

Issue No. 1, July 2019

Referral Pathway for the Joint Protocol to reduce the contact of young people in Intensive Therapeutic Care or residential out of home care with the criminal justice system

This Fact Sheet describes how to refer concerns about young people in Intensive Therapeutic Care (ITC) or residential out-of-home care and their contact with the criminal justice system to the Operational Issues Group (OIG). This referral pathway is designed for issues where the Joint Protocol process has *not been followed* and concerns remain for the young person.

When an issue arises all efforts are to be made to resolve the matter at the local level. This includes involving the key service provider contact(s) and/or the relevant local NSW Police Force Crime Prevention Unit and Legal Aid NSW. Should the matter not be resolved locally, then Communities and Justice, Commissioning and Planning teams can assist in raising the matter with senior staff of funded service providers for resolution. If these steps have been pursued and an adequate resolution has not been achieved the matter may be referred to the OIG.

What is the Protocol?

The *Joint Protocol to reduce the contact of young people in residential out-of-home-care with the criminal justice system* ([the Protocol](#)) was established because young people living in ITC and residential care services are at increased risk of coming into contact the criminal justice system. The Protocol aims to reduce contact and instead put in place early intervention strategies to positively influence behaviour and reduce reoffending and unnecessary contact with the criminal justice system.

A partnership between Communities and Justice, funded service providers, Legal Aid NSW and the NSW Police Force, the Protocol is currently in place across all ITC and residential out-of-home care providers in NSW. The Protocol is managed by a multi-agency governance structure, the State-wide Steering Committee.

Operational Issues Group

The OIG is a sub-group of the State-wide Steering Committee. The purpose of the OIG is to identify issues with applying the Protocol and facilitate early remediation. The OIG provides a confidential forum where individual cases can be referred and discussed between agencies with 'prescribed body' status in accordance with Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*.

How do I refer an issue to the Joint Protocol Operational Issues Group?

The referral pathway is a confidential referral point for matters to be reviewed by the OIG. If, after attempting to resolve an issue at the local level, concerns remain about how a young person's contact with the criminal justice system has been managed, and where the Protocol has not been applied, or poorly applied, details about the issue should be sent to the OIG via the referral pathway email:

JointProtocol@facs.nsw.gov.au

Once the OIG receives a matter each participating agency is notified and required to undertake an internal analysis to understand the cause of the incident and whether the Protocol was not applied, or incorrectly applied. Depending on the nature of the issue, different agencies will take the lead in addressing the matter.

This approach is designed to provide confidential responses and early remediation of matters raised through direct communication with involved parties. It may highlight broader systemic issues for de-identified escalation to the State-wide Steering Committee.

Who can make a referral?

The OIG accepts issues of concern as they arise from Legal Aid NSW, ITC and residential care funded service providers, young people, stakeholders and community networks.

What can I expect from the referral pathway?

The matters raised will be logged on the OIG issues register, and a review will commence by the relevant agencies within two weeks of receipt.

Remedial action will commence once findings are known and each agency will report their findings to Communities and Justice.

Each case and any remedial actions will be discussed at the next OIG and de-identified summary information will be provided to the State-wide Steering Committee. Due to confidentiality the OIG cannot share details beyond high-level de-identified summary information.

You will receive an acknowledgement email about the matter when it has been reviewed and appropriate action taken.

Making a formal complaint

Referral to the OIG is not considered a formal complaint. To make a complaint, you will need to contact the organisation or agency that you wish to make the complaint to. If the complaint is about a funded service provider and you have not received a satisfactory response from them directly, you can contact Communities and Justice via: complaints@facs.nsw.gov.au.

If you are still not satisfied with the response to your complaint, you may be able to refer the matter to the NSW Ombudsman via <https://www.ombo.nsw.gov.au/complaints/making-a-complaint>

How to make a referral

To raise a matter for OIG for review use the referral pathway email JointProtocol@facs.nsw.gov.au