



**DISABILITY
ACTION
PLAN**

2004 - 2006

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KEY RESULT AREAS:

1. Increasing access to diversionary options
2. Providing effective interventions for young people with disabilities
3. Promoting best practice through planning and review
4. Increasing communication and competence
5. Providing advocacy and developing partnerships

1. Introduction

The Department of Juvenile Justice is committed to supporting and meeting the needs of young people with disabilities (YPWD) who are in contact with the juvenile justice system.

The department is committed to fully meeting its obligations under State and Commonwealth anti-discrimination legislation. These laws require the department to eliminate practices which may discriminate against people with disabilities, and to assist young people who are in contact with the juvenile justice system in gaining full and equal access to departmental services.

The Disability Action Plan 2004-2006 is a working document which is intended to develop the disability competence and confidence of the department, and ensure better support for young people with disabilities who are in contact with the juvenile justice system.

Definition of Disability

The NSW Disability Services Act 1993, defines its target group as people with a disability:

- a) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments, and
- b) that is permanent or is likely to be permanent, and
- c) that results in:
 - (i) a significantly reduced capacity in one or more major life activities, such as communication, learning, mobility, decision-making or self-care, and
 - (ii) the need for support, whether or not of an ongoing nature.

2. Organisational Context

The Department of Juvenile Justice serves the NSW community by providing quality services to young people who have committed criminal offences to maximise their capacity and opportunity to choose positive alternatives to offending behaviour.

These young people include those who are referred and accepted for youth justice conferences, those who are remanded in custody pending appearance at court and those sentenced by a court to community based supervision or to a period in custody in a juvenile justice centre.

The department groups its services into three main service delivery areas. These are:

- Youth Justice Conferencing;
- Community-based Services, including providing offender assessments to the courts and court-ordered supervision of young people within their communities; and
- Juvenile Custodial Services, providing services to those young people whom the courts direct to be placed in detention.

In addition, through the Youth Drug Court Program, the department provides offender assessments to the court and supervision of young people undergoing programs as part of the court process.

3. Our Clients (Young People)

According to the Department of Juvenile Justice Annual Report, during 2003-2004:

- 1256 young people participated in 1227 youth justice conferences (YJC); resulting in 1340 outcome plans;
- 2,836 young people were on community based orders and;
- an average of 302 young people were in custody on any given day.

In 2003 the Department conducted the Young People in Custody Health Survey <http://www.djj.nsw.gov.au/pdf/publications/2003YoungPeopleInCustody.pdf>. (YPiCHS). The findings of the survey indicate a high level of disabilities among young people in custody:

- 88% reported symptoms consistent with a mild, moderate or severe psychiatric disorder;
- 30% reported symptoms consistent with Attention Deficit Hyperactivity Disorder;
- 21% reported symptoms consistent with schizophrenia;
- 10-13% were assessed as having an intellectual disability;
- 8% of young men and 12% of young women reported having attempted suicide in the previous 12 months;
- 21% of young men and 56% of young women reported drinking in the hazardous/harmful range; and,
- 51% reported that drug use had caused them problems.

The Department is currently conducting a similar health survey of young people on community orders (YPoCOHS), which will provide information about the health issues and needs of DJJ young people in the community. The findings of the *Young People on Community Orders Health Survey (YPoCOHS)*, currently being conducted, may indicate less acute levels of disabilities amongst young people in the community.

4. Legal Responsibilities In Relation to Disability

The Department's obligations to address equity of access for young people with disabilities are contained in three pieces of legislation:

- *Anti-Discrimination Act* (NSW) 1977;
- *Disability Discrimination Act* 1992; and,
- *Disability Services Act* (NSW) 1993 (including the *NSW Government's Disability Policy Framework 1998*).

The *Disability Discrimination Act* 1992 and the *Anti-Discrimination Act* (NSW) 1977 make it unlawful to discriminate against people with disabilities in certain areas of public life (such as employment, premises and access to goods and services). This legislation requires that an employer reasonably accommodate a person's disability, unless the employer can demonstrate that the removal of the discriminatory practice or circumstance would cause an "unjustifiable hardship".

While the *Disability Discrimination Act* 1992 promotes the development of an action plan to eliminate unlawful discrimination against people with disabilities, the *Disability Services Act* (NSW) 1993 actually requires the development of such a plan. In 1998 the NSW Government endorsed the *Disability Policy Framework* as a guideline for the development of these Plans.

The Disability Action Plan is designed to meet the department's obligations under both pieces of legislation, operating as both an action plan and strategic plan.

5. Objectives of the Disability Action Plan

The objectives of the Disability Action Plan are to:

- Increase the diversion of young people with disabilities from the juvenile justice system; and,
- Ensure that young people with disabilities who are in contact with the juvenile justice system have access to effective and appropriate services.

6. How will the Objectives Be Achieved?

The department has identified five key result areas in relation to disability issues. The key result areas which form the basis of the Disability Action Plan are:

- Increasing access to diversionary options;
- Providing effective interventions for young people with disabilities;
- Promoting best practice through service planning and review;
- Increasing communication and competence; and,
- Providing advocacy and developing partnerships.

7. Implementation of the Disability Action Plan

To ensure an integrated approach to service planning and delivery, the Disability Action Plan will be incorporated into the department's next Corporate Plan and all business planning. This process will help ensure that the strategies and actions detailed in the Disability Action Plan become a part of our every-day business.

The ***Disability Strategic Group (DSG)*** has an essential role in advocating for the rights of young people with disabilities in contact with the juvenile justice system. The DSG will help position the department to form strategic external partnerships. The DSG is chaired by the Director General and comprises internal and external stakeholders. The Disability Strategic Group will explore ways to involve the community and NGOs in the evaluation of the DAP.

The ***Disability Action Steering Group (DASG)*** will monitor and evaluate the implementation of the DAP, so that we can learn from our experiences and build on our achievements. The DASG comprises internal stakeholders, and will report to the Operations and the Executive Committees.

The ***Disability Connexion (DC)*** is a network for departmental staff who have a particular interest or expertise in disability issues. The Connexion acts as a forum for staff to exchange information and promote awareness of disability issues across the department.

8. Evaluation

- Six monthly progress reports from key areas will be provided to the DSG and the Executive Committee.
- The Disability Action Plan will be reviewed annually, with a report provided to the Operations and Executive Committees.
- Results of the DAP will be published in the department's Annual Report and in accessible formats.
- Procedures for evaluating the DAP will be developed with the assistance of the DSG & DASG.
- Evaluation procedures will include the capacity to involve other government agencies, the community and relevant NGOs.



DISABILITY ACTION PLAN

KEY RESULT AREAS

2004-2006

1. INCREASING ACCESS TO DIVERSIONARY OPTIONS

1.1	OBJECTIVE	To reduce the overrepresentation of young people with disabilities in the juvenile justice system through improved access to diversionary options available under the Young Offenders Act and, where appropriate, under Sections 32 & 33 of the Mental Health (Criminal Procedures) Act.	
1.2	STRATEGY	DJJ will work with relevant stakeholders to increase access to diversionary options for young people with disabilities, including diversion from custody.	
	ACTIONS	RESPONSIBILITY	TIMEFRAME
1.2.1	Provide information about young people with disabilities in the juvenile justice system to the department's key partners in diversion.	DG Director (YJC) Director (ODG) Director (PSS) Regional Directors	Commenced and ongoing
1.2.2	Provide information to DJJ staff to assist them in promoting diversion for young people with disabilities, including diversion from custody.	Director (ODG) Director YJC ADG (Operations) Director (PSS) Regional Directors	Commence 2005
1.2.3	Work closely with the Justice Health Court Liaison Officers to promote diversion for young people with disabilities. ¹	Director (PSS) Director (ODG) Director (YJC) YJC Managers and JJOs	From start of initiative and ongoing
1.2.4	Work with the department's Young Offenders Act partners through the Youth Justice Advisory Committee to promote access to warnings, cautions and conferencing for young people with disabilities.	Director (YJC)	Commenced and ongoing

¹ Dependant on Justice Health receiving necessary funding.

	ACTIONS	RESPONSIBILITY	TIMEFRAME
1.2.5	Promote access to diversionary options through existing forums such as the Inter Departmental Committee (IDC) and the Senior Officers Group (SOG) on Mental Health.	A/D (PSS) Director (YJC)	Commenced and ongoing
1.2.6	Facilitate appropriate support for young people with a disability in the youth justice conferencing process.	Director (YJC) YJC managers at regional level.	November 2004 and ongoing
1.2.7	Undertake scoping exercise to determine numbers of young people with disabilities referred through youth justice conferencing process. Assess for possible research project.	Director (YJC) YJC managers at regional level.	November 2004 and ongoing
1.2.8	Work with the Attorney General's Department and the Senior Officers Group on Mental Health to promote the use of Sections 32/ 33 of the Mental Health Act as a diversionary option for young offenders with a mental illness.	A/D(PSS) Director (YJC)	Commenced and ongoing

2. PROVIDING EFFECTIVE INTERVENTIONS FOR YOUNG PEOPLE WITH DISABILITIES

2.1	OBJECTIVE	To reduce overrepresentation of young people with disabilities in the juvenile justice system by providing effective and appropriate interventions which maximise their capacity and opportunities to choose positive alternatives to offending behaviour.		
2.1.1	STRATEGY	Develop innovative and effective interventions for young people with disabilities, and ensure that they have equitable access to mainstream programs where appropriate.		
	ACTIONS	RESPONSIBILITY	TIMEFRAME	
2.1.2	Develop and implement joint Clinical Services Plan for adolescents in custody, in conjunction with Justice Health.	Director (ODG) & Director (PSS): development ADG (Ops): implementation	Early 2005 and ongoing	
2.1.3	Review assessment processes to ensure that disabilities are identified and appropriate interventions are built into client case plans.	Director (PSS) Coordinator Casemanagement	From 2005 ongoing	
2.1.4	Analyse recommendations of the Orana Joint Case Management (JCM) Project and promote these through DJJ's Disability Strategic Group (DSG) for implementation and subsequent evaluations. [Orana JCM group: DJJ, DADHC, NSW Police, NSW Health, DET and DoCS.]	Directors (ODG) & (RPE) DSG	November 2004 and ongoing	
2.1.5	Implement joint case management project involving Blacktown JJCS office and promote findings to DSG and DADHC SOG ID & CJ.	EO (Ops) & Coordinator (SPERU)	Early 2005 and ongoing	
2.1.6	Implement YJC project to support YPWDs across NSW and promote findings to DSG and DADHC SOG.	Director (YJC)	Early 2005 and ongoing	

3. PROMOTING BEST PRACTICE THROUGH PLANNING AND REVIEW

3.1	OBJECTIVE	Effective management practices and accountabilities for eliminating discrimination against young people in the juvenile justice system.		
3.2	STRATEGY	The department will incorporate the needs of young people with a disability into planning and review of projects and services.		
	ACTIONS	RESPONSIBILITY	TIMEFRAME	
3.2.1	Incorporate disability reviews as an ongoing part of the Quality Review process.	Director (RPE) ADG (Operations)	Ongoing	
3.2.2	Incorporate assessment of Region's response to disability issues into Regional reviews.	ADG (Ops) Director (RPE)	2005 and ongoing	
3.2.3	Ensure that the needs of young people with a disability are incorporated into the development of standards for community-based services.	Director (RPE) ADG (Operations)	2005 and ongoing	
3.2.4	Develop a data collection agenda for information about clients with disabilities.	ADG (Operations) CIMS Team Director (YJC)	2005/6 and ongoing	
3.2.5	Ensure that needs of young people with a disability are incorporated into the business planning process at Central, regional and local levels.	Director (RPE) DG, ADG (MS) ADG (Operations), Director (YJC), RDs	Ongoing	
3.2.6	Monitor and review compliance with equity clause by agencies funded through the Community Funding Program.	Coordinator (SPERU) Regional Directors A/PSOs	By March 2005 and ongoing	

	ACTIONS	RESPONSIBILITY	TIMEFRAME
3.2.7	Conduct further analysis of findings of the YPiCHS.	Director (RPE) Director (PSS) Director (ODG)	2005 and ongoing
3.2.8	Analyse results of the YPoCOHS and their implications for the department.	Director (PSS) Director (RPE) Director (ODG)	2005/6 and ongoing
3.2.9	Conduct Disability Reviews of each community office and present a Combined Report to the Operations Committee.	Coordinator (SPERU) & EO (Ops) Director (RPE)	2005/6 and ongoing

4. INCREASING COMMUNICATION AND COMPETENCE

4.1	OBJECTIVE	To ensure that young people with disabilities are supported by DJJ staff and Youth Justice Conferencing convenors who are confident and competent in disability issues.	
4.2	STRATEGY	To increase awareness of and expertise in disability issues within the department, through improved communication, training, and recruitment practices.	
	ACTIONS	RESPONSIBILITY	TIMEFRAME
4.2.1	Place regular item on disability issues in DJJ newsletter.	Coordinator (SPERU) Communications officer	2005 and ongoing
4.2.2	Develop a best practice intranet site around disability issues.	Administrator (Information Management) & Coordinator (SPERU)	2004/5 and ongoing
4.2.3	Communicate the results of the YPiCHS and their implications for the Department to all staff.	ADG (Operations) & Director (ODG)	2005 and ongoing
4.2.4	Promote Disability Connexion as a resource for all DJJ staff.	ADG (Operations) & Director (ODG)	Ongoing
4.2.5	Include disability issues in all recruitment Information Sessions.	ADG (Management Services)	2005 and ongoing
4.2.6	Incorporate material relating to disabilities into all training packages and competencies.	ADG (Management Services)	2005/6 and ongoing
4.2.7	Provide information about Criminal Justice Support Network (CJSN) and other relevant services for young people with disabilities	Director (ODG)	2005 and ongoing

5. PROVIDING ADVOCACY AND DEVELOPING PARTNERSHIPS

5.1	OBJECTIVE	To advocate and actively seek support and coordination from government at all levels in meeting the needs of young people with disabilities in the juvenile justice system.		
5.2	STRATEGY	The department will work proactively with its justice and human services partners to meet the needs of young people with disabilities in the juvenile justice system.		
	ACTIONS	RESPONSIBILITY	TIMEFRAME	
5.2.1	Establish and review Memorandum of Understanding with Department of Ageing, Disability and Home Care (DADHC) and build on recommendations of the Orana JCM project.	Director (ODG) & Coordinator (SPERU)	2004/05 and ongoing	
5.2.2	Maintain interagency involvement in DJJ disability issues through the Disability Strategic Group (DSG) (external and internal stakeholders).	Coordinator (SPERU)	2004 and ongoing	
5.2.3	Develop MOU with Commonwealth Departments of Employment and Workplace Relations (DEWR) and Family and Community Services (FaCS) around access to employment and advocacy services for young people with disabilities.	Coordinator (SPERU) & Director (ODG)	2005 and ongoing	
5.2.4	Revise the MOU with the Department of Education and Training (DET) to address needs of young people with disabilities.	ADG (Operations)	2005 and ongoing	
5.2.5	Publicise the benefits for young people with disabilities, their families and victims of participating in youth justice conferencing e.g. Illawarra case study.	Director (YJC)	November 2004 and ongoing	