



Moving towards meeting all needs

Lisa Hema reviews developments in youth justice

Introduction

The Children, Young Persons, and Their Families Act 1989 (CYP&F Act) was born out of a social environment which included a growing dissatisfaction with the dominance of professional decision-making. There was also an ongoing and growing concern about a western-based justice system which discriminated against Māori, and held little regard for Māori custom, beliefs and values.

The new legislation enacted some innovative ways of working with children, young people and their families. In particular the CYP&F Act mandated the use of family group conferences (FGC) and emphasised that family was to be seen as part of the solution and key decision-makers. The legislation also emphasised that offending by children and young people was often opportunistic, contact with the formal parts of the youth justice system was inherently harmful

and age should be a mitigating factor when deciding on responses to offending.

While the youth justice system is an attempt to move away from the traditional welfare model, it does provide for the needs of young offenders to be considered and addressed while also ensuring that they are held accountable for their offending. The FGC is the key forum where decisions about accountability and rehabilitation are made.

Current context

The New Zealand Police is the agency most often responsible for detecting and apprehending children and young people for offences. It is estimated that up to 80 per cent of children and young people from the FGC or Youth Court process are diverted. Consequently, Child, Youth and Family works with a very small number of child and youth offenders compared with the total child and youth population (aged 10 to 16 years).

Numbers and percentages of young people participating in FGC

Financial year	Estimated number of 10 to 16-year-olds in New Zealand	Number of children and young people subject to a youth justice FGC	Percentage of total 10 to 16-year-old population subject to a youth justice FGC
2002	422,630	4,094	0.97%
2004	435,070	4,690	1.08%
2006	433,830	5,000	1.10%

Although most children and young people have only one or two youth justice FGC, there is a very small group who have multiple FGC and this group accounts for approximately 16 per cent of the work carried out by Child, Youth and Family. Over the last few years in particular Child, Youth and Family has faced increasing criticism of its delivery of youth justice services. Growing concern about the nature of child and youth offending and the perception that the current youth justice system is a soft response has led to calls for a new regime aimed at ensuring that sure and swift justice and punishment is delivered. This includes proposals that the delivery of youth justice services be removed from what is largely seen as a welfare-focused agency and placed in a much more focused justice context or agency.

Youth justice capability review

In September 2003 the Baseline Review was released. The purpose of this was to set out an integrated strategy for Child, Youth and Family to move forward on a sustainable basis while being clear about expectations, outcomes and roles, and to make recommendations about capacity and capability. Among the recommendations made about the delivery of youth justice services, a key recommendation was that Child, Youth and Family should report to the Minister on the capability across Service Delivery Units to provide youth justice services. While work was already occurring in response to the Government's Youth Offending Strategy and Child, Youth and Family's Youth Justice Plan, efforts to move forward were hampered by an increasing demand for care and protection notifications. Consequently it was agreed that a much broader internal review should occur in recognition of the range of interfaces and relationships that impact on the delivery of youth justice services.

The ultimate aim of the Youth Justice Capability Review is to enable the delivery of quality youth justice services that contribute to achieving its youth justice outcomes of reducing the rate and severity of child and youth re-offending, holding young people to account and restoring wellbeing. The review is being undertaken in three phases.

Phase I

Phase I, conducted in 2004, was a significant information-gathering and consultation phase which focused on clearly identifying the barriers to the delivery of quality youth justice services, and gathering the evidence to support this. The review team collected this information from Child, Youth and Family staff, both frontline and National Office, as well as from the police and the judiciary.

The key finding was that there was significant variability in the quality of delivery of youth justice services, and a range of barriers were identified, which included:

- an inability to access, or lack of clear understanding of the roles and responsibilities of, Child, Youth and Family staff
- a lack of understanding about the parameters for youth justice service delivery
- the unintended impact of systems and initiatives on the frontline
- a lack of resources (tools, systems and staff) to provide quality services and meet increasing demand for youth justice services.

Phase II

Phase II, conducted throughout 2005, is the substantive and foundational work of the review and responds to the key capacity and capability issues identified in Phase I. This phase focused on developing the systems, tools and processes needed to deliver quality youth justice

services, along with identifying staffing and resourcing levels.

During Phase II a practitioner reference group was established, and their knowledge and expertise made a significant contribution to the quality of the outputs of Phase II. Key external stakeholders were also consulted. Key activities of Phase II included:

1. Development of a definition of youth justice services to provide clarity about CYF's role in delivering youth justice services.
2. Completion of a literature scan.
3. Development of the Youth Justice Outcomes Framework to provide clarity about the connection between service delivery activity and the outcomes sought by Child, Youth and Family.
4. Development of a Youth Justice Practice Framework that identifies the perspectives to be promoted by staff when working with children, young people and their families.
5. Development of a Youth Justice Services Process Model (YJSPM), which is a step-by-step map to the delivery of youth justice services that emphasises Child, Youth and Family's statutory roles and responsibilities.
6. Development of YJSPM supporting documentation that includes policy, procedures and standards.
7. Identification of staffing structures and the need for a more seamless service delivery.
8. Identification of inter-agency work that could result in further operational efficiencies.

While the CYP&F Act was the guide for much of the Phase II work, the children and young people who are being referred to Child, Youth and Family were also at the centre of this work. Research by Gabrielle Maxwell and the Ministry of Social Development indicates that processes that are run by skilled and knowledgeable staff who understand their roles and responsibilities and can reflect the principles of the legislation

– particularly supporting and strengthening families – contribute to reducing re-offending. The Phase II work also provided clarity about expectations, outcomes and roles and made recommendations about capacity and capability.

Youth justice teams

One of the implications of the Phase II decisions to return to having dedicated social workers who work with young offenders, and the transfer of the management of Youth Justice Coordinators to the Child, Youth and Family Operations Group is the need for a better integrated delivery of youth justice services or the development of youth justice teams. While the concept is not new, and some staff will remember this resource from the 1990s, there is an intention that social workers will also address the care and protection needs of their youth justice clients as required. This latter point is in recognition of the many young offenders who have identifiable care and protection issues, and supports an integrated and seamless service delivery by also emphasising this role for social workers.

The development of youth justice teams must be underpinned by a set of principles, which should include:

- the promotion of the principles of the CYP&F Act and enable each youth justice team member to reflect the principles in their work
- acknowledgment by the team of each member's specialist role, function and skills, and each member is seen as integral to the achievement of positive outcomes
- effective relationship facilitation by the team with key stakeholders
- an integrated service delivery for children, young people and their families that identifies any needs and ensures that these are addressed

- a well-run, participatory process that supports and encourages families to take responsibility for their child's or young person's offending and fosters their ability to manage their child or young person
 - victims are enabled and supported to participate
 - the heart of the youth justice provisions of the CYP&F Act, which is to ensure that a family-led decision-making process occurs, is supported by the team design.
- ■ ■ ■ ■

Managing a process that enables family decision-making and balances accountability with rehabilitation activity while ensuring that other key persons, such as victims, in the youth justice system can participate requires skill, dedication and focus. A significant contribution to achieving this will be the creation of a team environment focusing on the delivery of youth justice services.

Youth justice teams are not a synonym for the 'J Teams' of old, nor do they signal a return to the domination of professional decision making. Rather they are intended to enable the department to properly fulfil its legislated responsibilities, support the family decision-making process, and actively contribute to achieving positive outcomes for child and youth offenders and their families, victims of youth crime and society as a whole. Child, Youth and Family staff will be able to be actively involved in the design and development of youth justice teams.

Youth justice teams are not a synonym for the 'J Teams' of old

■ ■ ■ ■ ■

Phase III

The Phase III implementation is under way. There is a project plan with dates for the delivery of key project activities. A governance group, led by the general managers of Operations and Service Development, has been established to oversee the implementation of this phase.

A regional youth justice portfolio managers group and a practitioner reference group have also been established to ensure Operations advice to the project is provided and to assist with a smooth implementation process.

Lisa Hema is a manager in Youth Justice at Child, Youth and Family, National Office.