

Australasian Juvenile Justice Administrators

Juvenile Justice Standards 2009

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Background

The AJJA Juvenile Justice Standards describe the agreed standard for practice to be delivered by juvenile justice administrators. They are the agreed set of standards juvenile justice services agencies aspire to meet.

Fundamental to juvenile justice systems is the recognition that children and young people are different to adults, they vary in maturation levels and predominately depend on adults for care, supervision and guidance.

Juvenile justice services should be delivered to children and young people in ways that:

- recognise vulnerability
- recognise developmental levels,
- recognise gender
- recognise cultural and religious beliefs and practices
- promote procedural fairness while paying regard to legislative and service rights
- separate children and young people from adult populations.

The principal purpose of a juvenile justice system is to intervene with children and young people to contribute to the reduction in re-offending.

The system balances principles of accountability and proportionality, minimises formal intervention and seeks opportunity for restorative justice and reintegration into the community of children and young people involved in the system

Jurisdictions recognise that children and young people should, as far as possible, be maintained within their immediate community. Effective outcomes are more likely if links with family, and significant others are sustained and community partnerships developed.

International covenant and legislative context

The AJJA Juvenile Justice Standards have been assembled in accordance with the requirements of all jurisdictional legislation and take into account:

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

United Nations Standard Minimum Rules for Non-Custodial measures

United Nations Standard Minimum Rules for the Administration of Juvenile Justice

South Australian - *Young Offenders Act* (1993)

Victorian Children - *Youth and Families Act* (2005)

Queensland - *Juvenile Justice Act* (1992)

Western Australia - *Young Offenders Act* (1994)

Tasmania - *Youth Justice Act* (1997)

New South Wales - *Young Offenders Act* (1997); *Children (Community Service Orders) Act* (1987); *Children (Criminal Proceedings) Act* (1987)

Australian Capital Territory - *Children and Young People Act 2008* and *Crimes (Sentence Administration) Act 2005*

Northern Territory - *Youth Justice Act* (2006)

Purpose

The AJJA Juvenile Justice Standards have been developed to support jurisdictions to deliver services that:

- are procedurally fair and acknowledge the rights and responsibilities of all involved. (Procedural Fairness Domain)
- provide professional, timely, evidence-based advice to courts, statutory authorities and other stakeholders. (Informed Advice Domain)
- support compliance, contribute to reducing offending, increase community safety, and support positive behaviour. (Service delivery Domain)
- reduce offending by working with families and the support and cultural networks of children and young people who are involved in the juvenile justice system. (Family and Community Domain)
- partner with government and community organisations to improve integrated services to children and young people. (Partnerships Domain)
- reduce the number of children and young people in the justice system through diversionary strategies. (Diversion Domain)
- provide the facilities and other resources required to deliver effective and efficient juvenile justice services. (Infrastructure Domain)
- ensure that agencies implement workforce practices that support staff to deliver effective and efficient juvenile justice services. (Workforce Domain)
- ensure that environments in which children and young people are lawfully detained are safe, secure and developmentally appropriate. (Security Domain)
- provide juvenile justice services in ways that optimise the health and wellbeing of children and young people. (Health and Wellbeing Domain)

1. Procedural Fairness

Purpose - To deliver services that are procedurally fair and acknowledge the rights and responsibilities of those involved.

- 1.1 Principles of procedural justice are applied.
- 1.2 Children, young people and families are provided with information about their rights and responsibilities in the justice system.
- 1.3 Victims rights and responsibilities are upheld.
- 1.4 Human rights are protected.
- 1.5 Access to legal representation and advocacy is facilitated.
- 1.6 Individual needs, including age, sex, gender, culture and personal circumstances, are considered.
- 1.7 Privacy and confidentiality rights are protected.
- 1.8 Feedback, review and complaints procedures are in place.

2. Informed Advice

Purpose - To provide professional, timely, evidence based advice to courts, statutory authorities and other stakeholders.

- 2.1 Advice complies with legislative and court requirements.
- 2.2 Advice is accurate and comprehensive
- 2.3 Advice meets stakeholder needs.

3. Service Delivery

Purpose - To provide services that support compliance, contribute to reducing offending and increase community safety.

- 3.1 Continuity of service is provided
- 3.2 A comprehensive assessment system is implemented
- 3.3 A case management system is implemented
- 3.4 Interventions demonstrate a capacity to reduce reoffending
- 3.5 Interventions foster an understanding in children and young people of the impact of offending on victims and communities
- 3.6 Children and young people in custody are provided with access to suitable educational and accredited vocational programs
- 3.7 Behaviour management systems are in place and are implemented in custody and community environments
- 3.8 Children and young people are provided with the opportunity and support to behave responsibly.
- 3.9 Responses to unacceptable behaviour are fair, consistent and proportionate.
- 3.10 Aboriginal and Torres Strait Islander culture, language and spiritual observance is recognised.
- 3.11 Cultural, linguistic and religious diversity is recognised.

4. Family and Community

Purpose - To reduce offending by working with families and/or support networks of children and young people who are involved in the juvenile justice system.

- 4.1 The safety and wellbeing of children and young people is prioritised in relation to family and community support
- 4.2 Services to reduce reoffending are delivered within the context of family and support networks.
- 4.3 Children, young people, their families and support networks are enabled to participate actively in assessment, case planning and decision making.
- 4.4 Cultural advice from family and community regarding children and young people who are Aboriginal or Torres Strait Islander informs service delivery
- 4.5 Cultural advice regarding children and young people from a CALD background is actively sought from family and community.
- 4.6 Family and community contact is facilitated for children and young people in custody
- 4.7 Children and young people are involved with the community

5. Partnerships

Purpose - To work in partnership with government and community organisations to improve integrated services.

- 5.1 Key agencies, programs and services operate in partnership.
- 5.2 Community organisations provide services and programs to children and young people.

6. Diversion

Purpose - To minimise entry and/or progression through the juvenile justice system.

- 6.1 Children and young people are diverted appropriately from the juvenile justice system.
- 6.2 Diversionary strategies are implemented throughout the justice process.

7. Infrastructure

Purpose - To provide facilities and other resources required to deliver effective juvenile justice services.

- 7.1 Physical resources support safe and positive environments for staff, children and young people.
- 7.2 Facilities provide a physical environment that is safe, secure and promotes rehabilitation.
- 7.3 Physical resources are properly maintained and kept in working order.
- 7.4 Information systems facilitate operational roles, integrated case management and reporting.
- 7.5 Facilities and resource usage are environmentally sustainable.
- 7.6 Facilities provide a safe and healthy work environment.

8. Workforce

Purpose - To implement workforce practices that deliver effective juvenile justice services.

- 8.1 Staff are competent to deliver juvenile justice services.
- 8.2 Staff demonstrate organisational, professional and ethical values and behaviour.
- 8.3 Staffing arrangements meet service requirement.
- 8.4 Structured supervision is provided to staff by competent supervisors.
- 8.5 Supervisors are competent to undertake supervision.
- 8.6 Staff complete induction and mandatory training.
- 8.7 Staff participate in ongoing learning and development.
- 8.8 Processes are in place to recruit, retain and advance Aboriginal and Torres Strait Islander staff.
- 8.9 Processes are in place to recruit, retain and advance a culturally diverse workforce.
- 8.10 Workforce safety is prioritised.

9. Security

Purpose - To lawfully detain children and young people in a safe and secure environment that is developmentally appropriate and provides for community safety.

- 9.1 Custodial environments are safe and secure
- 9.2 Management of emergencies or critical incidents prioritise the protection of life.
- 9.3 The least intrusive developmentally appropriate options are deployed in responding to security and safety risks posed by children and young people in custody.
- 9.4 Force or instruments of restraint are only used on a child or young person in response to an unacceptable risk of escape or immediate harm to themselves or others, and/or in accordance with legislation and are used for the shortest possible period of time.
- 9.5 Separation or isolation of a child or young person is used only in response to an unacceptable risk of immediate harm, escape and or in accordance with legislation, and is used for the minimum amount of time necessary.

10. Health and Wellbeing

Purpose - To provide services that optimises health and wellbeing.

- 10.1 Health assessments on admission to custody identify urgent health needs.
- 10.2 Children and young people in custody have access to a continuum of health care.
- 10.3 Services in the custodial environment meet health, nutrition and hygiene standards.
- 10.4 Children and young people are provided with access to a range of programs and activities that promote their development and wellbeing.
- 10.5 Services provide a safe environment that minimises any form of harm or harassment.
- 10.6 The health and wellbeing of a child or young person is paramount during periods of isolation or separation.
- 10.7 Self-harm and suicide prevention and intervention strategies are in place.