

Youth Justice Response: Royal Commission into Institutional Responses to Child Sexual Abuse

Demographics and Accessibility

1. The Youth Justice program administers and funds treatment programs and services for children aged 10 to 18 who have committed child sex offences. It should however be noted that the *Youth Justice Act 1992* defines a child as a person who has not turned 17 years. Young people who are aged 17 years at the time of a sexual offence are dealt with by the adult criminal justice system. There are a range of circumstances however where a 17 year old or young adult might be subject to a youth justice order for sexual offences committed as a child. For example, a young person who committed an offence when aged 15 years might be sentenced when they are 16 years to a two year probation order. Further, a 17 year old will be sentenced as a child for offences committed prior to their 17th birthday.

(a) While the number of children accessing treatment programs is not readily available for the requested period, this information may be available from the two funded service providers (see below and attached). The following information may however provide some insight into the size of the cohort:

- In 2012/13, Childrens Courts finalised 243 charges of a sexual nature. Of these, 111 (46%) were not proven. A total of 61 distinct young people had proven sexual offences.
- In 2013/14, Childrens Courts finalised 290 charges of a sexual nature. Of these, 145 (50%) were not proven. A total of 47 distinct young people had proven sexual offences.
- Young people charged with sexual offences comprise approximately 1% of all Childrens Court appearances per annum and just over 2% of young people on supervised youth justice orders and 4% of the youth detention population at any point in time. Young people charged with sexual offences tend to experience the longest periods of remand in custody.
- According to the Childrens Court of Queensland Annual reports, in 2012/13, police cautioned young people in relation to 558 offences of a sexual nature and a total of 103 sexual offences were referred to a Youth Justice Conference. In 2013/14 police cautioned young people in relation to 848 offences of a sexual nature and 229 matters were referred to a Youth Justice Conference.
- Childrens Court of Queensland Annual reports indicate that in 2012/13 82.7% of victims of sexual offences committed by a child were children aged under 14 years, with 29.5% of victims being under 10 years; in 2013/14 78.3% of victims were children under 14, with 24.7% being under 10 years.

(b) Youth Justice funds two agencies to provide youth specific sexual offending therapeutic intervention, that is, the Griffith Youth Forensic Service (GYFS) and the Mater Family and Youth Counselling Service.

GYFS received \$853,242 in outsourced service delivery funding in 2012/13 and \$880,204 in 2013/14. The agency has a statewide catchment and provides written pre-sentence assessments to assist court decisions and treatment planning for young people found guilty of sexual offences; and specialised assessment and treatment services for young people on supervised court orders for sexual offences.

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Treatment and intervention services encompass individual, family and/or significant others, kinship networks and where appropriate broader community members. The service delivers a field-based, collaborative assessment and treatment model tailored to the Queensland context where the client population is culturally diverse and geographically dispersed. The required annual deliverables is a target of 12 clients for written pre-sentence assessments and 25 clients for post-sentence treatment. The length of time for intervention varies and is dependent on individual client need, however would generally be for a period in excess of 12 months. The service agreement for the relevant period is attached.

The Mater Family and Youth Counselling Service received \$410,552 in outsourced service delivery funding in 2012/13 and \$423,525 in 2013/14. The agency has a primary geographical catchment of Brisbane and surrounds, however, will consider referrals from other areas where the client has capacity to attend the service. Funding is provided for therapeutic intervention for adolescents who have sexually offended, their families and persons harmed and their families and/or significant others where appropriate, who have been referred to a Youth Justice Conference. A Youth Justice Conference is a diversionary alternative to court and referrals are made by Police. The Mater Family and Youth Counselling Service completes risk assessments, treatment planning and provides consultancy and training services for youth justice and other allied workers who work with the target group. The service delivery targets are 22 young people per annum and 44 other clients. Treatment duration is generally less than 12 months. The service agreement for the relevant period is attached.

- (c) The referral pathway to both of the Youth Justice funded programs is via formal contact with the youth justice system. Youth Justice personnel manage all referrals and both agencies only accept referrals from the Department.

Referrals to the GYFS programs is either by way of a court order for a specialist assessment to assist with sentencing the young person for sexual offences; or post sentence for treatment as part of the statutory requirements of a formal court order such as a probation order. Post sentence treatment can also be provided to young people subject to a detention order. While young people engage in therapeutic intervention with GYFS on a voluntary basis, there is potential for legal sanctions in the form of breach action for non-compliance with the requirements of the therapeutic process, for example, not attending appointments or refusing to actively engage in the process.

Referral to the Mater Family and Youth Counselling Service is by way of the Youth Justice Conferencing Program following a court diversionary conferencing referral of a sexual offence by the Queensland Police Service. While the engagement of the offender and their family with the program is on a voluntary basis, the potential consequence for failing to do so is that the matter may not proceed to conference and be referred back to the police to consider alternative options such as pursuing the matter through court.

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- (d) Service gaps for the provision of specialist therapeutic intervention to juvenile sexual offenders in Queensland exist due to the demographic of offenders and geographical limitations. The two funded agencies have capacity to respond to less than half of service demands. Neither service have a waiting list per se, rather, a referral may be rejected on the basis of the service being at capacity. Youth justice workers attempt to mitigate these service gaps by sourcing alternative service providers when required, such as psychologists in private practice or other government and non-government agencies. Some interventions are delivered directly by youth justice staff such as the Healthy Relationships module of the Changing Habits and Reaching Targets (CHART) Program, a cognitive behavioural focused program to address offending behaviours (see attached). Some Youth Justice staff are also trained to assist in the delivery of sexual offending therapeutic interventions, generally in collaboration with a specialist psychologist.
- (e) There are no direct costs to clients in attending either GYFS or the Mater Family and Youth Counselling Service.
- (f) Eligibility criteria to attend the programs delivered by the two funded service providers are as outlined in their attached service agreements. Given capacity issues, a prioritisation process that focuses on risk, need and responsivity is utilised by the Department in determining which referrals will be made to the service providers.
- (g) Both programs have capacity to deliver appropriate interventions to meet the needs of children from a diverse range of backgrounds.

Service Model (h) – (m)

Detailed information about the service models is best provided by the specific service providers.

Evaluation/Effectiveness of Programs/Services

- (n) A copy of the summary of an evaluation undertaken in 2009 on the Mater Family and Youth Counselling Service is attached. A copy of the full evaluation report might be available from the Mater Family and Youth Counselling Service.

The GYFS program has not been subject to an evaluation, although has published widely on the efficacy of its model. Relevant articles could be sourced directly from the agency.

- (o) Data in relation to successful completion of the program is not readily available, however, might be available from the service providers.
- (p) There has been a high level of satisfaction with the two current funded service providers. Both are seen by a range of internal and external stakeholders as providing high quality, evidence based, best practice interventions that are successful

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in preventing sexual recidivism. Primary criticisms have been in relation to their capacity to accept more referrals and some geographical catchment limitations.

Other Information

2. There has not been any significant policy or legislative change in relation to treatment programs for children administered or funded by Youth Justice in the previous decade.
3. The key contacts for the Queensland Youth Justice jurisdiction are the two funded service providers.
4. Nil response
5. Nil response