

# Bail Support

## Service Model

Version 1.0

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# Bail Support Service Model

## 1. Introduction

Queensland is challenged by high rates of young people being remanded in custody and the continuing over-representation of Aboriginal and Torres Strait Islanders in the criminal justice system. To address this challenge, the Department of Child Safety, Youth and Women provides funding to deliver high quality and culturally safe programs to young people at risk of long term and significant offending.

The vast majority of young people who have contact with the youth justice system will cease offending on their own and transition to adulthood with little incident. However a small, high risk group of repeat, recidivist or early on-set offenders require extensive support to exit the system. The evidence shows that interventions should be targeted at this high risk group if lasting impacts are to be realised.

Young people and their families who enter and remain in the youth justice system generally present with complex and extreme needs and they will often have multiple organisations required to work with them. Therefore it is essential a collaborative approach across sectors is adopted to assist young people to live a life free of crime, this includes working in partnership with Youth Justice. Importantly, due to the significant over-representation of Aboriginal and Torres Strait Islander young people in the system, it is essential all interventions are culturally safe and informed.

Whilst bail support programs aim to work with young people and their families on a voluntary basis, it is important to understand involvement in the youth justice system is involuntary and young people and their families will be resistant to receiving support. Services need to be persistent and assertive in engaging young people and their families in achieving identified goals.

## 2. Legislation

The *Youth Justice Act 1992* (the Act) applies to all youth justice programs and services funded by the Department of Child Safety, Youth and Women.

All services are to be delivered in line with the *Charter of Youth Justice Principles* outlined in Schedule 1 of the Act.

## 3. Program Goals

Historically, remand in custody rates for young people in Queensland rank amongst highest in Australia, as is the rate of over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system. Young people who have had a period of time in detention or the watchhouse are at greater risk of continuing offending into adulthood and other poor life outcomes. Therefore, as the number of young people involved in youth justice system continues to grow, it is critical for interventions to prevent young people from entering and re-entering youth detention.

Bail support programs aim to address the reasons behind young people being remanded in custody. By providing the required support and interventions to young people, bail support services increase the confidence of a Court or police that a young person will comply with the conditions of their bail.

The bail support service provides a holistic response to addressing the risk factors that have contributed to a young person's involvement in the youth justice system. For high risk young people, Courts and police are more likely to grant bail if a bail support service is available.

The objectives of the program are to:

- increase the number of young people receiving bail instead of being remanded in custody
- assist in the timely resolution of Court matters
- increase the number of young people completing bail
- reduce the risk factors that lead to non-compliance with bail
- increase the confidence of bail decision makers (police and magistrates) so remand is not used to limit reoffending or as a protective placement option.

## 4. Outcomes

Over the first 12 months the following short-term outcomes are anticipated:

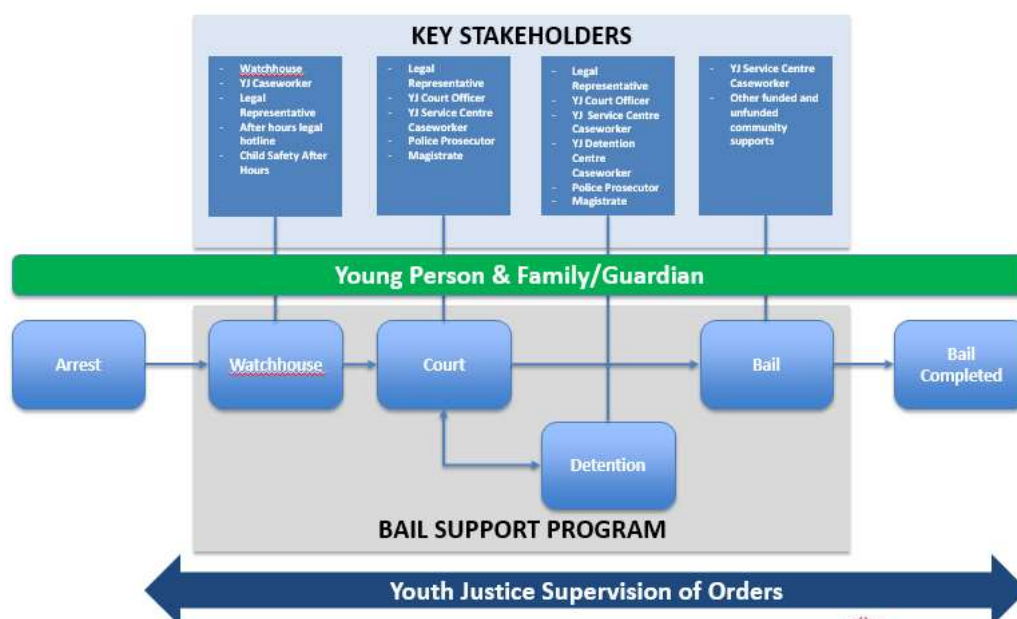
- Young people and their families have choice and control in designing bail support package
- Young people are confident that the bail support package will meet their aims and needs – with an effect of increasing their engagement in programs
- Young people have timely resolution of Court matters
- Young people receive bail support
- Young people complete bail period with a reduced number non-compliance instances

Over the funding period the following medium to long term outcomes are anticipated:

- A decrease in the amount of young people being remanded in custody
- Young people reduce their future offending behaviour because of:
  - Reduction in risk factors
  - Improved positive cultural connections
  - Involvement in pro-social activities
  - Improved relationships with family, kin and community

These outcomes will contribute to long term outcomes to decrease young people's offending and re-offending behaviour.

## 5. Service Continuum



## 6. Target group

Young people who require bail support services will often display ongoing and entrenched offending behaviour, have complex and extreme needs and have significant trauma backgrounds.

Bail support services are for young people who

- have had involvement in the youth justice system generally aged 10 – 17 years, and
- have committed or are alleged to have committed an offence, and
- are living in, or on release from detention will be living in, the nominated catchment area, and
- are remanded in custody, or at risk of being remanded in custody, due, in part, to lack of positive support in their community and require support to prepare them for release into community, or
- are exiting detention and are at risk of reoffending and returning to detention, or
- are appearing in court on offences and are at risk of being remanded in custody, or
- have been granted bail and require support to meet the conditions of bail and without support they are at risk of entering detention, or
- are early in their offending career or are a sibling of known offenders and are exhibiting in offending behaviour

Young people who:

- have refused placement at Supported Community Accommodation (SCA) even though were considered suitable, or
- require additional transition support post leaving the SCA, are eligible to access bail support.

Service delivery may include the family of the young person, the young person's peers and significant community members.

## 7. Referrals

Referrals can come from:

- Self-referrals including young people and their families
- Legal Representatives
- The Queensland Police Service
- Youth Justice Service Centres

The bail support service will undertake an initial screening process to ensure the young person meets the target group and will make a decision on whether to accept the young person's referral, based on the information provided by the referring agency.

See Attachment 1 for further information.

## 8. Service Delivery Requirements

The timely resolution of Court matters is a critical strategy to minimise the time a young person is held on remand. The bail support service plays a key role in helping to address the barriers faced by young people and their families accessing courts and legal representation.

The Court component of the bail support service will include:

- engaging with young people and families and providing assistance with transport to and from court for young people and families where required

- working in collaboration with the CSYW funded Legal Advocacy Service providers (for further information see Legal Advocacy Service Guidelines).
- assisting with referrals to other support services for families and young people who do not require a bail support service, but may require other support available in the community,
- providing updates to court staff with on-going compliance and attendance in programs for all clients.

#### Case-management

- If a young person is subject to a youth justice order under the *Youth Justice Act 1992*, Youth Justice Officers will retain lead case management responsibility. The bail support service will work collaboratively with Youth Justice to support the young person.
- If a young person is under a child protection order and a youth justice order Child Safety and Youth Justice Officers will jointly lead case management. The bail support service will work collaboratively with Youth Justice and Child Safety to support the young person.
- If a young person is not subject to statutory intervention, the bail support service will adopt a lead case management role and work collaboratively with other services, this will include:
  - undertaking holistic, evidenced based, assessments of young people and families to target interventions at reducing the level of risk for young people,
  - adopting a trauma informed approach with young people,
  - working collaboratively with other agencies involved with the young person and/or family.

Activities of the Bail Support Service should be culturally informed and based on the evidence of what works in supporting young people to not re-offend. It is expected that this will include:

- assertive outreach and service delivery which meets the holistic needs of the young person
- face-to-face, group work, online, email, and phone support as required
- work in conjunction with YJ case worker with a shared case plan (if on YJ order)
- practical individual support to the young person including but not limited to supporting them to access relevant education/training
- help to access housing and other support services
- support to completing applications for employment/Centrelink/job start payments etc.
- support to encourage young people to engage in healthy activities (sport, recreation, music etc.)
- specific tailored support including warm referrals to mental health services (CYMHs/headspace); Drug and alcohol services (ATODS, general practitioners etc.) and NDIS assessment and support; as well as facilitated referrals to counselling
- working with the young person's carer (parents/kin/other) to include them in the care planning where possible and ensure that they are clear on what appointments the young person is required to attend etc.
- practical support to attend appointments including Court appearances etc.
- intensive support, using a trauma-informed approach, to young people and families, including outreach support and engagement
- assistance in locating young people to reduce risk of failure to attend court or YJ requirements
- work with young people's family, significant others and key stakeholders in appropriate cultural context
- supporting young people and families to connect/reconnect to their culture
- engaging with young person's legal representative

### Critical Incidents and Suicide Risk management

Bail support services must have policy and procedures to deal with critical incidents, including where a young person presents as a suicide risk.

Where a young person is subject to intervention by Youth Justice, critical incidents and suicide risks must be disclosed to the Youth Justice Service Centre. Critical incidents include but are not limited to:

- The death of a young person while involved in a service provider activity
- Serious injury of a young person while involved in a service provider activity
- Assault of a staff member by a young person engaged in a service provider activity
- Attempted suicide or suicide ideation of a young person at any time.

Following a critical incident, the bail support service may be required to attend a case review meeting as organised by Youth Justice.

### Media management

Due to the public interest in community safety, Youth Justice is often the subject of negative media attention. Bail support services will be required to develop policies and procedures to address any media enquiries and attention. This includes liaising with Youth Justice in the preparation and approvals of any media publications.

As per S301 of the *Youth Justice Act 1992*, no identifying information related to particular young people is to be published.

## **9. Brokerage**

Brokerage can be used to:

- support goals identified in the case plan in the SRS client management system
- support the immediate needs of young people entering the service
- purchase necessities to enable young people to transition to other accommodation,
- purchase necessities to enable young people to engage in education, employment and/or training,
- broker professional therapeutic, clinical and specialist interventions and support not able to be provided elsewhere by providers at no cost.

The use of brokerage funds are to be guided by the following five principles:

### **1. Case Management**

Brokerage funds are administered in the context of case management, which should be undertaken on a collaborative basis if the young person is involved with Child Safety and/or YJ Service services.

When a case management plan provides for the purchase of services and resources which are essential to achieving client outcomes, it should ensure that:

- responses are tailored to the needs of clients
- is based on needs assessment and short, medium and long-term planning for young people
- brokerage is not the first or only service provided to the clients.

### **2. Flexibility**

The use of brokerage is driven by client need and aligned with the client case plan.

Brokerage can be applied flexibly in service delivery and can be used at any point across the service delivery continuum to facilitate positive outcomes for the client.

### **3. Client Focus**

Brokerage support is responsive to and driven by the expressed need of the client, and is respectful of the rights, dignity and confidentiality of the client.

#### *4. Avoid duplication of service provision*

Brokerage funds are not intended to duplicate the provision of one-off financial and material assistance available from other sources. This includes the provision or application of brokerage funds for young people on YJ Orders able to access child-related costs.

#### *5. Value for Money*

Interventions purchased with brokerage funds are to be as cost effective as possible. When deciding to commit brokerage funds, consideration should be given as to whether the intended expenditure is the best use of resources to meet identified client needs or goals.

## **10. Confidentiality and Information Sharing**

All agencies working with young people because of their involvement with the youth justice system and/or child safety system need to comply with the confidentiality obligations of the *Youth Justice Act 1992* and *Child Protection Act 1999*.

Information exchange about young people should occur in a manner that protects the young person's right to confidentiality. In addition to other provisions, the *Youth Justice Act 1992* allows the disclosure of confidential information if the young person consents to the disclosure (s290).

However, if a young person does not consent to the release of confidential information, the information may still be released by a party working with the young person. In these circumstances, the information may be disclosed in accordance with section 289(a) of the— for a purpose of the Act. For example, this section may be relied upon if it is determined that the referral of the young person's case by the department is assessed as necessary or where an organisation is concerned about the safety and wellbeing of the young person and sharing of the information is in response to this.

Additionally, information about a young person may be disclosed to a third party, without the young person's consent, in other situations including, but not limited to:

- To ensure another person's safety (e.g. a young person has made threats to harm a specified person or persons generally).
- To the Queensland Police Service where disclosure is for the purpose of the functions of the police services and is deemed to be in the public interest (e.g. young person discloses involvement in the commission of a serious offence).
- When expressly permitted or required under another Act (e.g. the *Child Protection Act, 1999*).

The service must ensure young people are informed of the parameters relating to confidentiality at the commencement of the initial interview and intake process.

## **Attachment 1 – referral form particulars**

The bail support service will need to provide an easily accessible referral form for the various referral pathways, with the following minimum information required:

- full name, date of birth, address, and phone number;
- parents' or guardians' names and contact numbers, if applicable;
- Legal Representative's name and contact details;
- Bail conditions, including co-offender non-contact conditions
- school details - year, contact person, and phone, if applicable;
- information on any involvement with Child Safety or Youth Justice Service Centres, including any statutory orders/bail conditions that the young person is subject to and the young person's responsibilities in relation to these;
- YLS/CMI status, if available;
- key risk/need profile;
- any health issues including mental health issues, suicide risks, etc;
- any family conflict issues and current accommodation status;
- any issues that services might need to be aware of to ensure the safety of the staff and young people when working with them;
- any other issues relevant to the case plan of the young person;
- name and contact details of referring person.

## Attachment 2 - QATSCIPP Practice Standards

Appropriate cultural protocols can be guided by the following four (4) QATSCIPP Practice Standards:

### **STANDARD 1: Engaging the Child and Family**

- *Understanding Aboriginal and Torres Strait Islander History:* understanding and accepting the diverse and enduring cultures and traditions, and connected through culture creates a sense of belonging.
- *Engagement:* Establishing trust and respect, so that children and families feel safe in telling their Story.

### **STANDARD 2: Identifying the Storyline**

- *Assessing Needs: emphasis on the cultural needs of children and involves working with the child and family to connect with kin, community, country and culture.*
- *Assessing Strengths: children, families and communities have enormous strengths and it's important to acknowledge and work with these strengths to create a new Storyline.*
- *Developing Plans and Setting Goals: creating a new Storyline that builds upon the strengths as the foundation.*

### **STANDARD 3: Changing the Storyline**

- *Working Towards Goals: Supporting the prioritised actions with the available non/human resources to change their Storyline.*
- *Children, Families and their Support Team: identify what is working and what is not working or missing.*

### **STANDARD 4: Establishing a New Storyline**

- *Families are Safe, Strong and Connected: Children and family involvement and self-ownership of their actions will determine the ultimate successful outcomes, based on families being unified and connected.*

QATSCIPP Practice Principles include:

- **Safety and Well-being** - the safety and well-being of young people are paramount in any decisions and actions about their protection and care, as it's concerned with the physical, emotional, developmental, cultural and spiritual needs of children and young people. Children and young people are best secured within their own family, community and culture and must always be maintained and strengthened.
- **Strengths-based** - the intrinsic individual and collective strengths of families and communities in nurturing and caring for children are acknowledged and is the foundation for promoting the safety and well-being of children and strong families.
- **Participation** - the voices of children, young people and their families will be actively sought and respected in all decisions affecting them.
- **Culturally Safe** - children's and families' culture will be honoured and respected in all aspects of practice and service delivery with connection to community, country and culture will be recognised and actively facilitated.
- **Holistic** - children are well protected and cared for when parents, families and communities are physically, emotionally, culturally and spiritually strong. The need to recognise the impact of trauma, poverty and structural inequality on parents, families and communities. Responses to trauma caused by the legacy of colonisation, forced child removal from families, community, Country and culture require a healing approach.
- **Partnership** - parents', families', communities' and services' shared responsibility for ensuring children's safety and well-being will be recognised and actively facilitated by working with parents, families, communities and other organisations to promote children's safety and well-being.
- **Knowledge** - knowledge from a range of sources influences how children and families are engaged and supported. Staff will draw upon: personal knowledge; children and family knowledge; cultural knowledge; professional knowledge; research/empirical knowledge.
- **Outcomes** - children: are safe from physical, emotional, psychological and cultural harm, are cared for and nurtured and proud of their [self] identity; Families: are strong, safe, secure, nurturing and culturally supportive home for their children and connected to their community, country and culture.