

CHILDREN'S CIVIL LAW SERVICE EVALUATION



LEGAL AID NSW

FINAL REPORT

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Abbreviations and acronyms

Abbreviation	
ALS	Aboriginal Legal Service (NSW/ACT)
CARS	Client Assessment and Referral Service – Legal Aid NSW
CASES	Legal Aid NSW's computerised case management system. It performs the major roles of practice management and case tracking for the inhouse legal practice. It also manages the minor assistance, legal advice, duty lawyer, family law conferencing and CARS functions
CCLS	Children's Civil Law Service – Legal Aid NSW
CLS	Children's Legal Service – Legal Aid NSW
CNI	Complex Needs Indicator
CYP	Children and Young People
DCJ	Department of Communities and Justice
ELA	Extended Legal Assistance
HSU	High Service Users
LA	Legal Aid NSW
LCP	Leaving Care Plan
LHC	Legal Health Check
OOHC	Out of Home Care
Shopfront	Shopfront Youth Legal Centre
YKC	Youth Koori Court

Executive Summary

The Children's Civil Law Service (CCLS)

The Children's Civil Law Service was established in 2013 and provides a holistic legal service to young people identified as having complex needs. The CCLS is a Sydney-based specialist team, made up of lawyers, paralegals, a youth worker and social worker who work together to assist young persons with their legal and non-legal issues.

The CCLS uses a long-term, high-intensity, high resource service model to bring about a reduction in disadvantage for high needs young people with complex needs and civil law issues and aims to reduce the burden of these high service users on Legal Aid NSW over time in response to the findings of *High Service Users at Legal Aid NSW: Profiling the 50 highest users of legal aid services* (HSU report).

The CCLS identifies and works to address systemic issues experienced by the young people they support in order to reduce the future service needs of other young people. The young people assisted by the CCLS mostly have criminal law matters that are dealt with by their referral partners.

This evaluation reviewed the legal assistance and support provided to young people since the inception of the CCLS in 2013 and up to 2018, focusing on young people who had an open matter at any time in the 2016-17 and 2017-18 financial years.

The CCLS Service Model

The service model is characterised by:

- Structured and targeted referral pathways with referral triage,
- Young person centred, direct representative approach,
- Holistic, wrap-around service with elements of case management,
- A multi-disciplinary team with specialist skills and experience,
- Trauma-informed and culturally competent approach to practice, and
- Identifying and addressing systemic issues affecting young people.

Internal and external stakeholders of the CCLS and young people supported by the CCLS all find the service model to be exemplary and highly successful at identifying issues, providing assistance and delivering outcomes for young people, for both individual and systemic issues.

Demographic profile and age eligibility of young people supported by the CCLS

In the two financial years evaluated the CCLS supported 411 young people and provided these young people with 3,610 civil law services. A total of 39 young people were formally supported by the youth case work team (9% of the 411).

Just over half of the young people referred to the CCLS were under the age of 18 (51%, n=209) while 49% (n=202) were 18 years of age or over. Forty-four percent of young people identified as Aboriginal (n=179) and 61% of young people were male (n=252).

While the current CCLS age eligibility criteria indicate that the service should be providing assistance to young people between the ages 10 and 17 years, in practice almost half of the young people assisted are 18 years and older, and 43% are aged 18-24 years.

Arguably the age eligibility criteria is inappropriate and inconsistent with the research literature, and needs to be expanded to include young people under 25 to more realistically reflect current practice and need. This would have resourcing consequences.

Access to and exiting from the CCLS

Strategic referral pathways from the Children's Legal Service, Aboriginal Legal Service, Shopfront Youth Legal Centre and the Youth Koori Court function well, however, the CCLS's age eligibility criteria are not strictly applied, as evidenced by the services to young people aged 18 years and over. Whether this is a consequence of ageing out, 'inappropriate' referrals or lack of other support available to this vulnerable group, it implies that the group of young people that needs support is larger than the target group of under 18 years old. The eligibility criteria need to be reviewed and expanded to recognise the unmet need that current practice reflects.

The CCLS intends to accept referrals for young people who:

- Are young people aged between 10-17 years old when referred;
- Have complex needs;
- Are linked to Sydney and surrounds;
- Have civil law issues; and
- Have consented to being referred to the CCLS.

CCLS presently provides services to young people in Sydney, especially in Western Sydney, but there is evidence that there is a large cohort of young people likely to have similar circumstances across NSW that are not being supported.

The CCLS has challenges exiting young people from the service due to the success of the model, the relationship they build and the investment they make in the young people, and the lack of other existing services either in the community or in other sections of Legal Aid

NSW that would provide a similar level of support to that provided to these young people by the CCLS.

Services provided to young people

The most common civil law issues for which young people were supported were Out of Home Care complaints (32% of all services), fines (13%) and 'Other Civil (State)' issues (12%) not captured by the existing data recording capabilities. The CCLS has improved its data capture for Out of Home Care complaints but there is further opportunity to refine the collection of data related to legal matters and to the youth casework support that is an integral part of the service.

Outcomes for young people supported by the CCLS

The outcomes achieved for young people supported by the CCLS is indicated by the number of services provided, which is substantial (3,610 civil law services in two financial years). The support provided extends across a wide variety of civil law as well as social welfare issues. Stakeholders and young people who were interviewed provided examples of successful outcomes they had seen and experienced, particularly in the Out of Home Care area and for fines or debts.

There is strong evidence to suggest that the CCLS also enhances a range of protective factors for the young people they support.

Systemic advocacy and law reform support

The CCLS plays a significant role in identifying, reporting and addressing systemic legal and policy issues that disadvantage young people. The CCLS leverages strategic partnerships with established referral partners and government agencies to identify, discuss, collaborate and address systemic issues.

The systemic problems identified by the CCLS are mostly centred on Out of Home Care for young people, however, the larger problem of unmet need in the 18-24 age group that is reflected in CCLS service delivery to this group, need to be addressed at a system level.

There is limited evidence for this evaluation to assess the outcomes of systemic advocacy work completed by the CCLS.

1. This evaluation

In September 2018 Legal Aid NSW engaged ARTD to evaluate the Children's Civil Law Service (CCLS) and to look at the elements of its service model that can be embedded across service delivery in Legal Aid NSW.

This evaluation has arisen from the context of significant work done within Legal Aid NSW in developing a new *Client Service Strategy 2016-2020*¹, outlining strategic shifts and initiatives to provide integrated and tailored services directed at young people's need. One of the outcomes of *Legal Aid NSW's strategic plan (2018-2023)*² is to deliver high quality, targeted services to meet a young person's needs. This includes reviewing and developing holistic service models to effectively address the needs of the most vulnerable and disadvantaged young people.

The evaluation assessed the outcomes achieved by the CCLS, identified learnings and opportunities for improvement and ways to support Legal Aid NSW to adopt those learnings more broadly across the organisation.

1.1 Evaluation Scope and focus

The evaluation reviewed the support provided to young people since the inception of the CCLS in 2013 and up to 2018, focusing on young people who had an open matter at any time in the 2016-17 and 2017-18 financial years.

Changes made to service types and internal data collection systems in the 2017-18 financial year altered usage patterns for the types of services provided to young people (more information on these changes is available in Chapter 3). The scope of the evaluation did not extend to analysing the effect of these changes, but this report acknowledges them to provide context for the data on CCLS services during the evaluation period.

The budget did not allow for an in-depth examination and analysis of all evaluation questions and excluded a costs analysis. No evaluation questions were excluded from the report.

¹http://intranet/AboutUs/FutureLegalAid/MajorProjects/CS_strategy/Documents/LANSW%20Client%20Service%20Strategy%202016%20-%202020.pdf

² <https://www.legalaid.nsw.gov.au/about-us/who-we-are/legal-aid-nsw-2018-2023-detailed-plan>

1.2 Key evaluation questions

The evaluation research questions, operational questions and sub-questions explored through the evaluation are shown in Table 1.

Table 1. Questions explored in the evaluation of CCLS and the methods used to address them

Research Questions	Operational Questions	Sub Questions	CCLS Staff Focus Group and interviews	Stakeholder interviews	Interviews with young people	Case studies	CASES, CARS and referrals data	Protective factors literature scan
Does the CCLS meet the objectives/ original aims of the service?	To what extent does the CCLS provide wrap around civil law services to YP who are vulnerable and have complex needs, in order to enhance the protective factors that will reduce their interaction with the criminal justice system?	What is the pathway for young people to become a CCLS client? Are current referral pathways working well and identifying appropriate clients for the CCLS?	✓	✓	✓			
		How many young people did CCLS service in the 2016-2018 financial years?					✓	
		What is their profile? (legal health, complex needs, demographics)				✓	✓	
		What services were provided? How many? What type? What duration (including advocacy)? Was there a case worker involved? (Youth caseworker team; CASES/ CARS data)				✓	✓	

		What outcomes were achieved for these young people?	✓	✓	✓	✓	✓	✓
		What protective factors does the CCLS work to enhance? Were these enhanced as a result of the work completed by the CCLS?		✓	✓	✓	✓	✓
What are the elements of the CCLS that work in meeting the needs of vulnerable clients?	To what extent does the CCLS tailor advocacy in order to resolve issues that are contributing to negative outcomes and further entrenching these young people into disadvantage?	What does CCLS tailored advocacy look like as implemented by CCLS? Has tailored advocacy been effective?	✓	✓				
		Was the youth/social worker role effective in supporting young people?	✓			✓	✓	✓
		What is the most appropriate mix of staff?	✓	✓				
		What level of service intensity is required to maximise positive outcomes?	✓	✓			✓	
		How important is it for the CCLS team to maintain continual contact with young people while the young person is supported by the CCLS?	✓	✓				
		Are key internal Legal Aid NSW relationships working effectively?	✓	✓				
		How are relationships with external stakeholders developed and maintained, and do these contribute to positive outcomes for CCLS clients?	✓	✓			✓	

To what extent does the CCLS address systemic issues that are contributing to young people being brought before the criminal justice system? (law, policy or procedure that disadvantages young people)	How are systemic issues identified by CCLS or their clients?	✓	✓			
	What kinds of systemic issues have been identified by CCLS or their clients?	✓	✓		✓	
	How does CCLS work to address systemic issues?	✓	✓			
	How many and what kinds of systemic issues have been improved or resolved by CCLS’s work?	✓				✓
	How are partnerships developed and maintained with CCLS’s stakeholders?	✓	✓			
	How do Legal Aid NSW stakeholders and external stakeholders partner with the CCLS to advocate for and address systemic issues?	✓	✓			
What are the implications for service planning and delivery across Legal Aid NSW to provide high quality and targeted services to our clients?	There are no operational or sub-questions.	✓	✓	✓	✓	✓

1.3 Methods

We undertook a mixed methods approach over three stages, using quantitative methods to describe the group of young people served, the services they received, and their outcomes. We used qualitative methods to describe the operation of the service, the experience of young people and stakeholders, the operation and outcomes of the systemic work, and the implications for service planning and delivery.

When necessary, project data was transferred using ARTD's ShareFile system to ensure high levels of data security and encryption.

1.3.1 Stage 1 – Scoping and planning

During this stage we developed the qualitative and quantitative **data collection tools**, which included focus group guides, interview guides, consent forms, data entry tools and interview consent pathways.

We conducted an **ethical review** to ensure our approach was consistent with ethical practice, outlining how potential risks to young participants were identified and minimised.

The ethical review can be seen in **Appendix 1**.

1.3.2 Stage 2 – Data collection

Qualitative data collection and analysis

Focus groups and interviews were conducted to investigate service operation, the experience of young people, the operation and outcomes of the systemic work, and the implications for service planning and delivery. Interviews were recorded, transcribed and then analysed thematically.

Focus groups and stakeholder interviews

ARTD conducted a 90-minute focus group with seven team members from CCLS in October 2018.

ARTD conducted fourteen 30-minute interviews with internal and external stakeholders identified by CCLS as key partners.

The focus group guide can be seen in **Appendix 2**. The stakeholder interview guide can be seen in **Appendix 3**.

Interviews with young people

ARTD conducted five interviews with young people who had been exited from the CCLS. These young people were recruited through the CCLS.

For a young person to be included in the interview contact list they had to have no longer been supported by the CCLS during the 2016-17 or 2017-18 financial years, be over the age of 18 and be considered to be capable of completing the interview by CCLS staff.

The CCLS made first contact with potential interviewees, providing information about what the interview was for, who ARTD is, that their confidentiality would be guaranteed, and their identity would not be reported. This formed part of the informed consent process for the interviews. ARTD also provided this information at the beginning of the interview to receive final consent from the interviewee. The young people interviewed each received a \$100 voucher as compensation in recognition of their time.

The young person's consent process can be seen in **Appendix 4**.

The contact guide is in **Appendix 5**.

The interview guide is in **Appendix 6**.

Case study reports

The CCLS completes case study reports when young people exit the service. The case study includes the young person's personal background, complex needs, a summary of their legal issues, outcomes, individual and systemic barriers and challenges, and collaborations and partnerships that were engaged as part of the support provided.

ARTD received 30 de-identified and redacted case study documents from the CCLS, with 3 of the case studies about young people that also engaged with the embedded youth casework team. These case studies were a stratified random sample of all case studies created by the CCLS. The inclusion of the youth casework experience provided further insight into its role supporting young people.

The case study summaries in this report are based on amalgamations of multiple case studies and interviews from a number of young people, combined into narratives about fictional individuals named 'Cameron', 'Morgan', and 'Alex'. Gender identity, locations and timeframes have been obscured to ensure the confidentiality of young people.

A summary of initial civil law issues that were identified for young people from case studies indicated that the sampling of case studies was appropriate. A table of these issues can be found in Table 15 in **Appendix 10**.

Quantitative data collection and analysis

The quantitative data included the 2016-17 and 2017-18 financial years from 1 July 2016 to 30 June 2018.

Unit record data from CASES and CARS were used to describe the overall pattern of young people, their demographic profiles, the types of matters for which they received assistance, and the type of assistance provided.

CCLS staff conducted the data entry of the de-identified Complex Needs Indicator checklist and Legal Health Check form into a custom-built database constructed by ARTD to capture data about outcomes for this evaluation.

The Complex Needs Indicator is in **Appendix 7**.

The Legal Health Check can be seen in **Appendix 8**.

The Youth Caseworker referral form (for reference only; no data collected) is in **Appendix 9**.

Secure and encrypted file transfer

The transfer of project data was completed using ARTD's ShareFile system to ensure high levels of data security and encryption. As recorded in the Service Agreement, only the authorised staff from ARTD have access to this data.

1.4 Limitations

There was no data available to this evaluation to assess or analyse that related to interactions of the young people served by the CCLS with the criminal justice system. This meant that the evaluation questions could not focus on the impact the CCLS may have on reducing such interactions for the young people supported by the service.

For young people, any outcomes discussion in this report comes from interviews with young people and case study analysis. The available data from CASES or CARS showed how much work was undertaken and provides a representation of the number of civil law issues resolved for young people.

There was limited data available to review outcomes achieved by the CCLS from systemic advocacy and law reform work. The data that is available for the evaluation about the systemic advocacy work that was done is provided by interviews with internal (within Legal Aid NSW) and external CCLS stakeholder interviews (where the stakeholder was aware of the systemic advocacy work), from the focus group conducted with CCLS staff and quantitative data from appointments records collected by CCLS staff engaged in developing the systemic advocacy.

2. The purpose of the Children's Civil Law Service

The CCLS was established in October 2013 and is a Sydney-based specialist team, made up of lawyers, paralegals, a youth worker and a social worker who work together to assist a young person with their legal and non-legal issues. It provides a targeted and holistic legal service to young people identified as having complex needs. The holistic approach taken by the CCLS involves young people being supported not just for one civil law issue, but for many civil law issues and by both lawyers and youth casework team members. The support of young people in NSW by the CCLS extends to systemic advocacy on issues impacting young people with complex needs, including the criminalisation of young people in out of home care (OOHC).

The CCLS engages heavily in Western Sydney, as this is where the main Children's Court and Youth Koori Court are located. It is also an area where there is a high proportion of young people in residential OOHC, a priority group of young people for the CCLS.

The CCLS uses a long-term, high-intensity, high resource service model designed to reduce barriers to disadvantaged high needs young people with complex needs and civil law issues. This will lessen the burden of these high service users on Legal Aid NSW over time. The CCLS also identifies and works to address systemic issues experienced by the young people they support, to reduce the future service needs of other young people. The young people assisted by the CCLS mostly have criminal law matters that are dealt with by the referral partners.

2.1 Background

The CCLS was established in response to the findings of Legal Aid NSW's report *High Service Users at Legal Aid NSW: Profiling the 50 highest users of legal aid services* (HSU report). The report identified disproportionately high rates of young people with multiple and complex needs as the most frequent users of Legal Aid NSW services. The study found that 80 percent of high users were children and young people who were 19 years and under. Almost all high services users had spent time in juvenile detention (94%), more than half had experienced homelessness (58%), and nearly half (46%) had spent time in out-of-home-care (OOHC). The report clearly highlighted that this group experienced very high levels of disadvantage and were excluded from essential services such as school, health and housing.

The report recognised the difficulty in meeting the needs of these young people through a traditional legal service delivery model where legal and non-legal services are not joined up. It recommended a multidisciplinary approach in delivering services and successful outcomes for young people with complex needs.

Legal Aid NSW had also identified a recurrent issue around the use of police as a behaviour management tool for children and young people in residential OOHC resulting in unnecessary interaction with the criminal justice system. The need for systemic advocacy on behalf of these young people was identified in the Legal Aid NSW issue paper *The Drift from Care to Crime*³ and is a key focus in the delivery of services in the CCLS.

When the CCLS was first established, it had three lawyers and a paralegal. A temporary arrangement, whereby a social worker from the Legal Aid NSW Client Assessment and Referral Service (CARS) was placed in the CCLS, filled the gap in providing a youth casework component to the service. The full potential of having a multidisciplinary team was not realised until early 2016 when Legal Aid NSW was able to resource an ongoing youth worker position into the team. In 2018 the CCLS received temporary funding to increase the capacity of the team. As of August 2019, the team now comprises:

- Six full time equivalent lawyers (three are senior positions);
- Two social workers; and
- Two paralegals.

2.2 CCLS objectives

The CCLS was established to address the following problems:

- The criminalisation of young people with complex needs, and particularly Aboriginal and Torres Strait Islander young people and young people in out-of-home care.⁴
- Limited capability of young people with complex needs to uphold their rights, entitlements and responsibilities around basic needs (e.g. care, housing, education, health) including problems which may contribute to their drift into entrenched disadvantage and crime.
- Limited availability of civil law assistance appropriate to the particular needs, context and capabilities of young people with complex needs.
- Lack of awareness amongst young people and the wider service system that common problems experienced by this cohort are civil law issues with legal remedies.

To address these problems, the CCLS has adopted the following approach in their work:

- Provide wrap-around civil law services and youth casework services to young people who are vulnerable and have complex needs in order to prevent further involvement in the criminal justice system, in particular for Aboriginal and Torres Strait Islander young people in the drift from care to crime;
- Tailor advocacy to resolve issues that are contributing to negative outcomes and further entrenching these young people into disadvantage and crime; and

³ https://www.legalaid.nsw.gov.au/data/assets/pdf_file/0019/18118/The-Drift-from-Care-to-Crime-a-Legal-Aid-NSW-issues-paper.pdf

⁴ See, for instance, Erin Gough, *The Drift from Care to Crime: A Legal Aid NSW Issues Paper* (Legal Aid NSW, 2011).

- Address systemic issues that are contributing to young people being brought before the criminal justice system.

2.3 The CCLS Service model

The CCLS is intended to deliver intensive civil legal aid services to a small group of young people with complex needs at the same time as delivering systemic reform and law reform to support young people. An outline of key service elements is shown and described further in Table 2.

There was no documentation of this service model or practice framework available for this evaluation, and this description is based on interviews with CCLS staff, program stakeholders and supporting documentation.

Table 2. Key service model elements

Service elements	How the CCLS does this
Targeted and structured referral pathways	Eligibility criteria apply and the CCLS prioritises young people with complex needs. The CCLS utilises a Legal Health Check (LHC) tool and Complex Needs Indicator (CNI) tool to screen referrals. The CCLS has four formal referral partners: Legal Aid NSW CLS, the ALS, Shopfront Youth Legal Centre (Shopfront) and the Youth Koori Court.
Triaging referrals	When a referral cannot be accepted based on eligibility, geographic location or service capacity, the referral is triaged, and young people are given warm referrals to other services for assistance. This is captured in the data as a Facilitated Referral.
Client-centred and direct representative approach	<p>The CCLS works to address the young person’s needs and considerable time, focus and effort is spent building relationships and rapport with the young people the service works with. The CCLS aims to respect the self-determination of young people.</p> <p>The CCLS provides a mix of legal assistance to young people, including ongoing casework, advice and facilitation of warm referrals to other partner organisations.</p>
Multidisciplinary team with specialist skills and experience	The team includes lawyers, social and youth workers and paralegals. The CCLS lawyers have a variety of backgrounds,

including experience in social work, working with children and criminal law backgrounds.

These skills and experiences enable the CCLS staff to be informed across a range of issues which supports the cross-pollination of knowledge between staff members, especially between lawyers and youth casework team members.

Holistic and wrap-around, with elements of case management

The CCLS support young people on discrete and ongoing civil law issues. Steady, long-term engagement and building of relationships with young people enable the CCLS staff to address multiple civil law issues that young people have. Embedding this team is a key feature of the service model, supporting young people in a holistic way. The case management elements are expressed through the collaborative approach which, with the young person, assesses needs and coordinates responses to resolve any civil or social issues.

The CCLS works in collaboration with criminal law partners to provide wrap around legal services to vulnerable young people. This approach recognises the complex needs of the young people supported by the CCLS, and the need to provide integrated, intensive non-legal support to effectively respond to their needs.

Trauma-informed approach

Trauma-informed practice recognises the prevalence of trauma and its impact on the emotional, psychological and social wellbeing of people and communities⁵. Most CCLS staff are trained in a trauma-informed approach.

Culturally competent

The CCLS has been identified by multiple stakeholders as working with a culturally competent approach for the young people they work with, particularly Aboriginal people and communities.

Systemic advocacy

When the CCLS or a partner organisation identifies a systemic issue affecting one or more of the young people they work with, the service acts towards addressing the systemic issue, often in partnership or collaboration with other agencies or organisations.

⁵ <https://www.blueknot.org.au/Workers-Practitioners/For-Health-Professionals/Resources-for-Health-Professionals/Trauma-Informed-Care-and-practice>

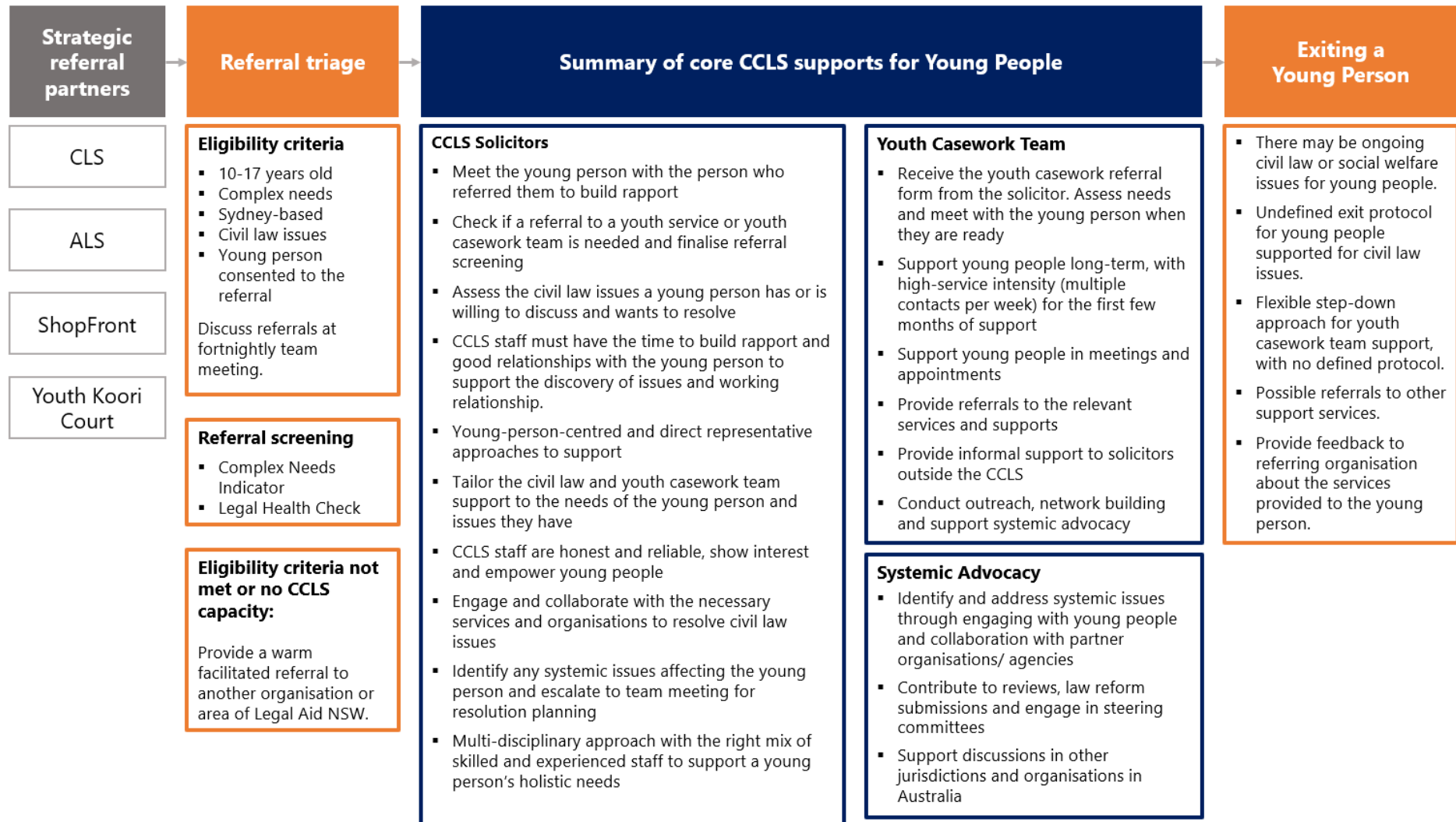
Service types

The CCLS provides a wide range of civil law services to young people. The services provided are appropriately tailored for each young person to meet their individual needs, both in civil law and by the youth casework team.

Legal Aid NSW classifies its legal services into 'service types'. Some of the service types most relevant to the CCLS and which appear in the data below are as follows:

- An **advice service** is a legal service where specific legal advice is provided to a client, based on a consideration of the information provided by the client, and includes presenting the client with options to assist them to resolve their legal problem.
- A **minor assistance service** is a legal service involving work done to assist a client in addition to the giving of legal advice. Minor assistance provides support to a client in resolving their legal problem but does not include ongoing representation.
- **Extended Legal Assistance (ELA)** is an extended legal service which includes taking carriage of a matter (or multiple matters) in an ongoing, representative capacity, but due to the nature of the matter/s it does not proceed to a court or tribunal, or the lawyer is not required to appear before a court or tribunal, except in exceptional circumstances on a "one off" basis.
- A **representation service** is a legal service provided under a grant of legal aid to a client to resolve a legal matter through court or tribunal proceedings (referred to in the tables below as a **grant**)
- A **duty service** is a short service and includes legal advice and legal representation provided at a court or tribunal where a court or tribunal event is imminent.
- A **facilitated referral** is a 'warm' referral of a client to another organisation where the CCLS is not able to support the young person. The lawyer contacts the organisation to make the referral and gives the background, so the client does not have to do this themselves.

Figure 1. Summary of CCLS pathway and supports for young people with complex needs



3. Demographic profile and legal needs of young people assisted by the CCLS

This chapter explores the eligibility criteria, demographic profile, legal needs and complex needs of the young people assisted by the CCLS. This chapter address the evaluation questions around the number of young people supported by the CCLS and their demographic profile.

Key findings

The CCLS mostly supported young people who matched the eligibility criteria and objectives for the service and did support young people with complex needs. There are opportunities to support young people more broadly across NSW and increase service provision for young people under 18 years of age in existing service areas.

- The CCLS mostly provides legal support to the young people it intends to, with 49% being young people aged between 13 to 17 years at service commencement. 2% of young people are under 13 years of age.
- 49% of young people supported by the CCLS are 18 years of age or older at service commencement.
- Some young people are over 25 years of age. These people are typically family members of young people assisted by the CCLS, often through the Youth Koori Court.
- Over half of the clients were male (61%), and almost half were Aboriginal (44%).
- The CCLS provided 3610 services⁶ to 411 young people in the two financial years of 2016-17 and 2017-18.
- 39 young people were directly supported by the Youth Casework Team (9% of the 411 supported during the two years)
- 44% of young people supported by the CCLS in the two financial years identified as Aboriginal
- The CCLS is working with young people who have a wide range of complex needs and civil law issues as identified by their triage tools, the Complex Needs Indicator and the Legal Health Check

Eligibility criteria

The CCLS intends to accept referrals for young people who:

- Are young people aged between 10-17 years old when referred;
- Have complex needs;
- Are linked to Sydney and surrounds;
- Have civil law issues; and
- Have consented to being referred to the CCLS.

The CCLS service must also have the capacity to support these young people to accept a referral or provide a facilitated referral to another organisation. There is limited data available in this evaluation to assess whether most or all young people supported by the CCLS are

⁶ See section 2.3 of this report for more information about how a service is defined within Legal Aid NSW.

linked to Sydney and surrounding areas and it is assumed that the young people consented to the referral to the CCLS being made. Some evidence from case studies and stakeholder interviews suggests that the young people served by the CCLS may move in and out of Sydney as they receive ongoing support from the CCLS.

The triage approach effectively enables the CCLS staff to assess their capacity to support new young people and to assess the appropriateness of the young person for short-term or ongoing support by the CCLS. The structures in place for this include the fortnightly team meeting, individual solicitors' willingness and ability to take on new young people, Legal Health Check and Complex Needs Indicator.

There is a separate referral process to the youth casework team, and referrals are prioritised on the basis of:

- the adequacy of the young person's existing non-legal services
- the complexity of the young person's needs, and
- the existence of barriers faced by the young person. These barriers could be internal or personal barriers, or to do with the external support services for the young person.

3.1 Demographic profile of young people assisted

The CCLS provided civil law services to 411 young people during the two financial years. Of these 51% were under the age of 18 at the time of commencement with the service (Table 3). Forty three percent of young people that the CCLS work with were in the 18-24-year age range at the time of commencement, that is, outside the age eligibility criteria. Over half of the clients were male (61%), and almost half were Aboriginal (44%).

Table 3. Age group, gender, and Aboriginality of young people supported by the CCLS, 2016-17 and 2017-18

Demographics	n	%
Age group		
0-12 years	6	2%
13-17 years	203	49%
18-24 years	177	43%
25-74 years	25	6%
Gender		
Female	159	39%
Male	252	61%
Aboriginality		
Aboriginal	179	44%
Not Aboriginal	232	56%
Total young people served by the CCLS	411	100%

Source: CASES administrative data, 2016-17 and 2017-18 Financial Years

Age of young people assisted

According to the age eligibility criteria and purpose of the CCLS, young people 18 years of age and older are too old for a referral to be accepted, so this represents an informal extension to the age criteria. Additionally, due to the long periods of service provision to some young people (discussed in Chapter 5) young people can also 'age-out' of the priority target group for support from the CCLS.

Some of these people, especially in the 25-74-year age group, are family members of the young person supported by the CCLS and this support is justified under the wrap-around and holistic services provided by the CCLS. The arrangement with Shopfront to accept referrals for people over the age of 18, where a civil law issue occurred when they were under 18, also doesn't meet the standard criteria, and extends the age range at commencement. The Shopfront stakeholder indicated during their interview that they were aware that the CCLS cannot work with anyone over 18 years of age. The CCLS is also providing limited support to children and young people between the ages of 10-12 years (within the 0-12-year age group in Table 7).

There is more concentrated legal assistance provided to young people under 18 years of age compared to those over 17 years. Although they account for 51% of service recipients (Table 3), young people under the age of 18 received 63% of the services provided by the CCLS in 2016-17 and 2017-18 (Table 4). This is in contrast to young people aged 18-24 who account

for 43% of service recipients but receive 35% of the services provided by the CCLS. The CCLS provided a higher proportion of services in 2017-18 to 18-24-year olds than in the previous financial year (36% vs 34%; Table 4). This is likely due in part to the ageing of existing service recipients.

Table 4. Age group at time of service, proportion of all services, 2016-17 and 2017-18

Age Group at time of service	2016-17		2017-18		Total	
	Number of services	Percent of services	Number of services	Percent of services	Number of services	Percent of services
0-12	26	1%	10	1%	36	1%
13-17	1,305	63%	926	61%	2231	62%
18-24	711	34%	550	36%	1261	35%
25-74	46	2%	36	2%	82	2%
Total	2088	100%	1522	100%	3610	100%

Source: CASES administrative data, 2016-17 and 2017-18 Financial Years

Note: Percentages may not sum to 100% due to rounding

The informal extension of the age criteria of the service aligns with existing research on the prevalence of legal needs relevant to age. The Legal Australia Wide (LAW) survey identified that young people aged 18-24 years had significantly higher levels of legal problems across most problem categories and were more likely to experience substantial and multiple legal problems compared to people aged 15 to 17 years. Certain legal issues, particularly accidents, crime, personal injury and rights-based problems peaked between 15 – 24 years⁷.

Also relevant to the age criteria of the service, research on adolescent brain development shows that the pre-frontal cortex, which is associated with decision-making, problem solving, reasoning consequences and actions, is still developing into the mid-20s⁸.

Providing an ongoing service to vulnerable young people after they turn 18 is also consistent with national and international proposals to raise the leaving care age beyond 18 years^{9,10}. Research has identified that young care leavers are at increased risk of homelessness and contact with the criminal justice system, and are likely to have poorer health, education and

⁷ [http://www.lawfoundation.net.au/ljf/site/templates/UpdatingJustice/\\$file/UJ_27_Legal_needs_of_younger_people_in_Australia_FINAL.pdf](http://www.lawfoundation.net.au/ljf/site/templates/UpdatingJustice/$file/UJ_27_Legal_needs_of_younger_people_in_Australia_FINAL.pdf)

⁸ Ian Hickie Brain Mind Research Institute Paper 2009 (https://drinkwise.org.au/wp-content/uploads/Alcohol_and_the_Teenage_Brain-Safest_to_keep_them_apart-Brain_and_Mind_Research_Institute.pdf pages 8-15)

⁹ <https://aifs.gov.au/cfca/2019/05/06/young-people-transitioning-out-home-care-what-do-public-inquiries-tell-us-about-state>

¹⁰ <http://thehomestretch.org.au/news/leaving-care-extending-care-internationally/>

employment outcomes than other young people¹¹. In response, some jurisdictions such as Victoria have implemented initiatives to provide ongoing support to young people in out-of-home-care after they turn 18.¹²

According to the Legal Aid Strategic Plan 2018-2023 Legal Aid will be identifying the vulnerable and disadvantaged groups for which to provide holistic, resource intensive services and should therefore consider expanding the age eligibility criteria and resourcing of the CCLS service to include young people with complex civil law and welfare needs between 18 and 24 years old¹³.

3.2 Targeted approach to intake

To ensure that the CCLS prioritises and supports young people with multiple and complex needs, a 'Complex Needs Indicator' (CNI) tool is used to screen referrals. In order to be eligible for the CCLS, a young person must have indicators of social disadvantage in three or more areas: involvement with agencies (e.g. DCJ), issues with housing, criminal justice, education, health, family history or circumstances, or be the victim of abuse/violence.

Where the CCLS cannot accept referrals due to eligibility, geographic location or capacity, it triages and provides warm facilitated referrals for young people to other services for assistance.

A triage tool, the 'Legal Health Check' (LHC) was developed to assist the CCLS lawyers to identify the young person's civil law issues. An LHC is conducted for all young people accepted for ongoing casework in the CCLS. The CCLS lawyers then provide legal advice, assistance and advocacy to the young person around all the issues identified in the LHC and others as they arise through the course of casework.

¹¹ Mendes, Johnson, & Moslehuddin, 2011 - <https://aifs.gov.au/cfca/2019/05/06/young-people-transitioning-out-home-care-what-do-public-inquiries-tell-us-about-state>

¹² See for instance <https://www.abc.net.au/news/2019-04-02/victorian-state-care-leaver-age-extended-from-18-to-21/10963418>

¹³ <https://www.legalaid.nsw.gov.au/about-us/who-we-are/legal-aid-nsw-2018-2023-detailed-plan#3.1>

3.3 Civil law issues and complex needs

The Legal Health Check was conducted with 152 young people on entry to the CCLS during the two financial years (37% of the 411 young people supported in the two years). The most common issue identified during the LHC was with money and debts (66% of young people; Table 5), followed by issues with DCJ (48%) and independent living (40%). On average, the Legal Health Check identified four issues per young person it was completed for.

Table 5. Legal Health Check indicators and Complex Needs indicators

	n	%
Legal Health Check identified issues	152 total records	
Money and debts	100	66%
DCJ Care	73	48%
Independent living	61	40%
Accidents and assaults	50	33%
Housing	48	32%
Overall discrimination, harassment and unfair treatment	40	26%
School problems	36	24%
Employment	14	9%
Family violence	8	5%
Immigration	8	5%
Goods and Services	2	1%
Complex Needs Indicators issues	196 records	
Involvement with agencies/ services	188	96%
Interaction with the criminal justice system	172	88%
Housing	161	83%
Family history and circumstances	151	77%
Health and wellbeing	149	76%
Education	147	75%
Experience of abuse and/or violence	98	50%
Total	411	100%

Note: Young people who complete these forms can have more than one issue so percentages will not sum to 100%. Young people may not report all issues to CCLS staff, so it is possible that issues are underreported.

Source: Legal Health Check Data, 2016-17 and 2017-18 Financial Years; and Complex Needs Indicator Data, 2016-17 and 2017-18 Financial Years.

The LHC will only identify issues that are disclosed by the young person when they first meet with the CCLS and does not take into account emerging legal issues identified during the course of the service, so not all legal issues will be captured by the check. The LHC isn't undertaken for facilitated referrals where young people don't meet the criteria for the CCLS, or for Shopfront referrals to limit the scope of work provided to young people over 17 years of age.

The Complex Needs Indicator was completed for 196 young people during the two financial years (48% of all young people supported by the CCLS). Almost all young people assessed by the CCLS had interactions with other agencies or services (96%; Table 5) and most had also been involved with the criminal justice system (88%). Some referrals are received from partner agencies or organisations that work with young people who have complex needs but do not necessarily have contact with the criminal justice system. Many of these young people also identified issues with housing (83%). On average, the Complex Needs Indicator identified 11 complex needs for young people it was completed for.

These checklist forms are not provided for all young people, for example where a young person would receive a short service or warm facilitated referral to another organisation.

A CLS stakeholder identified that they feel like the CCLS would prefer the CLS to conduct complex needs screening prior to referring a young person to the CCLS, but that their priority is to focus on the criminal work and that they do not have the time to screen. The CLS stakeholder also believed that the focus of the CCLS has narrowed because the CCLS is under-resourced. The CLS stakeholder would like to see the CCLS service expand to keep up with the demand and that the service may need more lawyers to deal with the number of referrals of young people with complex needs.

3.4 Geographic need for young people in NSW

As discussed in Chapter 2, CCLS primarily works with young people in Western Sydney and Sydney. However young people with complex needs live all over NSW. There is no publicly available information for this evaluation to analyse the number of young people in the 10-17-year age group in statutory OOHHC across NSW or to report rates of juvenile crime by region. To understand the areas of highest unmet need for young people across NSW, the CCLS should engage with DCJ, BOCSAR and other relevant stakeholders or potential referral partners.

3.5 Service delivery implications

Given the current size of the CCLS team, the staff skills and experience, the numbers and age of the young people being referred and supported, and the geographic coverage of the CCLS, ongoing service delivery needs to be balanced against Legal Aid NSW Strategic Priorities and service resourcing.

There are no obvious issues with the referral pathways into the CCLS, however many young people have a criminal law issue due to the strategic referral partners of the CCLS focusing in the criminal law area. This was not raised as an issue or concern by any stakeholders during consultation and aligns with the *High Service Users Report* that was critical to the foundation of the CCLS.

The CCLS currently supports a large number of young people outside its age eligibility criteria. Young people aged 18 or older are almost half its users (49%). Given this, Legal Aid NSW should assess the existing demand for CCLS services for young people up to the age of 24 from a socio-legal perspective and further develop the support to this disadvantaged group.

If the age eligibility criteria for the CCLS were expanded in line with the relevant literature to include young people with complex needs aged 18-24, service resourcing would need to be adjusted. This would require significant investment in human resources within the CCLS. There is also a need to assess the geographical criteria of the service and the needs of young people across NSW to better understand unmet civil law needs for young people with or without complex needs across NSW.

Alternatively, it may be simplest for Legal Aid NSW to implement a similar service to the CCLS for young people aged 18-24 years, discussed in more detail below in Chapter 4.

Or, if the CCLS were to more strictly apply its upper age limit of under 18 years for service eligibility Legal Aid would need to ensure that the young people supported by the CCLS aged 18 and older would be exited to another service that provides similar levels of multi-disciplinary support.

The CCLS could also consider adjusting the age eligibility criterion to align with Youth Koori Court's approach where the criteria apply that a young person can access the Youth Koori Court while they remain 18 years old, as long as the issue arose while the young person was under 18 years of age (10-17 years)¹⁴. This should enable Shopfront referrals to continue while reducing the number of referrals from people over 18 years of age. The CCLS should not stop engaging with the family of young people if the family member does not meet the eligibility criteria as it is important for their holistic and wrap-around service delivery.

¹⁴ <http://www.childrenscourt.justice.nsw.gov.au/Documents/Practice%20Note%2011%20-%20Youth%20Koori%20Court%20Feb%202019.pdf>

4. Access to and exiting from the CCLS

This chapter outlines the referral pathways into the CCLS and how young people exit the service.

Key findings

There are opportunities for the Legal Aid NSW to review the eligibility criteria and to assess unmet need across NSW.

- The referral process is clear for the strategic partners: Shopfront, ALS, CLS and YKC.
- The eligibility criteria of the CCLS should be reviewed for their strategic relevance to Legal Aid NSW and the objectives of the CCLS
- The CCLS has challenges exiting young people from the service
- The CCLS is currently limited to engaging with young people based in Western Sydney and Sydney, but the CCLS does support some young people outside Sydney, particularly if they leave the Sydney region

4.1 Pathways into the CCLS

Structured referral pathways and formal criminal law service partners

The CCLS has established formal referral pathways with criminal law service partners: Legal Aid NSW CLS, the ALS, Shopfront Youth Legal Centre (Shopfront) and the Youth Koori Court (YKC). In addition to these primary referral pathways, the CCLS has also developed relationships with key stakeholders working with similar types of young people, including Juvenile Justice NSW and DCJ.

Shopfront provides free legal assistance for homeless and disadvantaged young people aged 25 and under. Given that the CCLS' eligibility criteria is intended to be restricted to young people aged under 18, an agreement was reached where the CCLS would accept referrals from Shopfront for a young person who was over the age of 18, as long as the civil law issue arose when they were under 18 years of age. This has meant that the age of people referred from Shopfront will typically be older than those from other referring partners.

Shopfront also gets referrals from a range of youth services, seeking civil law assistance for a young person who may not necessarily be involved in the criminal justice system, unlike all clients referred from the ALS, CLS as these services only provide criminal law assistance to young people appearing before the Children's Court.

Since May 2015, the CCLS has worked in partnership with the ALS to provide a dedicated duty civil law service within the Youth Koori Court (YKC) pilot at Parramatta Children's Court,

and this has recently been expanded to Surry Hills Children's Court¹⁵. A CCLS lawyer attends most YKC sittings and will engage with the young person before or after court to determine if they would like assistance from the CCLS. This is a crucial connection for the CCLS to integrate with the Youth Koori Court. Having a CCLS solicitor embedded and appearing almost every week within the YKC is important to the court and the YKC stakeholder sees evidence that:

There is a very strong relationship of trust between them [the CCLS] and the young people but also between the court and the CCLS. [Youth Koori Court stakeholder].

To facilitate referrals, collaboration and easy access to the service, CCLS civil lawyers have a physical presence in Parramatta Children's Court and at Shopfront. This allows opportunities for lawyers to see young people waiting at court to assess on the spot and triage their civil law needs, and to provide support and advice to criminal law partners and wrap around legal support to young people that are mutual clients. It also builds capacity for partners to better understand how to identify civil law issues.

Referrals to the CCLS

As noted above, the CCLS has established formal referral pathways with partners: the CLS, the ALS, Shopfront and the YKC. There have been 371 recorded referrals during the 2016-17 and 2017-18 financial years (Table 6). The ALS is the organisation that refers the largest amount of young people to the CCLS, accounting for nearly half of the recorded referrals. Shopfront (n=78, 21%) and the Children's Legal Service (n=70, 19%) account for the next most common referral sources. This indicates that the strategic partnerships with these organisations are working.

During the focus group CCLS staff recognised that they did receive inappropriate referrals, which, together with referral partners, they work to reduce, while simultaneously attempting to address unmet need.

¹⁵ This has now expanded to Surry Hills Children's Court with new funding from the Department of Justice. Please refer to the practice note for more detail around the operation of the YKC:

<http://www.childrenscourt.justice.nsw.gov.au/Documents/Practice%20Note%2011%20-%20Youth%20Koori%20Court%20Feb%202019.pdf>

Table 6. Referrals from partner organisations, 2016-17 and 2017-18

Referral Organisation	2016-17		2017-18		Total referrals	
	n	%	N	%	n	%
Aboriginal Legal Service	86	51%	72	35%	158	43%
Shopfront	35	21%	43	21%	78	21%
Children's Legal Service	26	16%	44	22%	70	19%
Youth Koori Court	11	7%	16	8%	27	7%
Legal Aid NSW (not CLS)	1	1%	7	3%	8	2%
Other	8	5%	22	11%	30	8%
Total	167	100%	204	100%	371	100%

Source: CCLS Referral Data, June 2016 to July 2018

Note: Not all young people served by the CCLS in the two financial years will have been referred during this period, some young people were referred earlier than July 2016.

*Other may include DCJ, Juvenile Justice or other youth specific NGOs (for example, Mission Australia)

In practice, referrals to the CCLS are primarily received via email to a central inbox at the service and these referrals are discussed at a fortnightly team meeting. During this meeting, the referrals are triaged and allocated, based on staff capacity and the complexity of needs of the young person. Where there is no capacity in the team to accept a referral, urgent issues are triaged (for example, referrals are made to another legal aid service), and (where consented to by the young person) the young person is placed on a wait list for allocation when there is capacity.

The CCLS works in partnership with a variety of organisations. These people and organisations work with the CCLS solicitors and youth casework team to support and assist the young people they work with. The case study analysis identified that there were approximately 140 partner or referral organisations (some are recorded at a high level and cannot be accurately grouped). These services were involved with 304 services for the 30 young people whose case studies were reviewed. The most common partner organisations identified in the case studies are the ALS, DCJ and Juvenile Justice NSW.

During this evaluation, the CCLS increased the proportion of young people under the age of 18 who received their first service from the CCLS during the time period from 46% in 2016-17 to 54% in 2017-18 (Table 7). This may be a reflection of ongoing services provided to young people from earlier financial years getting older in 2016-17.

Table 7. Age at first service in 2016-17 or 2017-18 provided by CCLS, by year of first service

Age Group	2016-17		2017-18		Total	
	n	%	n	%	n	%
0-12	2	1%	4	2%	6	1%
13-17	112	46%	91	54%	203	49%
18-24	115	47%	62	37%	177	43%
25-74	15	6%	10	6%	25	6%
Total	244	100%	167	100%	411	100%

Source: CASES administrative data, 2016-17 and 2017-18 Financial Years

Overall, the CCLS made Facilitated Referrals for over one-third of young people who were referred to the CCLS in 2016-17 and 2017-18 (35%, n=130; Table 8).

Facilitated referrals recorded in the CASES database (n=129) align closely with the number recorded in the Referrals Spreadsheet maintained by the CCLS (n=130; comparing Table 9 and Table 8). No referrals from the Youth Koori Court are given facilitated referrals out of the CCLS. Over the two years, just over half of referrals from the CLS have resulted in facilitated referrals from the CCLS (n=36 of 70, 51%). The data available doesn't indicate whether these facilitated referrals occurred because the CCLS is at capacity or whether the young people receiving facilitated referrals do not meet the eligibility criteria for the CCLS. However, during the focus group, CCLS staff recognised that although they did receive inappropriate referrals initially, the CCLS has worked with their referral partners to reduce the occurrence of these referrals over the last few years. The CCLS has rarely had to provide facilitated referrals for young people due to issues with internal capacity.

Table 8. Facilitated referrals by referral partner organisation, 2016-17 and 2017-18

Referred from	Facilitated referral for young person		Short-term or ongoing support provided to the young person		Total
	n	Row %	n	Row %	
Children's Legal Service	36	51%	34	49%	70
Aboriginal Legal Service	64	41%	94	59%	158
Legal Aid NSW (not CLS)	3	38%	5	63%	8
Other*	11	37%	19	63%	30
Shopfront	16	21%	62	79%	78
Youth Koori Court			27	100%	27
Total	130	35%	241	65%	371

Source: CCLS Referral Data, June 2016 to July 2018

Note: Not all young people served by the CCLS in the two financial years will have been referred during this period, some young people were referred earlier than July 2016.

*Other may include DCJ, Juvenile Justice or other youth specific NGOs (for example, Mission Australia)

A Juvenile Justice stakeholder reported that they refer to the CCLS for a wide variety of issues, especially when a young person is isolated and in need of advocacy. Some of the reasons this stakeholder refers are when they:

Come across service barriers, struggle with another service, for example with leaving care challenges, accessing NDIS or a young person needs civil support with fines...we have made referrals for anything and everything. [Juvenile Justice stakeholder]

There is evidence from stakeholders that referrals are acted on with more immediacy than delaying decisions until fortnightly meetings. This is a positive indication due to the nature of the young people that the CCLS receives referrals for and supports. This stakeholder reported that:

CCLS are very responsive to our referrals – response back within a day, 'yes, I'll give the client a call'; or they might say they can't deal with this one myself but I can refer the client inhouse to Legal Aid or find some information and get back to you. [Shopfront stakeholder]

Stakeholders also recognise the value of engaging with the CCLS team in informal discussions about a young person prior to a referral being made (either in person or over the phone).

CCLS do a great job of taking on referrals, even informal referrals done on the day at court; they are really responsive to issues that we as criminal lawyers can't do. [ALS stakeholder].

For referrals to the youth case work team, a team member identified that if there is no capacity within the team, especially for a young person in crisis, a referral will be made to another external service. There is no evidence available for this evaluation to provide insight into how often the youth casework team is at capacity or cannot accept referrals. The engagement with the youth or social worker may be short-term or a single interaction but is often an extended interaction with the young person.

The youth casework team member we spoke with identified that proactivity and taking the service to the young people they work with is an important step in engaging with the young person, because if the young person had to come to the service with a cold referral, they are highly unlikely to make contact and engage with the CCLS as successfully.

4.2 Pathways for exiting the CCLS service

An ongoing challenge for the CCLS is that there is no clearly defined exit process for young people. The CCLS solicitors and the youth casework team members identified the difficulty of not having a formal exit protocol for young people they support as they find they are heavily invested in the young person (a key element of the service model), having engaged with them intensely over an extended timeframe, their knowledge that the young people have been failed by numerous other people and agencies and because the CCLS staff feel the burden to provide ongoing support for the young person. The young people referred to the CCLS can have ongoing civil law issues, so there is no clearly defined point where engagement with the young people should stop other than the age limitations of the service.

The CCLS staff have recognised that it is easier to exit young people who are not in OOHC than to exit young people in OOHC. A CCLS staff member recognised that services they refer to may only have funding to support a young person for three to six months or may not work as flexibly with the young person as the CCLS does. Staff within the service have the drive to keep a file open even if a young person disengages from the service and will try to work around this issue.

Exiting clients is also a significant challenge for the youth casework service, particularly with young people who are referred for ongoing case-management as opposed to brief interventions or for advice to the solicitor. The model of youth casework is intended to be short to medium term (defined as up to nine months), however, youth casework files are commonly open for longer. The Youth Casework team attempts to address this challenge by talking to a young person about the limitations of their involvement from early in the relationship and re-visiting that conversation through the course of the service. Commonly the youth casework service takes a step down approach where the intensity of involvement and frequency of contact with the client decreases over time as the most pressing issues are resolved, freeing up capacity for the youth caseworker to take on other clients. This step down approach is also dependent on the presenting needs of the client, the client's capacity to develop resilience and learn to advocate for themselves and the availability of other services as is consistent with client centred practice. Frequently, new civil law and psycho social issues arise through the course of the work which require urgent assistance. Young people becoming homeless, experiencing episodes of mental illness, domestic violence, fluctuations in drug use, entering juvenile or adult custody or becoming uncontactable frequently disrupt the progress of a young person's case plan, their transition towards independence and their exit from the service. A highly flexible and creative approach to engagement and service delivery is required in order to respond to such challenges and often results in delays in exiting a young person from the service.

Wherever possible, the youth casework service attempts to facilitate referrals to external services for longer term support and to transition young people towards independence. There are many barriers which frequently prevent the engagement of clients in the service to which they are referred. These barriers are the result of the complex needs of the clients as much as the inflexible nature of many of the services available.

CCLS staff identified during the focus group that they are unwilling to compromise by making a referral out to an inappropriate or unprepared organisation. They want young people to properly land somewhere that is appropriate and that will work with them in a similar approach to the CCLS. The CCLS staff report they will work hard to ensure that a detailed, warm referral is made to external referral partners. This may enable the referring partner to be better informed about and understanding of the young person and could support the young person to trust that the CCLS are putting them in touch with an appropriate organisation.

As young people up to the age of 25 are a priority group for Legal Aid NSW, either clear transfer protocols should be developed that support the transition of young people from the CCLS to other Legal Aid NSW teams or the CCLS's age eligibility criteria needs to be expanded so that its work with the unmet needs of the young people 18 years of age and older can continue and expand.

Clear transfer protocols are particularly important in enabling the CCLS to focus on referring to the section of Legal Aid NSW that is best placed to support young people with civil law issues who are 18 years of age and older. This will allow the CCLS to continue to provide support to young people under 18 consistent with their intended service provision and eligibility criteria.

The CCLS should consider developing guidelines for exiting a young person from the civil law services component of the CCLS. The youth casework team members should also have clear guidelines and referral protocols for exiting young people they support. These guidelines should be flexible and not override the experience and contextual understanding of each young person's individual wants and needs. An exit guideline may include the following:

- Young person hasn't been contactable for some defined period of time
- Solicitor hasn't had new updates for the young person for a defined period of time (when not anticipating updates on any issues)
- Youth casework team input (where relevant)
- Young person has been referred on to external service providers for all outstanding matters

CCLS staff will always be best positioned to assess whether a young person should exit the service.

5. Services provided to young people

This chapter outlines the service types and matter types that young people received, and the amount of services provided to young people.

Key findings

The CCLS provides a number of service types to the young people they support to achieve outcomes for young people, especially for OOHC complaints and fines.

- The case studies indicate that young people supported by the CCLS often have multiple civil law issues and complex needs.
- On average, the case studies indicate a young person will have six civil law issues
- Just over one-third (35%) of young people receive a Facilitated Referral out of the CCLS
- Legal Aid NSW has been supporting revisions to data collection for the CCLS to provide clarity about service provision and there is opportunity to continue improving data collection
- There is limited evidence to understand the intensity over time that supports positive outcomes for young people supported by the CCLS, however the case studies indicate that the CCLS engages with young people on a number of issues that may take considerable time to resolve.

5.1 Services provided to young people by the CCLS

5.1.1 The number of services provided

Patterns of service provision to CCLS clients vary widely by client and service type and changed over the 2 years with the introduction of ELAs. For clients receiving advice services, half received only one or two sessions, though a small proportion received 10 or more. Clients who received Minor assistance received a higher number of instances of services, with half receiving up to seven instances of service, and a small proportion receiving over 20.

The average number of service instances received by young people supported by the CCLS across all service types by is 9, and the median number of services is 4 (based on CASES data, not shown). This shows that high service users draw the average much higher than the median number of services.

Data recording changed during the two financial years to allow for ELAs to be created for young people from 1 July 2017 that recognise the complexity and longevity of service supports needs of young people. In 2016-17 Minor Assistances were the most commonly used service type, accounting for 81% of all services (n=1684, Table 9). The introduction of ELAs allowed for a more appropriate recording of ongoing work for complex needs young people and assisting them with a range of legal issues and saw the number of minor assistances decrease by 45% to 938 in 2017-18. The number of Advices recorded also decreased. This changed usage patterns for minor assistances and advices, with the impact of ELAs first seen from December 2017 with a decrease in minor assistance services. Similarly,

facilitated referrals were introduced in April 2016 and previously would have been recorded as a minor assistance, which has also contributed to a decrease in minor assistance services.

Table 9. Service types for young people, 2016-17 and 2017-18

Service Type	2016-17		2017-18		Total
	n	%	n	%	n
Minor Assistance	1,684	81%	938	62%	2,622
Advice	357	17%	209	14%	566
Facilitated Referral	42	2%	87	6%	129
Extended Legal Assistance			284	19%	284
Grant	5	0%	4	0%	9
Total	2,088	100%	1,306	100%	3,610

Source: CASES administrative data, 2016-17 and 2017-18 Financial Years

Note: Advice records are under-reported and were not recorded before an ELA during these financial years.

Advices can now be recorded before an ELA. Percentages may not sum to 100% due to rounding

The review of 30 young people's case studies identified 168 civil law or social work issues (excluding background contextual issues), an average of nearly 6 issues per young person, each potentially requiring one or more service instances to resolve.

Aboriginal young people receive a similar range of services compared to non-Aboriginal young people supported by the CCLS (see Appendix 10, Table 15). Young people in different age groups also receive a similar range of services (see Appendix 10, Table 17).

5.1.2 Matter groups of service provided

For service types excluding ELAs, the dominant primary matter groups recorded is the human rights/ civil liberties matters that account for nearly half of all records (n=1,610 of 3,610 or 45%; see Appendix 10, Table 14). 1,138 of matters in this category relate to Out of Home Care complaints (Table 10; 32% of all CCLS matter descriptions). This indicates a clear need for the young people supported by the CCLS to receive support from the CCLS in relation to their OOHC experience. With one-third of all support provided to young people requiring this support, the CCLS is consistently engaged in resolving similar issues for young people. Young people are also needing support for fines they have received.

Over half of the support provided to young people relates to OOHC complaints, fines and civil other (primarily YKC attendance by a solicitor, advocacy around family law/ care and protection matters, criminal law advocacy or legal health check form completion). These are the core civil law matters that young people with complex needs have. There is no data

available for this evaluation to understand how representative these may be of young people more broadly across NSW and to assess unmet need.

Table 10. Top ten matter types that the CCLS supported young people with, 2016-17 and 2017-18

Primary Matter Group	Primary Matter Description	Advice		ELA		Facilitated Referral		Grant		Minor Assistance		% of all matter descriptions	
		n	%	n	%	n	%	n	%	n	%	n	%
Human rights / civil liberty	Complaints - out of home care	151	27%	35	12%	18	14%			934	36%	1,138	32%
Debts (non-consumer)	Fines	75	13%	45	16%	15	12%			318	12%	453	13%
Civil other - state	Other civil (state)	62	11%	30	11%	16	12%			320	12%	428	12%
Human rights / civil liberty	Complaint against other govt dept (state)	46	8%	19	7%	3	2%	1	11%	122	5%	191	5%
Personal injury & accidents	Crime (including victim's compensation)	34	6%	20	7%	12	9%			102	4%	168	5%
Civil other - state	Identification	35	6%	15	5%	1	1%			103	4%	154	4%
Human rights / civil liberty	Complaint against police (state)	26	5%	21	7%	11	9%	3	33%	92	4%	153	4%
Civil matters arising from crime	Other civil matter arising from crime (State)	30	5%	23	8%	3	2%			63	2%	119	3%
Immigration	Other immigration matter	4	1%	5	2%	2	2%			63	2%	74	2%
Social security	Benefits / allowances / other	8	1%	8	3%	2	2%			55	2%	73	2%
Other / Various	All other matter descriptions	95	17%	63	22%	46	35%	5	56%	450	17%	659	18%
Total		566	100%	284	100%	129	100%	9	100%	2622	100%	3610	100%

Source: CASES administrative data, 2016-17 and 2017-18 Financial Years

The 'Civil other (State)' matter group and its main sub-category 'Other civil (State)' matter type are catch-all fields to collect data that didn't fit appropriately in another primary matter group or type. New matter groups have recently been included to better capture the data that was previously a 'Civil other (State)' record. New matter types have been created from February 2019 to capture advocacy for family law/ care and protection matters, and criminal law advocacy. The CCLS is now better positioned to record these types of cross-jurisdictional work.

The 'Human Rights/ Civil Liberties' primary matter group sub-category 'Complaints against OOHC' was deactivated in November 2018, after the introduction in August 2018 (after the data capture period for this report) of the 'Young people and Out of Home Care' primary matter group. Where data in tables is recorded within this group, it has been retroactively updated by a CCLS staff member before the data extraction for analysis took place.

ELA unit record data from CASES indicates that there were 72 unique young people with an ELA in 2017-18 (data not shown). The total number of matters identified within these ELAs are 284 (see Appendix 10, Table 14). For young people who have an ELA, the average and median number of matters is four, and the highest number of matters recorded for a young person is eight.

There are still limitations on how the CCLS records Youth Koori Court attendance, and the civil law work the CCLS does outside of court. The CCLS should have a way to record attendance without relying on the 'Other civil (State)' category (e.g. 'Youth Koori Court attendance') as well as to capture the issues that are derived from a YKC attendance or referral. The CCLS also uses the 'Other civil (State)' description for when a Legal Health Check has been completed for a young person with complex needs but no particular civil law issues. Without an understanding of the matter at that stage of support for the young person, this category is currently used. Legal Aid NSW has made progress on reducing the reliance on the 'Other civil (State)' category and should continue to look at reducing reliance on the category for data capture, while recognising that some issues will still need to be captured using this category. To some extent, the understanding of matter types is hindered by the size of the 'Civil other (State)' category.

Youth casework team support for young people

The youth casework team supported at least 39 young people in the two financial years (Table 11). This is 9% of the 411 young people supported by the CCLS in the two years. It is possible that this number is underreported, and it does not include informal work and advice and most data is captured as short-term case management. One young person received 112 services from the youth casework team, while eight young people only had one recorded interaction with the youth casework team. The average number of recorded CARS services over the two years is 18, and the median is 10, indicating that the high support users of the services receive considerably more services than most young people.

Table 11. CARS Service types and unique young people who received that type of service

Service Type	Number of services	Young people who received this service
Short-term case management	675	27
CRIS Advice and Information	8	8
Referral	7	4
Assessment	4	2
Advice to solicitor	3	2
CRIS Assisted Referral	3	3
Advocacy	2	2
Practical Assistance	1	1
Report*	1	1
Total	704	39

Source: CARS administrative data, 2016-17 and 2017-18 Financial Years

* Young people have reports and letters written for them by their youth case work team member for court or other legal processes, however in the context of case-management, these services are not recorded in CASES as a Report even if they should have been.

One of the youth casework team members identified that the role is short to medium-term work with young people, that is ideally 6-9 months, but this can be up to three years (though it is rarely this long). The youth casework team identified that the most intense work they do is the first six months of engagement with a young person and that may mean multiple contacts per week, then reducing the contacts per week and becomes more of a monitoring role than intense engagement and outreach. The CCLS staff acknowledged that there can be

very short-term intervention required for some young people and it is possible this may not always be recorded in the data.

Youth casework team members engage intensively with a smaller number of young people to work with them, build rapport and engage with referrals and partner organisations who will work together with the CCLS and the young person. The role of the youth casework team means they can be responsive to changes happening in the lives of the young people they work with and seek to create an immediate response that may otherwise be delayed if there was no one in the caseworker role.

The youth casework team member we interviewed reported that many of the young people they work with have been in OOHC, had many different case workers and moved around in care, creating attachment issues. The youth casework team member stated that they do a lot of advocacy with young people in OOHC and spend considerable time navigating this system and building relationships within DCJ. They recognised that senior solicitors within the CCLS also spend time building relationships with DCJ.

There is a wide range of supports and outcomes that the youth casework team seeks to address for young people. Based on the Youth Casework Team manual, these supports include but aren't limited to:

- Centrelink payments (whether the young person is not receiving and should be, their payments are suspended, or they have not been classified appropriately by Centrelink so are receiving the wrong type of payments)
- AVO issues, particularly in OOHC
- Advocating for Employment services assessment (ESAt)
- Financial issues and supporting young people to gain a stable income
- Referring to a disability support service or to get a Disability Support Payment (DSP)
- Housing stability, such as working with refuges, Housing NSW
- Seek to reduce seriousness or regularity of offending for some young people
- Access to ID (such as birth certificates) to support access to services (e.g. Centrelink)
- Access to mental health or drug and alcohol counselling treatment support
- Accessing the NDIS
- Ensuring a mental health issue or intellectual disability is properly diagnosed to support access to services and funding
- Working with family members of the young person (e.g. referring partner to Legal Aid NSW for issues with debt)

The youth casework team is recognised as significantly important by those within the CCLS and the referral partners who are aware of the role. The role that the team plays provides an important network of referral organisations and support partners to support delivery of successful outcomes for the young people they work with.

Service intensity

The tailored advocacy and holistic, client-centred approach means that no single service intensity can be highlighted as maximising outcomes for young people. Given a young person's self-determination that is taken into account and the flexibility of the CCLS, providing the right services at the right times for a young person is more important than a standardised approach to service intensity. This aligns with the protective factors explored in the literature around trusting relationships and support from adults.

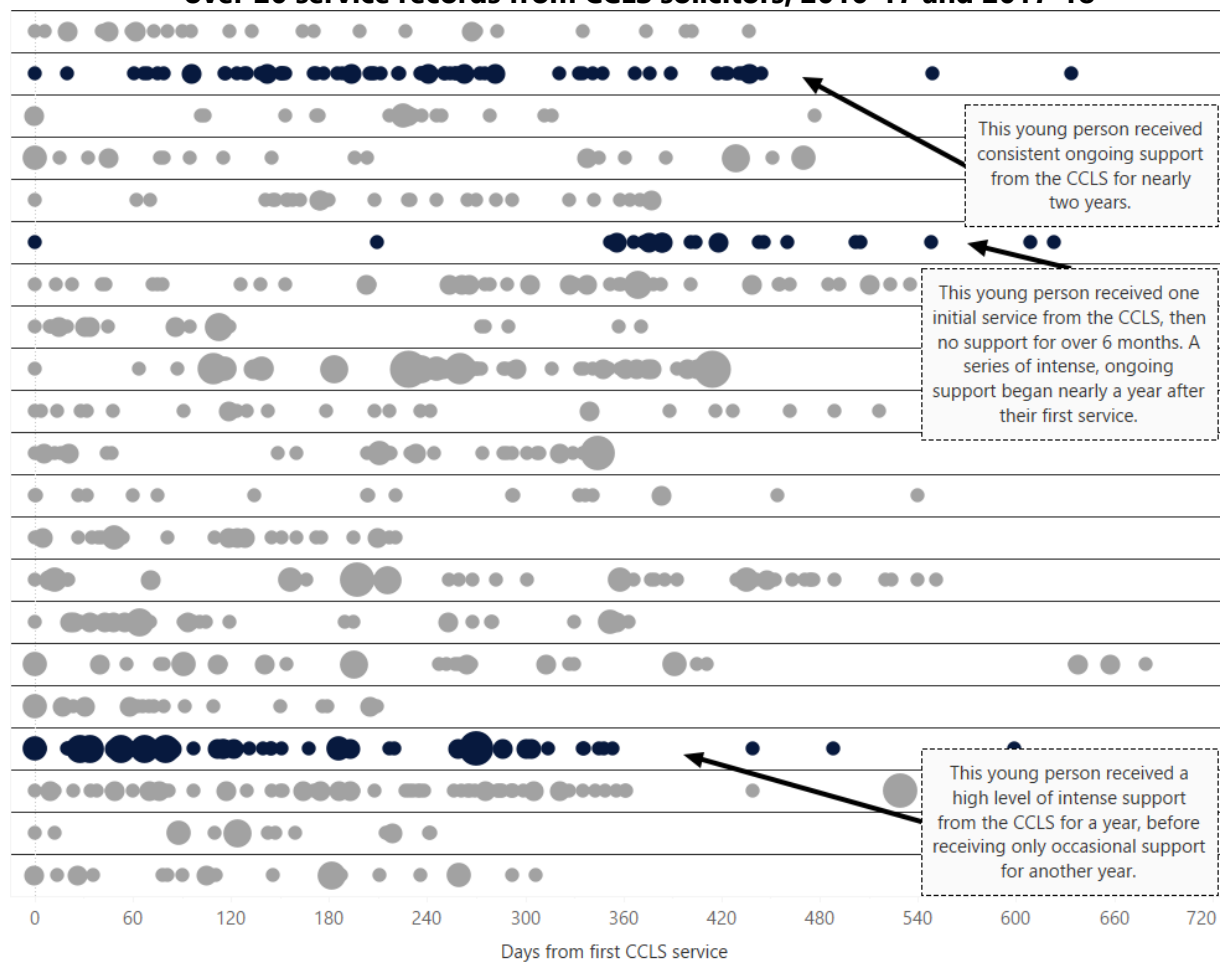
When reviewing service intensity for people who received over 20 unique service instances it becomes clear the duration and consistent intensity at which the CCLS works with to support young people with complex needs (Figure 2). The service patterns for young people are highly variable in response to the young person's needs and there is no trend that describes the service experience received by all young people. There is evidence that young people come in and out of contact with the CCLS and then receive single services or a small number of services.

How to read Figure 2 and Figure 3

These figures show the patterns of service support frequency and intensity provided to young people by the CCLS. Each row represents a unique young person supported by the CCLS and the number of services that they received from the CCLS. The closer a circle is to the next circle, the more services the young person received a service with higher intensity. The young people highlighted in navy have a description of their service experience.

Each circle represents a day that a young person received a service. The size of the circle represents the number of services received on one day. Larger circles mean more services were provided to a young person on a single day.

Figure 2. Service intensity for a random selection of young people who received over 20 service records from CCLS solicitors, 2016-17 and 2017-18



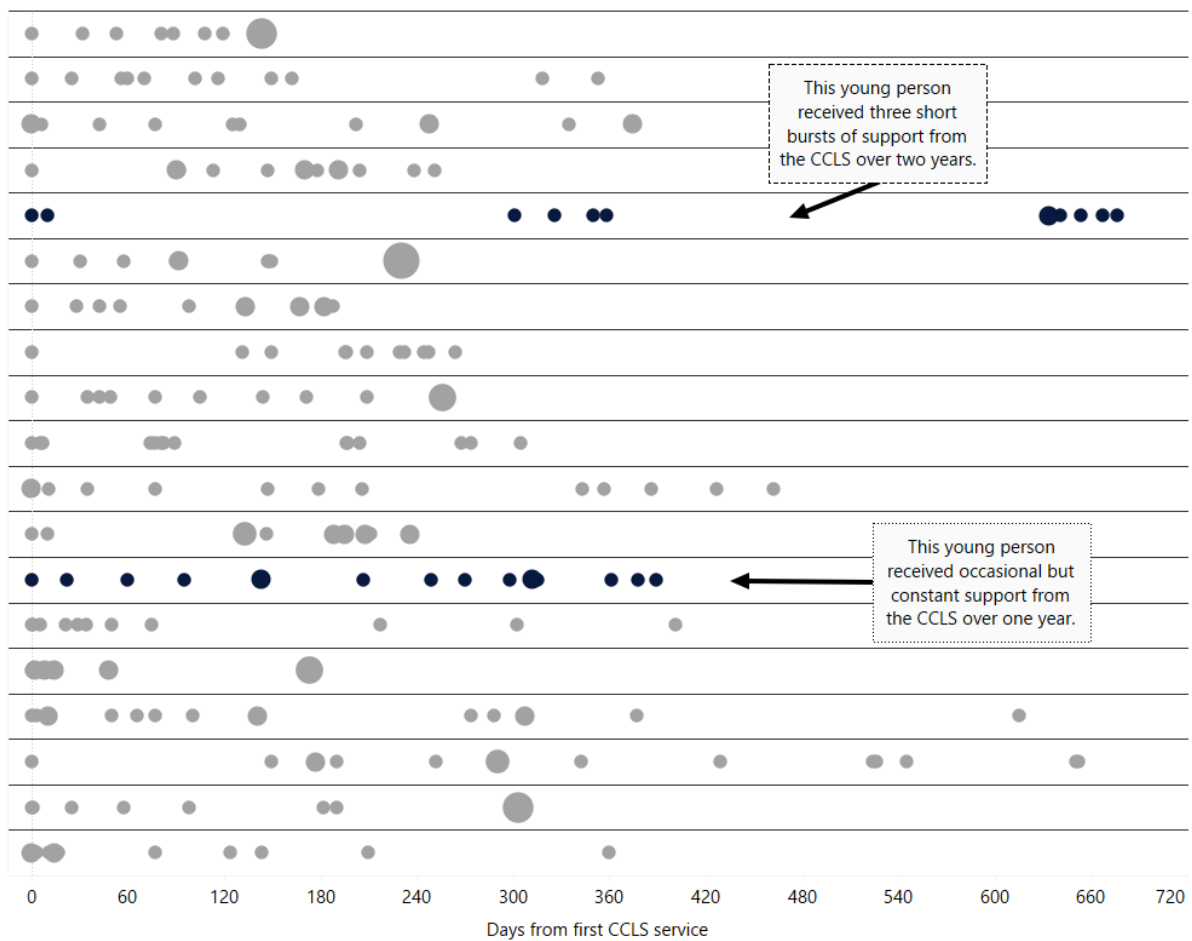
Source: CASES administrative data, 2016-17 and 2017-18 Financial Years

Note: Includes only ELA, Minor assistances, Grants, Advices and Facilitated referrals for young people who received more than 20 services. Not all young people in this cohort are shown and the order in which they appear is randomised to increase anonymity.

The CCLS also provides consistent and regular support to young people who received support on between 10 and 20 service matters (Figure 3). The patterns in this data show less intense support but over a similar duration for some young people, although the CCLS appears to support these young people for around a year before service intensity tapers off. There is also more time between when service matters are recorded for people with fewer overall services received, indicating lower intensity support is needed for these young people.

There is evidence from both cohorts that young people will return to receive support from the CCLS after extended periods of time – evidenced by large gaps between periods of service provision.

Figure 3. Service intensity for a random selection of young people who received between 10 and 20 service records from CCLS solicitors, 2016-17 and 2017-18



Source: CASES administrative data, 2016-17 and 2017-18 Financial Years

Note: Includes only ELA, Minor assistances, Grants, Advices and Facilitated referrals for young people who received between 10 and 20 services. Not all young people in this cohort are shown and the order in which they appear is randomised to increase anonymity.

6. Individual outcomes achieved by the CCLS

This chapter reviews the outcomes that have been achieved by the CCLS for young people and the protective factors that may have been enhanced for the young people. This chapter also looks at how the CCLS implements elements of its service model to achieve outcomes for young people.

As can be seen from the previous chapter, the CCLS resolves legal issues for young people across a wide range of areas. This chapter looks in more detail at the impact of the resolution of those legal issues on young people and the manner in which CCLS works that support the resolution of those legal and social issues and enhances protective factors.

Key findings

Based on the case studies available for the evaluation, the CCLS has achieved many positive outcomes for the young people it supports, and there is evidence to suggest that it has enhanced protective factors for young people.

- The CCLS service model approach strongly supports the achievement of outcomes for young people and there is positive feedback on the value of the CCLS from all stakeholders
- While there is no evidence for this evaluation to assess whether young people supported by the CCLS have reduced interactions with the criminal justice system, the outcomes that the CCLS achieves for young people enhance a variety of protective factors
- There are some challenges in service delivery that were identified by stakeholders

The case study summaries in this chapter are based on amalgamations of multiple case studies and client interviews from a number of young people, combined into narratives about fictional individuals named 'Cameron', 'Morgan', and 'Alex'. Gender identity, locations and timeframes have been obscured to ensure the confidentiality of young people.

6.1 The outcomes achieved by the CCLS

The analysis of specific outcomes achieved for young people of the CCLS were compiled from thirty case studies, five young people interviews, and illustrative examples given by stakeholders during interviews. The identified outcomes for young people are delivered across a wide variety of civil law issues, social work issues and personal successes for young people.

From the evidence available in the case study documents, the CCLS is highly successful in achieving outcomes for their young clients. Of the 168 identified issues for young people, 160 were resolved by the CCLS. This is a rate of successful outcome in 95 percent of matters.

Of the case studies we reviewed, there was youth casework team engagement in 15% of identified issues (25 of 168 issues; for 10 young people). This is despite only three of the young people from the 30 whose case studies were reviewed being specifically selected for

the evaluation as they included specific youth casework team involvement and engagement with the young person. This indicates that the YCW team is likely providing informal services or consultations to young people or solicitors to support the young person that are not necessarily being captured in the CASES data.

An Aboriginal Legal Service stakeholder identified an outcome achieved for one young person was facilitating support for an entire family, not just the young person and that the ALS stakeholder appreciated the significance of this family support culturally and from a humanitarian perspective.

A criminal law stakeholder from the CLS recognised that supporting documentation (such as letters and other supporting materials) is important for the CLS to support young people within the criminal justice system and can be used to deliver improved outcomes for criminal matters.

A young person who had been in Out of Home Care and was supported by the CCLS found that the CCLS made a considerable difference in their life. They were assisted around their Leaving Care Plan which was resolved, as well as supported to reconnect with family. The young person was connected to appropriate services and felt that:

There is nothing I didn't like about the way [the CCLS solicitor] worked with me. [Young person supported by the CCLS].

Another young person supported by the CCLS was homeless and had a basic Leaving Care Plan. The CCLS helped this young person to improve the Leaving Care Plan, get a car, commence study, get accommodation and a job. The young person recognised the work done by their CCLS solicitor to support them and was grateful for the assistance they received.

I thought, 'what am I going to do now?' Then I got the call from [the CCLS] and I thought maybe life isn't so cruel, I felt there was help for me – I didn't know where to go. I was happy [the CCLS solicitor] could give me some support... I am able to move on with my life. [Young person supported by the CCLS]

Case study: Cameron

Cameron is a young Indigenous person who was removed from their family at birth due to concerns about parental Alcohol and Other Drug (AOD) abuse and child neglect. Cameron lived with foster carers until they were a teenager. While in their care they were exposed to risk of sexual abuse and threats of physical assaults by their foster carers. When Cameron was 16, they were in custody for most of the year and chose to remain in custody as they felt safer there. They were granted bail and moved to a kinship placement but were then forcibly removed by police at the request of the NGO managing their case to return to foster care.

Cameron was referred to CCLS when their kinship carer contacted the Aboriginal Legal Service, who asked CCLS to assist. Their kinship carer was concerned about the abuse if Cameron was forced to return to foster placement, and CCLS identified concerns around the criminalisation of Cameron's

trauma related behaviours, lack of cultural support, lack of family contact and lack of educational opportunities.

CCLS advocated for family and cultural connection to be addressed as a matter of urgency, and for Cameron's views and concerns to be considered in making decisions about their life and future. CCLS negotiated with the NGO managing Cameron's case for Cameron to remain in kinship placement, highlighting that Cameron felt safer in custody than in foster care or placement and escalating the issues to the NSW Ombudsman. Case management was transferred to a different provider, and the NGO was made to issue an apology and agreed to pay for Cameron's school expenses upfront. Cameron was not forced to live in another placement and could make their own decisions about entering into counselling regarding their past trauma.

As a young person's relationship with the CCLS is built over time, some young people have become able to identify their own civil law issues and connect with the CCLS after a break in service support. From the case studies, there is evidence of young people learning that they can take concerns about fines, debts and issues with care or leaving care to the CCLS for support. This is very important as it means the young people are able to self-refer back to CCLS and other support organisations they have worked with. A young person reported that they no longer rely on the CCLS because they have the appropriate network of service providers to contact for support.

Case study: Morgan

Morgan was placed under the care of the Minister as a result of parental domestic violence, alcohol abuse and neglect. Morgan was placed in several different placements after the removal from their physically abusive foster carer, and experienced extensive homelessness. Morgan has substance abuse issues and has had significant contact with police as a young person. They have spent significant time in custody as a juvenile.

Morgan was referred to the Children's Civil Law Service through the Youth Koori Court for support with fines and debt. At the time, Morgan was homeless and was in detention. While Morgan was in detention, it was identified that they had over \$4000 in fines and over \$1000 worth of mobile phone debt.

Morgan's CCLS youth service caseworker and a Juvenile Justice Officer (JJO) set them up on a Work and Development Order in Morgan's Youth Koori Court Action and Support Plan. Morgan's youth service caseworker made multiple attempts to request that their mobile phone company waive their debt, which only occurred after the CCLS solicitor escalated this to the Telecommunications Industry Ombudsman. CCLS referred Morgan and their partner to a youth service for transitional housing, writing a support letter to the youth service when they were considering Morgan and their partner for a property.

The Youth Koori Court stakeholder recognised that the CCLS provide substantial input to help young people achieve their goals under the Action and Support Plan and will be involved in most plans developed in the YKC because many young people will have at least one civil law issue, and often more. The Youth Koori Court stakeholder gave an example of successful outcomes where the CCLS support enabled young people to have large fines written off.

Case study: Alex

Alex was an Indigenous young person with serious mental illness and a history of self-harming behaviours and extensive illicit substance abuse, which started as a child. They were disengaged from school and were often emotionally and physically abused by their parent, who also suffered from severe mental illness. Alex was placed under the care of the Minister as an adolescent, and during that time clashed with their foster parents and siblings.

CCLS liaised with Alex's case worker from their case management NGO. Alex had been diagnosed with PTSD and had issues with aggression and impulse control that stemmed from their trauma. They also had no identification documents at the time.

Alex received their Medicare card after CCLS applied for it. CCLS liaised with Alex's Juvenile Justice Officer to obtain a birth certificate and to obtain prescriptions for their medication given their mental health issues. CCLS advocated for a Leaving Care Plan to be developed which reflected Alex's needs, including full statutory entitlements for the establishment costs for a new home and facilitated a referral to Aftercare services to support Alex to access their Leaving Care Plan. Alex's CCLS youth caseworker also supported them by accompanying them to medical appointments and psychological assessments and providing informal counselling to reduce the risks associated with substance use and self-harm.

There were eight issues that were not resolved for five young people. For these eight issues, the young person instructed not to proceed further, did not want further assistance, moved out of the area or was not accepted by a homeless service provider. Where the CCLS is

instructed not to continue their work by a young person, CCLS staff are legally and ethically required to cease working for that young person. The CCLS cannot consider this an unsuccessful outcome, but the underlying need of the young person may still not be met.

It is unrealistic to expect that the CCLS is successful on every issue for every young person and there are several factors that influence this. Overall, the complex needs of the young person, their background and variety of legal issues that affect young people are all intertwined. Stakeholders from the Youth Koori Court, the CLS and DCJ recognise that highly reactive young people who have difficulties living with other people are among the most difficult to achieve outcomes for. The young people who require acute and emergency services on a regular basis were recognised by stakeholders as challenging and that as they age, they are harder to help and typically become entrenched in the justice system and progress into the adult justice system.

6.2 Protective factors enhanced by the CCLS

Protective factors comprise attributes, conditions, relationships or opportunities that offset risk factors and contribute to healthy development, improved well-being and positive longer-term outcomes¹⁶. Enhancing one protective factor may have a 'snowball effect,' reducing the incidence and/or impact of risk factors and/or enhancing other protective factors¹⁷. For more information on protective factors see Appendix 11.

Current systems cannot and are not providing all the protective factors for young people and their families with complex needs¹⁸. The literature highlights that the effectiveness of prevention and early intervention strategies is increased when they occur in multiple settings¹⁹, such as with the multi-disciplinary approach of the CCLS. For Indigenous young people, young people in OOHC and Indigenous young people in OOHC, one of the most important protective factors to be enhanced is to provide them with a stable adult relationship which helps aid their healthy transition into adulthood/ independence^{20,21}.

¹⁶ Development Services Group, Inc., & Child Welfare Information Gateway (2015) *Promoting protective factors for children exposed to domestic violence: A guide for practitioners*. Washington, DC: U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Children's Bureau

¹⁷ NSW Department of Family and Community Services (2014) Better lives for vulnerable teens: https://www.DCJ.nsw.gov.au/_data/assets/file/0009/335178/better_lives_for_vulnerable_teens_analysis.pdf

¹⁸ National Standards for Out of Home Care (2010) Department of Families, Housing, Community Services and Indigenous Affairs: <https://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/national-standards-for-out-of-home-care-consultation-paper?HTML#summary>

¹⁹ NSW Department of Family and Community Services (2014) Better lives for vulnerable teens: https://www.DCJ.nsw.gov.au/_data/assets/file/0009/335178/better_lives_for_vulnerable_teens_analysis.pdf

²⁰ Jacyntha Krakouer, Sarah Wise & Marie Connolly (2018) "We Live and Breathe Through Culture": Conceptualising Cultural Connection for Indigenous Australian Children in Out of Home Care, *Australian Social Work*, 71:3, 265-276, <https://doi.org/10.1080/0312407X.2018.1454485>

²¹ NSW Department of Family and Community Services (2014) Better lives for vulnerable teens: https://www.DCJ.nsw.gov.au/_data/assets/file/0009/335178/better_lives_for_vulnerable_teens_analysis.pdf

We identified five protective factors from the literature that appear to be enhanced by the support provided by the CCLS to young people (Table 12). With evidence taken from the case study review, interviews with young people and stakeholders, calendar data and from the youth caseworker manual, 0 outlines how specific the support provided by the CCLS youth casework team and solicitors, and the CCLS as a whole, enhance the five protective factors from Table 12. We also highlighted instances where the enhancement of one protective factor may build upon other protective factors—most notable is the relationship between '3) Caring adults' and both '1) Concrete supports in times of need' and '4) Youth resilience' (0).

Table 12. Five protective factors²²

Protective factor	Description
Concrete support in times of need ²³	<ul style="list-style-type: none"> ▪ helping youth to identify, find, and receive concrete supports to help ensure they receive the basic necessities everyone deserves in order to grow and thrive ▪ Solicitors address issues civil law issues that are affecting young people ▪ providing access to concrete supports and services (e.g., housing, food, transportation) that address needs and help to minimize the stress caused by very difficult challenges and adversity
Economic opportunities ²⁴	<ul style="list-style-type: none"> ▪ solicitors provide unconditional positive regard for the young people they support ▪ caring adults beyond the nuclear family, such as mentors, home visitors (especially for pregnant and parenting teens), older extended family members, or individuals in the community
Caring adults ²⁵	<ul style="list-style-type: none"> ▪ the ability of youth to call forth their inner strength to positively meet challenges, manage adversities, heal the effects of trauma, and thrive, given their unique characteristics, goals, and circumstances ▪ it is strongly related to the trusting relationships with caring adults (see above protective factor) ▪ solicitors support young people to be self-directed and support young people to recognise their own civil law issues
Youth resilience ²⁶	<ul style="list-style-type: none"> ▪ identify and assess which organizational and regulatory policies, laws, and ordinances may positively impact the lives of children and families; provide decision makers and community leaders with information on the benefits of evidence-based strategies and rigorous evaluation ▪ solicitors contribute to the identification and resolution of systemic legal and policy issues affecting young people
Policies for healthy children and families ²⁷	<ul style="list-style-type: none"> ▪ solicitors provide unconditional positive regard for the young people they support ▪ caring adults beyond the nuclear family, such as mentors, home visitors (especially for pregnant and parenting teens), older extended family members, or individuals in the community

²² The following protective factors were summarised from the following resource, which provided links to further reading that informed this review: https://www.childwelfare.gov/pubPDFs/protective_factors.pdf

²³ Centre for the Study of Social Policy (2018) Youth Thrive: A Protective Factors Approach for Older Youth: <https://cssp.org/wp-content/uploads/2018/08/YouthThrive.pdf>

²⁴ Administration on Children, Youth, and Families (2013) Protective Factors for Populations Served by the Administration on Children, Youth, and Families: A Literature Review and Theoretical Framework: <https://dsgonline.com/acyf/DSG%20Protective%20Factors%20Literature%20Review%202013.pdf>

²⁵ Administration on Children, Youth, and Families (2013) Protective Factors for Populations Served by the Administration on Children, Youth, and Families: A Literature Review and Theoretical Framework: <https://dsgonline.com/acyf/DSG%20Protective%20Factors%20Literature%20Review%202013.pdf>

²⁶ Centre for the Study of Social Policy (2018) Youth Thrive: A Protective Factors Approach for Older Youth: <https://cssp.org/wp-content/uploads/2018/08/YouthThrive.pdf>

²⁷ Centre for Disease Control and Prevention (2019) Essentials for Childhood: Creating Safe, Stable, Nurturing Relationships and Environments for All Children: <https://www.cdc.gov/violenceprevention/pdf/essentials-for-childhood-framework508.pdf>

Table 13. How support provided by the CCLS enhances protective factors for young people with complex needs

Protective factor	Support provided by Solicitors and/or Youth Caseworkers	Description	Evidence of outcomes achieved by the CCLS for young people
	Practical assistance / hurdle help	Organising identification, public transport training, fortnightly reporting to Centrelink. Providing practical assistance to a young person to help them resolve civil law and psycho-social issues	The case study review identified 168 civil law or social work issues (excluding background contextual issues), with an average of approximately 6 issues per young person. Of the 168 identified issues for young people, 160 were resolved by the CCLS – a 95% success rate. Note: It is possible that this support provided by the CCLS may enhance protective factors 3) Caring Adults, and 4) Youth Resilience.
1) Concrete supports in times of need	Writing support letters and treatment plans	For example, writing a letter in support of a priority housing application/State Revenue fines write off	The case study review and interviews with young people receiving support from the CCLS identified several cases where CCLS workers wrote letters of support, which included but were not limited to: <ul style="list-style-type: none"> ▪ Support letter(s) accompanying referrals to youth mental health services ▪ Support letter(s) to Revenue NSW to substantiate Work Development Order eligibility ▪ Support letter(s) for priority housing applications and to extend tenancy(s) Note: It is possible that this support provided by the CCLS may enhance protective factors 2) Economic opportunities.
	Crisis support	Managing crisis situations, promoting safety and reducing the risk of harm	The case study review identified that youth caseworkers provide young people with crisis support, informal counselling and therapeutic support. There were also several cases where CCLS youth casework team members helped set up refuge housing. Note: It is possible that this support provided by the CCLS may enhance protective factors 3) Caring Adults, and 4) Youth Resilience.
	The CCLS is a “one-stop shop”. Identifying appropriate services and making referrals for young people.	Providing facilitated referrals to other organisations or agencies. Helping the young person to become ‘referral ready’	As part of the triage approach, CCLS made 129 warm facilitated referrals for young people who were not an appropriate referral for the service or when the CCLS is unable to provide support for the young person (e.g. criminal law issues that are outside the scope of the CCLS). Note: It is possible that this support provided by the CCLS may enhance protective factor 4) Youth Resilience.

Protective factor	Support provided by Solicitors and/or Youth Caseworkers	Description	Evidence of outcomes achieved by the CCLS for young people
	Complex case-management. Comprehensive holistic assessment of a young person’s needs.	Recognising the complex needs of young people, and the need to provide joined up intensive non-legal support to effectively respond to their needs.	<p>This is evidence by the triage approach and the use of the Complex Needs Indicator, Legal Health Check and Youth Casework referral form. The CCLS refers to Legal Aid NSW and other organisations when it will enhance the support for a young person.</p> <p>The CCLS provides extensive case-management support by the CCLS solicitors for young people across all their needs that are identified by the CCLS. This involves intense, long-term support and referrals to other organisations where needed. Stakeholders also recognise the intensity of this case-management work completed by the CCLS.</p>
	Supporting young people at appointments		<p>The case study review identified several cases where CCLS solicitors and youth caseworkers accompanied young people to meetings with other government agencies, court appointments, medical and mental health appointments, as well as to appointments for services such as Centrelink.</p> <p>Note: It is possible that this support provided by the CCLS may enhance protective factor 3) Caring Adults.</p>
2) Economic opportunities	Informing and educating young people to build their capacity to understand processes and identify civil law issues	Helping young people to navigate systems. Talking to a young person about how to apply for a tax file number.	<p>CCLS solicitors support people to understand the work that they will do on their behalf, the likely outcomes of that work and educate young people to enable them to better identify civil law issues that might affect them.</p> <p>The case study review identified that CCLS caseworkers assist young people to receive identification documents, tax file numbers and/or Medicare cards, access wills/ estates or trust funds, and receive various payments and pensions – which contribute to their economic stability.</p> <p>Note: It is possible that this support provided by the CCLS may enhance protective factor 4) Youth Resilience.</p>
	Reducing debt and fines, supporting Work Development Orders		<p>CCLS solicitors spend considerable time working to support young people and advocating for the reduction of fines and debts. The Youth Casework Team is an approved sponsor for WDOs. There is a considerable amount of evidence for this based on case studies and stakeholder interviews. See also ‘Writing support letters and treatment plans’ above for more information.</p>

Protective factor	Support provided by Solicitors and/or Youth Caseworkers	Description	Evidence of outcomes achieved by the CCLS for young people
3) Caring adults	Client-centred, building engagement and rapport	Selective and appropriate use of self-disclosure, humour, taking an active interest in the young person’s interests (sport, skating, gaming etc).	<p>Interviews with young people receiving support from the CCLS revealed that the CCLS solicitors were viewed as trustworthy, understanding, responsive, empowering and genuinely interested.</p> <p>he case study review identified that youth caseworkers took an interest in the young person’s interests and acted to, for example, appeal suspensions from sports teams or organise tutors for a young person’s subject of interest.</p> <p>Note: It is possible that this support provided by the CCLS may enhance protective factor 4) Youth Resilience.</p>
	Mentoring	Helping young people to navigate systems. Helping prepare a young person to move towards change in their life.	<p>The case study review identified that youth casework team staff mentor young people to help them engage in counselling, life skills workshops and groups, and also assist young people to get their Tax File Number, obtain Centrelink payments, submit complaints to youth services and that solicitors assist young people in navigating lawsuits and charges.</p> <p>Note: It is possible that this support provided by the CCLS may enhance protective factor 4) Youth Resilience.</p>
	Working with families and significant others		<p>The case study review identified that:</p> <ul style="list-style-type: none"> ▪ youth caseworkers organise funeral plans for young peoples’ family members ▪ youth caseworkers develop family contact plans (for parents and/or siblings) ▪ solicitors attempt to help young people regain custody of their own children. <p>It is apparent from case studies and interviews with CCLS staff that the CCLS may extend their support to a young person’s partner or family if their issues impact the young person. The CCLS solicitors also works with parents/ family if the young person still lives with them. Family is also used by the CCLS as a mechanism to engage with a young person if they are difficult to contact. Solicitors were identified as working in a culturally appropriate way with family and provide some legal support to those family members.</p> <p>Note: It is possible that this support provided by the CCLS may enhance protective factor 4) Youth Resilience.</p>

Protective factor	Support provided by Solicitors and/or Youth Caseworkers	Description	Evidence of outcomes achieved by the CCLS for young people
4) Youth resilience	Trauma-informed approach	Trauma-informed care and practice recognises the prevalence of trauma and its impact on the emotional, psychological and social wellbeing of people and communities.	<p>The case study review identified that youth casework team members and solicitors raise concerns about the criminalisation of young people’s trauma related behaviours, advocating counselling over punitive measures. Most CCLS staff are trained in a trauma-informed approach.</p> <p>Note: It is possible that this support provided by the CCLS may enhance protective factor 3) Caring Adults.</p>
	Therapeutic assistance	Helping a young person manage their behaviours.	<p>The case study review identified that youth caseworkers provide young people with informal counselling and therapeutic support including mindfulness and self-soothing tools. Interviews with young people receiving support from the CCLS revealed that case workers helped young people be more confident in talking about their problems.</p>
	Informing and educating young people about issues and processes	Educating a young person about the possible impact of civil law issues.	<p>Interviews with young people receiving support from the CCLS revealed that CCLS staff were honest with them, managed their expectations and <i>‘gave [them] plenty of updates about how things were going.’</i></p> <p>Note: It is possible that this support provided by the CCLS may be enhanced by protective factor 3) Caring Adults.</p>
	Encouraging participation and self determination	Assisting a young person to communicate, participate and have their say about issues affecting their life. Development of case plans with the participation of the young person	<p>CCLS solicitors provide support to young people on a wide variety of issues and respect the self-determination of the young person to advise the solicitors on the issues they want the solicitors to address.</p> <p>The case study review identified that youth caseworkers allow young people to make their own decisions about:</p> <ul style="list-style-type: none"> ▪ entering into counselling ▪ reconnecting with family members ▪ connecting to culture and country (in the case of Indigenous young people) ▪ other aspects of their case plans. <p>Interviews with young people receiving support from the CCLS revealed that case workers showed genuine interest in young peoples’ lives, which gave them a sense of purpose.</p>

Protective factor	Support provided by Solicitors and/or Youth Caseworkers	Description	Evidence of outcomes achieved by the CCLS for young people
	Skill building	Educating a young person how to do a task and letting them have a go at doing it themselves. Goal setting, problem-solving. Helping a young person weigh up decisions.	<p>Consent from the young person is required for the CCLS solicitors to act on the young persons’ behalf. CCLS solicitors outline the ramifications of legal actions but leave the decision to the young person, and youth caseworkers allow young people to decide their own pathways to various supports including counselling and psychotherapy.</p> <p>Note: It is possible that this support provided by the CCLS may be enhanced by protective factor 3) Caring Adults.</p>
	Systemic advocacy	When the CCLS identifies a systemic issue affecting one or more of the young people they work with, the service can act towards addressing the systemic issue, often in partnership or collaboration with other agencies or organisations.	<p>The CCLS identified and worked to address a number of systemic issues. The CCLS and its partners created and implemented the “Joint Protocol to Reduce the Contact of Young People in Residential OOHC with the Criminal Justice System”.</p> <p>The case study review identified that the CCLS engaged in OOHC Advocacy and DCJ Advocacy, and, in the case of Indigenous young people, advocates for increased family and cultural connections as a matter of urgency.</p> <p>More information on how the CCLS addresses systemic issues can be found in Chapter 7.</p>
5) Policies for healthy children and families	Increased capacity to deal with young people with complex needs	Develop the capacity of Legal Aid NSW and the legal sector to respond to the needs of young people with complex needs. Develop capacity of the non-legal sector to identify and refer. Improve services through evaluation.	<p>The CCLS uses a multidisciplinary approach to engage in capacity-building with partner organisations and agencies. Interviews with stakeholders revealed that the embedment of a CCLS solicitor into the Youth Koori Court was crucial in building their capacity to deal with young people with complex needs. The CCLS has a physical presence with all of its strategic referral partners to embed the relationship and support the referral pathway. This presence also enables the CCLS solicitors to support young people with complex needs in partnership.</p> <p>The CCLS also engages in the non-legal sector including with DCJ, Juvenile Justice and Aftercare services to identify and refer young people to and from, although these are not strategic referral partners.</p> <p>The CCLS has been involved in a number of law reform and advocacy submissions by Legal Aid NSW, including bringing about legislative change that altered the definition of a domestic relationship so that it excluded young people who were in a group environment where the other person was a paid carer.</p>

Protective factor	Support provided by Solicitors and/or Youth Caseworkers	Description	Evidence of outcomes achieved by the CCLS for young people
Community development	Community development and the development of collaborative working relationships and partnerships. Work collaboratively with a wide range of Government and NGO agencies	<p>More information on how the CCLS increases the capacity of the legal sector to respond to young people with complex needs can be found in Chapter 7.</p>	<p>The case study review identified that the CCLS engaged over 60 stakeholder organisations when managing young peoples’ cases. CCLS engages with stakeholders for building capacity to refer as well as for resolving civil law issues.</p> <p>The CCLS also has several key partnerships, including but not limited to:</p> <ul style="list-style-type: none"> ▪ Aboriginal Legal Service ▪ Legal Aid NSW ▪ Children’s Court Parramatta ▪ Juvenile Justice ▪ Public Interest Advocacy Service ▪ Aftercare Services ▪ Australian Council for Private Education and Training ▪ TAFE NSW ▪ Shopfront Youth Legal Centre ▪ WEAVE Youth and Community Services <p>In the context of the Joint Protocol advocacy around Out of Home Care, the CCLS has engaged in implementation workshops, joint training sessions with DCJ delivered to NSW Police, residential OOHC providers, case workers, OOHC organisations and professionals and more.</p> <p>More information on how the CCLS works in collaboration with a range of stakeholders can be found in Chapters 6 and 7.</p>

7. How the CCLS achieves outcomes for young people

This section outlines how the CCLS service model elements are implemented to support the achievement of outcomes for young people supported by the CCLS.

Key findings

The CCLS supports young people according to the service model through a range of practices to deliver outcomes for young people.

These include:

- Tailored advocacy for each young person,
- Client-centred approach
- Respecting the self determination of the young person
- A multidisciplinary approach with specialist staff skills, knowledge and experience
- Holistic and wrap-around service delivery
- Strategic relationships with partner organisations

There are some challenges that were identified by CCLS stakeholders in collaborating with the CCLS to support young people.

Tailored advocacy for each young person

The tailored advocacy provided to young people by the CCLS is characterised by:

- Identifying with the young person as many issues affecting them as possible,
- A client-centred approach that addresses the issues the young person wants to resolve,
- A strong focus on building and maintaining positive relationships with the young person and
- Respecting the self determination of the young person.

To deliver tailored advocacy, the CCLS develops an understanding of the young person's individual needs through triage assessments and discussions with the young person. The CCLS engages with the young person on the issues identified that the young person directly instructs the CCLS to support them with, and that the young person may raise over the course of the service. The CCLS also considers the young person's capacity to engage with the CCLS and allows them to be in control of their service experience. Young people supported by the CCLS do not receive generic support from the service to address issues that may or may not affect them. The CCLS focusses on their civil law and social welfare needs.

Client centred approach

Internal and external stakeholders reported that the approach taken to young people by the CCLS is one to be admired and replicated where possible. The approach is holistic, flexible, trauma-informed and sets the young person's direction and goals as priorities.

They are trusted to have the young people's back from a legal perspective, and they can relate to them and the relationship goes for years. If this could be replicated for other areas that would be great. [Aboriginal Aftercare Service stakeholder]

Coming from a trauma-informed perspective enables all the staff to engage appropriately with the young people. CCLS staff are encouraged and given the capacity to build rapport with young people, and agency to develop and sustain these relationships. A young person interviewed reported that the CCLS would ring or visit when they said they would and that they care, listen and made a difference in their life.

Another young person found the initial meeting between their CCLS solicitor and the person who referred them to be very valuable and the long-term support provided by the CCLS was helpful. The young person also reported that they would be very comfortable reaching out to the CCLS solicitor if they needed help in the future. This indicates that the working relationship, trust building and support that the CCLS offers is effective in supporting young people and building their confidence.

The CCLS lawyers and social workers were regarded as easy to talk to, people to be relied upon and trusted by all of the young people interviewed. The CCLS team conveyed unconditional positive regard for their young people and understood what the young people wanted in scenarios where other service providers didn't.

The role of the youth casework team can be to solidify trust and facilitate engagement between the CCLS and the young people they work with. A youth caseworker within the CCLS recognised that this approach may be new for the young people who may, for example, have had many different DCJ workers and been moved around in different types of care – creating attachment issues for the young person. Youth caseworker team members attribute some of their success to doing strengths-based work with young people to help the young people resolve their own issues and develop their own goals.

Respecting the self determination of the young person

The CCLS works on a direct representative model²⁸, where the extent and scope of assistance provided is directed by what the young person wants, consistent with CCLS' legal and ethical duties, and not what would be considered in the best interests of the young person. This underpinning value of respecting the self-determination of the young person also recognises the lack of agency the young people may have in other areas of their life and contrasts with

²⁸ <https://www.lawsociety.com.au/sites/default/files/2018-03/Representing%20Children.pdf>

other services that work in the best-interests of a young person (particularly the case for young people who were in OOHC). Stakeholders identified that the approach of the CCLS is personal, invested and responsive.

The young people we interviewed felt comfortable with the CCLS staff and that they were listened to.

I felt comfortable with them, they listened to me. I know they were good people. [Young person]

Good people who care, listen and make a difference. [Young person]

The positive interactions and rapport one young person had with CCLS solicitors made the young person more confident to speak up about their problems.

Has made me more confident in speaking to people about my problems – I didn't do this [before]. It's because they made a difference – and they said to talk to someone about it. [Young person]

[The CCLS solicitor] understood what I wanted, other people didn't understand, but they did, they were easy to talk to. [Young person]

An important feature of the CCLS for the young people we interviewed was the honesty of the CCLS staff: they said they would work with the relevant people, organisations and the young person to deliver a result. The young people appreciated that the CCLS wouldn't promise them the best outcome and that the CCLS would be honest and realistic in their assessment of the situation.

These young people trusted the CCLS staff, who "helped them out".

[The CCLS solicitor] was always able to help with the things I wanted. [The solicitor] made it clear that they could only do their best, didn't promise they could definitely achieve [the goal], [the solicitor] was pretty straight up with me. [Young person]

Multi-disciplinary approach with specialised skills and knowledge

Stakeholders recognised the immense value brought to young people in Sydney and surrounding regions by the CCLS staff who have specialised expertise and knowledge around legal systems and navigating different jurisdictions, such as the care and protection system.

What they do brilliantly is understanding their clientele and it appears that there is a component of case management to the legal practice as well and that is phenomenal. The relationship that they are able to provide and build with young people, which I would see as preventing young people from going into custody, is amazing. [Aboriginal Aftercare Service stakeholder]

When speaking with the CCLS team and the youth caseworker, we identified that the interaction between the solicitors and youth casework team enables interdisciplinary teaching, learning and support so that solicitors can better understand methods and techniques that may help them in communicating and dealing with young people and the social workers can be better placed to identify civil law issues that might be affecting the young people so they can refer these back to the solicitor.

Through the influence of social work, lawyers become more nuanced in their approach to advocacy and more skilled to work with young people in the context of their rich, diverse and complex life experiences. Similarly, social workers working with lawyers become better equipped to assist young people to navigate complex legal systems. Capacity building is a mutual benefit of multidisciplinary practice²⁹. In addition, collaborative advocacy has the benefit of capacity building a young person by role modelling respectful negotiation, assertiveness and conflict management skills.

Stakeholders attribute the engagement of two professional backgrounds as enabling the CCLS service to better serve young people from a holistic perspective as well as broadening the referral pathways. Youth casework team members are actively engaged in steering committees and working groups in Western Sydney to maintain relationships in their field to manage referral pathways and opportunities.

Multiple stakeholders believe the CCLS staff are the right people, with the right experience, in the right service team. Many of the solicitors come from a criminal background (often CLS or ALS) and have experience working with children. Having a criminal law background enables these solicitors to better engage with the criminal lawyers that represent young people when both services are required. CCLS staff recognised that a history of working with children is critical for CCLS staff because it is a significantly different approach to working with adults and that it would take considerable time to develop the interpersonal skills of new staff members if they didn't have a history of working with children. Many of the current CCLS staff are specialists in working with young children and some have a social work background that informs their approach.

The staff who work on it are all really good staff because they are dedicated to what they are doing, a lot are ex-CLS or ex-ALS. [Legal Aid NSW stakeholder]

The youth casework team member recognised that the young people they support have ongoing social welfare issues that the lawyers on their own cannot resolve, for example, young people living on the street, no connection with Centrelink, lots of fines and debts and short-term loans. The youth casework team gets instructions from the young person and provides support on what the young person wants. The youth casework team member

²⁹ Maylea, Lewers, Scott, Weller and Winford, (2018), Socialising the law: Multidisciplinary practice with lawyers and social workers

recognised their ability to more flexibly and regularly meet with the young person in a way that the CCLS solicitors cannot.

The cultural knowledge and awareness of working with Aboriginal young people and their communities was also identified as an important factor to the CCLS being able to provide services to young people in the Youth Koori Court. This was acknowledged by the Youth Koori Court stakeholder who recognised the work CCLS do in getting the right instructions from the young person and working within the boundaries of their service.

A stakeholder from Daramu commented on the knowledge and experience of CCLS solicitors to understand the position of Daramu staff under the law and advise them accordingly.

If we are in meetings and if something legal comes up, they can be there to guide us as well in terms of what to disclose and what not. For example, whilst we are a justice service, we are also mandated to do mandatory reporting, so there are times where a lawyer will advise us to step out of a meeting if it's to do with a young person getting told what their legal rights are, so we are not conflicted. They are a good guide on that. [Daramu stakeholder]

The youth casework team within the CCLS provides intensive short to medium term casework and works collaboratively with the CCLS lawyers to assist young people to resolve their civil law issues by bridging the gap between the young person's legal and non-legal needs. Where ongoing casework is not required or there is no capacity to engage (due to full caseload or other unavailability), brief interventions and advice to the lawyer regarding best referral options and strategies to work with a young person in the context of their non-legal needs are also available. A youth casework team member recognised that what supports their collaboration with the CCLS solicitors is that YCW team members and solicitors

have different perspectives and this is good so long as we communicate well about our different perspectives. The best outcomes of young people have come about because of constant contact between the social worker and the lawyer. The ideal is at least weekly contact. [Youth Casework Team member]

One of the important roles the youth casework team members play is engaging with the young person to enable the lawyer to advocate for the young person on their civil law needs. The outreach and engagement that the youth casework team members can provide, and the skills and experience they have, enables them to conduct work that the lawyers would be unable to do and may not have the time to do.

A Legal Aid NSW stakeholder identified two main reasons why the role of the youth caseworker team is important within CCLS. The first reason is the amount of welfare work that can be completed by the youth casework team members that is not done, or not done as well, by the lawyers. This work leverages the experience, history and contacts of the team members.

The ability for the youth caseworker team to spend time and energy making sure that a young person gets to their appointments, has stable accommodation, is in education or has a service provider for an issue is invaluable in contributing to a positive outcome in the criminal space (CLS stakeholder).

The CLS stakeholder believes this work has compounding benefits for criminal proceedings for reports that may assist with bail or sentencing. The second area in which the youth casework team was identified as being beneficial was their ability to provide quick, on-the-spot face-to-face or phone-based advice to CLS staff.

The community development work that the youth casework team members conduct is important in developing referral pathways into and out of the CCLS. More opportunity for youth casework team members to develop relationships across Sydney (and greater NSW in time) would benefit the young people and the CCLS. If not developed by the youth casework team, the responsibility for developing these referral and support networks would possibly fall to the solicitors and this is not the most beneficial use of solicitors' time. It is best for youth casework team members, especially social workers, to have the time to invest in growing and maintaining these networks. This was acknowledged by two CCLS social workers.

The youth casework team member we interviewed believed that two social workers is the ideal number of social work positions within CCLS at this time, given the current number of solicitors at the CCLS and the number of referrals received that the CCLS accepts. The reasons for recommending that there are two social workers within the CCLS are that they see lawyers may be required to do more social work that they don't have time for and isn't their skill base, and it allows the social workers to engage with and support a more appropriate and reasonable number of young people at one time. The youth casework team member also believes that coverage across the Sydney area would be increased with two social workers because they can spread out and have more capacity to develop networks, become familiar with services that are available for young people and increase their capacity to do strategic and systemic work. It also allows for the social workers to extend their community development, community legal education and networking into the community more broadly.

One stakeholder from the Children's Legal Service recognised that the CCLS social worker they have worked with is a

great asset to the CCLS – feel they should have 15 more of them. [The social worker] gets through to our clients and gets them to court and behave in the community in a way that we can't. Having social workers is good as it provides that wraparound service we can't provide. [CLS stakeholder]

Holistic and wrap-around service delivery

During the focus group the CCLS staff recognised that although Legal Aid NSW may normally provide support on discrete and separate issues, the CCLS approach is holistic and actively seeks to identify other unmet needs of young people, especially when the youth or social worker can engage with the young people to support them more intensively. This is evidenced by the CCLS actively screening young people for other civil law or social welfare issues that may be impacting their life. This view, that the holistic approach is valuable for a young person, was reflected by internal Legal Aid NSW stakeholders.

A young person supported by the CCLS may not have their issues identified or resolved without the CCLS. One young person we interviewed specifically identified the counselling skills of their solicitor as being exceptional and that their

kind words and their complete interest made me feel I have real purpose, makes you feel you belong here. They're a nice person –had so much hope in me, empowering, lovely, every time I wanted help, they got on to it straight away and gave me updates. All the support combined together at the time, their willingness to do things – willingness to help and their kindness. [Young person]

A stakeholder from the Aboriginal Aftercare Service recognised the holistic approach taken by CCLS staff:

The CCLS will not be conferencing just the legal stuff. Because it is holistic, they look at their needs while they are in custody/ courts/ on exiting custody [and assess] what are their needs? - general health, independent living and what skills they need to live. [Aboriginal Aftercare Service stakeholder]

One stakeholder from Legal Aid NSW recognised that

this model is great, social worker can provide emotional support to clients; and they have broader referral expertise [than solicitors]. It's great that there is the capacity of a social worker to continue to work with a client to ensure they get the services they need. We think this is a fantastic model. We do a lot of children's representation in family law – this model is the way of the future. [Family Law stakeholder, Legal Aid NSW]

The CCLS was identified by the Youth Koori Courts stakeholder as going above and beyond to work with the young people, even if that means providing support outside their normal geographic bounds.

Strategic relationships with partner organisations and agencies

The key factors identified by partner agencies and organisations about the CCLS that support their partnerships include:

- Strong background of working with senior solicitors at the CCLS over many years
- Understanding effective ways of working with young people
- Client-centred approach
- Trust of the senior solicitors they engage with at CCLS
- Excellent communication and updates to referrer about young people and referrals and general checking-in for updates on the young person
- Good lines of communication with the CCLS to identify and overcome issues in approaches and practice
- Collaboration on individual and systemic issues for the good of young people
- The CCLS's skill at identifying key stakeholders to work with to address systemic issues
- Capacity building and knowledge sharing via feedback to referring organisation on strategies that were adopted to resolve matters
- Providing culturally competent services.

The CCLS engages one on one with partner organisations and these direct relationships mean that the organisations discuss young people with the CCLS and work together to develop strategies and share needs for the young person. Stakeholders appreciated the consistency of key staff within the CCLS as they recognise the benefits to young people of working with the same people. This extends to systemic issues where the organisations work together to deliver results for young people and value the consistency of working with the same CCLS staff. Some stakeholders are concerned that if key staff members within the CCLS were no longer present at the CCLS whether the service would be as effective in engaging with them and supporting young people with complex needs.

The CCLS has established a touch-base system with DCJ to enable them to get immediate relevant information, for example, to confirm whether a young person they are supporting is or was in the care of the Minister. This strong relationship enabled the CCLS to address the gap in service history knowledge and was supported by DCJ based on a professional relationship established with a senior solicitor at CCLS.

The relationship with DCJ is especially important for the CCLS given the number of young people they see who are or have been in OOHC. The CCLS staff have a positive relationship with some staff at DCJ, meeting with case workers in their work to support young people. The DCJ stakeholder we interviewed advocates for the role of the CCLS to case workers within DCJ as they know that:

they are advocating for the young person and that is what we want, we want people on their side and if that means they gives us a hard time then that is fine. [DCJ stakeholder]

This support from Legal Aid NSW was recognised by the DCJ stakeholder as crucial. A strong relationship of trust between a young person and CCLS staff was seen as helpful because they value the level of support for the young person with complex needs who may isolate themselves from services and may not understand what they are dealing with.

The young person feels as if someone has their back especially when dealing with DCJ. It provides support and it is really important that we allow that support to continue. [DCJ stakeholder]

The DCJ stakeholder believed the support of the CCLS is invaluable. They saw the legal representation received by young people in OOHC as an avenue to enable them to work with young people longer so they can have constructive conversations with the young person and not just have to take a punitive approach. They saw the role of the CCLS as providing a chance for a young person to speak with someone on a long-term basis about the issues affecting them as well as providing protection and support from people who may not be acting in the young person's best interests. The DCJ staff member recognised the long-term commitment, trusting relationship and legal representation provided by the CCLS as important and effective in supporting young people.

The DCJ stakeholder identified the role of a CCLS lawyer at meetings about Leaving Care Plans as beneficial. The CCLS lawyer can act as a bridge between the young person's rights and DCJ' legal responsibilities. The DCJ stakeholder also found that the staff from the CCLS were culturally competent in their work with young people.

The Legal Aid NSW Family Law stakeholder believed that clear communication and regular interactions with the CCLS will bring the most benefit from their relationship to foster cross-collaboration. This stakeholder was concerned about the boundaries and duplication of work and would like to see the relationship

explored better to avoid these issues around territory coming up. We could communicate better around how do we work together so 'territorial issues' don't become an issue – there is some tension around territoriality; but when we need to communicate (with each other) it is a successful liaison. So, a more regular conversation would support better understanding of what each division (i.e. us and CCLS) provides. [Legal Aid NSW Family Law stakeholder]

A stakeholder from the Aboriginal Legal Service recognised that the demand for CCLS outstrips the capacity of the team to take on more young people and recognised that CCLS solicitors have very high caseloads. The ALS stakeholder believed that the remedy for this is to increase the number of lawyers within the CCLS to support the ability of the service to take on more of the referrals they receive for young people.

Strategic referral partners (CLS, ALS and Shopfront) identified that they appreciate the updates they receive from CCLS about young people they have referred. The CLS stakeholder would like to hear more success stories from the CCLS and to know the outcomes of their referrals, especially in the case where the young person has been referred on from the CCLS and the other service did not deal with the issue well or did not deal with a systemic issue. The feedback from CCLS on young people has been reported to be used to support criminal law cases and is, in general, considered helpful for these strategic referral partners. Whether a

particular strategy worked with a young person or with another organisations to deliver a successful outcome is also a learning opportunity.

The CCLS could consider developing a brief template document (or email template) for reporting the actions they took when receiving a referral back to the referring organisation (especially for referrals received from Legal Aid NSW). The outcomes of decisions on new referrals made during fortnightly team meetings could form a basis of this template. The CCLS should also attempt to provide information to the referring organisation when they exit a young person from the service, although this may be many years after they enter the service. This would be more achievable for facilitated referrals and short services but is also important for ongoing support.

A stakeholder from the CLS would like more frequent meetings to let them know the referral pathway around civil issues and to support new solicitors in understanding these pathways as well as improving CLS solicitors' ability to identify civil issues. A stakeholder from Legal Aid NSW Family Law would like to have more contact with the CCLS as they recognise the overlap in their client base while doing different work to support the young people. The Family Law stakeholder would like to have a more systemic way of keeping up-to-date with the CCLS and believes a more regular interface would be good and enable pro-active work rather than only working together once issues have arrived.

The youth casework team identified the value of good relationships with internal Legal Aid NSW partners so that if a young person tells the youth caseworker something then they can immediately notify the relevant person that is working or will need to work with the young person from Legal Aid NSW. For example, if a young person has new criminal charges, the youth caseworkers may be the first person to know and therefore can alert the appropriate lawyers within Legal Aid NSW to facilitate support for the young person.

The youth casework team member we interviewed identified a number of services the team provided, including a lot of hands-on assistance to young people, such as outreach that lawyers can have limited time for and to ensure young people can meet with lawyers. For young people with limited support in the community, the team fills gaps in support and helps young people make goals and connection with youth services in the community.

A partner stakeholder from DCJ recognised the value of CCLS in having someone engaged with the young person

Who knows the young person's story, that gets consistent support from a CCLS solicitor; if somebody knows the young person's story it provides a better platform for advocacy and helps in contextualising [the advocacy]. [DCJ stakeholder]

A Shopfront stakeholder recognised that working with the CCLS enabled them to build their own capacity in understanding civil law issues and how to deal with those issues. They also identified that it addresses the needs of the young people they work with more holistically. The Shopfront stakeholder gained great benefit from the CCLS providing feedback to them

on outcomes and matters resolved for young people and the strategies that were used to resolve them.

7.1 Challenges in supporting young people with complex needs

The nature of the young people that the CCLS works with is that they have complex needs, are vulnerable and have experienced disadvantage. Internal and external stakeholders recognised that homeless and more transient young people can be more difficult to work with. Young people with mental health issues and personality disorders are also identified as being more complex and are much more likely to disengage from support services. The youth casework team can support the especially complex young people who the solicitors may not be able to engage with because the more immediate needs of the young person must be addressed first.

The youth casework team member we interviewed recognised that the CCLS service model of supporting young people continuously with unconditional positive regard is not necessarily implemented by the organisations they refer to. This means that when the CCLS lawyers and youth casework team members refer to other organisations, the young person will not be supported in the same way.

A stakeholder from Juvenile Justice recognised that both they and the CCLS are coming at supporting young people from the same place of wanting to help but have different agendas and practice experience, and that some of the Juvenile Justice staff have been unsure of how to work alongside the CCLS solicitors. The Juvenile Justice stakeholder recognised that they and the CCLS are bound to different practice standards, mandates and different laws, and this doesn't always facilitate collaboration or compromise when working with the CCLS. There are also different mandatory reporting requirements between Juvenile Justice and the CCLS. The Juvenile Justice stakeholder found that the case management role that may be taken by CCLS staff varies between staff and that in their experience boundaries can get blurred between case management and distinct legal advocate roles. The Juvenile Justice stakeholder mentioned that some Juvenile Justice staff were surprised at the level of support (both in and out of normal business hours) and case management provided by the CCLS and questioned whether it oversteps the mandated service and if the boundaries are healthy, and if the young person will be capable of navigating service systems once the CCLS support is reduced or comes to an end.

A stakeholder from DCJ believes that their strong relationship with the CCLS has enabled frank conversations and that, where they occur, miscommunications are messaged appropriately (by DCJ internally and by the CCLS internally). The strong relationship and understanding of how each other works and the role each organisation plays is recognised as being beneficial in supporting service delivery. A challenge for the CCLS identified by the DCJ stakeholder was recognising that the support from the CCLS solicitor can be disproportionate

to the priority of the case for DCJ and that the type of work they were doing with the young person could be distracting. A DCJ stakeholder recognised that there are still some miscommunications between DCJ staff and the CCLS and therefore there are opportunities to enhance the conversations about the work being done and that the DCJ staff who have a different approach to supporting a young person may not be comfortable about the young person accessing legal representation.

The professional supervision provided to the solicitors and youth casework team members is critical in supporting the staff to deal with vicarious trauma. Access to EAP services is also vital for all staff working within the CCLS due to the nature of their work with highly complex, vulnerable, disadvantaged and potentially challenging young people. The social workers within CCLS primarily receive supervision outside the unit (from within their current CARS unit) but do discuss young people with the senior solicitor in charge of the CCLS.

8. Systemic issues and law reform

This chapter reviews the systemic issues that the CCLS identified and worked to address, as well as the partnerships involved in supporting systemic advocacy. This section seeks to understand how systemic issues are identified, what kinds of issues are identified and the role of partnerships in systemic advocacy.

Key findings

The CCLS plays a significant role in identifying, reporting and addressing systemic legal and policy issues that disadvantage young people.

- CCLS solicitors and youth casework team members identify systemic issues through their work with young people
- These issues are mostly centred around leaving care and OOHC concerns
- The CCLS works collaboratively in partnership with established referral partners and other government agencies to identify, discuss and work to address systemic issues affecting young people
- The CCLS also contributes to Legal Aid's strategic law reform agenda through participating in law reform submissions, participating in consultations and joint initiatives
- The CCLS is represented in steering committees, working groups and similar forums in the sector to continuously identify systemic issues and implement operational change
- The CCLS capacity builds referral partners and organisations working with complex needs young people
- There is limited evidence available for this evaluation to assess the outcomes for young people of the systemic advocacy and law reform work conducted by the CCLS.
- The Joint Protocol has been a basis for other work across sectors and jurisdictions. This includes a Protocol to support people with Disabilities in NSW and the Joint Protocol informed discussions for similar protocols in Victoria, Queensland and the Northern Territory.
- There was limited feedback from partner organisations that identified opportunities for the CCLS to improve their approach in addressing systemic issues.

8.1 How the CCLS addresses systemic issues

The CCLS works in a range of ways, and with a wide variety of referral partners, in order to address systemic issues for young people. This includes leading policy and operational change through the following:

- participating in meetings and consultations with relevant stakeholders,
- being committee members (e.g. Joint Protocol),
- participating in working groups and forums,
- conducting training and capacity building across sectors (e.g. for DCJ, NSW Police and OOHC providers),
- contributing to reviews and law reform submissions,
- engaging in discussions with other jurisdictions and organisations around Australia.

The CCLS solicitors involved in systemic issues maintain long-term engagement on a number of levels with the issues they work to address.

The CCLS identifies systemic issues through their work supporting young people and through conversations with partner agencies and organisations. Through the act of identifying the issues that affect young people individually and through the referrals they receive, the CCLS identifies and then works to resolve systemic issues.

A stakeholder from the NSW Ombudsman recognised that the CCLS

play an important role in identifying, reporting and resolving systemic issues. [NSW Ombudsman Stakeholder]

8.2 The systemic issues that have been identified

The CCLS contributes to a wide variety of advocacy and systemic reform projects.

8.2.1 The criminalisation of young people in residential out of home care

The main systemic issue that has been identified and addressed by the CCLS is the over-representation in the criminal justice system of young people living in residential OOHC³⁰. This has included the use of police by residential care providers as a behaviour management tool for young people in residential OOHC, which has led to unnecessary and frequent interaction with the criminal justice system. National and international research shows that young people living in residential OOHC services are much more likely to come into contact with police and other parts of the criminal justice system than their peers.

Development of Joint Protocol

Since early 2014, the CCLS has worked closely with the NSW Ombudsman's Office and other agencies to address this issue through the development and implementation of the "Joint Protocol to Reduce the Contact of Young People in Residential OOHC with the Criminal Justice System"³¹ (Joint Protocol). The content of the Joint Protocol was developed through a working party that Legal Aid NSW led and facilitated with residential OOHC service providers, DCJ and NSW Police in the Western Sydney area.

The Joint Protocol was formally signed by NSW Police, DCJ, and the Association of Children's Welfare Agencies in August 2016. The objectives of the Joint Protocol are as follows:

³⁰ See, for instance, Erin Gough, *The Drift from Care to Crime: A Legal Aid NSW Issues Paper* (Legal Aid NSW, 2011).

³¹ The Joint Protocol was signed by DCJ, the NSW Police Force, the Association of Child Welfare Agencies, and Absec in August 2016, as well as being endorsed by a range of other agencies including Legal Aid NSW

- Reduce the frequency of Police involvement in responding to behaviour by young people living in residential OOHC services that would be better managed within the service.
- Promote the principle that criminal charges will not be pursued against young people where alternate and appropriate options are available.
- Facilitate collaboration between Police and residential services to provide a coordinated and trauma-informed approach to young people in residential OOHC.
- Enhance Police efforts to divert young people from the criminal justice system by improving information sharing with residential services to inform the exercise of Police discretion.

The Joint Protocol applies to young people under 18 living in residential OOHC across NSW. At its highest level it intends to reduce the frequency of interactions between young people in residential OOHC in NSW and the criminal justice system. A CLS stakeholder recognised that the Joint Protocol is better than what existed previously, but that, because it is advisory and not law, it is not enforceable and there is a lack of knowledge within NSW Police about the protocol. Nevertheless, the Joint Protocol provides a clear and consistent framework to staff in residential OOHC services and police to help manage behaviour without needing to involve police.

Legal Aid NSW continues to be involved in the development of the training material delivered to residential OOHC services as part of the implementation of the Joint Protocol. Legal Aid NSW is also a representative on the State-wide Steering Committee that is overseeing the implementation of the Joint Protocol.

Impact of the Joint Protocol

With an evaluation of the Joint Protocol pending, there is limited evidence available to assess the outcomes for young people assisted as a result of this systemic advocacy. However, there is evidence to indicate the impact of the Joint Protocol on a more macro scale. There has been replication of the Joint Protocol in other sectors and nation-wide interest in the Joint Protocol, including:

- The Joint Protocol being used as a basis for a similar document tailored to fit the circumstances of people with a disability living in supported accommodation in the disability sector in NSW³².
- The Joint Protocol being discussed in evidence at the Royal Commission into the Protection and Detention of Children in the Northern Territory as a mechanism to reduce the criminalisation of young people in OOHC³³.

³² <https://www.ombo.nsw.gov.au/news-and-publications/publications/fact-sheets/community-and-disability-services/joint-protocol-fact-sheet>

³³ Evidence of Katrina Wong, Children's Civil Law Service to the Royal Commission into the Protection and Detention of Children in the Northern Territory as a mechanism to reduce the criminalisation of young people in OoHC, 2 June 2017.

- Consulting with Victoria Legal Aid and Victoria Police to discuss the development of a similar Joint Protocol in Victoria. The NSW approach has been referred to as the model that has been advocated for in Victoria as part of the "Care not Custody – keeping kids in residential care out of the criminal justice system" project³⁴.
- Consulting with legal advocates in the Northern Territory and Queensland about potential models being discussed aimed at reducing police contact with young people in residential OOHC.

The CCLS' role in driving the creation, implementation and ongoing operation of the Joint Protocol has been an important one in supporting the mechanisms to reduce the contact of young people in residential care across NSW with the criminal justice system. Stakeholders acknowledge that there is continual work to ensure consistent adherence and implementation state-wide.

Legislative amendments to domestic violence law

Legal Aid NSW had long identified concerns around the inappropriate application of domestic violence law and policy to young people living in residential OOHC. Young people in residential OOHC were considered to be in a domestic relationship with their paid carers, which meant that Apprehended Domestic Violence Order (ADVOs) were often taken out for the paid carer's protection, and personal violence offences against carers were characterised as domestic violence offences. As a result, a young person would often be further charged with a breach of an ADVO, exacerbating their contact with the criminal justice system.

CCLS was involved in successful advocacy by Legal Aid NSW for legislative reform on this issue. In December 2018, amendments were made to change the definition of 'domestic relationship' under the *Crimes (Domestic and Personal Violence) Act 2007*. As a result of these amendments, generally, a paid carer working in residential OOHC service:

- 1) can no longer take out an ADVO against a child or young person living in the residential service, and
- 2) any offences by the child or young person against the paid carer are not domestic violence offences.

The amendments recognise the difference that often exists in the power dynamic between paid carers and dependants and provides police with greater discretion to deal with disputes involving these relationships. It is anticipated that these amendments will further reduce the unnecessary contact of children in residential OOHC with the criminal justice system.

³⁴<https://www.legalaid.vic.gov.au/about-us/research-and-evaluation/evaluation-projects/care-not-custody-report>

8.2.2 Other systemic issues identified by the CCLS

Other systemic issues that have been identified by the CCLS include:

- *Punitive conditions of detention experienced by young people in Juvenile Justice custody* – the CCLS were involved in submitting bulk complaints on behalf of young people who were detained under the Chisholm Behaviour Program (CBP). The CBP was a program developed by Juvenile Justice NSW for managing juvenile detainees with challenging behaviours, where they experienced punitive conditions in custody. The CCLS, in collaboration with the CLS and ALS were able to raise these concerns with Juvenile Justice and with the Inspector of Custodial Services. The CBP was shut down in 2016 and the CCLS continue to monitor conditions of young people in custody, particularly in light of the recommendations made from the Royal Commission into the Protection and Detention of Children in the Northern Territory.
- *Child visa issues for young people in statutory OOHC* – the CCLS (in collaboration with the Government Law team) identified systemic oversights relating to young people in statutory OOHC who had unresolved immigration or visa statuses. This had significant ramifications on young people's eligibility for government services (eg: Centrelink, social housing and disability support through NDIS once they turned 18), but also left young people vulnerable to detention and deportation as a result of cancelled visas. As a result of this issue being raised, DCJ have since put in place processes to identify these gaps and implement operational practices to resolve this issue.
- *Inconsistencies in criminal records and spent convictions* – In collaboration with CLS and CLCs, CCLS have identified inconsistencies in the application of the *Criminal Records Act* by NSW Police through the National Police Check around disclosing convictions, particularly when no conviction was recorded for young people in the Children's Court. This has led to further development of advocacy strategies around law reform to address these inconsistencies.
- *Inadequate support for young people leaving care* – the CCLS have identified key systemic issues relevant to young people leaving care, including:
 - Inadequacy of leaving care planning;
 - Barriers in accessing care leaver's records where case management has been transferred to an NGO;
 - Barriers in young people getting practical help in accessing leaving care and financial entitlements set out in their leaving care plan;
 - Inconsistencies and inadequacies in legal file audits to identify relevant legal claims available to a young person;
- *Working with Children checks* – the CCLS have identified barriers to employment, education and stable housing as a result of young people failing a Working with Children Check Clearance as a result of their previous criminal history. This is particularly the case for young people who were in statutory care and had escalated contact with police while in the care environment.

8.3 Strategic Law Reform

The CCLS has been involved in a number of law reform and advocacy submissions by Legal Aid NSW during the data capture period, including:

- Royal Commission into Institutional Responses to Child Sexual Abuse (2016)
- Inquiry into Child Protection (2016)
- Discussion Paper: Foundations for change – Homelessness in NSW (2016)
- Inquiry into Migrant Settlement Outcomes (2017)
- Civil Justice in NSW (2017)
- Review of the Guardianship Act (2017)
- Independent Review into Aboriginal and Torres Strait Islander Children and YP in OOHC in NSW (2017)
- Royal Commission into the Protection and Detention of Children in the Northern Territory (2017)
- Inquiry into the implementation of the NDIS and the provision of disability services in NSW.

CCLS were called to give evidence in the following Inquiries/Royal Commissions:

- NSW Parliamentary Inquiry into Child Protection -16 August 2016
- Northern Territory Royal Commission into the Protection and Detention of Children in the Northern Territory - 2 June 2017.

8.4 The role of partnerships and collaboration in systemic advocacy

The successful collaboration of partner organisations with CCLS is enabled by the CCLS driving a collaborative approach to addressing issues. According to the stakeholders that were interviewed many partnerships developed organically through the intersecting roles and responsibilities of various organisations, however, CCLS staff reported that there was a strategic leadership approach taken to the partnerships that were developed to address systemic advocacy issues. One stakeholder from the NSW Ombudsman recognised the value of the people and approach taken by the CCLS in working both for young people directly and for resolutions to systemic issues.

[They are] people who are committed to their clients and families and they are committed to broader social justice issues, that the Ombudsman should be concerned about. You are dealing with people who are technically very competent [and] that is certainly helpful, and dealing with people who have their heads and hearts in the right place, and can be creative. [NSW Ombudsman stakeholder]

A Shopfront stakeholder identified a key strength in how the CCLS supports systemic issues. They recognised that the CCLS is

good at identifying what are the big systemic issues and who are the other key stakeholders to work on these issues. [Shopfront stakeholder]

Stakeholders value the ability of the CCLS to understand the position that Legal Aid NSW has and how that relates to other organisations who may have different mandates or legal constraints that restrict their work. One stakeholder acknowledged that if they had more time, they would do more work on systemic issues and more outreach, however, this was limited by the need to support the young people they work with. The limits on time available to support systemic advocacy was also expressed by the youth casework team member interviewed.

For DCJ stakeholders who work with CCLS solicitors, the civil law knowledge and experience of the CCLS is considered invaluable to DCJ. A stakeholder from the NSW Ombudsman highlighted the breadth of knowledge and experience that CCLS solicitors bring to the table when addressing systemic issues affecting young people. These two partners see the relationship with the CCLS as crucial to addressing issues for young people, individually and systemically:

It is really valuable to have people who understand the care system from an operational perspective, from the legal perspective and the court systems as well as the community and Aboriginal people. They are aware of research and the therapeutic needs of young people. They have a very well-rounded sense of what they need to understand, so dealing with people like that when there are individuals in crisis is great... it is a wonderful resource for our office. [NSW Ombudsman stakeholder]

The NSW Ombudsman stakeholder also recognised the benefit of information being passed from Legal Aid NSW and the CCLS to their organisation, through informal discussions, operational committees and steering committees:

Legal aid for us are our eyes and ears in terms of complaints and the informal advice they give us. They are incredibly important for our office. [NSW Ombudsman stakeholder]

In working together on systemic issues and to support individual young people, a DCJ stakeholder recognised that when blockages to address issues were identified, open communication between DCJ and the CCLS was important and enabled the right introductions to be made so that the correct people at the right level could exchange information and support decision making.

There is a challenge for the CCLS as internal and external referral partners and other organisations can have high rates of turnover that limit the ability for consistent engagement with these partner organisations.

There was limited feedback from CCLS stakeholders on opportunities to improve the engagement by the CCLS with the stakeholders to support systemic advocacy work.

9. Conclusion

The overall pattern described in this evaluation indicates that the CCLS provides a valued and valuable service beyond its age eligibility criteria to some of the most disadvantaged young people in Sydney, especially Western Sydney: young people with complex legal and social welfare needs, aged up to 25 years, who are the highest users of Legal Aid, and who are at risk in the costly drift from care to crime.

The service model implemented by the CCLS is considered exemplary and highly successful at identifying issues, providing assistance and delivering outcomes for young people, for both individual and systemic issues by internal and external stakeholders. The strengths of this model include the person centred, holistic, wrap-around approach supported by a multi-disciplinary team with specialist skills and experience.

Challenges exist to redefine age eligibility criteria to include youth with complex needs up to the age of 25 and to extend the service's geographical coverage to supply unmet need in regional NSW, and in resourcing the CCLS to accomplish this. The current strategic referral partners apply a criminal pathway eligibility criterion to the CCLS and may need to be adjusted moving forward to more strongly align the CCLS priority groups with its foundational objective of reducing the drift from care to crime. There is an opportunity to refocus on supporting young people in OOHC (particularly residential OOHC), given the available data suggests about half of the young people supported by the CCLS have been in OOHC at some point.

The CCLS has addressed 3610 civil law matters within the two financial years for young people in NSW, predominantly related to OOHC complaints, fines and debts. The young people we interviewed all reported positive relationships and results when they were supported by the CCLS. Despite challenges in measuring long-term outcomes and understanding the effect of the CCLS on the drift from care to crime for young people, the CCLS has been able to resolve a large number of civil law matters for the young people they support.

There have been consistent enhancements to data collection that continue to strengthen the information captured by the CCLS solicitors and youth casework team members and there are ongoing opportunities to adjust data collection protocols.

The systemic advocacy completed by the CCLS is well regarded by stakeholders and focused strongly in OOHC related areas and civil law issues in juvenile custody. The partnerships that the CCLS is engaged in support their ability to identify, collaborate and work to address the systemic issues facing the young people they support.

Appendix 1. CCLS Ethics Review Risk Assessment

The Children's Civil Law Service (within Legal Aid NSW) has commissioned an evaluation of the program that was delivered during the 2016-17 and 2017-18 financial years.

Key stakeholders that will be involved in the evaluation include program managers and staff, external stakeholders from partner organisations and former clients of the CCLS.

CCLS clients have complex needs and a variety of legal issues and ARTD deemed it prudent to conduct an internal ethical review to ensure that risks are identified and managed during the evaluation process.

This document outlines the approach being taken to gather data for use in the evaluation of the Children's Civil Law Service and the processes in place to mitigate any risks that may raise ethical concerns in relation to this.

Ethics review requirements

As this work falls under evaluation activities, the NHMRC guidance on Quality Assurance and Evaluation Activities applies, with reference to the NHMRC statement on Ethical Conduct in Human Research³⁵. Based on this guidance, an internal ethical review was deemed to be necessary, on the grounds that:

- Data are being collected outside of standard procedures;
- Activities are collecting new data, and working with identifiable data; and
- Foreseeable risks to participants may include causing discomfort (*NHMRC National Statement, Chapter 2.1*).

However, an internal review only was deemed as appropriate since:

- Activities are not specifically targeting vulnerable groups; and
- Foreseeable risks to participants and non-participants are highly unlikely to cause distress or harm.

³⁵ NHMRC, "Ethical Considerations in Quality Assurance and Evaluation Activities", and NHMRC, "National Statement on Ethical Conduct in Human Research"

Risk Assessment Summary

The internal review concluded that no external ethics review was warranted, as the activities fall under the scope of evaluation, and will involve low risk to participants. However, to further ensure compliance with ethical principles and mitigate risks, the following steps were resolved:

- CCLS and ARTD to review and approve proposed methodology for case studies and interviews, including interview instruments. The review will take into account the potential for questions to cause harm or distress
- The prepared call scripts and interviewers will point out the right of former client interview participants to withdraw from the process at any time
- Gathering explicit and affirmative consent from participants for any quotes to be used in reporting and for people wishing to be identified as part of the evaluation process
- De-identification and presentation of data in aggregate
- Checking of recruitment processes by both ARTD and CCLS before and during delivery
- Ongoing review and monitoring of data collection instruments

Ethics Risk Matrix:

Identified risk and mitigation strategies have been summarised in the table below.

Risk Type	Risk Likelihood	Risk Impact	Mitigation Strategy
Former clients form part of a vulnerable population due to their complex needs and legal issues	High	Low	Contact through a known and trusted party, strong and repeated consent processes, trauma informed interview practice
Participants do not understand exactly what their participation would involve	Low	Medium	Repeated provision of verbal information on the interviews and the purpose of the evaluation
Participants feel coerced to participate and that their agreement to participate is not given willingly	Low	High	Repeated reminder of the right to withdraw. Clients primary CCLS Solicitor will not be contacting them.
Participants do not understand that they have a right to withdraw from the study at any time without experiencing any prejudice	Low	Medium	Right to withdraw is provided as part of initial call and all follow up calls.

Risk Type	Risk Likelihood	Risk Impact	Mitigation Strategy
Participants might feel distressed as a result of sharing information; for example, questions relating to traumatic past experiences	Low	Medium	Interview questions do not ask participants to describe the background to their legal needs. ARTD will brief interviewers how to respond in the unlikely event of distress (directing them to services such as Lifeline or beyondblue); all interviewers are trained in trauma informed practice
Procedures for recruiting participants and collecting data have not been followed as designed	Low	Medium	Checking of recruitment process by both ARTD and CCLS before and during delivery of interviews
Data collectors are not trained or experienced	Low	Medium	ARTD to use trauma-informed practicing, trained and experienced interviewers
Data collection procedures are not monitored	Low	Medium	Regular monitoring of data collection process and issues raised
Participants are not provided with information on security and confidentiality	Low	Medium	Repeated provision of verbal information on confidentiality and security by multiple sources
Project team breach privacy and confidentiality	Low	High	Guides for interviewers, procedures in place to protect data and where appropriate de-identify data prior to circulation and analysis
Data collected is not de-identified appropriately	Low	High	De-identification process in place so that identifying information is removed from data prior to sharing with ARTD/ CCLS and all analysis and reporting
Individuals can be linked to specific findings in the report	Low	High	No individuals will be identified in the report. Where quotes are used, CCLS staff will be identified as ' <i>focus group participant</i> ', external stakeholders will be identified as ' <i>external stakeholder</i> ', former clients will be identified as ' <i>former client</i> '. In the administrative data analysis, where client data cannot be aggregated to more than five people overall, it will not be reported.

Appendix 2. Staff Focus Group Questions

Is it okay if I record this interview? It is just so I can listen back to make my notes, so I report what you all say accurately.

Background and roles of staff

1. What is your role, what are the main tasks you do? How long have you been in your role?
2. What does the service do well?
3. What are the challenges?
4. Is the balance right between solicitors, and social worker/ youth workers?

Working with clients

5. What is the profile of clients you work with?
6. We know that each client has different issues and you tailor your response to each client's particular needs – but just so we understand how the service works, can you walk us through the process from when a client hears about the CCLS, the referral process, support provided, to the exit process?
7. Approximately how many clients do you work with in an average week/ month?
8. Do you work with family members/ other support people of the young people?
9. How do you work with Aboriginal clients; and with clients from culturally and linguistically diverse backgrounds?
10. What outcomes do you (hope to) achieve for clients?

Services provided

11. What is the range of issues that clients present with?
12. What is the range of supports you provide to clients?

Advocacy

13. What is the balance of direct client work vs systemic advocacy?
14. How are systemic issues identified? What systemic issues have been identified? How does the service address these issues? What role do external stakeholders have in partnering with the service to address systemic issues?
15. Can you give us examples of systemic advocacy work that has worked well/ resulted in successful outcomes?

Stakeholders

16. Which stakeholders do you mainly/ most often work with?
17. How important are relationships with key internal Legal Aid stakeholders?
18. Are there any gaps in services available to meet the needs of your clients?
19. What works best in meeting the needs of your clients?

Anything else?

20. Is there anything else you want to tell us to inform us about what the service does?

Appendix 3. Stakeholder Interview Guide

Hi, my name is [Consultant Name] and I work for ARTD Consultants. We're currently doing an evaluation of the Children's Civil Law Service (CCLS) for Legal Aid NSW. As part of the evaluation we are talking to key stakeholders who work with the CCLS. I understand the CCLS contacted you and said we might ring you for an interview?

Would you like to talk with us about your interactions with the Children's Civil Law Service? The (phone/ face-to-face) interview will take around 30 minutes. (If yes to interview, and it's a phone interview) Would you like to do the interview now? Or would it suit you better to do it at another time? (if yes, organise time). (If face-to-face interview, organise a date and time to do the interview)

[At the time of the interview] I would like to record our interview to help me take accurate notes. Is it alright with you if I record the interview? Your comments are confidential and our report to Legal Aid NSW will not directly identify who made which comments. The recording is so I can listen back to make my notes, so I report what you say accurately.

Background

1. Can you please tell me what your service does? And what is your role/s?

Relationship with the Children's Civil Law Service

2. Can you describe how you work with the CCLS?
Prompts:
 - Can you describe the ways in which you interact with the CCLS (e.g. services you offer CCLS clients; any other ways you interact with the CCLS)?
 - How often do you interact with the CCLS?
3. How did your partnership with CCLS develop?
 - Is the partnership effective? Why? Why not?
 - What works well in working together with the CCLS?
4. What does the CCLS do well?
5. What are the barriers to success for the CCLS?
6. What added value does having a service like the CCLS bring to the target group?

Working with clients

(Ask the following questions only if the service **works with clients of the CCLS**)

7. How many clients of the CCLS would you work with over a typical month?
8. We know that each client has different issues and you tailor your response to each client's particular needs – but just so we understand how you work with the CCLS to support clients, can you walk us through the process from when a client of the CCLS first has contact with you (or a client of your service first has contact with the CCLS), the

referral process (of young people into the CCLS, or from the CCLS to this service), support provided, to the exit process?

9. Are the referral processes appropriate? Do they work well? Why? Why not?
10. Do you work with CCLS clients mainly by phone or face-to-face – does this work well?
11. Do you work with Aboriginal clients of the CCLS; and/or with culturally and linguistically diverse clients of the CCLS? How does this work?
12. Do you work with clients of the CCLS who live in rural or regional areas – how does this work?
13. What outcomes are you looking for when working with clients of the CCLS? Can you give an example of where you have worked with the CCLS and the outcome has been positive?
14. Are there some CCLS clients for whom it is more difficult to achieve successful outcomes? If so, why is this - please describe.

Other ways of working with the CCLS

(Ask the following questions only if the service **does not** work directly with clients of the CCLS)

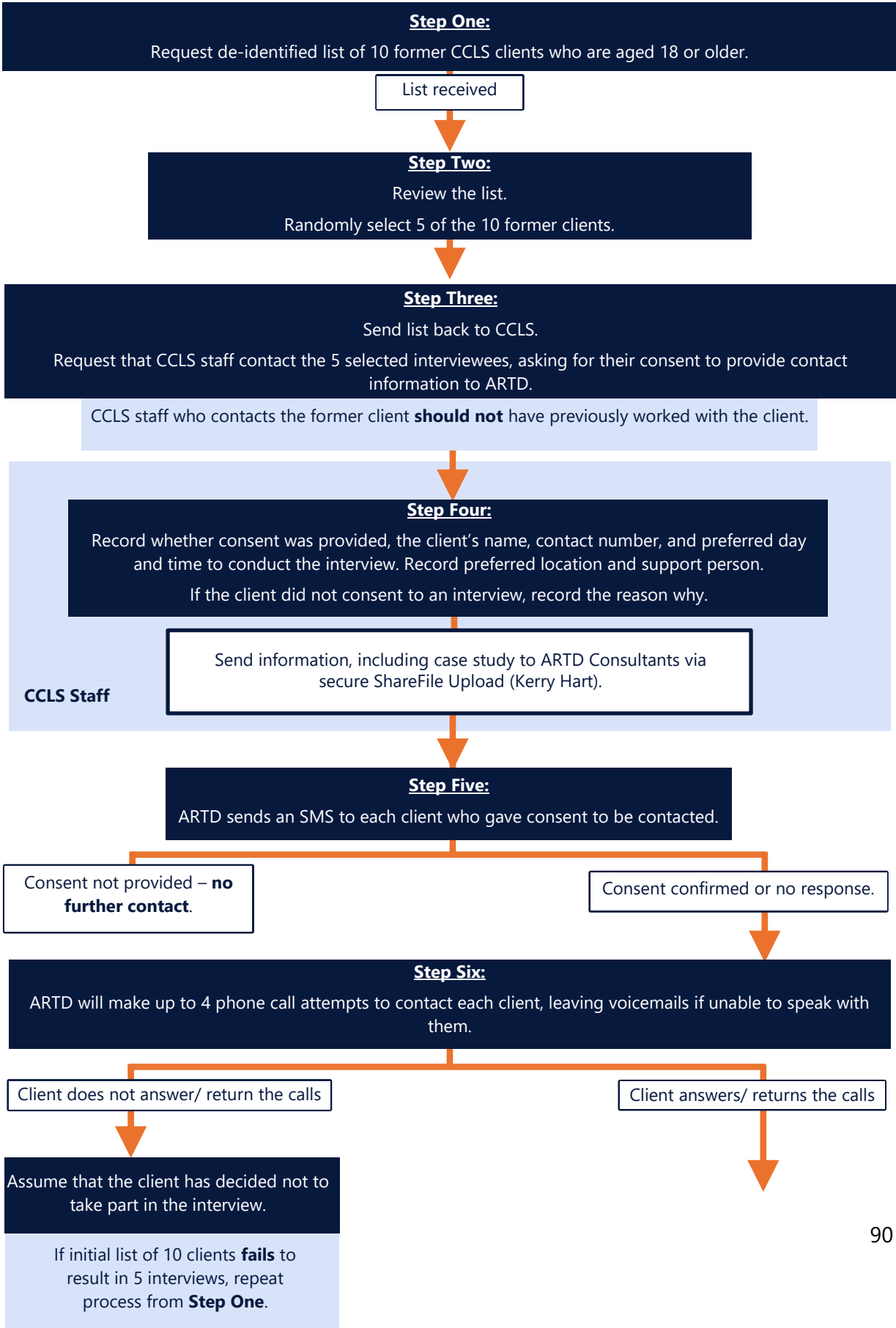
15. What outcomes are you looking for when working with the CCLS? Can you give an example of where you have worked with the CCLS and the outcome has been positive?

Anything else?

16. Is there anything else you would like to say?

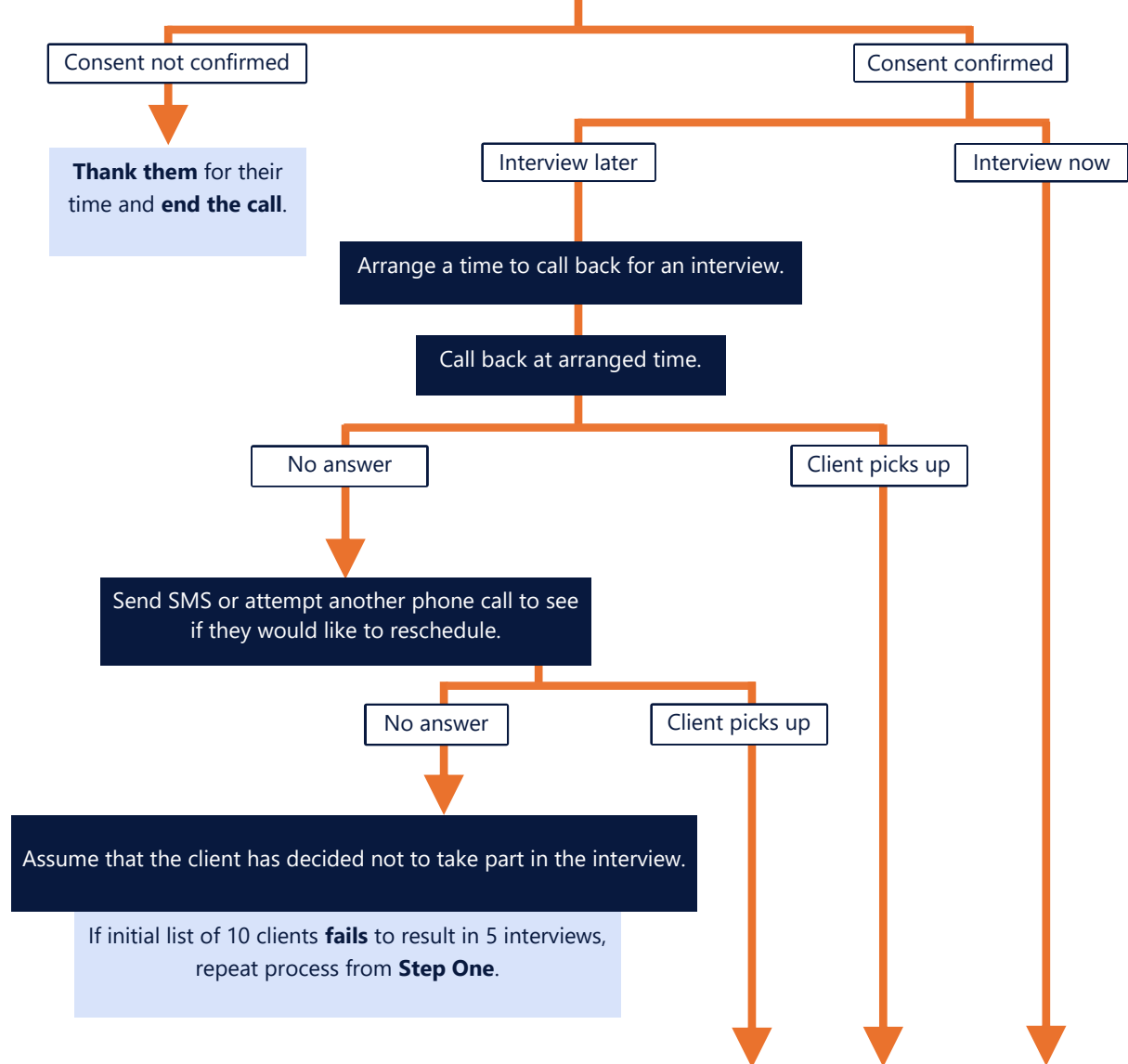
Thank you

Appendix 4. Young person interview consent diagram



Turn to the next page

Step Seven:
 Confirm continued consent with the client and that they understand the reason for the call. Ask if they would prefer to do the interview now or later. Arrange time if later.



Step Eight: The interview

Steps

- 1) Thank the client for agreeing to be interviewed.
- 2) Inform the client that they can stop the interview at any time, and they don’t have to answer any questions they don’t want to.
- 3) Tell them that we are required to record their consent to be interviewed.
- 4) Ask their consent to record the whole interview.

At the end of the interview:

- 1) Incentive voucher mentioned and ask if preference is for Coles or Woolworths. Ask where they would like the voucher sent to.
- 2) Mention that if they want, they can call Lifeline on 13 11 14, and if they have any complaints about the interview process to call the Children’s Civil Law Service.
- 3) Thank them for their time and send voucher.

Appendix 5. Evaluation information for young people when contacted by the CCLS

This information is for when the CCLS makes the initial contact with the young person and after any small-talk and catch-up, more formally discusses the evaluation.

Client Information Sheet

Legal Aid NSW has asked ARTD Consultants (www.artd.com.au), an independent research organisation, to talk to people who have had contact with the Children's Civil Law Service (this is the service where [insert name of solicitor] works) about their experiences with the Service. The purpose of the research is to find out whether the Service is meeting the needs of young people who have contact with them. Part of this research involves ARTD interviewing a small number of clients of the Service to get their views about the service.

We want to know if you are okay with us giving your name and phone number to ARTD so they can call you and ask if you want to do an interview with them. Taking part in an interview with ARTD is entirely voluntary and there are no consequences if you decide not to participate. The Children's Civil Law Service will not know if you decided to go ahead with an interview. The short telephone interview of around 20 minutes would ask you about your contact with (name of the Children's Civil Law Service solicitor), including what support they provided you.

If you choose to take part in an interview,

- you can stop the interview at any time, and you don't have to answer questions that you don't want to
- the interview will be at a time that suits you and use a phone number that you prefer
- an interpreter can be arranged if you want one
- we can organise an Aboriginal interviewer if you prefer
- you can have a support person with you if that would make you more comfortable
- we will record your consent to the interview, just before we start the interview.

All the information you give ARTD will be kept secure and confidential. The feedback from you and other clients of the Service will be combined and will then go into the report that we write for Legal Aid NSW. ARTD will not name any individuals in the report nor will any details be used in the report that could identify you or other individuals.

Would you be willing to give ARTD your name and phone number, so they can ring you for an interview? If yes:

What is your name? _____[record]

What is the best number for ARTD to ring you on?—————[record]

Is there any day of the week or time of day for the phone interview that works best for you?
—————[record].

I will pass your details on to Kerry Hart who works at ARTD and she will text you in the next few days to introduce herself and check the best time to talk with you and confirm you are still OK to take part in an interview. The number she will text you from will be [redacted]. She will tell you more about what the research involves.

If you are not sure if you'd like to be interviewed by ARTD, would you like us to send you more information about the research to help you decide one way or the other? [If yes get email or street address] Please call ARTD [contact details removed]. if you decide you would like to participate by [date]. If she doesn't hear from you by then we will assume you have decided not to take part.

If you do not want to participate in an interview that's absolutely fine, but do you mind giving me your reason? —————[record response].

If you have any questions about the research, you can contact ARTD [contact details removed]. If you have any concerns about how the interview was conducted, please contact [insert name of solicitor who worked with the young person] at the Children's Civil Law Service.

Appendix 6. Young person Interview Guide

Initial call to young person

Hi, is this [insert name]? My name is [Consultant Name] – Legal Aid mentioned that we were going to call you to ask some questions about the work [insert name of CCLS solicitor/and or youth worker] did with you and what you thought about it. [NB: YP might need a reminder that the lawyer/ youth worker was from a service called the "Children's Civil Law Service" from Legal Aid].

Do you have time now to chat, or should we call back at another time? It will take about 20 minutes. We'd like to give you a \$100 voucher to say thanks for your time.

The interview

I just want to let you know that:

- You can stop the interview at any time and you don't have to answer questions that you don't want to
- We will record your consent to the interview, just before we start the interview.

All the information you give us is confidential. We are speaking to a few other young people and it will go into a report we will write for Legal Aid NSW. Your name won't be used and they won't be able to identify you.

Is it OK if I record this interview? It's just so I can listen back to make my notes.

Like I mentioned above, we'd like to give you a \$100 voucher to say thanks for your time.

Background

(Note that the interview will be in a conversational style, where we will ask the client to tell us about their experience with the Children's Civil Law Service. We will generally not ask the prompts directly but use them as 'checks' to ensure these areas are covered in the interview.)

I just wanted to talk to you about the work you did with [insert name of CCLS solicitor the client worked with]. I will ask you how you first heard about the Children's Civil Law Service [might need to use other associated names, e.g: "Legal Aid", "name of CCLS solicitor" etc], and then we'll talk about the type of support you got, and if that support was useful.

17. How long ago did you first hear about the Children's Civil Law Service?

Prompt:

- Which agency/ organisation told you about them?

Contact with the CCLS

18. What did you want the Children's Civil Law Service [*insert name of CCLS solicitor the client worked with*] to help you with (e.g. fines, police complaints, getting help with DCJ, etc)?

Prompts:

- Did [*insert name of CCLS solicitor the client worked with*] understand what support you most needed? Is there anything they didn't understand?
- What sorts of things **did** they help you with?
- Did you feel they understood what help you needed? Did they listen to you and what you wanted?
- Did you meet with them face-to-face or by phone, or both? Did they also have contact with your family members or other people close to you?
- Did they refer you to other agencies/ organisations? If so, which ones? And did you contact these agencies yourself, or did they organise that for you (or go with you)?

19. What did you like about [*insert name of CCLS solicitor the client worked with*] and how they worked to support you?

Prompt:

- What didn't you like about the way they worked with you?

Outcomes

20. Did working with [*insert name of CCLS solicitor the client worked with*] make a difference to your life? If yes, how much of a difference (read scale – circle the one they say):

- Hardly any difference at all
- A slight but noticeable improvement
- A definite improvement that has made a real and worthwhile difference
- A considerable improvement that has made all the difference.

Prompts:

- What are some things that changed when [*insert name of CCLS solicitor the client worked with*] started working with you (might need to refer to their case study to refresh their memory)?
- Thinking about the different ways that [*insert name of CCLS solicitor the client worked with*] supported you (might need to list them), **what support/s made the most difference for you and why?**

21. Would you recommend the Children's Civil Law Service to other people in the same situation as you? Why or why not?

Thank you. (Ask for address to send voucher – and whether they want a Coles or Woolworths voucher)

Appendix 7. Complex Needs Indicator

COMPLEX NEEDS INDICATOR



CHILDREN'S CIVIL LAW SERVICE

CLIENT NAME: _____

DATE: _____

(TICK AS MANY AS APPROPRIATE)

1. Involvement with agencies/services

- | | |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <input type="checkbox"/> FaCS - Community Services (care & protection) | <input type="checkbox"/> Juvenile Justice |
| <input type="checkbox"/> Housing NSW & Accom services | <input type="checkbox"/> Migrant / Refugee services |
| <input type="checkbox"/> Mental Health services | <input type="checkbox"/> Health services |
| <input type="checkbox"/> Department of Education (eg: compulsory school order) | <input type="checkbox"/> Guardianship, ADHC, NDIS & other disability |
| <input type="checkbox"/> OTHER: _____ | |

2. Housing

YP current living arrangements:

- | | | |
|---------------------------------------------------------|------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Homeless (incl. couch surfing) | <input type="checkbox"/> Foster care placement | <input type="checkbox"/> Out of Home Care |
| <input type="checkbox"/> Residential Care Service | <input type="checkbox"/> Refuge | <input type="checkbox"/> Friends/relatives |
| <input type="checkbox"/> OTHER: _____ | | |

Previous history of homelessness/placement breakdown:

3. Criminal Justice

Previous experience of being in custody:

- | | | |
|-----------------------------------------|---------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Police custody | <input type="checkbox"/> Remand in JJ | <input type="checkbox"/> Serving control order |
|-----------------------------------------|---------------------------------------|------------------------------------------------|

Children's Court experience:

- | | | |
|-------------------------------------------------------|----------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> Current matters before court | <input type="checkbox"/> Previous matters at court | <input type="checkbox"/> AVO PINOP: _____ |
|-------------------------------------------------------|----------------------------------------------------|-------------------------------------------|

Offences

- | |
|------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Arose from residential care setting |
| <input type="checkbox"/> Arose from other home setting (eg: refuge, kinship care, family home) |

4. Education

- | | | |
|--------------------------------------------------------|------------------------------------------------------------|--------------------------------------|
| <input type="checkbox"/> Suspended | <input type="checkbox"/> Expelled | <input type="checkbox"/> Left school |
| <input type="checkbox"/> Not going to school/truanting | <input type="checkbox"/> Enrolled in alternative education | |
| <input type="checkbox"/> OTHER: _____ | | |

5. Health

- | | | |
|-----------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Alcohol and/or Drug issues | <input type="checkbox"/> Learning difficulties | <input type="checkbox"/> Intellectual Disability |
| <input type="checkbox"/> Cognitive impairment | <input type="checkbox"/> Anger management issues | <input type="checkbox"/> Sexualised behaviour |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Mental Health (pls specify): _____ | |
| <input type="checkbox"/> OTHER: _____ | | |

6. Family History and Circumstances

- | | | |
|-----------------------------------------------------|-------------------------------------------|---------------------------------------|
| <input type="checkbox"/> Family Violence | <input type="checkbox"/> FaCS involvement | <input type="checkbox"/> Crime/prison |
| <input type="checkbox"/> Alcohol and/or drug issues | <input type="checkbox"/> Mental illness | <input type="checkbox"/> Unemployment |
| <input type="checkbox"/> Stolen Generation | <input type="checkbox"/> Refugee | |
| <input type="checkbox"/> OTHER: _____ | | |

7. Abuse/violence

- Experienced neglect at home
- Experienced abuse at home
- Was or has been victim of crime (eg: robbery, sexual assault)

8. Other

Appendix 8. Legal Health Check

NAME OF YOUNG PERSON:

DATE LEGAL HEALTH CHECK CONDUCTED:

	YES	NO
MONEY AND DEBTS		
Do you owe anyone money? Unpaid bills? Mobile phone debts? Car accident where you were at fault? Are debt collectors chasing you for money? Payday loans? Renting household goods? Having trouble paying off a loan? Credit card debt?		
Do you have a problem with fines? Not able to pay off your fines? Dispute a fine? Has RMS cancelled or placed a restriction on your licence?		
Are you having problems with Centrelink? Unable to get payments? Payments have been cancelled? Owe Centrelink money?		
Does someone owe you money?		
HOUSING		
Circle which of the following best describes your living situation: a) Living with family; b) Staying with friends/couch surfing; c) Staying in a refuge, hostel, or boarding house; d) Sleeping on the trains/streets/rough sleeping; e) Foster Care / Resi Care		
Do you have problems with your housing? Getting evicted, behind in rent, problems with the landlord, not able to get repairs done where you live, having problems with flatmates?		
LIVING INDEPENDENTLY		
Are you having difficulty getting your own Medicare card/ID, enrolling in school, getting your birth certificate, or changing your name?		

ACCIDENTS AND ASSAULTS		
Have you ever been injured in an accident? In a car accident? At work, school, or on public transport?		
Have you ever been a victim of violence, physical assault or sexual assault?		
Has a family member been assaulted?		
FAMILY VIOLENCE		
Are you currently experiencing Family or Domestic Violence? Have you previously been in a relationship where this was a factor? Have you been to court for an AVO?		
UNFAIR TREATMENT, DISCRIMINATION AND HARASSMENT	YES	NO
Have you ever been discriminated against, harassed or treated unfairly? At work, school/TAFE/University, pub/club, by government departments, real estate agents, shops or other service providers?		
Have the police ever detained or searched you without a lawful excuse? Have you ever been tasered? Have police used excessive force against you?		
GOOD AND SERVICES		
Do you have a problem with something that you bought or a service you paid for? Product was faulty/did not work as promised? Been refused a refund? Dispute over product warranty? Tricked into a scam or an unfair deal? Door-to-door sales? Service was unsatisfactory?		
EMPLOYMENT		
Have you experienced problems with your work? Have you been unfairly dismissed, bullied or harassed? Are you being paid the right rate, owed unpaid wages or superannuation?		
Are you prohibited from working with children, or, is your criminal record preventing you from working in your chosen job?		
IMMIGRATION		

Do you have a problem with immigration? Overstayed your visa? Facing deportation because of your criminal record?		
DOCS/ FAMILY AND COMMUNITY SERVICES		
Are you in the care of DOCS/DCJ? Have any problems with your placement or assistance? Leaving care plans? Problems with your caseworker? Not getting reimbursed for costs? Need DOCS to pay for something?		
SCHOOL		
Do you have any problems with school? Been expelled/suspended? Been in trouble for truancy?		

Other contacts:

Does the young person have a case worker, resi care worker, an aftercare service, support worker or other person assisting them?

Organisation	General Contact	Consent to contact (Yes/No)	Case Worker Name	Case Worker Contact Number / Office
Juvenile Justice				
DCJ – Community Services				
Resi Care Service Provider				
ADHC / NDIS				
Aftercare Service Provider				
MH / Guardian / Other worker				

Appendix 9. Youth Casework Referral Form

YP Name:

Date of Referral:

Anticipated Intervention required:

- Short term (brief intervention, primarily providing information and referrals)
- Medium term (Ongoing case-management up to 6-9 months)
- Less intense (likely to require contact fortnightly or less)
- More intense (likely to require weekly contact)

Experiencing difficulties with:

- Building Trust and Engagement in the Civil Law Service (i.e. Young person doesn't yet trust CCLS)
- Assessment of psychosocial issues – (i.e. we don't yet know much about the young person)

Providing information and referring young person to support services to address:

- Housing / Risk of homelessness
- Health
- Sexual/reproductive health
- Mental health
- Drug and alcohol use
- Case-management
- Education / Training
- Employment
- Budgeting / financial counselling
- Recreation
- Social support networks

Assisting young person to get access to:

- Centrelink Benefits
- Housing
- NDIS
- Taking instructions and assisting young person to have their say in decisions

- Support letters and reports: (please specify)

- Managing risk of harm in relation to:

- Advocacy with:

- Practical Assistance with:

- Informal counselling / emotional support
- Helping a young person move towards change
- Helping a young person with a significant transition:

- Public transport training
- Providing limited assistance and referrals to family members

Referral accompanied by (please provide wherever possibly):

- CCLS Client Intake
- Legal Health Check
- Complex Needs Indicator
- Copies of relevant consent forms
- Copies of relevant reports

Other : _____

What are the pressing civil law issues **(leave blank if Legal health check is attached)**?

What are the yp's complex needs **(leave blank if complex needs indicator is attached)**

- homelessness / risk of homelessness
- In care
- Mental Health / Cognitive Impairment
- AOD issues
- Victim of DV / Abuse / Trauma
- Disengaged from education, training and employment
- Involvement with Police/Juvenile Justice/offending behaviour

Other:

YP's contact details (leave blank if Client intake attached):

Ph: Address:

Significant other

Ph: Address:

Has the young person given consent for a referral to be made to the youth casework service?

Yes / No

Appendix 10. Additional data

Table 14. Matter Group and Description by Service type, 2016-17 and 2017-18

Primary matter group	Primary matter description	Advice		ELA		Facilitated Referral		Grant		Minor Assistance		Total services		Total % of all recorded services
		n	%	n	%	n	%	n	%	n	%	n	%	
Human rights / civil liberty	Complaints - out of home care	151	62%	35	43%	18	35%			934	76%	1,138	71%	
	Complaint against other govt dept (State)	46	19%	19	23%	3	6%	1	13%	122	10%	191	12%	
	Complaint against police (State)	26	11%	21	26%	11	22%	3	38%	92	8%	153	10%	
	False imprisonment - police	7	3%	1	1%	7	14%	4	50%	22	2%	41	3%	
	Assault by person in authority	8	3%			3	6%			23	2%	34	2%	
	Other human rights (State)			3	4%	7	14%			14	1%	24	1%	
	Complaint against police (Commonwealth)									13	1%	13	1%	
	Complaint against other govt dept (Commonwealth)	6	2%							2	0%	8	0%	
	Arrest/search (unlawful or arbitrary)			1	1%	2	4%			2	0%	5	0%	
	Excessive use of force			1	1%							1	0%	
Detention (unlawful, arbitrary sub-standard) (Commonwealth)									1	0%	1	0%		

Primary matter group	Primary matter description	Advice		ELA		Facilitated Referral		Grant		Minor Assistance		Total services		Total % of all recorded services
		n	%	n	%	n	%	n	%	n	%	n	%	
	Detention (unlawful arbitrary sub-standard) (State)			1	1%							1	0%	
	Total	244	100%	82	100%	51	100%	8	100%	1,225	100%	1,610	100%	45%
Civil other - state	Other civil (State)	62	61%	30	61%	16	94%			320	72%	428	70%	
	Identification	35	35%	15	31%	1	6%			103	23%	154	25%	
	Associations / clubs	3	3%							19	4%	22	4%	
	Working with children check (not employment)			2	4%							2	0%	
	Privacy (State)			1	2%							1	0%	
	No legal issue	1	1%									1	0%	
	Freedom of information (State)			1	2%							1	0%	
	Total	101	100%	49	100%	17	100%			442	100%	609	100%	17%
Debts (non-consumer)	Fines	75	96%	45	92%	15	83%			318	93%	453	93%	
	Money owed by applicant - non consumer	1	1%	3	6%	1	6%			21	6%	26	5%	
	Money owed to applicant - non consumer	2	3%	1	2%	2	11%			3	1%	8	2%	
	Total	78	100%	49	100%	18	100%			342	100%	487	100%	13%

Primary matter group	Primary matter description	Advice		ELA		Facilitated Referral		Grant		Minor Assistance		Total services		Total % of all recorded services
		n	%	n	%	n	%	n	%	n	%	n	%	
Personal injury & accidents	Crime (including victim's compensation)	34	83%	20	80%	12	57%			102	75%	168	75%	
	Other personal injury - not motor vehicle (State)	5	12%	4	16%	9	43%			25	18%	43	19%	
	Motor vehicle property damage	1	2%							8	6%	9	4%	
	Police / guard /security officer			1	4%					1	1%	2	1%	
	Health professional	1	2%									1	0%	
	Total		41	100%	25	100%	21	100%			136	100%	223	100%
Social security	Benefits / allowances / other	8	47%	8	73%	2	100%			55	52%	73	54%	
	Disability support pension	3	18%							32	30%	35	26%	
	Other social security matters	5	29%	1	9%					5	5%	11	8%	
	Social security debt									10	10%	10	7%	
	Family payment	1	6%							3	3%	4	3%	
	Social security non-payment period			1	9%							1	1%	
	Other social security (not dsp or family payment)			1	9%							1	1%	
Total		17	100%	11	100%	2	100%			105	100%	135	100%	4%

Primary matter group	Primary matter description	Advice		ELA		Facilitated Referral		Grant		Minor Assistance		Total services		Total % of all recorded services
		n	%	n	%	n	%	n	%	n	%	n	%	
Civil matters arising from crime	Other civil matter arising from crime (State)	30	97%	23	77%	3	100%			63	98%	119	93%	
	Victims compensation (not restitution order)			6	20%							6	5%	
	Restitution (excluding victim's compensation)	1	3%							1	2%	2	2%	
	Complaint about police administration			1	3%							1	1%	
	Total		31	100%	30	100%	3	100%			64	100%	128	100%
Consumer	Goods (including utilities, phone, etc) (State)	1	8%	4	80%	3	50%			16	17%	24	20%	
	Goods (including utilities, phone, etc) (Commonwealth)									20	21%	20	17%	
	Insurance - general & other	2	15%	1	20%	2	33%			14	15%	19	16%	
	Credit (including credit guarantee) (state)	1	8%							15	16%	16	13%	
	Service provider - other (state)	1	8%							11	11%	12	10%	
	Other consumer matter [state]	1	8%							8	8%	9	8%	
	Credit – payday loan (Commonwealth)	2	15%							6	6%	8	7%	
	Other consumer matter (Commonwealth)	2	15%			1	17%			4	4%	7	6%	
Insurance - life & disability	1	8%							1	1%	2	2%		

Primary matter group	Primary matter description	Advice		ELA		Facilitated Referral		Grant		Minor Assistance		Total services		Total % of all recorded services
		n	%	n	%	n	%	n	%	n	%	n	%	
	Credit (including credit guarantee) (Commonwealth)	1	8%							1	1%	2	2%	
	Service provider - other (Commonwealth)	1	8%									1	1%	
	Total	13	100%	5	100%	6	100%			96	100%	120	100%	3%
Immigration	Other immigration matter	4	50%	5	100%	2	67%			63	84%	74	81%	
	Deportation	2	25%							4	5%	6	7%	
	Visa cancellation	1	13%			1	33%			3	4%	5	5%	
	Refugee status	1	13%							3	4%	4	4%	
	Permanent residence									2	3%	2	2%	
	Total	8	100%	5	100%	3	100%			75	100%	91	100%	3%
Housing (not dwelling loss)	Other housing dispute	9	75%	3	38%	1	33%			12	41%	25	48%	
	Public tenancy	2	17%	2	25%	2	67%			17	59%	23	44%	
	Private tenancy			2	25%							2	4%	
	Other tenancy dispute	1	8%									1	2%	
	Boarder / lodger / licensee			1	13%							1	2%	
	Total	12	100%	8	100%	3	100%			29	100%	52	100%	1%

Primary matter group	Primary matter description	Advice		ELA		Facilitated Referral		Grant		Minor Assistance		Total services		Total % of all recorded services
		n	%	n	%	n	%	n	%	n	%	n	%	
Housing (loss of dwelling)	Other loss of dwelling (not by credit obligation)	1	50%	1	50%	1	100%			16	62%	19	61%	
	Eviction - public tenancy									10	38%	10	32%	
	Eviction - private tenancy	1	50%	1	50%							2	6%	
	Total	2	100%	2	100%	1	100%			26	100%	31	100%	1%
Young persons out of home care	Criminalisation of behaviour	2	67%							13	93%	15	63%	
	Leaving care plan	1	33%	5	71%							6	25%	
	Access to care records			2	29%							2	8%	
	Other out-of-home-care matters									1	7%	1	4%	
Total	3	100%	7	100%					14	100%	24	100%	1%	
Mental health	Financial management	2	100%	1	50%					12	67%	15	68%	
	Guardianship			1	50%					6	33%	7	32%	
	Total	2	100%	2	100%					18	100%	22	100%	1%
Wills / estates	Estate administration (including trusts)	2	100%	1	100%					18	100%	21	95%	
	Will / intestacy disputes					1	100%					1	5%	
	Total	2	100%	1	100%	1	100%			18	100%	22	100%	1%

Primary matter group	Primary matter description	Advice		ELA		Facilitated Referral		Grant		Minor Assistance		Total services		Total % of all recorded services
		n	%	n	%	n	%	n	%	n	%	n	%	
Employment	Wages / entitlements (State)	2	50%	1	50%					2	40%	5	38%	
	Wages / entitlements (Commonwealth)	1	25%	1	50%					1	20%	3	23%	
	Unfair dismissal - State					1	50%			1	20%	2	15%	
	Workplace bullying / harassment (Commonwealth)	1	25%									1	8%	
	Restriction on employment / occupation (Commonwealth)									1	20%	1	8%	
	General protections					1	50%					1	8%	
	Total		4	100%	2	100%	2	100%			5	100%	13	100%
Civil other - commonwealth	National Disability Insurance Scheme	2	100%	3	75%	1	100%			4	100%	10	91%	
	Other civil (commonwealth)			1	25%							1	9%	
	Total	2	100%	4	100%	1	100%			4	100%	11	100%	0%
Matters following death	Coronial inquest							1	100%	10	100%	11	100%	0%
AVOs / harassment	Other dv related charges									5	100%	5	100%	0%
Consumer - insurance & superannuation	Superannuation	2	100%							3	100%	5	100%	0%

Primary matter group	Primary matter description	Advice		ELA		Facilitated Referral		Grant		Minor Assistance		Total services		Total % of all recorded services
		n	%	n	%	n	%	n	%	n	%	n	%	
Discrimination & harassment	Racial discrimination (commonwealth)	1	100%	1	100%					1	100%	3	100%	0%
Family law other	Family law other - state									2	100%	2	100%	0%
Justice offences / procedures	Other justice offence state	2	100%									2	100%	0%
Consumer - goods & services	Education services									1	100%	1	100%	0%
Fines & victims restitution	Penalty notice / court fine			1	100%							1	100%	0%
Sexual offences	Other sexual offence	1	100%									1	100%	0%
Strata title	Dispute with owners or managing agents (not levies)									1	100%	1	100%	0%
Grand total		566	100%	284	100%	129	100%	9	100%	2,622	100%	3,610	100%	100%

Source: CASES administrative data, 2016-17 and 2017-18 Financial Years

*The 'Young person in Out of Home Care' primary matter group was initiated in August 2018, after the data capture period was completed. It occurs in this data as some records were retrospectively updated prior to the data extract being made available for the evaluation.

Table 15. Case study initial issue for referral to CCLS

Initial Issue	Number	Percent*
DCJ & OOHC Advocacy	9	30%
Fines	9	30%
Identification	2	7%
Criminal Record Advice	2	7%
Advocacy with Juvenile Justice	1	3%
Debts	1	3%
Disability	1	3%
Housing	1	3%
Parental responsibility	1	3%
Police tort	1	3%
Revocation of Power of Attorney	1	3%
Trustee & Guardianships	1	3%
Total	30	100%

Source: Case studies, 2016-17 and 2017-18 Financial years

*Totals may not sum to 100% due to rounding

Table 16. Number of services provided to Aboriginal and non-Aboriginal people

Service Type	Aboriginal		Not Aboriginal		Total
	n	%	n	%	n
Minor Assistance	1,371	70%	1,251	76%	2,622
Advice	358	18%	208	13%	566
Facilitated Referral	48	2%	81	5%	129
ELA	188	10%	96	6%	284
Grant	3	0%	6	0%	9
Grand Total	1,968	100%	1,642	100%	3,610

Source: CASES administrative data, 2016-17 and 2017-18 Financial Years

Table 17. Service allocation to age groups

Service Type	0-12		13-17		18-24		25-74		Total
	n	%	n	%	n	%	n	%	n
Minor Assistance	30	83%	1,665	75%	875	69%	52	63%	2,622
Advice	5	14%	306	14%	244	19%	11	13%	566
Facilitated Referral	1	3%	64	3%	49	4%	15	18%	129
ELA	0	0%	190	9%	93	7%	1	1%	284
Grant	0	0%	6	0%	0	0%	3	4%	9
Total	36	100%	2,231	100%	1,261	100%	82	100%	3,610

Source: CASES administrative data, 2016-17 and 2017-18 Financial Years

Appendix 11. Protective factors literature scan summary

Protective factors are seen as the opposite to risk factors. They comprise attributes, conditions, relationships or opportunities that offset risk factors—such as domestic violence, substance abuse, poverty and/or lack of parental supervision, to name a few³⁶—and contribute to healthy development, improved well-being and positive longer-term outcomes³⁷. Protective factors work by directly impacting a risk factor(s), preventing a risk factor(s) from occurring altogether or decreasing the likelihood of negative chain reactions³⁸.

When children and young people are exposed to multiple risk factors and limited protective factors, they are more likely to fall through the cracks. However, even when young people have experienced a complex suite of risk factors, one or more protective factors may buffer their negative effects and set them back on the right path³⁹. In fact, reducing one risk factor or enhancing a protective factor is likely to have a 'snowball effect' on other factors⁴⁰.

³⁶ National Institute on Drug Abuse (2003) Preventing Drug Use among Children and Adolescents (In Brief): <https://www.drugabuse.gov/publications/preventing-drug-use-among-children-adolescents-in-brief>

³⁷ Development Services Group, Inc., & Child Welfare Information Gateway (2015) *Promoting protective factors for children exposed to domestic violence: A guide for practitioners*. Washington, DC: U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Children's Bureau

³⁸ Luthar, S. S., Cicchetti, D., & Becker, B. (2000). The construct of resilience: A critical evaluation and guidelines for future work. *Child Development*, 71(3), 543–562

³⁹ NSW Department of Family and Community Services (2014) Early Intervention & Placement Prevention program: Child, Youth and Family Support Service Model: https://www.DCJ.nsw.gov.au/_data/assets/pdf_file/0015/321252/cyfs_service_model.pdf

⁴⁰ NSW Department of Family and Community Services (2014) Better lives for vulnerable teens: https://www.DCJ.nsw.gov.au/_data/assets/file/0009/335178/better_lives_for_vulnerable_teens_analysis.pdf

9.1 Types of protective factors

In most of the literature, protective factors are categorised into three levels⁴¹, based on the way they impact the young person. See Table 18 for a comprehensive summary of protective factors at different levels.

1. **Individual protective factors:** relate to a young person's internal state, skills and education, perception of self, and provide a strong platform for their overall well-being and other positive outcomes. These protective factors are enhanced by actions such as building skills, learning coping mechanisms and improving self-esteem.
2. **Relational protective factors:** focus on the importance of nurturing by parents, carers and other adults, such as mentors, as well as positive peer relationships. They are enhanced by relationships with non-judgmental, competent adults who are able to provide guidance and promote high expectations and by supportive social circles.
3. **Societal protective factors:** relate to attributes of the young person's community that encourage positive outcomes. Enhancing these types of protective factors requires changes to services, but also broader societal shifts that will impact both communities and institutions.

It is apparent that the role of family, peers, school and community is important in enhancing protective factors for young people, especially for those already impacted by risk factors, and interventions, such as the CCLS, need to address these domains⁴².

9.2 Protective factors in different contexts

Protective factors literature originates from the child development space, where most of the literature focuses on how parents, families and carers can adopt approaches to ensure young people under their care can transition healthily into adulthood/ independence.

It has since stemmed outwards such that various protective factors have been identified and grouped together based on the specific risk factors they impact, such as crime/ delinquency,

⁴¹ Child Welfare Information Gateway. (2014). Protective factors approaches in child welfare. Washington, DC: US Department of Health and Human Services

⁴² V Schmied and L Tully (2009) Effective strategies and interventions for adolescents in a child protection context: Literature Review, Centre for Parenting and Research, NSW Department of Community Services.

child abuse and neglect⁴³, domestic violence⁴⁴ and substance abuse⁴⁵. See Table 19 and Table 20 for a summary of protective factors relating to specific risks.

Protective factors for Indigenous young people and those in OOHC

There is an emerging body of literature investigating protective factors for Indigenous young people and those, Indigenous and otherwise, entering, in or exiting OOHC (Figure 4). Young people who enter OOHC during adolescence are considered to be at particularly high risk of adverse outcomes⁴⁶.

Given the range of developmental stages and transitions a child may go through whilst in care, it is clear that the OOHC system cannot provide all the protective factors for the healthy development of young people⁴⁷. It is therefore important that the OOHC system identify the protective factors it has the capacity to influence, define what best practice is in those areas, and provide necessary and appropriate supports to aid this process⁴⁸.

For young people in OOHC, one of the most important protective factors to be enhanced is to provide them with a stable adult relationship that helps aid their healthy transition into

⁴³ Risk and protective factors for child abuse and neglect (2017) Child and Family Community Australia Resource Sheet, Australian Institute of Family studies, <https://aifs.gov.au/cfca/publications/risk-and-protective-factors-child-abuse-and-neglect>

⁴⁴ Promoting Protective Factors for Children Exposed to Domestic Violence: A Guide for Practitioners (2015) Child Welfare Information Gateway, Children's Bureau, https://www.childwelfare.gov/pubPDFs/guide_domesticviolence.pdf

⁴⁵ Alaska Division of Behavioural Health (2011) Risk and Protective Factors for Adolescent Substance Use (and other Problem Behavior): http://dhss.alaska.gov/dbh/Documents/Prevention/programs/spfsig/pdfs/Risk_Protective_Factors.pdf

⁴⁶ Better lives for vulnerable teens: DCJ review (2014) NSW Department of Family and Community Services, https://www.DCJ.nsw.gov.au/data/assets/file/0009/335178/better_lives_for_vulnerable_teens_analysis.pdf

⁴⁷ National Standards for Out of Home Care (2010) Department of Families, Housing, Community Services and Indigenous Affairs: <https://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/national-standards-for-out-of-home-care-consultation-paper?HTML#summary>

⁴⁸ National Standards for Out of Home Care (2010) Department of Families, Housing, Community Services and Indigenous affairs , <https://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/national-standards-for-out-of-home-care-consultation-paper?HTML#summary>

adulthood/ independence^{49 50}. This involves Out of Home carers, social workers, case workers and solicitors to fill many of the roles that a parent or family would be expected to satisfy, including supporting young people through key life transitions, identifying when the young person needs assistance and ensuring that protective factors are present⁵¹. Research evidence demonstrates that mentoring services have a strong protective impact on young people transitioning from OOHC⁵².

Providing young people in OOHC with the option to voluntarily remain in care until 21 years old allows young people with supportive relationships with their carers to continue to benefit from this strong protective factor⁵³. It also offers a similar pathway to independence similar as those of their peers, promoting a feeling of normalcy. This finding holds true for Indigenous and non-Indigenous young people in OOHC.

While spirituality/ religiosity is a protective factor for all young people⁵⁴, the development of spirituality for Indigenous young people is closely linked to connections with family, culture and place⁵⁵. Allowing Indigenous young people in OOHC to attain cultural connections, and acknowledging the importance of family in forming these connections, is a strong protective factor that should not be overlooked. Viewing the best interests of Indigenous young people

⁴⁹ Jacynta Krakouer, Sarah Wise & Marie Connolly (2018) "We Live and Breathe Through Culture": Conceptualising Cultural Connection for Indigenous Australian Children in Out-of-home Care, *Australian Social Work*, 71:3, 265-276, <https://doi.org/10.1080/0312407X.2018.1454485>

⁵⁰ NSW Department of Family and Community Services (2014) Better lives for vulnerable teens: https://www.DCJ.nsw.gov.au/_data/assets/file/0009/335178/better_lives_for_vulnerable_teens_analysis.pdf

⁵¹ Jacynta Krakouer, Sarah Wise & Marie Connolly (2018) "We Live and Breathe Through Culture": Conceptualising Cultural Connection for Indigenous Australian Children in Out-of-home Care, *Australian Social Work*, 71:3, 265-276, <https://doi.org/10.1080/0312407X.2018.1454485>

⁵² Department of Families, Housing, COmmunity Services and Indigenous Affairs (2012) Supporting young people transitioning from out-of-home care to independence in Australia: good practice in 2011/12: https://www.dss.gov.au/sites/default/files/documents/supporting_young_people_2012_1.pdf

⁵³ Jacynta Krakouer, Sarah Wise & Marie Connolly (2018) "We Live and Breathe Through Culture": Conceptualising Cultural Connection for Indigenous Australian Children in Out-of-home Care, *Australian Social Work*, 71:3, 265-276, <https://doi.org/10.1080/0312407X.2018.1454485>

⁵⁴ DF Perkins and KR Jones KR, 'Risk behaviors and resiliency within physically abused adolescents', *Child Abuse & Neglect*, 2004, 28 (5), 547-563.

⁵⁵ Jacynta Krakouer, Sarah Wise & Marie Connolly (2018) "We Live and Breathe Through Culture": Conceptualising Cultural Connection for Indigenous Australian Children in Out-of-home Care, *Australian Social Work*, 71:3, 265-276, <https://doi.org/10.1080/0312407X.2018.1454485>

through a Western lens will not provide or enhance protective factors necessary for healthy transitioning into adulthood/ independence.

9.3 Interventions using protective factors approaches

Current systems can and are not providing all the protective factors for young people and their families with complex needs⁵⁶. Protective factor approaches can provide common frameworks for practice^{57 58}, encapsulating staffing and staff training, best practice guidelines, development of reliable measures for protective factors (Figure 5), and providing resources for parents and carers. It also important that approaches hoping to support Indigenous young people frame protective factors through an Indigenous cultural lens.

The literature highlights that the effectiveness of interventions supporting young people with complex needs is increased when they occur in multiple settings⁵⁹. This means that, while enhancing individual-, relational- or societal-level protective factors on their will have positive outcomes for young people, interventions, such as the multi-disciplinary approach of the CCLS, will have substantially better outcomes should they enhance all three levels of protective factors.

The Department of Health proposes that those running interventions to support young people with complex needs ask themselves the following questions to strengthen their services⁶⁰:

⁵⁶ National Standards for Out of Home Care (2010) Department of Families, Housing, Community Services and Indigenous Affairs: <https://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/national-standards-for-out-of-home-care-consultation-paper?HTML#summary>

⁵⁷ Administration on Children, Youth, and Families (2013) Protective Factors for Populations Served by the Administration on Children, Youth, and Families: A Literature Review and Theoretical Framework: <https://dsgonline.com/acyf/DSG%20Protective%20Factors%20Literature%20Review%202013.pdf>

⁵⁸ Centre for Disease Control and Prevention (2019) Essentials for Childhood: Creating Safe, Stable, Nurturing Relationships and Environments for All Children: <https://www.cdc.gov/violenceprevention/pdf/essentials-for-childhood-framework508.pdf>

⁵⁹ NSW Department of Family and Community Services (2014) Better lives for vulnerable teens: https://www.DCJ.nsw.gov.au/_data/assets/file/0009/335178/better_lives_for_vulnerable_teens_analysis.pdf

⁶⁰ The Department of Health (2004) Applying a systems approach to young people and AOD work, in, Training Frontline Workers: Young People, Alcohol and Other Drugs <https://www1.health.gov.au/internet/publications/publishing.nsf/Content/drugtreat-pubs-front7-wk-toc~drugtreat-pubs-front7-wk-secb~drugtreat-pubs-front7-wk-secb-2~drugtreat-pubs-front7-wk-secb-2-1>

- Who does my service or program focus on? Individuals, families, peers, schools, communities or societies?
- Are there gaps in the way my organisation approaches working with young people?

Understanding both risk and protective factors enables the development of universal and targeted approaches to help reduce the incidence and impact of complex issues facing young people⁶¹. Interventions should identify and fill gaps in their own services or in the OOHC system or the child protection and legal systems at large, and should, where possible, adopt multi-level, multi-disciplinary approaches to enhancing protective factors.

⁶¹ Child Welfare Information Gateway. (2014). Protective factors approaches in child welfare. Washington, DC: US Department of Health and Human Services

9.4 Tables and figures

Table 18. Protective factors identified from four approaches used in an American context – related to wellbeing and positive outcomes broadly

Protective factor	Program	Level	Description
Self-regulation	ACYF ⁶²	Individual	a youth's ability to manage or control emotions and behaviours
Relational skills	ACYF	Individual	(1) a youth's ability to form positive bonds and connections (2) interpersonal skills such as communication, conflict resolution, and self-efficacy in conflict situations
Problem-solving skills	ACYF	Individual	a youth's adaptive functioning skills and ability to solve problems, including general problem-solving skills, self-efficacy in conflict situations, higher daily living scores, decision-making skills, planning skills, adaptive functioning skills, and task-oriented coping skills
Involvement in positive activities	ACYF	Individual	engagement in and/or achievement in school, extracurricular activities, employment, training, apprenticeships, or the military
Social-emotional competence	SF ⁶³	Individual Relational	(1) the ability of the children to recognize their own and others' emotions, take the perspective of others, and use their emerging cognitive skills to think about appropriate and inappropriate ways of acting (2) a parent's ability to nurture children's social emotional skills
Youth Resilience	Youth Thrive ⁶⁴	Individual Relational	(1) the ability of youth to call forth their inner strength to positively meet challenges, manage adversities, heal the effects of trauma, and thrive, given their unique characteristics, goals, and circumstances (2) this is aided by a trusting relationship with a caring, encouraging, and competent adult who provides positive guidance and promotes high expectations

⁶² Administration on Children, Youth, and Families (2013) Protective Factors for Populations Served by the Administration on Children, Youth, and Families: A Literature Review and Theoretical Framework: <https://dsgonline.com/acyf/DSG%20Protective%20Factors%20Literature%20Review%202013.pdf>

⁶³ <http://www.StrengtheningFamilies.net>.

⁶⁴ Centre for the Study of Social Policy (2018) Youth Thrive: A Protective Factors Approach for Older Youth: <https://cssp.org/wp-content/uploads/2018/08/YouthThrive.pdf>

Protective factor	Program	Level	Description
Social Connections	Youth Thrive	Individual	(1) the need for youth to be constructively engaged in social
		Relational	institutions—like schools, religious communities and recreational facilities—that are safe, stable, and equitable
		Societal	(2) the need that youth have for people inside and outside of their family who care about them; who can be nonjudgmental listeners; to whom they can turn for well-informed guidance and advice; who encourage them and promote high expectations; and who set developmentally appropriate limits, rules, and monitoring (3) youth's peer relationships that provide social, emotional, and instrumental support
Concrete Supports in Times of Need	Youth Thrive	Individual	(1) helping youth to identify, find, and receive concrete supports to help ensure they receive the basic necessities everyone deserves in order to grow and thrive
	SF	Relational	(2) access for parents to concrete supports and services (e.g., housing, food, transportation) that address needs and help to minimize the stress caused by very difficult challenges and adversity
Knowledge of Youth Development	Youth Thrive	Individual	the benefit that young people themselves can gain from increasing their knowledge and understanding about adolescent development
Social, Emotional, and Cognitive Competence	Youth Thrive	Individual	the interrelated components of cognitive and social-emotional competence, including self-regulation, future orientation, planning, positive self-concept, self-esteem, self-efficacy, self-compassion, personal responsibility, character strengths, and positive emotions
Parenting competencies	ACYF	Relational	(1) parenting skills (e.g. parental monitoring and discipline, prenatal care, and setting clear standards and developmentally appropriate limits (2) positive parent-child interactions (e.g., close relationship between parent and child, sensitive parenting, support, caring)
Caring adults	ACYF	Relational	refers to caring adults beyond the nuclear family, such as mentors, home visitors (especially for pregnant and parenting teens), older extended family members, or individuals in the community
Positive peers	ACYF	Relational	Friendships with peers, support from friends, or positive peer norms
Knowledge of parenting and child development	SF	Relational	(1) parent's willingness to seek and ability to apply knowledge of parenting and child development
	Youth Thrive		(2) parents and other adults work to increase their knowledge and understanding about adolescent development

Protective factor	Program	Level	Description
Parental resilience	SF	Relational	the capacity of parents to maintain stability, be calm, and provide nurturing support, despite difficult or challenging circumstances
Create the context for healthy children and families through norms change and programs	CDC ⁶⁵	Relational	(1) implement evidence-based programs for parents that support development of skills to provide safe, stable, and nurturing relationships for their children (2) promote positive community norms about parenting programs and acceptable parenting behaviours (3) make it easy for parents and caregivers to participate in parenting programs
Economic opportunities	ACYF	Societal	(1) household income and socioeconomic status (2) a youth's self-perceived resources (3) employment, apprenticeship, coursework, and/or military involvement (4) placement in a foster care setting (from a poor setting)
Positive school environments	ACYF	Societal	the existence of supportive programming in schools
Positive community	ACYF	Societal	neighbourhood advantage or quality, religious service attendance, living in a safe and higher quality environment, a caring community, social cohesion, and positive community norms
Parents' constructive and supportive social connections	SF	Societal	that is, relationships with family members, friends, neighbours, co-workers, community members and service providers
Raise awareness and commitment to support safe, stable, nurturing relationships and environments	CDC	Societal	adopt the vision of ensuring this for every child, raise awareness in support of the vision, partner with others to unite behind the vision
Create the context for healthy children and families through norms change and programs	CDC	Societal	promote the community norm that we all share the responsibility for the well-being of children; promote positive community norms about parenting programs and acceptable parenting behaviours
Create the context for healthy children	CDC	Societal	Identify and assess which organizational and regulatory policies, laws, and ordinances may positively impact the

⁶⁵ Centre for Disease Control and Prevention (2019) Essentials for Childhood: Creating Safe, Stable, Nurturing Relationships and Environments for All Children: <https://www.cdc.gov/violenceprevention/pdf/essentials-for-childhood-framework508.pdf>

Protective factor	Program	Level	Description
and families through policies			lives of children and families; provide decision makers and community leaders with information on the benefits of evidence-based strategies and rigorous evaluation

Table 19. Protective factors for various risk factors⁶⁶

Risk Factors	Level	Protective Factor example
Early Aggressive Behaviour	Individual	Self-Control
Lack of Parental Supervision	Relational	Parental Monitoring
Substance Abuse	Relational	Academic Competence
Drug Availability	Societal	Anti-drug Use Policies
Poverty	Societal	Strong Neighbourhood Attachment

Table 20. Protective factors related to families and parenting that buffer against certain risk factors⁶⁷

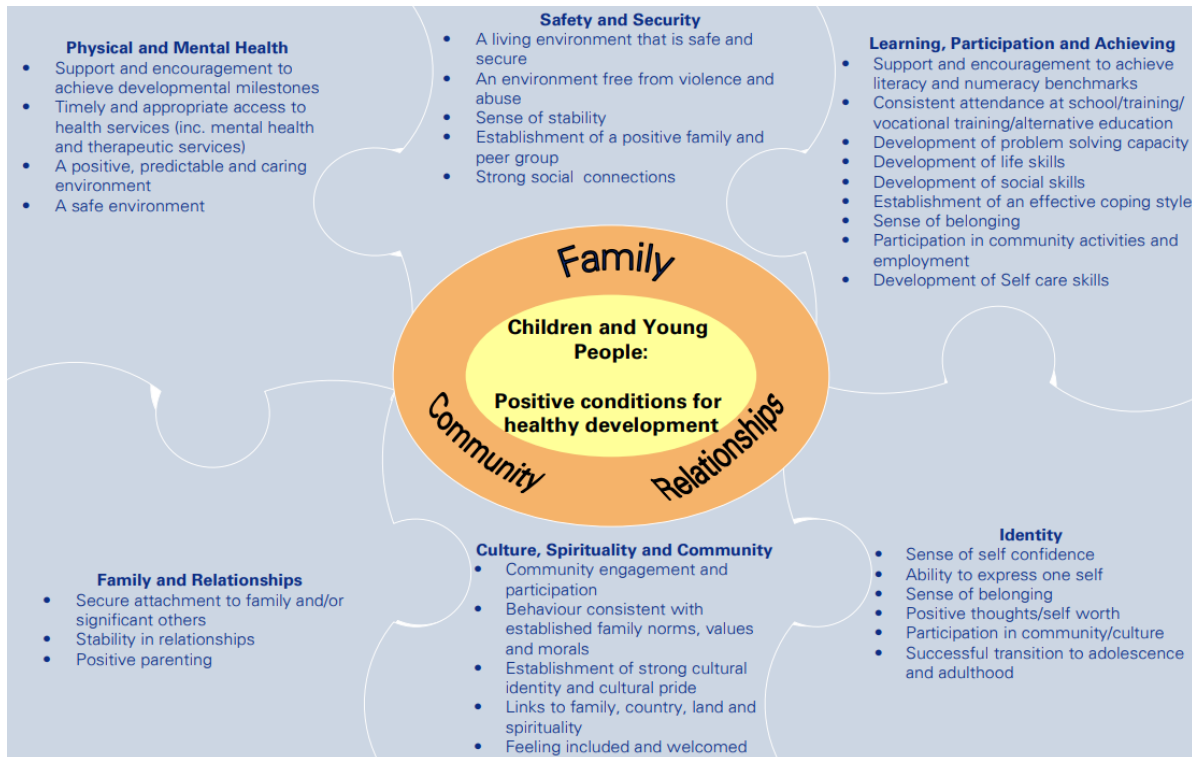
Protective factor	Substance use	Mental health problems	Crime/delinquency
Family attachment	Y	Y	Y
Opportunities for positive social involvement	Y		Y
Rewards for positive social involvement	Y	Y	Y
Supportive caring parents		Y	Y
Family harmony		Y	Y
More than two years between siblings		Y	Y
Expectation to assist in the home		Y	Y
Secure and stable family		Y	Y

⁶⁶ National Institute on Drug Abuse (2003) Preventing Drug Use among Children and Adolescents (In Brief): <https://www.drugabuse.gov/publications/preventing-drug-use-among-children-adolescents-in-brief>

⁶⁷ The Department of Health (2004) Individual risk and protective factors for young people, in, Training Frontline Workers: Young People, Alcohol and Other Drugs: <https://www1.health.gov.au/internet/publications/publishing.nsf/Content/drugtreat-pubs-front3-wk-toc~drugtreat-pubs-front3-wk-secb~drugtreat-pubs-front3-wk-secb-3~drugtreat-pubs-front3-wk-secb-3-1>

Strong family norms and morality		Y	Y
Supportive relationship with other adults		Y	Y
Extended family support	Y	Y	Y
High parental expectations (not unrealistic)	Y	Y	Y

Figure 4. Protective factors for the healthy development of young people in OOHC⁶⁸



⁶⁸ NSW Department of Family and Community Services (2014) Better lives for vulnerable teens: https://www.DCJ.nsw.gov.au/_data/assets/file/0009/335178/better_lives_for_vulnerable_teens_analysis.pdf

Figure 5. Protective factor composite measures, component subscales, and alpha reliabilities⁶⁹

Abbreviations	Measure (number of items)	α
<i>Protective factors</i>		
1. CP-C1	Control Individual Level Protection Composite Index-1 (11)	.812
2. CP-AI	Adolescents' attitudes against antisocial behavior, smoking and use of illicit drugs ^a (11)	.812
3. CP-C2	Control Rules Protection Composite Index-2 (14)	.400
4. CP-HM	Caregivers monitoring at the foster home center ^a (6)	.660
5. CP-T	Teachers' sanctions for deviant behavior (5)	.726
6. CP-C3	Control Expectations Protection Composite Index-3 (14)	.542
7. CP-H	Caregivers' expectations for the adolescents' academic achievement ^a (3)	.800
8. CP-NO	Adults at residential home opinion of deviant behavior and use of drugs/alcohol (4)	.805
9. CP-SB	Classmates' normative expectations against deviant behavior ^a (3)	.863
10. CP-SD	Classmates' normative expectations against smoking, use of drugs, & alcohol ^a (4)	.790
11. CP-NA	Adults in the neighborhood actions taken toward social deviance (2)	.819
12. CP-C4	Positive Control Protection Composite Index-4	.680
13. CP-AS	Adolescents' positive attitude toward school ^a (4)	.700
14. CP-HAC	Caregivers' Attention/Communication ^a (6)	.540
15. CP-PS	Caregivers' encouragement for engagement in prosocial behavior ^a (2)	.860
16. CP-PA	Peers' actions against deviant behavior (3)	.735
17. CP-NE	Adolescents' perceived neighborhood efficacy (3)	.815
18. SP-C	Support Protection Composite Index—5 (28)	.740
19. SP-HS	Caregivers support (4)	.740
20. SP-P	Peer support (2)	.563
21. SP-S	Caring and nurturing social climate at school (4)	.716
22. SP-I	Adolescents' feeling of intimacy and connectedness with teachers ^a (3)	.860

⁶⁹ Aguilar, M., Roshani, M., Hassanabadi, H., Masoudian, Z. & Afruz, G. (2011). Risk and protective factors for residential foster care adolescents. *Children and Youth Services Review*. 33. 1-15

