



# Disability Action Plan

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2007-2011

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*The Department of Juvenile Justice is committed to identifying and responding appropriately to the needs of young offenders with disabilities to reduce the likelihood of their re-offending and their further entrenchment in the criminal justice system.*

Revised September 2008

## **Commitment**

The Department of Juvenile Justice recognises that, as a proportion of the general population, people with disabilities are over-represented in the criminal justice system, both as offenders and as victims.<sup>1</sup>

The Department of Juvenile Justice is committed to identifying and responding appropriately to the needs of young offenders with disabilities to reduce the likelihood of their reoffending and their further entrenchment in the criminal justice system.

International research clearly indicates that detention of young offenders is *not* the most effective strategy, and that it may actually increase the risks associated with re-offending. Detention is also far more expensive.<sup>2</sup> Research instead indicates that strategically targeted community-based interventions are far more effective and cost efficient.

There are significant and particular challenges in reducing recidivism by juvenile offenders, particularly given the high levels of intellectual disability, mental illness and drug use among juvenile offenders.

Additionally, the Department is committed to fulfilling its obligations under both State and Commonwealth anti-discrimination legislation. These laws require the Department to eliminate practices that may discriminate against people with disabilities and to assist young people with disabilities who are in contact with the juvenile justice system to gain full and equitable access to Departmental services.

In line with the Department's **Statement of Purpose:**

***To provide services to young offenders to decrease their re-offending and increase their capacity to successfully reintegrate into their communities.***<sup>3</sup>

Specifically the Department will:

- Assess young people entering the juvenile justice system to identify those with disabilities;
- Develop individual case plans to address the identified offending related needs of young offenders with disabilities;
- Provide services and programs designed to be responsive to the needs of young offenders with disabilities;
- Provide appropriate support and linkages to other services for young offenders within the community and on discharge from custody within the ambit of the Department's mandate; and

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<sup>1</sup> *2003 Young People in Custody Health Survey* and the *2006 Young People on Community Orders Health Survey*

<sup>2</sup> *Effective Practice in Offending Behaviour Programmes – Literature Review*. Prepared for the Youth Justice Board (UK) by James McGuire, Peter Kinderman, Carol Hughes, Department of Clinical Psychology, University of Liverpool

<sup>3</sup> Department of Juvenile Justice, 2007-2011, *Corporate Plan*

- Work in collaboration with other agencies to ensure that young offenders with disabilities involved in the juvenile justice system receive the level of support and services they require to live successfully in the community without offending.

### **Defining disability**

For the purposes of this Plan, the Department has adopted the definition of disability used by the *Disability Services Act 1993 (NSW)* as follows:

*For the purposes of this Act, a person is in the target group if the person has a disability (however arising and whether or not of a chronic episodic nature):*

*that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments, and*

*that is permanent or is likely to be permanent, and*

*that results in:*

*a significant reduced capacity in one or more major life activities, such as communication, learning, mobility, decision-making or self-care, and the need for support, whether or not of an ongoing nature.*

### **Legislative framework for equity of access**

The Department of Juvenile Justice's obligations to address equity of access for people with disabilities is contained within three Acts of Parliament:

- *Disability Discrimination Act 1992 (C'th)*;
- *Anti-Discrimination Act 1977 (NSW)*;
- *Disability Services Act 1993 (NSW)*.

The Commonwealth *Disability Discrimination Act* and the NSW *Anti-Discrimination Act* make it unlawful to discriminate against people with disabilities in matters such as employment, premises and access to goods and services. The legislation covers people who have a physical, sensory, intellectual or psychiatric disability.

The *Disability Services Act 1993 (NSW)* requires the development of a *Disability Action Plan* by all NSW Government agencies using the *Disability Policy Framework 1998* as the guideline. Consequently, the Department has observed section 9 of the *Disability Services Act 1993 (NSW)* in formulating this *Disability Action Plan 2007-2011*.

## **Departmental legislative framework**

The work of the Department of Juvenile Justice is authorised under five Acts of the NSW Parliament:

1. *Children (Criminal Proceedings) Act 1987;*
2. *Children (Detention Centres) Act 1987;*
3. *Children (Community Service Orders) Act 1987;*
4. *Young Offenders Act 1997;*
5. *Children (Interstate Transfer of Offenders) Act 1988.*

Within the terms of this Disability Action Plan, equity of access is applied equally to the young offenders referred to a youth justice conference or whom the courts require the Department to supervise or detain.

## **Policy framework**

Policy guidance in the formulation of the Disability Action Plan comes from the following three Plans:

### **1. NSW Government State Plan 2006-2016**

The NSW Government established the *State Plan, A New Direction for NSW* as a foundation document for setting the priorities and targets for government services in NSW over the next ten years.

This Plan identifies three key priority areas aimed at improving outcomes for people with disabilities (including those with a mental illness) to reduce the risks of re-offending.

*F2 Increased employment and community participation by people with disabilities*

*F3 Improved outcomes in mental health*

*R2 Reduced re-offending*

The strategies and actions of the DAP set out how the Department of Juvenile Justice is addressing the three key priority areas outlined above.

Increasing support for young offenders with disabilities will not only help achieve State Plan priority R2 *Reducing Re-offending*, but also F2 *Increased employment and community participation for people with a disability* by providing a basis from which young offenders with disabilities can engage in community activities and employment. It will also work towards meeting increased support and access targets for people with a disability, as set out in *Stronger Together: a new direction for disability services in NSW 2006-2010*.

## **2. NSW Department of Juvenile Justice Corporate Plan 2007-2011**

The Corporate Plan has targeted strategies specifically to support young offenders with disabilities in Outcome 3.3:

*Young offenders with mental health and/or disability issues are identified and diverted or managed appropriately.*

The achievement of Outcome 3.3 is supported by:

- Developing and implementing a Comprehensive Assessment Framework that covers disability and mental health issues.
- Measuring the percentage of young offenders assessed as having mental health and/or disability issues upon commencement of Community Supervision.
- Measuring the percentage of referrals for mental health and/or disability assessments that are accepted.
- Measuring the percentage of case plans that address disability issues identified through assessment.

## **3. NSW Department of Juvenile Justice Aboriginal Strategic Plan 2007-2011**

The Department's Aboriginal Strategic Plan focuses on a range of issues affecting Aboriginal young people within the juvenile justice system. One of the specific goals of this Plan is to improve the effective management of Aboriginal young people with mental health and/or disability issues.

### **Organisational context**

The Department of Juvenile Justice works with young offenders who, at the time of their offences, were between the ages of 10 and 17 years. Young people serviced by the Department include those referred and accepted for youth justice conferences, those who are remanded in custody pending appearance at court and those who have been sentenced by a court to community-based supervision or to a period in custody in a juvenile justice centre.

The work of the Department can be divided into three main service areas:

**Youth Justice Conferencing (YJC):** Is available for offences committed by eligible young people that are considered too serious to be dealt with by police cautions or formal warnings. Conferences are based on the principles of restorative justice.

**Community-based Services:** Include all services provided to offenders in the community, such as court-ordered supervision and offender assessments prepared for the courts.

**Custodial Services:** Include all services to young people directed by the courts to be placed in detention.

## Profile of Young Offenders

In 2006-2007, there were 4403 admissions to juvenile justice centres in NSW (both remand and control). During the same period, 3121 community supervision orders were commenced and 1185 youth justice conferences facilitated. The overwhelming majority of juveniles in contact with the justice system (across all program areas) are male. In 2006-2007 this proportion ranged from 80.7% (Youth Justice Conferencing) to 95.1% (sentenced to detention). Just over 50.5% of young people attending youth justice conferences in 2006-2007 were aged less than 15 years. The majority of those receiving community-based supervision orders, remand or control orders were aged between 16-18 years (61.9%, 52.9% and 68% respectively).

Aboriginal young people represented 54.7% of those sentenced to detention, 37.8% on remand, 39.5% on community-based supervision and 27.2% participating in a youth justice conference in 2006-2007.<sup>4</sup>

## Prevalence of Disability

The *2003 Young People in Custody Health Survey*<sup>5</sup> and the *2006 Young People on Community Orders Health Survey*<sup>6</sup> are the most comprehensive studies undertaken in Australia on the physical, intellectual and mental health of young people in contact with the juvenile justice system. These Health Surveys identified a number of significant issues for the young people serviced by the Department:

Summary Findings of Health Surveys	Custody (YPICHS)	Community (YPOCOHS)
Symptoms consistent with a clinical diagnosis of mental illness	<b>88%</b>	40%
Symptoms consistent with Schizophrenia	<b>21%</b>	3%
Intellectual disability (prevalence)	<b>10-13%</b>	<b>8-11%</b>
Mild or severe hearing loss	<b>33%</b>	Not tested
Experienced abuse and/or neglect	68%	72%
Reading scores below low average	<b>40%</b>	21%
Left School by Year 9	33%	32%
Suspended from school at some time	91%	90%
Special education	<b>40%</b>	<b>36%</b>
History of parental/ step parental imprisonment	43%	27%
History of out of home care	28%	24%
Not living in the family home	33%	36%

<sup>4</sup> 2006-2007 Annual Report of the NSW Department of Juvenile Justice pp.13-19.

[http://www.djj.nsw.gov.au/pdf\\_htm/publications/annualreport/AnnualReport0506.pdf](http://www.djj.nsw.gov.au/pdf_htm/publications/annualreport/AnnualReport0506.pdf)

<sup>5</sup> [http://www.djj.nsw.gov.au/pdf\\_htm/publications/general/2003YoungPeopleInCustody.pdf](http://www.djj.nsw.gov.au/pdf_htm/publications/general/2003YoungPeopleInCustody.pdf)

<sup>6</sup> [http://www.djj.nsw.gov.au/pdf\\_htm/publications/research/2006YoungPeopleCommunityOrders\\_KeyFindingsReport.pdf](http://www.djj.nsw.gov.au/pdf_htm/publications/research/2006YoungPeopleCommunityOrders_KeyFindingsReport.pdf)

## **Consultation**

The Department receives advice on a range of disability issues (including input into the Disability Action Plan) within the justice system through its involvement with the Justice Disability Advisory Council that reports to the NSW Attorney General. The Council includes representation from disability advocacy groups and non-government service delivery organisations.

## **Reviewing the Disability Action Plan 2004-2006**

The Disability Action Plan (DAP) 2004-2006 focussed on increasing the disability competence and confidence of the staff of the Department and ensuring better supports for young people with disabilities who are in contact with the juvenile justice system.

The significant achievements of the Disability Action Plan 2004-2006 underpinning the Disability Action Plan 2007-2011 are:

- Development of an information and training package (including a *Checklist*) to assist convenors identify participants in youth justice conferences who may have disabilities;
- Executive Committee approval for use of the *Checklist for Additional Support Needs in Youth Justice Conferencing* to be rolled out to YJC operations across NSW;
- The multi-faceted, cross-agency Orana Joint Case Management Project targeting four Aboriginal young people who presented with a range of issues including intellectual disabilities, mental illness and physical health problems;
- The availability of *Accesslink* (a database of disability and contact information developed by the Attorney General's Department), and other disability resources and links through the Departmental intranet, which are regularly featured along with other disability issues in *Jigsaw* (the internal fortnightly staff newsletter);
- Links with external agencies such as Justice Health, DADHC, DET, DoH and the Criminal Justice Support Network (CJSN) as well as advocacy groups and non-government organisations have been established providing essential support for Department of Juvenile Justice staff to assist young people with disabilities; and
- Participation in DADHC's Intellectual Disability (ID) & Criminal Justice Senior Officers' Group with development of a key project under this auspice.

Overall, the DAP 2004-2006 has played an instrumental role in increasing awareness of, and responsivity to, disability issues across the Department's service areas.

## **Evaluation framework**

The Department will:

- Undertake an annual stock take of disability programs and strategies across the Department's operations;
- Review and evaluate progress with JDAC and advocacy groups at the end of each calendar year throughout the life of the DAP 2007-2011; and

## **Relationship to other access and equity initiatives**

The DAP is one of a number of Departmental access and equity initiatives. Many of the strategies in the DAP complement those outlined in the following Departmental Plans:

- Ethnic Affairs Priority Statement Forward Plan

The Department of Juvenile Justice ethnic affairs priorities include enhancing the cultural appropriateness of services to Culturally and Linguistically Diverse (CALD) groups in juvenile justice centres and community offices.

- Equal Employment Opportunity Management Plan

The Department of Juvenile Justice is committed to the principles of EEO and recognises that although people have different abilities, qualifications and experience, everyone should be given an equal chance to reach their potential and utilise their talents.

## **Tiers of service delivery**

The NSW government publication *Better Together* indicates that a key policy principle in NSW is that government services to people with a disability are to be provided in three tiers: Universal, Adapted and Specialist. The Department of Juvenile Justice comes within the Universal tier which has four main Outcome areas:

**Outcome 1:** Identifying and removing barriers to services for young offenders with a disability.

**Outcome 2:** Providing information and services in a range of formats that are accessible to people with a disability.

**Outcome 3:** Making government buildings and facilities physically accessible to people with a disability.

**Outcome 4:** Assisting people with a disability to participate in public consultations, and to apply for and participate in government advisory boards and committees.

A fifth Outcome concerning increasing employment participation of people with a disability in the NSW public sector is not required to be reported in this Disability Action Plan. This matter is reported in the Departmental EEO Management Plan and in the Annual Report.

The Departmental targets for each of the above four Outcomes are listed on the following pages.

**This Disability Action Plan 2007-2011 was revised in September 2008 to bring the document into line with the *Guidelines for disability action planning by NSW Government agencies* published by DADHC in September 2008.**

# Outcome 1

## Identifying and removing barriers to services for young offenders with a disability.

Authority	Objectives
NSW State Plan	R2. Reducing re-offending. F3. Improved outcomes in mental health. F4. Embedding the principle of prevention and early intervention into government service delivery in NSW.
Corporate Plan 2007-2011	3.3 Young offenders with mental health and/or disability issues are identified and diverted or managed appropriately.
Aboriginal Strategic Plan 2007-2011	Outcome 2. Our staff have the capacity to identify the needs of, and work effectively with, Aboriginal young people and communities.  Outcome 4. Aboriginal young people have access to the least restrictive and most appropriate intervention.

Actions		Targets
1.1	Ensure that all young offenders entering juvenile justice jurisdiction are screened for physical and intellectual disabilities, and mental health issues.	All young offenders to be screened by use of an approved assessment tool. Annual target to reduce the duration between entry into juvenile justice jurisdiction and disabilities screening.
1.2	Maintain formal linkages with Justice Health's Adolescent Court and Community Services for access to adequate screening/assessment of young offenders with mental health problems and intellectual disability for appropriate diversion to mental health treatment or DADHC support.	Compare the number of young offenders with identified intellectual/mental health problems: <ul style="list-style-type: none"> <li>• Diverted from court under Section 32 and 33</li> <li>• Assessed in the community</li> <li>• Appropriately case managed and care co-ordinated in the community.</li> </ul>
1.3	Encourage disability awareness amongst staff.	All Detention Centre and Community Service staff to receive disability awareness training in their Induction. All Community Service staff to have available to them local registers of community-based disability services.
1.4	Develop protocols with Justice Health to ensure continuity of care for young people with identified disabilities on release from custody.	All young offenders with identified mental health problems and other forms of disability leaving Juvenile Justice Centres and Community Care Services to have targeted continuity-of-care plans.
1.5	Participation in the Senior Officers' Group On Intellectual Disability & The Criminal Justice System.	Lodge annual report on time with DADHC concerning the Interagency Service Principles and Protocols for the criminal justice system.

## Outcome 2

### Providing information and services in a range of formats that are accessible to people with a disability.

Authority	Objectives
NSW State Plan	R2. Reducing re-offending. F4. Embedding the principle of prevention and early intervention into government service delivery in NSW.
Corporate Plan 2007-2011	1.7 Research and evaluation functions are enhanced.
Aboriginal Strategic Plan 2007-2011	Outcome 3. Delivery of programs and services that are supported by evidence based research and proven to be successful in reducing the risk, severity and frequency of re-offending for Aboriginal young people.

Actions		Targets
2.1	Assist Youth Justice Conferencing participants with disabilities to fully participate in the conferencing proceedings.	All Youth Justice Conferencing participants with disabilities to be provided with the necessary equipment and/or services to allow them to fully engage in proceedings.
2.2	Ensure Attorney General's Department is advised when hearing impairment support is required in Childrens' Court Rooms.	All young offenders with hearing impairments to have audio assistance technology (if required) during their Childrens' Court appearances
2.3	Incorporate the needs of young offenders with disabilities into the standards for community-based and custodial services.	Full adherence to the Australian Juvenile Justice Administrators' (AJJA) Standards for Custodial and Community Juvenile Justice services for young offenders with disabilities.
2.4	Meeting the information needs of Indigenous people, and those from culturally and linguistically diverse backgrounds who have a disability.	Provision of culturally appropriate materials for all young offenders, including: <ul style="list-style-type: none"> <li>• Translated official documents</li> <li>• Access to translations of official documents on the Departmental website</li> <li>• Access to accredited translators</li> <li>• Access provisions for people with disabilities to the Departmental website.</li> </ul>

## Outcome 3

### Making government buildings and facilities physically accessible to people with a disability.

Authority	Objectives
NSW State Plan	F2 Increased employment and community participation by people with disabilities.
Corporate Plan 2007-2011	1.8 Research and evaluation functions are enhanced. 4.3 New and refurbished Juvenile Justice Centres are fit-for-purpose and completed on schedule.
Aboriginal Strategic Plan 2007-2011	Outcome 2. Our staff have the capacity to identify the needs of, and work effectively with, Aboriginal young people and communities.

Actions		Targets
3.1	Conduct annual audit of existing Departmental properties to determine accessibility of facilities for people with disabilities.	All Departmental facilities audited to have met accessibility standards, and those that do not to have a plan in place to meet this target.
3.2	Incorporate the physical accessibility of each property, including the accessibility of public transport, into future building standards and into the selection criteria for properties.	Mandatory consideration of accessibility issues for all Departmental facilities.
3.3	The Department and DADHC develop youth appropriate models of accommodation under the Criminal Justice Program to ensure the needs of young people with disabilities are met.	Departmental representatives on the Criminal Justice Program's Review and Assessment Panel (RAP) to monitor the effectiveness of referrals/assessments/progress of young offenders with disabilities accepted into the Criminal Justice Program.
3.4	Develop innovative housing options with appropriate supports for young people in partnership with the DoH, Justice Health, DoCS and community-funded partners through the interagency Housing Accord Shared Access Trials.	Effective housing options with support are in place -- trials evaluated.
3.5	Specify safe evacuation of people with disabilities in all emergency procedures for Departmental offices and detention centres.	All staff to be trained in emergency procedures; including those procedures for staff, young offenders and visitors with disabilities.

## Outcome 4

### Assisting people with a disability to participate in public consultations and to apply for and participate in government advisory boards and committees.

Authority	Objectives
NSW State Plan	F4. Improved outcomes in mental health.
Corporate Plan	1.2 Staff are trained, resourced and supported in the performance of their work. 3.3 Young offenders with mental health and/or disability issues are identified and diverted or managed appropriately.
Aboriginal Strategic Plan 2007-2011	Outcome 1: Aboriginal young people are equipped to make choices that promote positive life development. Outcome 3: Delivery of programs and services that are supported

Actions		Targets
4.1	Incorporate coverage of disability issues in all recruitment information and induction sessions, including those for recruitment and training of Youth Justice Conferencing convenors.	All recruitment information contains information relating to disability issues.
4.2	Conducting consultations in accessible venues and providing appropriate supports and assistance for people with a disability	All Departmental consultations to take place in accessible venues with appropriate assistance for people with a disability.
4.3	Manage an Implementation Plan for the <i>People with an Intellectual Disability and Criminal Justice - Service Principles and Protocols</i> and regularly report on progress in achieving the aims, outcomes and principles set out in the Service Principles and Protocols Agreement.	Regularly report to DADHC as part of the Disability Action Plan reporting process.
4.4	Maintain liaison with disability groups or peak organisations to discuss justice disability issues.	Annual meetings of the Department's Justice Disability Advisory Council to review and evaluate the Disability Action Plan 2007-2011.