track cognitive behaviour therapy intervention. This targeted Jarrold's offences and triggers, motivation to change, problem solving skills, lifestyle balance and understanding anger.

While Jarrold was at the PCYC gym he got to know and trust the PCYC police youth case manager. He was able to put into practice some of the strategies he was learning with Youth on Track. The Youth on Track case worker and the PCYC officer worked together to help Jarrold get back into regular school, find a part time job and join a football team.

The Youth on Track case worker also provided support to Jarrold's mum, who had nine other children. Two of Jarrold's brothers started at the gym and participated in other PCYC activities. Collaboration between PCYC and Youth on Track had a positive impact for the whole family. Youth on Track case workers planned and delivered a behavioural intervention and the PCYC provided a safe environment for Jarrold to practice new behaviours.

3.2.3 Pre-sentence diversions

A court can make decisions which allow government and non-government agencies to work with a young person in the community to reduce the risk of reoffending. The opportunities for diversion increase when the child remains in the community. The court has several options, including:

- dismissing a charge with or without a caution
- imposing a good behaviour bond or fine
- release on condition of complying with an outcome plan determined at a Youth Justice Conference
- defer sentencing for rehabilitation, participation in an intervention program or other purpose
- release on probation

NSW Health funds and supports the provision of specialist mental health youth diversionary programs operated via the Justice Health and Forensic Mental Health Network including the Adolescent Court and Community Team (ACCT), Community Integration Team (CIT) and Justice Health Getting on Track in Time (Got It!) Team.

The Adolescent Court and Community Team (ACCT) is available at 21 Courts in NSW. The program is run by the Justice Health Adolescent Health Service. The service aims to provide prompt access to a mental health assessment for young people coming before the NSW Children's and Local Courts with a view to the identification of mental health disorders and where possible, diversion to appropriate services in the community.

Referrals to the service are accepted from a variety of sources including Juvenile Justice case workers, Court officials/staff, the NSWPF, legal representatives, Magistrates, family of the accused young person, and the Network's health centre staff.

The **Apprehended Violence Order (AVO) - Get on Track in Time** service aims to provide early and therapeutic interventions to young people appearing as the subject of an application for an AVO in NSW Children's Courts¹⁵.

3.2.4 Interventions to reduce reoffending in Juvenile Justice settings

A small proportion of young people, due to the nature of the offence or repeat offending, progress through the criminal justice system and receive a court order that requires supervision by Juvenile Justice. Juvenile Justice works with its clients to reduce reoffending through case management and programs in the community, in custody and during their transition into the community from custody.

Juvenile Justice employs a strong case management focus to deliver evidence-based interventions to reduce recidivism. Juvenile Justice staff provide targeted interventions addressing a young person's criminogenic risks based on a 'Risk Need Responsivity' model. Staff also engage with the young person's family and other services to support

¹⁵ Australian Indigenous Health infonet – Diversion Programs web page <http://www.healthinfonet.ecu.edu.au/population-groups/offender-health/programs-and-projects/diversion-programs?page=1&reach%5B%5D=112>

the delivery of case management and to foster ongoing relationships to support the young person in their eventual transition from Juvenile Justice supervision.

Intervention is provided to children and young people individually, by addressing thoughts, attitudes, beliefs and skills deficits underlying their offending behaviour. Interventions are tailored to the individual needs of the young person, considering their age, gender, culture, cognitive functioning, literacy levels, mental health, disability and any other responsibility issues.

These interventions include:

- **Changing Habits and Reaching Targets (CHART)** - a skills-oriented cognitive behavioural program
- **X-Roads** (pronounced Cross Roads) - a structured, interactive, cognitive-behavioural model of individual intervention designed for young people assessed as having significant substance misuse issues
- **Alcohol and Other Drug (AOD) Education and Service** - a psycho-educational program that provides information about illicit substances and their effects, and assists young offenders to develop harm minimisation strategies
- **Dthina Yuwali** (pronounced thi-nah you-wah-lee) - an Aboriginal-specific staged Alcohol and Other Drugs group work program
- **My Journey My Life** - a group session program for young Aboriginal males that aims to reduce the incidence of family violence
- Accommodation support programs
- Employment skilling programs

Juvenile Justice also funds non-government organisations to deliver services to support young people on a community order or completing a Youth Justice Conference Outcome Plan. For example, the Rural Residential Adolescent Alcohol and Other Drugs Rehabilitation Program provides an intensive residential rehabilitation program to Juvenile Justice clients to address their alcohol and other drug use and offending behaviour and the Joint Support Program allows the Juvenile Justice case workers to access services including case work support, crisis accommodation, employment skilling, mentoring, relationship intervention and long-term accommodation support.

3.2.5 Reintegration interventions and initiatives

Young people who have served a custodial order and leave Juvenile Justice facilities are transitioned back to family and community using a multi-disciplinary approach.

Juvenile Justice case workers work with young offenders on their release planning and re-engagement with family, education, employment, health and social supports in community. These supports are critical protective factors against reoffending.

Case management support includes advice and assistance to the young person, risk assessments, and coordination of information provided to external agencies such as the NSWPF. It also supports the coordination of student support plans for young people reconnecting with education.

The Department of Education has Specialist Program Coordinators that assess the student's circumstances to determine if they present a significant risk in returning to a school setting, and the type of case management support required. Young people leaving Juvenile Justice facilities may then be referred to case management by the Department of Education.

The Justice Health and Forensic Mental Health Network Community Integration Team (CIT) coordinates the post-release care of young people leaving custody who have significant mental health needs and/or problematic drug and alcohol use. The CIT also provides important links to community-based health and support services

Juvenile Justice funds a non-government organisation to deliver the Aboriginal and Torres Strait Islander Reintegration and Transition Program on the NSW South Coast which provides intensive support for young Aboriginal offenders after they leave custody or community supervision. The program aims to build resilience and wellbeing and reduce the risk of reoffending, with a key focus of building cultural identity by strengthening connections to country and family.

3.2.6 Diversion starts early

Over half of young people in custody have or have had a parent in custody. The NSW Government supports children of parents in custody through several programs:

Dads and Family (Aboriginal Babiin-Miyagang) Program

Dads and Family (Aboriginal Babiin-Miyagang) Program is targeted at Aboriginal male caregivers (fathers, uncles and grandfathers) who are separated from their children to gain greater understanding of their role and the opportunity to develop an enriched relationship with their children. It is a strengths based program giving insight and support.

MAAD – Mothering at a Distance

Mothering at a Distance (MAAD) is provided under the 'Keep Them Safe: A Shared Approach to Child Wellbeing' strategy of the NSW Government. The program was written as a joint initiative between CSNSW and the Tresillian Family Care centres.

It aims to enhance the mother-and-child relationship, increase maternal sensitivity and reduce trauma during separation caused by incarceration. Participants must be mothers or caregivers, who once released, will have significant parenting responsibility for children aged 0–5 years.

Mothers and Children's Program

The Corrective Services NSW Mothers and Children's Program is one of a significant number of prison nursery programs operating in Australia and overseas to reduce the impact of incarceration on the children of inmates. Since 1996 the prison nursery unit has been located at Jacaranda Cottages a purpose built facility on the Emu Plains Correctional Centre complex. The Program allows children from birth to twelve years to live with their mother on a full time or occasional residence basis. School age

children can participate on weekends and school holidays. The unit is compliant with international standards and conventions governing prison nursery units. CSNSW partners with FaCS, NSW Health and other non-Government agencies responsible for the care and protection of children in NSW. Inmate mothers participating in the Program are required to comply with their case plan to assist them address their offending behaviour as well as participate in additional child centred programs and activities to support better outcomes for children and families. CSNSW has dedicated staff and established assessment and management processes that are transparent, culturally responsive and individualised. This child-centred approach ensures resident children are not negatively impacted by correctional centre routine and have the same access to health and education services as children living in the community.

SHINE for Kids mentoring

Shine for Kids is a community organisation, funded by CSNSW, that undertakes a number of activities to support children of parents who are incarcerated. This includes assisting with supervised child visits to inmates in custody, child care for parents visiting correctional centres, organised child activity days at correctional centres and support for children and families of Aboriginal and Torres Strait Islander people.

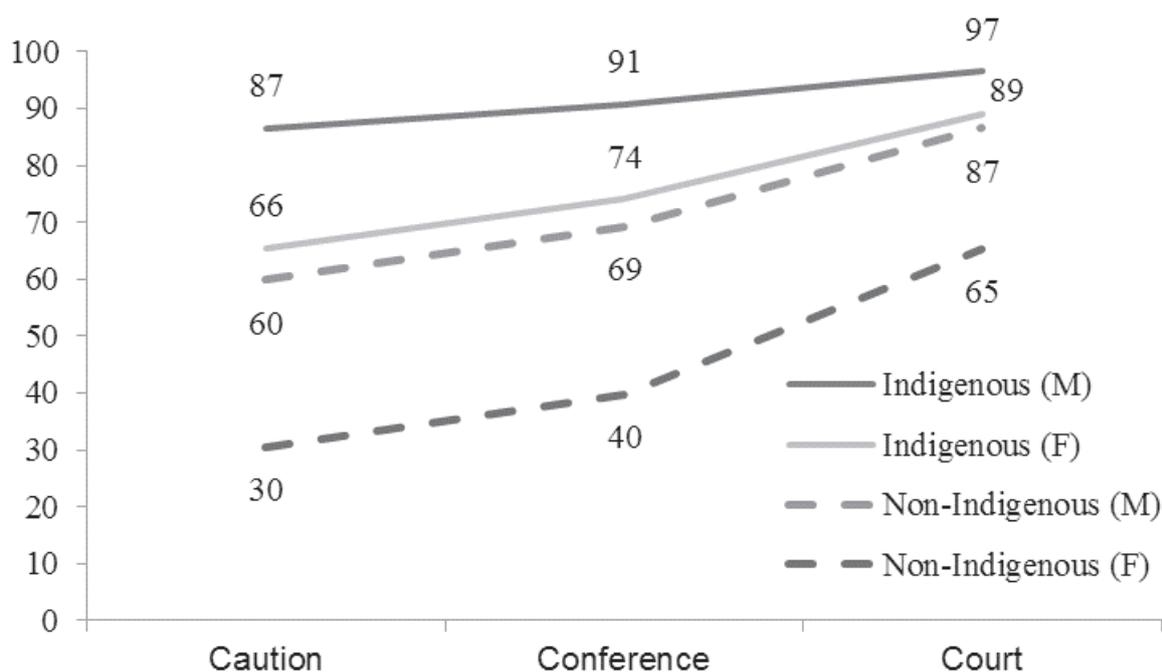
4. Reducing Aboriginal Representation

4.1 Aboriginal over-representation

In 2015-16 Aboriginal young people were estimated to comprise 5.3 per cent of the 10 to 17 year-old population in NSW. However, they represented 45.9 per cent of young people on supervision orders.¹⁶

Studies of NSW offenders have shown that Aboriginal young people have an increased probability of reoffending. As shown in Figure 4, a 2015 study of almost 9000 young offenders over 10 years, found that Aboriginal males and females were far more likely to be reconvicted than non-Aboriginal males and females following their first formal contact with the criminal justice system¹⁷.

Figure 3: Per cent reconvicted within 10 years by disposition, Aboriginal status and gender



The NSW Government recognises that the over representation of young people in the criminal justice system can only be resolved by agencies working in collaboration and in partnership with Aboriginal communities to inform and improve outcomes for young people at earlier stages.

¹⁶ Details for 2015-16 can be found in the AIHW Youth Justice Fact Sheet <https://www.aihw.gov.au/getmedia/4446f4d0-2eb6-4fa2-9c84-17e70bc710ce/YJA-2015-16-NSW.pdf.aspx>.

¹⁷ Payne, J. & Weatherburn, D. (2015). Juvenile Reoffending: a ten-year retrospective cohort analysis. *Australian Journal of Social Issues* Vol.50, No. 4

Improving Aboriginal engagement with diversion programs is a key goal of youth policies in NSW. This is done by creating culturally respectful and responsive systems and programs in partnership with Aboriginal peoples and communities.

4.2 Working with Aboriginal communities

NSW Government agencies working with Aboriginal communities have programs in place that work to reduce the over-representation of Aboriginal young people in the criminal justice system. In recognition of the strength and resilience of Aboriginal peoples the programs aim to increase capacity within the community, build workforce capability and work in partnership with communities to co-design and deliver culturally appropriate programs.

The **NSW Coalition of Aboriginal Regional Alliances (NCARA)** has identified juvenile justice as a key issue. NCARA is comprised of representatives from each of the NSW Aboriginal Regional Alliances set up under OCHRE's Local Decision Making, to have an increased say in government service delivery, exchange ideas and consider common issues, as well as providing leadership and advocacy.

The community leaders within this alliance are seeking to partner with the NSW Government to reduce the number of Aboriginal youth entering the criminal justice system, including reducing incarceration rates and recidivism. NCARA have made a submission to the inquiry.

Aboriginal Affairs is working with NCARA, the Premiers Implementation Unit, the Department of Justice and key government agencies to scope opportunities and identify key steps.

OCHRE, the NSW Government's Aboriginal Affairs community focused plan has a specific focus on supporting young Aboriginal people to receive a quality and culturally appropriate education and remain engaged in schooling, an important factor in preventing contact with the criminal justice system.

OCHRE includes a commitment to working with Aboriginal communities, policy practitioners and service providers to advance a dialogue in NSW about trauma and healing and to begin developing responses informed by evidence of good practice and the real-life experiences of Aboriginal people.

OCHRE embraces a strengths based strategy that invests in the social, cultural and economic aspirations of Aboriginal people. Informed by 2,700 people in 2011 and 2012, **OCHRE** represents the NSW Government's most ambitious attempt at co-design as part of its commitment to build a new relationship with communities.

In 2017, the McKell report concluded that while other jurisdictions have attempted co-design 'OCHRE stands alone in its scale and ambition'. This report and other research and evaluation publications produced by Aboriginal Affairs shares knowledge with other police and program practitioners about the benefits of building

enduring relationships with Aboriginal communities.¹⁸ An evaluation of OCHRE will be released in the second half of 2018.

Juvenile Justice has a range of programs and initiatives to address over-representation of young Aboriginal people in the criminal justice system. The Youth on Track early intervention scheme provides family based intervention and support to young people at the early stages of their interaction with the justice system.

During 2016-17 Youth on Track engaged Aboriginal young people referred to the scheme at the same rate as non-Aboriginal young people.

Four hundred and eighteen Aboriginal young people were referred to Youth on Track in 2016-17, 62 per cent of all referrals. Of these, 160 Aboriginal young people consented to participate in the scheme, representing 62 per cent of all Youth on Track participants.

Aboriginal young people showed positive reductions in reoffending risk and rates post referral to Youth on Track, as did non-Aboriginal young people. Twelve-months after referral to Youth on Track Aboriginal participants reduced their rate of offending to a similar level as non-Aboriginal young people.

Other programs aimed at reducing reoffending include *Dthina Yuwali*, the Aboriginal and Torres Strait Islander specific alcohol and other drug program. This is delivered in community and custodial environments, and deals with the relationship between substance abuse and juvenile offending.

Juvenile Justice recognises however that there is more to do and is currently developing an Aboriginal Strategic Plan (ASP). The ASP is a plan to transition Juvenile Justice to a future state where we will see:

- fewer Aboriginal young people in custody or on community orders
- more Aboriginal young people participating in early intervention and diversion programs
- more Aboriginal staff, particularly in senior and leadership roles
- Aboriginal issues and needs systematically addressed and embedded in policy and practice
- demonstrated cultural competence across the Division

The Aboriginal Employee Lifecycle Model will support the implementation of the ASP, to further strengthen practice in relation to recruitment, development, promotion, support and retention of Aboriginal employees. Development of the Plan and supporting frameworks is being led by the Juvenile Justice Aboriginal Strategic Coordination Unit.

Collectively, these initiatives are designed to focus on economic as well as social opportunity. There is a specific focus on supporting young Aboriginal people to receive a quality and culturally appropriate education and remain engaged in

¹⁸ Further information about OCHRE can be found at <https://www.aboriginalaffairs.nsw.gov.au/our-agency/staying-accountable/ochre>

schooling, which is a critical factor in preventing contact with the criminal justice system.

4.3 Planning and investment

All NSW Government agencies are working towards delivering services in a way that is culturally appropriate for Aboriginal people. For example, NSW Family and Community Services is transforming its delivery of services through the Targeted Earlier Intervention Program (TEIP) reforms. Aboriginal children, young people and families are a priority group for the TEIP which will increase levels of service to this cohort by directing 30 per cent of all TEIP funding to Aboriginal service delivery by 2021.

This increased investment in Aboriginal service delivery will be realised through a commissioning approach, with priority given to Aboriginal Community controlled organisations and Aboriginal organisations. Where capacity in these services is limited, funds will be prioritised for non-government organisations with Aboriginal staff delivering services to Aboriginal people.

Key priorities for the TEIP are to:

- target resources to Aboriginal people and communities with greatest need
- develop a holistic system grounded in evidence informed practice, that reflect an Aboriginal evidence-informed practice framework
- facilitate Aboriginal self-determination through Aboriginal community control in service design and delivery
- increase flexibility so that Aboriginal clients are the centre of TEIP outcomes

4.4 Working in partnership with Aboriginal communities

Agencies work to develop and preserve closer ties with Aboriginal communities. For example, Aboriginal Elders approved to mentor detainees attend juvenile justice centres regularly to provide one on one mentoring and participate in endorsed Aboriginal programs.

The NSWPF works with Aboriginal communities to tailor and deliver prevention and intervention programs suitable to the needs of local communities. Two programs are **Clean Slate Without Prejudice** and **Never Going Back**, run by NSWPF in Redfern Area. These programs are designed to reduce crime by developing strong working relationships between community members and police. Both programs have been very well received by the local community.

Clean Slate

Clean Slate Without Prejudice is a workout routine and boxing program for kids in Redfern, launched by the Redfern local Koori community in partnership with the NSW Police. Local Elders, Shane Phillips and local Men's group chairman Mark Spinks and mentors joined with Area commander Luke Freudenstein to create this unique program.

Clean Slate commenced in 2008 at the National Indigenous Centre of Excellence in Redfern. This program is aimed at Aboriginal youth in the Redfern area. Local community leaders and police officers from the Redfern PAC participate in the program. Clean Slate works with the local Tribal Warrior Association which provides mentors to work with Aboriginal youth.

Young people participating in the mentoring program enter a contract to attend the boxing program three times per week in return for mentoring assistance. The program creates an opportunity for police and community members to work together in a neutral environment.

Juvenile Justice funds chaplains and pastoral assistants to provide young people in custody with culturally appropriate religious and spiritual support programs. There are three Aboriginal chaplains and pastoral assistants currently available to support indigenous detainees, with a focus on Aboriginal culture and practices.

The NSW Police Force funds the Aboriginal Strategic Direction Crime Prevention Grant Program which allocates \$200,000 annually towards programs that focus on crime prevention in aboriginal communities. Key diversion strategies include the Protected Admissions Scheme and the Cautioning Aboriginal Young People Protocol.

4.5 Improving service delivery

NSW Government agencies are continuously working to improve service delivery and to ensure programs are culturally appropriate for Aboriginal people. Specific Aboriginal programs are designed in partnership with Aboriginal people and non-specific Aboriginal programs are also reviewed to ensure the delivery is suitable for Aboriginal communities.

The capability of the workforce to respond to Aboriginal issues and needs is also being enhanced through increasing Aboriginal cultural awareness. For example, Juvenile Justice has launched a Juvenile Justice Cultural Respect Training package; and is developing an Aboriginal Employee Lifecycle Model to improve recruitment, development, support and retention of Aboriginal employees.

Support to build capability is also provided to partner agencies working with Juvenile Justice. Juvenile Justice produced the *Working with Aboriginal and Torres Strait Islander Peoples Good Practice Guide* for Juvenile Justice staff and external partners when working with Aboriginal clients, their families and communities.

The NSW Health, *Aboriginal Family Health Strategy 2011-2016: Responding to Family Violence in Aboriginal Communities* (the Strategy) guides activity that responds to family violence in Aboriginal communities. The Prevention and Response to Violence Abuse and Neglect Unit are developing a revised Aboriginal Family Health Strategy – the Aboriginal Family Wellbeing and Violence Prevention Strategy (AFWVPS). The AFWVPS aims to lead a cultural shift in healthcare services.

4.6 Koori Court

The Youth Koori Court (YKC) is part of the Children’s Court and is dedicated for Aboriginal and Torres Strait Islander young people who have been charged with a criminal offence. The YKC has the same powers as the Children’s Court and involves the Aboriginal community in the court process. The aims of the YKC include:

- increasing Aboriginal community, including Aboriginal young people’s confidence, in the criminal justice system in NSW
- reducing the risk factors impacting on the recidivism of Aboriginal young people in NSW
- increasing compliance with court directions and orders by Aboriginal young people in NSW

To be eligible to participate in YKC young people must:

- be descended from an Aboriginal person or Torres Strait Islander, identify as an Aboriginal person or Torres Strait Islander and be accepted by the relevant community
- plead guilty to the offence or be found guilty of the offence after hearing
- be between the ages of 10 to 18 years at the time of the offence; and
- be willing to participate

The YKC seeks to achieve its aims by allowing Aboriginal and Torres Strait Islander community involvement in the court process and by providing the young person with the opportunity to better understand and to directly participate in the court process.

The YKC identifies risk factors that may impact on the participants’ continued involvement with the criminal justice system, and recommends through conversations with the young person and key workers appropriate therapeutic interventions to address these risk factors. The YKC then monitors the young person’s progress and takes into consideration progress made in relation to an agreed action and support plan when sentencing the young person.

5. Evaluation: Key to Improving Practice

5.1 Evaluation and quality assurance

Evaluation is central to good program management and good government planning and decision making. Evaluation informs decision making and can provide an evidence base on which to determine whether services are effective, delivering value for money and meeting identified needs. The NSW Government devised the *NSW Government Program Evaluation Guidelines* and the *Circular C2016-01 Program Evaluation*¹⁹ to ensure Departments adopt and implement an evaluation framework for their programs. These documents reflect a whole-of-government commitment to delivering quality services through evidence-based policy and decision making. Further information can be found at: <http://arp.nsw.gov.au/c2016-01-program-evaluation>.

NSW Government agencies include evaluation and quality assurance in their programs. For example, within the Department of Justice, the Justice Evaluation Framework applies to all program evaluation activity, including Juvenile Justice diversion programs, such as Youth on Track. The framework applies to evaluation activity undertaken internally or commissioned by the Department and conducted externally. Evaluation activity, including the quality assurance process, is focused on improving service delivery, crime prevention, reoffending and treatment initiatives, and is also relevant to innovative pilot programs designed to address long-standing and emerging issues.

5.1.1 External evaluation

The Youth on Track evaluation plan is an example of how Juvenile Justice is building a strong evidence-base for early intervention. The Cultural & Indigenous Research Centre of Australia finalised an evaluation of Youth on Track in April 2017 which focused on the impact of the scheme on client and family wellbeing, related to risk of reoffending. This social outcome evaluation is part of a broader evaluation plan, including a randomised control trial that the NSW Bureau of Crime Statistic and Research to evaluate the impact of Youth on Track on reoffending.

The NSWPF uses external agencies to conduct reviews of programs and services, including:

- review of Clean Slate Without Prejudice and Never Going Back in 2016.
- NSWPF Youth Command:
 - review of School Liaison Police Program in 2007 and 2015
 - review of *Targeted Programming Manual* in 2015
 - review of Case Management and introduction of *Standards of practice for case management modules* in June 2017

¹⁹ See <http://arp.nsw.gov.au/c2016-01-program-evaluation>

Evaluation improves service delivery*Adolescent Court and Community Team (ACCT)*

In 2015 the ACCT undertook an in-house service redesign. There was extensive stakeholder consultation through surveys and with the Department of Justice including the NSW President of the Children's Court, Magistrates, Aboriginal Legal Services, Children's Legal Services, Juvenile Justice NSW and Police Prosecutors. Stakeholder feedback identified that the operation of the ACCT in the courts is a valuable service and indicated that the ACCT assisted stakeholders in their own roles. The majority of stakeholders identified that there is a need to expand the service to more NSW Children's and Local Courts.

The increase in use of Audio Visual Link (AVL) in Juvenile Justice Detention Centres for young people appearing before the Children's Courts has resulted in fewer young people physically presenting before the courts. This increased resource and transport efficiencies for several government departments however impacted on the opportunity to access the services of the ACCT for those young people in detention that may require a mental health assessment. In 2017 the ACCT commenced a pilot project in both metropolitan and rural NSW whereby ACCT clinicians attended select Juvenile Justice Detention Centres and provided face to face mental health assessments to identified young people appearing before the Children's Court on criminal matters.

5.1.2 Internal framework for continuous improvement

NSW Government agencies embed quality assurance and continuous improvement processes into systems, services and programs.

Juvenile Justice NSW has a Quality Assurance Framework (QAF) based on a continuous improvement model. The framework contains a policy, guide and performance indicators that measure compliance with legislation, policies/procedures and executive memoranda. The framework is aligned with the national Australian Juvenile Justice Administrators (AJJA) standards (2009) and the AJJA Principles of Youth Justice in Australia (2014). The process includes annual reviews, continuous improvement plans, improvement reviews and progress reviews.

The **NSW Police Force** has built a continuous improvement model into their *Youth Strategy 2013-2017*. The Strategy focuses on police practices, engagement with young people to educate them about safety, prevent offending and address antisocial behaviour, crime and violence committed by, or on, young people. A comprehensive internal governance framework sets direction, monitors and examines trends and emerging issues and identifies areas for service improvement.

NSW Family and Community Services Targeted Earlier Intervention Program (TEIP) is an example of a program with monitoring and evaluation of outcomes built into its design and implementation. The program will measure client, community and program outcomes. TEIP outcomes will be monitored and evaluated through the TEIP Performance, Monitoring & Evaluation Framework.

Monitoring and evaluation of the TEIP supports ongoing learning and adaptation to changes in local supply and demand. Local and central governance arrangements are being established to report and make decisions based on aggregated feedback from service users and service providers. This will inform the ongoing design, delivery and improvement of TEIP services. These arrangements will also encourage and support the participation of local people, communities and the broader service system in the ongoing design, delivery and improvement of TEIP services, particularly local Aboriginal decision-making groups.

6. Building Staff Capacity

6.1 Quality service through the NSW workforce

The NSW Government is committed to ensuring a robust workforce that is well placed to respond to the complex needs of young people in contact with the juvenile justice system.

6.1.1 Juvenile Justice initiatives

Juvenile Justice NSW has an in-house operational training facility and offers a range of internal and external training courses to all staff. In recognition of the importance of ongoing staff training and development, Juvenile Justice has recently established a dedicated Director of Operational Training and Organisational Development role with a mandate to develop a contemporary organisational development strategy.

Twenty-two new case workers including six in Aboriginal-identified roles have commenced work in Juvenile Justice Centres. The new case workers are assisting in improving pre-release planning for young offenders, focusing on stable housing, education and employment, and access to health services on return to the community.

Supported by Justice Human Resources, Juvenile Justice is changing its recruitment strategy to better target staff with the capabilities, resilience and passion to work effectively with young people with complex needs and challenging behaviours.

Approximately 10 per cent of the total Juvenile Justice workforce identify as Aboriginal or Torres Strait Islander, in roles ranging from administrative, managerial and front line areas. Juvenile Justice continues to be a leading employer of Aboriginal people in NSW. An Aboriginal employee lifecycle model is also being developed, to further strengthen practice in relation to recruitment, development, promotion, support and retention of Aboriginal employees.

6.1.2 NSW Police Force initiatives

NSW Police Force is committed to delivering education and training to address emerging policing issues and needs in relation to children and young people. All police have a role in interacting with young people and potentially diverting them from the criminal justice system. Training includes: Youth Command Standards of Practice for Case Management Modules, Youth Cautioning Program, and *Young Offenders Act 1997* for Probationary Constables and the Cautioning Workshop.

Specialist staff, such as Youth Liaison Officers and Specialist Youth Officers - are based at Police Area Commands across the state and School Liaison Police and Youth Case Managers are based in the Youth Command. They receive additional training, including the Youth Officers Course, Specialist Youth Officer (SYO) Course and Working with Aboriginal Communities. They also attend the Biennial NSW Police Force Youth Practitioners Conference.

6.1.3 Building NGO Capability

The NSW Government is also committed to building the capability of non-government organisations (NGO) and driving a cycle of continuous improvement. Many non-government organisations are experienced in working within a welfare and child protection framework and are expanding services in this area. Examples of building capacity in non-government organisations, include:

- Juvenile Justice works to build capacity of the Youth on Track non-government providers to operate within the criminal justice framework by including mandatory training requirements for Youth on Track case workers, providing guidelines for 'what works' with young offenders, holding regular contract management meetings, and conducting a quality assurance process to ensure program integrity.
- The Targeted Earlier Intervention Program includes a Sector Assistance Strategy to support existing TEIP funded services to effectively and confidently transition to the new TEIP. The Strategy is designed to build upon the wide range of existing work being conducted by FACS, peak agencies and other organisations, and deliver additional support to the sector where it is needed. A specific focus is given to increasing Aboriginal sector capacity.
- NSW Health takes a collaborative, whole community approach to responding to family violence in Aboriginal Communities. The Strategy includes Aboriginal Family Health Workers (AFHW) who work on locally based projects across NSW. The current AFWVPS workforce includes Aboriginal Family Health Workers (AFHW), Aboriginal Family Health Coordinators and Local Support Coordinators. These positions are in NSW Health Local Health Districts, Aboriginal Community Controlled Health Services (ACCHS) and non-government organisations.

7. Case Management

Diverting young people from the criminal justice system is a key driver in Juvenile Justice case management approach, and is integral to achieving positive and sustainable outcomes.

A case management approach to service delivery promotes coordination of services and interventions to empower young people to fulfil their potential without offending²⁰ by addressing the underlying causes of the young person's offending. Case management is a fundamental element of diverting young people from the criminal justice system.

7.1 Client-centred service

Juvenile Justice NSW

Juvenile Justice case work is a coordinated service, delivered in partnership with other agencies, particularly the Departments of Education, Health, Family and Community Services and Police, with support from community organisations. Services focus on maximising the capacity and opportunity of the young person to choose positive alternatives. Case work is used as a diversion from court, as part of community orders and when reintegrating the community from custody.

Case work interventions aim to address the specific needs of young people under supervision. Juvenile Justice case workers, for example, collaborate and communicate to provide a seamless service that strengthens protective factors and addresses offending behaviour. Services are focused on maximising the capacity and opportunity of the young person to choose positive alternatives.

Juvenile Justice continues to develop approaches to case management that are consistent with contemporary best practice in youth justice. Regular case reviews, for example, provide an additional process to identify and assess individual strengths, protective factors, risks and needs. Recent initiatives for enhancing effective case management have included introducing custodial case workers, improving recruitment processes and enhancing training.

Juvenile Justice anticipates that the continuous improvement of case management practice will enhance outputs to service quality including:

- increased use of evidence based approaches
- elimination of duplication
- streamlined case management processes
- increased accountability
- shifting focus from administrative monitoring to quality improvement.

²⁰ The Juvenile Justice vision is 'to empower young people to fulfill their potential without offending'

The NSW Police Force

The NSW Police Force Youth Case Managers are hosted at PCYCs. They use a case management framework to prevent/reduce crime in their local area, as part of the Targeted Programming Framework adopted by the Youth Command.

NSW Department of Education

Specialised case managers work with school counsellors and school psychologists to provide psychological services and enhance student learning and wellbeing outcomes. School counsellors liaise with health and other service providers to case manage and access targeted and specialised support for students with complex needs.

*Case management and coordination***Home School Liaison Program**

The Home School Liaison Program provides a supportive service to students, parents and schools to encourage the full participation of all students in education. Home School Liaison Officers and Aboriginal Student Liaison Officers function as part of the School Services team to support school practices that promote regular attendance. This support includes: case managing referred students with chronic and ongoing absenteeism, working with the school community to encourage students to attend regularly, monitoring the attendance of students in schools and recommending improvement in practice, working with other agencies such as the NSW Police Force and joint truancy operations, pursuing legal resolution if required, and consulting with students and parents to resolve attendance issues.

8. Bail: Opportunity for Intervention

Australia's obligations to the United Nations' Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Convention on the Rights of the Child (CROC) require detention to be a last resort. This includes detention pending trial.

Support to meet bail conditions, and therefore be supervised in the community while awaiting a court appearance, is an essential element of diversion. Supervision in the community allows diversion programs to intervene and provide support to the young person and her or his family to avoid the negative impacts of custody. The NSW Government demonstrates its commitment to minimising the number of detainees in custody by providing bail and remand intervention services.

8.1 Bail support programs

Bail support programs assist young people who would otherwise be remanded in custody to meet their bail conditions and remain in the community. Appropriate services to support young people to obtain bail and meet bail conditions can reduce the number of young people on custodial remand, particularly young people from regional or remote areas.

The period between arrest and court presents an opportunity for interventions that provide the young person with alternatives to custody. Coordinated, multi-agency responses can reduce incarceration, increase adherence to bail conditions, reduce remand periods and further offending, while maintaining young people within the community.

NSW Government funds bail support and remand interventions to help young people meet their bail conditions. Brokerage funds are used to buy services, including accommodation, support, clothing, and health care to help young people meet bail conditions and stay out of detention. Resources are also allocated to help young people access mental health and alcohol and other drug services.

Young people appearing in court cannot always return to their family or out of home care placement. Section 28 of the *Bail Act 2013* allows the court to impose a bail condition that requires suitable accommodation arrangements are made for the young person before he or she is released on bail. During this period Juvenile Justice works with the Department of Family and Community Services to find appropriate accommodation.

Community-based case workers work with young people, court officials and other service providers to ensure that, where appropriate, young people can remain in the community while being supervised for compliance with bail conditions. Case workers also:

- assist the court in decisions about whether a young person should be released on parole. Juvenile Justice provides the court with a report detailing the detainee's behaviour and proposed post-release support and supervision

- provide information to the court about what supports Juvenile Justice can provide should a young offender be released on bail
- support young offenders attending court to meet bail conditions, such as finding suitable accommodation, making referrals to alcohol and other drug rehabilitation services and coordinating mental health assessments
- support the courts and young offenders with the parole process, including preparing reports for the court and supervising young offenders on parole
- provide community-based bail supervision to assist young offenders meet their bail requirements.

8.1.1 Bail Assistance Line

The Bail Assistance Line (BAL), operated by Juvenile Justice, provides a state-wide after-hours bail assessment service for children and young people, who are being considered by police for bail following an arrest. The BAL is an early intervention program with the primary aim of reducing the number of young people entering custody on remand by diverting them into safe, cost effective accommodation in the community. The BAL was established in June 2010 because of Justice Wood's Special Commission of Inquiry into Child Protection Services in NSW.

The NSW Police Force are the BAL's primary referral source, but the Children's Court, Juvenile Justice centres and Juvenile Justice community offices can all make referrals to the service. The priority target group is young people between 12 and 17 years of age, with a focus on young people less than 14 years of age and Aboriginal and Torres Strait Islander young people.

Services are purchased from a number of non-government organisations which support BAL by providing transport, accommodation, case management support, and transition into medium to long term housing.

8.1.2 Adolescent Aboriginal Court Diversion and Bail Support Program

In 2018 the Justice Health and Forensic Mental Health Network's Adolescent Mental Health and Drug and Alcohol Program will commence scoping the development of an Adolescent Aboriginal Court Diversion and Bail Support Program. Discussions with the Adult Aboriginal Court Diversion and Bail Support Manager and team have been positive. Observations of the program have been completed and meetings with individual key stakeholders are underway before a Steering Committee is formed to progress this initiative further. Given the uniqueness of Adolescent Mental Health and Drug and Alcohol Services attention needs to be given to other existing services including the Community Integration Team and Youth Koori Court.

9. Experience of Other Jurisdictions

Juvenile Justice NSW collaborates with other juvenile justice agencies in Australia and overseas to participate, learn, and influence the development of youth justice to provide for better outcomes for young people and the community. Juvenile Justice NSW aims to be a leader in delivering evidence based programs and services to young people involved with the criminal justice system.

9.1 Comparative programs

Many Australian jurisdictions have similar diversion approaches to NSW encompassing warnings, cautions and conferencing, however some also deliver programs in addition to these.²¹ For example, Victoria delivers the Youth Diversion Service which targets children and young people charged with low-level offences with little or no criminal history who would otherwise be sentenced to an outcome not requiring supervision. Successful completion of the program sees charges dismissed with no criminal conviction recorded. Young people complete programs tailored to individual circumstances, encompassing family, community, and schooling links. Similarly, Western Australia has Juvenile Justice Teams which arrange meetings with young people, their families, victims and police to determine an action plan. If the young person successfully completes the action plan, they do not receive a criminal record.

Western Australia also employs Prevention and Diversion Officers who provide targeted outreach support to families and young people at risk of entering or escalating through the formal justice system. Service provision includes a combination of diversion supports, informal counselling and mentoring services. Queensland and the Australian Capital Territory deliver drug and alcohol diversion programs which deliver Health Department approved education programs to those charged with drug or alcohol related offences.

New Zealand also has similar diversion options to Australia, however to access diversion a young person can 'not deny' the alleged offence. This allows the young person to acknowledge guilt of some conduct, but not necessarily as alleged by police.²²

9.2 NSWs' role in supporting national standards and practice

Juvenile Justice NSW represents the NSW Government at the Australian Juvenile Justice Administrators (AJJA) group. AJJA membership is comprised of Juvenile Justice senior executives from all Australian jurisdictions and New Zealand.

The purpose of AJJA is to:

- share information of relevance for all youth justice jurisdictions
- support the collection of relevant youth justice data

²¹ Australian Institute of Health and Welfare 2017, [Youth justice in Australia 2015-16](#)

²² Australian Institute of Health and Welfare 2017, [Youth justice in Australia 2015-16](#)

- support and contribute to research in youth justice
- promote and maintain national principles, standards and guidelines for youth justice.

The Principles of Youth Justice in Australia is the foundation document for the work of AJJA. The Principles build upon the AJJA Juvenile Justice Standards 2009 which are broadly used to assess the delivery of youth justice programs and services across Australia²³.

NSW is an active participant in AJJA working to build the evidence base, share information and innovative practice and continuously improve youth justice service design and delivery.

²³ AJJA documents available at <http://sharepoint.ajja.org.au/Home/default.aspx>

10. Programs delivered or funded by NSW Government

Justice cluster programs
<p>School Liaison Police Programs and Presentations (NSWPF Youth Command)</p> <p>Aimed at reducing crime through educational programs and building local relationships with police. The programs aim to prevent violence in high schools, shoplifting, vandalism, driving offences, harassment and assault. The programs teach anger management, domestic and family violence, sexual assault, safe partying and injury and trauma prevention.</p>
<p>PCYC (NSWPF Youth Command)</p> <p>PCYC is a network of over 60 clubs across NSW and over 90,000 members, the PCYC focus on reducing crime by, and against, young people. The PCYC provides young people with the opportunity to learn essential life skills such as dealing with violence, anger management, sexual health, relationships, drug and alcohol abuse, self-esteem, and also provides assistance with training and employment. NSWPF Youth Case Managers, hosted by PCYCs, use a case management framework to prevent and/or reduce crime in their local area, as part of the Targeted Programming Framework adopted by the Youth Command.</p>
<p>Targeted Programming (NSWPF Youth Command)</p> <p>Engages young offenders and youth at risk in crime prevention programs, delivered through PCYCs. Programs run from six to ten weeks and incorporate education, physical activity and nutrition. Each program targets a specific local crime problem. One example is Project Booyah which utilises integrated case management and a whole of government approach to offer a 12-week structured program incorporating vocational training, numeracy/literacy and outdoor education.</p>
<p>NSWPF Youth Liaison Officers</p> <p>Responsible for supporting the implementation of the YOA, making determinations under the Act, maintaining quality control for some of the tasks associated with supporting the Act, educating police, issuing police cautions, and liaising with officers of Juvenile Justice regarding the referral of young people to Youth Justice Conferences. They are also responsible for establishing and maintaining networks with relevant service providers and local community members to develop a shared understanding of joint and individual responsibilities. This allows YLOs to more effectively reduce juvenile crime and support victims, offenders and other young people.</p>
<p>Warnings</p> <p>Police warnings are designed be an efficient, immediate and direct response to low level offending, targeted at young offenders who will most probably desist from criminal activity after initial contact with Police.</p>
<p>Cautions</p> <p>Police and the Children’s Court may use cautions as a more formal measure to encourage desistance from crime, for circumstances where offending behaviour becomes more persistent. A maximum of three cautions is allowed under the YOA. Under the Protected Admissions Scheme, children and young people may admit guilt for a minor offence and not face further</p>

conviction for that offence, and be released with a formal caution by Police.

Youth Justice Conferences (YJC)

Police and the Children's court may refer young people to a YJC when they have committed eligible offences that are too serious for warnings or cautions, or where they have exceeded the maximum number of cautions available to them. Based on the principles of restorative justice, YJCs encourage offenders to take responsibility for their criminal behaviour and repair damage to the victim and the community. YJCs bring the offender, victim, and representatives from the community together to formulate a constructive remedy. The participants discuss an 'outcome plan' which may involve the offender apologising, making reparation to the victim, receiving counselling, and completing a rehabilitation or educational program.

The Protected Admissions Scheme (PAS)

An initiative that aims to reduce the number of young people appearing in Children's Court. The objective of PAS is to enable young offenders to avail themselves of a non-court outcome, where appropriate, whilst maintaining their right to silence in relation to admissions that can be used as evidence in court.

Your Choice (NSWPF Youth Command)

Your Choice is an intervention and prevention strategy with the long-term objective of assisting young people to take responsibility for their inappropriate and harmful consumption of alcohol. Rather than pursuing formal legal processes for incidents involving intoxication and/or the illegal possession or consumption of alcohol, police can issue the young person with a referral to the Your Choice program.

Aboriginal Strategic Direction Crime Prevention Grant Program

\$200,000 is allocated annually towards programs that focus on crime prevention in Indigenous communities. Key diversion strategies include the Protected Admissions Scheme and the Cautioning Aboriginal Young People Protocol.

Five-month Interim Apprehended Violence Orders

An interim AVO is made with the consent of the young person and is used when there are no related charges. The registrar explains to the young person the conditions and the duration of the Interim AVO and the consequences of any contravention. On or shortly before the expiration of an Interim AVO, the matter returns to the court and police check for any contraventions or other ongoing concerns with the young person and the Person in Need of Protection (PINOP).

Work and Development Orders (WDO)

A WDO allows young people to satisfy debts due to outstanding fines through voluntary work, approved courses or treatment. Juvenile Justice NSW is an approved sponsor for WDO and is one of the largest participating organisations in the scheme.

Joint Protocol to reduce the contact of young people in residential Out of Home Care with the criminal justice system

The protocol aims to reduce police involvement and criminal proceedings in responding to behaviour by children and young people living in residential services which could be managed within the service. In promoting the safety and welfare of those in care, the protocol supports collaboration between Police and residential services to divert vulnerable children and young

people from the criminal justice system.

Youth on Track

An early intervention scheme that coordinates services for 10 to 17 year olds who are risk of long term involvement in the criminal justice system.

Family Investment Model

Two year pilot at Dubbo and Kempsey, aimed at addressing entrenched intergenerational disadvantage and offending by co-locating a multi-government agency team to work with families at risk to address complex and longstanding needs that have led to multiple contacts with government agencies, in particular justice agencies.

Bail Assistance Line

Year by year funding. Juvenile Justice operates the Line between 4pm and 3am every day with the purpose of helping young people meet their bail conditions, particularly around accommodation, and avoid entering custody unnecessarily.

The NSW Engagement and Support Program (ESP)

ESP is a joint initiative of the Department of Justice and the NSWPF Counter Terrorism Command. The ESP is a voluntary program that aims to decrease tendencies toward violent extremism by building positive behavioural changes in individuals. Operating under the National Countering Violent Extremism Framework, the ESP uses a risk assessment and diversion program tailored to the individual, who is referred through a range of avenues and agencies.

Act Now Stronger Together (ANTS)

ANTS partners with the family of the young offender to work collaboratively on agreed goals. This program was initiated in central west NSW and preliminary outcomes show it to be particularly successful for Aboriginal families.

Changing Habits and Reaching Targets (CHART)

Case workers deliver this skills-oriented cognitive behavioural program to address thoughts, attitudes, beliefs and skills deficits underlying their offending behaviour.

Alcohol and Other Drug (AOD) Education and Service

A psycho-educational program that provides information about illicit substances and their effects, and assists young offenders to develop harm minimisation strategies.

X-Roads (pronounced Cross Roads)

A structured, interactive, cognitive-behavioural model of individual intervention designed for those assessed as having significant substance misuse issues for young people under Juvenile Justice supervision.

My Journey My Life

Group session program for Aboriginal young males that aims to reduce the incidence of family and inter-generational violence for young people under Juvenile Justice supervision.

Rural Residential Adolescent Alcohol and Other Drugs Rehabilitation Program

Program provides an intensive residential rehabilitation program to Juvenile Justice clients to address their alcohol and other drug use and offending behaviour. The services are located at Coffs Harbour and Dubbo.

Joint Support Program

Provides local community based services, such as Casework Support, Crisis Accommodation, Long Term Accommodation Support, Job Readiness, Employment Placement and Support, Relationship Intervention, and mentoring to complement the work of Juvenile Justice with young offenders.

Dthina Yuwali (pronounced thi-nah you-wah-lee)

An Aboriginal-specific staged Alcohol and Other Drugs group work program for young people under Juvenile Justice supervision.

South Coast Aboriginal and Torres Strait Islander Reintegration and Transition Program

Funded by Juvenile Justice, the program provides intensive support for young Aboriginal offenders after they leave custody or community supervision.

Veterans Young Offenders Mentoring Program

In partnership with Juvenile Justice, SHINE for Kids and the Returned Services League (NSW), Veterans of the defence forces are recruited and supported to provide one-on-one mentoring with young offenders for up to 12 months.

Health Programs

The Ministry of Health funds a number of non-government organisations to provide youth-specific treatment services valued at over \$3.05 million annually including:

- Newcastle Youth Service, an outreach service for at risk youth
- Salvation Army, Oasis Youth Support Service - Surry Hills
- Ted Noffs Foundation, a drug and alcohol treatment service for young people
- The FACT Tree Youth Service - Making It Program, a prevention and early intervention project for adolescents in the Waterloo area
- Waverley Action For Youth Services - Kids At Risk, a drug and alcohol adolescent service for young people in Waverley and surrounds
- Wayside Chapel - Youth Services, an outreach and fixed site service providing information, assessment and referral for youth at risk of alcohol and drug related harm in the Kings Cross area
- Youth Solutions, counselling and education for young people in South Western Sydney as well as drug and alcohol services, information, referral and health education/promotion.
- Sydney Drug Education and Counselling Centre (SDECC), which specialises in providing free counselling and support for young people aged 14 -25. The service also offers support for parents affected by their child's alcohol and/or drug use.
- Mission Australia's South West Youth Services, a drug and alcohol prevention and education project for young people and their parents/caregivers in the Campbelltown region

Getting on Track in Time – Got It! Program

A school based early intervention program for children with emerging conduct disorders.

The Program for Adolescent Life Management (PALM)

PALM is a drug and alcohol rehabilitation program for those from Aboriginal and culturally and linguistically diverse backgrounds, particularly focusing on people with mental health issues.

The Mums and Kids Matter (MaKM) program

A state-wide service to mothers experiencing severe and complex mental illness who are current clients of public mental health services. Wesley Mission delivers the Mums and Kids Matter program in partnership with the NSW Ministry of Health.

Whole Family Teams

A specialist mental health and drug and alcohol services for families where child protection concerns exist for children. These teams are located in Illawarra Shoalhaven, Northern NSW, Hunter New England, Central Coast, Western Sydney, Nepean Blue Mountains and South Western Sydney local health districts.

NSW Fixated Threat Assessment Centre (NSWFTAC)

Aims to address the issue of fixated persons. Once a threshold of risk is established, NSW

Health works closely with police to facilitate information sharing and collaboration. Several young people have been referred to NSWFTAC since it was established early this year.

Child Protection Counseling Services

Specialist, tertiary-level counselling and casework services to children and young people and their families, where Community Services has substantiated that the child or young person has been harmed physically, sexually, psychologically or through neglect.

Family Referral Services

Assists vulnerable children, young people and families to access the support services they need to prevent escalation. They link families to a range of local support services, including case management, housing, parenting education, supported play-group, drug and alcohol/mental health services, youth support services and respite care.

Adolescent Court and Community Teams

The program is run by the Justice Health Adolescent Health Service to provide prompt access to a mental health assessment for young people coming before the NSW Children's and Local Courts with a view to the identification of mental health disorders and where possible, diversion to appropriate services in the community.

Community Integration Teams

The Community Integration Teams coordinate the post-release care of young people with significant mental health and/or problematic drug and alcohol use leaving custody, including important links to community-based health and support services.

School Link

School Link Coordinators increase support for young people with mental health issues in schools and strengthens links between Department of Education and mental health services.

Family and Community Services

Targeted Earlier Intervention Program

Provides programs and interventions targeted at all children, young people, families and communities across the spectrum of vulnerability, including people who are potentially vulnerable; people with known vulnerabilities, such as domestic and family violence, mental health needs, and drug and/or alcohol needs; and people experiencing crisis.

Education Programs

Mentoring and Leadership Programs

A range of mentoring and leadership programs are available to primary and secondary schools throughout NSW in the government, Catholic and independent school sectors. These programs strengthen existing support, and wellbeing programs in schools, catering for universal, targeted and intensive learning and wellbeing needs of students.

School Communities Working Together

A range of services that utilise the school environment as an opportunity to build critical skills and provide proactive support. These services include an Incident Report and Support Hotline, awareness raising resources and specialist advice that help to address some of the precursors for high risk taking behaviour. As an early intervention initiative, the strategy helps to identify and address some of the signs of vulnerability that may lead to a young person participating in problematic and potentially criminal activity.

Specialist Support Teams

Specialist Support Teams have been established to provide direct support to schools. The teams include senior psychological advisors, community liaison officers, specialist student advisors and school staff. They adopt a systems-based approach to help foster cohesive and respectful school communities, identify and support vulnerable students and ensure effective incident management and recovery. The teams can work with schools to strengthen a range of areas including staff and student wellbeing, behaviour, attendance, transition to and from school and community partnerships. This proactive approach seeks to ensure all students feel supported and are engaged.

School Counsellors

School counsellors and school psychologists work with school based learning and support teams to provide psychological services and enhance student learning and wellbeing outcomes. School counsellors liaise with health and other service providers to case manage and access targeted and specialised support for students with complex needs.

Network Specialist Centres

Network Specialist Centre Facilitators coordinate complex case management in conjunction with School Services. Complex case management facilitates additional support for a child, for which family, social or other contributing factors inhibit achieving positive outcomes.