



Communities
& Justice

Youth Justice NSW

Youth Justice Conferencing Manual



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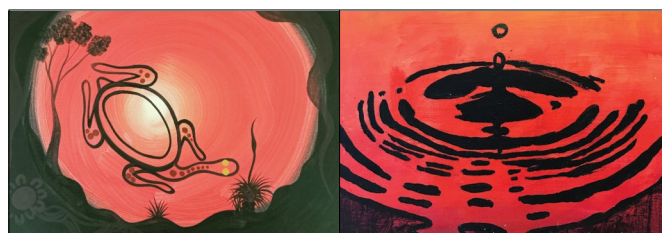
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FRONT COVER:

A 17 year old young man from Bourke painted this for his outcome plan. The Turtle is his totem, representing his Bourke Mob and the river. When he is angry, feels that he can't control what is happening or is sad, he thinks of his mob, the river and the red sunset. He remembers why it is important to be with country and culture and make good choices and to not be in custody.

BACK COVER:

A 17 year old Maori and Cook Islander young woman painted this for her outcome plan. She said "I am the pebble being dropped into the water and the ripples are the effects I have had on others all around me. My small action affected not only me but everyone. I have now learnt to know and always think about the consequences of my actions."

1

Introduction

Youth Justice Conferencing (YJC) is a key component of the NSW youth justice system. It provides a pivotal point at which young people can be diverted from the youth justice system and supported to reconnect with their family and community. It also provides an opportunity for victims of crime to feel empowered to discuss the offence and the impact it had on them.

YJC provides a community face to the justice system and encourages active participation from a wide range of people including school representatives, Aboriginal Elders and other respected community members, police and support services.

This review has aimed to respond to the needs of YJNSW and the community while adhering to the principles of YJC. The *YJC Manual*:

- aims to embed cultural responsiveness throughout the conferencing process, particularly for Aboriginal and Torres Strait Islander young people and victims

- provides guidance on conferencing domestic and family violence offences
- aims to increase victim engagement and support
- provides consistent practices across YJNSW.

The *YJC Manual* will be accompanied by an ongoing review to refine the policy and practice and ensure it continues to meet the needs of YJNSW staff, Convenors, young people, victims and the community.



ACKNOWLEDGEMENT OF COUNTRY

YJNSW acknowledges the traditional custodians of Country throughout Australia and their continuing connection to the land, culture and community. We pay our respect to Elders past, present and emerging.

2

YJC Manual Overview

This manual outlines the YJC process from referral to completion. It includes the policy and procedure to complete your role in a YJC as well as tips to support your practice.

The manual divides YJC into three main stages:

- Pre-conference
- Conference
- Post-conference

It also includes additional key information about conferencing domestic and family violence offences and conducting conferences with young people in custody in sections 7 and 8.

Further information related to important additional reading, confidentiality, conflict of interest and file management can be found in section 9.



PRACTICE TIPS

These are highlighted throughout the document to assist you with your role.

To find the procedural steps relevant to you, refer to the User Guide below.

AA	ADMINISTRATIVE ASSISTANT	Pages: 14, 36
AM	ASSISTANT MANAGER	Pages: 16, 24, 37, 43, 44
C	CONVENOR	Pages: 18, 24, 25, 36, 43
YJ	YJCW (ALLOCATED)	Pages: 17, 18, 38, 44
YJ	YJCW (CUSTODY)	Page: 44
AM	AREA MANAGER	Page: 38
SS	SESSIONAL SUPERVISOR	Page: 40
UM	UNIT MANAGER	Page: 44

3

YJC Overview

3.1 What is YJC?

YJC is a formal, legal process available to a young person who has admitted to or been found guilty of an offence eligible for conferencing under the *Young Offenders Act 1997*.

YJC in NSW is not a pure restorative justice model, but brings together a wide range of practices based on restorative justice principles. Restorative justice is a process that brings together a person who committed an offence with the victim of that offence to discuss:

- what happened
- who was affected
- what the person who committed the offence can do to make things better.

Unlike pure restorative justice practices, a YJC can proceed without a victim and include offences that do not have a specific victim. However, it is preferable for a victim or victim representative to be present. A YJC aims to bring together the young person, their family and support people, the victim, the victim's support person, police and other community members wherever possible to discuss the offence and how people have been affected. It aims to examine the reasons for the offending behaviour, encourages active participation in the process and explores ways to repair the harm to the victim and/or community. Together, the participants at the conference agree on a suitable outcome for the crime, which is called an Outcome Plan. This plan focuses on both making reparation and opportunities for the young person's development.

A young person can withdraw from the YJC process at any time and choose to be dealt with in an alternative way as determined by their referrer.

3.2 What are the principles of YJC?

The administration and management of YJC is guided by the principles of the *Young Offenders Act* scheme and the principles and purpose of conferencing. These principles should be considered when determining the appropriateness of the referral, allocating a Convenor, preparing participants for the conference, and facilitating the conference and outcome plan development.

The principles of the YOA scheme are generally that:

- The least restrictive form of sanction should be applied.
- Young people are entitled to be informed of their right to legal advice and provided with the opportunity to obtain that advice.
- Criminal proceedings should not commence if there is an alternative and appropriate way of dealing with the matter.
- Criminal proceedings should not be instituted solely in order to provide any sort of welfare assistance or services or the young person or their family.
- Young people, where appropriate, should be dealt with in their communities to assist with reintegration and sustaining family and community ties.

- Parents should be recognised and included in the justice process and should be recognised as being primarily responsible for their child's development
- Victims are entitled to receive information about their involvement in, and any progress of any action under the Act (such as a conference)
- The over representation of Aboriginal and Torres Strait Islander young people in the criminal justice system should be addressed by conferences, cautions and warnings.

There are three additional key principles of conferencing:

1 Measures for dealing with young people should be designed to:

- promote acceptance by the young person to take responsibility for their behaviour
- strengthen the family/family group of the young person
- provide the young person with developmental and support services to enable them to overcome their offending behaviour and become an autonomous individual
- enhance the right and place of victims
- be culturally appropriate
- have due regard to the interest of the victim.

2 Sanctions imposed on young people should:

- promote the development of the young person within their family/family group
- take the least restrictive form, as appropriate in the circumstances
- assist young people to accept responsibility.

3 Measures for dealing with or sanctions imposed on young people, should take into account the:

- age and level of development
- needs of any disadvantaged young people, or those disconnected from their families

- needs of any young people with disabilities, especially communication and cognitive difficulties
- gender, race and sexuality of the young people.

Finally, the YOA makes clear that in addition to the above principles, participants in the conference must also consider the need to:

- deal with children in a way that reflects their rights, needs and abilities and provides opportunities for development
- hold children accountable for offending behaviour
- encourage children to accept responsibility for their offending behaviour
- empower families and victims in making decisions about the young person's offending behaviour
- make reparation to any victim.

3.3 Is YJC culturally appropriate for Aboriginal and Torres Strait Islander participants?

YJC and restorative justice draw on traditional processes for resolving disputes within Aboriginal lore. Restorative methods of dispute resolution were dominant in pre-state societies where social group mediation and restitution were primary ways of dealing with conflict.

Because YJC is a formal, legislated process, it can be regarded as being far-removed from traditional practices and may also be conducted in this way. However, this need not be the case in practice as YJC maintains flexibility in its approach and allows for the embedding of some traditional practices, including but not limited to:

- utilising a storytelling circle
- encouraging the conference to take place on Country or a centralised meeting place to remove environmental power dynamics
- modifying the conference structure to use a storytelling narrative element. Allowing participants to tell their story about how the offending behaviour has impacted them and

1. Cunneen, C. (2007) 'Reviving Restorative Justice Traditions' in Johnstone, J. and Van Ness, D. (eds) *The Handbook of Restorative Justice*, Willan Publishing, Cullompton, Devon

why the young person believes they committed the offence without interruption or redirection. Do not include any forced prompting or requests to move on to create outcome plan tasks. Allow the conference to follow its due course.

- allowing all participants to ‘have a say’ in the outcome plan tasks required to be undertaken by the young person
- using a talking stick to facilitate conversation (note this must only be used by Aboriginal Convenors or in consultation with an Aboriginal staff member or cultural representative)
- encouraging the involvement of communities including Elders and Aboriginal support people within the conferencing process. This reinforces the principles of Aboriginal community empowerment and authority in decision making and mediation practices within community

- encouraging cultural elements within outcome plan tasks
- utilising a community member (convenor) to undertake the face to face conference preparation and processes. This reduces the direct involvement of official authority-based agencies that have understandably been historically mistrusted by Aboriginal and Torres Strait Islander people.

The inclusion of cultural elements and cultural communities within the conferencing processes and outcome plan must be self-governed by the young person and the victim. It must not be applied in a ‘one size fits all’ approach. YJC must be undertaken in a culturally responsive way that is individual to the young person’s needs and cultural self-determination.

3.4 Who is involved in the YJC process?

There are many different participants in the YJC process, in both the pre and post conference stages as well as the conference itself. Below is a clarification of each role within the YJC process. These definitions should be used to explain to the conference participants what their role will be in the conference.

Youth Justice staff

Area Manager	The Area Manager provides oversight and governance of YJC including convenor recruitment, training and budgeting, critical dates and working with children check requirements, as well as management and supervision of Administrative Assistants and Assistant Managers. They also support the Assistant Manager with the administration of the YJC, including approving convenor pay and expenses, approving reconvened conferences, addressing any serious issues that may arise, and facilitating and supporting the development of community links to support the YJC process and employment of convenors. Lastly, the Area Manager should undertake regular audits of YJC to ensure standards, timeframes and policy requirements are being met.
Administrative Assistant	The Administrative Assistant works at the YJCO to support the Convenor and the YJNSW staff with all YJC referrals. This includes coordinating and sending documentation, receiving and processing convenor pay and expenses, accurate data entry and record keeping.
Assistant Manager	The Assistant Manager manages the entire YJC process, including determining and allocating YJC referrals, supervising and supporting convenors and YJCWs, endorsing conferences, approving documentation, addressing any issues or concerns and facilitating and supporting the development of community links to support the YJC process.
Convenor	The Convenor is a statutory appointee responsible for the preparation and facilitation of the conference.

Youth Justice Case Worker (YJCW) (Allocated YJC)	The YJCW who is allocated the YJC referral provides specific support to the convenor during the pre-conference stage and to the young person during the post-conference stage. The support to the Convenor could include specific cultural advice, introductions to the young person and/or family (if previously known) or any other specific support. The support to the young person refers to any support needed to complete an outcome plan task, eg provision of a train ticket, or assistance with the apology letter.
Youth Justice Case Worker (YJCW) (Allocated YP on community-based or custodial order)	This role is only relevant when a young person has a separate community-based supervised order (not YJC). The YJCW will provide advice to the Convenor regarding the young person’s risks, needs and responsivity and any other relevant information. This role can also be invited to attend the conference. This YJCW may also be allocated the YJC (see role above).
Youth Justice Case Worker (YJCW) (Custody)	This role is only relevant when young person is in custody. This YJCW will be the Convenor’s point of contact in the centre, provide additional advice to the Convenor regarding the young person’s risks, needs and responsivity and assist with the logistical arrangements for the conference.

Police and legal participants

Police Youth Officer	The Youth Officer (previously known as the Youth Liaison Officer) works for NSW Police as the administrator of the Young Offenders Act. As part of their duties they are responsible for delivering cautions and referring children and young people to youth justice conferences as well as attending conferences whenever possible. There is a YO at each of Police Area Commands and Police Districts across NSW.
Specialist Youth Officer	The Specialist Youth Officer works for NSW Police. They make determinations for juvenile matters and verify juvenile charges in accordance with the Young Offenders Act.
Investigating Officer	The Investigating Officer is the officer who investigates the offence. They can attend a conference representing police in relation to the offence they investigated.
Police community liaison officers	NSW Police employ a range of community liaison officers who are contact officers for a range of different specialty areas, including Aboriginal Community Liaison Officers, Domestic Violence Liaison Officers, Multicultural Community Liaison Officers and LGBTIQ Liaison Officers. Not all Police Area Commands or Police Districts are staffed by all community liaison roles. More information about each role can be found on the NSW Police website.
Office of the Director of Public Prosecutions (DPP)	Office of the Director of Public Prosecutions (DPP) The DPP play two roles in the YJC process. They can refer a matter for conference and they can also make a determination whether a matter should be conferenced or returned to the police if YJNSW and NSW Police disagree.

Young person and victim participants

Young person	The person who committed the offences referred to the YJC. In this manual, 'young person' refers to anyone referred to a YJC, regardless of their age.
Victim	The person who was harmed as a result of the offence committed by the young person. Harm is defined in section 5 of the Young Offenders Act.
Victim (Organisation)	The business or organisation that was harmed as a result of the offence committed by the young person. The organisation will be represented by an employee or nominated officer. All other aspects of this role are the same as the victim.
Victim Representative	The victim representative attends the conference on behalf of a victim. Their role is to attend the conference to represent the views of the victim only and not their personal opinions.
Parent/Carer of young person	The parent/carers of the young person is informed of the conference if the young person is under the age of 18 years. If the young person is under the age of 14 years, the parent/carers must attend the conference with the young person or another responsible adult must attend on the parent/carers behalf. If the young person is 14 or over, a parent/carers can still attend to support the young person but is not required to attend unless there are concerns regarding the young person's capacity to consent.
Parent/Carer of Victim	The parent/carers of the victim is informed of the conference if the victim is under the age of 18 years. If the victim is under the age of 14 years, the parent/carers must attend the conference with the victim or another responsible adult must attend on the parent/carers behalf. If the victim is 14 or over, a parent/carers can still attend to support the victim but is not required to attend unless there are concerns regarding the victim's capacity to consent.

Support, community and other participants

Support person	<p>A support person refers to anyone who is providing any type of support to a young person; either in their life, by attending the conference, or supporting them to complete the outcome plan.</p> <p>A support person can also attend the conference to support the victim.</p> <p>A support person may hold multiple roles in the conference, as they may also be the victim or young person's parent/carers or a respected community member.</p>
Appropriately skilled person	<p>An appropriately skilled person attends the conference to provide practical support such as interpreting, disability care, communication assistance or other similar assistance to the young person or victim. A worker from the Justice Advocacy Support service is also considered an appropriately skilled person.</p> <p>An interpreter can attend for any participant. The young person must not act as an interpreter for another participant.</p>
Respected community member	The purpose of this role is to advise conference participants about relevant issues. This could be in relation to culture, religion, sexuality, gender, or other personal matters relating to the young person. They may also play a general support role during and after the conference.

Any other conference participant	There are a range of other conference participants referred to in the <i>Young Offenders Act 1997</i> . These participants may be invited either by the young person or the conference convenor. Their role may be to provide advice or support to the young person when requested and contribute to the conference. They may also have a role in the outcome plan tasks, either as a service provider or support person.
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Other Youth Justice staff

Assistant Manager (Custody)	The Assistant Manager (Custody) supports the facilitation of any conference that needs to be held for a young person in custody.
Unit Manager	The Unit Manager supports the facilitation of any conference that needs to be held for a young person in custody. They also support the young person to access their convenor or legal representation if requested.
Sessional Supervisor	The Sessional Supervisor can oversee any reparation work listed as an outcome plan task. They provide safety briefings, conduct risk assessments and generally ensure the safe conduct of any community work.
Aboriginal Practice Officer	This role can provide assistance to convenors and other YJNSW staff regarding Aboriginal cultural considerations within a YJC including direction towards appropriate stakeholders, participants and resources.

3.5 What timeframes should be adhered to?

There are several key dates in the YJC process and these are outlined below:

- The determination and allocation steps must be completed within 5 business days of receiving the referral.
 - The conference should not be held within 10 days of sending the Notification of Conference letter to the young person as this is the official ‘cooling-off’ period for the young person. A conference can be held during these 10 days if discussed with the young person and after approval by the Assistant Manager.
 - The conference should be held within 28 days from the date of the referral received.
 - The outcome plan must be completed within 6 months. For police referrals, this date starts from when the plan was developed. For court referrals this date starts from when the court approves the outcome plan.
- Any issue complying with the above timeframes must be detailed in a case note on CIMS.

28 Day Timeframe Guide

Day 1-5

Administrative Assistant / Assistant Manager / Youth Justice Case Worker

- Receive referral
- Determine eligibility and suitability of the referral
- Allocate referral to a convenor and YJCW (optional)
- Complete initial administrative requirements and forward referral to Convenor.

Day 6-18

Convenor

- Maintain weekly contact with YJ
- Contact and prepare participants – ensuring completion an approval of Field Work Safety Risk Assessment for each field visit
- Negotiate appropriate time, date and place for conference
- Contact relevant stakeholders
- Make any appropriate referrals for YP in consultation with YJ
- Provide written notice to YP of conference details ensuring 10 days cooling off period
- Provide notice (written or other means) to other participants of conference details.

Day 19-28

Convenor

- Maintain weekly contact with YJ
- Submit *Conference Details for Approval to Proceed* Form to YJ at least 7 business days prior to conference
- Continue any further preparation necessary with participants
- Gain any views of participants that are not attending the conference
- Undertake Pre-Conference Review with YJ at least 5 business days prior to the conference.

Assistant Manager

- Undertake a review of pre-conference paperwork and arrange and conduct a Pre-Conference Review with the Convenor at least 5 business days prior to the conference
- Confirm approval for conference to proceed.

Day 28+

Convenor

- Conference is held
- All conference outcomes and associated administration paperwork is provided to YJ within 5 business days of conference date or before Court adjournment date (whichever is sooner)
- Post-Conference Review is held between the Convenor and Assistant Manager.

4

Pre-Conference

This section covers all pre-conference processes, including determination, allocation and meetings with participants.

4.1 Who can refer to a YJC?

A young person is referred to a YJC by the court, the police or the Office of the Director of Public Prosecutions (DPP). The court can refer a young person to a YJC at any point during criminal proceedings following a guilty plea or finding of guilt. The police can refer a matter without sending it to court.

There is no cap on the number of times a young person can be referred to a YJC.

4.2 Can the conference referral be withdrawn?

The referrer and the young person have the right to withdraw the referred matter at any time before the conference is held. This can occur because:

- the young person withdraws their consent to YJC
- the referrer has decided that the offence should be dealt with by other means
- the alleged offence has been withdrawn.

4.3 Who can attend a conference?

Participants entitled to attend a YJC include:

- the young person/s who are the subject of the conference
- the victim/s or their representative

- the Convenor
- an adult responsible for the young person and/or a responsible adult nominated by the young person
- members of the young person's family or extended family
- a support person for the victim
- the investigating officer/Specialist Youth Officer/Youth Officer
- legal adviser for the young person
- a police officer for the purposes of training (so long as consent has been provided by the convenor, young person, victim and the adult responsible for the young person).

Other participants that can be invited by the Convenor are:

- a respected member of the community for the purpose of advising conference participants about relevant issues (e.g. an Elder, priest, counsellor, support service, cultural representative etc.)
- an interpreter – For more information consult the *Language and Communication Policy* and discuss with the Assistant Manager.
- a representative of the young person's school
- if the young person has a communication or cognitive disability, an appropriately skilled person
- if the young person is under care, a social worker or other health professional

- a YJ case worker if the young person is subject to a supervised order
- any other person requested by the young person's family or extended family.

An Assistant Manager or Area Manager may attend the conference for the purpose of observing and monitoring the convenor. This approval is for observation only and subject to the agreement of the convenor, young person and victim.

A person carrying out research or evaluation approved by the Minister, may attend the conference but only with the consent of the young person and the victim. This person may not participate in the conference.

Elders and other cultural representatives often require payment for their attendance. These attendees are not paid by any other organisation for their attendance (unlike interpreters or other service providers) and therefore payment for their time is appropriate.

4.4 What are Cross Referrals, Joint Conferences and Multiple Referrals?

A cross referral is a YJC referral managed by two Youth Justice Community Offices (YJCOs). Cross referrals must be considered in instances where the young person and the victim reside in different YJCO catchment areas. The Assistant Managers in the relevant YJCOs must discuss the best way to manage the YJC to the benefit of all participants. Generally, the YJCO area where the young person resides, will manage and finance the YJC, such as venue, refreshments etc unless agreed otherwise. Convenor payments continue to be managed by their YJCO.

A joint conference must be considered when a group of young people have committed an offence together and have been referred to a YJC. The police facts sent with the referrals will assist with identifying co-offenders and opportunities for joint conferences. A joint conference can be beneficial to a victim, providing them with the opportunity to be involved in each young person's YJC in a single conference. Joint conferences may result in multiple victims attending a conference. Victims should be consulted prior to this occurring.

Multiple referrals for the one young person may be dealt with in a single conference, resulting in a single outcome, particularly if they have common co-offenders or victims. This can include referrals from different sources. A decision to conference multiple referrals together should consider whether it is in the interest of justice to do so for both the young person(s) and victim(s) involved.

A joint conference, cross referral and multiple referrals may all be considered together.

4.5 Pre-Conference - referral, allocation and conference preparation

Referrals are sent via email to the YJNSW community office (YJCO) that has responsibility for the area where the young person resides. Court referrals may also be sent via Justice Link on CIMS.

AA ADMINISTRATIVE ASSISTANT

- Check CIMS for a current profile and update or create a new profile if required. Create the referral on CIMS for police referrals.
- Inform the Assistant Manager that a referral has been received, check the referral is in the YJCO's geographical boundary and confirm with the Assistant Manager that the offence is eligible for conference. If not, forward to the correct YJCO or discuss the next steps with Assistant Manager.
- If the offence is eligible and in the YJCO geographical boundary, using the *YJC Receipt of Referral Information Checklist*, check the referral contains:
 - young person's contact details and date of birth
 - CNI number
 - parent/carer's contact details
 - victim's contact details and parent/carer information if they are under 18
 - offence sequence number
 - offence details including title, act and section
 - COPS Narrative

- Fact sheet
- Court alternative history
- Criminal history
- Master bench sheet (for court referrals only)
- If the referral is missing any of the above information, follow up with the police and/or court via phone call, email or using the *Request additional referral information* form. Notify the Assistant Manager if there are any issues obtaining this information.
- Update CIMS with additional information as received.
- Create a YJC file as per section 9.4 *What do I need to know about document management?*
- Submit the referral to the Assistant Manager
- Once the Assistant Manager has completed the determination and allocation process, generate and sign the relevant *Notice of referral* letters on CIMS and post to all participants. Include the YJC brochure and the relevant factsheet with the letters.
- Email the allocated convenor:
 - the YJC referral, including police facts and other attached documents
 - the *Referral Information for Convenor*
 - a reminder how to access all YJC documents
 - approved local venues (if applicable)
- Note the completion of this process in a case note in the CIMS YJC module. Refer to the Case Note Manual for further information about writing case notes.
- When you receive the *Conference Details for Approval to Proceed* form from the Convenor, enter all details including venue, time and date into CIMS. Record as a case note.
- If requested by the Assistant Manager at any stage, complete the *Referral returned to referrer – victim or victim (organisation)* letter and send to the victim.

Table 1. Forms and Letters completed by the Administrative Assistant during the Pre-Conference stage

Forms and letters to be completed (as required)	Approval required
<i>Request additional referral information</i>	No
<i>Notice of court referral to young person</i> <i>Notice of police referral to young person</i> <i>Notice of referral to parent/carer of young person</i> <i>Notice of referral to victim</i> <i>Notice of referral to parent/carer of victim</i> <i>Notice of referral to victim (organisation)</i>	No approval required following allocation
Include with these letters the: <i>Youth Justice Conferencing Brochure</i> <i>Factsheet for a Young Person Referred to a Youth Justice Conference</i> <i>Youth Justice Conferencing Factsheet for Parents/Carers</i> <i>Youth Justice Conferencing Factsheet for Victims</i>	
<i>Referral information for convenor</i>	Yes – created by the Assistant Manager
<i>Referral returned to referrer – victim</i> <i>Referral returned to referrer – victim (organisation)</i>	No approval required following request from Assistant Manager

AM ASSISTANT MANAGER

- Assess police referrals against the eligibility and suitability criteria. Assess court referrals against the eligibility criteria:

Eligibility	Suitability
Young person admits to or is found guilty of the offence	Any issues that may hinder a young person's capacity to undertake a conference
Young person consents to a conference	The appropriateness of proceeding to conference after considering the seriousness of the offence, degree of violence, or harm caused to the victim.
Offence is covered by the <i>Young Offenders Act</i> (see <i>YJC Offence Determination Guide</i>)	The appropriateness of proceeding to conference after considering the number and nature of any offences and number of times dealt with under the <i>Young Offenders Act</i> eg. No prior cautions issued.

- If the referral is assessed as either ineligible or unsuitable, return the referral to the referrer using the relevant letter:
 - *Return referral to police for caution*
 - *Return referral to police to commence proceedings*
 - *Notice to court of excluded offences*
 - *Notice to police of excluded offences*
- If the police disagree with the returned referral and an outcome cannot be negotiated, the matter must be referred to the Office of the Director of Public Prosecutions (DPP) using the *Referral to DPP for determination* letter. The DPP will make a determination and respond with an outcome within 14 days. The DPP's decision is final.
- Make a Youth on Track referral if the young person is in the relevant catchment area and meets the eligibility requirements

- If the referral is assessed as eligible and suitable, determine any immediate responsibility factors that will assist with the allocation of the most suitable Convenor. Consider:
 - the convenor's availability and location
 - the cultural background of the convenor, victim and young person
 - any specialised skills or attributes that would assist with the conference
 - any other responsibility factors

If minimal details are available to assist with allocation, contact with the young person and/or victim can be established to gain further information, such as cultural background.

- Consider if a cross referral, joint conference or multiple referral conference is required.
- Consider allocating the YJC to a YJCW at this point. If the referred young person is already supervised by YJNSW, allocate the YJC to the supervising YJCW. If the young person is not currently supervised by YJNSW, consider allocating the YJC referral to a YJCW to provide specific support to the conference process, eg providing cultural advice to the convenor, introducing to convenor (if previous YJ client) etc.
- Contact the proposed Convenor and discuss the referred YJC. If the Convenor can accept the referral, formally allocate the referral on CIMS, including allocation reason such as 'Aboriginal young person requested Aboriginal Convenor' or 'DFV trained Convenor' etc.
- Complete the *Referral Information for Convenor* form. Inform the Convenor if the young person is in custody, has any alerts on CIMS, has had a recent YLS/CMI-AA completed and/or has a current community-based supervised order, and the current allocated YJCW(s).
- If the young person is currently in custody, refer to section 8 *Additional steps when arranging a YJC for a young person in custody*
- Update CIMS with pre-conference tasks completed. Record an explanatory case note if the allocation was not completed within the 5 day timeframe.

4 YJC Pre-Conference continued

- Provide the Convenor with information regarding relevant government and community support services in the local area, if required.
- If the Convenor has not been in contact in 5 business days, check in with the Convenor via email, phone or text to determine if the conference is progressing well and if there are any issues or concerns. Remind them of their requirement to maintain contact at least weekly to report on progress.
- Review and endorse all *Convenor YJC Field Work Risk Assessment* and *Convenor Field Visit Tracking Form* as per the *Field Work Safety Procedure*
- Consider and discuss with the Convenor any proposed referrals that the Convenor wants to make. Conflict of interest and appropriateness of referral should be considered before approving the convenor to make the referral.
- Consider and discuss with the Convenor if there are any 'yes' responses to the disability screening tool in the *Young Person Preparation Resource*. Opportunities to provide additional support and/or referrals or implement adjustments to cater for any disability must be considered. The disability screening tool is mandatory and must be completed for all young people referred to a Youth Justice Conference.
- Record an explanatory case note if there are any issues preventing the conference from being held within the specified 28 day timeframe.
- Conduct the pre-conference review at least 5 business days prior to the conference. Discuss with the convenor the *Conference Details for Approval to Proceed*, *Young Person Preparation Resource* and *YJC Field Work Risk Assessment*. Address any issues or concerns promptly. If there are no issues preventing the conference from proceeding, advise the Convenor and note your approval in a case note on CIMS.

- If at any point, the young person decides to withdraw from the YJC process, complete the *Return referral to court/police - young person elected not to proceed* letter and send to the relevant referrer and request the Administrative Assistant to complete the *Referral returned to referrer - victim* letter.

Table 2. Forms and Letters completed by the Assistant Manager during the Pre-Conference stage

Forms and letters to be completed (as required)

Return referral to police for caution

Return referral to police to commence proceedings

Notice to court of excluded offence(s)

Notice to police of excluded offence(s)

Referral to DPP for determination

Referral information for convenor

Return referral to Court - young person elected not to proceed

Return referral to Police - young person elected not to proceed

YJ

YJCW (ALLOCATED ORDER) (Allocated YP on community-based or custodial order)

- Discuss the young person's risks, needs and responsivity factors in relation to the offence with the Convenor, as well as any other information that would contribute to the Convenor's facilitation of the conference.
- If invited by the Convenor, attend the conference as a participant. If you cannot attend, discuss your non-attendance with the Convenor and Assistant Manager.

4 YJC Pre-Conference continued

YJ YJCW (ALLOCATED YJC)

The tasks in this role may be completed in addition to the tasks in 4.5.3 if the young person has a current community or custodial order and is allocated to the same YJCW.

- Contact the Convenor to introduce yourself, provide your contact information and discuss the specific support you can provide. This could include cultural advice, introduction to the family/young person (if previously known), information about the young person (if a previous client), any other specific support as identified by the Assistant Manager.

C CONVENOR

- Review the referral and check if any details are missing or further information required.
- Notify the Assistant Manager immediately if you identify any conflict of interest concerns
- Notify the Assistant Manager immediately if, at any stage, there are any issues preventing the conference from being held within the specified timeframe.
- Check in at least once a week with the Assistant Manager to outline the progress of the conference and any issues or concerns.
- Contact the police Youth Officer (YO), Specialist Youth Officer (SYO) or Investigating Officer (IO) to:
 - discuss information relating to the matter, including any potential risks to yourself or participants
 - discuss and clarify any factors contributing to the offending
 - explain your role and the role of the police officer attending the conference
 - explain the scope and limits of confidentiality
 - check the YO/SYO/IO availability to attend the conference and emphasise the importance of their attendance and the role they have in the conference proceedings.

See section 3.4 *Who is involved in the Youth Justice Conferencing process?* for detailed information about the role of each participant

- address any issues around expectations and concerns in relation to the conference process.
- Contact any allocated or supervising YJCW(s).
- Contact the victim, the young person and their parents/carers (if the victim or young person is under 18 years of age) and schedule a face-to-face meeting with each party in a community setting. Check contact details with each participant and confirm their preferred method of communication, such as email, phone call, text message or post and update on *Conference Details for Approval to Proceed* form. If the young person is under 14 years old, the parent/carer or a responsible adult on behalf of the parent/carer must attend the conference. If the young person is 14 years or over then the parent/carer is not required to attend unless there are concerns regarding the young person's capacity to consent.
- If the offence is a domestic and family violence related offence, read section 7 *Additional requirements for domestic and family violence offences*.
- If you are unable to contact the young person, consult with your Assistant Manager. The referral may need to be returned to the referring body.
- If the young person is in custody, contact the YJCW (Custody) for assistance with arranging the conference. Read section 8 *Additional steps when arranging a YJC for a young person in custody*.
- Prior to going on any field visits or meetings, complete the *YJC Field Work Risk Assessment* and *Convenor Field Visit Tracking Form* and send to the Assistant Manager for endorsement. See the *Field Work Safety Policy* and related procedure for more information.
- Contact the allocated YJCW if you would like them to accompany you on the meeting with the young person or any other participant.

- Conduct separate face-to-face meetings with the young person and their support people and the victim and their support people. Follow the relevant section below in section 4.6 *Meetings with Participants* to complete all required activities during the meetings. Terminate any meeting where you are concerned about your or anyone else's safety, or where you believe a participant is intoxicated by alcohol or other drugs. Speak with your Assistant Manager if you have any concerns.
- Discuss promptly with the Assistant Manager if there are any 'yes' responses to the disability screening tool in the *Young Person Preparation Resource*. Opportunities to provide additional support and/or referrals or implement adjustments to cater for any disability must be considered. The disability screening tool is mandatory and must be completed for all young people referred to a Youth Justice Conference.
- Identify and contact any other potential participants to discuss their participation and role. Consider the practical support people, such as interpreters or 'appropriately skilled support people' (eg from the Justice Advocacy Service) as well as the people or service(s) that may be involved in the outcome plan. The young person must be consulted on and consent to the proposed involvement of these participants and/or support services in the conference.
 - Services that may be involved in an outcome plan should be contacted to discuss their involvement in the conference as well as their availability for any referrals and the required referral process.
 - If a participant declines the services of an interpreter, the use of an interpreter should be encouraged but their decision must be respected. Young people and victims should not interpret for other participants.
- For arson related offences, contact the Community Engagement Unit at Fire and Rescue NSW to request their attendance at the conference at least 14 days prior to the conference, in accordance with the *Memorandum of Understanding between Fire and Rescue NSW and YJNSW*. The purpose of their attendance is to actively participate and assist in the development of an outcome plan compliant with the *Young Offenders Regulation 2016* regarding arson offences.
- Check with the young person and/or the victim before inviting a support service or respected community member from their cultural or ethnic background. A young person and/or victim may not wish to include a service or support person from their cultural background for a variety of personal reasons, but the offer must always be made. If the young person and/or victim is of Aboriginal or Torres Strait Islander background, you must read the YJNSW *Aboriginal and Torres Strait Islander Peoples Good Practice Guide*. You may also speak with the Assistant Manager about whether the Aboriginal Practice Officer can provide advice or assistance.
- If you are considering referring the young person to a service, including Youth on Track, you must discuss the referral with the Assistant Manager first.
- Consider and arrange any other modifications needed for the conference as well as any accessibility requirements for any of the participants.
- Organise the date, time and venue for the conference. A YJC should not be held at a police station, court house or youth justice centre (unless the young person is in custody). Complete a risk assessment of the venue using the *YJC Field Work Risk Assessment* form. Consider if the venue is appropriate in regards to:
 - safety
 - privacy, including that it is conducive to open communication
 - accessibility, including public transport availability and any physical access issues
 - neutrality
 - comfort
 - cultural appropriateness, such as holding the conference on the young person's or victim's country.

If you are unfamiliar with the area, conduct personal research and consult with the Assistant Manager, YJCW and/or Aboriginal Practice Officer regarding any potential venue, or refer to the local YJCO list of approved venues.

If all participants are unable to agree on a venue or date, preference must be given to the young person and victim.

- Advise all participants of the time, date and venue. The *Notification of conference* letter must be posted or hand-delivered to the young person or young person's place of residence and the participating victim at least 10 days prior to the date of the conference. In addition to this, it can be provided via their preferred method of communication, eg. texted. All other participants can receive notification via their preferred method of communication. If the young person is in custody, the YJCW(Custody) should be informed of the conference date.
- Conduct further preparation meetings with the young person, victim and any other conference participants as required to discuss the aims, any expectations, anticipated outcomes and continue completing the *Young Person Preparation Resource*. It is recommended that at least two face-to-face meetings should occur with the young person.



PRACTICE TIP

Developing positive relationships with all of the participants, particularly the victim and the young person, can contribute to better outcomes during the conference.

- Complete the *Convenor Time, Expense and Mileage Record*.
- Arrange additional support to attend the YJC if required. Youth Justice can provide some assistance to help a key participant attend the YJC if they are experiencing barriers to accessing resources or are experiencing financial difficulties. This may include providing an Opal card or helping to cover the cost of accommodation, but is determined on a case-by-case basis and must only be offered following approval of the Assistant Manager or Area Manager.

- Submit the completed *Young Person Preparation Resource, Client Consent-Exchange of Information* form and the updated *Conference Details for Approval to Proceed* form to the Assistant Manager at least 7 business days prior to the conference date. The pre-conference briefing must be held at least 5 business days prior to the YJC being held.
- Attend the pre-conference briefing and obtain Assistant Manager approval before holding the conference.
- Ensure you are prepared for the conference:
 - check who the traditional custodians are of the land you are holding the conference on
 - if any Aboriginal participants are attending, ask them prior to the conference date whether they would like to say some words during or after the Acknowledgement of Country
 - check in with participants to be sure they are attending or if they have any issues attending
 - purchase refreshments for after the conference (ensure you have checked allergies or any dietary requirements)
 - purchase or prepare any resources such as pens/paper/butchers paper
- If the young person decides to withdraw from the conference process, cancel the conference and inform all participants.
- Talk to the Assistant Manager if you have concerns that a participant may hinder the conference or their attendance is not in the best interests of the young person. A participant (other than the young person and the victim) may be excluded from the conference if the risk of their disruption cannot be mitigated by further discussion of their role and the conference process or by additional support.

Table 3. Forms and Letters completed by the Convenor during the Pre-Conference stage

Forms and letters to be completed

Written notification of conference details to young person

Written notification of conference details to participants

Convenor Time, Expense and Mileage Record

Young Person Preparation Resource


Client Consent - Exchange of Information form

Conference Details for Approval to Proceed

4.6 Pre-Conference meetings with participants

4.6.1 Meeting with the young person

At the first face-to-face meeting with the young person, check that the young person still admits to the offence, consents to participate in the YJC and that they understand the YJC process. Check the young person understands they have a right to legal advice and can elect not to proceed with the conference and have the matter dealt with by court instead.

 **PRACTICE TIP** Asking the young person to explain what they know about the process can provide insight about their understanding.

If the young person denies committing the offence, or wishes to withdraw from the YJC, seek advice from the Assistant Manager before conducting any further conference preparation. Remind the young person that they should seek legal advice if they have any concerns regarding the YJC referral. The young person may withdraw from the YJC at any time prior to the day of the conference.

Follow and complete the *Young Person Preparation Resource* during the meeting with the young person. This document must be completed and outlines all required actions during the meeting, including signing the *Client Consent-Exchange of Information* form.



COMMUNICATION TIPS

- Use plain English and specifically avoid jargon. For example, instead of saying “Court may continue criminal proceedings against you if you don’t attend the conference” – “You will have to go back to court if you don’t attend the conference”.
- Take a strengths-based approach when asking questions. For example, “What’s going well?”, “Who helped you with that before? How did they help you?”
- Use the best communication method to suit the purpose of your task. Text messaging and email is fine and often simpler for logistics like time, date, venue for meetings. But text messages are not appropriate for in-depth discussions, such as for the *Young Person Preparation Resource*.
- Allow enough meeting time to listen to young people and their support people without interrupting them.
- Connect with the young person’s existing professional or other trusted relationships. For example if a young person regularly attends a youth centre, schedule one or more meetings with the young person at the youth centre and invite the youth worker.
- Choice is equally as important for young people as for victims (see *Communication tips for working with victims* below).



PRACTICE TIP Inclusion of cultural elements and community involvement in the conference and outcome plan tasks must be self-governed by the young person and must not be a ‘one-size-fits-all’ approach.

4.6.2 Meeting with the victim

An individual victim who was a direct victim of an offence may be reluctant to engage in a YJC for a number of reasons and may feel uncomfortable disclosing these reasons.



PRACTICE TIP

It is important to be sensitive and respectful of their concerns. Whether they are perceived or real, some victims may hold genuine fears about engaging in a YJC.

Explain the potential benefits of the YJC and provide victims with alternative options to participate, such as phone attendance, providing a victim impact statement or having someone else represent them. While it is important to encourage their participation, do not persist if it is clear they do not wish to participate.

Following the initial phone call to the victim, a meeting time should be arranged. This meeting can be held by phone if it would be beneficial to gaining the victim's engagement with the conference process. The meeting with the victim must include:

- the process and purpose of a YJC and restorative justice – provide the victim with the *Youth Justice Conferencing Factsheet for Victims* if they have not already received it
- the principles of a conference
- their rights – refer to the *Youth Justice Conferencing Factsheet for Victims* for details
- confidentiality and its limits – clarify which name they feel comfortable using at the conference
- the role of all participants in the conference – ensure that any representative for the victim or victim (organisation) understands that their role is to communicate the victim's views, not their personal views.
- an explanation of the victim's charter of rights, and, in circumstances where the offence was a violent crime, details of victim's support services. This information is available at victimsservices.justice.nsw.gov.au.
- the steps of the YJC and the consequences if the young person fails to complete the conference or outcome plan
- the scope and limits of an outcome plan and examples of tasks
- their expectations of the YJC and outcomes
- conversation regarding the victim's cultural background and how this can contribute to a comfortable conference process for them. For example if a victim advises they are Aboriginal, you could discuss if they would like, where possible, to hold the conference on Country or at a specific venue and/or invite specific elders or Aboriginal support people
- discussion of possible dates, times and venues for the conference and any possible access issues or additional support requirements.



COMMUNICATION TIPS

- The victim may have been affected by previous experiences of crime and this YJC offence may bring any previous feelings to the surface for them.
- A victim's response and experience of the offence is personal. What one person may consider a minor or serious event may not be true for them. Their thoughts, feelings and experiences should be acknowledged.
- Choice is one of the core principles of trauma-informed practice. In practice it may be empowering for a victim to choose how they participate in some of the critical aspects of YJC such as:
 - whether to participate in the YJC process
 - by what means they wish to participate (in person, live or pre-recorded audio-visual, in writing or by sending their representative)
 - where they wish to sit in the circle at the conference
 - whether to speak first or respond to the young person at the conference
 - whether to veto an outcome plan or continue negotiations
- Remember that victim (organisation) representatives have the same rights as individual victims at a conference.
- Use plain English and avoid jargon.

4.6.3 Meeting with parents/carers of the young person

The meeting with parents/carers must include:

- the process and purpose of a YJC and restorative justice – provide the parents/carers with the *Youth Justice Conferencing Factsheet for Parents/Carers* if they have not already received it

- the principles of a conference
- confidentiality and its limits
- the role of all participants in the conference
- the steps of the YJC and the consequences of failing to complete the conference or outcome plan
- the scope and limits of an outcome plan
- their expectations of the YJC and outcomes
- discussion of possible dates, times and venues for the conference and any possible access issues or additional requirements

It is important to clearly explain the process and purpose of a YJC and restorative justice. Remind parents and carers that this is not a forum for raising issues about their child's general behaviour or enforcing compliance. Explain that the focus must be on addressing the offending behaviour only.

4.6.4 Support people and other participants

Explain the purpose, principles and process of a YJC and the role of all participants in the conference as well as the expectations regarding confidentiality. Ensure any support people understand their role is to support the victim or young person and that the YJC is not a forum for them to voice their personal views.

Contact all additional participants with the date, time and venue for the YJC and discuss any issues they may have with access or additional requirements.

4.6.5 Legal Representative for the young person

If a young person requests that their legal representative attend, speak with the legal representative prior to the YJC to clarify their role. The legal representative is not there to represent or speak on the young person's behalf, only to advise the young person.

5

Conference

This section covers all tasks during the conference day and includes the conference structure and scripted prompts.

5.1 Conference set up

AM ASSISTANT MANAGER

(the following steps may be delegated to whoever is on call/duty)

- Ensure convenor has checked in to the conference location and checks out at the end of the conference as per the times identified on the *Convenor Field Visit Tracking Form*
- Address any new work health and safety concerns raised by the Convenor
- Remain on call during the conference for any issues that may arise.

C CONVENOR

- Arrive at the venue prior to the conference, allowing enough time to:
 - Check for any new work health and safety issues and update the field work risk assessment if required.
 - Set up the meeting space as per the seating chart – section 10.4 *Seating Chart*
 - Check you have all pens, paper, markers and whiteboard as required.
 - Set out the post conference refreshments.
- Check in with the Assistant Manager or other allocated on call staff member and update

them regarding any work health and safety issues and how they are being addressed.

- Prior to the conference commencing, sign in all participants using the *Conference Attendance* form and update any contact details that have changed or were not included in the *Conference Details for Approval to Proceed* form. Ensure that privacy is maintained and participants cannot see the details of the other participants.
- If any attendees are there for training, research or observation purposes, introduce them and their role prior to the start of the conference. Consent from the victim and the young person for their attendance must have been sought prior to the conference.
- If a participant fails to attend:
 - **Young person** – call the young person and/or their support person. If no contact is made or a reasonable excuse is not provided, contact the Assistant Manager.
 - **Victim** – call the victim and/or their support person. The conference can proceed without the victim, but rescheduling the conference can be considered if a reasonable excuse has been provided. The convenor must consult with the Assistant Manager and comply with any direction.
 - **Police** – call the police officer to check if they will attend. The conference can proceed without the police representative but discuss with the conference participants and the Assistant Manager about whether to continue with the conference or reschedule.

5.2 Convening the conference

C CONVENOR



**PRACTICE TIP:
PRINT THIS SECTION**

Print pages 25-30 as a resource for your conference day. Use the notes field to identify any modifications, reminders, practice tips etc.

All conferences follow a general structure:

1. Introduction
2. Discussing the offence - storytelling
3. Exploring options to repair the harm
4. Discussion time
5. Negotiation of outcome plan
6. Agreement of outcome plan
7. Conclusion
8. Sharing refreshments

This structure can be modified to meet the needs of any participants. For example, it may be more appropriate to share refreshments prior to the conference, or to change the participant's speaking order out of respect. However, all conferences must cover the following areas:

- circumstances of the offence
- harm caused to the victim
- factors associated with the young person's offence, and
- development of an outcome plan.

1 Introduction

- Ensure all participants are seated and comfortable.
- Include the following in the conference introduction to all participants:
- **Acknowledgement of Country** – this should occur first and is required at the beginning of all conferences. Ensure you have learnt who the traditional custodians are of the land on which the conference is being held. If an Aboriginal

elder or a leader from the community is attending the meeting, they should have been asked during preparation stage whether they would like to also speak at this point. Do not ask during the conference. Refer to the *Working with Aboriginal and Torres Strait Islander People Good Practice Guide* for more information.



PRACTICE TIP

An example of an Acknowledgement of Country 'I would like to acknowledge the original custodians, the [insert name of traditional owners of the land, eg Eora] people, on whose land we are meeting today. I would also like to pay my respects to elders past, present and emerging'

- Introduction of convenor and role
- Introduction of all participants and their roles, using participants preferred names and titles.
- Reminder of confidentiality requirements, work health and safety, housekeeping and other ground rules (ie turning off mobile phones, allowing others to speak, respectful behaviour).
- Introduction of the offence and young person's admission and agreement to participate in the conference.



**CONVENOR
PROMPT**

The conference will focus on the offence which happened at [place] on the [date] at [time] and involved [young person and victim].

The law requires that the young person admit to the offence and agree to the conference. [Young person] do you confirm your admission of the offence of [offence title]? Do you give your consent to be involved in this conference? Do you understand that at any time you can ask that this matter be dealt with by the Court instead?

Notes:

2 Discussing the offence

This step in the conference provides opportunity for the participants to discuss their experience of the offence and explore the impact of the offence.

- Offer the victim the option to speak first or last (this conversation can be had prior in preparation). Providing this option acknowledges the victim's role and offers respect and empowerment to the victim. A victim may feel empowered by the chance to speak first or alternatively may prefer to let others speak first. No matter the order, consideration must be given to ensuring that both the victim and the young person tell their story and are heard.
- If a prepared statement was submitted by the victim, this must be read aloud. If the victim does not attend or send a representative or statement, a symbolic representation of the victim can be included in the conference, such as an empty chair.
- Facilitate conversation exploring the offence and its impact.



CONVENOR PROMPT

To victim:

- How have you (or your organisation, if applicable) been affected?
- What has been the hardest thing for you?
- What have you thought about since the offence?
- How did your family and friends react when they heard about what happened?
- Is there anything you would like to ask [*young person*]?

To young person:

- Take us back to the start, tell us step by step what happened
- What happened next?
- What were you thinking about at the time?
- What have you thought about since the offence?
- What would you do differently today?
- Who do you think has been affected by your actions?
- How do you think they were affected?
- [Generally after hearing everyone speak] Is there anything you want to say to [*victim*] or anyone else here?

To parent/carer/support people:

- What did you think/how did you feel when you first heard about the incident?
- What has happened since?
- What has been the hardest thing for you/for [*victim*]?

To remaining participants:

- Is there anything else you would like to add about the incident or its impact?

Notes:

5 Negotiation of outcome plan

- Welcome the young person and their support people back to the circle and ask them to share their outcome plan proposal.
- Write the suggested outcome plan tasks and timeframes on a whiteboard/butchers paper and review them as a group. Facilitate conversation allowing all participants to collectively negotiate and work towards the final plan, ensuring they are considering both tasks for repairing harm and helping the young person to cease any further offending.
- Consider the SMART criteria (see section 5.3.2 *SMART task development*) when reviewing the proposed tasks with the participants.



PRACTICE TIP

Placing the SMART criteria on the whiteboard for everyone to review while discussing the outcome plan tasks can help with developing clear and simple tasks

- Consider numbering the outcome tasks in the plan to make it easier for the referrer, YJNSW and the participants to read the plan.
- Write each task with flexible substitution options in case a referral falls through or a service is no longer available. This will avoid the need to reconvene a conference in these circumstances. For example, “John to attend an initial session at Headspace or a similar service”.



PRACTICE TIP

As an outcome plan is organic and is developed on the day, it may be necessary to call a short break to contact a suggested program or service to confirm availability and referral processes etc.

- Remind participants of the *Recommendation Sheet* and ask them if they think an item would be more appropriate as a recommendation than a task. This is generally for an intervention that may not be directly related to the offending behaviour but would address a welfare or developmental need. Record any recommendations.

- Ensure that culture is considered in the tasks if a young person has requested and/or agreed to include cultural elements where possible.
- Check all tasks comply with the outcome plan requirements and ensure payment type of any financial reparation is agreed upon.
- Check that the YJCO postal address and email address is included on the outcome plan if any tasks require correspondence (eg apology letter)
- If required, remind conference participants of any legislative requirements regarding the content of an outcome plan.



CONVENOR PROMPT

To young person and support people:

- What tasks have you proposed to do to make things right?
- What tasks have you proposed to do to keep this from happening again?

To victim/victim representative and all other participants:

- Does that seem fair and achievable?
- Now that we have agreement on what [young person] should do, we now need to review each task to make sure they meet the guidelines and SMART criteria.

Notes:

6 Final agreement of outcome plan

The victim, including victim (organisation), and the young person are the only participants who can veto an outcome plan during a conference. Victims who do not attend and victim representatives cannot veto an outcome plan.

- Read out each task, including the supports required, and expected start and finish dates.
- Ask the victim and the young person if they wish to veto any aspect of the outcome plan.
- If the victim and/or the young person do not agree with the outcome plan:
 - ask for a 'time out' period to discuss the issues with the relevant participant(s) and attempt to gain agreement and/or
 - adjourn for a short time to de-escalate any tension and/or
 - adjourn the conference for no more than 7 days if this is likely to result in agreement - see section 5.2.3 *Adjourning a conference* below
 - return the referral to the Assistant Manager with a written explanation of the non-agreement (if no agreement can be reached after attempting the above 2 options).

Notes:

7 Conclusion and refreshments

- Check that all participants understand:
 - the agreed tasks and next steps, including any support that any participant has agreed to undertake
 - consequences of not completing the agreed tasks
 - obligations to maintain and consequences of breaching confidentiality
- Ask all participants to complete the *Participant Feedback* and the *Police Feedback* and collect responses.



PRACTICE TIP

This can be completed by QR Code or paper, or sent to participants as a web link after the conference.

- Invite all participants to share refreshments together. This is the symbolic closure of the conference and provides opportunity for informal interaction between participants. It should not occur prior to the agreement of the outcome plan except in circumstances where it is culturally appropriate to do so.
- Write up and sign the outcome plan agreement on the *Outcome Plan* template and ask the young person, and parent/carer (if young person is under 14) to sign it. The copy can be provided to the young person and parent/carer via a photo texted or emailed at the conference, or a scanned copy emailed or posted after the conference.
- Request that the young person complete a new *Client Consent to Exchange Information* form for any services included on the outcome plan. This is required to allow YJCWs to monitor task progression and completion.
- Thank all participants for their time and engagement with the conference.
- If any safety issues arose during the conference or preparation stage, check in with the relevant participant to check if they feel safe leaving the conference. If they indicate they feel unsafe, direct them to discuss with the attending police officer, or consider contacting the police after discussion with the allocated on call staff member.



CONVENOR PROMPT

- Thank you for your time today. The agreement you have reached today is a significant step towards repairing the harm that has been done.
- Now, Youth Justice will review the outcome plan and complete the approval process. If there are any issues you will be notified.
- [*Young person*] has agreed to complete these tasks within the timeframes on the outcome plan. If there are any issues with completing the tasks, please contact Youth Justice as soon as possible to discuss. Someone from Youth Justice will also be in touch to provide any additional assistance and check progress and completion of the tasks.
- If there are any written apology tasks or reparation payments, Youth Justice will arrange for these to be forwarded to [*the victim*] from [*the young person*].
- The matter will be formally closed once the outcome plan is completed. If the tasks are not completed, the matter will be referred back to police/court. Youth Justice will inform [*the victim*] of the outcome when it is completed.
- I need to again remind everyone of the importance of confidentiality. Everything that has been said today must not be repeated outside this circle and no one's name can be mentioned when discussing this conference or the outcome.
- I will now record the agreement that has been reached and [young person] can sign the outcome plan. While this is being completed, I invite you to share refreshments.
- There is a feedback form that we would like everyone to complete, which gives you an opportunity to provide us with feedback regarding your conference experience. Please complete this while I write up the outcome plan.

Notes:

8 Short breaks - as needed at any point in the conference

Short breaks are used to deal with difficult dynamics within the conference as well as consultation with other services or YJNSW. The purpose of breaking away from the group for a short time is to:

- meet specific needs of one or more participant
- allow time for the young person to consult with their supports/considering the proposals made by the victim and other participants
- seek legal advice

- address any other issue that may hinder or interfere with the conference process and outcome
- confer with a suggested service in an outcome plan task for suitability and availability.

Invite the participants to take a short break for any of the above reasons and ensure a timeframe is set for the break (ie a 10 minute break).

5.2.1 Conference pack down

- Pack up the room ensuring that no confidential documents are left or marking on any whiteboard.
- Check in with the Assistant Manager or other on call staff member to inform them of the conclusion of the conference.

5.2.2 Disruption during the conference

If a participant is disrupting or delaying the conference process, the convenor can adjourn the conference for a short period to address the issue with the participant. If the disruption continues, the convenor has the authority to ask the participant to leave the conference. Verbal abuse, intimidation (including raised voice or disrespectful language) and threats will not be tolerated. Terminate the conference if the safety of any participant is at risk.

Strategies to address difficult behaviour can include:

- Taking a break
- Informing all participants of the reason for the break, describing clearly the facts regarding the behaviour. Do not use personalised statements or blaming.
- Informing participants that a break is occurring for 5-10 minutes to allow parties to take a moment and reflect on the ground rules. Check in on the parties if required during this time.
- Adjourn and reschedule the conference for no more than 7 days. This should be a strategy of last resort. See section 5.2.3 *Adjourning a conference* below.

Contact the Assistant Manager (or other on call manager) immediately if the conference cannot proceed due to ongoing disruption or safety risks, or if the conference has been adjourned and rescheduled.

5.2.3 Adjourning a conference

Adjourning a conference can occur in particular circumstances, but it must be in the interests of justice and the Convenor must consider the impact on the victim and the young person. The decision should be made during the conference after consultation with and approval of the Assistant Manager. If the Assistant Manager cannot be contacted, the Convenor must contact the Assistant

Manager as soon as possible to inform them of the circumstances and seek approval to adjourn.

A conference can be adjourned:

- if a victim or young person was unable to attend with a reasonable excuse
- where it is likely to result in the agreement of an outcome plan
- where the presence of an additional person may contribute to a successful outcome
- to address any disruption that will be resolved with an adjournment
- to seek legal advice.

The Convenor must aim to re convene the conference within 7 days of the initial date.

5.3 What is an outcome plan?

An outcome plan is a set of tasks developed by the conference participants and agreed upon by the young person and any victim who attends the conference.

The outcome plan contents are first considered during the pre-conference stage. The participants in the conference shape the outcomes through discussion and engagement with the principles of conferencing (see section 3.2 *What are the principles of YJC?*).

An outcome plan may contain but is not limited to:

- an oral or written apology, or both, to any victim
- reparation to any victim and/or the community
- participation by the young person in an appropriate program, including but not limited to counselling, drug and alcohol rehabilitation, educational programs, etc.
- actions directed towards the reintegration of the young person into the community.

The outcome plan should be determined by consensus, if possible. Only the victim (if in attendance) and the young person have the legal right to veto the outcome plan, however, each participant should be given the opportunity to consider and agree to the content, free from coercion.

The completion of the outcome plans will be monitored by YJNSW.

5.3.1 Pre-planning considerations

During the pre-conference stage, the scope of the outcome plan must be discussed with all participants. While the outcome plan should meet the victim's requests where possible, the requests may surpass the scope of the conference principles in, for example, the appropriateness of the sanction in relation to the offence, the resources of the young person or the young person's developmental needs or abilities.

The young person's specific needs and motivators must be examined and considered prior to the conference to ensure that any tasks are not out of the young person's capacity.



PRACTICE TIP

If a young person is not currently attending any programs or schooling, a task requiring significant commitment to a program is unlikely to succeed, but one requiring an initial meeting with, for example, the PCYC to discuss program options might be more successful.



PRACTICE TIP

It is good practice to have a local directory of services and maintain relationships with local stakeholders and knowledge of current programs. Availability of any possible programs should be checked prior to the conference.

5.3.2 SMART task development

When finalising the outcome plan tasks, the Convenor must test each task against the SMART criteria:

- **Specific:** Outcome plan task(s) must be specific and clear regarding what the young person is required to do for the task.
- **Measurable:** Outcome plan task(s) must be clear in their intent and provide exact description of what the young person is required to do for the task to be considered complete. Any inclusion in a program or voluntary or reparation work must specify the number of hours or sessions required.
- **Achievable:** The young person must have the capacity and willingness to complete the outcome plan task(s). For example, the young person must have the funds available for a

reparation payment or the literacy skills for a written apology.

The task(s) must also allow for minor changes to occur, by including options such as 'or related service' if a referral is unsuccessful.

- **Relevant:** The outcome plan task(s) should relate to the offending behaviour and/or harm suffered by the victim. Any program participation must be relevant to the young person's needs and circumstances. The sanctions should not be more severe than those that might be imposed by a court for the offence.
- **Time-framed:** The outcome plan must specify commencement and completion dates for task(s).

5.3.3 Supporting the young person to complete their tasks

The outcome plan must clearly list the people who have agreed to support the young person to complete their tasks. For example, 'John's mum will support John by driving him to Headspace'. Any person (apart from a parent/carer) providing support that will result in unsupervised direct contact with the young person (if they are under 18 years old) must have a *Working With Children Check* (WWCC) completed. Refer to the *Child Safety and Mandatory Reporting Policy* for more information about WWCCs.

The YJCW will also provide ongoing support to the young person when checking in on completion of outcome plan tasks. This support should be supplementary to the support outlined on the outcome plan, filling any gaps or additional needs, eg. providing a train ticket or assisting the young person with a referral.

5.3.4 Exclusions

Including attendance in Youth on Track, involvement in a Work and Development Order, or a curfew, non-association requirements or any other prohibitions is not appropriate for an outcome plan. These would be impractical to enforce and counter-productive to the principles of the conference. Further exclusions and restrictions are explained below in section 5.3.9 *Legislative requirements*.

5.3.5 Financial Reparations

The convenor must ensure that any financial reparations are within the means of the young person and are appropriate. They must also take into consideration the principle to 'take the least restrictive form appropriate in the circumstances'. Reparation payments should be verifiable and made in the form of a pre-loaded credit card, money order made out to the victim's full name or bank transfer. The method of payment must be discussed and agreed upon by the victim and young person. If required, the payment should be forwarded to the YJCO to send to the victim(s) via express/registered post.

5.3.6 Apology Considerations

An apology is an admission of error and an expression of regret. Apologies are the most natural outcome for restorative justice processes and have been the most common outcome plan task throughout the life of the YJC scheme. However, the absence of an apology is not necessarily an absence of an admission and regret.

Apologies can and should take whatever form conference participants agree to, whether that be:

- a verbal apology offered and accepted at the conference
- in writing by formal handwritten or typed letter, email or text message
- through artistic expression such as poetry, music, visual art, photography or traditional craft
- a combination of any of the above.

Guide the young person and conference participants to choosing a medium that is suitable to them and acceptable to the victim.

Provide the *Apology Letter tips* resource to assist the young person to write an apology letter.

If a verbal apology is provided at the conference, this should be written as an outcome plan task and signed off as completed on the day.

5.3.7 Work Health and Safety Considerations

Work, health and safety should be considered, particularly if the outcome plan requires the young person to perform any volunteer or reparation work. Convenors must ensure the young person does not agree to any tasks that will be unsafe or place them at risk of harm.

5.3.8 Reparation Work Task

Any proposed reparation work task must take into consideration the young person's personal commitments, such as education or work, as well as any additional known issues that may limit the type of work they can complete safely, such as pregnancy, disability or specific health concerns. It is recommended that reparation work hours are minimal and they must take into consideration the principle to 'take the least restrictive form appropriate in the circumstances'. All reparation work outcome plan tasks must follow work health and safety considerations. When setting a reparation work task, a responsible person must be appointed to oversee the reparation work task. See section 6.3 *Who can supervise reparation work tasks?* for more information.

5.3.9 Legislative Requirements

There are additional legislative requirements that the outcome plan must adhere to.

- Attending school/educational or vocational program is an existing legislative requirement (until the age of 17) and cannot be included
- Any financial reparations must not exceed \$1,100
- The period of reparation work must not exceed the maximum number of hours that may be imposed under the *Children's (Community Service Orders) Act 1987*.

For any bush-fire or arson-related offence the outcome plan must include:

- Attendance at a program or screening of a film or video designed to provide education as to the harmful effects of fire AND
- Reparation for the offence (can be work based or monetary based)

For graffiti offences, the outcome plan must include at least one of the following:

- Reparation for the offence (can be work based or monetary based)
- Participation in a personal development, educational or other program
- The fulfilment of any other obligation by the child that is suggested by the victim and is consistent with the *Young Offenders Act 1997*.

5.3.10 Youth Justice Endorsed Programs

Youth Justice endorsed programs (eg. CHART, X-Roads, My Journey My Life) may only be used in an outcome plan when all other community options have been exhausted. The Assistant Manager must discuss this option with the Convenor prior to the conference and determine if the endorsed program, or a module from the endorsed program, would be appropriate.

If an endorsed program/module is included on the outcome plan, it must be delivered by a YJCW at a neutral location outside of the YJCO. Avoid group work unless it is with YJC co-offenders. The YJCW must clarify with the young person that their role is to deliver the program/module only.

An outcome plan must not include an endorsed program if the young person is also under a Youth Justice supervised order.

5.3.11 Timeframe

Tasks identified in the outcome plan must be completed within six months. For police referrals, this date starts from when the plan was developed. For court referrals this date starts from when the court approves the outcome plan. However, to ensure ample time for completion of the outcome plan, tasks should not require a full 6 months to be completed. Timeframes must take into consideration a young person's unique needs and circumstances and their ability to complete the tasks within that timeframe.

If a young person is non-compliant with their outcome plan, YJNSW can send the outcome plan back to the referrer earlier than the 6-month timeframe.

5.3.12 Recommendations

Conference participants may identify welfare issues that need to be addressed but are not contributing factors to the young person's offending behaviour. The participants can recommend activities or tasks to address these issues. These recommendations should be recorded in the *Recommendation Sheet* but are not legally required to be completed.

6

Post-Conference

This section covers all processes following the conference, including post conference debrief, monitoring of the outcome plan tasks and the finalisation of the YJC.

6.1 What happens if a young person is not complying with their outcome plan?

Start the warning process if a young person does not comply with their outcome plan. This includes a verbal warning and two written warnings (as outlined in *YJCW (Allocated YJC)* post conference steps below. Allow time to identify any issues and address them if possible.

The warning process should allow time for the young person to respond and encourage re-engagement with the outcome plan process.

6.2 What happens if a young person does not complete their outcome plan due to circumstances out of their control?

If the outcome plan cannot be completed due to the actions of someone other than the young person, a conference can be reconvened to amend the outcome plan OR the Assistant Manager can make minor amendments to the outcome plan, such as changing the host organisation of a task, extending the completion date (within the 6 month timeframe) or directly substituting a task (where the intention of the task has not changed).

For example, if the young person was to attend a service that is no longer taking referrals, the Assistant Manager could suggest a similar service for referral. If the referral is a court referral, the court should be informed of the issues via an *Information to the Court*.

Before reconvening a conference, the Assistant Manager must:

- consult with the victim
- be of the belief that it is in the interest of justice
- recognise that the outcome plan or an aspect of the outcome plan has become unsuitable or unworkable.

If the conference is reconvened, the young person should not be held responsible for the non-completion of the outcome plan due to circumstances out of their control.

In exceptional circumstances, the 6 month timeframe can be extended, however it must have the approval of the Regional Director (for all police and DPP referrals) and also the court (for all court referrals). A submission to the Regional Director and an *Information to the Court* are the appropriate templates.

6.3 Who can supervise reparation work tasks?

The reparation work task must be supervised by a suitable responsible adult, which could include a family member, Sessional Supervisor, or supervisor from a Registered Participating Organisation (RPO). Any work supervised by a Sessional Supervisor or RPO must be conducted separately to any community service order or clean up order work. An individual victim must not be appointed to supervise any reparation work tasks, but a victim (organisation) can supervise as long as they can comply with Work Health and Safety (WHS) and *Working with Children Check* (WWCC) requirements. Any person with unsupervised, face-to-face contact with a young person under 18 years of age must have a WWCC completed (unless they are a family member or other person they currently reside with). Further requirements about WWCC are available in the *Child Safety and Mandatory Reporting Policy* as well as on the website of the Office of the Children's Guardian.

The person supervising must oversee work, health and safety checks and briefings with the young person. YJNSW is responsible for ensuring that site risk assessments and safety briefings are conducted and that personal protective equipment (PPE) is provided. Further details about these safety requirements are outlined in the *Field Work Safety Procedure* and related policy, and the *Community Service Order Procedure*. If appropriate safety assessments and briefings are not completed and PPE is not provided, an injury occurring during a YJC reparation work task may not be covered by insurance.

6.4 Post conference process

C CONVENOR

- Complete and submit the *Post Conference Review* and all completed post conference documents to the Administrative Assistant within five days of the conference, including:
 - *Convenor Time, Expense and Mileage Record* - with attached receipts for any expenses
 - *Conference Attendance* form
 - *Outcome plan* (signed original)
 - *Recommendation sheet* (original)
 - *Participant and Police feedback* forms
 - *Client Consent to Exchange Information* form (if updated since pre-conference briefing)
- Inform Assistant Manager if the young person or their parent/carer still needs a copy of the *Outcome plan*
- Attend the post conference debrief with the Assistant Manager.

AA ADMINISTRATIVE ASSISTANT

- Check the convenor's timesheet tab corresponds with the running sheet tab in the *Convenor Time, Expense and Mileage Record* - use the *Convenor Time Record Conversion Calculator*
- Check the mileage tab is completed correctly and all expense claims have accompanying receipts and follow up with Convenor if anything is missing
- Forward all conference documents received from the Convenor to the Assistant Manager.
- Forward all financial documents to the Area Manager for approval following the Assistant Manager's endorsement.

6 Post-Conference continued

- Once approval received, process financial transactions on Justice SAP (refer to *YJC Finance Coding and Processes Resource*), update the *Conference* tab in CIMS, add outcome plan and any new *Client Consent to Exchange Information* form to CIMS.
- If a court referral, prepare the *Request to Court to Approve Outcome Plan* letter and submit to Assistant Manager for approval before sending the letter to court with the outcome plan.
- If requested by the Assistant Manager, complete the *Outcome Plan not approved by Court – Notice to young person* and *Outcome Plan not approved by Court – Notice to victim/victim (organisation)* letter.
- File all relevant documentation in the corresponding file – refer to section 9.4 *What do I need to know about document management?*
- Complete standard file management processes for completion once all YJCs for that young person are finalised.

Table 4. Forms and Letters completed by the Administrative Assistant during the Post-Conference stage

Forms and letters to be completed (as required)	Approval required
<i>Request to Court to Approve Outcome Plan</i>	Yes
<i>Outcome plan not approved by Court – Notice to young person</i>	No approval required following request by Assistant Manager
<i>Outcome plan not approved by Court – Notice to victim</i>	
<i>Outcome plan not approved by Court – Notice to victim (organisation)</i>	
<i>Cover letter to parent/carer of young person – generic (if required)</i>	
<i>Cover letter to parent/carer of victim – generic (if required)</i>	

AM ASSISTANT MANAGER

- If the young person failed to attend the conference due to either non-compliance or has stated they no longer wish to proceed with a YJC, complete either the *Return referral to police to commence proceedings* letter or the *Information to the Court* and send to the referrer.
- If an agreement on the outcome plan was not reached at the conference, complete the *YJC failed to reach agreement* letter and send to the referrer
- Check the completed outcome plan to ensure it complies with the legislative requirements and is appropriate. Very minor modifications can be made if appropriate. If an outcome plan is assessed as unsuitable, the conference must be reconvened.
- If the YJC was police-referred, make a note on CIMS regarding the approval of the outcome plan or any alternative action taken such as adjournment or reconvening
- If the YJC was court-referred, approve the *Request to Court to approve Outcome Plan* to be sent to the court along with the outcome plan.
 - If the court does not approve the outcome plan, approve the letters advising the outcome plan was not approved to the young person, victim and parent/carers.
 - If the court does approve the outcome plan, continue with the steps below.
- If not already allocated, discuss with and allocate a YJCW to monitor and support the completion of the outcome plan.
- Arrange for the Sessional Supervisor to monitor the young person if they have any reparation work as a task, and/or check that the work is being conducted under appropriate WHS requirements and with PPE.
- If changes need to be made to the outcome plan and the court needs to be informed complete the *Information to the Court* or delegate to YJCW and approve.

6 Post-Conference continued

- Endorse all financial paperwork from the Convenor prior to approval by the Area Manager.
- Arrange and conduct the post conference supervision with the convenor and case note that this has occurred on CIMS. Do not detail any performance issues on CIMS. The case note function is to confirm that the supervision has occurred.
- Approve any reparation payments or apology letters before they are sent to the victim. An apology must not be rejected due to spelling, grammar or other issues related to literacy. Check if the young person has given consent for their name to be on the letter or redact the name.
- If the young person has been unable to complete an outcome plan task due to an issue out of their control, determine whether to make minor amendments or reconvene the conference.
- A decision to reconvene a conference requires Area Manager approval. If the Area Manager approves the decision to reconvene the conference, discuss with the victim and the young person, allocate to the convenor, inform all participants within 14 days.
- Record any other information relating to the young person's referral on CIMS.
- Verify all paperwork prior to finalisation.

Table 5. Forms and Letters completed by the Assistant Manager during the Post-Conference stage

Forms and letters to be completed (as required)

YJC failed to reach agreement – court referral
YJC failed to reach agreement – police referral

Information to the Court

AM AREA MANAGER

- Approve all financial paperwork for payment to convenor.
- Consider and approve a request to reconvene a conference.

YJ YJCW (ALLOCATED YJC)

- Follow up any outstanding court approvals and update CIMS adjournment date where required.
- Review outcome plan tasks and dates.
- Contact the young person within 5 business days following outcome plan allocation to check if they need a copy of the plan, have any barriers or issues completing the outcome plan tasks and offer any assistance as required. If the YJC was court referred, inform the young person that the plan was approved and can commence.
- If required, conduct any *Working with Children Checks* for any person who will be providing unsupervised, face to face contact with the young person (other than a family member).
- If a reparation work task is included on the outcome plan, check that a responsible adult will be supervising the work. If someone other than an RPO or Sessional Supervisor is supervising the work, conduct any risk assessments, safety briefings and provide appropriate PPE.
- Maintain regular contact with the young person to check in regarding the progression of their tasks.
- Assist the young person with any issues or concerns they raise in regards to completing their outcome plan tasks, this can include arranging transport or providing an Opal card, calling a service to assist setting up a referral, helping the young person with their apology letter etc.



PRACTICE TIP

Unless the young person is also currently completing a community-supervised order, all meetings with the young person should take place at a location other than the office where possible.

- Forward any apology letters or reparation payments to the victim along with the relevant *Cover letter*. The Assistant Manager must review and approve the apology letter contents/reparation payment before sending.
- Contact any services the young person is required to attend and confirm their attendance and compliance with the outcome plan task.

- Document all actions on CIMS and once any tasks are completed, update the *Post Conference* tab on CIMS
- If the young person is not complying with the outcome plan tasks as agreed (and there are no issues out of their control), initiate a warning process after discussion with the Assistant Manager. Complete the following warning steps in order:
 - **Verbal warning** – call the young person to give them a verbal warning. This should include an explanation of what YJNSW believes the young person has not been compliant with, the consequences for continued non-compliance and an opportunity to explain the reason for non-compliance. If the issue was out of the young person’s control, the Assistant Manager can make minor changes to the plan.
 - **Written warning** – send the *Warning letter* to the young person. Again, allow the young person an opportunity to explain the reason for non-compliance.
 - **Verbal follow up** – confirm the young person has received the written warning, checking that their contact details are accurate.
- **Final warning letter** – send the *Final warning letter* to the young person. If no response received within 7 days, the referrer will be notified.
- **If the outcome plan is not completed**, following approval from the Assistant Manager, complete the *Non-completion of outcome plan letter(s)* and send to the referrer, young person, victim and parent/carer (if required). If the court is the referrer, delay sending the letters to the participants until the court has responded.
- **If the outcome plan is completed**, following approval from the Assistant Manager complete the *Outcome plan completed* letter and send to the referrer, young person, victim and parent/carer (if required).
- Complete and send the *Criminal Records Section notification* letter
- Complete and send the *Advise Convenor of YJC outcome* letter
- Update the *Post Conference* tab on CIMS.

Table 5. Forms and Letters completed by the YJCW during the Post-Conference stage

Forms and letters to be completed (as required)	Approval required
Cover letter to Victim – apology letter	No – approval only required for apology letter contents and financial reparation
Cover letter to Victim (Organisation) – apology letter	
Cover letter to Victim – financial reparation	
Cover letter to Victim (Organisation) – financial reparation	
Warning letter to young person	No
Final warning letter to young person	
Non-completion of outcome plan – court	Yes
Non-completion of outcome plan – police	
Non-completion of outcome plan – young person	No
Non-completion of outcome plan – victim	
Non-completion of outcome plan – victim (organisation)	
Cover letter to parent/carer of young person – generic (if required)	
Cover letter to parent/carer of victim – generic (if required)	
Outcome plan completed – court	Yes
Outcome plan completed – police	

Forms and letters to be completed (as required)	Approval required
Outcome plan completed – young person	No
Outcome plan completed – victim	
Outcome plan completed – victim (organisation)	
Cover letter to parent/carer of young person – generic (if required)	
Cover letter to parent/carer of victim – generic (if required)	
Criminal Records section notification	No
Advise Convenor of YJC outcome	No
Information to the Court (if delegated)	Yes

SS SESSIONAL SUPERVISOR

All safety requirements in the *Community Service Order procedure* apply to any reparation work completed as part of an outcome plan. However, some CSO forms are unnecessary.

- Follow the *Field Work Safety Procedure* and related policy.
- Complete the *YJC Field Work Risk Assessment* form.
- Check young person is wearing appropriate clothing for the work task.
- Conduct safety briefing with the young person, including outlining the work expected, safety procedures, appropriate use of personal protective equipment (PPE).
- Provide young person with appropriate PPE.
- Complete case note in YJC module with number of hours completed.

7

Additional requirements for domestic and family violence offences

7.1 Domestic and family violence (DFV) in youth justice

In 2018, NSW Youth Justice collaborated with the NSW Bureau of Crime Statistics and the Domestic Violence Team in Justice Strategy and Policy to conduct research into the issues around domestic and family violence (DFV) by young people. They identified a number of key differences between DFV experienced and perpetrated by adults compared to young people including:

- young people who are DFV offenders are often victims of DFV themselves, and have experienced trauma
- young people reoffend at double the rate of adults
- there are substantially more young women charged compared with adult women
- the majority of victims of adolescent violence in the home are the young person's mother and younger siblings; compared to female intimate partners for adult DFV
- young people exhibiting these behaviours are highly likely to be victims and witnesses of DFV, historically and currently
- young people using violence in the home are likely to be experiencing mental health issues and trauma
- there is a lack of awareness about adolescent violence in the home which has an impact on the availability of services and the representation of children and young people in DFV strategies.

Further information is available in the *Youth Justice Domestic and Family Violence Strategy*.

7.2 Conducting a DFV-related conference

YJCs may be conducted for any eligible DFV offence or occur in the context of DFV, such as malicious damage. However, Convenors may also discover DFV in the home during the preparation stage. The young person may be a user of this violence, the victim or both. A parent/carer may also be both the victim and a user of violence in the home. A Convenor should always engage with a young person with the knowledge that this could be the circumstance.

Wherever possible, the Assistant Manager should aim to allocate the conference to a Convenor from the same cultural background. This can bring a nuanced understanding of cultural family dynamics and expectations. If a Convenor is not from the same cultural background, an effort should be made to learn about any specific DFV considerations within that culture.

Discussing DFV with both the parent/carer and the young person can be a difficult conversation. Questions about DFV should be direct and clear, without jargon. Assumptions should never be made about whether or not someone 'looks like the type' to be violent in the home.

If it is known that there is DFV in the home, home visits must not occur and preparation work must be conducted in a neutral community setting. Adjust your work practices accordingly if it becomes apparent during preparation that there is DFV in the home.

7 Additional requirements for domestic and family violence offences continued

If the parent/carer is the victim of the DFV offence being conferenced, they must receive both the parent/carer and the victim information and letters. Depending on the circumstances, it may be preferable to prepare the victim (parent/carer) and the young person separately or allow time to meet privately so they can speak frankly without risk of issues escalating. Source an alternative support person for the young person during the conference. The parent/carer should not be involved in the private discussion time during the conference. The parent/carer must also be encouraged to bring a support person.

If it becomes apparent that the parent/carer is a perpetrator of violence towards the young person, immediately address any safety concerns. Refer to the *Child Safety and Mandatory Reporting Policy* and related procedure for information about reporting safety concerns. The Convenor must consider alternative ways for the parent/carer to attend if there are risk issues. In some circumstances it may not be possible to proceed with the conference due to the risk and safety concerns.

Convenors should be aware of the difficult conference dynamics that can occur during conferences where a parent/carer is violent at home but is attending the conference as the victim. In these circumstances, it must be remembered that the young person is also a victim of violence and an apology may not be an appropriate outcome plan task. Furthermore, a perpetrator of DFV may attempt to use the conference to coerce the young person into tasks they do not feel comfortable with. Without adequate support the young person may not be feel comfortable exercising their right of veto.

Referrals must be made as early as possible where there are issues of DFV in the home. The aim is to bring in support as soon as possible so that once the YJC is completed, aftercare support is already present. It may also be appropriate to invite this service to attend the conference.

Assistant Managers, YJCWs and Convenors should be aware of the DFV services in their area and should actively seek to engage with these services and build relationships with them. Most services target adults and these may be appropriate in some circumstances. However, services for adolescent violence in the home are harder to find and referrals may need to be more creative. Family counselling services may be appropriate, where available, or the state-wide Family Connect and Support service. State-wide phone services, such as 1800 Respect and Parent Line NSW should also be provided along with a reminder to call police if they are feeling unsafe.

YJCWs can also discuss any difficult family dynamics and issues that might arise during the preparation and conference with the Youth Justice Psychologist who can suggest strategies to manage these.

8

Additional steps when arranging a YJC for a young person in custody

AM ASSISTANT MANAGER

- Contact the allocated YJCW (Custody) as soon as possible and advise them of the referral and the name of the allocated convenor.
- Discuss any safety concerns with the YJCW (Custody).
- Remind the Convenor of the processes for conducting a YJC with a young person in custody and provide them with the YJCW (Custody)'s contact details and any other relevant information.

C CONVENOR

- Contact the young person's caseworker in custody (YJCW Custody) as soon as possible and discuss preparation for the YJC, including arranging a time to meet with the young person.
 - Contact any possible participants connected with the centre and arrange to meet with them. Centre employees not directly involved in the YJC as a participant are not entitled to be present at the YJC.
- Read the *Professional Visits Policy* and any other visit procedure documents supplied to you and bring your photo identification.
 - When meeting with the young person, follow the same steps as you would in the community, with the following exceptions:
 - if a young person says they have not obtained legal advice, supply them with the legal aid hotline number and ask the YJCW (Custody) to support the young person to make this call as soon as possible.
 - You must seek the young person's permission to disclose to the victim and any other external participants that they are in custody and record on the *Client Consent to Exchange Information* form.
 - Advise the young person and the YJCW (Custody) in writing regarding the YJC details.
 - Provide all participants with the information they need to gain entry to the centre and ensure approvals are obtained prior to the conference - consult with the YJCW (Custody) for this information.

8 Additional steps when arranging a YJC for a young person in custody continued

YJ YJCW (CUSTODY)

- Discuss any security or safety concerns with the Assistant Manager (Centre) and Unit Manager and relay these to the Assistant Manager (Community) and Convenor.
- Assist the Convenor as required to arrange contact with the young person and any other participants from the centre, including the victim if they are also in custody, and any support people.
- If a young person or victim nominates a support person who is an employee at the centre (eg YJCW Custody, Chaplain, Psychologist etc) provide the contact details to the Convenor and inform the Unit Manager.
- Make sure the Convenor is aware of the visits procedure, ID requirement and the *Professional Visits Policy* for all conference participants.
- Inform the Assistant Manager (Centre) and Unit Manager of the date and time of the YJC.
- Organise all logistical arrangements with relevant centre staff.
- Support the young person to have contact with their legal representative and Convenor when requested.
- Once the conference is completed, provide the young person with any support they need to complete the outcome plan tasks, such as assisting with an apology letter.

AM ASSISTANT MANAGER

- Support the facilitation of the conference by liaising with the Unit Manager to manage visitors, conference arrangements and manage movements and supervision on the day.

UM UNIT MANAGER

- Liaise with the Assistant Manager (Centre) and YJCW (Custody) to support the preparation and management of conference arrangements.
- Support the young person to have contact with their legal representative and convenor when requested.
- Remind any employees present for security reasons that they cannot contribute to the conference.
- Make arrangements to ensure that a nominated support person for the young person or victim who is an employee at the centre can attend the conference.

YJ YJCW (ALLOCATED YJC)

- Once the conference is completed, inform the YJCW Custody of any actions the young person needs to complete while in custody.

9

Additional information

9.1 What other policies, procedures or guides are essential to a successful YJC?

The majority of YJNSW policies and procedures relevant to operational work practices are available on the YJNSW Operations Manual intranet site, also known as TOM, the Practice Portal, and the Youth Justice intranet. Many of the documents on these sites are made available to Convenors through The Convenor Portal. The documents listed below are all integral to the YJC process and working with YJNSW:

- ***Working with Aboriginal and Torres Strait Islander People Good Practice Guide*** – provides all Youth Justice staff members and our external partners with some tools to use when working with Youth Justice Aboriginal clients and their families. It has been developed to improve service delivery to Aboriginal people by providing staff with key facts and information appropriate to working with Aboriginal communities in NSW and will assist staff to become more culturally aware and responsive to the needs of Aboriginal peoples and communities.
- ***YJNSW Practice Guide*** – a key resource for all staff that outlines the key theories and fundamental skills that underpin our practice and function in reducing re-offending.
- ***Youth Justice Domestic and Family Violence Strategy*** – a comprehensive four-year strategy to address the needs of young people who are impacted by DFV. Other strategies to address DFV have typically focussed on offending related to adult intimate partner violence, making this youth targeted approach the first of its kind in NSW. The implementation of the Youth Justice DFV Strategy will help ensure that children and young people who have been victims of DFV, and who go on to exhibit these offending behaviours themselves, receive the specialist support they need to break the cycle of intergenerational domestic and family violence.
- ***Child Safety and Mandatory Reporting Policy*** – provides all YJNSW employees with information about keeping young people safe from abuse and neglect, and direction on how to respond to child protection concerns. YJNSW is committed to being a child safe organisation and continuously improving the systems we have in place to protect children and meet the recommendations of the Royal Commission into the Institutional Responses to Child Sexual Abuse.
- ***Field Work Safety Policy*** - field work forms an essential part of the role of YJNSW community employees. This Field Work Safety Policy reflects the commitment of YJNSW to ensure that field work is undertaken in a safe way.
- ***Self-Harm and Suicide Prevention Policy*** – provides YJNSW employees with the direction and knowledge to identify and manage incidents of self-harm, attempted suicide and suicide within a YJNSW context. This policy is informed by best-practice research as well as extensive consultation with YJNSW employees across custody, community and Youth Justice conferencing.

- **Language and Communication Policy** – sets out the governing principles to ensure accessible and effective communication between staff and clients of Multicultural Communities and/or those with a disability which interferes with their ability to communicate effectively.
- **Working with Young People who have an Intellectual Disability or Cognitive Impairment** – for frontline staff, including Juvenile Justice Psychologists, Caseworkers and Youth Officers, who work with young people who have or may have an intellectual disability. This resource will help you to identify, refer, understand and work with young people with an intellectual disability or cognitive impairment.
- **Working with LGBTQIA+ young people policy** – recognises the importance of: respecting LGBTQIA+ young people’s involvement in YJNSW policy, procedure, and project planning and acknowledging their individual circumstances throughout this process; taking action by ensuring unconscious bias is removed from policies; raising awareness of LGBTQIA+ issues through education to promote respect and inclusion; providing support through networks, information and resources.
- **Work and Development Order Policy and related procedure** – provides employees with information about its obligation, as an approved sponsor organisation about the application and the administration of the WDO scheme in both detention centres and community offices.
- **File Management Policy** – provides YJNSW employees with the legislative and YJNSW executive operational requirements to manage and protect a young person’s information in an effective and consistent manner across YJNSW.

Other DCJ policies, such as the *Code of Ethics and Conduct Policy* and the *Conflicts of Interest (COI) Policy and Procedure* can be found on the DCJ intranet.

9.2 What are the obligations regarding confidentiality and its limits?

All conference participants must be advised during the preparation stage of the obligations regarding confidentiality and its limits and must be reminded at the beginning and end of the conference. These legal requirements are:

- The young person’s name or identifiable information must not be published or broadcast; this includes social media and verbal or written conversations with any person unrelated to the conference.
- The convenor must not share any identifying detail about the victim to the young person/ the young person’s parent/carer and vice versa without their consent.
- Records regarding the conference must not be released to any other conference participant without authority (such as the young person’s consent), unless that person is:
 - The young person
 - A person responsible for the young person
 - A legal representative for the young person
 - Police, Court and DPP
 - Conference convenor and other DCJ employees involved in the conference administration
 - Youth on Track
- The convenor must request consent from the young person to engage any other organisations or support people in the YJC process.
- Confidentiality requirements are not just during the period of the conference, but continue after the conclusion of the conference.
- Limits to confidentiality occur when disclosure is necessary to prevent serious, foreseeable, and imminent harm to someone, and/or when a YJNSW employee are reporting any child protection concerns as mandatory reporters, as per the *Child Safety and Mandatory Reporting Policy*.

9.3 What needs to happen if there is a conflict of interest concern?

If a staff member becomes aware that a referral involves an employee and/or an employee's family, they must notify the Area Manager immediately. A conflict of interest could include but is not limited to a staff member (including a Convenor):

- personally knowing any of the YJC participants
- knowing someone who has an association with any of the YJC participants
- having a financial interest in the YJC
- having any personal opinions or values towards the YJC offence and/or any participants that will result in bias or conflict.

Refer to the *Conflicts of Interest (COI) Policy and Procedure* on the Department of Communities and Justice intranet for further direction. If the conflict of interest involves the convenor, re-allocate the YJC to a different convenor if possible.

Sometimes a conflict of interest may be less obvious, or may be harder to manage, particularly in small communities. If there are absolutely no other alternatives and the YJC cannot be reallocated, the Assistant Manager must discuss the conflict of interest with the Area Manager and follow the conflict of interest declaration steps in the *Conflicts of Interest (COI) Policy and Procedure*. Approval by more senior staff may be required.

9.4 What do I need to know about document management?

All documents must follow the *File Management Policy* on TOM (under 'Records') and the DCJ *Records Management Policy*. Appropriate levels of security must apply to all documents and files.

The following is a guide to document storage (both electronic and paper files):

- Documents relating to the young person and their conference should be filed on the YJC Client file.
- Documents relating to the performance or supervision of convenor should be filed on the convenor file.
- Document relating to finance should be filed on the office finance file.
- Documents on CIMS, if date of sending is recorded on CIMS, do not need to be printed and filed.

All YJC-related communication between the convenor and YJNSW, particularly where documents are shared, should be via the @dcj email address assigned to all convenors to ensure the contents are secure.

Where possible, Convenor should ensure they use a secure computer, which is password protected and not used by others. Sharepoint and Onedrive are useful tools that allow documents to be saved and worked on in cloud storage. These tools are a preferable alternative to downloading documents and saving on personal computers. Any document saved on a personal computer must be deleted once no longer required.

All physical documents retained by Convenors must be returned to the office for appropriate destruction or filing. Convenors must not keep any documents relating to a referral after the YJC has concluded.

10

Appendix

10.1 Definitions

Allocation	The process of assigning a Convenor to a referred YJC. It can also refer to assigning a YJCW to a young person referred to a YJC for the purpose of providing support and monitoring the outcome plan completion.
Determination	The process of determining whether a referred youth justice conference meets the eligibility and suitability criteria for a YJC.
Must	Indicates a mandatory action to be complied with.
Reparation	Refers to any sort of voluntary community work or payment by the young person to repair the harm caused by the offence.
Should	Indicates a recommended action to be complied with unless there are reasons for taking a different action.
Veto	The legislated right of the attending victim and the offender (young person) to not agree to a particular task in the outcome plan.

10.2 List of resources and forms on TOM

<i>Apology Letter Tips</i>	Provided to young person to assist with the completion of an apology letter.
<i>Client Consent – Exchange of Information form</i>	Required form that must be signed by the young person prior to any referrals or sharing of information with any other person or service.
<i>Conference Attendance</i>	Completed at the conference by the Convenor to record who attended and update any participants' details.
<i>Conference Details for Approval to Proceed</i>	Completed at pre-conference stage by the Convenor and submitted to the Assistant Manager to receive approval for the conference to proceed.
<i>Convenor Field Visit Tracking Form</i>	A record of all field work conducted by the Convenor for work health and safety purposes.
<i>Convenor Time, Expense and Mileage Record</i>	Completed by the Convenor to record activities undertaken and claim payment.

<i>Convenor Time Record Conversion Calculator</i>	Optional - can be utilised by the Administrative Assistant or Convenor to calculate the total minutes on a time sheet and convert to hours and minutes.
<i>Factsheet for a Young Person Referred to a Youth Justice Conference</i>	Provided to all young people referred to a YJC, outlining the YJC process and providing information about their referral.
<i>Instructions for creating Participant and Police Feedback in MS Forms</i>	Optional instructions to be used to provide feedback forms at the conference via QR Code or web link.
<i>Outcome Plan</i>	The template used to record the outcome plan tasks developed and agreed to at the conference.
<i>Participant Feedback</i>	The survey provided to all participants at the end of the conference.
<i>Police Feedback</i>	The survey provided to all police participants at the end of the conference.
<i>Post Conference Review</i>	Completed by the Convenor after the conference and submitted to the Assistant Manager for discussion at the post conference review.
<i>Recommendation Sheet</i>	The template used to record all additional suggested tasks at the conference that are not included in the outcome plan.
<i>Written notification of conference details to young person</i>	Mandatory written notification of the conference time, date and venue to be provided to the young person.
<i>Written notification of conference details to participants</i>	Written notification of the conference time, date and venue to be provided to all other conference participants.
<i>Young Person Preparation Resource</i>	Mandatory resource to be used during the face-to-face meetings with the young person during the pre-conference stage. Outlines all required content for the meeting(s).
<i>Youth Justice Conferencing Brochure</i>	Brochure outlining the YJC process, provided to all participants in a YJC.
<i>Youth Justice Conferencing Factsheet for Parents/Carers</i>	Provided to all parents/carers of young people referred to a YJC, outlining the YJC process.
<i>Youth Justice Conferencing Factsheet for Victims</i>	Provided to all victims invited to participate in a YJC, outlining the YJC process.
<i>YJC Field Work Risk Assessment</i>	A risk assessment completed prior to all field work, including the conference, outlining all work health and safety risks, controls and risk rating. It should be updated whenever a new risk is identified.
<i>YJC Finance Coding and Processes Resource</i>	Steps and guidance on how to process financial transactions relating to YJC.
<i>YJC Offence Determination Guide</i>	To assist Assistant Managers to determine whether an offence is eligible for a YJC.
<i>YJC Receipt of Referral Information Checklist</i>	Optional - utilised by the Administrative Assistant to assist with gathering records related to a new referral.

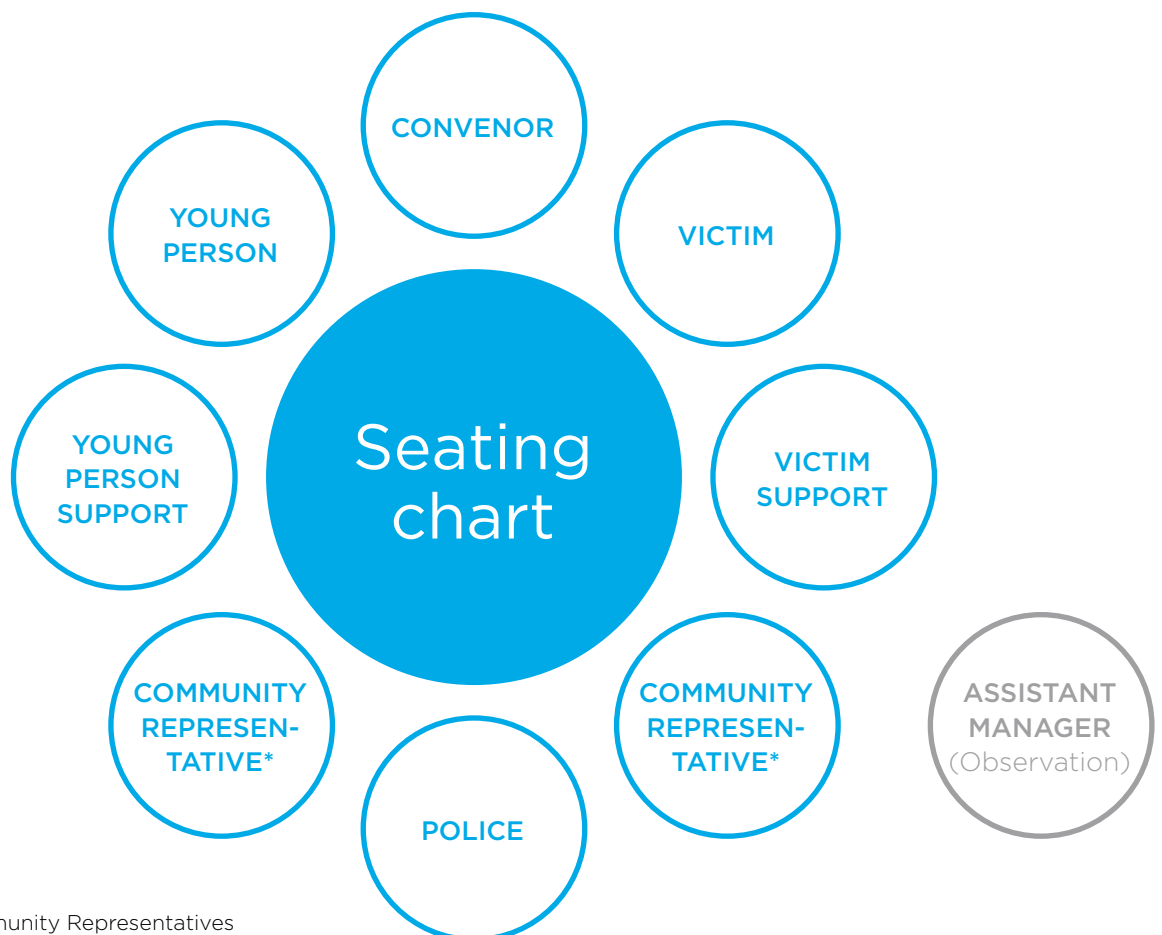
10.3 Acronyms

CIMS	Client Information Management System	TOM	The Operations Manual
DCJ	Department of Communities and Justice	WDO	Work and Development Order
DFV	Domestic and family violence	WHS	Work Health and Safety
DPP	Office of the Director of Public Prosecution	WWCC	Working with Children Check
IO	Investigating Officer (NSW Police)	YJCO	Youth Justice Community Office
PPE	Personal Protective Equipment	YJCW	Youth Justice Case Worker
RPO	Registered Participating Organisation	YO	Youth Officer (NSW Police)
SYO	Specialist Youth Officer (NSW Police)	YOA	Young Offenders Act
		YOT	Youth on Track

10.4 Seating Chart

Please Note:

- Interpreter or specific support people should be seated near the person they are supporting
- Ensure the room is configured to accommodate for accessibility issues



*Examples of Community Representatives are Elder, Civilian, etc.



Just as ripples spread out when a
single pebble is dropped into water,
the actions can have far-reaching
effects