



# Reforming Tasmania's Youth Justice System

A pathway for improving outcomes across  
the youth justice support continuum.

**DISCUSSION PAPER**

## **Acknowledgement to Aboriginal People**

The Tasmanian Government acknowledges and pays respect to the Tasmanian Aboriginal people as the traditional owners and continuing custodians of the land and acknowledge elders, past, present and emerging.

Department of Communities Tasmania  
Children, Youth and Families

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# Executive Summary

*“My vision for Tasmania is that no matter where you live, no matter what your background is, no matter what your circumstances are – opportunities will be there for a better life.”<sup>1</sup>*

*The Hon Peter Gutwein, Premier of Tasmania*

As part of realising this vision the Tasmanian Government has committed to strengthening the supports and therapeutic interventions provided to young people to prevent engagement with the youth justice system. A key step towards achieving this goal is the development of a whole of government Blueprint for a multisystemic response to youth justice in Tasmania across the next 10 years.

The Blueprint will outline a strategic direction across the service continuum, from prevention and early intervention, through to services for repeat and high risk offenders that changes the pathways for young people at risk of, or who are engaging in offending behaviour.

This discussion paper aims to engage government, non-government organisations (NGOs) and the community in the development of the Blueprint. We want to hear your ideas on the strategies and actions that should be incorporated into the Blueprint. For those in government, we want to understand the practical steps needed to more closely align services and information sharing to identify those at risk.

We need to understand from NGOs about how government can more effectively work with your organisations and how we can implement proven programs in sustainable ways. Finally, from the community we want to hear your thoughts on what a leading youth justice system looks like and the part the community can play in realising it.

This discussion paper poses questions after each section that we would like you to comment on. You can choose to respond to some or all the questions, or provide feedback on anything that you think is missing or should be considered as part of the development of the Blueprint. We look forward to working with you in this critical work.

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<sup>1</sup> Tasmania's Child and Youth Wellbeing Strategy, Discussion Paper January 2021.

# Introduction

A therapeutic and integrated approach to youth justice in Tasmania will address the underlying drivers of offending by children and young people. The service response required crosses agency boundaries, thereby requiring a multi-disciplinary and systemic response across community, specialist, and statutory services.

For Tasmania this is compounded by being a small island state of just over 540,000 people and having comparatively higher than average rates of poverty and social disadvantage. Our small population and small geography, however, can also be used to our advantage, providing a unique opportunity to implement change that can have a positive impact on community safety across the state.

The purpose of this discussion paper is to seek input to help shape better futures for young people who are at risk of offending, or are repeat offenders. An effective youth justice service system not only supports improved outcomes for children and young people; it strengthens families and improves community safety, reducing long terms costs to the Tasmanian community.

The key objective of the Blueprint is to create an integrated, therapeutic, and contemporary service system using a public health approach across:

- prevention and early intervention
- diversion and targeted intervention
- services for repeat and high risk offenders.

The information gathered through feedback on this discussion paper will inform a Blueprint for re-imagining our youth justice service system; embedding a public health model to identify how investment in our service systems should be ideally 'weighted' across universal prevention, diversionary, and statutory services.

This discussion paper is structured to:

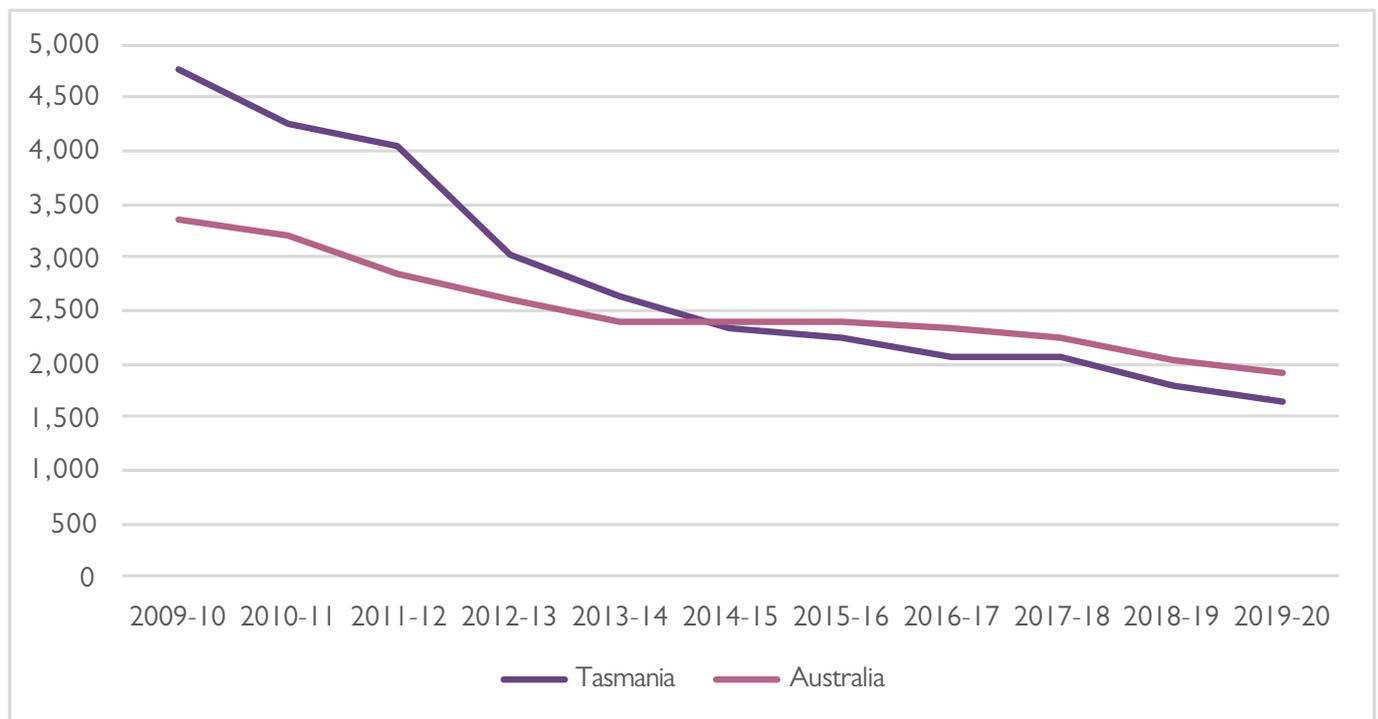
- understand the current context for youth justice in Tasmania
- identify how we can capitalise on the many initiatives already underway; and
- design a new systems architecture, that will inform future investment to reduce youth offending and recidivism and improve perceptions about youth crime in our community.

# Youth Crime in Tasmania

The majority of young people in Tasmania never come into formal contact with the criminal justice system. Of the 51,725 young people aged 10-17 in Tasmania only 856 young people were proceeded against by Police (1.7% of the population aged 10-17). This includes both court and non-court action such as cautions and community conferences.<sup>2</sup>

The rate of youth crime has also been falling steadily over the past decade from an offender rate of 4,747 per 100,000 Tasmanian young people in 2009-10 to 1,661 per 100,000 young people in 2019-20.<sup>3</sup>

Rate of recorded youth crime 2009-10 to 2019-20 per 100 000 of population, Australia and Tasmania<sup>4</sup>



<sup>2</sup> National, State and Territory Population, ABS Estimated Resident Population by single year, Tasmania, 2020; ABS, Recorded Crime 2019-20, Table 20; *Criminal Courts 2019-20*, Table 41.

<sup>3</sup> ABS, *Recorded Crimes 2019-20*, tables 19, 20.

<sup>4</sup> ABS, *Recorded Crimes 2019-20*, tables 19, 20.

The number of charges against young people however, increased by 36% from 2017 – 2019, followed by a reduction in 2019 and 2020, with COVID-19 a possible contributing factor. Youth crime recidivism rates have increased from 53% to 66% over the five years to 2020.<sup>5</sup>

In relation to young people sentenced to formal youth justice supervision by the courts, on an average day in 2019-20, in Tasmania<sup>6</sup>:

- 146 young people aged 10 and over were under youth justice supervision
- 22 per 10,000 young people aged 10-17 were under supervision
- Indigenous young people were almost 5 times as likely as non-Indigenous young people to be under supervision.

Among those under youth justice supervision in Tasmania:

- 89% were supervised in the community, and the rest in detention
- 75% were male
- 34% were Aboriginal or Torres Strait Islander
- 69% of young people in detention were unsentenced (awaiting the outcome of their court matter or sentencing)
- Young people spent an average of about 31 weeks under supervision during the year
- Over the 5 years to 2019 – 2020, the number of young people under supervision on an average day rose by 3.3%.

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<sup>5</sup> Statistics provided by the Department of Police, Fire and Emergency Management, Corporate Reporting Services, November 2021.

<sup>6</sup> Australian Institute of Health and Welfare, Youth Justice in Australia, 2019-20.

# The Current State – The Youth Justice Service Continuum

## OUR LEGISLATION

The *Youth Justice Act 1997* (the Act) provides the legislative framework for the administration of youth justice in Tasmania. The Act promotes diversion and rehabilitation of a young person where possible, with detention a measure of last resort.

The Act was proclaimed in 2000 and is now more than 20 years old. While the objectives of the Act remain largely supported by evidence, the Act is not well aligned with a public health approach to youth justice, or reflective of contemporary youth justice practice. In order to affect the strategic directions outlined in the Blueprint, a review of the Act may be required to ensure that it supports the operation of an integrated and therapeutic youth justice system that provides the best outcomes for children and young people.

## THE SERVICE SYSTEM

There are a number of agencies who operate to support the delivery of youth justice services in Tasmania. A range of services are provided at the primary (prevention and early intervention), secondary (diversion and targeted interventions) and tertiary (custodial) levels.

### Prevention and Early Intervention

Early intervention measures aim to address wellbeing issues during childhood. The Tasmanian Government currently funds a range of programs across agencies that provide:

- Services and supports that address parental and child need, including advice and referral through the Strong Families Safe Kids Advice and Referral line and Child and Family Learning Centres;
- Services that address children's health needs, such as the Child Health and Parenting Service and School Nurses;
- Educational services that support young people to remain engaged in learning including flexible learning programs and re-engagement processes;

- Proactive partnerships between Tasmania Police and other government and non-government agencies to connect with the youth sector and develop local solutions to community safety issues, utilising initiatives such as Student Liaison Police who work with educators to promote school as a safe and healthy environment to learn;
- Services offered in connection with the Tasmania Police Early Intervention Unit and the Police Citizens Youth Club (PCYC) designed to build self-confidence, resilience and develop coping strategies through sport and recreation, outdoor adventure, and other outreach programs.

### Diversion and Targeted Intervention

Diversion and targeted interventions are those that support children and young people identified as at risk of offending or who have committed low level offence.

Tasmania Police are the first point of contact for young people who come in contact with the criminal justice system. The police, in identifying and responding to incidents of offending, are responsible for deciding whether to enact diversionary measures available under the *Youth Justice Act*. The Act provides for two diversionary options: informal and formal cautioning services, and referral of a young person for community conferencing.

Police may informally caution a young person, where they have admitted an offence and the police officer is of the opinion that the matter does not warrant any formal action. A formal caution is more serious and the police officer may require the young person to undertake certain actions including restitution for damage or harm caused. Community Conferencing brings the young person, their family and the victim of the offence together in a community setting, as a means of restoration and rehabilitation.

Youth Justice Services, Department of Communities Tasmania (DCT), provide services to young people from the point of engagement with police if they are referred for a community conference, through the court process and any subsequent orders. These services include:

- Coordination and management of community conferencing as referred by police or the court
- Support for court processes, including the provision of pre-sentencing reports
- Supervision and case management of young people on court orders.

DCT also fund the Targeted Youth Support Service (TYSS) and the Support Youth Program (SYP) for vulnerable and at risk young people aged between 10-18 who are identified as having multiple risk factors. TYSS and SYP provide an assessment and planning approach to address the broad and multiple needs of risks of these young people.

### **Tertiary Interventions**

The Ashley Youth Detention Centre (AYDC) operated by the DCT currently provides custodial youth justice services in Tasmania. AYDC provides remand for those young people who are awaiting the outcome of their court matter, or have been found guilty of an offence and are awaiting sentence, as well as detention for those young people who have been granted a custodial sentence.

The Department of Education operates the Ashley school while health services for AYDC residents are provided by the Department of Health through Correctional Primary Health Services.

DCT also fund non-government organisations to deliver related services including:

- Supporting Young People on Bail Program, which supports young people to develop a Bail Support Plan that outlines their recreational, educational and vocational/employment goals; and
- Transition from Detention Program, which provides mentoring for the young person based on a through care model.

### **Related Initiatives**

There are a range of projects and initiatives currently in place, or that have been committed to by the Tasmanian Government, that support children and young people at risk of, or engaged with the youth justice system including:

- Establishment of Department of Education Wellbeing Teams to identify children and young people showing signs of risk at the earliest opportunity;
- Providing \$8.58 million to the redevelopment of the Ashley Detention Centre (AYDC) and the implementation of therapeutic practice and learning and development frameworks;
- Establishing Colville Place in the South of the state for young people under 16 to provide medium term supported accommodation with a similar centre for youth at risk under development in the North, with further recommendations from the Under 16 Youth Homelessness Taskforce being addressed in 2020 – 2021;
- Providing \$15.3 million for innovative new youth housing and homelessness initiatives, including an Under-16 Lighthouse Project, modular youth housing for 16 to 24-year-olds, and a Dispersed Youth Foyer model;
- Reform of the Child and Adolescent Mental Health Service;
- Providing community grants through the Department of State Growth to support programs such as driving for jobs, training and workplace pathways and jobs partnerships.

Further details of current Government initiatives that will provide support to children and young people in this cohort are outlined in Appendix I.

# The Future State – Reshaping the Youth Justice Service Continuum

The Blueprint will ensure we are:

1. engaging and intervening with children and young people at risk of offending early to prevent offending.
2. positively influencing the wellbeing of young Tasmanians through therapeutic, diversionary, and restorative services to reduce reoffending by children and young people.
3. engaging the community to invest in our vulnerable young people, making the community safer and changing perceptions of fear in the community of being victimised by young offenders, thereby reducing long term costs to the community.

Despite past work and an ongoing desire to effect quality outcomes for children, young people, and their families, it has only taken us so far; there is still a long way to go in achieving this.

The complexity and scope of an effective response to youth offending requires a whole of government, whole of community approach, involving co-ordination between government, the non-government sector, and the community.

This discussion paper explores where we need to do things differently to maximise resources across service sectors, and work more flexibly and dynamically, to meet the emerging needs of children and young people in our community.

The Blueprint will refocus support and services towards meeting the needs of children, young people and their families through an integrated, contemporary and evidence based approach to addressing youth offending. The Blueprint will provide an overarching framework for the implementation of a flexible and integrated continuum of service, from prevention, early intervention and diversion, through to therapeutic services for high risk and repeat offenders.

With your assistance we can reshape the youth justice system to ensure that the following outcomes are achieved:

- A community where fewer families, children and young people are engaged in or at risk of offending;

- Children and young people at risk of or involved in offending, and their families, receive every possible opportunity for happy and healthy lives, through a holistic personal safety and wellbeing approach;
- A reduction in youth offending and re-offending, resulting in improved community safety; and
- Government, NGOs and the community sharing responsibility for supporting a Tasmania that addresses youth offending by collectively caring about, and supporting children, young people and their families in their local communities.

## Key Principles

The following key principles will underpin the Blueprint.

1. We provide a more effective youth justice support continuum that addresses the complex causes of youth offending, improving outcomes for vulnerable children and young people, and increasing community safety.
2. We as a whole of government and community service system, through a shared vision and approach, support children, young people and their families so children and young people can be loved and safe, be healthy, have the material basics, participate, learn, have a strong sense of identity, and are able to access pathways which address underlying causes of offending and increase likelihood of longevity in the justice system.
3. We take the rights, and best interests of the child or young person, and their family, into account in all matters relating to them, creating opportunities to have their voices heard in decisions that affect them.
4. We work in partnership with Aboriginal communities to support Aboriginal children and young people to develop a strong sense of cultural identity and belonging, promoting Aboriginal led practice and self-determination.
5. We intervene early to support children and young people at risk of offending and their families, interrupt intergenerational offending and divert from the justice system wherever possible.

6. We support a child or young person who has offended to take responsibility for their actions through restorative and other therapeutic interventions.
7. We deliver programs, initiatives and services grounded in evidence that are regularly monitored and evaluated to ensure effectiveness and efficiency.

## A PUBLIC HEALTH APPROACH

Public health aims to provide the maximum benefit for the largest number of people. Public health programs for the primary prevention of youth offending are designed to expose a broad segment of the population to preventative measures, thereby delivering at a population level, approaches reducing youth offending and recidivism.

This approach shifts the focus from a sole statutory response, towards one that seeks to improve the health and wellbeing of children, young people and their families, by addressing the underlying risk factors that increase the likelihood of youth offending, and puts measures in place to better support young people at risk of offending within our community. Supports to prevent problems occurring in the first place and quickly respond to problems, if or when they do occur, should be available to all, with specific targeted interventions available as required.

The principles of a public health approach provide a useful framework for continuing to investigate, and understand the causes and consequences of youth offending, and prevent youth crime through primary prevention, early intervention programs, policy, and advocacy. This leads to safer communities and lowers long term costs to government.

### Why this approach?

There is consensus between the Commonwealth, state and territory governments, and community organisations in Australia, regarding the need to reduce the burden on the statutory (tertiary) end of the criminal justice system and to enhance universal (primary) and targeted (secondary) supports and services, in line with a public health model.

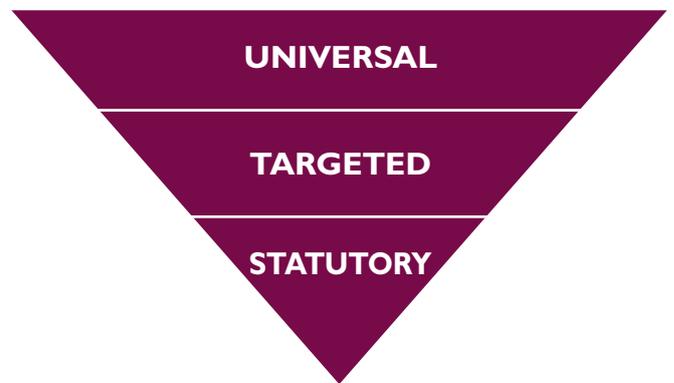
The next three chapters of this discussion paper focus on each of these levels and their potential to address youth offending.

The diagrams below represent the dispersion of focus under our current service system and where we need to get to.

### Our current service system



### Evidence based public health system



### POINTS FOR CONSIDERATION

- How can we work together better to deliver joined up services to achieve the service system described above? What can individual agencies do to realise a public health approach?
- How can we work together better to support children and young people? What are the barriers and enablers to achieving a public health approach?
- How do we get the wider community to support this approach and the initiatives needed to realise it?

## THE TASMANIAN CHILD AND YOUTH WELLBEING FRAMEWORK

The Blueprint will also be underpinned by the Tasmanian Child and Youth Wellbeing Framework that was developed as part of the Strong Families, Safe Kids service reform strategy and has been adopted across government and non-government agencies providing a common approach to understanding the wellbeing of children and young people.<sup>7</sup>

*Wellbeing influences the way that children and young people interact with other people and their environment. When a child or young person has a strong sense of wellbeing, they will be more resilient and more able to approach their interactions with others in a positive and optimistic way.<sup>8</sup>*

This Framework is based on significant research by the Australian Research Alliance for Children and Youth on enhancing systems for protecting children and improving wellbeing and life changes across the service continuum. The Framework outlines six domains that interact to improve the health and wellbeing of Tasmanian children.



<sup>7</sup> Tasmanian Child and Youth Wellbeing Framework.

<sup>8</sup> Australian Institute of Health and Welfare, *Youth Justice in Australia 2018 – 2019*.

<sup>9</sup> Tasmania's Child and Youth Wellbeing Strategy Discussion Paper, January 2021.

## PARTNERING WITH ABORIGINAL COMMUNITIES

*On an average day in Tasmania 2018 – 2019, Indigenous young people made up 10% of those aged 10-17 in the general population, but 30% of those of the same age under youth justice supervision.*

Children, young people, and their families do better when they can develop a strong sense of identity and belonging.<sup>9</sup> This can be achieved by working in ways that ensure Aboriginal children and young people are supported through connection to culture, families, and communities.

As a signatory to the National Agreement on Closing the Gap 2020, a priority within the Blueprint will be improving formal partnerships with the Aboriginal community, focussing on shared decision making, service provision and governance.

The Agreement also includes broad and measurable targets in a range of areas including youth justice. The target for the Tasmanian youth justice system is:

*By 2031, reduce the rate of Aboriginal and Torres Strait Islander young people in detention by at least 30%.*

While this target focuses on young people in detention, the principle can be applied equally across the entire youth justice continuum, working to reduce offending by Aboriginal young people more broadly.

### POINTS FOR CONSIDERATION

- How can we establish an effective partnership approach between government, NGOs and Aboriginal communities to provide culturally appropriate services?
- How can we work together to keep Aboriginal young people out of the youth justice system, and particularly, detention?

# Understanding Why Young People Offend

*Neurological research shows that young people have visibly different brains to adults. Adolescents are hard-wired to test limits, act without thinking, overlook the consequences of their actions and react strongly to peer pressure. On a positive note, the science of neuroplasticity indicates that young people have great potential to change behaviour patterns before they become entrenched. Developmentally, adolescence is both a period of risk and a window of opportunity.<sup>10</sup>*

Most young people in Tasmania are law abiding, however some degree of risk-taking behaviour is a universal aspect of the adolescent stage of human development, and for some this is expressed as antisocial or offending behaviours. There is considerable evidence that the majority of young people who offend, do so only once, and as such do not require service system responses. In fact, research suggests that over-supervision of those young people who are at low risk of continued offending is likely to increase their risk of future offending.<sup>11</sup>

For the small group of young people for whom offending behaviours continue, data shows that offending almost always follows the same trajectory. Offending increases through the teenage years, peaks in late adolescence or early adulthood and then decreases or ceases as the young person moves through their twenties.

For this group, providing pathways into services and opportunities such as vocational training and employment, ensures that youth offending doesn't result in long term loss of life chances and spiralling disadvantage.

## What we know about risk and protective factors

Most professionals agree that no single factor leads a child towards offending behaviour. Rather, risk factors cluster together in the lives of the most disadvantaged children, with a range of negative consequences including increased engagement in anti-social and criminal behaviour. Research has demonstrated strong linkages between offending and a range of risk factors including involvement with the child safety system, homelessness, cognitive disability, mental health, alcohol and drug use, intergenerational trauma, experience of family violence, and disengagement with education.

Further detail about the specific relationship between these risk factors and offending is provided in Appendix 2.

Given the degree of overlap between factors associated with offending and other problem behaviours, intervention for one factor can realise gains in multiple areas, highlighting the need for collaboration between individuals, families, schools, and community services.

The presence of protective factors in the life of a child or a young person helps explain why some young people exposed to clusters of risk factors predictive of potential escalation into criminal behaviour, do not grow up to behave anti-socially or to commit crimes.

Many vulnerable children and young people who become repeat offenders are known to and engaged with other social services. As a community we can predict those children and young people who are most at risk of progressing to offending.

<sup>10</sup> In ANZOG 2021, 10 Pillars of Youth Justice, referencing National Research Council, 2013, *Reforming Juvenile Justice: A developmental approach*, The National Academies Press, Washington DC.

<sup>11</sup> Andrews, D. A.; Bonta, J.; Hoge, R. D. (1990). "Classification for Effective Rehabilitation". *Criminal Justice and Behavior*. 17(1): 19-52.

# Prevention and Early Intervention

Prevention includes universal activities to prevent youth crime such as initiatives to build positive social connectedness for youth within their community. Early intervention aims to identify and address wellbeing issues, particularly during primary school and early adolescence.

The wellbeing of a child or young person relies on the strength of the family, the cohesion of the community in which the child or young person lives, and the effectiveness of formal and informal support networks that surround them. Children and young people who have stability and feel secure, are learning and fully engaged in helping and sharing community activities, are less likely to offend. Consequently, the provision of services and supports that address parental need can play an equally important role as those services provided directly to children and young people.

The discussion below considers each of the key areas of the Child and Youth Wellbeing Framework, providing examples of existing services or work underway to support children, young people and their families that could be beneficial in reducing risk factors associated with antisocial behaviours and youth offending.

## POINTS FOR CONSIDERATION

- How can we better identify and support families early to facilitate change where children and young people are engaging in escalating antisocial behaviours?
- How can we ensure engagement of children, young people and their families in wellbeing services that are largely voluntary?  
Can we build prevention and early intervention principles into the *Youth Justice Act*? What might they look like?
- What are the key pressure points for young people? What can we do collectively to address these pressure points to reduce offending behaviour?



## BEING LOVED, SAFE AND VALUED

For some families, parenting supports and services for family members are needed to build their capacity to provide a safe and supportive environment for children and young people, with exposure to family violence, engagement with the child safety system and intergenerational disadvantage and offending all significantly increasing the risk of engagement in youth offending.

The Tasmanian Government currently funds a range of programs designed to work with families to improve the safety, wellbeing, and health of children from birth to 18 years. These services offer parenting assistance and strategies to assist with things such as understanding development and managing challenging childhood behaviours, as well as case management services for vulnerable families, and can work with the Child Safety Service where required. These services can also help families who require additional assistance to access professional support networks and services including mental health, drug and alcohol and housing and homelessness services where appropriate. Access to these services is through referral from the Strong Families, Safe Kids Advice and Referral Line.

## POINTS FOR CONSIDERATION

- How can these programs be better targeted to families?
- How do we strengthen referral pathways for programs to ensure that families with children and young people at risk of offending are identified and supported?
- How can these programs be made more culturally appropriate for Aboriginal families?
- How do we ensure parents have access to the services they need to build their capacity to provide appropriate care to their children and young people? (e.g. mental health, drug and alcohol etc)
- How do parents self identify to access supports?



## HAVING MATERIAL BASICS

Homeless young people are often unable to support themselves, ineligible for government benefits and unlikely to find employment. Consequently, many engage in survival behaviours – theft, drug dealing and prostitution – to earn income for food and shelter. Not only are some of these behaviours illegal, they are also more visible to police due to the lack of privacy experienced by homeless young people.<sup>12</sup>

Difficulty accessing safe and secure housing can be a significant issue for young people unable to live with their family and not on care and protection orders through the Child Safety Service, and poses many challenges for working with the young person therapeutically when they do not know where they might be sleeping from one night to the next.

Some of the challenges for young people experiencing homelessness include a lack of alternatives if behavioural expectations are breached, and young people being excluded during the day because they are not attending school or have unmanaged complex needs.

The Tasmanian government is currently developing a policy framework for unaccompanied children under 16 who are experiencing, or at risk of homelessness and will establish one central point of contact and advice within the Department of Communities Tasmania to strengthen oversight and accountability for their care and wellbeing.

### POINTS FOR CONSIDERATION

- How can we work together to ensure that housing or homelessness services form part of a broader integrated service response?
- How do we make it easier for people who are not engaged with the Child Safety Service to access supports?



## BEING HEALTHY

The Child Health and Parenting Service monitor and support the health of newborns and young children up to five years of age. The School Health Nurse Program works with both primary and secondary government schools, and the Tasmanian Health Service, in promoting health and wellbeing and assisting to improve the health and education outcomes for children and young people.

Public health services for children and young people with more complex needs, or for those who have disengaged from schooling, are much more limited.

Positively, the recent review of the Child and Adolescent Mental Health Service (CAMHS) has identified the need for significant reform, including a restructure of the service model for severe and complex clients and new community mental health intervention and outreach responses.

An area of ongoing concern and significant impact, is the absence of services for young people with mental health or drug and alcohol concerns, including withdrawal treatment and pharmacotherapy. In the absence of appropriate service alternatives, there is significant pressure to find suitable options for young people displaying chaotic and violent behaviours resulting from mental health, cognitive disability or alcohol and drug concerns.

The CAMHS reforms include the development of services that are aimed at dealing with childhood and youth trauma as a priority. This includes the establishment of a Youth Forensic Mental Health Service which will be in place in 2022.

### POINTS FOR CONSIDERATION

- How can we ensure availability and access to necessary health services for children and young people?
- What health services might be required?
- How can we provide support early?

<sup>12</sup> Australian Institute of Family Studies (2017). *Child maltreatment, homelessness and youth offending*.



## LEARNING

When children and young people are learning:

- they are attending and engaging in education, training or employment
- they are supported to learn by their caregiver and education providers
- they have their individual learning needs addressed to allow them to realise their learning potential
- they are developing literacy and numeracy skills appropriate for their age
- they are supported to learn about their world through connection to nature and the outdoors.

Disengagement from education or learning, is a significant predisposing factor for youth offending. Ongoing non-participation can compound the difficulties of children and young people who are already behind as a result of behavioural, emotional or learning difficulties, jeopardising their chance of successfully completing school and seriously impacting future employment opportunities and placing them at further risk of ongoing instability and disadvantage.

Education settings provide unique opportunities for early identification and intervention. This is supported in Tasmania by a renewed focus on the wellbeing of learners and the impact of wellbeing on educational attainment and the subsequent connection to life outcomes. The focus on wellbeing is underpinned by the introduction of the Student Wellbeing Survey that collects annual wellbeing data from all students in years 4 to 12 at public schools across Tasmania to support improvement planning. A focus on supporting students impacted by trauma also provides opportunity to address factors that may contribute to disengagement and offending behaviour.

Further opportunities may exist to build understanding and the capacity to support children and young people to remain engaged in learning. This may include continued emphasis on needs assessments and learning plans, flexible education models and vocational pathways, restorative approaches to antisocial behaviour and enhanced collaboration between education, child safety and youth justice systems.

## POINTS FOR CONSIDERATION

- What can we do to ensure that young people who are experiencing difficulties with school and who are at risk of disengaging, are appropriately identified and supported to remain engaged with education?
- What flexible approaches to learning might we provide for young people who are disengaged from mainstream education and may be engaging in antisocial or offending behaviour?



## PARTICIPATING

Children and young people participating in decisions about their own lives and their community, builds self-esteem, improves wellbeing, and builds resilience. Young people at the Tasmanian Youth Forum 2020<sup>13</sup> reinforced this view by stating that what is important to live your best life is being socially connected, feeling included, embracing diversity, having a voice, and accessing opportunities.

Youth centred communities are those that invest in community based youth centres or activities for young people in their local community. Services offering positive mentorship, youth leadership, community engagement, and empowering children and young people to have a say in their lives, can improve how they feel about themselves and the world they live in.

*A co-ordinated approach is the only way you are going to get any sort of traction [to reduce youth crime]. Because what you are trying to do is break down a behavioural problem which is ingrained ... or it is within the community. So, the only way to break it [offending] is to have people on the ground in the community.<sup>14</sup>*

There is a need in Tasmania for places where young people can drop in and engage with a variety of services and support as needed. A one stop service centre has the potential to encourage service participation through visibility and ease of access.

<sup>13</sup> Youth Network of Tasmania (2021) Building a Better Tasmania for Young People Infographic.

<sup>14</sup> Thomas, N. (2017) *Working Restoratively: A study of youth justice professionals in Tasmania*, Unpublished Master's Thesis, University of Tasmania.

The Department of Education, Child and Family Centres supporting the early years have shown how place-based facilities offering a range of services across the service spectrum, can provide the best environment for multidisciplinary teams to work well together.

There is no equivalent place-based service system offering the same opportunities for young people. Workers in the sector have identified a need for contemporary youth friendly community centres, where services can come together from across the community service continuum, to support children and young people to address the determinants that contribute to offending behaviour.

Community based centres could serve as an access point for youth service provision in mental health, drug and alcohol counselling, housing services, disability, and community youth justice, all working together in a multi-disciplinary care team approach with the young person and their family.

There are also advantages, as demonstrated by the Child and Family Centres, where services have partnered with the community to engage in planning for social change at the community level, to help solve problems early and to achieve lasting change.

Access to affordable, available, appropriate and safe public transport is also an important vehicle for social inclusion, particularly for young people. Transport accessibility influences where young people choose to live, their education and employment opportunities, their ability to access services, and their participation in the community.<sup>15</sup>

### POINTS FOR CONSIDERATION

- What are the barriers to service coordination?
- What are the practical ways in which we can overcome these barriers?
- What is local government's role in a youth centred community?



## HAVING A POSITIVE SENSE OF CULTURE AND IDENTITY

Children and young people do better when they are placed at the centre of their own care and can develop a strong sense of identity, self-esteem and belonging. Recognition and respect for diversity including Aboriginal and Torres Strait Islander or other cultural identity, religion, age, disability, sexual orientation and difference of thoughts, ideas and interests is important for all children and young people.

For Aboriginal children and young people, ensuring that they are provided with an opportunity to connect and engage with the Aboriginal community and culture can provide an increased sense of belonging and self-identity.

An expert panel convened to work with Children, Youth and Families (CYF) have recently provided advice and recommendations to the Minister for Children and Youth about suitable therapeutic program options for Aboriginal children and young people who are disengaged from community and demonstrating anti-social behaviours. While this approach was focused on young people in out of home care, such programs have been shown to deliver positive outcomes for young people, including in areas of self-regulation, interpersonal abilities, school attendance and performance, participating within a household, development of practical and trade skills, and provides strong connections to culture, community, and prosocial engagement.

### POINTS FOR CONSIDERATION

- How can we work together to support the development of programming that recognises and respects diversity?
- How do we foster pride in diversity of young people?

<sup>15</sup> Tasmanian Youth Forum – Report on Young People's ideas and solutions for Transport in Tasmania.

## SUMMARY

As a community, we all have responsibility for supporting children and young people's wellbeing. There is no defined early intervention approach currently articulated for those young people identified as at risk of offending. A service system that can 'wrap' services around young people and their families, where they live and in a coordinated and wholistic way is required. Approaches that identify risk, respond to

wellbeing issues, and make timely decisions based on the individual needs of the young person and their families, can address risk factors and prevent escalation to a level requiring justice system involvement or interrupt intergenerational offending. The case study below demonstrates how by intervening early to support family wellbeing, we can have a significant positive impact for children, young people and their families, as well as community safety.

### CASE STUDY

Matthew lives with his grandmother and biological mother, who has ongoing issues with substance abuse and is often absent for periods of time, during which Matthew's grandmother provides care for him.

Matthew was diagnosed with attention deficit hyperactivity disorder (ADHD) by his paediatrician at age seven and his grandmother struggles to manage his behaviours, while also trying to negotiate the instability that his mother's substance abuse issues create. His grandmother is reluctant to contact the Strong Families Safe Kids Advice and Referral line for assistance due to concerns that Child Safety may remove Matthew from her care.

At age 12, Matthew was referred to the Child and Adolescent Mental Health Service when he started to experience psychotic symptoms, however due to his high support needs, they advised they were unable to provide a service.

From a young age, Matthew had difficulties at school including poor concentration, poor attendance, difficulty complying with rules and difficulties interacting with his peers. Matthew was excluded from school at 13 due to increasingly antisocial and aggressive behaviours which resulted in the police being called to the school.

### Missed opportunities

Matthew's grandmother's reluctance to seek assistance, means that parenting support services such as the Intensive Family Engagement Services (IFES) or Integrated Family Support Services (IFSS) are unable to become involved and provide support. Appropriate interventions to manage his significant mental health concerns are unavailable and Matthew's continued disengagement from schooling over many years progressed to him being excluded, resulting in the absence of structure and prosocial routines and activities, as well as issues with literacy and numeracy, impacting upon his capacity to engage in meaningful work or training into the future. The current approach to service provision, exacerbates existing risk factors for offending.

### A different future

Parenting supports utilise an assertive outreach model to engage with Matthew's family, empowering and providing support and advice to his grandmother regarding child development and strategies to assist in managing his ADHD. The service also supports Matthew's mother to access drug rehabilitation services.

Matthew is able to access the new Youth Early Intervention mental health service, established through the reforms to the Child and Adolescent Mental Health Service who provide support in his home, his school and to his family, to assist him to manage his emotion regulation and poor impulse control. With support to manage and respond to Matthew's behaviours, the school is able to implement appropriate learning approaches to keep Matthew engaged.

# Diversion and Targeted Interventions

Diversion aims to provide pathways through which children and young people who have committed low level offence(s) or have significant risk factors that indicate a trajectory towards offending behaviours, are able to be directed away from a criminal justice response. This may involve redirection into services that can provide targeted interventions designed to support the child or young person.

There is strong evidence that the earlier a young person comes in contact with the criminal justice system, the more likely they are to engage in repeat and escalating offending behaviours, including into adulthood. The negative consequences at an individual, family and community level are high. Redirecting a young person away from the youth justice system, at the earliest opportunity provides the best chance of preventing a young person entering into a “career” of offending.

## POINTS FOR CONSIDERATION

- How do we better deliver services to meet the needs of children and young people who are at greatest risk of offending?
- What additional services are needed and how are they best delivered? What might NGOs contribute to this delivery?

## MULTI-DISCIPLINARY APPROACHES TO SERVICE PROVISION

Despite the provision of early intervention services designed to support their wellbeing, for some young people there will be a continued escalation of problematic and antisocial behaviours. These are young people for whom there are multiple and complex risk factors and who are usually known to a range of services prior to commencing their offending behaviours.

This existing relationship with services provides an important avenue through which young people at risk of offending can be identified, resulting in an opportunity to commence a more targeted and intensive level of support. For children and young people with multiple needs, a multi-disciplinary team model can provide an integrated and coordinated service response.

Past attempts at providing coordinated multidisciplinary responses for young people with multiple and complex risks have suffered from the absence of an identified lead provider to take responsibility for governance, service direction and co-ordination, and accountability for commitments made as part of a co-ordinated service response. Often these approaches excluded community service providers, as well as the young person and their family. This resulted in a forum in which decisions were made about a young person, rather than providing an opportunity to work with the young person and their family, to identify relevant supports and service goals that are workable and achievable for them. Consequently, young people continued to bounce from service to service, with no one service able to effectively meet their needs.

## POINTS FOR CONSIDERATION

- What needs to change to ensure an effective multidisciplinary response that engages all stakeholders?
- What are the barriers to working collaboratively to provide a coordinated approach to service provision?
- How can the issue of responsibility for governance be addressed?

## INTERVENTION OPTIONS

Effective intervention programs focus on addressing the underlying causes of offending behaviour and respond to individual risks and needs as required.

Currently the Tasmanian Government funds the Targeted Youth Support Service (TYSS) and the Support Youth Program (SYP) designed to support at risk young people aged 10-18 who are identified as having significant or multiple risk factors, are disengaged, or becoming disengaged from family, education, or community, and who have minimal protective factors. These services deliver intensive case management, therapeutic interventions, and outreach support.

*The lack of engagement in education, employment and the community, mental health or drug and alcohol dependence, and lack of family support also influence the propensity for youth offending.<sup>16</sup>*

Research highlights the importance of availability of a range of evidence based services including cognitive and mental health services, drug and alcohol supports, engagement with education, training and employment and access to appropriate accommodation. Access to these services, where they are available, is even more problematic for this cohort, particularly those with violent, or other problematic behaviours, who may be excluded from such services, or the services may not have the skill sets required to work with these young people. Other services are only offered on weekdays and during business hours.

Equally, there is an absence of prosocial activities in which young people in this cohort can participate, especially if they are disengaged from schooling. Often, young people are excluded from sporting or other activities where they can engage in team building, develop of a sense of connectedness and benefit from prosocial modelling. While prosocial activities alone are not considered to be an effective intervention for young offenders, they form an important service component as part of a broader rehabilitative program and assist in providing support and re-engagement with the community.

### POINTS FOR CONSIDERATION

- What types of intervention programs are required to support children and young people at risk of, or engaged in offending?
- How can we support the operation of these programs? How can we ensure development of the skill sets necessary to effectively deliver these programs?
- What type of pro-social activities are needed for this cohort of young people to participate in?

<sup>16</sup> Tasmania Police, Policing at-risk Youth Strategy 2019 – 2022.

## DIVERSION UNDER THE YOUTH JUSTICE ACT 1997

For the majority of children and young people, early intervention and targeted services provide an effective level of support, and consequently they will not require specific youth justice interventions. Those young people who do commence offending, usually do so starting with low level offences, and therefore require responses that avoid unnecessary contact with the youth justice system.

One of the key objectives of the *Youth Justice Act* is that wherever possible young offenders are diverted from the formal criminal justice system.

*There is strong evidence that contact with the criminal justice system is harmful [to children and young people], increasing the likelihood that a young person will have further contact.<sup>17</sup>*

When a young person first commences offending, police are often the first point of contact and are therefore best placed to implement formal diversionary strategies.

Under the *Youth Justice Act*, Tasmania Police can use informal and formal cautioning to divert young people, over the age of 10 from the youth justice system. Additionally, and consistent with the restorative principles of the Act, police can refer a young person to participate in a community conference, which is coordinated by CYF.

In 2018, Tasmania Police diverted 1,667 young people away from the youth justice system.<sup>18</sup>

### POINTS FOR CONSIDERATION

- Are the current legislative diversionary options appropriate?
- How might police be better supported to deliver diversionary processes for young people?

## AGE OF CRIMINAL RESPONSIBILITY AND DETENTION

Tasmania, like other states across Australia, has established 10 as the minimum age at which a child can be held criminally responsible. The *Criminal Code 1924* further provides that a child between the ages of 10 and 14 cannot be held criminally responsible for an act, unless it is proven that he or she had sufficient capacity to know that the act was one which he or she should not do.

There has been a strong push, both nationally and internationally, to increase the minimum age of criminal responsibility in recognition that a criminal justice response for younger children is inappropriate and ineffective.

*Although the setting of a minimum age of criminal responsibility at a reasonably high level is important, an effective approach also depends on how each State deals with children above and below that age. Children below the minimum age of criminal responsibility are to be provided with assistance and services according to their needs.<sup>19</sup>*

At the Meeting of Attorneys-General on Friday, 12 November 2021 all State Attorneys-General agreed to support the development of a proposal to increase the minimum age of criminal responsibility (MACR) from 10 years to 12 years. This will include consideration of carve outs, timing, as well as discussion of implementation supports

The age of criminal responsibility is a separate issue to the age of detention. In Tasmania detention is a sentencing option of last resort and it is extremely rare for a young person under the age of 14 to be sentenced to detention in Tasmania.

The number of children aged 10-13 under youth justice supervision in Tasmania is relatively small with most children under 14 diverted away from the formal court system by police using cautions, informal cautions and community conferences.

On an average day during 2019-20, less than 5 children aged 12 and 13 years, and no children 10 or 11 years were under community based youth justice supervision. On an average day in 2019-20 less than 1 child, under 14 years was in detention.<sup>20</sup>

<sup>17</sup> Tasmania Police, Policing at-risk Youth Strategy 2019 – 2022.

<sup>18</sup> Tasmania Police, Policing at-risk Youth Strategy 2019 – 2022.

<sup>19</sup> United Nations Committee on the Rights of the Child 2019.

<sup>20</sup> Australian Institute of Health and Welfare, Youth Justice in Australia, 2019 – 2020.

## POINTS FOR CONSIDERATION

- What does government need to do to ensure that children under the age of criminal responsibility who engage in offending behaviours receive an appropriate service response? What should that service response look like?
- Should the age of detention be higher than the age of criminal responsibility?

## BAIL

### Access to Bail

Research consistently recognises that detention alone, is not an effective method of reducing youth offending and can instead have a profound negative impact on a young person's mental and physical wellbeing. This is recognised in the *Youth Justice Act*, which states that restriction of liberty through detention of a young person is only to be used as an action of last resort, and for the shortest time possible.

In 2018 – 2019, three in four young people in detention in Tasmania were unsentenced by the court. That is, they were awaiting the outcome of their court matter or had been found guilty of an offence and were awaiting sentencing<sup>21</sup>. The over representation of young people who have not yet been sentenced to a period of detention, being held within the detention centre environment, is extremely costly, and research on 'what works' with young offenders clearly identifies that disproportionate responses increase the risk of a young person becoming entrenched in offending.

Currently Tasmania funds the Supporting Young People on Bail program which supports a young person through the development of a Bail Support Plan that outlines their recreational, educational, and vocational/employment goals.

An effective bail support program designed to assist young people who have been charged with committing a crime to access bail and remain in the community with appropriate accommodation, is critical to ensuring that young people are not detained in custody unless absolutely necessary. Access to suitable programs helps to limit the risks associated with custody for young people at low risk of repeat offending and allows them to remain in the community and maintain connections with education, employment, family, and social relationships.

A further election commitment by the Tasmanian Government to deliver additional housing supports for young people may assist in addressing this issue through the provision of access to a greater range of accommodation options suitable for young people in this cohort.

Effective bail support however must include more than simply accommodation. A supported accommodation model which could include therapeutic staffing and day programs linked to education, health and wellbeing, would provide significant benefits and an avenue to access other support services.

Implementation of options such as electronic monitoring, may also support courts to grant access to bail while providing comfort and security for the community by enabling supervision, and monitoring of compliance with bail conditions.

## POINTS FOR CONSIDERATION

- How can we ensure that appropriate legal support is available to children and young people appearing in court?
- What types of bail support services are required to ensure that bail is not denied to young people because of wellbeing circumstances?
- How might we use bail as an opportunity to better support the wellbeing of young people?
- How do we support young people with complex needs and behaviours stay safe while on bail?

<sup>21</sup> Australian Institute of Health and Welfare, Youth Justice in Tasmania Fact Sheet, 2018 – 2019.

## Breach of Bail

The *Youth Justice (Miscellaneous Amendments) Act 2013* amended the *Youth Justice Act* to prevent a young person from being charged for breach of bail conditions, with the exception of failure to appear before a justice or surrender to a court. However, the court may still take breaches of bail into account as an aggravating factor when sentencing the young person for the offence for which the bail was granted.

Under the amended legislative provisions, police continue to be able to arrest a young person for a contravention and bring the young person before a justice or the court to have bail, and the attached conditions, reconsidered.

The amendments were intended to ensure that actions that would not otherwise be an offence, are not criminalised resulting in an extended criminal record for a young person who contravenes bail. The amendment was intended to enable the contraventions to be considered through arrest and reconsideration of bail, and its relevance to sentencing for the original offence.

Since the enactment of the amendments, there have been concerns expressed that the removal of breach of bail as an offence has limited the ability of police and the courts to hold recidivist young offenders accountable for their actions<sup>22</sup>. It is argued that as contraventions are not recorded as an offence, they cannot be considered by the court when examining propensity to offend for future offences. Consequently, some young people are seen to be willingly ignoring bail conditions and engaging in antisocial behaviours with minimal consequences.

### POINTS FOR CONSIDERATION

- How should we respond to young people who breach bail conditions, especially in circumstances where this activity would not otherwise be considered unlawful?

## SUMMARY

In order to move towards a therapeutic and integrated youth justice system, a range of diversionary and targeted services are required to prevent those at risk of offending from engaging with the statutory youth justice system, and those who have already offended from re-entering or continued engagement. The multifaceted nature of contributors to offending behaviour require an integrated and coordinated approach between government, the NGO sector and the community, with access to a range of intervention options that enable a tailored response specific to the needs of each individual child or young person. The Case Study provided below depicts the complexities that may be present within the lives of young people who come in contact with the youth justice system as well as outlining a vision for how a reformed service system might work to address these concerns, providing significantly improved outcomes for both the young person and the community.

<sup>22</sup> Tasmania Police, Youth Offending – Impact on the community, 2017.

## CASE STUDY

Jane is 16 years old. Jane does not know her biological mother, having had no relationship with her since birth. Throughout her early childhood, Jane lived in multiple Out of Home Care placements until she was eight years old, subsequently moving between her father and grandmother's care and experiencing periods of homelessness from age 13. Jane has no other family and is mistrustful of adults. Her behaviour can be aggressive and threatening; as a result, she is often asked to move on from youth shelters and other youth support services. She has not regularly been to school since she was 12 and has difficulties reading and writing.

When Jane was 14, she was assessed by the Child and Adolescent Mental Health Service who noted that Jane met criterion for; Post Traumatic Stress Disorder, Borderline Personality Disorder, Conduct Disorder and Attention Deficit Hyperactivity Disorder, and presented with co-morbid anxiety symptoms, antisocial traits, acute complex trauma, learning difficulties, emotional dysregulation, ongoing drug misuse, deliberate self-harm, and suicidal ideation.

Jane self-medicates with cannabis to calm anxiety and regulate emotion, making productive engagement with service providers difficult. Jane was supported by two non-government youth at risk service providers, who both disengaged following incidents of aggression. Jane had developed a positive relationship with a youth health service worker who also would collect and read her mail for her, however this support stopped due to concerns regarding her threatening behaviour.

Jane is also known to police for low level disorderly conduct, possession of cannabis and minor stealing offences, and to date has been dealt using diversionary provisions within the *Youth Justice Act*. She is currently at high risk of entering the criminal justice system given her high criminogenic risk factors.

## Missed opportunities

Jane identifies as Aboriginal and has no contact with her community. She is disconnected from education and has accessed a number of youth services, all of whom have disengaged, or reduced support due to concerns about Jane's behaviours. Jane has been diverted from the formal criminal justice system utilising current legislative options, however Jane remains at high risk of escalating offending behaviours and future engagement with the system, with no service able to address these risk factors.

## A different future

At a very early age, concerns regarding Jane's educational assessment and her behaviour would have been flagged and Jane would be allocated a youth coordinator to case manage, develop a coordinated service plan, and identify service goals, in consultation with a care team including education, her Aboriginal community, mental health and youth support services, to cohesively support Jane and monitor her health and wellbeing over time. Jane and her family would participate in this process, as able, to ensure that the plan is workable and achievable. The plan might include: Jane being offered alternative options to mainstream education with the support of the Department of Education, meeting Jane's specific learning needs including provision of specialist support; Aboriginal community services engaging with her father and grandmother to support and build family ties and cultural identity connections; youth mental health services advising on trauma informed interventions and providing therapeutic support to Jane to assist with her mental health needs. The multi-disciplinary team would bring in other targeted and intensive services, as needed, to ensure that Jane's future was secured.

If Jane comes to the attention of police, the care team would be notified, arranging for an assessment of criminogenic risk and need with referral to specialist offender management programs to deliver interventions, if, and as appropriate.

# A Therapeutic Service System for Repeat and High Risk Offenders

For those young people who are already engaged in the youth justice system, or where diversion and targeted intervention options weren't sufficiently effective, a responsive therapeutic service system can provide a range of intervention and support options that address criminogenic need, targeting the driving factors behind each young person's offending behaviours and building upon strengths.

When children and young people experience adverse childhood events such as abuse, neglect, witnessing family violence, insecure attachment, death of a parent, not having their developmental needs met by their caregiver, exposure to drugs and alcohol, and caregivers with mental health issues, this can change the way that their brains develop. Therefore, we need to work with young people in ways that acknowledge their experiences, understands their responses and triggers, and offers opportunities to learn new responses and behaviours, developing new neural pathways.<sup>23</sup>

While this component of a successful therapeutic youth justice system can be the most challenging, it ultimately provides the greatest level of benefit for society by improving community safety and reducing long term costs that arise from ongoing offending. Similarly, outcomes at an individual level cannot be underestimated, with the potential to change the trajectory of a young person's life, potentially having significant positive impact on that person's family in future generations.

## THE CRIMINAL JUSTICE RESPONSE

Through its focus on rehabilitation and restorative justice, the *Youth Justice Act* recognises the potential of the legal system to support rehabilitation and therapeutic intervention for children and young people and establishes a separate Youth Justice Division of the Magistrates Court in Tasmania to hear youth related matters. The Act however does not specify how the Youth Justice Division should operate.

To support a therapeutic approach to youth justice, court processes and legal services are required that enable the young person and their family to actively participate in legal processes in a timely manner. The traditional courtroom structure and operation is often highly intimidating for young people and their families, and the use of technical and unfamiliar legal terminology, and other language that exceeds the clients' literacy, has been shown to result in a young person's disengagement with proceedings<sup>24</sup>. Equally, evidence suggests the timeliness of the court response is critical in ensuring that young people are able to connect their offending with the consequences being imposed by the court.

Legislatively, the *Youth Justice Act* provides broad options for sentencing a young person. However, the limited availability of services significantly impacts the capacity of the courts to issue sentences consistent with the principles of restorative justice and rehabilitation within the Act.

## Home detention and electronic monitoring

In 2018 the Tasmanian Government passed legislation allowing courts to sentence offenders to home detention and electronic monitoring, where it is deemed suitable, and would otherwise have sentenced the offender to a term of imprisonment. This provision however does not apply to young people sentenced under the *Youth Justice Act*.

<sup>23</sup> Department of Communities Tasmania, *Ashley Youth Detention Centre Practice Framework 2020*.

<sup>24</sup> Youth Court Research: Experiences and views of young people, their families and professionals (2011) Ministry of Justice, New Zealand.

It has been suggested that provision of options such as home detention and electronic monitoring for young people, could provide an option to prevent young people from being placed in custody. For such an option to be effective however, the young person would need a safe and stable environment in which to serve their sentence of home detention and depending upon their age, an effective guardian present to provide appropriate care. Given the prevalence of risk factors often present for this cohort that have been discussed previously, the suitability of this option for many young people is questionable when considered in isolation. However pairing home detention with an appropriate supported accommodation model, has the potential to increase its viability as a sentencing option.

### POINTS FOR CONSIDERATION

- How can we ensure that young people have access to appropriate supports throughout the legal process? What could be done to help them and their families better understand the legal process?
- How can the *Youth Justice Act* be strengthened to further support a therapeutic approach? What services are required to enable this approach and how can they best be provided?
- What might a contemporary and therapeutic youth justice court look like?
- Are the current sentencing options available appropriate? Are there other sentencing options that might be considered?
- What, if any role could home detention and electronic monitoring play in the youth justice response?

## CRIMINOGENIC NEEDS PROGRAMS

To effectively address youth offending, interventions and supports that respond to individual risks and needs are required. There is no specific intervention that can be recommended as the solution for all young offenders. Instead there are a wide range of sanctions, treatments and therapeutic interventions that have been employed with young offenders, with a range of consequences. Providing a range of therapeutic options will ensure that we are able to deliver services that address the factors contributing to a young person's offending behaviours, building upon their strengths, and effectively addressing risk.

In line with restorative justice principles, services also need to support young people to take responsibility for their offending behaviour and the harm caused to the victims and the community.

Offence-specific therapeutic programs for young offenders focus on addressing behavioural, attitudinal and lifestyle factors associated with specific types of offending and provide specialised supports that target the unique factors associated with different offending behaviours. A harmful sexual behaviours program, which includes service provision for young sex offenders, has recently been introduced and work is continuing on the Step Up Program aimed at intervening with adolescent perpetrators of family violence. Further work needs to be conducted to identify suitable service options for a range of offences, including violent offending, which are currently delivered in other jurisdictions, as well as within the adult corrections system. This would sit alongside, and build upon the introduction of a Youth Forensic Mental Health service recommended as part of the Child and Adolescent Mental Health Service review.

### POINTS FOR CONSIDERATION

- How can we ensure availability of a wide range of programs to meet individual criminogenic needs?
- What is needed to build the knowledge, skills and competencies of the workforce to address criminogenic need and risks in a responsive way?

## THERAPEUTIC DETENTION AND EFFECTIVE THROUGH CARE

A custodial service remains a critical component of a contemporary youth justice system. For young people who have committed offences for which the severity or risk associated with the offending behaviours warrants detention, a custodial sentence provides a unique opportunity for intensive intervention and rehabilitation through a well-designed therapeutic model of care. An effective therapeutic custodial response ensures that those young people whose offences warrant a sentence of detention, are provided with the most appropriate and responsive service to meet their needs. The ongoing efficacy of such interventions, post release, require effective transition planning that identifies how gains achieved while in custody can be sustained and links the young person with community-based services that continue to support the young person's needs.

The Tasmanian Government recently announced the intention to close Ashley Youth Detention Centre, replacing it with two new smaller, purpose built centres in the north and south of the state. The two new centres will be supported by a new therapeutic service model. The new model will put young people's specific and holistic needs at the centre of the system: ensuring they have access to the right support at the right time, underpinned by effective coordination across government and with service providers. The holistic approach will involve system wide change to custodial services, process, technology and infrastructure.

Having two new centres located closer to key population areas also allows integration with health, education, vocational and other support services, as well as providing connection with the community, enabling young people to develop and maintain pro-social relationships with opportunities to maintain these networks on release.

The period following release from detention is a critical point in influencing recidivism rates. The new purpose built and therapeutic custodial centres, will be most successful if they form part of a planned program of supports in the community upon a young person's release. Without this support, young people can easily fall back into past patterns of behaviour, both increasing their risk of returning to detention and undoing any progress made while in detention.

Effective through care is critical to young people transitioning from detention by connecting and reintegrating young people into a home or community through linkages with accommodation, education, health, employment and other essential services and post release support programs. Planning for a young person's successful reintegration, through care and aftercare support is best considered as part of care planning for the young person early in their time in custody, linking their individual care program throughout their period of detention into their release and readjustment.

### POINTS FOR CONSIDERATION

- What are the key priorities in the development of the new custodial centres? How can we ensure these priorities are met?
- How might we continue to promote a trauma informed therapeutic model of care for young people in detention?
- How do we support successful reintegration of young people post detention through the development of a comprehensive through care model?
- How can we support young people to maintain outcomes achieved while in custody?
- How can we maximise the opportunity for learning while young people are held in custody? How can we support continuity between learning in custody and when transitioning back into the community?

## SUPPORTING A THERAPEUTIC WORKFORCE

A reformed youth justice system will ensure that the youth justice workforce, including government and NGOs, have access to the relevant services and supports needed for them to work with young offenders effectively, in a trauma informed and evidence based way, and in line with the National Principles for Child Safe Organisations. To successfully utilise the new service capacity, the workforce must be appropriately resourced and supported, ensuring competency to assess, identify and match interventions to effectively target and address the needs of the child or young person and the causes of their offending.

Opportunities for shared and creative learning and collaboration with key partners enables practice approaches and learnings to be shared and helps ensure a common understanding of good therapeutic practice and consistent and agreed language to support the change process.

### POINTS FOR CONSIDERATION

- What can we do to further develop our youth justice workforce capability?
- What mechanisms might be put in place to increase engagement, collaboration and cooperation in achieving the best outcomes for Tasmania's children and young people and the safety of the community?

## SUMMARY

Young people at high risk of, or in continued involvement with the youth justice system require a specialised and intensive service response that provides effective assessment and intervention options and is responsive to their individual needs. Service planning for these young people needs to provide consistency of support as they progress through different areas of the youth justice system, particularly while within and on release from custody. There is a need for sentencing options that can be utilised to support rehabilitation of young people, as well as provide for community safety, and a legal system that contributes to this rehabilitative process. While the cost of establishing and operating the necessary services and processes to support this approach can be high, there is the strong potential to produce significant long term savings, both human and financial. The Case Study below highlights the long term positive impacts that intensive interventions that target the underlying causes of offending behaviours can have.

## CASE STUDY

John is in his early twenties. John's parents used alcohol to excess and he was surrounded with drugs and alcohol from birth. A number of times before the age of 12, police noted that John was with one or other of his parents, who were intoxicated at the pub.

John was homeless for much of his childhood and lived between the streets, various relatives and multiple Out of Home Care placements. Foster care arrangements broke down quickly due to his behaviours, which foster carers found difficult to manage, and he was placed in residential care at age 13.

John was diagnosed with conduct disorder at age 10 and has subsequently been diagnosed with a borderline intellectual disability and substance use disorder. His school attendance was very poor, and he disengaged from schooling, ceasing attendance at age 14.

At age seven John was caught stealing, with police recording sadistic and threatening behaviour, however as he was under the age of 10, no formal action was taken. Between the ages of seven and 11, John had over 70 contacts with police, often for minor thefts of money and retail items (usually food). Police became John's 'carers' due to the amount of time he spent in police facilities.

John engaged in regular offending as an adolescent, being sentenced to periods of detention for violent offences on multiple occasions. As an adult, John has spent the past three years in custody, having been denied parole due to his ongoing risk factors, and the likelihood of engaging in further offending.

## Missed opportunities

The interventions offered to John have generally been short term and crisis driven, without any planned or coordinated approach. There were limited attempts at providing supports in relation to his cognitive disability, exposure to and use of drugs and alcohol including in utero, abuse and neglect and living in highly unsafe and disadvantaged circumstances. The ad hoc interventions did nothing to identify or address the underlying causes of his offending behaviour.

## A different future

In line with the work undertaken through Strong Families, Safe Kids, the Child Safety response to John's circumstances would commence at a very young age, assessing the capacity of his parents to provide him with stable and secure care with appropriate supports and implementing permanency planning for John if it was necessary for him to remain in care. Child Safety, taking a trauma informed approach, would coordinate a care team including representatives from mental health, drug and alcohol, education and the Australian Childhood Foundation, and John would be able to access appropriate assessments and treatment for his cognitive disabilities and assistance with his substance use issues, as well as support to manage any trauma based issues. Specialist supports would be implemented by John's school to enable him to engage with learning and assist him in maintaining linkages with school community.

When John first came into contact with the police at age seven, police would notify the youth services team who would join the care team, further assisting with assessments of his criminogenic needs. If John were to continue offending, offender intervention programs would be available, either in the community or in detention, with appropriate exit planning from detention ensuring access to the services and accommodation options that would support him to embed the learnings gained through the intensive programs offered while in custody.

# Conclusion and Next Steps

The development of the Blueprint for Youth Justice in Tasmania will help to refocus the service system by outlining a high level strategic direction across a public health continuum for a contemporary, evidence based, integrated therapeutic youth justice system. The Blueprint will provide broad strategic objectives and key priority areas for implementation across the coming decade, with a focus on best practice prevention, early intervention and diversionary strategies, as well as a therapeutic service system for those young people already engaged in offending.

As identified throughout this discussion paper, the complexity and scope of an effective response to youth offending requires a whole of government, whole of community approach, involving coordination and an integrated service delivery approach between government, the non-government sector, and the community. The development and implementation of the Blueprint will therefore be a shared responsibility

requiring the engagement of a range of service providers and government agencies to ensure a collaborative and multisystemic service response.

To achieve this, we require your assistance and support in identifying the key areas in need of reform, what the service continuum should include, and suggestions on how we can work together in a cohesive way in this critical work. Your feedback in response to this discussion paper will provide the foundation for the development of the Blueprint.

There are a number of ways in which you can be involved in the consultation process with full details available on the Department of Communities Tasmania website [www.communities.tas.gov.au](http://www.communities.tas.gov.au).

We encourage all key stakeholders and interested parties to take this important opportunity to participate in shaping our kid's futures.



# Appendix I - Related Tasmanian Initiatives

## ***Child Safe Organisations Bill 2020 (Draft Bill)***

The Tasmanian Government is committed to developing a child safe legislative framework arising from the recommendations contained in the Making Institutions Child Safe report of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Draft *Child Safe Organisations Bill 2020* proposes a number of reforms including the establishment of Principles for the Safety and Wellbeing of Children and Child Safe Standards in Tasmania. Submissions on the Bill have been received and are being considered by Government.

## ***Strong Families, Safe Kids Next Steps Action Plan 2021 – 2023***

The *Strong Families Safe Kids Next Steps Action Plan 2021 – 2023* follows the 2016 Strong Families Safe Kids Implementation Plan to reform and build a contemporary and integrated child safety service system to improve child safety and wellbeing. Key action areas include: developing a child and youth wellbeing strategy; developing a framework for under 16 homelessness; embedding the child and youth wellbeing framework across sectors; continuing to build cross-agency working relationships to facilitate improved outcomes and establish care team approaches to under 16 homeless children and youth people.

## ***Safe Homes, Families Communities: Tasmania's action plan for family and sexual violence 2019 – 2022***

*Safe Homes, Families, Communities: Tasmania's action plan for family and sexual violence 2019 – 2022*, builds on *Safe Homes, Safe Families: Tasmania's Family Violence Action Plan 2015 – 2020*, to deliver better outcomes for children and young people in Tasmania who have experienced, or at risk of experiencing family violence. Key action areas include changing attitudes and behaviours that lead to family violence and better support for children and young people who have experienced family violence.

## ***Review of the Children, Young Persons and Their Families Act 1997.***

The *Children, Young Persons and Their Families Act 1997* (CYPTF Act) provides for the care and protection of children in Tasmania. A comprehensive review of the CYPTF Act is part of the Government's long-term commitment to prioritising the safety and well-being of children and young people in Tasmania under the *Strong Families, Safe Kids* program.

The review will focus on extensive community consultation to inform recommendations to modernise the Act and align it with best practice approaches for the safety and wellbeing of children, young people and their families.

## ***Review of Tasmanian Non-Statutory Youth Support Services***

The Department of Communities Tasmania has commissioned an independent review of its youth support programs, including the Targeted Youth Support Service and the Supported Youth Program. The review is being conducted by the Brotherhood of St Laurence will assess the efficacy and effectiveness of the programs and provide recommendations for a future model of non-statutory service delivery that improves outcomes for children and young people in Tasmania.

## ***Tasmania's Affordable Housing Strategy 2015 – 2025***

*Tasmania's Affordable Housing Strategy 2015 – 2025* provides a clear framework for action and investment to improve affordable housing in Tasmania and help those most in need into safe and secure accommodation. Specific actions and initiatives are set out in the *Affordable Housing Action Plan 2015 – 2019* (Action Plan 1) and the *Affordable Housing Action Plan 2019 – 2023* (Action Plan 2) which recognises the need to establish an independent taskforce to identify and prioritise care for children who are under 16 years old, experiencing or at risk of homelessness.

### **Housing Connect and Specialist Homelessness Services (SHS)**

Housing Connect, a state-wide model overseen and funded by the Department of Communities Tasmania, provides assistance for Tasmanians in housing stress, at risk of, or experiencing homelessness. An independent review commissioned in 2018 provided recommendations to improve the service delivery model to more effectively respond to housing crisis and homelessness. The review aligns to broader reform efforts across the human service system in Tasmania and reinforces the message of shared responsibility across service systems.

Specialist Homelessness Services (SHS), also referred to as crisis and transitional accommodation services, are part of the broader Housing Connect service system. They provide short to medium term accommodation and support for people who are at risk of, or are experiencing homelessness, including those under the age of 16. Focussing on stabilising crisis and addressing immediate needs, SHS pursue safe, longer term accommodation for the people that use their services. Statewide, there are over 20 service providers delivering support and accommodation for a range of target groups including young people.

### **Child and Student Wellbeing Strategy: Safe, Well and Positive Learners 2018 – 2021**

The *Child and Student Wellbeing Strategy 2018 – 2021* commits the Department of Education to adopt the Tasmanian Child and Youth Wellbeing Framework as a key strategy to support the wellbeing of learners in 2018. The strategy aims to build a system that supports every learner in a meaningful way, understanding that the wellbeing of learners requires collaboration between schools, colleges, libraries, families, communities and other government agencies and service providers.

### **Child and Adolescent Mental Health Services Review**

The review of the Child and Adolescent Mental Health Service (CAMHS) was progressed as part of the broader Tasmanian Mental Health Reform Program (TMHRP). The objective of the CAMHS review is to 'enable an integrated pathway for children and adolescents and their families and carers to navigate the mental health system. The Government has committed to changing the service response to complex and challenging mental health presentations, including individuals with trauma related mental health diagnoses and those who lack parental or familial supports, as well as establishing a youth forensic mental health service.

### **Children Thriving in Strong, Connected Communities 2018 – 2021**

Tasmania's strategy for children – pregnancy to eight years 2018 – 2021 is facilitated by the Department of Education. The implementation assists in fostering a culture of quality and collaborative partnerships across the government and non-government sector.

The involvement of many early year's stakeholders, families, and communities, ensures a shared purpose and practices for all Tasmanian service providers; with the focus on improving the education, health, and wellbeing outcomes of children from pregnancy to eight years.

### **Legal Aid for Tasmanians, Strategic Plan 2020 – 2023**

The *Legal Aid Strategic Plan 2020 – 2023* commits Legal Aid to placing clients at the centre of everything they do, working towards their vision for all Tasmanians to be safe, respected and have their voices heard. A key priority is strengthening the services delivered to children and young people, services that address family violence and ensuring that the voices of children are a primary consideration.

### **Magistrates Court of Tasmania Strategic Plan 2020 – 2023**

The *Magistrates Court of Tasmania Strategic Plan 2020 – 2023* aims to improve access to justice, provide quality justice and court administration, enhance the role of the Court in the community, strengthen capabilities and improve wellbeing of magistrates and staff; and provide a modern, accessible, and safe Court.

### **Policing at Risk Youth Strategy 2019 – 2022**

The Tasmania Police, *Policing at Risk Youth Strategy 2019 – 2022* outlines the police response to the management of youth offending, with a specific focus on repeat offending. The Strategy outlines a plan to intervene and engage with at risk children and young people earlier and encourage and support them away from the youth justice system.

# Appendix 2 – Risk factors associated with youth offending

The following service areas are shown to have a strong relationship with youth offending.

## **Involvement with child safety services<sup>25</sup>**

Research shows that children and young people who have been abused or neglected are at greater risk of engaging in criminal activity and of entering the youth justice system. The younger a person is when they enter youth justice, the more likely they are to have also had involvement with child protection services.

Nationally, half of young people who were under youth justice supervision in 2018 – 2019 had also received child protection services in the previous five years and were approximately nine times as likely as the general population of the same age to have received child protection services during this period. Aboriginal and Torres Strait Islander young people in youth justice were also more likely than non-indigenous young people to have received child protection services (61% compared to 50%).

In comparison, 43% of young people under youth justice supervision in Tasmania in 2018 – 2019 had received child protection services in the past five years, less than the national figure. Consistent with the national data, Aboriginal young people in youth justice were also more likely than their non-indigenous counterparts to have received child protection services (54.8% compared to 38.1%).

Young females in the youth justice system were also more likely than males to have received child protection services in the past five years, both nationally and in Tasmania.

Nationally, four out of five (80%) young people under youth justice supervision and engaged with child protection services had been in residential care. However, rather than residential care being a pathway to offending, it is quite possible that both residential care and youth offending are consequential to related background risks and behavioural problems, and the right model of residential care may be able to moderate offending.

## **Homelessness**

Homeless young people are at a higher risk of becoming involved in the youth justice system than their housed counterparts. Nationally, research by the Australian Institute of Health and Welfare found that in 2012:

- Almost 15% of young people under youth justice supervision accessed homelessness support services within the 12 months before starting their most recent youth justice supervision
- One in 12 young people (8%) accessed homelessness support services within 12 months of the end of their youth justice supervision, while one in eight (12%) received homelessness services within two years<sup>26</sup>.

<sup>25</sup> Australian Institute of Health and Welfare, *Young people under youth justice supervision and in child protection 2018-19*.

<sup>26</sup> Australian Institute of Health and Welfare, *Vulnerable young people: interactions across homelessness, youth justice and child protection*, 1 July 2011 – 30 June 2015.

## Family violence<sup>27</sup>

Analysis of reported Tasmanian family violence incidents over the last four years shows that nearly one in every two young people involved in family violence, witnessed family violence as a child. This proportion is consistent across gender and role (perpetrator or victim).

In 2019 – 2020 a total of 103 individuals in Tasmania under the age of 18 years were involved in 143 family arguments and family violence incidents. Two out of three of these young people were female and 58 had a previous family violence record, 31 as victim only, 12 as both victim and perpetrator and 15 as perpetrator only.

## Intergenerational trauma and disadvantage

Where intergenerational trauma or disadvantage exists, individuals and families are far more likely to require support or intervention, including multiple services, and/or statutory services, over time or for generations.

Aboriginal and Torres Strait Islander people are particularly susceptible to intergenerational trauma. This is confirmed by the significant body of literature that has considered intergenerational trauma as it applies to Aboriginal and Torres Strait Islander people's experiences of colonisation, including violence; loss of land, language, and culture, and children being forcibly removed.<sup>28</sup>

In 2018 – 2019 Indigenous young people were almost four times as likely as non-indigenous young people in Tasmania to be under youth justice supervision orders.<sup>29</sup>

## Mental Health

Mental health disorders that emerge during early childhood can have a lasting impact on the individual and the lives of those around them. In 2013 – 2014, the National Survey of Mental Health and Wellbeing found that 14% of children and adolescents between the ages of four and 17 had experienced a mental health concern in the previous 12 months.<sup>30</sup>

Attempts to estimate the prevalence of mental health concerns among young people in the youth justice system are complex with limited data available. The available research demonstrates that the prevalence of mental health concerns is much higher within the youth justice cohort than the general population, and higher again for those in youth detention<sup>31</sup>, with one study identifying that in 2013, 70% of young people within the detention environment had a clinical diagnosis related to mental health, more than five times the percentage of young people in the community.<sup>32</sup>

## Alcohol and other drug treatment services

Nationally, young people aged 10-17 under youth justice supervision at any time between June 2012 and July 2016 were 30 times as likely as the general population to have received alcohol and other drug treatment services during that period (33% compared with just over 1%).<sup>33</sup>

<sup>27</sup> Safe Families Coordination Unit, Presentation Children, Young People and Families Safety and Wellbeing Steering Committee 23 Feb 2021.

<sup>28</sup> New South Wales Government, (2018) Access System Redesign; Evidence Review.

<sup>29</sup> Australian Institute of Health and Welfare, *Youth Justice in Australia, 2018 – 2019*.

<sup>30</sup> Australian Institute of Health and Welfare, *Australia's health 2016*.

<sup>31</sup> Kinner, S.A. et al, (2014). *Complex health needs in the youth justice system; a survey of community based and custodial offenders*. *Journal of Adolescent Mental Health*. 54(5), 521-6.

<sup>32</sup> Australian Capital Territory Children and Young People Commissioner (2016) *Children and Young People with Complex Needs in the ACT Youth Justice System: Criminal justice responses to mental health conditions, cognitive disability, drug and alcohol disorders and childhood trauma*: Canberra.

<sup>33</sup> Australian Institute of Health and Welfare, (2018) *Overlap between youth justice supervision and alcohol and other drug treatment services: 1 July 2012 to 30 June 2016*.

## Cognitive Disability

Young people with an intellectual disability are also overrepresented in the youth justice system. A survey conducted in New South Wales in 2009 found that 17% of young people in detention had cognitive functioning scores indicative of a possible intellectual disability and 10% met both IQ and adaptive behaviour deficits consistent with a diagnosis of intellectual disability.<sup>34</sup>

Heavy alcohol exposure in utero can also cause alterations to the developing brain with cognitive impairment in various neuropsychological domains. As a result, children and young people affected by Foetal Alcohol syndrome are more likely to exhibit behavioural factors such as poor impulse control; lack of insight into behaviour and future consequences of behaviour; difficulty planning and connecting cause and effect; difficulty empathising with others and taking responsibility for their actions; lack of self-control and good judgement; lack of knowledge around social norms; difficulties in learning and communication; a tendency towards explosive episodes and vulnerability to social influences such as peer pressure. Brain damage resulting from prenatal exposure to alcohol can therefore place a young person at increased risk of involvement in offending behaviour.<sup>35</sup>

## Education

Disengagement from education and repeated truancy, suspension and expulsion, substantially increases the risk of children and young people becoming involved with the youth justice system. Research conducted with youth justice clients in detention in South Australia found that 73% of young people had regularly been absent from school and 79% had been suspended or expelled. Similar research conducted in New South Wales concluded that 82.2% of young people in detention had already left school before being detained.<sup>36</sup>

In 2019 there were 62,941 children and young people enrolled in education in Tasmania. The rate of students in Prep to Year 10 (excluding Ashley School and the Tasmanian eSchool) who, based on average daily attendance rate, were not attending school was 10.7%, while the proportion of students suspended was 5.2% (all students enrolled in Kindergarten to Year 12, excluding the Ashley School).<sup>37</sup>

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<sup>34</sup> Just Reinvest NSW Submission, *In Value of a justice reinvestment approach to criminal justice in Australia*, 2013.

<sup>35</sup> The Senate – Legal and Constitutional Affairs References Committee *Value of a justice reinvestment approach to criminal justice in Australia*, 2013.

<sup>36</sup> *Australian Law Reform Commission, (2010) Seen and heard: Priority for children in the legal process.*

<sup>37</sup> Department of Education Tasmania Key Data 2019 – 2020.

# Appendix 3 – Points for Consideration

*The questions below are presented as a guide. Please feel free to make additional comments or observations.*

## **RESHAPING THE YOUTH JUSTICE SYSTEM**

### **A Public Health Approach**

1. How can we work together better to deliver joined up services to achieve the service system described above? What can individual agencies do to realise a public health approach?
2. How can we work better together to support children and young people? What are the barriers and enablers to achieving a public health approach?
3. How do we get the wider community to support this approach and the initiatives needed to realise it?

### **Partnering with the Aboriginal Community**

4. How can we establish an effective partnership approach between government, NGOs and Aboriginal communities to provide culturally appropriate services?
5. How can we work together to keep Aboriginal young people out of the youth justice system, and particularly, detention?

## **PREVENTION AND EARLY INTERVENTION**

6. How can we better identify and support families early to facilitate change where children and young people are engaging in escalating antisocial behaviours?
7. How can we ensure engagement of children, young people and their families in wellbeing services that are largely voluntary? Can we build prevention and early intervention principles into the *Youth Justice Act*? What might they look like?
8. What are the key pressure points for young people? What can we do collectively to address these pressure points to reduce offending behaviour?
9. How can these programs be better targeted to families?
10. How do we strengthen referral pathways for programs to ensure that families with children and young people at risk of offending are identified and supported?
11. How can these programs be made more culturally appropriate for Aboriginal families?
12. How do we ensure parents have access to the services they need to build their capacity to provide appropriate care to their children and young people? (e.g. mental health, drug and alcohol etc)
13. How do parents self identify to access supports?
14. How can we work together to ensure that housing or homelessness services form part of a broader integrated service response?
15. How do we make it easier for people who are not engaged with the Child Safety Service to access supports?

16. How can we ensure availability and access to necessary health services for children and young people?
17. What health services might be required?
18. How can we provide support early?
19. What can we do to ensure that young people who are experiencing difficulties with school and are at risk of disengaging, are appropriately identified and supported to remain engaged with education?
20. What flexible approaches to learning might we provide for young people who are disengaged from mainstream education and may be engaging in antisocial or offending behaviour?
21. What are the barriers to service coordination?
22. What are the practical ways in which agencies can overcome these barriers?
23. What is local government's role in a youth centred community?
24. How can we work together to support the development of programming that recognises and respects diversity?
25. How do we foster pride in diversity of young people?

## **DIVERSION AND TARGETED INTERVENTIONS**

26. How do we better deliver services to meet the needs of children and young people who are at greatest risk of offending?
27. What additional services are needed and how are they best delivered? What might NGOs contribute to this delivery?
28. What needs to change to ensure an effective multidisciplinary response that engages all stakeholders?
29. What are the barriers to working collaboratively to provide a coordinated approach to service provision?
30. How can the issue of responsibility for governance be addressed?
31. What types of intervention programs are required to support children and young people at risk of, or engaged in offending?
32. How can we support the operation of these programs? How can we ensure development of the skill sets necessary to effectively deliver these programs?
33. What type of pro-social activities are needed for this cohort of young people to participate in?
34. Are the current legislative diversionary options appropriate?
35. How might police be better supported to deliver diversionary processes for young people?
36. What does government need to do to ensure that children under the age of criminal responsibility who engage in offending behaviours receive an appropriate service response? What should that service response look like?
37. Should the age of detention be higher than the age of criminal responsibility?

38. How can we ensure that appropriate legal support is available to children and young people appearing in court?
39. What types of bail support services are required to ensure that bail is not denied to young people because of wellbeing circumstances?
40. How might we use bail as an opportunity to better support the wellbeing of young people?
41. How do we support young people with complex needs and behaviours stay safe while on bail?
42. How should we respond to young people who breach bail conditions, especially in circumstances where this activity would not otherwise be considered unlawful?

## **A THERAPEUTIC SERVICE SYSTEM FOR REPEAT AND HIGH RISK OFFENDERS**

43. How can we ensure that young people have access to appropriate supports throughout the legal process? What could be done to help them and their families better understand the legal process?
44. How can the *Youth Justice Act* be strengthened to further support a therapeutic approach? What services are required to enable this approach and how can they best be provided?
45. What might a contemporary and therapeutic youth justice court look like?
46. Are the current sentencing options available appropriate? Are there other sentencing options that should be considered?
47. What, if any role could home detention and electronic monitoring play in the youth justice response?
48. How can we ensure availability of a wide range of programs to meet individual criminogenic needs?
49. What is needed to build the knowledge, skills and competencies of the workforce to address criminogenic need and risks in a responsive way?
50. What are the key priorities in the development of the new custodial centres? How can we ensure these priorities are met?
51. How might we continue to promote a trauma informed therapeutic model of care for young people in detention?
52. How do we support successful reintegration of young people post detention through the development of a comprehensive through care model?
53. How can we support young people to maintain outcomes achieved while in custody?
54. How can we maximise the opportunity for learning while young people are held in custody? How can we support continuity between learning in custody and when transitioning back into the community?
55. What can we do to further develop our youth justice workforce capability?
56. What mechanisms might be put in place to increase engagement, collaboration and cooperation in achieving the best outcomes for Tasmania's children and young people and the safety of the community?



Department of Communities Tasmania

Children, Youth and Families

Phone: (03) 6166 3800

Email: [CYS-DSecDRM@communities.tas.gov.au](mailto:CYS-DSecDRM@communities.tas.gov.au)

[www.communities.tas.gov.au](http://www.communities.tas.gov.au)