

Mutual Clients with Youth Justice NSW

Youth on Track Guidelines


A decorative graphic in the bottom left corner consisting of several overlapping, light blue, rounded shapes that resemble stylized petals or leaves, with white outlines.

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1 Scope

Youth on Track (YoT) is an early intervention scheme for 10-17 year olds that identifies and responds to young offenders at risk of long-term involvement in the criminal justice system.

Youth Justice NSW (YJNSW) has information in their operations manual that reflects the information in these Guidelines. This document aims to:

- identify the circumstances in which YoT and YJNSW would work with the same young person
- outline how information is shared when working with the same young people
- how lead case management is determined where young people receive a supervised order

2 Purpose

These guidelines outline how YoT Providers work with mutual clients of YJNSW and YoT and how to respond when both YoT and YJNSW have contact with a young person.

A young person who is referred to or participating in YoT can become a mutual client of YJNSW:

- through a referral to Youth Justice Conference (YJC)
- by receiving a supervised community-based order
- or is on remand custody

3 Definitions

Youth Justice Community Office provides community supervision and community-based interventions to young people on court directed supervised orders, support young people remanded in custody or seeking bail, complete assessment reports to assist the Court, and supervises the completion of Youth Justice Conference outcome plans.

Youth Justice Conference (YJC) where a young offender, with his or her family, is brought face-to-face with the victim and the victim's support group, to hear about the harm caused and to take responsibility for their actions. Together, the people at the conference agree on a suitable outcome for the crime that can include an apology, reasonable reparation to the victim and steps to link the young offender back into the community.

A person on remand – an accused person according to the meaning of the *Bail Act 2013* who has not been released on bail under that Act.

4 Youth on Track and Youth Justice NSW

YoT aims to coordinate services to young people before they have multiple and increasingly serious contacts with the criminal justice system. YJNSW can make discretionary referrals into YoT for eligible young people, for example young people who are referred to a YJC, receiving a remand intervention or attending court.

Eligibility criteria for a discretionary referral into YoT:

- young people are 10 – 17 years old
- have at least one formal contact with police and several offending risk factors
- have never received a supervised court order
- live, offend or go to school in one of the Youth on Track sites

In a small number of cases young people known to YoT (either referred or currently participating) can work with both YoT and YJNSW when:

- a young person participating in YoT continues to progress into the criminal justice system and receives a supervised community-based order or is referred to a YJC
- a young person is involved with YJC at any time during their involvement with YoT
- a young person engaged with YoT is required to attend Court and YJNSW provides bail support, a remand intervention or a background report for the Court
- a young person referred to YoT is on remand in custody

Both YoT and YJNSW should communicate with each other if they are aware of any mutual clients. If a YoT caseworker is aware that a young person is a mutual client with YJNSW, the YoT caseworker should contact YJNSW to report that they are working with the young person.

If specific local processes have been developed, these should be followed in addition to these Guidelines.

4.1 Seeking information from Youth Justice

When a young person has signed the consent form with YoT, the YoT provider may contact YJNSW to seek relevant information about that young person. This may include information to inform the YLS/CMI-AA assessment or risk assessment. YJNSW requires all young people to sign a Client Consent – Exchange of Information form before they can share information with YoT.

Background reports are written on the request of the Court and for the purpose of the Court. With consent, YJNSW can provide information from the report to YoT however, are unable to release a physical copy of the report.

Where consent is not yet received, information that relates to a young person referred to YoT can be shared within the limitations of the [Privacy Code of Practice for participating agencies in Youth on Track](#) and the [Health Privacy Code of Practice for the exchange of information from participating agencies in the Youth on Track scheme](#).

4.2 Providing information for the court

If YoT is involved with a young person who is attending court, YoT should provide information about the young person's involvement in YoT to YJNSW for the background report or to the solicitor to make representations in court. YoT should not write directly to the court.

YoT should share this information about a young person and their involvement in YoT when:

- the young person has signed the YoT Client Consent form
- YJNSW provides their Client Consent-Exchange of Information form

- it is allowed under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*
- it is allowed under the *Youth on Track Privacy Code of Practice* and *Health Privacy Code of Practice*.

Information should not be shared about third parties unless they have also consented to the exchange of information.

While the court process is underway the YoT caseworker should continue to work with the young person to achieve their case plan goals. As YoT is a voluntary scheme, YJNSW must not recommend participation in YoT as a condition of any order made by the court, including bail.

4.3 Supporting a young person applying for bail

If a young person has entered custody and is applying for bail, the YoT caseworker can assist YJNSW by providing information about the young person's community situation.

As the YoT caseworker works directly with the young person and their family, the YoT caseworker can provide information to YJNSW and/or the young person's solicitor on possible accommodation placement options.

The YoT caseworker can also assist with other case work support tasks on the day of the bail hearing if required, such as transporting the family to/from court or transporting the young person home if they are released. The YoT caseworker should contact YJNSW to discuss what support they can provide.

YoT cannot be suggested for inclusion as a condition on any order made by the court, including bail as participation in the scheme is voluntary.

5 Youth Justice Conferencing

Either NSW Police or the local magistrate can refer a young person to a YJC. If a young person participating in YoT is referred to a YJC, the young person's decision whether to participate in a YJC does not affect their participation in YoT.

If YoT has completed the YLS/CMI-AA, they should provide the assessment to YJNSW so the convenor can use it to complete the YLS/CMI-SV. The convenor should also consult the YoT caseworker about the young person's needs identified in the YLS/CMI-AA.

If the young person was in the early stages of YoT and the YLS/CMI-AA had not yet been conducted, the convenor should provide YoT with the YLS/CMI-SV so that the information can be used to inform YoT's completion of the YLS/CMI-AA.

5.1 Conference preparation and attendance

When YoT is aware that a young person has an upcoming YJC they should contact the relevant YJNSW Assistant Manager (Community) and determine if assessment information can be shared.

The YoT caseworker can attend YJC through either:

- offering to participate in the conference
- attending at the request of the young person
- being invited by the convenor following consultation with the young person and the adult responsible for them.

The YJC convenor will contact the YoT caseworker and arrange a meeting to prepare them for the conference. The preparation meeting should happen prior to each conference even if the YoT caseworker has previously attended a conference.

5.2 The conference

The conference usually lasts about one or two hours. The conference convenor will ask the young person to talk about how and why they committed the crime. The victim will talk about how the crime affected them.

The YoT caseworker will be asked “Would you like to add anything about the incident or its affects?” At this point the YoT caseworker should explain that the young person has been referred to YoT. The YoT caseworker should also briefly explain YoT and their involvement with the young person including the current case plan if they have one.

5.3 The outcome plan

During the conference the convenor will ask everyone what ideas they have for the young person to make things right for the victim and to keep the incident from happening again. The convenor will ask this of the victim, young person, parents and then all remaining participants resulting in the development of an Outcome Plan.

An Outcome Plan:

- is a legal agreement under the NSW Young Offenders Act 1997
- sets out what the young person and the victim agree to at a conference
- sets out what other people agreed to do to help the young person complete the agreed outcome plan

As YoT is voluntary the YoT caseworker should not suggest outcomes for the plan. The YoT caseworker should however support the outcome plan development process by:

- outlining what the young person is already doing with YoT
- providing input into what may be possible, or not, for the young person
- providing input into what supports may be required to enable the young person to complete the outcome plan
- offering to monitor outcomes where it is in the young person’s best interests

The following should not be an outcome on the YJC Outcome Plan:

- YoT interventions that cannot be completed by another organisation
- participation in YoT. The convenor may list participation in YoT on the Recommendation Sheet as there are no legal consequences if recommendations are not completed. Recommendations are not provided to the court for court referred YJC.

The following may be an outcome on the YJC Outcome Plan because the young person can complete the outcomes whether they are engaged with YoT or not:

- Outcomes that can be provided by YoT or another organisation, for example case management or counselling. If YoT is currently providing the intervention, the YoT caseworker can consider being the outcome monitor (see section 5.4 Monitoring the plan).
- YoT case plan goals that are delivered by another organisation, for example drug and alcohol counselling.

5.4 Monitoring the plan

A monitor is responsible for checking if the young person is doing what they agreed to do at the conference. YoT caseworkers can monitor outcomes where it is in the best interest of the young person. Outcomes that YoT may monitor include interventions that YoT are delivering such as case management or counselling, or outcomes that don't involve another organisation, such as a written apology.

If YoT caseworkers are monitoring an outcome they need to be clear with the young person what their role is and set clear boundaries. If the young person disengages from YoT the YoT caseworker must inform YJNSW who will then attempt to find another service provider to monitor the relevant outcome if there is still time left for the young person to complete the outcome. It does not mean that YoT is 'breaching' the young person.

For outcomes that are not YoT interventions and do not involve another organisation, for example a written apology, the YoT caseworker can decide whether they are the most suitable person to monitor the completion of that outcome.

For outcomes that do involve another organisation such as 'community work at PCYC' YoT should not be a monitor. The YoT caseworker can however provide practical support to help the young person complete the outcome for example by arranging transport.

In all cases the YoT caseworker should decide whether to monitor outcomes based on their current relationship with the young person and what is in the best interests of the young person. It is left open so the YoT caseworker and the young person can make this decision together.

6 Community supervised orders

A young person can receive a community-based order, such as a good behaviour bond, suspended sentence, or probation. The Court can request that the order is supervised by YJNSW or can stipulate that no supervision is required. The Court can also request YJNSW supervision as a condition of bail if the young person has entered a guilty plea.

6.1 Young person receives a supervised order

If a young person in YoT receives a community supervised order, YoT should arrange a meeting with YJNSW to determine which agency should assume lead case management responsibility.

Lead case management responsibility is based on:

- the severity of the offence
- whether YoT have already engaged the young person and their family
- the frequency and length of engagement and intervention that each party will offer

- the young person's response to "who do you choose to provide you with case management – YoT or YJNSW?"
- the current caseload capacity of the YoT site

This is also an opportunity for young people to meet their allocated YJNSW caseworker for the first time.

The decision should be made collaboratively between YJNSW, YoT, the family and young person, and should consider the best options for the young person. The result of the discussions should be one of the three options outlined below.

6.1.1 Youth Justice as lead agency

YoT should exit the young person when YJNSW engages the young person prior to YoT, the young person is disengaging from YoT or the discussion outlined in 6.1 results in YJNSW taking lead case management. YJNSW will commence supervision and case management as per their policies and procedures.

If YoT has conducted the YLS/CMI-AA and developed a case plan, this should be provided to YJNSW for their information.

6.1.2 Youth on Track as lead agency

When YoT has engaged the young person prior to YJNSW, YoT should assume lead case management responsibility. YJNSW will supervise compliance with the legal order only and suspend any offence-focused intervention and case management. This should follow discussions and an initial meeting between YJNSW, YoT, the young person and their parent/guardian outlining roles, responsibilities and expectations of all parties (as set out in 6.1).

YoT must provide a regular report about the young person's progress to YJNSW via email using the *Youth on Track shared client report to Youth Justice Template* (see Appendix 1). The report enables YJNSW to continue supervision of the young person's compliance with the legal order. Reporting should occur at the frequency requested by YJNSW and should be established at the commencement of YoT assuming lead case management.

Both YJNSW and YoT will conduct the YLS/CMI-AA by assisting each other with relevant information. YoT will conduct a behaviour intervention, a family intervention if appropriate, and refer to external agencies to address other criminogenic needs. YJNSW may also provide access to specialist programs for the young person that cannot be offered by YoT.

YJNSW will retain responsibility for advising the court of any breaches of compliance with the legal order. As YoT is voluntary, non-compliance with YoT alone will not be considered a breach of the legal order.

If YJNSW is not satisfied with the young person's engagement with YoT, YJNSW will resume supervision and case management of the young person. Both YoT and YJNSW should attempt to re-engage the young person. Depending on the result of re-engagement the young person may re-engage with YoT, be exited from YoT, or the option set out below in 6.1.3 may be considered.

YoT should provide information to YJNSW to assist with the case management of the young person, i.e. the case plan using the form.

6.1.3 Youth Justice as a lead agency with Youth on Track support

YJNSW will assume lead case management if the young person disengages from YoT. YoT can assist with other interventions such as family intervention and education engagement (if the young person has signed consent and is willing to engage with YoT for this specific intervention).

This occurs if the young person or family were actively engaging with YoT for these goals prior to YJNSW assuming lead case management responsibility.

YJNSW should invite YoT to any case conferences arranged with the young person. This option should only be a last resort as duplication of service provision must be avoided.

7 Young person in custody

If a young person participating in YoT enters custody, YJNSW will allocate a YJNSW caseworker who will assume case management responsibility for their time in custody. If the YJNSW caseworker knows the young person is participating in YoT, they should notify the YoT caseworker that the young person is in custody.

However, if YoT is aware that the young person has entered custody, the YoT caseworker should contact the relevant YJNSW Community Office and inform them of the young person's involvement in YoT.

The YoT caseworker, in consultation with their supervisor, should determine on a case-by-case basis whether YoT will remain involved with the young person. Dependent on the length of detention, YoT should remain involved with the young person; assist in exit planning from custody and resume case management responsibility post-release if agreed to by YJNSW. Participation in YoT can be part of a discharge plan or a bail plan however, it must be strongly noted in any plan that YoT is voluntary and a condition to participate in YoT cannot be mandated by the court.

If YoT ceases working with the young person, the YoT caseworker should provide a brief overview and progress update to YJNSW regarding the young person's involvement with YoT.

(End)

8 Appendix 1: Youth on Track shared clients report to YJNSW

CASE DETAILS

Client Name:		Client DoB:	
Youth Justice caseworker:		Date agreed for Youth on Track to lead	
Youth on Track caseworker:		Agreed Level of Service/Contact	
Date of Report:		Current Youth on Track YLS Level	

ENGAGEMENT

Current Youth on Track status:	Engaged	Disengaged	Exited	Program Complete	
Client's actual engagement frequency:	twice or more / week	weekly	fortnightly	sporadic	no contact for two weeks
Client's general attitude:					
Barriers / strengths to engagement					
Other Comments:					

FAMILY INVOLVEMENT

Is Youth on Track also working with the carer/parent?	Yes	No
Comments:		

OTHER INTERVENTIONS

How is Youth on Track addressing the high need areas in the YLS/CMI-AA

Intervention	Youth on Track Progress

9 Document information

Title:	Mutual Clients with Youth Justice NSW Guidelines
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Author:	Senior Project Officer
Approver:	Manager, Strategic Projects
Date of Effect:	20 November 2019
Next Review Date:	20 November 2021
File Reference:	D19/00205
Key Words:	Youth on Track, Youth Justice NSW, Caseworker, mutual client, Youth Justice Conference, outcome plan, outcome plan monitoring, remand, community supervised order

10 Document history

Version	Date	Reason for Amendment
4.0	20.11.2019	Update terminology to Youth Justice NSW and adding information about the sharing of Background Report information to Youth on Track providers.
5.0	1.07.2020	Including YJNSW as a referral source into Youth on Track