



## Department of Juvenile Justice



### Girls' and Young Women's Action Plan, 2002-2004

Foreword by the Minister .....	2
Foreword by the Director-General .....	3
Executive Summary .....	4

#### Part 1: Introductory Information

1. Policy Statement .....	6
2. Departmental Context .....	9
3. Core Business and Functions .....	10
4. Profile of Service Users .....	13
5. Indigenous Over-representation .....	13
6. Literature Review .....	14
7. Methodology .....	16
8. Participation .....	17

#### Part 2: Key Result Areas (KRAs) and Strategies

KRA 1: Organisational Capacity .....	18
KRA 2: Accommodation and Environment .....	20
KRA 3: Programming .....	25
KRA 4: Mothers and Children .....	26
KRA 5: Staff .....	29
KRA 6: Data .....	30
KRA 7: Government Interagency Collaboration and Partnerships .....	31
KRA 8: Community Linkages .....	32

#### Explanation of Artworks

The artwork used in this plan was designed by Marlene Phillips and completed by young women clients, their families and staff at Yasmar JJC.

Front Cover: Represents Yasmar Juvenile Justice Centre and significant meeting places in the centre. It also shows the meeting of school and TAFE, the straight lines represent teachers and the curved lines the students

Inside pages: Represents the girls as they pass through the centre, the external lines which go up and down represent where the girls stop and stay with the centre for a while.

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## Department of Juvenile Justice

### Girls' and Young Women's Action Plan

#### Foreword by the Minister

The development of the Girls' and Young Women's Action Plan 2002-2004 is significant in the Department of Juvenile Justice's commitment to meeting the specific needs of girls and young women who are in contact with the department.

The principles of equity, access, rights and participation underpin the Action Plan providing a solid foundation for focus on young women with the least access to social and economic resources. The Plan also reflects the commitments made in the Platform for Action adopted at the Fourth United Nations World Conference on Women in Beijing in 1995, and endorsed again at the Beijing Plus Five Conference in New York in 2000, to promote further progress on achieving Australia's commitments under the Convention on Elimination of All Forms of Discrimination Against Women.



Key stakeholders have worked collaboratively with the Department of Juvenile Justice to develop the Action Plan. It is an example of the community and government working together to ensure participatory processes and relevant programs to support and facilitate young women's access to every benefit and opportunity in our community.

The NSW Government continues to build on its achievements in removing obstacles to women's full participation in society. That means recognising that in some areas of social, political and economic life, women, and especially young women involved in the justice system, have different experiences and needs from men. This Plan outlines key response areas which specifically affect young women and enhance or constrain their opportunities. Policies and programs that recognise the needs of both men and women support everyone's capacity to develop, to participate and to contribute.

The Action Plan recognises that age, race, ethnicity, location, and social and economic circumstances all affect young women's needs and options. This Action Plan reflects our continuing commitment to listening to young women speak about their lives. Through this participation young women in contact with the justice system will be supported to meet their responsibilities and choose alternatives to offending behaviour.

**The Hon C M Tebbutt MLC**  
Minister for Community Services  
Minister for Ageing  
Minister for Disability Services  
Minister for Juvenile Justice  
Minister Assisting the Premier on Youth

## Foreword by the Director-General

This Girls' and Young Women's Action Plan 2002 – 2004 aims to identify the specific issues faced by young women in the juvenile justice system, providing an analysis of their needs and strategies to address them. The Action Plan will therefore enable the department to work more effectively with and for young women.

Young women are a minority of the young people who come into contact with the juvenile justice system. In NSW they represent approximately eight percent of those young people in custody and approximately 14 percent of those on community supervision. Young women who enter and become entrenched in the juvenile justice system have typically experienced particularly acute forms of disadvantage and abuse. It is therefore necessary to tailor services to their unique needs.



The department has worked with young women clients since its inception, and has periodically introduced measures to develop and improve the services it provides to young women. However, this Action Plan represents a new approach in that it provides a separate, comprehensive and coordinated approach to planning, reviewing and evaluating the department's work with young women. The Action Plan addresses issues relating to all young women who are clients of the department – including those in custody and in the community. It is relevant to all aspects of the department's work, from the development of policy and procedures, to service provision and program design, delivery and evaluation.

The immediate aims of the Action Plan are threefold – firstly to identify the range of issues faced by young women who come into contact with the juvenile justice system; secondly to provide a policy framework which sets out the department's philosophy and objectives for working with young women clients; and thirdly to identify specific strategies which the department will pursue over the next three years. In a broader sense this document will enhance the department's organisational capacity and ability to address young women's issues on an ongoing basis. To this end, many of the objectives outlined here aim to establish structures and processes which will enable the needs of young women to be addressed separately both in their own right, and to be integrated into all aspects of the department's work on an ongoing basis.

I fully support the Action Plan and I expect that all Department of Juvenile Justice staff will welcome the planned initiatives that will improve circumstances for girls and young women who have contact with the department.

**DAVID SHERLOCK**  
Director General





## EXECUTIVE SUMMARY

The Department of Juvenile Justice works collaboratively to provide services for juvenile offenders to meet their responsibilities and lead a life free of offending.

In order to achieve its stated purpose, the department recognises that its services need to cater for the individual needs and backgrounds of clients to better address their offending behaviour and foster their ongoing development. For young women gender-related issues are an important aspect of these individual needs.

Part one of this Action Plan provides the principles and background which form the basis of the department's work with girls and young women. Part two outlines the priority issues and strategies to improve our provision of service.

In particular the department must pay attention to creating structures and processes which ensure that issues relating to young women are raised, considered and addressed as a matter of course in all relevant areas of the department's work.

The need to ensure ongoing, consistent and effective advocacy for young women, particularly at senior levels of the department, is crucial. These issues are covered in more detail in the Action Plan's Key Result Area (KRA) 1 (organisational capacity and advocacy).

The accommodation needs of young women raise a number of issues. Young women will usually be accommodated at Yasmar Juvenile Justice Centre. However, they may be accommodated for short periods (maximum of 5 days) at other centres, except Kariang Juvenile Justice Centre, when attending court locally. The facilities available throughout the state vary with some needing to improve their capacity to accommodate young women.

Custodial accommodation for young women will be improved through the building of a new facility. This centre will be purpose-built and will accommodate the need to facilitate appropriate privacy, programs and visiting areas for young women. Particular consideration is needed in relation to young women who are pregnant and/or mothers.

There are also gaps in the accommodation available to young women in the community, particularly in drug programs and supported accommodation. The lack of appropriate safe community accommodation can often place a young woman in a position where she makes inappropriate choices regarding where she lives. Accommodation issues are further outlined in KRA 2.

Effective programs and services for young women must be developed in response to their identified needs. Simply offering young women the same programs, services and interventions which are offered to young men (and have been designed with young men in mind) is unlikely to be as effective for it fails to recognise and address those issues that are different for young women. These issues are dealt with in more detail in KRA 3 (programming).



Catering for young women who are pregnant and/or mothers poses complex considerations for the department. A young woman who is pregnant is provided with the appropriate medical and psychological support. However, in the event that a young woman in custody gives birth or has residence of her child/ren the department is not currently in a position to accommodate the young woman's child/ren. These issues are covered in KRA 4.

The department recognises that working with young women in the juvenile justice system requires specific skills and expertise. Staff need to have an understanding of the differing needs of young women and the ways in which particular issues impact on young women differently. This has implications for the way the department recruits, trains, supports and resources staff to work with young women. These issues are dealt with in more detail in KRA 5 (staff).

To ensure that the department is providing the most appropriate service to young women it is essential that decisions be based on statistical evidence. KRA 6 of the action plan discusses the statistical data that is required by the department.

In addition to what the department provides it is essential that the issue of girls and young women offending be placed in the context of the community in which they live. The facilitation of young women connecting to their community and the community providing support to allow alternatives to offending behaviour is discussed in KRA 7 (community linkages) and KRA 8 (government interagency collaboration and partnerships).

This plan is the reference point for the continued improvement of the department's provision of service to girls and young women under its supervision.





## Part 1: Introductory Information

### 1 POLICY STATEMENT

#### Context of this Plan

This Action Plan exists within a number of legal and departmental frameworks, and is informed by several key documents. These frameworks are outlined here.

#### International Conventions Impacting on the Management of Juvenile Justice in Australia

Australia is a signatory to several international conventions which have a bearing on this Plan. Parties who are signatories to international conventions are required by the appropriate United Nations body to report regularly on implementation and observation of these instruments into domestic law, and are subject to international criticism for non-compliance.

The relevant sections of these instruments are as follows:

##### 1. Rights of young women against discrimination

State Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.<sup>1</sup>

Young female offenders placed in an institution deserve special attention as to their personal needs and problems. They shall by no means receive less care, protection, assistance, treatment and training than young male offenders. Their fair treatment shall be ensured.<sup>2</sup>

##### 2. Best interests of children

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be the primary consideration.<sup>3</sup>

State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.<sup>4</sup>

The institutionalisation of young persons should be a measure of last resort and for the minimum necessary period, and the best interests of the young person should be of paramount importance.<sup>5</sup>

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<sup>1</sup> Article 3 United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW).

<sup>2</sup> Rule 26.4 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).

<sup>3</sup> Article 3.1 Convention on the Rights of the Child (CROC).

<sup>4</sup> Article 12.1 Convention on the Rights of the Child (CROC).

<sup>5</sup> Rule 46 of the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines).



### 3. Protection from violence and mistreatment

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.<sup>6</sup>

### 4. Disciplinary measures

Any disciplinary measures and procedures should maintain the interest of safety and an ordered community life and should be consistent with the upholding of the inherent dignity of the juvenile and the fundamental objective of institutional care, namely, instilling a sense of justice, self-respect and respect for the basic rights of every person.<sup>7</sup>

### 5. Accommodation and the physical environment of centres

Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity.<sup>8</sup>

Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate.<sup>9</sup>

### 6. Mothers and children

In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment.<sup>10</sup>

<sup>6</sup> Article 19.1 Convention on the Rights of the Child (CROC).

<sup>7</sup> Rule 66 United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

<sup>8</sup> Rule 31 United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

<sup>9</sup> Rule 8(a) Standard Minimum Rules for the Treatment of Prisoners.

<sup>10</sup> Rule 23.1 Standard Minimum Rules for the Treatment of Prisoners.



## 7. Education and Training

Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society.<sup>11</sup>

While in custody, juveniles shall receive care, protection and all necessary individual assistance - social, educational, vocational, psychological, medical and physical - that they may require in view of their age, sex and personality.<sup>12</sup>

## 8. Staff

Juvenile justice personnel shall reflect the diversity of juveniles who come into contact with the juvenile justice system. Efforts shall be made to ensure the fair representation of women and minorities in juvenile justice agencies.<sup>13</sup>

## State Legislation

In NSW there is also the following legislation concerning young people in the juvenile justice system:

- ✧ *Children (Criminal Proceedings) Act 1987;*
- ✧ *Children (Detention Centres) Act 1987;*
- ✧ *Children (Community Service Orders) Act 1987;* and
- ✧ *Young Offenders Act (1997) Part 5 and related provisions.*

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<sup>11</sup> Rule 38 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).

<sup>12</sup> Rule 13.5 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).

<sup>13</sup> Rule 22.2 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).





## 2 DEPARTMENTAL CONTEXT

### The Department's Vision

Striving to break the juvenile crime cycle.

### Purpose


Working together to provide services and opportunities for juvenile offenders to meet their responsibilities and lead a life free of further offending.

### Key Result Areas

- ⑥ Effective Interventions
- ⑥ Social Justice
- ⑥ Organisational Health

This Action Plan is informed by several departmental documents, namely:

- ✧ The Department of Juvenile Justice Corporate Plan 2001 - 2004 which commits the department to developing an organisation reflecting cultural diversity and gender equity. Gender equity as a principle will be applied across the department. This Action Plan is a means to apply that principle to all aspects of the department's work that relates to young women.
- ✧ The Australasian Juvenile Justice Administrators Standards for Juvenile Custodial Facilities, which states at Section 1.3: Regard to Age and Gender, that centres should provide "age appropriate and gender-appropriate services in recognition of the differing needs of young people at different stages of development and the specific needs of young females". The sample indicators for this standard are:
  1. The centre interprets policies, follows procedures, delivers programs, and generally provides services with due regard to the age and gender of the young people in its care;
  2. There is an appropriate policy or established method of responding to the needs of pregnant young females and young mothers;
  3. There is an appropriate policy or established method of responding to the needs of transgender and other young people who do not fit traditional gender categories.
- ✧ The Department of Juvenile Justice's Aboriginal Over-representation Strategic Plan. Because of the over-representation of Aboriginal and Torres Strait Islander women in the juvenile justice system, particularly in custody, it is imperative that this Plan address the particular needs of Aboriginal young women. The Over-representation Strategic Plan is therefore an important reference for this Plan.

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- ✱ The report and recommendations of the Juvenile Justice Advisory Council (JJAC) Young Women's Working Party. Much work on the issue of girls in the juvenile justice system has been produced by the JJAC, along with several specific recommendations and this report has been referred to in the preparation of this Action Plan.

## Terminology

This Action Plan refers to 'girls' and 'young women', and uses these terms interchangeably. There are two reasons for this. Firstly, the use of both 'girls' and 'young women' is appropriate to represent the age range of the clients of the department, which is 10-21 years. It is important to convey a sense that the department's clients include both children and young adults. This fact has complex but important implications, particularly in relation to the issues of rights and responsibilities and duty of care. Secondly, 'girls' is the term used by many of the department's clients to describe themselves and their peers, so this has been used here, although it is used in conjunction with the term 'young women'.

## **3 CORE BUSINESS AND FUNCTIONS**

### Overview

The Department of Juvenile Justice provides services to young people refused bail pending their court appearances, and to those sentenced to community based orders or periods in custody. In addition to court-mandated sentences for juveniles the department, through the Youth Justice Conferencing Directorate, administers conferencing of young people referred from the NSW Police Service and Children's Courts.

### Community based services

The department's community based services consist of 37 Juvenile Justice Community offices across the state.

These services:

- ⊗ support young people seeking bail or remanded in custody;
- ⊗ provide background/assessment reports to assist courts in determining sentences;
- ⊗ provide court directed supervision of young people placed on good behaviour bonds, probation or community service orders; and
- ⊗ provide counselling and developmental programs as an alternative to detention.



## Specialist services

The department delivers specialist and psychological services through each of its Juvenile Justice Centres, two metropolitan Intensive Programs Units (IPUs) at Stanmore and Blacktown, major rural Juvenile Justice Community Offices and through fee-for-service counsellors in smaller regional centres. Specifically these programs are as follows:


- ⑥ The general IPU program provides community based services to address general offending behaviour through assessment and individual, group and family counselling in conjunction with therapeutic casework.
- ⑥ The Alcohol and Other Drugs Program assists young people to deal with problematic patterns of drug and alcohol use related to their offending behaviour.
- ⑥ The Sex Offender Program provides comprehensive individualised assessment for young people convicted of committing a sex offence. Young people admitted to the program are provided with individual, group and family counselling in conjunction with therapeutic casework to address their risk of further offending.
- ⑥ The Violent Offender Program provides comprehensive individualised assessment for young people convicted of serious violent offences or who are identified as being on a trajectory towards committing serious violent offences which is observable in their developmental history. Young people admitted to the program are provided with individual, group and family counselling in conjunction with therapeutic case work to address their risk of further offending.
- ⑥ The Forensic Program provides mental health and cognitive function assessments of young people referred by the court. The Forensic Program also provides consultation throughout the department.
- ⑥ Psychologists in each Juvenile Justice Centre provide a range of psychological services to clients, including counselling and assessment.

## Custodial Services

There are nine Juvenile Justice Centres. These centres:

- ⑥ provide secure accommodation for young people remanded in custody or sentenced to a period of custody by the courts;
- ⑥ provide work and vocational skills, living skills, recreational and counselling programs for young people in custody;
- ⑥ provide educational programs so that young people can continue their studies while in custody; and
- ⑥ provide individual case management to identify and address the needs of young people in custody and plan their community reintegration.





The Yasmar Juvenile Justice Centre based at Haberfield, Sydney, is a facility for girls and young women. Young women are also accommodated at seven of the other centres but only for limited periods of time. These centres are located at Grafton, St Marys, Unanderra, Dubbo, Airds, Wagga Wagga and West Gosford. Kariong Juvenile Justice Centre, near Gosford, only accommodates A classification male detainees.

## Youth Justice Conferencing

Youth Justice Conferencing has been developed from a statutory base in the Young Offenders Act (NSW) 1997. Together with police warnings and cautions, conferences are an integral part of a scheme designed to divert young people from the more formal justice system.

The Youth Justice Conferencing scheme has been developed through the cooperative efforts of a range of government and community stakeholders. The Youth Justice Conferencing Directorate established in the Department of Juvenile Justice has been responsible for the implementation and administration of the conferencing option within the scheme.

Conference administrators employed by the department are responsible for the recruitment and training of Convenors. Convenors are drawn from the community in which the conferences are held and are statutory office holders contracted to convene conferences.

## Funded Projects

The department provides external funding to non-government organisations primarily through its Community Funding Program.

The Community Funding Program aims to:

- ⑥ assist juvenile offenders to maintain their community links;
- ⑥ facilitate the successful reintegration of juvenile offenders into the community on their release from detention;
- ⑥ strengthen the existing capacity of the community to meet the identified support needs of juvenile offenders; and
- ⑥ enable the development and maintenance of innovative services and programs not currently available to meet the identified support needs of juvenile offenders.

Key programs funded by the department are: Post Release Support, Pre-employment and Accommodation. The categories of accommodation services funded are bail accommodation support services; Wood Royal Commission accommodation support services; and Youth Justice Initiatives.



## 4 PROFILE OF SERVICE USERS

### Overall current service users

In the 2000-2001 financial year the average number of young people in custody on any given day was 306, down from 355 in 1999 – 2000 and 388 in 1998-1999. There were:

- ⑥ 823 Community Service Orders
- ⑥ 645 Recognizance Orders
- ⑥ 1,165 Probation Orders
- ⑥ 207 Parole Orders supervised
- ⑥ 738 clients who received counselling through the Intensive Programs Units.

Also during 1999-2000, 989 young people were referred by the police to participate in youth justice conferences and 1,123 young people were referred by the court. In this period 1,567 young people participated in 1,345 youth justice conferences.

As some young people have multiple appearances, there are fewer individuals, supervised by the department or participating in conferences each year, than the numbers given above.

A comprehensive analysis of the statistical profile of girls and young women supervised in both custody and in the community was undertaken for the financial year 2000 – 2001.

## 5 INDIGENOUS OVER-REPRESENTATION

Young Aboriginal people are significantly over-represented in the juvenile justice system, comprising about 40% of the juvenile justice centre population. The department has developed an Aboriginal Over-representation Strategic Plan for the next three years.

It is to be noted that the total Aboriginal and Torres Strait Islander population comprises less than 2% of the Australian population.

The Plan outlines a blueprint for new measures to address the issue of over-representation of Aboriginal young people, and provides improved coordination and strategic focus to work already being undertaken by the department.

The aim of the Aboriginal Over-representation Strategic Plan is to decrease the number of Aboriginal people under the supervision of the Department of Juvenile Justice, particularly the number of young Aboriginal people in custody.

Through a whole-of-government and community approach the Department of Juvenile Justice, in collaboration with other government and non-government organisations, will:

- ⑥ provide realistic and achievable options for Aboriginal young people;
- ⑥ in conjunction with partner organisations and agencies, assist young Aboriginal people to make positive choices and support them in those choices;
- ⑥ empower and encourage communities to take ownership of and participate in the decision-making process impacting on the solutions for young Aboriginal people;
- ⑥ ensure Aboriginal staff play a key role in and accept responsibility for the development, implementation and outcomes of the strategies by involving the rest of the department; and
- ⑥ enhance departmental services to ensure effective access to Aboriginal clients, families and communities.

This Action Plan acknowledges that strategies designed to address the gender-specific needs of young women also need to address culturally-specific issues. Given the high number of Aboriginal and Torres Strait Islander girls and young women among the population of young women in the juvenile justice system, this Action Plan will outline strategies which specifically address the needs of Aboriginal and Torres Strait Islander girls and young women under each Key Result Area.

## 6 LITERATURE REVIEW

It is only very recently that issues concerning young women in the juvenile justice system have begun to be addressed in the literature. While there is still something of a shortage of research that addresses these issues, several common themes emerge from the key texts.

Many sources note that the relatively low numbers of young women in the juvenile justice system means that the system is not geared to their needs and research often neglects them.<sup>14</sup>

### Background of young women clients

A common theme in the literature concerns the types of background of the young women who enter the juvenile justice system. The findings of research conducted in both Victoria<sup>15</sup> and Queensland<sup>16</sup> are consistent with the profile of young women in the NSW juvenile justice system.

The vast majority of young women in juvenile justice come from low socio-economic backgrounds, have a poor attachment to education, and a history of sexual and physical abuse and violence, neglect and/or trauma. A majority have experienced periods of homelessness. These experiences contribute to patterns of high risk behaviour, typically including problematic substance use, self-mutilation, unsafe sex, generally poor levels of self-care and a tendency to put themselves in high risk situations. Involvement in violent and abusive intimate relationships is also common. Young women's offending behaviour is often related to these histories and behaviour patterns, and is particularly related to substance use, with a large proportion of young women entering the juvenile justice system on drug related charges.

<sup>14</sup> Youth Justice Coalition, *Kids @ Justice, a Blueprint for the 90s*, 1990, p. 25, Department of Families, Youth and Community Care, *What about the girls?: young women's perception of juvenile justice programs and services*, Queensland Government, 1998, p. 1, Alder, Christine and Margaret Baines, 'and when she was bad?': working with women in juvenile justice and related areas, National Clearinghouse for Youth Studies, 1996.

<sup>15</sup> Stewart and Tattersall, *Invisible Young Women*, Department of Justice, Victoria, 2000.

<sup>16</sup> Department of Families, Youth and Community Care, *What about the girls?: young women's perception of juvenile justice programs and services*, Queensland Government, 1998.





## Service provision

Young women in the juvenile justice system have complex histories of contact with numerous agencies in the welfare and justice systems. In particular, a high number of these women have had involvement with child protection services. Young women who have had contact with child protection services, particularly residential services, are more likely to present with challenging and/or violent behaviours and are often exposed to high risk behaviours as a result of their accommodation in such services.<sup>17</sup> Funding for multiple issues is fragmented and works against cohesive and holistic case management.<sup>18</sup>

There is a need for more appropriate drug services and detoxification options for young women including more crisis detoxification services, more detoxification services specifically for young women, and more long term rehabilitation, including residential rehabilitation services for young women.<sup>19</sup>

## Incarceration

Young women have somewhat ambivalent relationships to juvenile justice institutions. They often seek support from such services, but simultaneously resent incarceration. The risk of young women establishing dependent relationships with services such as juvenile justice is high.

There is some evidence that young women sometimes resort to offending behaviours in order to get into institutions and access the services and support they provide.<sup>20</sup> This is consistent with anecdotal evidence from girls' juvenile justice centres.<sup>21</sup> This situation is partly a result of the lack of appropriate intensive support mechanisms for these young women in the community. However, it also reflects the fact that for the majority of these young women incarceration is the first time they have had their basic needs met and experienced some sense of stability and safety, a break from the chaos of their lives outside, and a chance to address their own issues.

In this context, the fact that girls sometimes see incarceration as a preferred option is a sign of how little appropriate support is available in the community.<sup>22</sup> However, this attitude and behaviour needs to be seen in the context of what we know about the negative effects of incarceration. It has been clearly documented that institutionalisation has many adverse consequences for individuals, particularly young people.<sup>23</sup>

## Approaches and emerging solutions

Several principles emerge from the literature which contribute to a still-developing model of good practice for working with young women. Many of these relate to programming, and are discussed in the Programming section of this Plan. However, there are some other general principles which are summarised here.

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<sup>17</sup> Stewart and Tattersall, *Invisible Young Women*, Department of Justice, Victoria, 2000, p.3.

<sup>18</sup> Stewart and Tattersall, *Invisible Young Women*, Department of Justice, Victoria, 2000, p. 4-5.

<sup>19</sup> Stewart and Tattersall, *Invisible Young Women*, Department of Justice, Victoria, 2000, p.6.

<sup>20</sup> Stewart and Tattersall, *Invisible Young Women*, Department of Justice, Victoria, 2000.

<sup>21</sup> Discussions with Yasmar and Parkville staff.

<sup>22</sup> Stewart and Tattersall, *Invisible Young Women*, Department of Justice, Victoria, 2000, p. 122.

<sup>23</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice: 1985.



Stewart and Tattersall<sup>24</sup> suggest that best practice in working with young women involves:

- ⊗ the provision of long term support including a long term relationship with an adult support worker (rather than a multitude of workers in different services);
- ⊗ understanding where young women's violent, challenging and/or offending behaviour comes from;
- ⊗ a need to implement consequences for unacceptable behaviour;
- ⊗ a need for highly skilled and appropriately trained staff, with access to professional supervision;
- ⊗ access to appropriate resources;
- ⊗ flexible funding arrangements;
- ⊗ need for multidisciplinary teams in order to address the complexity of young women's issues;
- ⊗ understanding the value of gender specific programs; and
- ⊗ addressing young women's welfare needs, particularly housing, income, education and employment.

## **7 METHODOLOGY**

In recognition of the specific needs of girls and young women, the department initiated the development of a Girls' and Young Women's Action Plan during 2000.

A Young Women's Action Plan Taskforce was established to progress this plan. The members of this taskforce are:

- ⊗ Bernadette Logo, Assistant Manager, Blacktown Juvenile Justice Community Services
- ⊗ Gerard Hughes, Operations Coordinator, Yasmar Juvenile Justice Centre
- ⊗ Pam King, Manager, Strategic Policy and Planning
- ⊗ Bruce Grant, Coordinator, Policy Unit
- ⊗ Lioba Rist, Policy Officer, Corporate Planning Unit, Corrective Services
- ⊗ Emma Partridge, Policy Officer, Department for Women
- ⊗ Bernadette O'Reilly, Solicitor, Legal Aid, member of the Girls Working Party of the Juvenile Justice Advisory Committee
- ⊗ Lee Mansfield, A/Manager, Yasmar Juvenile Justice Centre
- ⊗ Peter Goslett, Policy Officer, Policy Unit
- ⊗ Lydia Miller, Operations Assistant
- ⊗ Bernadette O'Connor, Manager, Kariong Juvenile Justice Centre (consultation only).
- ⊗ Adelaide White, Learning and Development Officer, Training and Equity Unit.

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<sup>24</sup> Stewart and Tattersall, *Invisible Young Women*, Department of Justice, Victoria, 2000, p. 126-136.



## Initial planning day

The initial planning day occurred on 29 June, 2000. The aim of this day was to develop a framework for the Action Plan which could also be linked into other government strategies. Representatives from across the department, including a group of senior managers, were invited to participate in this process.

## 8 PARTICIPATION

Central to the NSW Government's Youth Policy<sup>25</sup> is the principle that young people should be active participants in the development of policies, programs and services and in decision-making that impacts on their lives. The Convention on the Rights of the Child requires that children have the right to express their views freely in all matters that affect them and that their views must be given due weight.<sup>26</sup>

In this Action Plan the participation of young women is also a central principle. Research and anecdotal evidence has repeatedly shown that young women benefit most from programs and services when they have the chance to participate in the design and/or delivery. In order to respond effectively to these findings the department needs to improve the participation of young women in the design, development and evaluation of department programs and services. There is also a need to acknowledge that strategies to encourage greater participation must be 'girl-specific'. Such strategies must take into account the particular life experiences and sense of self of young women within the social and economic context of their gender and cultural background.

There are a number of publications and examples available on how young people can become more involved in government policy, programs and services. The work produced by the NSW Commission for Children and Young People provides valuable guidance in this area.<sup>27</sup>

The Australasian Juvenile Justice Administrators Standards for Juvenile Custodial Facilities outlines the standard in relation to age and gender in Standard I.3. It states:

The centre provides age-appropriate and gender-appropriate services in recognition of the differing needs of young people at different stages of development and the specific needs of young females.

While this principle of participation informs the Action Plan as a whole, it is most obviously and easily operationalised in the KRA 3: Programming.

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<sup>25</sup> NSW Youth Policy.

<sup>26</sup> Article 12.1.

<sup>27</sup> For example, TAKING PARTicipation Seriously, <http://www.kids.nsw.gov.au>





## **PART 2: Key Result Areas and Strategies**

### **KEY RESULT AREA 1: Organisational Capacity**

**PRIORITY ISSUE 1:** Development and coordination of a department wide approach to addressing young women's issues.

**RATIONALE:** In order to ensure that strategies for young women are implemented effectively, the department needs to enhance its organisational capacity with regard to young women's issues.

**STRATEGIES:**

- I. The department will allocate responsibility for the management and coordination of young women's issues within the department. This will include the identification of a Policy Officer within the Strategic Policy and Planning Branch who will have responsibility for strategies for young women, including those contained in this action plan. A Project Officer position within the Aboriginal Unit will also assist in supporting the operational areas of the department. These positions will also:
  - ⑥ coordinate a planned, departmental-wide approach to addressing issues for young women, including consulting on the work of other branches on projects from the Girls' and Young Women's Action Plan (GWAP);
  - ⑥ provide advice and assistance in the development of all programs, services, policies and procedures that impact on young women in order to ensure equity of access for young women to all departmental programs and services. This advice is to be based on current national and international research and best practice;
  - ⑥ address issues specifically affecting Aboriginal young women, NESB young women, and young women who have a disability, in collaboration with the Policy Officers responsible for these issues;
  - ⑥ network with relevant agencies and strengthen community links, advocate between the community and service providers, and ensure that the specific needs of regional areas are considered through ongoing consultation; and
  - ⑥ report regularly on the progress of young women's strategies to the Executive and Director-General, and to other bodies, including the Young Women's Advisory Committee (see 2 below), the Department for Women and the Juvenile Justice Advisory Committee (JJAC).

2. The department will establish a Young Women's Advisory Committee with a brief to advise the Director-General on issues relating to young women and girls in the juvenile justice system. The department will consult with this committee on all issues of significance affecting young women. This committee will be coordinated by the Strategic Policy and Planning Branch and will in turn provide support and advice to that unit. Members will be appointed for a 12 month period, after which the role of the Committee will be reviewed. Appropriate representation on this committee will include:
  - ⦿ young women, preferably including a current or former DJJ client, or other suitable young people. The Premier's Register of young people interested in positions on boards and committees would be a useful source of potential members. These young women will be supported to participate in this committee.
  - ⦿ department staff from the community and Juvenile Justice Centres, including appropriate Aboriginal and NESB representation;
  - ⦿ community organisations with an interest in the well-being of young women and girls;
  - ⦿ key government agencies such as the Department for Women, the Department of Community Services (DoCS), the Commission for Children and Young People, and the Department of Corrective Services (Women's Services Unit); and
  - ⦿ a senior departmental Operations representative.
3. Issues for young women will be considered in the juvenile justice centre quality review process and within the specialist program reviews.
4. The Strategic Policy and Planning Branch will coordinate a review of the organisational capacity of all centres and community offices to ascertain ways to improve their capacity to provide services to young women.



## **KEY RESULT AREA 2: Accommodation and Environment**

**PRIORITY ISSUE 1:** Incorporating the needs of young women in the construction of a new purpose-built facility to provide custodial accommodation for girls and young women.

**RATIONALE:** The building of a new centre provides the department with a unique opportunity to ensure that the design of the new centre is responsive to the specific needs of young women.

### **STRATEGIES:**

1. In planning the new young women's centre the department will consult widely to ensure that young women's issues are integral in its design, planning and construction. The new centre should be purpose built with the needs of young women in mind and should wherever possible respond to those needs.
2. The consultation process for the building of the new facility will include the Strategic Policy and Planning Branch and the Young Women's Advisory Committee.
3. The department will create opportunities for young women themselves to participate in the design and planning process.
4. The design of the new centre will consider the department's aims and objectives for young women in custody with particular emphasis on program provision.





## KEY RESULT AREA 2: Accommodation and Environment

**PRIORITY ISSUE 2:** Accommodation of young women at juvenile justice centres other than the designated young women's centre.

**RATIONALE:** Departmental practice is to hold detainees in the centre closest to the court they will be attending if their appearance is within five days. In addition to this, a young woman is to be held in the centre closest to her permanent address if she has been granted conditional bail for a period of up to five days. To ensure that this is possible for young women, all centres need to have the capacity to appropriately accommodate them.

**STRATEGIES:**

1. The Strategic Policy and Planning Branch will coordinate an audit of all centres in relation to the accommodation of girls and young women. Recommendations will be made to ensure that appropriate facilities are available and adequate procedures are in place.
2. The department's policies and procedures will be reviewed in relation to when and how a young woman is transferred to and from the young women's centre.



## KEY RESULT AREA 2: Accommodation and Environment

**PRIORITY ISSUE 3:** Community accommodation for girls and young women.

**RATIONALE:** The shortage of community accommodation for young people who are clients of the department is an ongoing concern. The problem is particularly acute for young women. The lack of options places young women at greater risk of homelessness.

**STRATEGIES:**

1. The Department of Juvenile Justice will take a lead role in establishing an inter-agency approach to addressing the chronic shortage of accommodation for young women.
2. In partnership with other agencies and the Young Women's Advisory Committee, the department will:
  - ⑥ investigate the possibility of establishing (a) a transitional centre, and (b) a bail accommodation support program for young women;
  - ⑥ collaborate with the evaluators of the rural residential rehabilitation units to ensure the needs of young women are being met; and
  - ⑥ investigate national and international models of community accommodation for young women on control orders with a view to determining their applicability in NSW.



## KEY RESULT AREA 3: Programming

**PRIORITY ISSUE 1:** Development of specific programs for young women.

**RATIONALE:** The department regards programming as one of the key tools to improve young people's capacity to choose positive alternatives to offending behaviour. These programs need to be appropriate for young women.

**STRATEGIES:**

- I. The Strategic Policy and Planning Branch will coordinate an audit of existing departmental programs to be undertaken by the Programming Committee. This audit will cover all types of programs including:
  - ⌚ all programs offered in custody;
  - ⌚ all programs offered in the community;
  - ⌚ funded programs; and
  - ⌚ specialist programs.

The audit will produce:

- ⌚ a comprehensive description of all programs offered by the department;
- ⌚ an analysis of how appropriate these programs are for girls;
- ⌚ a specific focus on how appropriate these programs are for Aboriginal young women;
- ⌚ an assessment of whether girls currently have access to all these programs; and
- ⌚ a gender analysis of the department's programming model.





2. A needs assessment will be undertaken to ascertain what types of programs would meet the needs of young women, and Aboriginal young women in particular. A set of departmental principles will be developed to guide the department's approach to programming for young women.
3. The department will research and design or obtain a series of programs designed specifically for girls. These programs should address the issues raised in the needs assessment process. The programs should form a coherent whole, and it should be possible for individual modules to be run in either a custodial or community setting.
4. The department will design and implement specific programs for young women in the community and those in detention who are pregnant or have children.
5. The department will take a lead role in establishing a network of agencies working with young women who are in contact with the juvenile justice system. This will enable agencies working with a relatively small number of young women clients to share programming ideas and experiences.





## KEY RESULT AREA 3: Programming

**PRIORITY ISSUE 2:** Young women's participation in departmental programs.

**RATIONALE:** Programs and services for young women will only have a chance of success if they can engage young women successfully, and if they are designed with the principle of participation in mind. In reviewing programming for young women, the department needs to develop strategies to actively encourage young women to participate in its programs.

### STRATEGIES:

- I. The department will develop programs for young women that:
  - ⊗ allow young women to take an active role in their design and development;
  - ⊗ are developed from a focus on young women's needs, including gender-specific needs;
  - ⊗ involve young women in their evaluation;
  - ⊗ employ 'girl-specific' motivation strategies that take into account their sense of self and particular life experiences within the social and economic context of gender and culture;
  - ⊗ aim to support them in avoiding further offending and provide them with the skills and motivation to do so; and
  - ⊗ develop positive peer support systems to support young women and girls in developing life skills which will increase their capacity to choose positive alternatives to offending behaviour.



## KEY RESULT AREA 4: Mothers and Children

**PRIORITY ISSUE 1:** Development of policy and procedures for responding to the needs of young women who are pregnant.

**RATIONALE:** In the financial year 2000-2001 5.5% of young women in Yasmar were known to be pregnant. The numbers of pregnant young women in the community are unknown. For young women in custody, case plan goals usually include, where appropriate, the use of conditional discharge or community-based sentencing option to ensure they are not kept in custody.

The department currently meets the needs of pregnant young women through casework on an individual basis. However, there is a need to formalise procedures for working with pregnant young women.

### STRATEGIES:

1. The department will formalise the policy for young women who are pregnant. This policy will cover:
  - ⊗ procedures for working with pregnant young women in custody, including protocols of contact between these young women and external support services in the community; and
  - ⊗ guidance for staff working with pregnant young women under supervision in the community, including procedures for appropriately referring these young women to relevant services, agencies and sources of support and information.
2. The department will develop a policy that ensures that all alternatives to custody are considered for young women who are pregnant. This may include the use of section 24(1)b of the Children's (Detention Centre) Act 1987 to an appropriate service or other supported community options.
3. When designing the new detention centre for young women, the department will consult relevant sources of information and seek advice in order to ensure that the needs of young women who are pregnant are taken into consideration.





## KEY RESULT AREA 4: Mothers and Children

**PRIORITY ISSUE 2:** Development of policy and procedures for responding to the needs of young women who are mothers.

**RATIONALE:** The department currently meets the needs of young women who are mothers through casework on an individual basis. However, there is a need to formalise procedures for working with young women who are mothers, both those in custody and those under community supervision.

### STRATEGIES:

1. The department will formalise the policy for young women who are mothers.
2. The department will take a lead role in developing improved links with other government agencies that provide services to young women with children in the community (such as the Department of Housing, Department of Community Services, and domestic violence service providers). These issues are covered more fully in the sections of this plan titled Government Interagency Collaboration and Partnerships (KRA 7), and Community Linkages (KRA 8).
3. When developing a departmental approach to assisting young women with children, consideration will be given to the need to provide culturally appropriate models of childcare and parenting support. Advice and input into the department's programs for young women with children will be sought from appropriate Aboriginal community organisations and from community organisations representing the diverse cultural backgrounds of the department's clients.
4. The department will develop a checklist to assist Juvenile Justice Community facilities to improve their facilities for children. All centres and Juvenile Justice Community Service Offices will have access to necessary baby equipment, particularly baby capsules, seats and appropriate anchors for departmental cars.
5. When designing the new detention centre for young women, the department will consult relevant sources of information and seek advice in order to ensure that the needs of young women who are mothers are taken into consideration.



## **KEY RESULT AREA 4: Mothers and Children**

**PRIORITY ISSUE 3:** Collection of data on the incidence of young women who are pregnant and/or mothers.

**RATIONALE:** The gathering of data in relation to young women who are pregnant and/or mothers is hindered by a number of factors. Often, young women who are pregnant do not disclose their status nor do young women who are mothers openly discuss this. In addition, if the information is gathered it is often held on the 'allied health file' which is not commonly accessible and not linked to the client information data system (CIDS).

### **STRATEGIES:**

1. An appropriate data collection system will be developed and implemented to ensure that accurate data is collected in relation to young women who are pregnant and/or mothers. This will be coordinated by the Coordinator, Planning and Research, Strategic Policy and Planning Branch.
2. This data will directly impact on the provision and direction of services provided to girls and young women in both the community and in custody.



## KEY RESULT AREA 5: Staff

**PRIORITY ISSUE 1:** Training for client service staff on young women's issues.

**RATIONALE:** As all client service staff may be required to work with young women they need to have the capacity, skills, training and support to do so.

**STRATEGIES:**

1. The Training and Equity Unit will ensure that gender-specific training is provided for all client service staff. This training will ensure that staff have an understanding of the specific issues faced by young women and the capacity to work effectively with young women clients.
2. Throughout the regular review of training provided by the department, the Training and Equity Unit will ensure that young women's issues are integrated into the range of departmental staff training courses.
3. Applicants for vacant positions in the young women's centre will be required to have a demonstrated ability and desire to work with young women. The application process for client service positions in other centres will ensure that successful applicants have a sensitivity to the needs of young women and a capacity to work with young women as required.





## KEY RESULT AREA 6: Data

**PRIORITY ISSUE:** Collection of accurate and reliable data on young women clients on an ongoing basis.

**RATIONALE:** The department's strategies for working with and providing services to young women need to be evidence-based and developed in response to current data. In order to improve its capacity to achieve this, the department needs to review and improve its processes for collecting and analysing client data by gender.

### STRATEGIES:

- I. The Coordinator, Planning and Research, Strategic Policy and Planning Branch, will work with the Information Management and Technology Unit to analyse the department's systems for data collection, monitoring and provision as they relate to young women, and make recommendations for improvements. These will include:
  - ⌚ an enhancement of the department's data systems to improve the collection of data on the incidence of young women who are pregnant and/or mothers (See KRA 4, Issue 3);
  - ⌚ a process which ensures that wherever possible data is broken down by gender; and
  - ⌚ improvement in the ways that staff access and use information and data about young women.



## KEY RESULT AREA 7:

### Government Interagency Collaboration and Partnerships

#### PRIORITY ISSUE:

The recognition of the unique needs and issues of young women in the juvenile justice system, and the development of collaborative responses by human services, justice, equity and central agencies.

#### RATIONALE:

The NSW government recognises that issues facing women are unique and has created a Department for Women (DFW) to focus on women's access to and participation in all aspects of society. The DFW's vision is 'Justice and Equity for the Women of NSW'. In attempting to further its own vision of "Striving to break the Juvenile Crime Cycle," the Department of Juvenile Justice (DJJ) will work closely with the DFW to raise awareness and seek equity of access to services for women clients within the Department of Juvenile Justice. This partnership will be broadened to include other agencies.

At present there are no formal protocols between DJJ and other agencies for joint interagency collaboration on girls' and young women's issues.

#### STRATEGIES:

1. Develop a protocol between DJJ and other agencies, eg DFW, to facilitate joint approaches to young women's issues. Such a protocol will legitimise and strengthen initiatives proposed for young women in the juvenile justice system.
2. Continue to monitor and review DJJ's case management policy to ensure a single case plan for all young women who are also clients of other agencies.
3. The DoCS/DJJ Project will develop operational guidelines on case management for all joint clients. This will include addressing the specific needs of girls and young women.
4. Representatives of the Department of Juvenile Justice will advocate for equity, access and justice for young women clients in all interagency forums and at the highest levels of development of youth and equity policies and initiatives.
5. Implement joint initiatives with other agencies and particularly the Department for Women, under the Partnership Against Homelessness projects.
6. Ensure that community agencies are able to access appropriate information and data via the department's web site.



## KEY RESULT AREA 8: Community Linkages

**PRIORITY ISSUE:** Supporting young women clients by improving linkages with community agencies.

**RATIONALE:** Community linkages allow girls and young women greater alternatives to offending behaviour. Their exit from the juvenile justice system should be planned in such a way that all relevant supports, initiatives and access to services are facilitated so they can participate in their communities in a positive way.

### STRATEGIES:

1. Representatives of the Department of Juvenile Justice will participate in whole of government community capacity building forums and initiatives, and advocate for development of strategies which are inclusive of the needs of young women clients.
2. Develop proposals for piloting projects in rural communities for mentoring by Aboriginal women of Aboriginal young women clients.
3. Departmental Program Support Officers will undertake community development consultations under the Community Reintegration Strategy in order to determine community capacity to respond to needs of young women clients and develop local partnerships to respond to these needs.
4. The Strategic Policy and Planning Branch will report and analyse access and outcomes data on young women clients of funded programs, particularly the Post Release Support Program, Accommodation Support Program and Pre-employment Skills Training and Mentor Support Program.
5. New funding guidelines will be developed to ensure that organisations funded to provide post-release services to clients are required to demonstrate a capacity and willingness to work with young women.
6. The department will consider the development and promotion of a twenty four hour information service for the community in relation to the specific needs of young women. This may be through the web site, recorded information or a contact person within the department.