Youth Justice Group Conferencing program guidelines
Youth Justice
June 2010
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1. Introduction
The purpose of this manual is to provide convenors and service providers with guidelines on the operations of the Victorian Youth Justice group conferencing program.

The manual is divided into five sections:

- The philosophy and objectives of the group conferencing process with reference to restorative justice principles and the establishment, program ethos and legislation guiding the Victorian group conferencing model.
- The initial operations including court referral, youth justice suitability assessment and pre-conference phases.
- The key components of the conference process.
- The post conference phase including sentencing outcome and implementation of outcome plans.
- Program templates relating to the group conferencing program.

Group conferencing program history
Restorative justice is “a process whereby those affected by an offence come together, in a safe and controlled environment, to share their feelings and opinions truthfully and resolve together how best to deal with its aftermath”. Restorative justice is concerned with “restoring, insofar as possible, the dignity and well-being of those harmed by the incident” (Restorative Justice Network, June 2003).

Group conferencing is one of several approaches that can be called restorative, given it is a problem-solving approach to offending that aims to balance the needs of young people, victims and the community by encouraging dialogue between people who have offended and their victims and their integration into the community.

The following components must be incorporated for a conference to be considered restorative.

- Guided by competent, neutral, impartial and trusted facilitators, who ensure power imbalances are managed appropriately and interactions between the parties are effectively facilitated.
- Strives to be inclusive and collaborative enabling participants to freely express their feelings and opinions, and to work together to resolve problems. Justice professionals, such as police and legal representatives involved in the process however are restricted to providing information rather than determining outcomes.
- Entails voluntary participation.
- Fosters an environment of confidentiality. While the commitment to confidentiality cannot be absolute, as there may be times when compelling legal or ethical or cultural considerations override it, what is shared at the conference should be kept confidential by those in attendance.
- Recognises cultural conventions. The process is appropriate to the cultural identity and expectations of the participants.
- Focuses on needs. The process should foster awareness of how people have been affected by the incident of offending. This entails clarifying the emotional, material and consequential harm that has been suffered and the needs that have arisen as a result.
- Exhibits genuine respect for all parties even when their prior behaviour is condemned.
Validates the victim’s experience. The victim’s feelings, losses and questions should be accepted without reproach or criticism, and the victim absolved of any unjustified blame for what happened.

Clarifies and confirms the offender’s obligations to the victim and the wider community. The process should invite the offender to accept these obligations and should facilitate identification of options for their discharge.

Aims at transformative outcomes that meet present needs and equip for future. Outcomes should seek to promote the healing of the victim and the reintegration of the offender, not simply focus on penalties that punish past wrongdoing.

Observes the limitations of restorative processes. It is to be acknowledged that restorative justice (group conferencing) is not a substitute for the criminal justice system, but complementary to it. It cannot be expected to meet all the personal and collective needs of those engaged in it. Participants should be informed of how restorative justice outcomes may or may not be taken into account by the court.

Rationale for group conferencing
The Victorian model of group conferencing is based on the principles of restorative justice and community reintegration that are designed to:

- Encourage young people to take responsibility for their offending behaviour in a voluntary setting;
- Strengthen family or the family group of the young person;
- Engage significant others to support the young person;
- Provide the young person with an age and developmentally appropriate intervention and support that may enable him/her to address the causes of his/her offending;
- Enhance the rights and place of victims in the youth justice process;
- Ensure a legal representative for the young person is present to ensure the young person voluntarily agrees without duress to any outcome plans devised;
- Advise conference participants that their suggestions should not be more onerous on the young person than would otherwise be received by court sentencing;
- Restore the young person and victim to the community;
- Provide opportunities for direct or indirect victim reparation;
- Establish/enhance the young person’s bonds with community networks and institutions and facilitate integration;
- Contribute to a process of community connectedness; and
- Provide a culturally appropriate intervention.

In accordance with the principles and philosophy of restorative justice, group conferencing avoids shaming of young people and attempts to balance the needs of all parties in a mutually respectful and supportive environment.

Program aims
The primary aim of the Victorian group conferencing program is to provide an effective community rehabilitation intervention to the Children’s Court at the pre-sentence stage of the court process that addresses issues contributing to their offending behaviour and diverts the young person from more intensive supervisory court outcomes. A secondary aim is to involve
family members, significant others, community members, the police, and victims in the decision making process and thereby enhance their satisfaction with the justice process.

The group conferencing program also aims to achieve the following outcomes:

- Effective reintegration of young people into the community following the conference process;
- Reduced frequency and seriousness of re-offending of young people referred to the program as compared to young people on supervisory orders;
- Increased victim satisfaction with the criminal justice process; and
- Reduced costs to the youth justice system as compared to statutory court orders including custody.

Benefits of group conferencing

Group conferencing benefits the range of people associated with this process in different and various ways.

The process benefits young people because it:

- Uses age and developmentally appropriate dynamics to influence the young person’s thinking and behaviour;
- Focuses on addressing offending in a respectful manner;
- Models socially appropriate solutions to conflict;
- Avoids more intrusive and longer term criminal justice interventions;
- Encourages the family, and/or significant others to support their young person;
- Enables the young person to contribute to an outcome plan;
- Allows for reparation to the victim directly or indirectly where appropriate; and
- Facilitates an opportunity for restoration to the family, significant others and reintegration within the community.

The process benefits the young person’s family and/or significant others because it:

- Enables effective participation in the decision-making and planning process;
- Shares the responsibility for supporting the young person with other members of his/her support network; and
- Examines the impact of the young person’s offending on his/her family.

The process benefits victim/s because it:

- Allows for active participation in the justice process;
- May reduce the need for follow-up counselling through facilitating a “healing” resolution
- Enables victims to benefit from reparation where appropriate; and
- Consults victims in a respectful and non-adversarial manner.
- The process benefits the community because it:
- Encourages improved community relationships with young people; and
• Promotes healing and restoration of harmony in the community.

The process benefits the justice system because it:

• Offers an alternative sentencing and diversion option to the courts;
• Promotes improved victim satisfaction with the justice process; and
• Promotes the community’s confidence in the justice system.

Legislation

The Children, Youth and Families Act 2005 (Vic.) section 415 (1) enables the criminal division of the Children’s Court to consider deferral of sentence for the purpose of a child’s participation in a group conference if the court is considering imposing a sentence of probation or a youth supervision order. Section 414 of the Act allows the court to defer sentencing for a period not exceeding four months.

The current legislation specifies the following:

• A group conference is to be chaired by a convenor appointed by a service approved under section 480 of the Act.
• The convenor is to fix the time and place at which a group conference is to be held.
• The purpose of a group conference is to facilitate a meeting between the child and other persons (including, if they wish to participate, the victim or their representative and members of the child’s family and other persons of significance to the child) which has the following objectives:
  (a) to increase the child’s understanding of the effect of their offending on the victim and the community;
  (b) to reduce the likelihood of the child re-offending;
  (c) to negotiate an outcome plan that is agreed to by the child.

An outcome plan is a voluntary tool designed to assist the child to take responsibility and make reparation for his or her actions and to reduce the likelihood of the child re-offending. It is not the intention of the voluntary outcome plan to be a special condition of court ordered supervisory orders.

Legislation requires that:

• A group conference must be attended by the child; and the child’s legal practitioner; and the informant or other member of the police force; and the convenor.
• A group conference may be attended by members of the child’s family; and persons of significance to the child; and the victim of the offence or the victim’s representative; and any other person permitted to attend by the convenor.
• The convenor must prepare a group conference report for the court and must include in the report the outcome plan, if any, voluntarily agreed to by the child.
• Subject to sub-section (8) and Division 7 of Part 7.8, the proceedings of a group conference are confidential.
• Subject to sub-sections (8) and (11), a person who attends a group conference must not disclose any statement made at, or information provided to, the conference without the leave of the court or the consent of all the parties to the group conference. The convenor may make a record of the proceedings at the group conference; discussions may take place.
between a person who attended the conference and his or her legal representative; as well as between the legal representatives of persons who attended the conference.

Upon the matter returning to court, the court in determining the appropriate sentence for a child under section 416 must have regard to (a) the child’s behaviour during the period of deferral; and (b) any presentence report ordered under section 412(2)(b); and (c) if the child participated in a group conference, the fact of that participation; and (d) any group conference report ordered under section 414(2)(c); and (e) any other relevant matter.

If a child is found guilty of an offence during a period of deferral under section 414, or group conference does not proceed, the court may (a) re-list the adjourned case at short notice; and (b) on the adjourned hearing make any order which the court could have made if it had not deferred sentence.

Conference process

There are three key phases of the conference process: pre-conference operations/preparation, conference and post conference.
2. Pre-conference operations

This section of the manual outlines how the group conferencing program operates in Victoria including: initial consultation between the young person, their legal representative and group conferencing convenor, the suitability assessment undertaken by the youth justice court advice worker, and the court referral. Group conferencing in Victoria is a pre-sentence option within the Children, Youth and Families Act and can only be actioned via court referral following suitability assessment by a youth justice court advice worker and if the young person consents to the process.

Suitability criteria

The target group comprises young people aged 10 and up to 18 years of age appearing before the Criminal Division of the Children’s Court who have:

- Pledged guilty or have been found guilty of offences that do not include homicide, manslaughter and sex offences; and
- Committed offences serious enough for a probation or youth supervision order to be considered by the Court; and
- Been referred to the group conferencing program within twelve months of the offence/s or under exceptional circumstances at the discretion of the court;
- Been assessed by Department of Human Services Youth Justice; and has consented to participate.

This target group reflects the intention for group conferencing to be a diversionary option for young people who may have previously experienced a supervisory order or are on a current order, providing the current offences fit the above criteria, and/or young people who would otherwise receive a supervisory order via existing sentencing options for their first appearance in court.

Pre-court consultation

Prior to the young person appearing before the court, convenors may be required to consult with legal representatives and the young person to clarify program expectations, the suitability of the young person’s case, and to address any concerns the young person may have in relation to participating in the conference process.

Convenors must clearly indicate during any pre-court consultation that any potential referral is subject to the outcome of a court request for a suitability assessment conducted by the Department of Human Services Youth Justice Court Advice Worker. Convenors should not preempt this process but rather focus on assisting to clarify the process, and provide information that may assist the legal representative and young person consider the potential for a group conference.

Referral and assessment

As outlined in the Children, Youth and Families Act section 414, referrals to the Victorian group conferencing program can only be made as a deferral of sentence option via the criminal division of the Children’s Court.

When the court is considering a referral to a group conference, the court is required to stand the matter down for a suitability assessment to be completed by the Department of Human Services Youth Justice Court Advice Worker. Refer to appendix 2 for the Group Conferencing Suitability Assessment proforma to be provided to the court.
Court-based suitability assessment

In determining the young person’s suitability to participate in a group conference the youth justice court advice worker gives consideration to a number of factors including:

- the extent to which the young person meets the suitability criteria;
- the young person’s level of motivation to attend and participate;
- informed consent regarding the group conferencing process and other sentencing options available;
- the young person’s offending history inclusive of the circumstances of the offence, acceptance of role in offence and/or minimising offending;
- level of remorse; victim awareness including level of empathy toward the victim and capacity to contain feelings of animosity;
- family history/circumstances in order to determine level of support that can be provided to the young person including any networks the young person and/or his /her family may be connected with.
- current accommodation arrangements. It is necessary to identify if the young person’s living arrangements enable the young person to engage in the conferencing process and promote an offending free lifestyle;
- safety issues and/or special needs including intellectual functioning, substance abuse, cultural values, and their level of interpersonal skills which may impact on their ability to participate in all aspects of the group conference; and
- other sentencing options available within the criminal division of the Children’s Court to address the young person’s offending behaviours if deemed unsuitable for group conferencing.

Once the assessment has been completed by the youth justice court advice worker, she/he formally advises the court of the young person’s suitability via the group conference suitability report as presented in Appendix 2. Where a case presents as contentious or a serious offence is being considered, the report must be endorsed by the court advice worker team leader before being submitted to the court. If on the advice of the court advice worker the court decides the case is suitable for a referral to the group conferencing program, the matter may be adjourned for a period not exceeding four months under section 414 (1) of the Children, Youth and Families Act 2005 in order for the conference to be facilitated. Under section 576 of the Children, Youth and Families Act the court must request a report be prepared by the group conferencing convenor upon the young person’s return to court.

Group Conferencing and Client Relationship Information System (CRIS)

Once the Children’s Court has requested that the Youth Justice court advice worker undertake a group conferencing suitability assessment of a young person, the young person is considered to be a client of DHS.

The young person must be given (and have explained to them if necessary), “Appendix 4 Privacy information for young people” and “Appendix 5 Consent to obtain and release confidential information proforma”. If the young person provides consent to release their personal information they must sign the consent form and the youth justice court advice worker must retain a copy of it on a file.

The group conferencing suitability document is available within CRIS for use. Client information for all group conferencing suitability assessments that have been requested by the court must be recorded in CRIS. The client’s case on CRIS can be closed once they have been sentenced, dependent on the sentencing outcome.
Referral process

Once the deferral of sentence order with the requirement to participate in a group conference has been made, it is the responsibility of the youth justice court advice worker to facilitate the referral to the respective group conferencing agency. This entails the completion of the group conferencing suitability assessment report for convenors (see Appendix 3) which includes the following information:

- Contact details of the young person’s parent/guardian, any significant others, legal representative and the magistrate and court location;
- Current offences detailing the adjournment and return date for court, in addition to any outstanding charges if known;
- Family constellation, nature of relationships among the young person and his/her siblings and parents, in addition to any community groups or services they may be connected with;
- Current living arrangements in relation to the young person’s ability to engage in an offending free lifestyle;
- Education and recreation interests, level of attainment;
- Health status, physical and psychological if known, in particular any safety issues or special needs that may impact on the young person’s ability to participate in all aspects of the group conference;
- Informed consent and voluntary participation to engage in group conference; and
- Overall assessment and rationale as to why the young person is deemed suitable or not suitable.

In addition to the above, the youth justice court advice worker must also ensure the following documents are attached with the referral:

- Police charge sheets and summaries;
- Court documentation indicating the matter has been adjourned for a group conference and report including a return date and magistrate’s comments;
- Victim impact statements or witness statements;
- Department of Human Services privacy information for young people; (see Appendix 4)
- Department of Human Services consent to obtain and release confidential information; (refer to Appendix 5)
- Copy of the youth justice pre-sentence report if the report recommended the young person be found suitable for a group conference; and
- Any other relevant information provided to the court that would assist in understanding the case or in contacting participants for a group conference (if available).

Conference timeline

The Children, Youth and Families Act prescribes that the Court may defer sentencing for a period not exceeding four months in order for a young person to participate in a group conference. It is acknowledged that for a young person four months may be perceived as an exceptionally long period of time to wait for an outcome. It is therefore recommended that convenors where possible commence a group conference within four to six weeks of court referral in order to maintain momentum and adhere to timely interventions. This also provides the young person with the opportunity to commence working on issues identified within their outcome plan, that they have agreed to address prior to returning to court for sentencing.
Preparation time
The time to prepare a conference will vary depending on a number of factors, including co-operation of other parties attending and the young person’s needs and support requirements during the preparation process.

Conveners should note that the average time for preparation of a conference may be up to 30 hours.

Role of the group conferencing convenor in the assessment phase
As the adjournment for a court-based suitability assessment may only be brief, a more thorough assessment of the young person’s risks and needs will need to be undertaken at the pre-conference stage by the convenor. For example, to make checks with relevant Department of Human Services youth justice units and child protection, in addition to significant others in the young person’s life.

The convenor at anytime during the pre-conference stage may find the young person unsuitable to participate for a number of reasons, for example the nature of the offence being more serious than first realised, lack of remorse or capacity for victim empathy, and low level of motivation to actively engage in the conferencing process. The convenor is to discuss the matter with his/her line management and the regional youth justice program; and may decide to stop the conference from proceeding. The convener should advise youth justice court advice service worker and the young person’s legal representative. The convenor has final authority on attendance at a conference.
Step 1  Initial contacts
The group conferencing convenor must make initial contact with the young person (offender), family members and/or significant others connected with the young person (including statutory workers such as Child Protection), the victim and/or victim support agency, police informant, legal representative and other significant people. The convenor must confirm details of the conference by written invitation.

In the initial contact phase, the convenor must:

- Where necessary use an interpreter and translated materials;
- Explain written materials already provided to the participants;
- Explain the purpose of the conference and the conference process;
- Advise the victim, the young person and family members/significant others of their rights;
- Explain the benefits of attendance and community involvement;
- Explain the role of a police officer at the conference as an information provider, not as a prosecutor or co-convenor;
- Identify the appropriate support persons to attend the conference;
- Ascertain specific needs of the young person, victim, family members and other participants (for example impairments and disabilities, interpreters, travel assistance, etc);
- Discuss the appropriateness of the attendance of other persons, reiterating the objective of their participation as outlined in the Children, Youth and Families Act section 415 (4) (a) (b) (c) which refer to increasing the young person’s understanding of the effect of their offending on the victim and community; to reduce their likelihood of re-offending; and to negotiate an outcome plan that is agreed to by the young person.
- Emphasise the confidentiality of information as outlined in the Children, Youth and Families Act section 415 (9) and section 415 section (10) ie “a person who attends a group conference must not disclose any statement made at, or information provided to, the conference without the leave of the Court or the consent of all parties to the group conference”. It is noted however in section 415 (11) “nothing in sub-section 10 prevents the convenor making a record of the proceedings at the group conference; discussions taking place between a person who attended the conference and his or her legal representative; and discussions taking place between the legal representatives of persons who attended the conference”. The convenor must also highlight that consent to the group conference includes a willingness to accept responsibility for their actions and the harmful impact on others, and includes wanting to make amends with the assistance and support of other participants in the conference.
- Advise and encourage participants who are unable to attend the conference to present their views in writing, on audiotape or other appropriate means such as victim impact statements.

Step 2  Conference date, time and selection of venue
The convenor should:

- Discuss with participants an appropriate date, time, and place for the conference as outlined in section 415 (3) of the Children, Youth and Families Act;
- Where possible, every effort must be made to hold the conference within eight weeks of the Court referral. In order to meet this deadline, it is essential that the police informant is contacted as soon as possible to discuss his/her availability, in addition to finding out a
time and date that is suitable for other participants;

- In selecting a venue, the convenor must ensure the place is neutral, safe, comfortable, accessible to public transport, and has the essential facilities;
- Discuss with the participants the elements of the conference;
- Encourage the participants to adapt the process to ensure that the conference maximises the opportunity to be meaningful to all parties (eg culturally appropriate customs may be incorporated); and
- Confirm time, date and place verbally and in writing once these have been negotiated, taking into account the program requirements that conferences be held within eight weeks of receipt of the court referral.

Step 3 Preparations for effective conference processes
To prepare for an effective conference the convenor must:

- Take note of and make appropriate preparation for angry victims and family members;
- Ensure an appropriate balance of participants including supporters of the young person, victims and their supporters, professionals and other community representatives.
- Ensure that other professionals involved understand their role in the conference;
- Address any anxieties that participants may have;
- Clarify the roles of participants;
- Set appropriate ground rules for the conference which entails confidentiality, no (verbal or physical) violence, no substance abuse prior to conference and so forth;
- Enlist the assistance of culturally appropriate persons including Aboriginal persons where relevant;
- Check the suitability of the venue including fire exits, disability access, toilets and kitchen facilities;
- Ensure that there is sufficient space (extra rooms if possible) to address any conflict that may arise between the offender's and victim's parties, as well as provide private time between the young person and legal representative to discuss the outcome plan; and
- Plan the seating arrangements at the conference beforehand.

If the convenor feels that there is some risk of physical confrontation at the conference, the convenor should consider the following options:

- Consult with the police officer/s already involved with the case;
- Exclude specific participants from attending the conference.

Step 4 Confirmation and final preparations for the conference
The convenor must:

- Reconfirm date, time, and place of conference;
- Become familiar with the details of the offence and other relevant material, in particular ensure necessary court documentation is present.
- Ascertain views of persons who have been invited but are not able to attend - if possible, in writing, on audiotape or other appropriate means including a victim impact statement.
• Make reminder calls 48 hours prior to the conference to check and confirm participant’s availability.
• Decide on resources required for the conference, such as interpreters, venue, travel assistance, refreshments and accommodation for participants if required;
• Decide on exclusions in consultation with the convenor’s line manager. It may be necessary for the group conferencing convenor to consult with the Department of Human Services, Youth Justice representative regarding the reason/s for exclusion.
• Consider potential components of the outcome plan as identified in previous discussions with participants.

Notes on Exclusion:

Sound preparation can eliminate the need to exclude people from the conference. However, if the exclusion of a person (other than the young person or victim) from attending a conference is deemed necessary, this decision should be made prior to the conference.

Unfortunately, even though it can be quite disruptive, it may be necessary for the convenor to decide to exclude a person from continuing to participate in the conference.

If unsure about how to proceed, the convenor should seek advice from his/her line manager. Ultimately, it is the role of the convenor to decide if anyone will be excluded at the time of the conference.

Preparing for the conference

While not pre-empting the conference outcome, adequate preparation of participants is essential to ensure the conference runs effectively, meets the objectives of the Children, Youth and Families Act, enables participants to participate positively and produces appropriate, realistic and achievable outcomes.

The Children, Youth and Families Act clearly outlines who must and may attend a group conference. Section 415 (6) specifies the following people who must attend a conference:
• The child; and
• The child’s legal practitioner; and
• The informant or other member of the police force; and
• The convenor.

Section 415 (7) outlines who may attend a group conference:
• Members of the child’s family; and
• Persons of significance to the child; and
• The victim of the offence or the victim’s representative; and
• Any other person permitted to attend by the convenor.

In preparing participants for the conference the convenor is required to prioritise preparing the young offender and the victim followed by their family and/or significant others.

Preparing the young person

It is the convenor’s role to address any specific concerns raised by the young person and to provide information and/or advice that will assist reaching an outcome consistent with the objectives of the Children, Youth and Families Act with regard to increasing the young person’s level of empathy for the victim and community, reducing re-offending and negotiating an
outcome plan that assists the young person to take responsibility and make reparation for his/her actions.

The convenor therefore may need to discuss with the young person the services and programs that may be of benefit to them and that may form part of the outcome plan or recommendations from the conference. The convenor should also gather information to assist the conference reach an agreement on a satisfactory outcome. This may include information about the young person’s:

- Understanding, expectations and concerns about the conference;
- Understanding of and attitude toward the offence;
- Attitude to the victim;
- Ability to articulate thoughts and feelings about the matter at the conference;
- Current circumstances;
- Skills, abilities and interests that may facilitate a contribution to the community;
- Ideas about how to meet the needs of the victim, and, if it is an appropriate outcome, assess the ability and willingness of the young person to repair the harm to the victim.

The convenor should ensure that this information is only disclosed to other conference participants with the young person’s specific consent.

**Preparing the victim**

**The convenor** is to explain the conference process and the victim’s role in the process. It is important the victim be provided with support of external agencies (such as the Victim Support Agency) if required, and/or support from family members or significant others.

It is likely that victims will approach the conference with a degree of scepticism, anger towards the young person and their family and some fear. Listening empathically while victims express their anger may be the most important preparation task prior to the conference. Many victims may not have had the opportunity to talk about their feelings with someone representing the justice system. Providing victims the opportunity to vent their anger prior to the conference can help reduce the intensity of their feelings and improve their receptivity to the aims and non-retributive spirit of group conferences. In addition, explaining the program in order to ensure victims have a sound understanding of the principles underlying group conferencing will further reinforce the restorative focus of the process.

The convenor should address any concerns raised by the victim/s and encourage the victim/s to consider their needs and assess whether this is the right forum to meet these needs. The convenor should also gather information from the victim to assist conference to agree on a satisfactory outcome. This may include information about the victim’s:

- Understanding, expectations and concerns about the conference;
- Understanding of and attitude toward the offence;
- Attitude to the young person;
- Ability to articulate their thoughts and feelings at the conference;
- Willingness and preparedness to receive a formal apology from the young person.

**Preparing the person responsible for the young person**

Convenors are required to provide parents or carers with an explanation of the purpose and process of a conference and their potential role in the process.
Information of relevance to the person/s responsible for the young person may include:

- Sentence outcomes that are possible under the Children, Youth and Families Act;
- The agreement or non-agreement to outcomes required as part of the Outcome Plan;
- The need to allow the young person to consider what he or she might do to meet the needs of the victim and to develop the young person's sense of responsibility;
- The services and programs that may benefit the young person that could form part of the outcome plan or recommendations from the conference.

Convenors need to be aware of the risk of parents/carers attempting to use the conference to enforce the young person’s compliance in areas unrelated to the offending behaviour, (for example, school attendance, curfews).

Preparing other professionals
The convenor is to provide the police officer, legal representative and other professionals attending the conference with the following:

- The purpose, processes and likely outcomes of the conference;
- A briefing on their role in the conference including how to best communicate with other conference participants;
- Advice that they cannot take notes during a group conference;
- Reminder to legal representatives that their client’s outcome should not be more onerous than if they had proceeded through the normal court process.

Issues in preparation stage
Continued offending by the young person
Continued offending by the young person in the pre-conference stage can potentially cause the conference to be abandoned and the matter returned to court. If either the Youth Justice worker or Group Conference convenor become aware of a young person who is on a deferral of sentencing having been charged with offences they should inform the other party.

The Group Conferencing convenor, the Youth Justice court advice worker and their team leader must discuss the young person’s re-offending to identify if a group conference is still an appropriate option for the young person. Consideration should be given to the details and circumstances of the offence and whether, if these circumstances were presented at the time of the initial assessment, they would have precluded the young person’s involvement in the Group Conferencing program. Issues to be considered would include:

- The nature and seriousness of the offence(s)
- The attitude of the young person
- Any causal factors to the offence
- Whether the young person is intending to plead guilty or contest the new charges.

It is essential to note that this is a discretionary process and re-offending by the young person does not necessarily preclude the conference from continuing.

If after this process, the Youth Justice team leader and/or the Group Conference convenor considers that the young person’s further offending is too serious to allow a group conference
to proceed, the group conferencing convenor must make application to the court to have the original matter heard for sentencing under Children, Youth and Families Act S. 416(4).

Refusal to participate by the young person
If, after initially agreeing to participate in the Group Conference process, the young person has second thoughts and refuses to participate in the conferencing process, the group conferencing convenor should inform the clerk of the presiding Children’s Court and have the matter returned to court for sentencing. The convenor must make this application to the court under Children, Youth and Families Act S.416(4).
This should be carried out as soon as it becomes apparent that the young person is refusing to or unable to, participate in the program.
Notification should also be made to Youth Justice of the matter being returned to court and the reason why the conference wasn’t held.

Incident reporting
Group Conferencing provider organisations are required to report any category one incidents that occur during the group conference process.
This includes:
• incidents that may be instigated by the young person, their family or others involved in the group conferencing process, and
• incidents where the young person, their family or others involved in the group conferencing process are the victim.

This policy covers the entire group conference process from initial contact by the Group Conference convenor, through to the cessation of convenor involvement post the sentencing hearing at court.
Reportable incidents are only those that are:
• directly related to the group conference process (e.g. young person is assaulted by victim, convenor is verbally abused by young person’s family, etc),
• related to further offending by the young person (e.g. young person commits further offending that places the likelihood of the group conference occurring at risk).
• occur between these parties either before, during or post the conference.

Any incidents that occur must be reported on the departmental incident reporting template and forwarded to the regional PASA and regional YJ unit manager.

Group conferencing provider organisations should contact the regional youth justice manager or program and service advisor prior to completing any category one incident report.
Category one incidents are the most serious and such incidents occurring at the service or during service delivery must be reported.
In the case of disability clients, and statutory child protection and youth justice clients, incidents at other times must also be reported. Category one incidents include:
• The death of, or serious injury to, a client or staff member.
• Allegations of, or actual serious physical or sexual assault of or by a client or a staff member.
• A serious fire involving death or serious injury.
• A serious fire in programs other than Housing (involving closure or significant damage to parts of a building or its contents).
• Serious property damage in programs other than Housing.
• The apparently alcohol or drug related death of an Alcohol and Drug Services client irrespective of the location of the incident.
• An event that has the potential to involve the relevant Minister, or subject the Department or funded agency to high levels of public or legal scrutiny.

Further information regarding this policy can be obtained from the “Service Agreement information kit for funded agencies” available through the funded agency channel on the departmental internet page: www.dhs.vic.gov.au
3. The conference

Conference facilitation – components and issues

It is the responsibility of the convenor to ensure that conferences are conducted in accordance with the Children, Youth and Families Act and the Department of Human Services, *Youth Justice Group Conferencing program guidelines*, in a manner that addresses the harm caused, to; achieve fair outcomes, promote the development of the young person, and build better relationships in the community. This may require variations to the process to account for cultural needs or specific local situations.

The group conferencing process should be divided into five components:

1. Introduction (rules, etiquette, process overview, need for breaks etc)
2. Information Sharing regarding the offence and the impact of the offence
3. Private time for the young person and their family to consider proposed outcome of conference
4. Development of a plan
5. Closing of the conference.

Introduction

The convenor is responsible for introducing him/herself to participants and providing a brief overview of the purpose and process for the conference, explaining the requirements of confidentiality and establishing the group rules. The convenor is required to:

- Ensure all participants have nametags and are welcomed into the conference.
- Invite all participants to introduce themselves and outline their relationship to the offence/young person/victim.
- Ensure court documents are on hand in case they need to be referred to
- Provide an opportunity for participants to ask questions about the process.
- Maintain the focus of the conference on repairing the harm caused by the offences not on the offender (as a “bad” person).
- Ensure the emphasis is on holding the young person accountable for the offence and not on blaming or lecturing the young person.
- Acknowledge the effort of those present for attending and convey understanding of the feelings they may be experiencing.
- Reinforce the group rules regarding confidentiality and conduct of the conference.

In establishing the group rules, it is important to explain to participants the rationale underlying the need for group rules. This may include:

- Providing all participants with the ability to feel safe physically, emotionally and socially at all times by reinforcing confidentiality requirements.
- Maintaining the focus of the conference on current offences, and not on the offender’s character, prior offences, family issues or conflicts.
- Establishing respect in order to alleviate participants being subject to aggressive or intimidating behaviour, gestures, threats or language. In addition, providing participants with the opportunity to be heard by having only one person speak at a time.
- Setting clear boundaries and consequences for actions that breach the group rules.
Information sharing

This component of the conference process is concerned with providing all participants, in particular the young person and the victim the opportunity to tell their story of the offence. Generally, the process of information sharing commences with the young person followed by the victim, victim support persons, family, friends and significant others of the young person, other professionals attending the conference such as the police informant and/or community agency workers, and the legal representative of the young person. As a convenor, it is useful to mention in the opening statement that the young person has been found guilty of the offences.

The police informant may provide an “official version” of the offence prior to the young person if the young person is reticent to commence proceedings. The police informant should speak informally to the summaries and can enter into a dialogue with the young person, providing they refrain from lecturing the young person on their behaviour.

Following the young person’s account of the offence the victim is invited to talk about the incident and how it affected them. In some situations, the victim may need assistance from family or significant others including victim support agency representatives. The use of a victim impact statement may also be appropriate.

The convenor then continues the information sharing process requesting other participants, especially the family or significant others of the young person talk about the effect the offending behaviour has had on them.

This stage of the conference provides everyone with an account of what happened and how it has affected the participants. Following individual presentations, it is the role of the convenor to ensure everyone reaches a mutual understanding of the event/s. Given this can be a difficult and challenging role, the convenor is encouraged to seek the assistance of the professional participants at anytime they feel it is warranted and appropriate.

At the end of the information sharing process, the convenor may request that the young person describe who they think has been affected by the offence and how (including themselves) and an opportunity is offered to the young person to make a formal apology. This leads into the next stage of the information sharing process concerned with what can be done to address the harm.

Within this phase of the conference process, the convenor asks the victim/s to make suggestions about how the young person might repair harm that has been caused to the victim. Other participants are then provided an opportunity to make suggestions and are asked what they would like to see come out of the group conference which sets the expectations for the outcome plan.

- How the plan can make amends for some of the harm and to prevent further offending.
- The legal representative can provide guidelines around what would be the court’s expectations of a fair outcome.
- Provide the young person and their support group a clear idea of what is required – a response to the question how/what/when/where should the young person make amends for some of the harm of the offence, and what should be done (if anything) to ensure it doesn’t happen in the future.
- Identify the key person to take on the responsibility to support and supervise the outcome plan.
- Identify a person to write up and feed back the outcome plan.
The above is initiated prior to the young person and his/her supports being provided private
time to discuss what they think the young person can do to repair the harm to the victim and
develop a proposed plan.

Private time
The purpose of private time is to give the young person and their support group an opportunity
to meet privately inside the group conference to develop their proposed plan.

When the young person and their support group is afforded ‘private time’, professionals are
required to leave the family alone at this stage unless otherwise invited. The young person and
their support group are to be informed that they have the option and right to invite whoever
they wish into their private time from the participants of the conference. They also have the
right to ask them to leave them alone after they have clarified any concern or matter.

During private time, the convenor should:

- Check on the young person and support group at regular intervals to ensure they are
  proceeding successfully.
- Check whether there is a need for clarification or additional information from others.
- Ask for a proposal to be finalised after 20 minutes of private time.

Private time should not exceed 30 minutes.

After the convenor has checked that the group has prepared a proposal, the full conference
resumes. The person nominated by the young person and their support network reports back
to the group conference on the proposed plan.

Outcome plan
Outcome plans should not be unnecessarily prescriptive. For example, an outcome may require
a young person to clean off graffiti for a victim but should not specify the time and dates. This
allows flexibility for practical arrangements to be modified.

The conference participants must be clear about what plans have been made, how and by
when they will be completed, what resources and support will be required, and what will
constitute “satisfactory completion” of each part of the plan.

Negotiation of the final outcome plan
The group conference convenor takes an active role in negotiating an agreement with all
participants. Convenors should stay out of the discussion over the content of the negotiations
and focus on ensuring that all parties to the conference are heard and have a fair say on the
plan. Although it is favourable to have all participants agree on the outcome plan, it is
ultimately the victim and the young person who must agree to the content of the outcome
plan. However, serious consideration should be given to the key person in their role of
supporting the young person. Each must be given the opportunity to consider the content and
give informed and un-pressured consent. Private time should be allocated to the young person
and his/her legal representative to ensure that the young person knows what is contained in
the plan and that the young person freely consents to the plan.

The key task of the convenor is to ensure that proposed plans are evaluated against set
objective criteria such as:

- Has the young person been held accountable and encouraged to accept responsibility for
  their offending behaviour?
- Is the plan fair and reasonable?
• Is it workable and realistic?
• Is it more or less onerous than the court would have imposed upon the young person?
• Is it consistent with the sentencing principles of the Children, Youth and Families Act?
• Is the proposal clear and detailed enough for participants to understand what is required for implementation?
• Are all aspects of the plan appropriate to the young person’s culture, age, level of development, gender and sexuality, and individual needs, particularly disabilities or family circumstances?
• Is it specific with a completion date specified?
• Did the participants generate the proposal?
• Has the young person had private time with their legal representative?
• Is it safe? Is there duty of care issues in the proposal that need to be addressed?
• Is support required for the young person to fulfil the outcome plan? Who will do this?
• Experience has shown that outcome plans are completed more quickly when the goals set are realistic; the young person has established linkages to community agencies post conference; and is supported in the implementation of the plan by a member of the young person’s community and/or family member.

• Elements of desirable outcome plans
  • Strengthen and enhance the young persons connections to their support group and their community including education and employment opportunities.
  • Provide positive identity to the young person as a contributor to the community.
  • Allow the young person to accept responsibility for their actions, which contributed to harming the victims.
  • Allow the young person to make amends for some of the harm caused by their offending.
  • Result from an engaged discussion between all members of the group conference where all suggestions are acknowledged and considered.
  • Are embraced by the young person and their support group as their own plan
  • Identify a key person committed to voluntarily supervising and supporting the young person in implementing the plan.
  • Include statements of intent by the young person and their support network.
  • Can be commenced before return to court and fully completed within three months of the group conference.

Elements of an unacceptable outcome plan
• Coerces a young person, victim or other conference participant into an activity by pressure of time or for any other reason (all agreements must be voluntary).
• Imposes unworkable, onerous, unrealistic restrictions or conditions on a young person (for example, curfew or conditions on education or employment).
• Requests activities that may breach occupational health and safety conditions for the young person (for example, use of power tools).
• Makes a recommendation to the court on the sentencing order to be imposed.
• Establishes agreements that require parents, families or other support persons of the
young person to make restitution on behalf of the young person.

- Includes tasks that are too onerous on the young person such as requiring substantial amounts of community work (no more than 20 hours).
- Any outcome that interferes with a young person’s education, family, employment commitments or religious requirements.

The outcome plan proposal must, as far as practical, strengthen the young person’s family relationships, not interrupt education, training or employment or home living arrangements of the young person, minimise any stigma to the young person, and not impose unrelated additional conditions.

Outcomes involving the making of apologies
Significant progress may be made in the course of a conference. The young person may meet the needs of the victim and face up to the consequences of their offending behaviour. In such situations, the conference may represent an outcome itself and the young person may choose to apologise verbally to the victim.

Where a written apology is considered, the young person’s literacy level should be taken into account. In circumstances where the young person’s literacy level is low, the outcome plan should identify someone to assist the young person to write the apology. As an alternative, a drawing or some other creative approach to providing an apology may be considered.

The convenor should encourage and guide the young person to negotiate an appropriate way to communicate the apology to the victim.

Outcomes involving reparation to the victim or the community
Activities should be directed to meeting the needs of the victim and performed directly for the victim. However, the victim may elect to nominate a community agency as a substitute if the victim does not want the activities performed directly for him/her.

Where reparation activity for the victim or community is included in the outcome plan, the activity must be able to be completed within 20 hours. Convenors must refer to the Department of Human Services Legal and Liability Information to ensure that any young person engaging in tasks or community work as part of an outcome plan receives appropriate supervision, has protective clothing supplied where required, has been trained in the use of equipment and transport arrangements have been made etc.

Financial reparation
It is the convenor’s responsibility to advise all conference participants during the preparation stage that where financial reparation has been agreed to, it must be realistic and appropriate, that is, within the means of the young person.

Participation in a program and actions toward community integration
In determining what program or actions the young person should engage in, it is important to ensure that these type of outcomes are not too onerous. Rehabilitation programs such as counselling are generally only effective if the young person participates willingly. It is proposed that outcome plans that include requirements for counselling specify attendance for a first appointment. Further appointments should be negotiated in consultation with the service provider and the young person. If the conference is considering a particular program, it may be more appropriate for inclusion as a recommendation from the conference as opposed to a set task in the outcome plan.
Statements of intention
Statements of intention by the young person or their family are often included in the outcome plan. It is best that a commitment to not re-offend is expressed as a “good will” statement at the start of the agreement.

No outcome plan
On some occasions the conference itself is sufficient as an outcome, particularly in relatively minor offences where the victim is not seeking anything specific from the young offender. In these cases the outcome plan should clearly state this outcome, in order for the court to be aware that it is the unanimous view from the group conference process.

Closing the conference
Summation of outcome plan
The convenor must document the negotiated outcome plan and associated recommendations in the presence of the conference participants.

- Where amendments have been made to the proposed plan, the convenor must restate the plan to ensure all participants are in agreement with the plan.
- The signing of the outcome plan by all parties is at the discretion of the convenor
- The outcome plan will be marked confidential and at the end of the conference the convenor should again reinforce the confidentiality of the conference.
- Finally, the convenor should thank all participants for attending and close the formal proceedings of the group conference.

Issues in facilitation
Failure to attend – young person
The Children, Youth and Families Act section 415 (6) & (7) clearly stipulates who must and may attend a group conference. If a young person fails to attend the conference, the convenor should reschedule the conference if possible to a later date, prior to returning the matter back to court for sentencing. Where the young person fails to attend without reasonable excuse, the convenor must report the young person’s lack of participation to the court either in writing. Section 416 of the Children, Youth and Families Act states that the Court may on application of the child, re-list an adjourned case at short notice if the court considers it appropriate to do so. On the adjourned hearing date, the Court must, in determining the appropriate sentence for a child, have regard to: the child’s behaviour during the period of deferral; and any pre-sentence report ordered under section 414 (2)(b); if the child participated in a group conference, the fact of that participation; and any group conference report ordered under section 414 (2) (c); and any other relevant matter.

Failure to attend – police
Under Section 415 (6) (c) of the Children, Youth and Families Act, the informant or other members of the police force must attend the group conference. If the police informant fails to attend the conference, the convenor should reschedule the conference if possible to a later date, prior to the matter being returned to court for sentencing. The convenor should attempt to contact the informant and negotiate their attendance on the rescheduled date. Where this is not possible, the convenor should attempt to negotiate another member of the police force to attend the conference on their behalf. If the convenor continues to experience difficulties in arranging a police member to attend, they should contact their police youth liaison representative to assist with this arrangement. Any ongoing difficulties should be brought to the attention of senior officers.
Details of police attendance at the conference should be noted in the outcome report submitted to the court.

**Failure to attend – legal representative**
Section 415 (6) (b) of the Children, Youth and Families Act states that the child’s legal practitioner must attend the group conference. Where this is not possible, the convener should reschedule the conference to another date prior to the hearing. Where attendance is not possible for the legal practitioner to attend, efforts should be made for an alternative practitioner to attend to represent the young person at the conference.

**Failure to attend – victim**
A victim is defined within the Act as a person who may attend a conference. Where a victim may have indicated interest in and the intention to attend a conference and then failed to attend on the day, the convener is left with the difficult decision as to whether to proceed with the conference. If the convener forms the view based on available information that the victim and or a victim representative may still wish to attend but has been unable on this occasion to attend, serious consideration should be given to rescheduling the conference.

The convener should however take into account the future availability of other participants. While priority should be given to key participants as identified within section 415 (6), the convener should ensure the perspective of the victim can be presented at the conference and the key components of conference maintained.

**Duration of conference**
The duration of a conference should be determined by the individual needs of conference participants. As a general rule, conferences should be concluded in less than two hours.
4. Post conference operations

This section of the manual outlines the process employed by the convenor in preparing the group conference report for court including the outcome plan and details the process for implementation and monitoring of outcome plans post sentencing outcome.

Court report

The Children, Youth and Families Act section 415 (8) clearly outlines that the convenor must prepare a group conference report for the Court and must include in the report the outcome plan, if any, agreed to by the child. (See Appendix 6)

The court report should be lodged with the Court four working days before the matter is to be heard. The convenor should discuss the contents of the report with the young person and his/her legal representative prior to finalising and lodging the report with the Court. In particular, any potential controversial claims or sensitive material should be discussed in person with the young person before finalising the report.

In addition to lodging a copy of the report with the Court, the convenor must also provide a copy of the report to the young person’s legal representative and the family or significant other of the young person with the young person’s consent.

Court appearance and outcome

The general rule is that the author of a court report must attend a court to answer queries in relation to the contents of the report and support the young person and other participants during court proceedings. Should the convenor/author not be able to attend court, a representative of the organisation, preferably the line manager is to attend in lieu of the author.

When attending court, it is important to arrive early in order to answer any questions the young person and their support group and/or legal representative may have. It also provides an opportunity to meet with the youth justice court advice worker if the young person is likely to receive a statutory order to be supervised by the Department of Human Services, Youth Justice.

Once the court has placed a young person on a statutory order with the Department of Human Services, or on a non-statutory order such as a Good Behaviour Bond, the outcome must be recorded in the young person’s case file and Department of Human Services court staff are to record the outcome on the departmental file (Client Relationship Information System).

Implementation of outcome plans

The Court may accept or reject the outcome plan agreed to at the group conference. If the Court rejects the outcome plan there is no further role for the convenor.

Where the Court accepts the outcome plan, it is the role of the convenor to engage with the identified key person and young person to co-ordinate the implementation of the plan.

If the young person is placed on a further period of deferral in order to complete the outcome plan, the convenor will be required to write a further brief court report on the implementation of the outcome plan.

If the young person is placed on a supervisory order with the Department of Human Services, Youth Justice, the convenor will need to liaise with the young person’s case manager and clarify the roles and responsibilities relating to the implementation of the outcome plan.
Monitoring of outcome plans
The implementation of the outcome plan should be the responsibility of the young person, the key person identified in the plan and/or the young person’s support group.

Non-compliance with outcome plans
It is important to ensure that planning allows for unforseen circumstances, delays and failures. When unforseen circumstances impact on the outcome plan, the convenor can assist the key person, the young person and their support network to overcome hurdles.

Where victim reparation arrangements are not completed, a referral to a victim support agency for the victim (if not already established) may be required to ensure that any feelings of further victimisation are addressed.

The role of the convenor does not entail enforcing compliance with the outcome plan. This is the responsibility of the young person and his/her support group.
5. Data collection and program reporting

Service providers are to ensure that case files are established for all clients referred by the Children’s Court for a group conference and maintained with accurate and up to date information.

Program data is to be collected in the Department of Human Services prescribed format and provided to the Department of Human Services on a quarterly basis or as agreed.
Appendices

Appendix 1  Group Conferencing Flowchart
Appendix 2  DHS Youth Justice Suitability Assessment Proforma
Appendix 3  DHS Youth Justice Suitability Assessment Report for Convenors
           Proforma
Appendix 4  Privacy Information for Young People
Appendix 5  Consent to Obtain and Release Confidential Information Proforma
Appendix 6  Group Conferencing Court Report Proforma
Appendix 1  Group conferencing flowchart

Young person aged from 10 up to 18 years appearing before the Children’s Court.

The Court decides whether or not the young person is within the target group. Eligibility criteria includes:

- Pleaded guilty or have been found guilty of offences that do not include homicide, manslaughter, sex offences and serious crimes of violence; and
- Committed offences serious enough to warrant a supervisory order (probation or youth supervision order) to be considered by the Court; and
- Referred to the group conferencing program within twelve months or under exceptional circumstances at the discretion of the Court.
- Assessed by a Department of Human Services Youth Justice officer

Youth Justice suitability assessment (completed by court advice worker upon direction of the Court).

Court referral and adjournment to participate in group conference (CYFA 2005, S.414) for a period not exceeding 4 months.

Pre-conference preparation and consultation including victim preparation.

Group conference with or without victim present.

Outcome plan

Court report

Return to court for sentencing

Outcome plan completed or follow up required
Appendix 2  Youth Justice Suitability Assessment Proforma

COURT REPORT - SUITABILITY ASSESSMENT

NAME: ______________________________________

D.O.B: ___________________ AGE: ___________________

GENDER:  □ Male    □ Female

CULTURAL ID: ________________________________

ADDRESS: ___________________________________

TELEPHONE: ________________________________

SOURCES OF INFORMATION

NAME: ______________________________________

RELATIONSHIP: ______________________________

CONTACT DETAILS: ____________________________

NAME: ______________________________________

RELATIONSHIP: ______________________________

CONTACT DETAILS: ____________________________

LEGAL REPRESENTATIVE

NAME: ______________________________________

CONTACT DETAILS: ____________________________

COURT INFORMATION

COURT LOCATION: ____________________________

COURT DATE: ________________________________

MAGISTRATE: ________________________________

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SUITABILITY CRITERIA

Meets Suitability criteria YES / NO (please circle)

If no, state which criteria the young person does not meet.

SUITABILITY ASSESSMENT

Young person is deemed suitable to participate in a group conference:

☐ Yes

☐ No

RECOMMENDATION

It is respectfully recommended Your Honour consider deferring sentencing in order for (client) to participate in the Group Conferencing program given he/she is assessed as suitable.

It is respectfully recommended Your Honour find (client) unsuitable to participate in the Group Conferencing program due to (state reasons why client is assessed as not suitable)

REPORT COMPILED BY:  ENDORSED BY:

Name: ____________________________  Name: ____________________________

Position: __________________________  Position: __________________________

Address: __________________________  Address: __________________________

Signature: _________________________  Signature: _________________________

Date: ______________________________  Date: ____________________________
Factors to take into consideration when conducting a group conference suitability assessment

**SUITABILITY CRITERIA**

- Aged from 10 up to 18 years at the time of the offence appearing before the Criminal Division of the Children’s Court.

- Plead guilty or have been found guilty of offence(s) that do not include homicide, manslaughter, sex offences or serious crimes of violence.

- Committed offences serious enough to warrant a probation or youth supervision order to be considered by the Court.

- Been referred within 12 months of the commission of the offence, or under exceptional circumstances, at the discretion of the Court.

**INFORMED CONSENT/VOLUNTARY PARTICIPATION**

- **Motivation to attend**
  - Re-iterate and confirm young persons understanding of group conferencing process.
  - Assess what young person hopes to get out of conference, are expectations realistic.
  - Ensure young person has not been pressured by family/friends to attend.

- **Aware of other sentencing options**
  - Ensure young person is clear regarding the Court alternative to conferencing and consultation has occurred with legal representative.

**OFFENDING HISTORY**

- **Circumstances**
  - Date of offence/s, location, solitary or with peers, first offence etc.

- **Attitude**
  - Level of remorse, acceptance of role in offence and/or minimising offending etc.
  - Could the young person’s attitude be modified via group conferencing process.
  - Discussion with group conferencing convenor regarding potential of young person to engage constructively in process.

- **Victim Awareness**
  - What does he/she think about the victims.
  - Ability to identify the victims and level of empathy toward the victim.

**OTHER ISSUES FOR CONSIDERATION**

- **Offences**
  - Does the young person have pending court matters.

- **Family History/Circumstances**
  - Level of support provided by family to young person and nature of relationship.
  - Is the family and/or young person connected with any networks, community groups or programs.
  - Who do they envisage might support them through the conferencing process.

- **Current Living Arrangements**
  - Do the current arrangements allow for the young person to engage in an offending free lifestyle.
  - Is the young person residing in out of home care and/or in need of alternative accommodation.

- **Safety Issues/Special Needs**
  - Intellectual functioning, substance abuse, anger management issues, particular cultural norms/values; and interpersonal skills which may impact on the young persons ability to participate in all aspects of the group conference.

- **Alternative Sentencing Options**
  - Consider other sentencing options available within the Children’s Court to address the young persons offending behaviours if not suitable for group conferencing.
YOUTH JUSTICE GROUP CONFERENCING SUITABILITY ASSESSMENT

Information for Group Conferencing Convenors

NAME: ____________________________________________
D.O.B: __________________ AGE: __________________
GENDER: □ Male □ Female
ADDRESS: _______________________________________
TELEPHONE: ______________________________________

PARENT/GUARDIAN CONTACT DETAILS
NAME: ____________________________________________
ADDRESS: _______________________________________
TELEPHONE: ______________________________________

SIGNIFICANT OTHERS
NAME: ____________________________________________
CONTACT DETAILS: ________________________________

LEGAL REPRESENTATIVE
NAME: ____________________________________________
CONTACT DETAILS: ________________________________

COURT INFORMATION:
COURT LOCATION: ________________________________
COURT DATE: ________________________________
MAGISTRATE: ________________________________

CURRENT OFFENCES

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Is this a consolidation? Are there any other outstanding charges?

FAMILY CONSTELLATION
Family members including *significant others* that may be involved in a Group Conference

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<th>RELATIONSHIP</th>
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EDUCATION/ RECREATION

HEALTH

INFORMED CONSENT/VOLUNTARY PARTICIPATION

OVERALL ASSESSMENT AND RATIONALE

☐ Suitable
☐ Not Suitable

REPORT COMPILED BY

Name: ____________________________
Position: __________________________
Address: __________________________
Signature: _________________________
Date: _____________________________

ATTACHMENTS
Please attach the following documents:

- Police charge sheets and summaries.
- Any other information provided to the court that would assist in understanding the case or in contacting participants for a Group Conference (if appropriate and available).
- Courtlink documentation indicating the matter has been adjourned for a group conference and report.
- Copy of PSR if the report recommended the young person be found suitable for a Group Conference.
- DHS privacy information/consent form for young people signed by client.
Factors to take into consideration when preparing a group conference suitability assessment report for convenors

- **Motivation to attend**
  - Re-iterate and confirm young persons understanding of group conferencing process.
  - Assess what young person hopes to get out of conference, are expectations realistic.
  - Ensure young person has not been pressured by family/friends to attend.

- **Aware of other sentencing options**
  - Ensure young person is clear regarding the Court alternative to conferencing and consultation has occurred with legal representative.

- **Family history/circumstances**
  - Level of support provided by family to young person and nature of relationship.
  - Is the family and/or young person connected with any networks, community groups or programs.
  - Who do they envisage might support them through the conferencing process.

- **Current living arrangements**
  - Do the current arrangements allow for the young person to engage in an offending free lifestyle.
  - Identify if the young person is residing in out of home care and/or is in need of alternative accommodation arrangements.

- **Education and recreation**
  - Educational history including highest level of achievement.
  - Literacy/numeracy skills if known.
  - Is the young person linked in with sporting organisations or community groups. Identify young person’s interests in pursuing a particular activity, if not currently active.

- **Health**
  - Identify medical concerns such as allergies, current medication and psychological concerns including anxiety, depression, self harming behaviours etc, if known.

- **Safety issues/special needs**
  - Intellectual functioning, substance abuse, anger management issues, particular cultural norms/values.
  - Interpersonal skills that may impact on the young persons ability to participate in all aspects of the group conference.

- **Alternative Sentencing Options**
  - Consider other sentencing options available within the Children’s Court to address the young persons offending behaviours if not suitable for group conferencing.
Appendix 4  Privacy Information for Young People

To arrange your Group Conference, the Department of Human Services Youth Justice worker and the group conference convenor will need to collect personal information from you such as your name, address, telephone number, date of birth, family circumstances, community supports and health information.

This information is protected by privacy laws in Victoria. This means:

- Your information is collected only for the purposes of organising a Group Conference;
- Your information is not given to anyone else without you saying it is ok, or where required or authorised by law;
- Your personal information will be stored in the Department’s computer system and in a locked area and anyone not involved in organising the Group Conference cannot look at your information.

If you would like to know more about Victoria’s privacy laws please ask your Group Conference convenor.

DEPARTMENT OF HUMAN SERVICES

HOW WE PROTECT YOUR PRIVACY WHEN PROVIDING COORDINATED SERVICES

The law protects your privacy
The Department of Human Services is providing services to you in partnership with community service organisations. The information we collect about you is protected by law.

We collect only what is necessary to provide services to you. If you choose not to give us the information we need, we cannot provide the service you need. We do not share your information with each other, or disclose it to anyone else, unless the law allows it or you have given your consent.

The Health Records Act 2001 protects information about your health, and the Information Privacy Act 2000 protects all other information about you. Depending on the service you are receiving, other legislation may also regulate how we handle your personal information.

Our computer system protects your privacy
Within the Department of Human Services, your information is held in an electronic client information and case management system known as the Client Relationship Information System (CRIS). CRIS helps us to:

- Provide community care and disability services
- Work with community service organisations to provide coordinated services
- Provide advice and information to members of the community about the services available to them
- Produce data that can be used for planning, funding, monitoring and evaluating the services they provide.

CRIS has built-in privacy safeguards. These safeguards limit the information collected about you; restrict who can get access to it; detect possible misuse; guide staff in seeking consent; and ensure that records are updated when your circumstances change.

We offer coordinated services while respecting your privacy
You may already be receiving other services from the Department of Human Services or one of our service partners. If not, perhaps you may require other services from us in the future. We
want to ensure that these services are coordinated so that we are better able to meet your needs.

To provide you with coordinated services while safeguarding your privacy, the workers you deal with, whether employed by the Department or by one of our service partners, may use CRIS to see a small amount of standard, strictly limited, identifying information about you. The information they see is known as the 'Common Client Layer' and is confined to your name and contact details and the names and contact details of your authorised representative (if you have one) and of the workers who are currently assisting you. If there are any urgent or serious matters concerning you that require particular attention and care, these are also recorded.

If you are concerned about your name and contact details being made available through the Common Client Layer, please tell the Youth Justice worker. By finding out who else is assisting you, the workers you deal with can coordinate their efforts.

If you nominate an authorised representative, all workers will know who that person is. If something significant happens to you, or you change your name or address, all workers can be simply and quickly informed as you wish. The Common Client Layer does not include any information about the services you are receiving or why, or the content of any discussions you have had with anyone. Unless the law allows it, a worker who is providing one service to you cannot get further information about any other service you are receiving without your consent.

More information about your privacy
There are a number of ways you can get more information about your privacy and how it is protected.

- Ask any worker you deal with. If unable to answer your question, they should put you in touch with someone who can.

- Ask for a copy of the Department of Human Services Privacy Policy, or find it on our website at www.dhs.vic.gov.au/privacy.

- Contact the Health Services Commissioner (to find out more about the handling of health information) or the Victorian Privacy Commissioner (to find out more about other information held about you).

Victorian Privacy Commissioner: tel. 1300 666 444, website www.privacy.vic.gov.au

Access to your information
You may ask for access to the information we hold about you, though the law sets out circumstances where we may not, or must not, let you see it. Also, there may be a cost involved for you.

To save time and costs, it is a good idea to talk to the Departmental worker or Group Conferencing convenor before putting in a formal request. For further advice and assistance, contact your nearest regional office, call our central office on 9096 8449, or visit our website at www.dhs.vic.gov.au/foi/.

Workers must mark the privacy notice ‘tickbox’ on the CRIS screen when this notice had been provided to the young person.
CONSENT TO OBTAIN AND RELEASE CONFIDENTIAL INFORMATION

CLIENT NAME: ____________________________________________

DOB: ___________________ AGE: ______________

ADDRESS: ____________________________________________

I consent to the Department of Human Services Youth Justice Program contacting the following agencies/professionals/family members and/or others:

•

for the purposes of obtaining or releasing confidential information about me.

Specifically, the information to be obtained or released relates to the DHS Youth Justice Group Conferencing program.

I understand that this information may be used for the preparation of reports for the Group Conferencing convenors and the Court, and/or referrals to other agencies or programs and/or any other purpose deemed appropriate by the DHS Youth Justice Program.

I understand that the Department will retain this information on its computer system and that it may be used in a de-identified form for the preparation of statistics on the Youth Justice and Group Conferencing programs.

I am aware that I do not have to provide this consent and understand that this information is not to be used for any other purpose or disclosed to any other person or agency without my specific consent. I understand that I can withdraw my consent for release of further information at any time.

Client Signature: ____________________________ Date: ______________

Parent/Guardian Signature: ____________________________
(If young person is under 15 years of age)

Youth Justice Worker Name: ____________________________

Youth Justice Worker Signature: ____________________________
Appendix 6  Group Conferencing Court Report Proforma

Confidential

GROUP CONFERENCING OUTCOME REPORT

NAME: ____________________________________________

DOB: ___________________ AGE: ______

ADDRESS: ____________________________________________

COURT:

DATE OF HEARING: _________________________________

MAGISTRATE: _______________________________________

CURRENT OFFENCES

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PRE CONFERENCE

Details of any issues prior to the group conference including Magistrates instructions, key issues needing to be addressed in conference, young person’s response to process, preparation difficulties and other relevant information.

THE GROUP CONFERENCE

Details of where / when group conference was held. Who attended the conference and in what capacity. If conference did not occur include reasons why conference did not occur.

GROUP CONFERENCE OUTCOME PLAN

Brief outline of what the plan contains. Outcome Plan attached.

SUMMARY AND CONCLUSION

The conference went well. As per outcome plan issues addressed were... etc.

Report Completed By:  Report Endorsed By:

Name: _______________  Name: _______________
Signature: _______________  Signature: _______________
Position: _______________  Position: _______________
Date: _______________  Date: _______________
References


