



# MONASH University

## **Case management in juvenile justice: clients' perspectives**

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Signature:

A handwritten signature in blue ink, appearing to read 'S. Turner'.

Shelley Turner

Date: 31 May 2019

# Dedication

For my mum Sandra, and my husband Steve and our daughters, April and Lucy.

# Acknowledgements

Firstly, I would like to thank all the young people who gave their time to take part in this study. Their candid, insightful and often humorous perspectives about their experiences in youth justice are the heart of this research.

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# Abstract

This study examines how juvenile justice clients understand and experience case management, from their own perspectives. This is an important topic, given the statutory nature of case management with children and young people in juvenile justice and the onus of responsibility on them to understand and comply with their legal obligations. Case management is also the prevailing approach to service delivery in all Australian youth justice jurisdictions and provides the context for supervision and rehabilitative interventions. Paradoxically, it is possibly also the most under-examined component of youth justice service delivery. Indeed, virtually nothing is known about how case management is understood or experienced by youth justice clients, who – by virtue of being both ‘young’ and ‘offenders’ – represent a particularly disadvantaged and marginalised group in society. Their views and voices are noticeably absent from the public and other discourses that focus on youth justice and case management. Instead, these are dominated by the perspectives of those who administer, fund, design, and deliver youth justice and case management programs. This study explores the experiences and perspectives of juvenile justice clients through in-depth interviews. Through a process of reflexive thematic analysis, six key themes are identified across the data. The study finds that juvenile justice clients’ understanding and experience of case management is essentially abstract, and the integration of the court order with the case plan is ambiguous. The credibility of the researcher’s interpretations is tested through an audience review, comprising a focus group with juvenile justice workers and phone interviews with workers from non-government agencies. This is a small-scale exploratory study which aims to gain an in-depth understanding of juvenile justice clients’ experiences of case management in the Metropolitan Region of NSW. It does not claim to be representative of youth justice clients in other areas. Nevertheless, the findings of the study provide important directions for future practice, policy and research, with regard to defining case management in youth justice, clarifying the mandated requirements of the case plan, enhancing court assistance and practical support for juvenile justice clients, examining the role of background report assessments, and developing good practice for worker changeovers.

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# Chapter 1: Introduction

## 1.1 Introduction to this study

For close to four decades, case management has dominated as the preferred method of juvenile justice service delivery in Australia (Day, Hardcastle & Birgden 2012; Moore, 2004, 2016c; Turner 2010). Indeed, case management is so prevalent across all areas of health and human services that some writers argue the term is essentially a synonym for *human service delivery* (Gursansky, Kennedy & Camilleri 2012; Kennedy, Harvey & Gursansky 2001). The situation is similar in other parts of the world, particularly within countries that are part of the Organisation for Economic Cooperation and Development (OECD) and within the 'Anglosphere' (Roberts & Churchill 2007) of New Zealand, England, Ireland, Scotland, Wales, Canada and the United States. In 1996, Austin and McClelland declared, 'Case management – everybody's doing it'. Sixteen years on, Gursansky, Kennedy and Camilleri (2012, p.10) confirmed, 'Everybody's still doing it!' Paradoxically, despite its popularity, case management remains an ambiguous construct that has received limited critical research attention – particularly in the context of juvenile justice. This is significant, given the multiple and complex needs of justice-involved children and young people, the *statutory* nature of juvenile justice and its emphasis on evidence-based practice, and the importance of 'continuity of care' and role clarity for effective practice with juvenile justice clients (Day, Howells & Rickwood 2003; Naert et al. 2017; Trotter, 2008, 2012, 2015). It is even more significant, when considered in light of the added complexity that stems from the multi-agency and multi-worker 'partnership' arrangements that so often characterise case management with juvenile justice clients in Australia.

This thesis explores, from their own perspective, how juvenile justice clients understand and experience case management. This is an important topic. Case management with juvenile justice clients occurs within the statutory parameters of a court order. In the current era of increased accountability or 'responsibilisation', the onus is strongly on the individual young person under juvenile justice supervision to understand and comply with their legal obligations (Barry 2013b; Cunneen, White & Richards 2015). Failure to do so, can result in

serious consequences for a young person, such as breach action, police arrest or incarceration. Thus, clarity in case management arrangements is crucial for young people in juvenile justice to understand their role and responsibilities. Furthermore, while much is written and said *about* young people in juvenile justice; rarely are their perspectives and voices included in the broader, public discourse. As both ‘young people’ and ‘offenders’; juvenile justice clients represent two of the most denigrated and marginalised groups in our society (Barry 2006a, 2006b; Holt & Pamment 2011). Despite increasing recognition that client perspectives are an important source of knowledge or evidence for practice and policy, little is known about how juvenile justice clients understand or experience case management (Barry 2013b; D'Cruz 2009; Kovarsky 2008; Trotter 2008). Moreover, given the centrality of the rhetoric of ‘consumer rights’ and ‘consumer choice’ to the introduction of contemporary case management approaches in human services (Gursansky, Harvey & Kennedy 2003; Healy 2014); it follows that client perspectives should inform this approach.

This study makes several important, original contributions to knowledge. Firstly, it is one of very few studies in Australia and internationally to focus on *case management* in the context of juvenile justice. As noted, case management is the major method of service delivery in juvenile justice. Secondly, this study contributes the unique perspectives of juvenile justice clients to the existing knowledge and dominant discourses on case management and juvenile justice. In this way, it aims to help combat the ‘culture of silence’ (Freire 1970) around client perspectives in social work and juvenile justice. Thirdly, the researcher used a novel method of enhancing the trustworthiness of this study’s findings. This approach, known as ‘audience review’ (Patton 2002) is described in Section 6.7 and is essentially based on Popper’s (1963) ‘falsification theory’ or what Silverman describes as the ‘refutability principle’ (Silverman 2005, 2013). This approach not only adds rigour to this study and does not appear to have been used before in research with young offenders; it also provides a methodological route through some of the common ethical and practical challenges posed by conducting research directly with juvenile justice clients. Finally, this study appears to be the first in social work and criminology to be grounded in an emerging philosophical perspective, described in this thesis as ‘reflexive critical pragmatism’. This

perspective, elaborated in Section 6.3, offers a methodological and normative framework for using knowledge for professional practice and research, especially in statutory contexts.

### **1.1.1 Arriving at the research problem**

The research problem is predicated on the researcher's 'real-life' practice experiences, particularly those encountered while working as the Area Manager of the New South Wales (NSW) Youth Drug and Alcohol Court (YDAC) program. This pilot program combined regular judicial supervision with a 'co-case management' approach, as a way to divert young people with serious drug-related offences from custody (see Dive et al. 2003; Turner 2011). The 'co-case management' approach involved a juvenile justice worker and a 'case manager' from a funded, non-government organisation, working with each YDAC participant. However, it was frequently apparent during meetings and joint case reviews that 'case management' meant different things to workers from different disciplines and organisations. The ambiguity around case management was also apparent in instances of role confusion and task duplication and also in the variable use of case management terminology across the YDAC program (see for example Dive et al. 2003; Hannam & Crellin 2010; Turner 2011). Indeed, an early independent review of the YDAC program found there was a need for clarification of staff and agency roles, responsibilities and approaches (see Eardley et al. 2004). As Gursansky, Kennedy and Camilleri (2012) contend, the main issue at stake is the potential lack of program fidelity, due to the extent of the differences in worker interpretations of 'case management'. Consequently, the researcher came to reflect on the following question, which eventually gave rise to this study:

If those of us who are 'doing' case management with juvenile justice clients are confused about what it means and how it ought to be practised; then what is the experience of case management like from the perspective of juvenile justice clients?

## **1.2 Brief history of 'case management'**

Like the chameleon's capacity to change colour in different environments, the variations in the forms of case management have been accepted with remarkable tolerance, perhaps because of the lack of understanding of their significance (Gursansky, Harvey & Kennedy 2003, p.16).



The term 'case management' is relatively recent. It did not appear in the health and human services' lexicon until the 1970s, and not in Australian corrections and juvenile justice contexts until the late 1980s. However, the conceptual and practical geneses of case management can be traced to developments in the late nineteenth century (Gursansky, Harvey & Kennedy 2003; Weil & Karls 1985b; Woodside & McClam 2006). These include the establishment of major charity and welfare institutions for designated social groups (including neglected and 'delinquent' young people) and the early practices of the emerging social work and nursing professions (Cunneen, White & Richards 2015; Gursansky, Harvey & Kennedy 2003; Vourlekis & Greene 1992b; Weil & Karls 1985b; Woodside & McClam 2006). Also during this period, a more distinct system for dealing with young offenders began to develop – first in the UK and USA, and then in Australia (Cunneen, White & Richards 2015). Indeed, the origins and evolution of what is today known as 'social work', 'case management' and 'juvenile justice', appear inextricably linked with one another, and with the formation and steady proliferation of major welfare institutions (Cunneen, White & Richards 2015; Woodside & McClam 2006).

The proliferation of charity and welfare institutions was rapid and 'ad hoc'; resulting in problems that were characterised as systems fragmentation, poor coordination of services, and wasted resources (Dill 2001; Weil & Karls 1985a; Woodside & McClam 2006).

*Individualised* service provision was touted as the solution to these problems and became an important conceptual precursor to contemporary 'case management' (Dill 2001; Renshaw 1987; Woodside & McClam 2006). Similarly, it is widely agreed that case management evolved from attempts to provide a 'coordinated effort of service delivery' (Woodside & McClam 2006) that targeted both the service system and the individual (Gursansky, Harvey & Kennedy 2003; Moore 2009; Vourlekis & Greene 1992b). The underlying goal of these efforts was to help those in need by improving the quality and effectiveness of service provision, but also to contain welfare expenditure. These enduring and seemingly divergent aims of case management are neatly summarised by Weil and Karls (1985b, p.2):

Throughout its history, case management has had dual sets of goals – one set related to service quality, effectiveness, and service coordination and the other set related to goals of accountability and cost-effective use of resources (Weil & Karls 1985b).

These competing aims continue to exist in contemporary approaches to case management in Australian juvenile justice contexts.

### **1.2.1 Ambiguity of case management**

Despite its enduring popularity, case management is an ambiguous construct. There is a vast diversity of terms, models and approaches equated with ‘case management’ (Austin & McClelland 1996b; Gursansky, Harvey & Kennedy 2003; Gursansky, Kennedy & Camilleri 2012; Moore 2009, 2016a). As Austin and McClelland (1996a, p.2) remarked some thirty years ago: ‘[I]f you have seen one case management program, you have seen *one* case management program’ (emphasis added). Indeed, there is broad consensus that case management is essentially defined and shaped by the local and wider contexts in which it occurs (Austin & McClelland 2000; Gursansky, Harvey & Kennedy 2003; Healey 1999; Heseltine & McMahon 2006; Holt 2000a). Moreover, it is defined from the individual standpoints of practitioners, administrators and clients. The lack of a universal or consistent definition of ‘case management’ poses challenges for research, particularly for comparative studies. Moreover, the concurrent popularity, familiarity and ambiguity of ‘case management’ has significant implications for practice. These are particularly pertinent to the context of juvenile justice, as research on the efficacy of interventions with involuntary clients has found the clarity of roles and interventions to be important prerequisites. However, although some research has examined case management in adult corrections contexts; essentially none has considered case management in juvenile justice contexts. This is significant, in light of the current and ongoing emphasis on ‘evidence-based practice’ in juvenile justice.

### **1.2.2 Australian context**

In Australia, governments at all levels have enabled ‘case management’ approaches in juvenile justice through legislation and policy commitments. Similarly, the Australasian

Juvenile Justice Administrators (AJJA), which is the peak body for juvenile justice in Australia and New Zealand, considers ‘case management’ an integral part of service provision to ‘support compliance, contribute to reducing offending and increase community safety’ (AJJA 2009, p.6). Indeed, case management appears to function in Australian juvenile justice as the ‘structure’ (Day, Howells & Rickwood 2003) or ‘central organising process’ (DJJ NSW 2003) for supervision and other client interventions (see also AIHW 2017; Turner 2010). The importance of case management is further evident in the annual reports that each state and territory juvenile justice jurisdiction provides to federal government bodies. For example, information about the case management approach of each juvenile justice jurisdiction is collected as part of the Juvenile Justice National Minimum Data Set (JJ NMDS) for the Australian Institute of Health and Welfare (AIHW) (see AIHW 2017). The Australian Government’s Productivity Commission requires jurisdictions to account for the number of ‘case plans prepared’ in the annual Report of Government Services (ROGS), as a key performance indicator for the effectiveness of youth justice. Moreover, case management is also the main approach to human service delivery for non-government providers and various approaches are entrenched in legislation, policy and programs (Gursansky, Harvey & Kennedy 2003; Moore 2016c).

### **1.2.3 Power and constructions of ‘case management’**

As discussed in the literature review in this thesis, little is known about how case management is understood or experienced by juvenile justice clients, who – by virtue of being both ‘young’ and ‘offenders’ – represent a particularly disadvantaged and marginalised group in society. Their views and voices are notably absent from the public and other discourses that focus on juvenile justice and case management. Instead, these discourses are dominated by the perspectives of academics, administrators and practitioners; those who administer, fund, design, and deliver juvenile justice and case management programs. This study aims to challenge those dominant discourses by contributing the perspectives and voices of juvenile justice clients about their understanding and experiences of case management. As Foucault (1977, p.209) argues: ‘It is this form of

discourse which ultimately matters, a discourse against power, the counter-discourse of prisoners and those we call delinquents – and not a theory about delinquency’.

### 1.3 Researcher position

This study stems from a combination of the researcher’s professional social work background and her experiences of working, within various case management frameworks, with juvenile justice clients in Victoria and NSW. Social work endorses collective values that go beyond self-interest and its worth lies in its capacity to benefit human flourishing (Gray & Webb 2010). Thus, the researcher is committed to the values, set out in the Australian Association of Social Workers’ (AASW) Code of Ethics (2010, p.12): ‘respect for persons’, ‘social justice’ and ‘professional integrity’. These values are at the core of this study’s axiology and the researcher’s ‘critical pragmatist’ worldview, which in turn, guided the methodology. In particular, like many social workers, human rights hold a central role in the researcher’s interpretations of the social world (McNeill, 2006). Thus, the researcher holds that justice-involved children and young people are *rights-bearing citizens*, who are worthy of being listened to (see Healy 2005, 2014; Naylor 2015). This ethos clearly informs the research problem, which aims to privilege the perspectives of juvenile justice clients and recognise their *expertise*, gained from their lived experiences of case management (Healy 2005, 2014).

Smith (Smith 2012, p.445) argues that a commitment to social justice values and ‘anti-oppressive practice’ is essential to ensure that social work research ‘will always focus on the needs, rights and aspirations of individuals, groups and communities who are disadvantaged and discriminated against’. He describes ‘good’ social work research as concerned with social issues, oriented towards action or ‘lived experience’, pluralistic and at the interface of person and environment, and structure and agency (Smith 2012, p.445). Moreover, like practice, ‘good’ social work research is also concerned with the practical consequences of research (Smith 2012). Smith (2012, p.446) contends that: ‘social work research has an obligation to consider and prioritise the service user perspective both in the conduct of inquiries and the production of its findings’.

The researcher's worldview is also grounded in her work experience and her desire to balance 'critical' and 'pragmatist' approaches to practice and research. Social work is concerned with both the ethical and practical consequences of professional practice and research. However, especially in *statutory* environments, such as juvenile justice, the tension between critical and pragmatic approaches to social work practice is noticeably acute (Healy 2001a; Hill, 2010; 2001b; Trotter 2015). Hill (2010, p.51), for example, observes the following about the challenges and limitations of working from a critical perspective in statutory contexts:

We need to retain a critical approach to the legal framework and the impact of social work in statutory contexts. But, insofar as we accept the aims and legitimacy of the legal framework for our interventions, we also need to be realistic about the extent to which any meaningful transformation of society is possible as a result of such work. [...] If we believe in the value of social work in statutory contexts, then the challenge is to find ways of working anti-oppressively whilst not losing sight of the fact that the legitimate aims of the intervention may involve exercising control over others.

This resonated with the researcher's point of view and experiences of trying to reconcile the normative ideals of critical social work with the practical realities of working in the statutory context of juvenile justice. That is, trying to challenge and respond to oppressive, *macro*-level factors that impacted the lives of juvenile justice clients; while simultaneously, trying at the *micro*-level to provide practical assistance and make considered, yet 'in-the-moment' normative judgements about the behaviour and personal circumstances of juvenile justice clients.

### **1.3.1 Reconciling 'practice' and 'research'**

The researcher took a reflexive approach to using knowledge in this study, guided by the normative and methodological framework of 'critical pragmatism' – a term that is expanded in Section 6.3.3. This approach to the research is essentially the same as the researcher's approach to professional practice with juvenile justice clients. That is, the 'research practice' (Ulrich 2011) – or what the researcher actually *did* when 'researching' juvenile justice clients' experiences of case management – mirrored the skills and knowledge used in her professional practice with juvenile justice clients. This seemed appropriate, given that

the study was conducted in the researcher's workplace and therefore, involved largely the same client group and context as her professional practice. The skills, knowledge and standards of 'competency' for *professional practice* (i.e. 'best practice') overlap substantially with those for *research practice* (i.e. 'sound science') (Anastas 2012, 2014; Ulrich 2011, 2012). Broad support for such an approach can be found in Anastas' (2014) contention that a 'rapprochement' is needed between the *practice* and *science* of social work, which reconciles the shared interest of social work 'practitioners' and 'scientists' in improving care, services and human 'flourishing' (Nussbaum 2003).

### 1.3.2 Practitioner researcher: 'emic' position

The researcher's work experience provided valuable knowledge about the personal and systemic difficulties faced by juvenile justice clients, as well as skills for conducting research with this population and within a statutory context. The researcher held an 'insider' or 'emic' position in relation to the study context that is best described as a 'practitioner researcher' (Flynn 2016). That is, the researcher was working for Juvenile Justice NSW and undertook this study with clients from the same organisation. Consequently, as discussed in Chapter 6, especially Sections 6.3 and 6.7, close attention was given to identifying and dealing with potential biases, ethical issue and power dynamics related to the researcher's 'insider' position. As already noted in this chapter, the researcher came to understand case management ambiguity as a 'problem' for professional practice and research, primarily through 'real-life' experience or 'practice wisdom' (Drury Hudson 1997). That is, the researcher's 'lived experience' of working with juvenile justice clients in situations where case management ambiguity kept occurring. The researcher's professional social work background and 'critical pragmatist' worldview informed her position that human rights should hold a central role in interpretations of the social world (see also McNeill, 2006). Thus, notions of 'human', 'consumer' and 'civil' rights underpin her view that children and young people involved in the criminal justice system are *rights-bearing citizens*, who are worthy of being listened to (see Healy 2005, 2014; Naylor 2015). This ethos has clearly informed the research problem, which aims to privilege the perspectives of juvenile justice

clients and recognise their *expertise*, gained from their lived experiences of case management (Healy 2005, 2014).

## 1.4 Definitions and use of key terms in this thesis

For the most part, terminology and definitions throughout this thesis are in keeping with those used in the NSW juvenile justice system. This is to help ground the text of the thesis in the original context of the study and make it more accessible to the research participants. A summary of key terms is provided in Table 1.1.

*Table 1. 1: Summary of key terms*

Term	Definition
Juvenile justice client	A child or young person, typically aged 10-17 years, (but can be up to 21 years in some jurisdictions), subject to juvenile justice supervision.
Child	A person aged 0-13 years.
Young person	A person aged 14-24 years.
Young offender	A child or young person, who has been found guilty in a court of law of a criminal offence that was committed between and inclusive of the ages 10-17 years. Depending on the court outcome and the jurisdiction, this may or may not mean the person is a 'juvenile justice client'.
Young adult offender	A young person, who has been found guilty in an adult court of law of a criminal offence.
Adult offender	A person, aged 18 years and above, who has been found guilty in an adult court of law of a criminal offence. Unless specified, this term also incorporates young adult offenders.
Case management	The arrangements made to coordinate and integrate the different components of a court order and associated case plan for a juvenile justice client, particularly through the processes of assessment, planning, implementation and review.

### 1.4.1 Defining a ‘juvenile justice client’

In this thesis, the term ‘juvenile justice client’ refers to a child or young person, typically aged 10-17 years, (but can be up to 21 years in some jurisdictions), who is subject to ‘juvenile justice supervision’. Juvenile justice supervision can occur *before* a young person is sentenced in a court or *after* sentencing and it can take place in *custody* or in the *community*. The scope of juvenile justice supervision and the concept of ‘clienthood’ (Hall, et al. 2003), as it relates to this study, are examined further in Section 2.4.

In Australian juvenile justice, the terms ‘client’, ‘child’, ‘young person’ and ‘young offender’ are often used interchangeably. In this thesis, a ‘child’ is defined as a person aged 0-13 years and a ‘young person’ as aged 14-24 years. The majority of ‘juvenile justice clients’ are aged 14 years or over (AIHW 2018a). Thus, for brevity, the term ‘young person’ is generally used in this thesis in relation to juvenile justice clients.

The term ‘young offender’ in this thesis describes a ‘child’ or ‘young person’, who has been found *guilty* in a court of law of a criminal offence, committed between and inclusive of the ages 10-17 years. Importantly, a ‘juvenile justice client’ may or may not have been found guilty in a court of law of a criminal offence, so the term should not be equated with ‘young offender’ (see also Table 1.1). An ‘adult offender’ is a person who has been found guilty of a criminal offence who had reached or was above the national age of criminal majority (18 years) at the time of committing the offence. Such a person is called a ‘young adult offender’, if aged 18-24 years. This term acknowledges some of the variations that exist across Australian and international jurisdictions in the treatment of offenders within this younger age range (see also AIHW 2013a, 2013b) and is consistent with the upper limit of the age range used by the AIHW to define a ‘young person’ (12-24 years).

### 1.4.2 Defining ‘case management’

‘Case management’ is a nebulous construct, shaped by the particulars of the context in which it appears. According to the national peak body for case management in Australia and New Zealand (CMSA 2018) ‘case management’ can refer to *any* of the following:



- a specific position or job;
- a generic or descriptive term; or
- a professional qualification and/or certification (e.g. certified case manager).

In Australian health and human services contexts, including juvenile justice, a wide range of different terms are used to describe case management approaches and the various professions or roles that perform case management tasks. As such, there is no universal definition of 'case management' (Gursansky, Kennedy & Camilleri 2012; Moore 2016c). Similarly, in juvenile justice contexts, there is no single understanding of, or approach to case management. Instead, 'case management' is more accurately conceived as 'a family of related approaches' (McNeill 2009, p.35). Thus, arriving at a definition of 'case management' for this study was not a straightforward process.

### **1.4.3 'Case management': a working definition**

The researcher examined definitions of case management developed by relevant peak bodies. AJJA, the peak body for juvenile justice in Australia and New Zealand, includes case management in its national standards for service delivery, but does not provide a definition (AJJA 2009). Other relevant peak bodies, such as the CMSA and the AASW offer definitions of case management that emanate from health contexts and emphasise consumer choice (see AASW 2015; Marfleet, Trueman & Barber 2013). These understate the coercive components of case management with involuntary clients and are not well suited to practice in youth justice (Day, Hardcastle & Birgden 2012; Turner & Trotter 2010). For the purposes of this study, the researcher developed the following working definition of 'case management':

'Case management' refers to the arrangements made to coordinate and integrate the different components of a court order and associated case plan for a juvenile justice client, particularly through the processes of assessment, planning, implementation and review.

This expressly refers to juvenile justice clients, but is adapted from the definition of 'case management' from the Developing Offender Management in Corrections in Europe Project

(the 'DOMICE Project', 2012). To date, the DOMICE Project is the single largest and most comprehensive study of case management in correctional contexts and is discussed in Section 4.8.3. Nevertheless, it is important to note, that the aforementioned, is not an established or authoritative definition of 'case management' in Australian juvenile justice. Rather, it is a functional definition, intended to be specific enough to provide clear focus areas for this research, but also broad enough to allow for re-interpretations or the inclusion of new knowledge, which may arise through the research. Moreover, it is not intended to account for all possible variations of 'case management' in Australian juvenile justice contexts.

#### **1.4.3.1 Core case management tasks**

The working definition of 'case management' for this study refers to four core tasks – *assessment, planning, implementation* and *review* – which are often used to define case management in juvenile justice and other human services contexts (see Austin 2002; Austin & McClelland 2000; Day, Hardcastle & Birgden 2012; Gursansky, Harvey & Kennedy 2003; Gursansky, Kennedy & Camilleri 2012; Holt 2000a; ICPR 2011; Keys Young Pty Ltd 1997; Marfleet, Trueman & Barber 2013; Moore 2004, 2016c; Moxley 1989; Partridge 2004; Turner 2010; Vourlekis & Greene 1992b). These tasks, as they relate to Australian juvenile justice contexts, are briefly elaborated, as follows:

*Assessment* – provides the foundation for planning and action and typically involves an appraisal of the client's needs, risks and responsivity issues (DOMICE 2012; Gursansky, Kennedy & Camilleri 2012; Trotter 2015; Trotter, McIvor & McNeill 2016).

*Planning* – the development of a written case plan that is informed by the assessment and outlines the intended goals and outcomes for the client, as well as the roles and responsibilities of the client, the case manager, and others involved in the case plan (DOMICE 2012; Gursansky, Kennedy & Camilleri 2012).

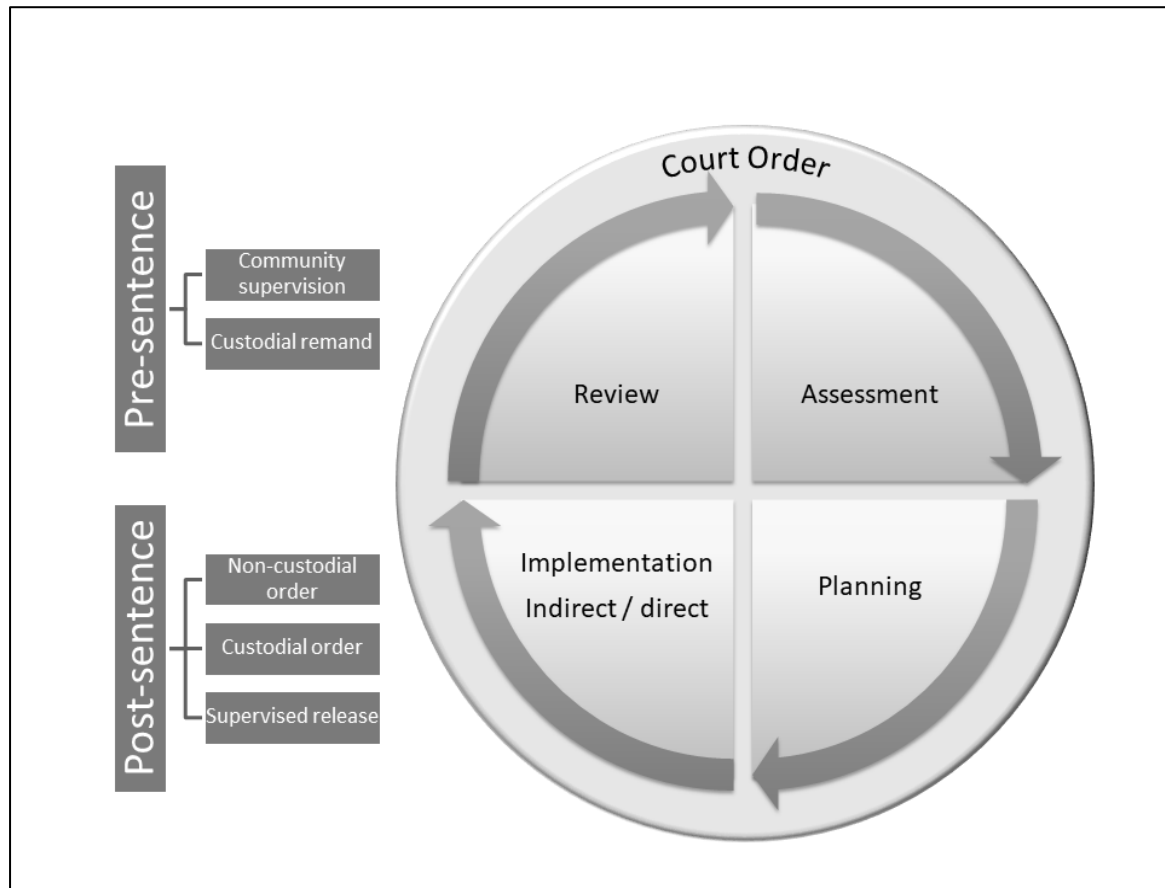
*Implementation* – the enactment of strategies to achieve the goals and outcomes of the case plan. At a minimum, this requires '*indirect intervention*' (Moxley 1989), such as service brokerage and coordination, referral, advocacy and 'boundary-spanning' (Rubin 1987) work,

whereby the case manager acts as the 'human link' (Gursansky, Harvey & Kennedy 2003; Woodside & McClam 2006) between clients and services. The case manager also aims to 'bridge the gap' (Enos & Southern 1996) between institutional and community-based services and ensure seamless transitions and 'continuity of care' (see Gursansky, Harvey & Kennedy 2003; Holt 2000b; Vourlekis & Greene 1992a; Woodside & McClam 2006) for the client. Implementation of a case plan may also require the case manager to engage in '*direct intervention*' (Moxley 1989), (subject to the limits of their abilities and qualifications), such as crisis intervention, counselling, casework, developing client support systems, and providing practical assistance (Gursansky, Kennedy & Camilleri 2012; Moxley 1989). In juvenile justice, direct intervention typically includes 'supervision', particularly when used for more than just compliance monitoring (see Trotter & Evans 2012). Notably, it is evident that 'casework' and 'supervision' are interrelated notions in juvenile justice contexts and both are broadly conceptualised as *direct*, one-to-one intervention (see also Baker 2008; Farrell, Young & Taxman 2011; Meisel 2001; Trotter 2012; Trotter, Baidawi & Evans 2015; Trotter & Evans 2012). Indeed, the researchers in the DOMICE Project (2012) contrast the 'multi' focus of 'case management' (i.e. organising *multiple* services for clients with *multiple* issues) with the single or 'one-to-one' focus of 'casework'.

*Review* – a process of monitoring and assessing whether or not the case plan is 'on track' and making any required adjustments, as well as ensuring the quality of service provision (Gursansky, Kennedy & Camilleri 2012).

The four core case management tasks are typically conducted in some kind of logical, iterative sequence, specific to the context in which they appear. Consequently, different writers configure the sequence or 'case management process' in slightly different ways (see DOMICE 2012; ICPR 2011; Weaver & McNeill 2011). For example, 'monitoring' is often included in the case management process as a separate task to 'implementation' or 'review' and tasks such as 'linking', 'brokerage', 'advocacy' and 'referral' are also sometimes included in their own right, rather than as part of 'implementation' or 'assessment' (e.g. intake screening) (DOMICE 2012; Moxley 1989). In this study, consistent with the approach taken

in the DOMICE Project (2012), the 'case management process' means the core tasks and basic four-stage process, depicted in Figure 1.1.



*Figure 1. 1: Core tasks, legal context and domains of juvenile justice case management*

#### 1.4.3.2 The court order and continuum of juvenile justice services

Importantly, as also shown in Figure 1.1, case management in juvenile justice settings occurs exclusively *within the context of a court order*. This is a key defining feature of case management in statutory contexts that holds several important implications for its design, implementation and evaluation. In particular, the court order dictates to varying degrees the length of the supervision period and the nature of the interventions (e.g. a community service order or a legal order with specific conditions, such as counselling). Figure 1.1 also

shows the continuum of tertiary-level juvenile justice services and the domains in which case management operates. That is, from *pre-sentence* community supervision and custodial remand, to *post-sentence* non-custodial and custodial orders, and supervised release. These domains and the various pathways through juvenile justice systems are discussed further in Section 2.4. In this study, 'case management' is conceptualised as an *'end-to-end' process that spans the continuum of tertiary-level juvenile justice service delivery* (see Figure 1.1) (see also DOMICE 2012; McNeill & Whyte 2007; Stout 2006). This is important to clarify, as 'case management' is often linked or conflated in the Australian juvenile justice literature with terms such as 'unit management' (Armytage & Ogloff 2017a; Roy & Watchirs 2011; White & Gooda 2017), 'throughcare' (more than ideas 2016; White & Gooda 2017) and 'service coordination' (Armytage & Ogloff 2017a; White & Gooda 2017). However, these are *components* of end-to-end case management that have a narrower focus *within* the continuum of tertiary-level juvenile justice services. Similarly, the term 'case manager' is often interchanged in the literature with terms such as 'case worker' (Adler et al. 2016; Moore, Saunders & McArthur 2008) 'key worker' (Armytage & Ogloff 2017d; Roy & Watchirs 2011) and 'transition broker' (Adler et al. 2016). There are also a number of different roles that perform case management in juvenile justice, including for example, 'youth justice worker', 'juvenile justice officer', 'juvenile justice counsellor', 'unit manager', 'key worker' and 'youth officer'. As explored further in this thesis (especially in Sections 4.2 and 4.6), the inconsistent use of terminology has implications for case management research and practice, particularly as it relates to the issue of role clarification (Trotter 2015).

#### **1.4.4 Contested terms**

At least four contested terms are used in this thesis. Their use is explained and justified as follows:

##### *'Juvenile'*

The term 'juvenile' is rarely used outside of the criminal justice system and holds connotations that are stigmatising to young people (Watt 2003). Therefore, this term is only

used in this thesis as a *prefix* to describe aspects of the criminal justice system (e.g. juvenile detention). It is *not* applied to any individual (e.g. 'juvenile' or 'juvenile offender'). Notably, the system in NSW is referred to as 'juvenile justice'<sup>1</sup>, but most Australian jurisdictions refer to 'youth justice'. Thus, these terms are used interchangeably in this thesis.

### *'Offender'*

McNeill, Raynor and Trotter (2010, p.4) ask: 'If we want people to leave offending behind, why do we insist on labelling or defining them as *offenders*...?' (emphasis added).

Nevertheless, it seems preferable to alternatives, such as 'delinquent' or 'criminal' (see United Nations, 1985 for critique of these terms), which are avoided altogether in this thesis. Moreover, the term 'offender' is a pragmatic way to clearly identify a particular group of people in a manner that, at least, emphasises offending behaviour as the *only* reason and justification for their involuntary involvement in the criminal justice system (McNeill, Raynor & Trotter 2010).

### *'Client'*

It acknowledged that 'client' and alternatives such as 'consumer', 'customer' or 'service user' are contentious terms, particularly in statutory contexts, such as juvenile justice (McGuire 1997; McLaughlin 2009; Morgan 2003; Skinner 2010; Vardon 1997; Weller 1997). This is because to varying degrees, these terms suggest an 'empowered citizen' (Hall et al. 2003), who can demand, purchase, expect, and choose services of a certain type and standard. However, 'clients' of correctional agencies are *compelled* to receive services by way of a court order or the threat of some other legal penalty and are therefore, 'mandated' or 'involuntary' clients (Trotter 2015). Moreover, what agencies or the community regard as a 'service' in juvenile justice, may in fact be perceived as 'control' or

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<sup>1</sup> On 30 April 2019, at the 3<sup>rd</sup> Australian Youth Justice Administrators (AYJA) conference (Sydney, NSW), an announcement was made that where the term 'juvenile' appears in the title of government departments or committees, it will be replaced with the word 'youth'.

intrusion by the recipients (Hall et al. 2003). Nevertheless, the term 'client' is used in this thesis, as it is considered less negative than 'offender' and is in keeping with the terminology used in most Australian juvenile justice agencies.

### *'Case management'*

The merits of the *term* 'case management' are as highly contested as its definition (Gursansky, Harvey & Kennedy 2003; Weil & Karls 1985a; Woodside & McClam 2006). In particular, Woodside and McClam (2006) identify three common objections to the term 'case management': (1) workers consider that they do more than 'just case management', (2) practitioners find it offensive to refer to clients as 'cases', and (3) clients might begrudge being 'managed'. Notwithstanding these objections, the term 'case management' is used in this thesis, because it appears in each Australian juvenile justice jurisdiction (AIHW 2018a). Moreover, as elaborated through this thesis, understandings of what is 'just case management' are essentially subjective (see also Gursansky, Harvey & Kennedy 2003); very little is known about how clients perceive case management, especially in juvenile justice.

## **1.5 The thesis structure**

This first chapter has introduced the study and its significance and described how the researcher arrived at the research problem. It provided a brief history of the evolution and prevalence of case management in Australian human services and juvenile justice, noting the shift from social work values to the current neoliberal context. The chapter also noted the ambiguity of case management and its dependence on context for definition, as well as the absence of client voices from dominant discourses about juvenile justice and case management. The chapter continued with a discussion of the researcher's position as 'practitioner researcher' and interest in case management and the perspectives of juvenile justice clients. The definitions and contested nature of key terms used in this thesis were presented, including the working definition of case management.

Chapter 2 extends the discussion from this chapter, particularly in relation to the definition of a 'juvenile justice client'. It provides an overview of the evolution of contemporary Australian juvenile justice and considers the characteristics of the children and young people

involved in this system. This provides the context for the third chapter, which introduces 'case management' and how it is situated within contemporary Australian youth justice.

Chapter 3 develops the discussion introduced in the first chapter regarding the conceptualisation of case management and its dependence on context for definition. It also extends the discussion from the second chapter about the nature of contemporary Australian juvenile justice. The chapter presents an overview of the historical origins and theoretical influences that have shaped case management and its present-day manifestations in juvenile justice settings. Attention is given to the rise and impact of neo-liberalism and the associated discourse of evidence-based practice and the 'what works' movement in youth justice and adult corrections.

Chapter 4 develops the discussion introduced in Chapter 3 about 'what works' and evidence-based practice in Australian juvenile justice and situates case management within these contexts. It clarifies the conceptualisation of case management in youth justice as the *context* or structure for supervision and casework and its associated importance for achieving the rehabilitative aims of juvenile justice. The chapter concludes that there is very little research relating specifically to youth justice in Australia or to juvenile justice clients' perceptions and experiences of case management.

Chapter 5 gives an extended systematic review based on a transparent methodology. It examines the literature specifically related to 'clients'' understanding and experiences of case management. A broader definition of 'client' is used for the review, so as to not unduly limit its scope. The review considers literature relevant to understanding what is already known about the experiences of case management from the perspectives of 'clients' and what methodological approaches appear useful for this purpose. The review concludes that little is known about how juvenile justice clients experience case management, especially as it occurs across the continuum of juvenile justice services. The findings from the review give rise to the study's general research question and the subject of this thesis:

How do juvenile justice clients understand and experience case management?

Two subsidiary questions are posed to address the general research question:



What is the nature of the case management services offered to juvenile justice clients?

Are these clients experiencing case management as the literature suggests it occurs and should occur?

Chapter 6 sets out the methodology and methods for this thesis. It provides a reflexive critical analysis of the researcher's assumptions and decisions in the research. It explains how this methodological perspective evolved from the research presented in the preceding chapters and outlines the study design and methods.

Chapter 7 presents the substantive findings of this research. It details the six key themes identified from interviews with juvenile justice clients. Commentary from the audience review with juvenile justice workers and the agency workers is provided, while prioritising the voices and perspectives of the young people.

Chapter 8 ends the thesis with a discussion of the findings and the research conclusions. The themes identified are linked to the findings in the literature review where previous research has presented similar results. The research for this thesis has uncovered some new themes which are also highlighted. The significance of this research's contribution to the field, its limitations and directions for follow up research are also indicated in this chapter.

# **Chapter 2: Contemporary Australian juvenile justice contexts**

## **2.1 Introduction**

This chapter provides an overview of the contemporary Australian juvenile justice system, and the characteristics of the children and young people involved in this system. In light of the study context, particular emphasis is given to the New South Wales jurisdiction. This chapter also brings attention to the overrepresentation of Aboriginal and Torres Strait Islander (ATSI) young people in youth justice, as well as those involved in the statutory child protection system. Following on from Chapter 1, the definition of a ‘juvenile justice client’ is clarified further, along with the domains in which case management functions in juvenile justice. Then an overview is provided of the aims, standards, principles, colonial origins and various models of youth justice in Australia, followed by a summary of the chapter.

## **2.2 Juvenile Justice National Minimum Data Set (JJ NMDS)**

Much of the relevant statistical information presented in this review about clients and systems of Australian juvenile justice system, comes from the Juvenile Justice National Minimum Data Set (JJ NMDS). The JJ NMDS is a cooperative project between the Australasian Juvenile Justice Administrators (AJJA) and the Australian Institute of Health and Welfare (AIHW) (AIHW 2013c; AJJA 2012). Since 2004, the JJ NMDS has aimed to provide nationally consistent data about young people's experiences of juvenile justice supervision in the community and detention (AIHW 2013c). Data are obtained from the administrative systems of the various Australian state and territory departments responsible for juvenile justice (AIHW 2013f). The AIHW (2013f) describes the general quality and coverage of data as ‘good’, but notes it is incomplete. For example, the Indigenous status for around 7% of all young people in the JJ NMDS since 2000–01 is not known, neither was any JJ NMDS data provided by Western Australia (WA) or the Northern Territory (NT) for 2008-09 to 2012-13

(AIHW 2013f). As such, the AIHW reports often contain two national data totals that either exclude these jurisdictions (i.e. 'Aust excl WA & NT') or include estimates about these jurisdictions (i.e. 'Australia including WA & NT') (AIHW 2013f). Importantly, the JJ NMDS also only includes data about young people under the supervision of juvenile justice agencies, which excludes information about young people under the supervision of adult corrections agencies (e.g. community-based supervision in the NT) (AIHW 2013f, 2018a).

## **2.3 Brief overview of contemporary Australian juvenile justice systems**

In Australia, each state and territory has discrete justice systems, each with its own legislation, for young people and for adults. The array of procedures and practices for dealing specifically with children and young people, who are alleged to have or have actually committed an offence, is known as a 'youth justice' or 'juvenile justice' system (AIHW 2013e, 2016). These systems encompass various institutions that work within the ambit of the children's criminal jurisdiction, including police, prosecution, courts and juvenile justice agencies. In Australia, there is considerable diversity among the different state and territory systems of juvenile justice, including differences in legislation, policy and practice (AIHW 2013c).

All juvenile justice jurisdictions in Australia typically deal with children or young people, who are aged 10–17 years inclusively at the time of an (alleged) offence (AIHW 2016). The national minimum age of criminal responsibility is 10 years and children under this age cannot be charged with a criminal offence (AIHW 2016). Children aged 10–13 years are regarded as *doli incapax* under common law, which is a rebuttable legal presumption that children are 'incapable of crime' (Richards 2011; Urbas 2000). The national age of criminal majority, when a person is processed as an 'adult' through the criminal justice system; is 18

years<sup>2</sup> (AIHW 2016). However, specific provisions exist in some jurisdictions, such as NSW and Victoria, for young people aged 18-21 years to be supervised by juvenile justice (AIHW 2013h, 2016; Lumley 2014). Moreover, it is possible for young people aged 18 years and over in other jurisdictions to be subject to juvenile justice supervision for reasons related to their vulnerability or immaturity, their age at the time of the offence or the extension of supervision after they have reached 18 years (AIHW 2014a). Nevertheless, in NSW in 2016-17, just 5% of young people under juvenile justice supervision were aged 18 years and over; the rest (95%) were aged 10–17 years (AIHW 2017).

### **2.3.1 Characteristics of young people under juvenile justice supervision in Australia and New South Wales**

In 2016-17, on an average day, there were 5,359 young people under juvenile justice supervision in Australia. The majority of these young people were male (82%), and supervised in the community (83%) (AIHW 2018a). Of those in detention, most were unsentenced (61%) (i.e., awaiting the outcome of their legal matter or sentencing) (AIHW 2018a). During the year, young people completed individual periods of supervision with a median duration of around 4 months (122 days), which in total, amounted to an average of 6 months (185 days) under juvenile justice supervision (AIHW 2018a). During the same period in 2016-17, on an average day, there were 1,377 young people under juvenile justice supervision in NSW, which represented around one quarter of the national figures (AIHW 2018a, 2018b). The supervision trends in NSW were generally consistent with the national trends. For example, the majority of young people in detention (56%) in NSW were unsentenced. Young people also spent on average 6 months (183 days) under supervision during the year (AIHW 2018b). However, the median duration of discrete periods of

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<sup>2</sup> In November 2017, the *Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Act (2016)* took effect in Queensland, which raised the age of criminal majority from 17 to 18 years; in alignment with that of the rest of Australia (AIC 2009; AIHW 2013a; Queensland Government 2017).

supervision in NSW was just 3 months (91 days), which is substantially shorter than the national median of 4 months (122 days) (AIHW 2018b). The comparatively short, discrete periods of juvenile justice supervision in NSW mean there is less continuous or unbroken time for case management and for juvenile justice workers to engage with clients. The substantial numbers of unsentenced young people in custody is also important to note, since they are unlikely to receive the full gamut of available case management services until after sentencing (Richards & Renshaw 2013).

### **2.3.2 Overrepresentation of Aboriginal and Torres Strait Islander peoples**

The AIHW (AIHW 2017) reports that Aboriginal and Torres Strait Islander (ATSI) young people make up around 5% of those aged 10–17 in Australia. Yet, in 2016–17, ATSI young people made up half (50%) of those subject to juvenile justice supervision on an average day; they were also 18 times as likely as non-ATSI young people to be under juvenile justice supervision (AIHW 2017). Similarly, in NSW, ATSI young people were 17 times as likely to be under supervision as non-ATSI young people (AIHW 2017). Although the overall rate of juvenile justice supervision fell between 2012–13 and 2016–17, ATSI overrepresentation continued to rise for both custodial and community-based supervision (AIHW 2017). Notably, ATSI girls and women are more overrepresented in custody than their male counterparts and are possibly the most disadvantaged and overlooked segment of the custodial population (see Alder 2003; Alder & Baines 1996; Allerton et al. 2003; Barry 2012; Kenny et al. 2006; Kenny & Nelson 2008; O'Toole 2006; Turner & Trotter 2010; Victorian Ombudsman 2015; Walters & Longhurst 2017). The 'unique position' of ATSI people in the criminal justice system is explicitly acknowledged in official guidelines for practice in both adult and juvenile correctional agencies across Australia (see AJJA 2009; Corrective Services Ministers' Conference 2012). Each state and territory's juvenile justice agency offers a variety of services and programs aimed at reducing the recidivism risk of young people under supervision, including those specifically designed for ATSI young people (AIHW 2014b). These are intended to address issues faced by young ATSI people in a culturally responsive and appropriate manner and to be inclusive of their families and communities

(AIHW 2014b). Accordingly, since 2001, Juvenile Justice NSW has operated using principles outlined in a series of strategic plans, specifically targeted at reducing the overrepresentation of ATSI young people in the New South Wales juvenile justice system (DJJ NSW 2001; DoJ NSW 2014; JJ NSW 2010; NSW Government 2017).

## 2.4 ‘Clienthood’ and pathways through juvenile justice

Hall et al. (2003) argue that ‘clienthood’ is constructed: a person becomes a ‘client’ when they enter, voluntarily or otherwise, into a professional relationship with a practitioner or an organisation, but they are not a ‘client’ all the time. Similarly, a young person involved in the juvenile justice system can move in and out of clienthood. This can occur at a number of different junctures of a young person’s pathway through the juvenile justice system and varies between the different state and territory jurisdictions. Indeed, contemporary Australian juvenile justice systems involve a wide range of mediations that extend beyond the traditional *tertiary level* interventions of supervising young offenders in the community and detention (Moore 2004). Specifically, these include *primary* and *secondary level* interventions that comprise a suite of broader government crime prevention and reduction initiatives (Cunneen, White & Richards 2015; Moore 2004). Figure 2.1 is based on a diagram from the AIHW (AIHW 2016) of possible pathways for a young person through Australia’s juvenile justice systems. The diagram has been adapted to show the general pathway junctures at which secondary and tertiary level interventions can occur. Notably, given the variations between different jurisdictions, this is *indicative* only. Importantly, the shaded boxes in the diagram represent the extent of ‘juvenile justice supervision’ and thereby, the various tertiary level stages at which a young person is defined as a ‘juvenile justice client’ for this study.

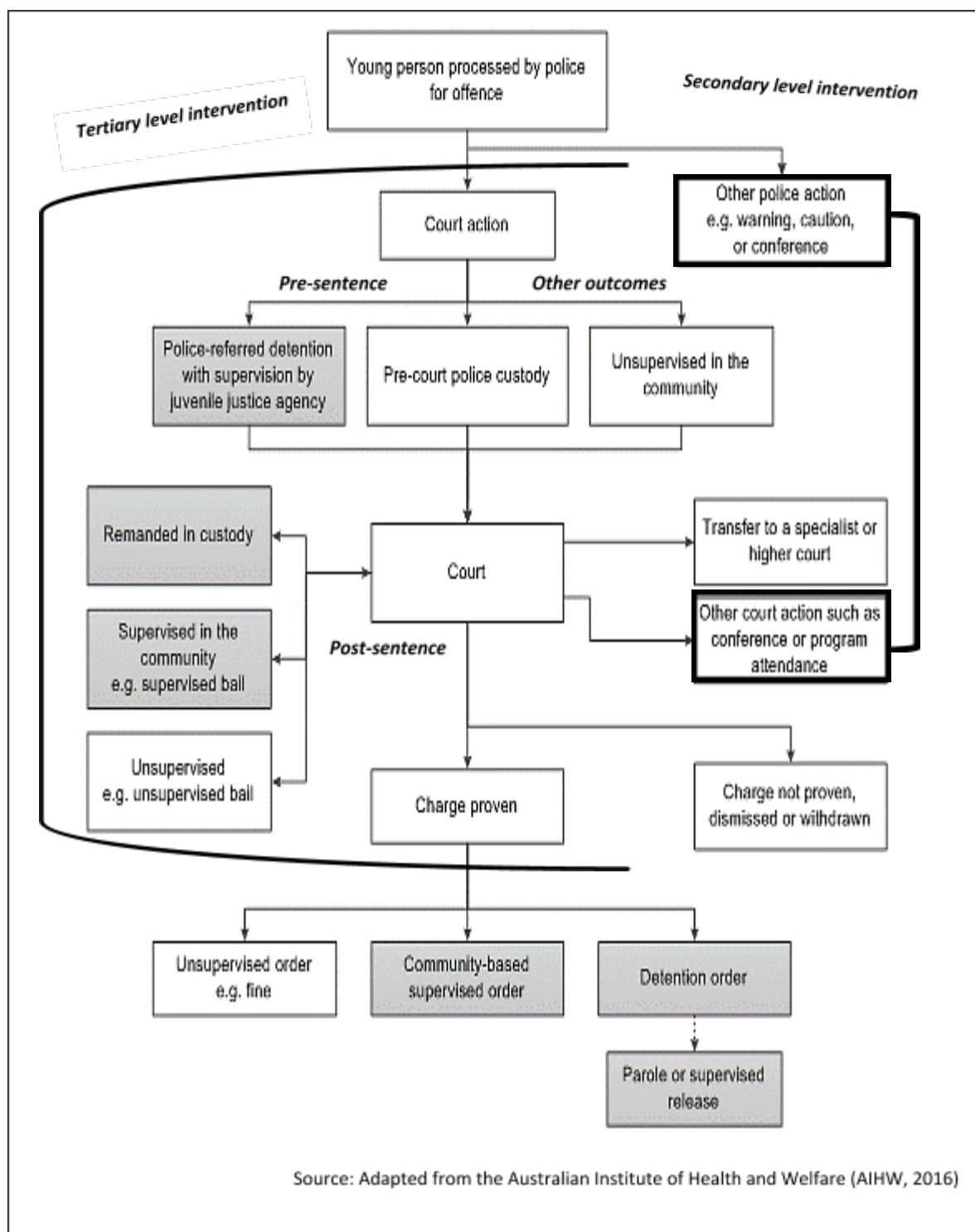


Figure 2. 1: General pathways through Australia's juvenile justice systems

As shown in Figure 2.1, young people typically first enter the juvenile justice system through contact with the police. This may result in pre-court *secondary level* intervention, such as an informal warning, formal caution, or conference, or, alternatively, charges that are referred to court for further action (AIHW 2016). Once a young person appears before the court, a number of *pre-sentence*, *post-sentence* and *other outcomes* are possible (see Figure 2.1). For example, the court (in some jurisdictions) may refer a young person for secondary level intervention, such as conferencing. Where appropriate, the court may also opt to transfer a young person to a higher or specialist court (see Turner 2011). Alternatively, the court may order that a young person be placed under ‘juvenile justice supervision’ in detention or in the community. Notably, this can occur at the *pre-* or *post-sentence* stage of a young person’s involvement in the juvenile justice system. At the *pre-sentence* stage, a young person might be remanded in custody, or, otherwise, made subject to a period of unsupervised or supervised bail in the community. Where supervision is ordered, juvenile justice staff may be required to conduct or arrange an assessment, prepare a court report and monitor the young person’s behaviour in custody or while on bail in the community.

At the *post-sentence* stage, a young person might serve a sentenced custodial order in a juvenile detention centre, with or without a period of supervised parole in the community. Alternatively, the young person might undertake an unsupervised or supervised community-based order, such as probation, recognisance or a community service order. In general, where supervision is ordered, a juvenile justice worker is responsible for monitoring a young person’s compliance with the conditions of their court order. As mentioned in Section 1.4.5, a *court order* is the official proclamation of a magistrate or judge that determines the legal outcome of a young person’s court appearance. Importantly, this also provides the legal framework within which *juvenile justice supervision*, *case management* and *other juvenile justice support and interventions* operate. More specifically, case management provides the ‘structure’ (Day Howells & Rickwood 2003, p.13) or ‘context’ (Holt 2000a) for juvenile justice supervision and other interventions. The court order may also require a young person to comply with additional conditions, such as a curfew, not associating with co-offenders, or residing as directed by juvenile justice. Other mandated requirements may include community work, a developmental activity, or program attendance. These may or may not



be directly supervised by a juvenile justice worker. Nonetheless, the juvenile justice agency would retain overall *case management responsibility*, which includes monitoring the young person's compliance with the conditions of the court order.

## 2.5 Guiding aims, standards and principles for Australian juvenile justice

There are a number of important guiding principles and mechanisms that apply to all juvenile justice jurisdictions in Australia, which promote human rights and service quality (AIHW 2016; Murphy et al. 2010). At the international level, there are several United Nations agreements that relate to the rights and protection of children and young people in general, and specifically, to their treatment in criminal justice systems (see United Nations 2018). In particular, The Standard Minimum Rules for the Administration of Juvenile Justice (United Nations 1985), the so-called 'Beijing Rules,' recognise the particular vulnerability of children and young people in the criminal justice system and their need for care and legal protection (United Nations 1985). Accordingly, the Beijing Rules contain a number of fundamental principles relevant to any legal system dealing with children and young people (United Nations 1985). In particular, the principles of *diversion as a first resort* and *detention as a last resort* are especially important to the overall structure and processes of Australian juvenile justice systems (United Nations 1985). These principles emphasise the importance of maintaining and supporting children and young people in the community and shape the way that key elements of juvenile justice systems are expected to function (AIHW 2013g).

Notably, detention as a last resort is also in keeping with the tenets of the United Nations Convention on the Rights of the Child (UN CRC) (United Nations 1989). The UN CRC is an international accord that recognises the human rights of children and young people up to 18 years of age (United Nations 1989). It outlines several key binding principles that are to be reflected in the sentencing of all young offenders, including that any deprivation of the liberty of children should only be for the shortest appropriate amount of time (AHRC 1999; AIHW 2013g; United Nations 2011). Australia ratified the UN CRC in 1990 and the principle

of using detention as a last resort is manifest in the juvenile justice legislation of each Australian state and territory<sup>3</sup>. Accordingly, the majority of young people under *juvenile justice supervision* are supervised in the community instead of in detention (AIHW 2016).

In Australia and New Zealand, AJJA<sup>4</sup> is the 'peak body on youth justice issues' (AJJA 2012, p.1.) and aims to 'collaboratively [...] lead and influence the development of youth justice systems to provide for better outcomes for young people and the community' (AJJA 2017, n.p.). AJJA shares a governance arrangement with the Child Protection and Youth Justice Working Group (CPYJWG) of the Review of Government Service Provision (RGSP). It comprises senior executive representatives from each of the Australian and New Zealand departments responsible for the provision of juvenile justice services (AJJA 2014). AJJA is expressly committed to building, implementing and promoting evidence-based practice in juvenile justice and has established research partnerships with the Australian Institute of Criminology (AIC), the AIHW and various universities (AJJA 2012). Part of this commitment involves the ongoing development of the Juvenile Justice National Minimum Data Set (JJ NMDS). AJJA (2009, p.3) describe the central purpose of juvenile justice in Australia as 'to intervene with children and young people to contribute to the reduction in re-offending'. They contend that the juvenile justice system seeks to minimise formal intervention, promote diversion and community reintegration and balance the tenets of accountability and proportionality (AJJA 2009).

In 2009, AJJA published an agreed set of minimum standards ('AJJA Standards') for the delivery of juvenile justice services. Notably, these are *aspirational* standards only (see AJJA 2009). Compared to adult corrections, which developed national standards in 1978 (and

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<sup>3</sup> In March 2014, Queensland revised its legislation to no longer require the use of detention as a last resort for young offenders, but reversed this and other amendments in June 2016 (AIHW 2016; Tapim 2016).

<sup>4</sup> In April 2019, AJJA changed its name to the Australasian Youth Justice Administrators (AYJA).

revised them in 2012) (Corrective Services Ministers' Conference 2012), standards for youth justice have been slow to develop. The AJJA Standards (AJJA 2009) hold that children and young people should be separated from adults in the justice system. Importantly, the preamble to the AJJA Standards (2009) includes the following statement:

Fundamental to juvenile justice systems is the recognition that children and young people are different to adults, they vary in maturation levels and predominantly depend on adults for care, supervision and guidance (AJJA 2009, p.3).

This naturally has implications for the way case management should be conceived and delivered in juvenile justice. Indeed, AJJA (2009, p.3) contends that services should be provided to juvenile justice clients in ways that recognise their 'vulnerability', 'developmental levels', 'gender', 'cultural and religious beliefs and practices' and 'promote procedural fairness while paying regard to legislative and service rights'. This clearly advances an individualised approach, based on an assessment of individual needs. Moreover, pertinent to case management, the AJJA Standards appear to promote a person-in-environment perspective:

Jurisdictions recognise that children and young people should, as far as possible, be maintained within their immediate community. Effective outcomes are more likely if links with family and significant others are sustained and community partnerships developed (AJJA 2009, p.3).

This is important, as it indicates the need for more than just one-to-one supervision with a young person and for the case manager to work more broadly across systems.

More recently, in 2014, AJJA released the following ten principles for informing youth justice systems across Australia and New Zealand (AJJA 2014, 2015):

1. Offending behaviour is prevented and young people are diverted from the justice system;
2. The youth justice system holds young people accountable for their behaviour;
3. Effective support to victims of youth offending;
4. Effective policy and service responses to address the overrepresentation of ATSI young people in the justice system;
5. Authentic collaboration across service systems;

6. Service responses are evidence based;
7. Developmental needs of young people are addressed;
8. Interventions are informed by the drivers of offending and the assessed risk of future offending;
9. Health and mental health needs of young people are addressed; and
10. Support to young people is individualised and reflects the diversity of cultures and communities in which they live (AJJA 2014, 2015).

In relation to case management, these principles make a clear commitment to an *individualised* service approach in juvenile justice, based on an assessment of ‘risk’ and ‘evidence’ – presumably about ‘what works’ to reduce juvenile recidivism. These concepts are considered further in the next chapter. The reference to *collaboration across service systems* also suggests the need for service coordination and for juvenile justice case managers to act as ‘boundary-spanners’ and ‘human links’.

## 2.6 Early ‘juvenile justice’ and the legacy of colonialism

The nature of contemporary juvenile justice in Australia is intrinsically connected to its origins in colonialism (Cunneen 2008; Seymour 1988). At the turn of the eighteenth century, the uniquely Australian concern with absorbing transported convicts – many of whom were young – prompted the first moves towards a separate justice system for children (O'Toole 2006; Seymour 1988). Between 1863 and 1874, reformatories and industrial schools were widely established across the UK, USA and Australia (Cunneen, White & Richards 2015). Ostensibly, reformatories were intended to ‘reform’ young offenders, the so-called ‘dangerous classes’ while industrial schools were meant to protect ‘pre-delinquents’ or those who had ‘not yet fallen’ into crime (Carpenter 1851; Cunneen & White 2007; Cunneen, White & Richards 2015). However, Cunneen, White and Richards (2015) argue that, in practice, these distinctions were distorted: reformatories and industrial schools were routinely combined with one another and courts indiscriminately sent ‘young offenders’ or ‘pre-delinquents’ to either institution. They describe the mixing of welfare cases with systems of detention as a longstanding ‘hallmark’ of Australian juvenile justice

(Cunneen, White & Richards 2015). Importantly, just being 'Aboriginal' or 'half-caste' was considered evidence of 'neglect', which warranted being sent to an industrial or reformatory school (see *An Act to provide for the establishment of Industrial and Reformatory Schools* 1865). This points to another longstanding 'hallmark' of Australian juvenile justice: the ongoing overrepresentation of ATSI young people, especially in custody (AIHW 2014b; Amnesty International 2015; Australian Government 2011; Trotter, Baidawi & Evans 2015).

Awareness of the overrepresentation of both adult and young ATSI people in detention and the role of government policies in creating this situation was first given prominence almost thirty years ago by The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) (AIHW 2014b; Johnston 1991). The Royal Commission concluded that the disadvantaged and unequal position of ATSI people within the broader society was the most significant contributing factor to their involvement in the criminal justice system (Victoria State Government 2005). Recently, the Australian Human Rights Commission (AHRC 2016) emphasised the lack of progress on these issues and overrepresentation of ATSI peoples continues to feature strongly across Australian systems of justice.

## **2.7 'Cross-over kids': intersections between child protection and juvenile justice**

There is a rapidly growing recognition in Australia of the intersections between child protection and youth justice and also of the links between child abuse and/or neglect and adolescent offending (Baidawi, Mendes & Snow 2014; Cashmore 2011, 2013; Mendes, Snow & Baidawi 2012, 2013). This is evident, for example, in the high numbers of 'dual clients' or 'cross-over kids' (Baidawi, Mendes & Snow 2014; Cashmore 2011, 2013; Mendes, Snow & Baidawi 2012, 2013) (see also Bilchik & Nash 2008) in Australian systems of child welfare and juvenile justice. These are children and young people who have 'drifted' from the child protection system into the criminal justice system (Johnstone 2017); they remain caught between these systems' opposing value schemes (Baidawi, Mendes & Snow 2014; Day 2017). Importantly, a significant proportion of 'cross-over kids' are from ATSI backgrounds. The Australian Institute of Family Studies (AIFS) reports that in 2014-2016, young people

involved in the child protection system were 12 times more likely than the general population to also be under juvenile justice supervision while ATSI young people were 16 times more likely to be involved in *both* systems than non-ATSI young people (Dean 2018). Notably, these figures do not yet include data from the child protection and juvenile justice systems in NSW or the NT (Dean 2018).

Current approaches to supporting ‘cross-over kids’ in Australia appear inadequate (Baidawi, Mendes & Snow 2014). For example, a recent review in the Victorian youth justice system found that, despite the existence of a formal protocol between youth justice and child protection, the information sharing and service integration arrangements for young people involved with both systems were ‘ad hoc at best and non-existent at worst’ (Armytage & Ogloff 2017b, p.24). This is significant, given the high prevalence of multi-agency case management arrangements in Australian juvenile justice. In addition, the reviewers noted that youth justice workers were sometimes required to be responsible for *both* the offending behaviour and the welfare needs of ‘cross-over kids’. Other Australian research evidence points to the significance of *transitions* for this group of young people as the associated anxiety and stress can exacerbate their risk of exposure to maltreatment and their later chance of offending (see Baidawi, Mendes & Snow 2014; Mendes, Snow & Baidawi 2012, 2013; Stewart, Dennison & Waterson 2002a, 2002b; Stewart, Livingston & Dennison 2008). This suggests that *case management* with its emphasis on ‘boundary-spanning’ and enabling ‘seamless’ transitions could be useful for supporting ‘cross-over kids’.

## **2.8 Multi-agency approaches and involvement of the community and charity sector**

Juvenile justice in Australia has a long history of involvement from the charity and welfare sector that is still evident today, albeit generally in a more *corporatist* form (Cunneen & White 2007; Cunneen, White & Richards 2015). Alley (1980) and McCallum (2003, 2009) describe charity workers in the late nineteenth century, providing advice to the courts about children’s welfare status or their prospects for reform and supervising large numbers of

‘neglected’ children, including those placed on ‘probation’ in the home of a relative or friend. According to Alley (1982), the introduction of legislation across Australia (1895 – 1918), which established both children’s courts and probation officers, basically just formalised the *voluntary and religious networks for probation* that had already existed (see also Cunneen & White 2007; Cunneen, White & Richards 2015). Indeed, apart from one paid position at each children’s court, the new probation officers were honorary and recruited from the ranks of philanthropic organisations (Alley 1980, 1982; Anderson 2014; Cunneen, White & Richards 2015; McCallum 2003). The ongoing involvement of the charity and community sector, while likely also beneficial, can have the unintended effect of blurring a consistent approach – and accountability for – issues of child welfare and juvenile justice (Armytage & Ogloff 2017b; Roy & Watchirs 2011; Watson 2010). This is, in part, because the philosophies that underpin different charity and welfare agencies can come into conflict with the aims of juvenile justice (Ozanne 2009; Pycroft & Gough 2010b; Turner 2010). Contemporary, multi-agency approaches to juvenile justice service delivery and the implications for case management are discussed in the next chapter.

## 2.9 Models of Australian juvenile justice

### 2.9.1 The ‘welfare’ model

Since the early 1900s, a number of overarching models of juvenile justice have emerged in Australia. The earliest of these appears connected to changing and emerging understandings of *childhood* and *adolescence*. In 1907, psychology professor G. Stanley Hall (1844-1924) published *Adolescence* (Hall 1907), in which he is thought to have coined the term ‘adolescent’ (Cunneen, White & Richards 2015). This formed part of a rapidly growing body of psychological and social theory about particular developmental phases and patterns of behaviour for children and adolescents; this literature characterised them as a *vulnerable* group in society (Cunneen, White & Richards 2015). Cunneen, White and Richards (2015, p.19) contend that this contributed to the initiation of a surge of protective legislation across areas such as education, employment and child welfare, orienting community organisations towards ‘reformatory’ programs and services for young people aimed at

‘keeping them off the streets’. Importantly, it also signified a shift towards a general ‘best interests’ (Cunneen, White & Richards 2015) approach or the so-called *welfare model* of juvenile justice (Chrzanowski & Wallis 2011; Pratt 1989).

The legislative changes associated with the welfare model had wide-reaching effects on the lives of children and young people, particularly from ATSI backgrounds in ways that did not necessarily promote or uphold their best interests (Cashmore 2013; Cunneen, White & Richards 2015; Pratt 1989; Seymour 1988). Instead, these appeared to have a significant *net-widening* effect. For example, Cashmore (2013, p.11) explains that:

[C]hildren and young people deemed ‘at risk’ or ‘in moral danger’ because of behaviours such as running away, truancy and, for girls in particular, ‘promiscuity’, were dealt with in Children’s Courts in accordance with the relevant state child welfare legislation; this meant they could be dealt with at court and detained ‘for their own good’ in ‘correctional facilities’ together with those who were charged with criminal offences.

Indeed, young people could be detained in so-called Youth Training Centres for long term ‘training’; subject to sentences that were of indeterminate length and nature with no fixed term’ (Chrzanowski & Wallis 2011; Cunneen, White & Richards 2015; O’Connor 1998; O’Connor & Chui 2002). O’Connor and Chui (2002, p.186) contend that the discretionary powers of child welfare and juvenile justice departments were such that they effectively operated as ‘hidden courts’; deciding on children’s liberty and the conditions of their incarceration, without allowing them a chance to be heard or represented. By the late 1970s in Australia, a series of official inquiries and reviews disparaged the lack of due process for vulnerable young people and the capricious and indeterminate nature of the sentences imposed on them (Cashmore 2013). As O’Connor (1994, p.201) summarises: ‘The underpinning orthodoxy of the juvenile justice system – the welfare model – was revealed as oppressive.’ Polk (1993, p.107) adds that the juvenile justice system was subsequently condemned as a ‘tarnished superparent’; deinstitutionalisation policies then emerged as part of a broader ‘destructuring’ (Cohen 1985) agenda which sought to reduce the size and reach of justice agencies. As discussed Section 3.4.2 of the next chapter, deinstitutionalisation played an important role in the rise of contemporary forms of case management.



## 2.9.2 The ‘justice’ model

During the 1980s, although some orientation to welfare remained, a discernible paradigm shift took place in Australia towards a *justice model* of juvenile justice (Cashmore 2013). Cashmore (2013, p.11) characterises this as ‘a pendulum swing from the “needs of the child” to the “deeds of the child”’. This involved, to varying degrees, the implementation of the following legislative principles in juvenile justice jurisdictions:

- proportionality of the punishment to the crime, to ensure a link between offence and sentence;
- determinant sentencing and cessation of indeterminate sentencing;
- a substantial decrease in sentencers’ discretion;
- alignment of sentences available to different offenders for similar offences; and
- the following of due process as a way to protect children’s rights (Muncie 2009; Stout 2017; Von Hirsch 1976).

As discussed in Sections 3.5. and 3.6 of this thesis, the core tenets of the *back-to-justice* movement remain embedded in contemporary Australian juvenile justice systems and have prompted widespread concerns about the practicalities and ethics of an adult-style justice approach for children and young people (Cunneen, White & Richards 2015; Muncie 2009; Naffine & Wundersitz 1990; Seymour 1993; Stout 2017; Von Hirsch 1976).

## 2.9.3 Blending ‘welfare’ and ‘justice’: a national ambivalence towards children and young people who offend?

There is wide consensus that it is a misconception to suggest that juvenile justice in Australia is characterised by *either* the welfare model *or* the justice model (see Alder & Wundersitz 1994; Cunneen, White & Richards 2015; Laster 1993; McCallum 2003; Naffine 1993; Seymour 1988; Seymour, John 1993). A related fallacy, according to Alder and Wundersitz (1994) is the assumption that the personal circumstances of children and young people can be similarly dichotomised. Importantly, Laster (1993) argued that this lack of a clearly conceived model of juvenile justice in Australia indicates a broader societal

ambivalence towards the status and expectations of children and young people, particularly those who offend. Certainly, some issues and features of contemporary Australian juvenile justice systems appear to support Laster's (1993) view. For example, Stout (2017) points out that although Australia ratified the United Nations Convention on the Rights of the Child (UN CRC) in 1990, there is still no national policy framework for children's rights. He adds that a recent Amnesty International report (2015) determined that juvenile justice jurisdictions in WA and Queensland breached the UN CRC's stipulation to use custody as a last resort (Stout 2017). Similarly, Australia's minimum age of criminal responsibility is set at 10 years, despite the UN's recommendation it should not be below 12 years (United Nations 2007).

The UN defines a *young person* or *youth* as aged between 15 and 24 years (United Nations 2011) and a *child* as 'every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier' (United Nations 1989, p.2). In keeping with this, a person under the age of 18 years in Australia is *legally* recognised as a child in the criminal justice system (AIHW 2017). Yet, the AIHW defines a child as aged 0 – 14 years and a young person as aged 12 – 24 years (AIHW 2013a, 2013b). This lack of consensus is significant, because it points to wider tensions and ambivalence related to the perception and construction of children and young people in society, especially in connection with offending behaviour (Cauffman & Steinberg 2012). Notably, the decision to refer to a person charged with an offence as a child or young person – or as an adult – has important implications for the degree of personal responsibility that they are expected to bear for their offending behaviour (see Barry 2006b; Cunneen, White & Richards 2015; Richards 2011).

Further indications of ambivalence towards children and young people who offend in Australia relate to the positioning and authority of children's courts and juvenile justice agencies. Alder and Wundersitz (1994), for example, noted that children's courts have always retained many of the features of adult criminal courts. This remains the case: today's children's courts in all jurisdictions can waive their authority and have a young offender dealt with by the adult courts (Cunneen, White & Richards 2015; Laster 1993).

Additionally, so-called ‘hard-core’ young offenders are regularly treated as adults and sentenced in adult courts, despite their young age (Cunneen, White & Richards 2015; Laster 1993). There is also no consistent, national approach to the location and structure of the different state and territory government agencies responsible for juvenile justice. For example, at the federal level, *juvenile justice* is considered under *community services* (along with child protection, aged care and disability services); not as part of *justice* (which includes police, courts and corrective services) (see AIHW 2003; SCRGSP 2017b, 2017c). However, only half of Australia’s state and territory juvenile justice agencies (i.e. TAS, NT, ACT and SA) are located within *community and family services* departments; while the other half (i.e. WA, QLD, NSW and VIC), are located within *justice* departments, responsible for adult corrections. In 2011 and 2017 respectively, the NSW and Victorian juvenile justice agencies relocated from departments with responsibility for health, community and family services to departments of justice with responsibility for legal, court and *adult* corrective services. These moves have been widely criticised by advocates in the community sector, who argue that this risks the juvenile justice system ‘losing its focus on rehabilitation and age appropriate responses’ (Overall, 2017, In Derkley 2017; see also Human Rights Law Centre 2017; Jesuit Social Services 2017). Significantly, in April 2019, it was announced that Juvenile Justice NSW would return to the department of Family and Community Services (FACS) (Hawyes 2019; Ward 2019).

#### **2.9.4 The influence of ‘restorative justice’**

Chrzanowski and Wallis (Chrzanowski & Wallis 2011) and O’Connor and Chui (O’Connor & Chui 2002) argue that the current model of juvenile justice in Australia and New Zealand should be understood as the *restorative justice model*. Certainly, since the early 1990s in Australia, *group conferencing* processes have been included in all juvenile justice jurisdictions. However, unlike in New Zealand, conferencing is the *only* restorative justice option that is available in *all* juvenile justice jurisdictions and there is *no* legal imperative for all eligible young offenders to be referred to conferencing (Chrzanowski & Wallis 2011; Larsen 2014; Polk 2003; Richards 2010; Strang 2001; White 1994). Thus, while undoubtedly influential, restorative justice in Australia appears to be more of a ‘mechanism’ (Sarre,

2003), 'process' (Marshall 1996) or way of 'doing justice' (Vaandering 2011); rather than an overarching *model* of juvenile justice.

### 2.9.5 The 'corporatist' model

Pratt (1989) argues that the welfare and justice models have in fact been supplanted by *corporatism*; a third and instrumentalist model of juvenile justice. He explains that corporatism is a concept derived from sociology, which refers to:

[T]he tendencies [...] found in advanced welfare societies whereby the capacity for conflict and disruption is reduced by means of the centralization of policy, increased government intervention, and the cooperation of various professional and interest groups into a collective whole with homogeneous aims and objectives (Pratt 1989, p.245).

Importantly, Pratt (1989) describes the following features of contemporary juvenile justice in England and Wales, which, he argues, reflect the orthodoxy of corporatism:

- an increase in interagency cooperation, especially targeted at crime prevention and with a focus on efficiency and effectiveness;
- the development and greater use of cautioning and diversion-from-custody schemes, as well as community-based sanctions as cost-effective alternatives to custody;
- more controls on the discretionary power of professionals (as well as the judiciary);
- increased involvement of the voluntary sector, especially in the delivery of intermediate treatment and programs;
- development of juvenile justice technology, with a corresponding increase in the degree of planning; and
- 'bifurcation' or divergent policy targeting to either 'hard-core' or 'minor' young offenders – the former are dealt with punitively and largely through adult sentencing systems, while the latter are dealt with through pre-court diversionary options (Cunneen, White & Richards 2015; Pratt 1989).

Notably, Cunneen, White and Richards (2015) contend that these features are also found in contemporary approaches to juvenile justice in Australia thus broadly supporting the

characterisation of *corporatism as the current model*. Nevertheless, it is important to acknowledge the that any model of juvenile justice is essentially a simplistic representation, one that does not capture the details or extent of complexity that inevitably exists within such systems (see Alder & Wundersitz 1994; Laster 1993; McCallum 2003; Naffine 1993; Seymour 1988; Seymour 1993).

## **2.10 Conclusion**

This chapter has described some of the context of juvenile justice in Australia and NSW. It first considered essential statistical information relevant to the clients and systems of juvenile justice in Australia, then discussed the standards and principles of juvenile justice derived from the United Nations and Australasian Juvenile Justice Administrators. The aims of juvenile justice were examined, followed by a brief comparison of the Australian juvenile justice system to adult and international systems of juvenile justice. The concept of 'clienthood' and definition of a 'juvenile justice client' was confirmed for this study, along with a description of the various pathways through the youth justice system. This was followed by a discussion of the nature of juvenile justice clients and the various dominant paradigms for intervention. Chapter 3 continues the discussion about this context with a focus on case management.

# **Chapter 3: Contextualising case management in Australian juvenile justice contexts**

## **3.1 Introduction**

This chapter introduces ‘case management’ and how it is situated within contemporary Australian youth justice. It begins with a discussion about early case management, including service coordination and the casework relationship. It goes on to discuss a number of theories and models which provide a background to case management in youth justice. This includes systems theories, consumer choice and rational choice theory. It then discusses how social work and youth justice has moved away from the founding concept of casework to case management. Thereafter, a number of factors influencing case management in present-day juvenile justice contexts are examined, including deinstitutionalisation, the rise of the ‘what works’ and evidence-based practice movements, and neoliberalism. The latter includes New Public Management and neoclassical economics, managerialism, performance management, actuarial justice, risk assessment, electronic monitoring, contracting, and the fragmentation and competition between services. The chapter ends with a discussion about current and future trends, and the conceptual shift from case management to offender management, as well as a chapter summary.

## **3.2 ‘Early’ case management**

Although the term ‘case management’ did not appear until around the 1970s, its conceptual and practical geneses can be traced to early developments in the social work and nursing professions, particularly during the latter part of the nineteenth century (Gursansky, Harvey & Kennedy 2003; Weil & Karls 1985b; Woodside & McClam 2006). This is also the key period in which major welfare institutions were established to provide residential services to designated groups in society, such as orphaned, destitute or neglected children; the elderly; people with mental illness or disabilities; and ‘young offenders’ (Cunneen, White & Richards 2015; Woodside & McClam 2006). Moreover, as discussed later in this chapter,

this period of time also saw the emergence of a more distinct system for dealing with young offenders – first in the UK and USA, and then in Australia (Cunneen, White & Richards 2015; Gursansky, Harvey & Kennedy 2003; Vourlekis & Greene 1992b). Indeed, the origins and evolution of what is now known as ‘case management’ and ‘juvenile justice’, appear inextricably linked with the formation and steady proliferation of major welfare institutions (Cunneen, White & Richards 2015; Woodside & McClam 2006). Dill (Dill 2001) argues that it was particularly the ‘ad hoc’ nature of the propagation of welfare institutions that prompted the first conceptual precursors to ‘case management’, since ‘individualised’ service provision was touted as the solution to systems fragmentation, poor coordination and wasted resources.

### **3.2.1 Service coordination and cost containment**

Early ‘case management’ can be characterised as attempts at a ‘coordinated effort of service delivery’ (Woodside & McClam 2006) at both the level of systems and the individual (Gursansky, Harvey & Kennedy 2003; Moore 2009; Vourlekis & Greene 1992b; Woodside & McClam 2006). The underlying goal of these efforts was to improve the quality and effectiveness of service provision, but also to contain public welfare expenditure. These seemingly divergent aims of case management, which endure today (Moore 2016b), are neatly summarised by Weil and Karls (1985b, p.2):

Throughout its history, case management has had dual sets of goals – one set related to service quality, effectiveness, and service coordination and the other set related to goals of accountability and cost-effective use of resources.

These aims are evident, for example, in the practices of the Charity Organisation Societies (COS) (Pease & Goldingay 2016; Soydan 2012), established in Australia by the late 1870s (McMahon 2003). Consistent with middle and upper class notions about poverty and its ‘immoral’ causes, the COS restricted general outdoor relief to the poor and supported only those deemed ‘deserving’ (Cunneen, White & Richards 2015; Moore 2009; The Australian Women's Register 2013). The ‘undeserving’, (including children accompanying their parents), were sent to workhouses, where conditions were deliberately severe; as a way to *deter* the able-bodied and promote individual responsibility and self-sufficiency as the

pathway out of poverty (Cunneen, White & Richards 2015; Moore 2009; The Australian Women's Register 2013).

### **3.2.2 Advocacy, service quality, and the 'human link'**

In contrast to the essentially pragmatic approach of the COS, the Settlement Houses movement adopted a more 'critical' approach that explicitly recognised an unjust social order as the underlying cause of social problems (Pease & Goldingay 2016; Soydan 2012). The Settlement Houses movement began in 1884 in Britain (Harvard University Open Library 2017) and promoted service quality and effectiveness, alongside social reform (Weil & Karls 1985a). At Hull House in Chicago, for example, co-founders Jane Addams (1860-1935) and Ellen Gates Starr (1859-1940) established *advocacy* as an important function of early case management (Woodside & McClam 2006). They specifically campaigned to improve public health and social services as a way to address poverty and other social problems (VCU Libraries 2018). Notably, Addams, who is often described as a 'social worker' (Paul 2016) and 'peace activist' (Brown 2000; Moyer 2001), advocated for the *introduction of separate juvenile courts*, alongside compulsory education and the abolition of child labour (Moyer 2001). Similarly, at the Henry Street Nurses Settlement; founder Lillian Wald established a distinct role for public health nurses as the 'human link' between patients and health services (Gursansky, Harvey & Kennedy 2003; Woodside & McClam 2006). Woodside and McClam (2006) describe this as an organised and *cost-effective* system of care that involved visiting patients in their own homes to ensure patients could access treatment and maintain their dignity and independence. Indeed, Wald is nominated by Gursansky, Harvey and Kennedy (2003) as the United States' first public health nurse and 'case manager'.

### **3.2.3 'Social casework' and 'person-in-environment'**

Mary Richmond (1861-1928), dubbed 'the Mother of Social Work' (Agnew 2000), commenced her career with the COS in Baltimore, USA in 1889 (VCU 2016). She trained as a 'friendly visitor' or 'caseworker'; and visited the homes of people in need to assist them to 'better' their lives (Agnew 2000; VCU 2016). At the National Conference of Charities and Correction (1897), Richmond attributed an excess and duplication of welfare services to



poor communication and coordination between charitable institutions (Colcord 1930; Weil & Karls 1985a; Woodside & McClam 2006). She called for mutually respectful relationships between practitioners, and interagency cooperation of a more systematic, exacting, and person-focused nature (Weil & Karls 1985a; Woodside & McClam 2006). Richmond (1917) subsequently developed a model of *case coordination* and social 'diagnosis' for direct practice (Gursansky, Harvey & Kennedy 2003; Netting 1992). She promoted a 'person-in-environment' perspective, whereby care should focus on the person in the context of their environment (Colcord 1930; VCU 2016). Importantly, these ideas later became the basis for Richmond's (1922) 'social casework', which strongly informed practice in social work, probation and juvenile justice (see Bevan & Watt 1981; Lewis 1960; Peters 2011; Studt 1951; Vanstone 2004, 2008). Arguably, 'social casework' also provided the theoretical and practical foundations for the more contemporary shift to 'case management' (Hall et al. 2002; Johnson & Rubin 1983; Leiby 1978; Weil & Karls 1985a). Certainly, Gursansky, Kennedy and Camilleri (2012) suggest that traditional casework is fundamentally about 'individualised service delivery'; a notion that has paralleled the growth of present-day case management.

### 3.2.4 Person-centred values and 'care ethos'

Early case management pioneers, Wald, Addams and Richmond helped interpose strong, *person-centred* values to early case management (Weil & Karls 1985a). Weil and Karls (1985a) suggest that these values are based on the following basic shared beliefs and their corresponding practice principles:

1. *The worth of the individual* – emphasises the importance of individualised treatment
2. *A person's right to self-determination* – indicates the merit and necessity of direct contact with clients
3. *Optimism about a person's capacity for growth* – entails working *with* rather than *for* clients towards self-sufficiency (Weil & Karls 1985a).

These foundational principles have led some writers to claim that case management is 'inherently an ethical enterprise' (Bowles, Sheahan & Turner 2016), characterised by a 'care

ethos' that is central to both case management and social work (Moore 2004). Indeed, Bowles (2009) suggests that these values and principles continue to underpin case management in the human services today – albeit to varying degrees. However, as discussed in this chapter, critics contend that the more contemporary manifestations of case management are far from just a repackaged version of 'old-fashioned social work' (Moore 1990). Instead, they argue that contemporary case management represents a 'new paradigm' (Rothman 1994); one that focuses primarily on cost-efficiency and is largely devoid of the progressive, 'person-centred' values and principles of early case management (Gronda 2009; McDonald 2006).

### **3.2.5 The 'casework relationship': psychodynamic theory and the decline of 'indirect practice'**

Richmond (1922, pp.101-2) held that *equal emphasis* should be given in 'social casework' to 'direct action of mind upon mind' and 'indirect action through the social environment'. However, from the 1920s until the late 1960s, significant precedence was given to 'direct' rather than 'indirect' action; or to the 'person' over the 'environment' (Fook 1993; Hutchinson & Olstedal 2014; Johnson 1999). This occurred during the rise of psychodynamic theory and a concurrent 'identity crisis' in social work and probation (see Baylis 2004; Johnson 1999; Peters 2011; Raynor & Vanstone 2016). Psychodynamic theory and its emphasis on a 'therapeutic alliance' between the therapist and client strongly influenced the practice of casework in social work and probation. The 'supervisory' or 'casework' relationship came to be seen as key to effective probation supervision; a notion, which is today widely supported by research (Alley 1982; Bevan & Watt 1981; Burnett & McNeill 2005; Durnescu 2014; Healy 2014; Hopkinson & Rex 2003; Hutchinson & Olstedal 2014; Monger 1972; Newburn 2017; O'Connor 1988; Rex 1999; Robinson 2005; Trotter 1996; Trotter & Evans 2012). However, the apparent sidelining of 'indirect' practice prompted critics to argue that social work and probation had morphed from their foundations of providing practical help to people in need, into 'detached', office-based 'therapy' (see also Reynolds 1934, 1939; Robinson 1930). So-called 'psychodynamic casework' (Burnett & McNeill 2005) was derided as 'a poor man's psychiatry' Clifford (1981, p.4, In Bevan & Watt

1981), favoured only as a way to boost ‘credibility’ and professional stature (see Baylis 2004; Bevan & Watt 1981; Johnson 1999). Moreover, Peters (2011) suggests that psychodynamic approaches bolstered a pre-existing aversion to involuntary clients, and contributed to both the successive dominance of clinical social work and the profession’s departure from corrections work.

### **3.3 Theories that inform case management and juvenile justice**

#### **3.3.1 General Systems Theory and ‘open systems’**

In the 1960s, General Systems Theory (GST), the first of three ‘waves’ (Healy 2014) of systems theories, gained widespread prominence. GST arose primarily from the work of Austrian biologist, Ludwig von Bertalanffy (1901 – 1972), who posited that ‘systems’ approaches were more useful than traditional ‘causal’ models for handling complex interactions in biological, mechanical and social systems (Bertalanffy 1968, 1975; Connolly & Harms 2015; Healy 2014). Importantly, Healy (2014) contends that GST challenged social workers to pay attention to the transactions between an individual and their social environment. Their therapeutic focus was redirected from ‘digging up the past’, to dealing with present-day conflicts, working towards future goals, and effecting environmental change (Healy 2014). Notably, Hutchinson and Oltedal (2014) suggest that these focal shifts were spurred on by *learning theories*, which – along with *conflict theory* – had also developed prominence in social work. According to Healy (2014, p.118), these ideas signified a ‘radical departure’ from the psychodynamic approaches that until this time, had dominated social work, psychology, psychiatry and probation. Indeed, Hutchinson and Oltedal (2014) characterise this as a turbulent period in social work, marked by tensions between ‘administrative’ and ‘treatment-oriented’ practitioners; and a move away from just ‘office work’ to the development of ‘outreach’ roles in social work and probation. Probation similarly moved towards a ‘social welfare’ approach (Chui & Nellis 2003), where understandings about poverty and the causes of crime broadened to include impoverished and poorly resourced environments. The emphasis of probation practice likewise expanded

from 'treatment' or the 'supervisory relationship'; to 'individualised casework', which focused on 'systems' or the client's 'environment' as part of the goals of rehabilitation, resettlement, and reintegration (Garland 1997; Monger 1972; Stout 2017).

Bertalanffy (1968) distinguished between *closed* and *open systems*; an important and enduring idea in systems theories, derived from physics. *Closed systems* are sequestered from their environment and, in the absence of external inputs, eventually break down or reach a point of maximum entropy (Bertalanffy, 1968). Closed systems only occur when variables can be, and are, deliberately controlled, for example, as in a laboratory experiment (Anastas 2014; Longhofer, Floersch & Hoy 2013). In contrast, *open systems* cannot be closed or even altered to the extent required to limit the multiple mechanisms, (including competing and contradictory ones), which are likely to affect outcomes. Bertalanffy (1968, p.39) notes that 'every living organism is essentially an open system'. Thus, they include anything connected to humankind, such as the mind; the relational world; the family; the community; economies; schools; juvenile justice agencies; prisons; and the courts. Open systems constantly evolve or emerge through interaction or feedback with the environment that surrounds them; they respond to inputs from others and in turn, issue outputs to others (Connolly & Harms 2015). A new entity keeps on emerging from the multiple parts of systems coming together or as Bertalanffy (1968, p.55) explains, 'the whole is more than the sum of its parts'.

Social workers and youth justice workers operate in *open systems*, where they are tasked with identifying and solving problems, and making normative, ethical and evaluative judgements about their clients' situation and how to better this (Longhofer, Floersch & Hoy 2013). They must try to understand the transactions that take place between an individual and their environment in order promote positive transformation and reduce entropy (Healy 2014). Case management with juvenile justice clients also occurs in open systems, which means it is intrinsically connected to context and constantly shifting or emerging. A 'case management team' emerges from a group of individuals; and a 'juvenile justice system' emerges from an assemblage of various groups of individuals. These systems, while consistently socially recognisable, are characterised by complexity and unfolding change;

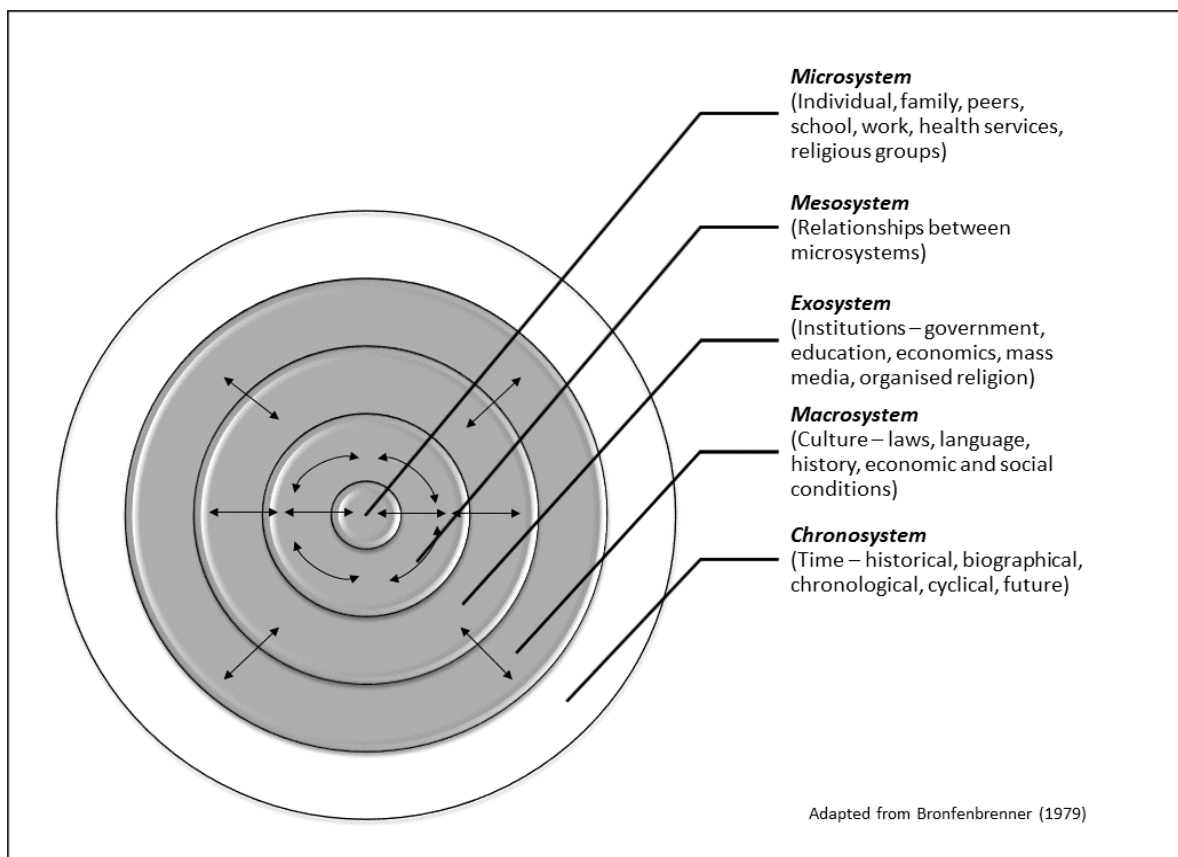
meaning that practitioners must learn to deal with ambiguity and uncertainty as an inevitable and normal part of their work (Bolland & Atherton 1999).

### 3.3.2 Ecosystems theory

In the 1970s, the second 'wave' (Healy 2014) of systems theories came to prominence, known as *ecosystems theory*. Developed by American psychologist, Uri Bronfenbrenner (1917 – 2005), this theory essentially combined GST with an ecological view of the world (Bronfenbrenner 1979; Connolly & Harms 2015; Healy 2014). As shown in Figure 3.1, Bronfenbrenner (1979) argues that human development occurs within an overarching time context or *chronosystem* that encompasses four layers of context (see Connolly & Harms 2015):

1. The microsystem – the context in which our activities and relationships occur
2. The mesosystem – the level at which relationships occur between various microsystems
3. The exosystem – the institutions and related settings that fit within our wider social systems, and which influence our wellbeing
4. The macrosystem – the 'social blueprint' (Bronfenbrenner 1979) or 'cultural system' (Connolly & Harms 2015) in which we live and, which shapes our assumptions about the world and ways of doing things.

Moreover, Bronfenbrenner (1979) conceived of these layers as a sequence of mutually influential means by which to comprehend individual experience and development. Connolly and Harms (Connolly & Harms 2015, p.69) explain that the key concepts of ecosystems theory fit neatly with the 'person-in-environment' perspective: 'The nested conceptualisation of these various layers of influence signifies that change in any part of the system can lead to change for a person or for their environment'.



*Figure 3. 1: Ecosystems perspective – layers of context*

Importantly, ecosystems theory has had a profound and ongoing influence on practice in social work and corrections (Dahlberg, Ranheim & Dahlberg 2016; Green & McDermott 2010; Munro 1971; Summers 2012; Wright et al. 2012). For example, ecology is used as a metaphor for studies of the ‘juvenile delinquency’ in the ‘transition zone’ of expanding cities (Newburn 2017; Shaw & McKay 1942). Ecological models have also provided the theoretical foundation for generalist case management (Siporin 1980; Summers 2012) and correctional rehabilitation programs (Wright et al. 2012). Similarly, Intagliata (1982, 1992) suggests that case managers should work across a series of different levels of social systems, and Rubin (1987) conceptualises social work case management as ‘boundary-spanning’ work. Notably, the notion of *boundaries* (see Connolly & Harms 2015) is crucial to systems theories, since they theoretically define where particular systems start and finish, and where they overlap with other systems. That is, a case manager wanting to *span the boundaries* of various

service and social systems, relevant to a client; must identify – and continually negotiate – what is part of, outside or beyond these systems.

### 3.3.3 The ‘new science’: complexity and chaos theories

The third ‘wave’ of systems theories, known as *complex systems* or *complexity theories*, originated from the fields of mathematics, physics and engineering in the late 1980s and remain current today (Connolly & Harms 2015; Healy 2014; Hudson 2000). Complexity theories are closely related to *chaos theory* (Healy 2014) and, according to Green and McDermott (2010), are often referred to as ‘new science’, alongside relativity and quantum physics (see also Davies & Gribben 1995; Gleick 1998). Notably, Green and McDermott (2010) argue that these ‘new science’ theories, as well as *contemporary evolutionary theory* and *neuroscience* are particularly important as explanatory theory for social work. More specifically, they hold that complexity and evolutionary theory are ‘essential pathways to understanding the dynamics and causation of contemporary problems’ (Green & McDermott 2010, p.2417), while neuroscience offers fresh insights into the nature of the relationship between individuals, their bodies and their environments. These insights relate to what Fook (2002) refers to as ‘microclimates’ within contexts and systems; conditions which are essential for self-awareness and reflexive practice (Fook & Gardner 2007; Thompson & Thompson 2008).

Robertson (1995, pp. 12-13) explains the following three major theoretical contributions of complexity and chaos theories to the life sciences:

Change isn’t necessarily linear; that is, small causes can have large effects. Determinism and predictability are not synonymous – deterministic equations can lead to unpredictable results – chaos – when there is feedback within a system. In systems that are ‘far-from-equilibrium’ (i.e. chaotic), change does not have to be related to external causes. Such systems can self-organise at a higher level of organisation (Robertson 1995, pp. 12-13).

Indeed, at the core of complexity and chaos theories is the investigation of ‘non-linearity’ (Connolly & Harms 2015; Hudson 2000). Hudson (2000, p.220) explains that *cause* and *effect* have a ‘proportional relation’ in linear relationships and a ‘nonproportional relation’ in non-linear relationships. Thus, unlike events that occur in linear relationships, those that

occur in non-linear relationships are inherently unpredictable and as Hudson (2000, p.220) suggests, can be exemplified by the proverb 'the straw which broke the camel's back'. Connolly and Harms (2015) contend that this analogy is useful in assisting practitioners to understand how, when and why individuals and / or environments change. Indeed, Cameron and McDermott (2007) combine findings from neuroscience and sociology as a way to revise the contemporary understanding of 'person-in-environment'.

### 3.3.4 'Consumer choice' and 'rational choice' theories

'Consumer choice theory' (Browning 2009) and 'rational choice theory' (Becker 1968) are closely related; and useful for understanding the construction of both contemporary case management and juvenile justice. *Rational choice theory* is one of several microeconomic theories about *consumer choice*. It posits that individuals make calculated, 'sensible' or 'rational' choices about what items and services they 'consume' or purchase (Australian Government 2012; Browning 2009; Cunneen, White & Richards 2015). Importantly, notions of 'consumer choice' were central to global consumer rights movements, which fuelled deinstitutionalisation policies during the 1970s. In particular, enhanced consumer choice was demanded as a way to promote consumer *self-determination* and better support individual needs (Gursansky, Harvey & Kennedy 2003; Healy 2014). A similar rhetoric about 'consumer choice' encouraged the adoption of competition policy in the 1990s in Australia. Thus, in turn, 'consumer choice' also helped promote case management as the preferred method of human service delivery in Australia.

Since the late 1980s, rational choice theory has become popular in criminal justice. In this context, it holds that individual offenders, including children and young people, make a 'rational' choice about whether or not to commit an offence. The premise is that offenders essentially undertake a 'cost-benefit' analysis to weigh up the potential risks and gains associated with the crime (Barry 2013b; Cornish & Clarke 1986; Geason & Wilson 1988). Cunneen, White and Richards (2015, p.26) argue that the combined emphasis on 'choice, responsibility and intent [...] is a *voluntaristic* conception of crime, which locates the reasons for crime within the social actor' (emphasis added). Importantly, these ideas contradict the very rationale that underpins a separate system of justice for young people; and particularly



the longstanding principle of *doli incapax* (Crofts 2003; Richards 2011; Urbas 2000). Similarly, Steinberg (2005, p.70) argues that more recent developments in *neuroscience* reveal a disjuncture between adolescents' affective experience and their capacity to regulate arousal and motivation; one that has been compared to 'starting an engine without yet having a skilled driver behind the wheel' (see also Romer & Hennessy 2007). Thus, there is widespread concern about applying the concept of 'rational choice' to juvenile justice policy. Specifically, critics argue that it is not just imprudent, but also *ineffective* in reducing young people's offending behaviour (Barry 2009b, 2013b; Kemshall 2010a). Nonetheless, as discussed later in this chapter, an emphasis on 'responsibilisation' and 'risk' (Cunneen, White & Richards 2015) has become a defining feature of contemporary juvenile justice.

### **3.4 From 'social casework' to 'case management': factors shaping case management in contemporary juvenile justice contexts**

Gursansky, Harvey and Kennedy (2003, p.10) argue that the contemporary ideological shifts towards neoliberalism and New Public Management (NPM) provide, 'a context for the adoption of case management as the *preferred* service delivery approach' (emphasis added). Certainly, during the early 1990s, 'case management' as a 'core' service in its own right was an emergent phenomenon (see Ozanne 1990; Raiff & Shore 1993); to the extent that Raiff and Shore (1993) dubbed it the "new" case management'. Others note that, in Australian health and human services, 'case management' became a 'buzzword' (Camilleri 2000); 'central to the rhetoric of service delivery, program design and policy' (Gursansky, Kennedy & Camilleri 2012, p.11); and even, a 'euphemism for human service delivery' (Kennedy, Harvey & Gursansky 2001, p.29). Certainly, since the early 1980s, 'case management' has gradually replaced 'social casework' or 'casework' in the health and human services; and 'case manager' has largely replaced 'case worker' (Summers 2012). In 1996, as case management came to dominate Australian health and human services, a national peak body for 'professional' case managers was established that subsequently expanded to include New Zealand. This organisation, now known as the Case Management

Society of Australia and New Zealand (CMSA), describes itself as the peak registration and regulatory body for Certified Case Managers™ and professionals employed in case management roles in Australia and New Zealand.

The trend away from 'casework' and 'case workers' and towards 'case management' and 'case managers' is also clearly evident in juvenile justice and adult corrections contexts. For example, writing about probation in England and Wales during the 1980s, Robinson (2005, p.308) asserts that:

Increasingly, probation was being suffused with the discourse of 'management', and a process began whereby the then familiar notion of 'casework' came to be displaced by that of 'case management'.

Similarly, in Australia, approaches and terms such as 'unit management', 'individualised casework', and 'case management' appeared during the 1980s and 1990s in both adult and juvenile correctional contexts (Atkinson & Gerull 1993, 1994; Coulter 1999; Nagle 1978; Office of Corrections 1989). In 1994, case management was described as the 'central focus' of the management philosophies of the NSW Department of Juvenile Justice (Cain 1994). Currently, 'case management' appears as a service delivery descriptor on the website of almost every state and territory juvenile justice jurisdiction. 'Case management' is also agreed by the Australasian Juvenile Justice Administrators (AJJA) to be a required standard for service delivery in Australia and New Zealand to 'support compliance, contribute to reducing offending and increase community safety' (AJJA 2009, p.6).

Arguably, the shift away from 'social casework' has resulted in dissidence between many features of contemporary case management and the core social justice principles of social work (Gronda 2009; McDonald 2006). Indeed, despite 'case management' being 'central to the rhetoric' of Australian juvenile justice, Stout (2017, p.55) contends that juvenile justice is 'moving increasingly away from social work'. Similarly, Healy (2016, n.p.) argues that 'social workers have been sidelined in the juvenile justice system because they challenge inappropriate, ineffective and inhumane practices'. More generally, critics argue that the mostly progressive foundations of 'early case management' approaches have been exploited by contemporary interpretations, which have adopted its terminology, but disregarded its care ethos (Camilleri 2000; Gursansky, Harvey & Kennedy 2003; Kennedy &

Kennedy 2010). In a broad sense, this is can also be conceived as part of the tension between 'critical' and 'pragmatist' approaches to social care. Moore (2016b, p.33), for example, argues that:

Pragmatic approaches to policy and program development have seen the selective application of case management language and concepts, such that their logic and integrity are often lost.

Moreover, such *vague* conceptualisations of case management mean that clients and practitioners lack a shared basis for practice and communication; and therefore, cannot comprehend or commit to its purpose and processes (Gursansky, Kennedy & Camilleri 2012; Moore 2016b). Indeed, Gursansky, Kennedy and Camilleri (2012, p.14) contend that when we discuss 'case management', '[w]e are not always talking about the same thing'. Certainly, this is evident from the various interpretations of case management offered by respective Australian juvenile justice jurisdictions for the Juvenile Justice National Minimum Data Set (JJ NMDS) (see AIHW 2018a). What is more, there is no definition of 'case management' or expansion of the concept in the AJJA Standards (2009).

### **3.4.1 Case management ambiguity and the 'care ethos'**

Some critics suggest that the ambiguous constructions of case management serve a broader political purpose and allow it to be adapted to a range of different values and intended outcomes. This increases the levels of complexity surrounding case management and makes it difficult to distinguish and critically examine, particularly in multi-agency arrangements. For example, Kennedy and Kennedy (2010, p.16) argue that:

Policymakers continue to be wilfully or otherwise confounded by the multiple definitions of case management and its contribution to, or complication of, existing service systems. Their confusion is reflected in funding contracts and in ensuing program design and implementation. Those who formulate and implement policy are invited to make use of the considerable body of available literature concerning the uses and misuses of case management. Academics are challenged to study further the nuances of relationships and mandates between funding bodies, service providers and case managers and to intentionally publicise their findings in both the academic and practice worlds.

Similarly, Dill (2001, pp.160-1) argues that:

The diverse values attached to case management have made it a cultural tool of powerful ambiguity, and the meanings it expresses therefore vary across and within service sectors as well as through time.

Indeed, the debates around the worth and efficacy of case management in the human services tend to centre on the issue of its value-base – or lack thereof.

Those who support case management emphasise principles that are client-centred; promote ‘consumer choice’; encourage collaboration and ‘continuity of care’; and support planned interventions (Gursansky, Kennedy & Camilleri 2012). However, critics of contemporary case management argue that it reflects neoliberal ideals and associated ‘managerial’, ‘contractualised’ and competitive approaches, which ‘proceduralise’ and undermine the integrity and skill of the professional practitioner and fragment service delivery systems (Gursansky, Kennedy & Camilleri 2012; Healy 2009; Netting 1992). As Gursansky, Harvey and Camilleri (2012, p.4) expound, case management is charged with putting ‘an untoward emphasis on “managing” cases, addressing outcomes without a commitment to process and relentless attention to cost-effectiveness.’ Moreover, as will be examined in this chapter (and more broadly throughout this thesis), the conceptual, linguistic and ethical ambiguity of case management has important implications for practice. Specifically, human service workers from different disciplines or agencies often work concurrently or at separate times with the same juvenile justice clients, but may each understand and apply case management differently. In turn, this has significant implications for the way in which juvenile justice clients experience and understand case management, especially as they move between different workers, agencies and service systems. Importantly, it may also create ambiguity about the legal and other case management requirements for juvenile justice clients, which as they are mandated or involuntary clients, can have especially dire consequences.

In particular, there is widespread concern that contemporary manifestations of case management have eroded social work’s primary commitment to the interests of the client (see Furlong 1997; McDonald 2006). Indeed, Gursansky, Kennedy and Camilleri (2012) argue that ‘significant evidence’ exists that case management is being delivered according

to 'service-focused' instead of 'needs-based' mandates. As noted earlier in this chapter, there is widespread consensus that the degree to which case management can be deemed an *ethical* enterprise, depends on the degree to which it is 'person-directed' or 'needs-based' rather than 'service-focused' (see Bowles, Sheahan & Turner 2016; Gursansky, Harvey & Kennedy 2003; Moxley 1997). Notably, Burnett and McNeill (2005, p.223) contend that in probation in England and Wales, the waning of 'social casework' signalled a move 'away from a paradigm that takes into account the 'client's perspective''. They argue that the *practitioner-offender relationship* has shifted in emphasis from 'supportive' to 'surveilling', and is referenced in key government documents mostly 'in the context of control and regulation' (Burnett & McNeill 2005, p.223). In addition, any further mention of 'relationships' in these documents, only refers to those with other agencies (Burnett & McNeill 2005, p.223). Notably, this is consistent with how 'relationships' are characterised in the AJJA Standards and key principles documents, which make *no* mention of worker-client relationships at all, but emphasise the importance of 'collaboration' with other agencies (AJJA 2009, 2014).

### 3.4.2 Deinstitutionalisation

Contemporary forms of 'case management' are widely considered to have emerged from the mid-1970s, as part of rejoinders to a major social policy shift known as 'deinstitutionalisation' (Austin & McClelland 1996b; Furlong 1997; Gursansky, Harvey & Kennedy 2003; Gursansky, Kennedy & Camilleri 2012; Holt 2000a; Moore 2004).

'Deinstitutionalisation' policies were implemented from the 1960s into the 1980s, first throughout the USA and then across other countries, including Australia (Enos & Southern 1996; Gursansky, Harvey & Kennedy 2003; Moore & McDonald 2009; Wundersitz 1996).

These policies sought to relocate people from institutions to community care and were applied to areas such as mental health, aged care, disability, child welfare, adult corrections and juvenile justice (Cashmore 2013; Enos & Southern 1996; Gursansky, Harvey & Kennedy 2003; Holt 2000a; Polk 1993; Wundersitz 1996). Specific to Australian juvenile justice, deinstitutionalisation policies formed part of a broader 'destructuring' (Cohen 1985) agenda, which sought to reduce the size and reach of justice agencies (Polk 1993). The

introduction of determinate sentencing and diversion-from-custody schemes (e.g. police cautioning, conferencing), contributed to an overall 'deinstitutionalisation' of large numbers of young people, previously remanded to welfare or corrections institutions 'for their own good' (Cashmore 2013; Moore 2004).

In response, a vast, complex, and uncoordinated network of community-based support services developed, which deinstitutionalised persons found difficult to navigate (Gursansky, Harvey & Kennedy 2003; Intagliata 1982; Woodside & McClam 2006). Notably, this is clearly reminiscent of the environment from which 'early' case management evolved in the late nineteenth century. Indeed, the situation prompted the idea of an advocate, 'generalist worker' or 'case manager' to help coordinate the fragmented array of community services; and 'bridge the gaps' between institutional and community-based care (see Austin & McClelland 1996a, 2000; Gursansky, Harvey & Kennedy 2003; Holt 2000a; Intagliata 1992; Vourlekis & Greene 1992a; Woodside & McClam 2006). 'Case management' started appearing in the human services' lexicon (Austin & McClelland 1996a; Intagliata, 1992) and Moore (2016b, p.14) suggests it was seen as 'the strategic 'glue' that facilitated individuals' access to the increasingly complex service mix'.

According to Enos and Southern (1996), 'correctional case management' was introduced in some part of the United States during the 1970s; to help offenders 'bridge the gap' between correctional institutions and the increasingly available opportunities for community-based rehabilitation. Importantly, this occurred during the contentiously-named 'rehabilitative era' in corrections (see Sarre 1999), when as Seiter (2016, p.9) argues: 'Community correction were in their heyday and dollars and ideas on how to bridge the gap between prison and community were readily available'.

### **3.4.3 'Nothing works': the demise of the 'rehabilitative ideal'**

In 1974, Martinson published the infamous 'nothing works' review of correctional rehabilitation. According to Martinson, correctional treatment, such as education, training or psychotherapy, contributed *nothing* to the traditional procedures of conviction, sentencing, and punishment in the criminal justice system (McGuire 2000). Others critically

reappraised the findings of the review, with more favourable results (see Thornton 1987); and numerous subsequent reviews found that rehabilitative approaches *did*, in fact, ‘work’ (see Andrews et al. 1990; Gendreau, Little & Goggin 1996; Gendreau & Ross 1987; McGuire 2000). Indeed, Martinson (1979, p.244) actually later rescinded his conclusions and acknowledged that ‘some treatment programs do have an appreciable effect on recidivism’. Nevertheless, Martinson’s review marked an abrupt halt to the alleged ‘heyday’ (Seiter 2016) of correctional rehabilitation. ‘Nothing works’ rapidly became entrenched as the policy mantra and legacy for correctional rehabilitation, especially in the USA, UK and Australia (Braithwaite & Pettit 1990; Chui & Nellis 2003; Day Howells & Rickwood 2003; Sarre 1999; Tomaino 1999). The effects were significant and long-lasting. For example, Australian prison and probation services merged into single *corrections* departments, which shifted the emphasis away from ‘rehabilitation’ (Stout 2017) and criminological pundits in the United Kingdom lamented the demise of ‘advise, assist and befriend’ in probation, in favour of a ‘prison works’ mantra (Chui & Nellis 2003).

### 3.4.4 ‘What works’: the rise of ‘evidence-based’ approaches

In brief, the ‘what works’ movement is a rejoinder to the ‘nothing works’ edict and its political legacy (Raynor 2003). It comprises a growing, international body of published research, which not only refutes that ‘nothing works’, but more importantly, explicates what *does* work in offender rehabilitation. Pertinently, as discussed in Chapter 4, this body of research has found that case management holds a crucial, but largely neglected role in the overall implementation of effective practice with correctional clients (see Chapman & Hough 1998; DOMICE 2012; Holt 2000a, 2000b; Turner 2010). The ‘what works’ movement sits within the broader discourse of ‘evidence-based policy and practice’ (EBPP). This discourse stems particularly from biomedical research, which tends to reflect a predominantly positivist understanding of the world and use a ‘gold standard’ hierarchy of evidence to determine validity, whereby meta-analyses and randomised-controlled trials are favoured (Alston & Bowles 2012; Gray, Plath & Webb 2009; Healy 2014; McNeill, 2006). According to Ransley (2011), evidence-based approaches appeal to Australian governments for two, interrelated reasons. Firstly, evidence-based policy offers an apparent *pragmatic*

and rational response, (devoid of emotion or ideology), to so-called ‘wicked problems’, like youth crime; and secondly, it emphasises *evaluation* (Murphy 2010; Ransley 2011). This is in keeping with Treasury-driven demands for program evaluation to prove their cost benefits (Ransley 2011). In short, EBPP appears to offer a way for governments to be more discerning about and accountable for their spending (Ransley 2011).

Critics of the EBPP discourse contend that the rigidity of traditional evidence hierarchies is inappropriate for researching human behaviour in social contexts or ‘open systems’ (see Gray, Plath & Webb 2009; Healy 2014). The ‘gold standard’ research approaches which are favoured in such evidence hierarchies, such as meta-analyses and randomised controlled trials (RCTs), are censured as emphasising personal agency and removing structural or contextual issues (Barry 2013b). In the EBPP discourse, certain sources of knowledge, such as practice wisdom and lived experience are typically not seen as *evidence*. Kovarsky (2008, p.55) argues that this effectively marginalises the lived experiences and perspectives of clients:

Current quality of evidence hierarchies in EBP are based on an epistemology of logical positivism and privilege cause–effect explanations grounded in objective, empirically testable variables that exist external to the self. Unfortunately, the dismissal of subjective, phenomenally oriented information has functioned to marginalise and silence voices from the life-worlds of clients when constituting proof of effectiveness.

Similarly, Barry (2013b, p.347) asks: ‘Whose evidence matters in evidence-based policy?’ Moreover, the process of ‘knowledge transfer’ or the *implementation* of research evidence to policy and practice is also important to evidence-based approaches (Gray, Plath & Webb 2009; McNeill, 2006). Indeed, Goldson and Muncie (Goldson 2010; Goldson & Muncie 2006) point to a ‘rupture’ in the transfer of ‘evidence’ to policy in youth justice in England and Wales, given the rise of punitivism – a trend also patent in Australia (see Fishwick & Bolitho 2010; Marston & Watts 2003) and the USA (see McKee & Rapp 2014). Other critics argue that policy-making, particularly in criminal justice, is *inherently* emotional and political, rather than based on evidence (see Freiberg & Carson 2010; Nutley 2003). To this end, Nutley (2003) argues that terms such as ‘evidence-influenced’ and ‘evidence-aware’ more



accurately represent the importance, but also the limitations of seeking to influence policy and practice through research.

### **3.4.5 Neoliberalism: influence on case management and juvenile justice**

Moore (2016b) notes that while deinstitutionalised approaches to social care in Australia were accepted with little criticism, the steady rise of *neoliberal* ideology and the associated 'retrenchment' (Mendes 2009) or 'renovation' (Spies-Butcher 2014) of the welfare state is widely criticised. Neoliberalism, known as 'economic rationalism' in Australia, and 'neo-conservatism' or the 'New Right' in North America (Mendes 2008); broadly refers to a project of economic and social change under the emblem of the free market that has ascended globally since the 1970s (Connell, Fawcett & Meagher 2009). Neoliberalism essentially holds that governments should limit their size and influence as much as possible and not intervene in the economy; instead, individuals should have the right to participate in self-regulating, rational, free markets (Mendes 2008, 2009). In Australia, neoliberal ideas about the economy were coupled with politically *conservative* ideas about society and gained momentum after the dismissal of the Whitlam government in 1975 (Mendes 2008; Moore 2016a). Indeed, by 2008, this 'neoliberal conservatism' (Moore & McDonald 2009) – and corresponding approaches to case management and juvenile justice – were firmly entrenched in Australia's social policy and legislation (Cunneen, White & Richards 2015; Kennedy & Kennedy 2010; Moore 2016a).

### **3.4.6 NPM and neoclassical economics**

Particular neoliberal ideas and approaches, such as NPM and neoclassical economics, have significantly altered the service structures and methods of human service provision in Australia and other OECD countries (Gursansky, Harvey & Kennedy 2003; Healy 2014; Moore & McDonald 2009). In fact, Healy (2014, p.48) declares that:

It is hard to overstate the profound influence of the discourses of neoclassical economics and NPM on the organisation and delivery of health and welfare services over the past two decades.

In brief, NPM draws on neoclassical economic theory to promote the application of free market concepts and competitive practices to public services. Specifically, this includes a focus on ‘business-like’ management practices, economic efficiency, workforce flexibility, consumer choice, service delivery and performance measurement (Healy 2014; McGuire 2004). Furlong (1997, p.79) explains that neoclassical economics is based on ‘supply-side thinking’ – or ‘trickle-down theory’ (Greider 1981) – which likens public services to a limited pie that ought to be rationally apportioned to designated target populations. Importantly, he argues that ‘supply-side thinking’ has effectively reignited the historical concept of the *deserving* and *undeserving poor* – albeit in more subtle terms – and concentrated human services case management on cost containment and service gate-keeping (Furlong 1997). Importantly, Green and Rutherford (2000, p.7) argue that ‘the re-emergence of a dichotomy between the *deserving* and the *undeserving* citizen’ and ‘ideologies of individual responsibility’ have helped spur a global rise in punitive, ‘just deserts’ (Von Hirsch 1976) approaches in criminal justice – where marginalised, working-class young people are chief among the so-called ‘undeserving’.

### 3.4.7 ‘Managerialism’

Since the mid-1980s, Australia’s public services have been undergoing continuous reform in the name of achieving efficiency and effectiveness (McGuire 2004). Specifically, Davis (1997, 2003) suggests these reforms have occurred in two distinct phases: ‘managerialism’ and ‘contractualism’. Both have occurred under the banner of NPM and have profoundly affected the structure, function and goals of Australian human services and corrections. Dadich, Stout and Hosseinzadeh (2015, pp.4-316) summarise the *managerial* impacts of NPM on Australian juvenile justice, as follows:

Similar language and techniques that might be used to operate a business are now used within juvenile justice. [...] Reflecting other public services, criminal justice policy and discourse have transitioned from debates over different philosophies of justice to a narrower focus on the effective and efficient administration and management of prisoners – that is, NPM.

While the pursuit of effective and efficient management is not itself generally seen as problematic, there are many critics of the ‘administrative convenience’ that appears to have

taken precedence in criminal justice over goals such as rehabilitation, justice or punishment (Dadich, Stout & Hosseinzadeh 2015; Pratt 1989; Stout 2017). Indeed, it is widely asserted that custody, for example, is no longer used for rehabilitation or punishment, but rather as a method of *managing* or ‘warehousing’ offenders (Dadich, Stout & Hosseinzadeh 2014, 2015; Dominelli 2009; Stout 2017).

### **3.4.8 Performance management**

A key rationale for the introduction of NPM to the public sector was to improve its performance, governance and accountability by using private sector performance management principles (Stewart 2011). Indeed, this has manifested in a torrent of performance management approaches to coordinate policy and improve service accountability. For example, since 1995, the Commonwealth Government has published an annual Report on Government Services (ROGS) that aims to provide information on the ‘equity’, ‘effectiveness’ and ‘efficiency’ of Australian governments’ services, in order to demonstrate their *accountability* and help inform, plan and evaluate budget policies (SCRGSP 2017a). The ROGS includes a performance indicator framework for each government service area and a set of objectives against which performance indicators report. Notably, juvenile justice was not included in the ROGS in any meaningful way until 2002; and did not have a performance framework until 2009. Since then, the ROGS has included ‘case plans prepared’ as a key output performance indicator for the effectiveness of Australian juvenile justice services. However, it remains one of several output indicators for which the data is incomplete or not measurable across all state and territory jurisdictions (SCRGSP 2017c).

### **3.4.9 Actuarial justice, risk assessment and the ‘managerialisation of practice’**

Consistent with the trend towards ‘managing’ offenders, a flood of administrative sanctions and relatively inexpensive, flexible options have come into use in community corrections. These include, for example, fines and infringement notices, boot-camps, electronic monitoring, house arrest, intensive community-based supervision, and drug treatment

programs (Dadich, Stout & Hosseinzadeh 2015; Feeley & Simon 1992). These are indicative of the trend towards ‘actuarial justice’ (Robert 2005); a theoretical model of criminal justice that employs similar ideas and methods to actuarial mathematics. According to Robert (2005), ‘actuarial justice’ is distinguished by the following four main tenets:

1. Deviance and crime is considered a normal, inevitable part of society; therefore, the focus is on *preventing* and *reducing* the impacts of crime, rather than eradicating crime
2. Offenders are viewed in terms of their *risk profiles*, rather than as ‘bona fide’ individuals
3. Primary efforts are put towards *managing* offenders (and their risks), rather than the more difficult and resource-consuming tasks of rehabilitating or reforming offenders
4. Attention is given to the future instead of the past – that is, the main concern is estimating, preventing and reducing the *risk of future* offending behaviour, rather than understanding or attending to past influences

Notably, these features of actuarial justice are clearly reflected in the AJJA Principles of Youth Justice in Australia, such as the principle of *preventing* offending behaviour and that of informing interventions through ‘the assessed risk of future offending’ (AJJA 2014, n.p.).

It is clear that ‘risk assessment’, alongside ‘responsibilisation’, has become a key feature of contemporary juvenile justice (Cunneen, White & Richards 2015). Indeed, Stout (2017, p.55) maintains that: ‘The rise of risk assessment in youth justice has been one of the defining features of Australian youth justice over the last two decades.’ To this end, structured decision support systems or so-called ‘third’ and ‘fourth generation’ risk assessment tools have been introduced in most state and territory jurisdictions (AIHW 2013d; more than ideas 2016; Robert 2005; Thompson, CM & Stewart 2011). They include, for example, the Victorian Offending Needs Indicator for Youth (VONIY); the Youth Level of Service Case Management Inventory (YLS/CMI); and the YLS/CMI Australian Adaptation (YLS/CMI-AA) (Thompson & Stewart 2006, 2011). As indicated by their titles, these tools purport to assist workers to identify both offender ‘risks’ and ‘needs’ for the purpose of case management and supervision. However, Kemshall (2010b, p.157) argues that a ‘meshing’ of

risks and needs has occurred through the extensive focus of these assessments on 'criminogenic need' or 'dynamic risk factors', which serve to justify addressing offenders' needs, only in so far as they contribute to *offending*.

Risk assessment tools replace and are purported to improve on 'unstructured professional judgement' as a way to make decisions about risk and inform case planning and management (Bonta & Wormith 2008; Bosker 2015). Indeed, a recent doctoral study in Dutch probation made overall positive findings in this regard (see Bosker 2015). However, there appear to be few or no other studies or evaluations of the impact of such tools on correctional workers' decision-making (Stewart 2011). Singh and colleagues (2013) analysed the service plans for 120 youth in secure correction facilities in the United States. They found weak correlational links between the *assessment* and *management* of risks, resulting in a 'one-size-fits-all' approach to case management that lacked a focus on individual needs and strengths. They noted that risk assessment was generally seen as a task, separate and independent from case management. Similarly, other studies have found that correctional workers often do not implement risk assessments appropriately; and thus, compromise the *integrity* or *fidelity* of the assessment (Kemshall 2010b; Thompson & Stewart 2011). While *poor staff training* appears to be one reason for these implementation problems; another seems to be *conscious resistance* from workers, who perceive risk assessment tools as a workload 'burden' or threat to their professional discretion (see Baker 2005; Young et al. 2006).

Structured risk assessment tools have replaced, and are purported to improve on, 'unstructured professional judgement' as a way to make decisions about risk and inform case planning and management (Bonta & Wormith 2008; Bosker 2015). However, critics argue that their advent is symptomatic of NPM and its erosion of the professional identity and influence of practitioners through the 'managerialisation of practice' (McCulloch & McNeill 2007; see also Healy 2009). Indeed, it is apparent that young offenders in Australia are – or at least are recommended to be – routinely identified, classified and organised in accordance with their risk profile (AIHW 2013d; Day, Howells & Rickwood 2003; Robert 2005). Kemshall (2010b, p.156) similarly describes the use of risk assessment in England and

Wales to 'tier' offenders in accordance with the intensity of supervision and type of intervention required. As Robert (2005, p.11) observes: 'Management therefore comes to be at the heart of the system. Institutional paths are provided for different categories of offender according to the risk they pose.' Stout (2017) contends that NPM constructs corrections merely as an offender classification and management system (see also Feeley & Simon 1992); while McDermott (2014) points to a 'collision course' between risk management practices, which are based on linear models of causality, and complexity theory.

### **3.4.10 Electronic case management tools and data integrity**

In Australian juvenile justice, risk assessment tools and the case plans they inform are generally computerised (Stewart 2011) and frequently used as part of overarching, electronic client information or case management systems. For example, Juvenile Justice NSW uses the YLS/CMI-AA within its electronic Client Information Management System (CIMS) (Juvenile Justice NSW 2015); and Corrective Services NSW uses the Level of Service Inventory – Revised (LSI-R) within the Offender Integrated Management System (OIMS) (NSW Government 2017b). Concerns have been raised that these computerised systems exacerbate the effects of managerialism and do not integrate well with other information management systems used in corrections (Merrington 2004; Stephenson, Giller & Brown 2010; Stewart 2011). Indeed, several state government and international audits have revealed significant technical and practical problems related to these systems in adult corrections (National Audit Office 2009; NSW Auditor-General 2016; QAO 2016; VAGO 2017). In particular, the audits found that governments often under-estimate the costs and degree of sophisticated project management required to set up and maintain these systems, meaning they are not well-supported (see National Audit Office 2009; VAGO 2017). The audits also found that the systems have limited capacity to integrate with other existing information technology systems, creating information 'silos'; and the information entered is often duplicated or inaccurate, resulting in overall poor data quality and integrity (see National Audit Office 2009; NSW Auditor-General 2016; QAO 2016; VAGO 2017). For example, an Auditor-General's review of the Total Offender Management System (TOMS)

used in the Department of Corrective Services (DCS) in WA found that: ‘The integrity of the system is at risk from inaccurate information [...] primarily caused by manually entered data’ (Murphy 2016, p.15). The same report also identified privacy risks in relation to sensitive client information (Murphy 2016). Importantly, despite its prevalence, there appears to be no research on the impact on the practice of computerised client information and case management systems.

### 3.4.11 ‘Contractualism’, competition and resourcing

NPM in Australia’s public services has entailed contracting out the policy advice and service provision that was traditionally provided by government to an array of public, private and voluntary providers that compete against one another for funding (Healy 2014; Moore 2016a). These arrangements – which reflect Osborne and Gaebler’s (1992) refrain that governments should ‘steer’ and not ‘row’ – have substantially altered the roles and redefined the relationships, expectations and responsibilities between the state and community services sector (Kerr & Savelsberg 2001; McDonald 2006). In particular, instead of being both the funder and *provider* of services, the state has become primarily a funder and *purchaser* of services (Considine 2000; Healy 2014; Moore 2016b; Moore & McDonald 2009; Spies-Butcher 2014). Indeed, during the 1980s and 1990s, formal purchaser-provider arrangements were set up for Australian prison services (McGuire 1997) and the ‘privatisation’ of several prisons occurred in most states (Harding 1992). Importantly, while similar ‘privatisation’ of juvenile detention has not occurred in Australia (Andrew, Baker & Roberts 2016); it appears that the traditional involvement of the voluntary or non-government sector in juvenile justice has changed from *cooperation* to *competition* and is now strongly characterised by *contractualism* and *performance management* (Gough 2010; McGuire 2004). Moreover, it appears that the responsibility for ‘rowing’ (i.e. service delivery and problem-solving), is increasingly being left to the mostly under-resourced community sector; while government agencies assume greater levels of responsibility for ‘steering’ (i.e. case planning and management) (Healy 2009; Searing 2003; Turner 2010). Saliently, Netting (1992) notes that no amount of ‘good’ case management can compensate

for resource-poor environments; a view recently reiterated by Gursansky, Kennedy and Camilleri (2012), who add that 'risk' instead of 'need' is driving service priority.

Several writers argue that these new service arrangements are characteristic of a wider 'marketisation' of health and human services (see Davidson 2015; McDonald 2006; Taylor, 2003). Moreover, case management appears to play a central role in these arrangements, which is particularly evident in the 'managed care' industry in aged care, whereby personal and relationship values are arguably replaced by 'care' as a tradeable product (Davidson 2015). In youth justice and corrections, writers point to an overall 'commodification' (McCulloch & McNeill 2007), whereby clients are treated as 'actuarial subjects' (Feeley & Simon 1992) or 'portable entities to be assessed and then "managed into" appropriate resources' (Robinson 2005, p.310). McDonald (2006) suggests these trends are an exercise in 'managing social work', while others liken this to a process of 'incremental colonisation' of the community sector that entails 'decentralising risk', particularly in relation to 'high risk' groups, like young offenders (Mythen, Walklate & Kemshall 2013; Watson 2010). Indeed, Carson, Kerr and Savelsberg (Carson & Kerr 2017; Kerr & Savelsberg 2001) assert that not only do these arrangements use community sector organisations as an economical form of labour; they effectively constrain the community sector's traditional role as *advocates* for social change. The short-term funding models create high turnover and employment instability for workers as they are 'churned' through different employers and jobs in the community sector, and this translates to a lack of continuity for clients in terms of service delivery and their relationships with workers (Carson & Kerr 2017). Certainly, community sector agencies have attempted, to varying degrees, to resist these arrangements, viewing them as a coupling of government oversight, or 'social control', with the community sector's 'social care ethos' (Moore & McDonald 2009, p.20).



### 3.4.12 Service fragmentation, ‘partnership mania’ and ‘managing’ clients

Several writers contend that contractualism has in fact, created additional complexity in policy coordination and *fragmented* service delivery (see Davis & Rhodes 2000; McGuire 2004). For example, Davis (2003, p.191) asserts that:

A model of service delivery that favours using many contractors necessarily creates fragmentation. [...] Fragmentation has consequences for the ability of government to ‘steer’ – to create, direct and maintain policy direction.

Moreover, Austin and McClelland (2000, p.4) argue that current funding arrangements create ‘stove pipes’ or ‘silos’, which bolster fragmentation in the service delivery system and frequently maintain the division between institutional and community-based care. In addition, Moore (2016c) contends that fragmentation contributes to the problem of maintaining *clarity* in the conceptualisation – and implementation – of case management systems. Indeed, critics argue that the ‘new’ case management arrangements fail to uphold their fundamental promise of *coordinating* services in a *fragmented* service delivery system (Austin & McClelland 2000; Gursansky, Harvey & Kennedy 2003; Moore 2016c). Notably, an ostensible response to service system fragmentation is the proliferation of so-called ‘integrated’; ‘joined-up’; ‘collaborative’; ‘multi-agency’; or ‘partnership’ approaches to working in the human services (see Goldhill 2010; Gough 2010; Grace, Coventry & Batterham 2012; Murphy 2010; Pamment 2010; Pycroft & Gough 2010a, 2010b; Skinner 2010; Watson 2010; Williams 2009). Moore (2004) notes that this ‘partnership mania’ (Crawford 1999, p.58) is also evident in Australian juvenile justice agencies, which are regularly involved in contracting external agencies to deliver services to juvenile justice clients.

Importantly, as part of contracted service arrangements, government funding is provided for specific services to achieve pre-defined outcomes, meaning that funded agencies are compelled to ‘specify outcomes, outputs and performance indicators’ (McGuire 2004, p.117). Moreover, Gursansky, Kennedy and Camilleri (2012, p.7) observe that in order to

protect their funding, many non-government organisations claim ‘case management’ as ‘*the* service delivery approach’, because this is specified in government-controlled funding agreements. However, this can significantly complicate case management arrangements, particularly in relation to determining a lead agency or case manager. For example, Gursansky, Kennedy and Camilleri (2012, p.8) describe service arrangements where the intended ‘rowers’ are also doing much of the ‘steering’:

Both in mental health and accommodation support services for young and high-risk adolescents, we see examples of the support services – with their intensive levels of involvement with the clients – carrying more of the coordination responsibilities than the formally designated case manager.

More broadly, these types of contracted service arrangements, where all parties are to some extent ‘steering’ or ‘managing’ the ‘case’, raise concerns that ‘clients are more and more likely to be *managed* rather than *helped*’ (Trotter 2015, p.5, emphases added).

### **3.4.13 Competition policy, quasi-markets and ‘consumer sovereignty’**

McGuire (2004) argues that contractualism became more entrenched in Australian juvenile justice and other areas of human services with the introduction of the National Competition Policy in 1995. The National Competition Policy connects microeconomic, social welfare policy and financial management reforms and assumes that efficient service provision is best acquired through a combination of managerialist and competitive market principles (McGuire 2004; Quiggin 1998). The notion of ‘consumer choice’ – drawn from neoclassical theory – is central to the National Competition Policy and holds that ‘service users’ or ‘consumers’ have the right to choose aspects of their service provision (Healy 2014). Notably, this idea in the context of a broader citizen’s right movement helped drive deinstitutionalisation policies and more recently, the introduction of consumer directed care (CDC) in ageing and disability support services (Healy 2014; Laragy, Sinmons & Kimberley 2016; Moore 2009). In this respect, Moore (2016b, p.27) argues that: ‘Choice, a key element of the case management ethos, epitomises the principle of self-determination.’ Similarly, Healy (2014) applauds the potential for greater degrees of consumer choice to

promote critical analysis of interventionism in social work, but she refutes the contention that individual choice is always consistent with the principle of self-determination.

Importantly, Healy (2014) among others (Considine 2000; Jesuit Social Services 2016), more generally refutes the propagation that increased market competition necessarily equates to greater 'consumer sovereignty'.

In practice, the National Competition Policy requires the application of free market principles to the human services sector, but because the conditions are so different from conventional, commercial markets, this results in 'quasi-markets', (Healy 2014; Le Grand 1991; Moore & McDonald 2009). For example, in commercial markets, the 'service user' or 'consumer' is generally both the *purchaser* and *user* of a service. Conversely, the *purchasers* of human services (i.e. the government or an insurance agency) and the *receivers* of these services (i.e. the 'service user' or 'consumer') are not one and the same (Healy 2014). Furthermore, human service 'consumers' generally have limited capacity to pay for services (Healy 2014). Importantly, Quiggin (1998) notes that the National Competition Policy was initially not intended to apply to the human services sector, on the grounds that there was neither the assumed 'level playing field' nor 'consumer sovereignty' in this sector that underpins competition policy. Likewise, Moore and McDonald (2009, p.18) assert that:

'Service users', or 'consumers' of these government contracted welfare services, lack market power. They are not the sovereign consumers of a market because they have no 'voice' and mostly cannot 'exit' [...].

Indeed, Considine (2000, p.77) argues that only the presiding government is an 'empowered consumer' in these service arrangements.

### **3.5 Towards 'offender management', 'contestability', 'collaboration' and 'consumer choice'?**

Like the shift from 'social casework' to 'case management', an apparent transition is taking place from 'case management' to 'offender management' in many correctional jurisdictions. This is particularly evident in England and Wales, where in 2008, the prison and probation services were combined into a single agency called the National Offender Management

Service (NOMS)<sup>5</sup>. The title reflected the government's commitment to a reform program that involved three main components: (1) 'end-to-end management' of each offender – from their initial contact with corrections through to completion of their sentence; (2) a clear separation between the *commissioners* and *providers* of services; and (3) 'contestability' among these service providers (Gough 2010; Robinson, G & Burnett 2007; Stout 2006). In addition, a project to implement a single electronic offender management system across prisons and probation, known as the National Offender Management Information System (C-NOMIS), had already commenced (National Audit Office 2009). According to Stout (2006), corrections staff and other interested parties, responded to the proposed reforms in several ways: there was general support for the involvement of providers from the community sector; mixed views about separating 'offender management' from other service delivery; and *opposition* to the introduction of 'contestability'. He notes that the idea of 'end-to-end' offender management however, was met with a relatively dispassionate response:

The government also re-stated its commitment to end-to-end offender management with a single named officer taking responsibility for the management of all services provided to the offender. There was no real opposition expressed to this idea (Stout 2006, p.69).

Notably, the objections against contestability are comparable to those against contractualism in corrections; namely, that it is in effect a 'commodification' (McCulloch & McNeill 2007) process that treats offenders as 'portable entities' (Robinson 2005); and undermines the 'care ethos' (Moore 2004; Moore & McDonald 2009) of both case management and the community sector.

Importantly, there is evidence to suggest that similar ideas to those put forward in England and Wales for reforming corrections are gaining traction in Australia. For example, in some Australian jurisdictions (e.g. Victoria, New South Wales and Tasmania) the term 'case management' has been replaced by 'offender management' (see NSW Government 2014a,

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<sup>5</sup> In April 2017, NOMS became Her Majesty's Prison and Probation Service (HMPPS)

2014b; State Government Victoria 2014; Tasmania Department of Justice, 2014). Indeed, the NSW Department of Justice strategic plan (2015-19) lists achieving an 'Advanced Offender Management System' among its top priorities and a 'contestability and benchmarking strategy' as a plan for achieving this. Moreover, a recent review of the National Competition Policy, known as the 'Harper Report', suggests that previously strict, competitive-tender processes are now being replaced by newer approaches that emphasise 'contestability' and 'collaboration' (Harper et al. 2015). Similarly, Deloitte Australia declares that: 'contestability signifies a new era in service delivery reform' (Deloitte 2016); one that 'is taking centre stage to help deal with society's most challenging problems' (Deloitte no date, p.5). They argue that governments are no longer just *purchasers* of human services, but 'long term outcomes managers' and must develop more sophisticated risk management strategies (Deloitte no date, p. 5). Indeed, the Harper Report recommends that governments 'retain a stewardship function, separating the interests of policy (including funding), regulation and service delivery' and should commission human services, 'carefully, with a clear focus on outcomes' (Harper et al. 2015, p.8).

### 3.5.1 'Collaboration' and 'relational' services

As noted, the Harper Report also encourages Australian governments to 'collaborate' more closely with non-government providers of human services (Harper et al. 2015). Pertinently, the Harper Report stresses that collaborative, interagency relationships are particularly important in areas where service users and providers have a relationship that is ongoing and based on 'mutual trust' (Harper et al. 2015). In this regard, the authors of the report distinguish between 'transactional' and 'relational' human services. 'Transactional' services are those that do not require an ongoing relationship between the client and the service provider. In comparison, 'relational' services are those where 'users benefit from *continuity of service provision* from a *trusted* and *responsive* provider' (Harper et al. 2015, p.225, emphases added). Importantly, there appears to be a tacit acknowledgement from the authors of the report of the importance of a *relational* approach to working with offenders and young people with complex needs. This is indicative by their reference to the following submission statement from the Jesuit Social Services, which is quoted in the Harper Report:

A *transactional* approach to human services simply won't work when it comes to people leaving prison or state care, young people living with mental illness or drug and alcohol issues, refugee or newly arrived migrant communities, or Aboriginal communities. Instead, services are at their best when they comprise longstanding and sophisticated networks made up of people, places and institutions that are *grounded in relationships of trust*. (DR sub, page 4) (Harper et al. 2015, p.225, emphases added).

Thus, while not explicitly stated in the Harper Report, if it is accepted that a *relational* approach to service delivery is required for offenders, then it is clear that interagency relationships need to be characterised by high levels of collaboration.

### 3.5.2 Competition and 'user choice'

Overall, the Harper Report recommends deepening and extending the principles of *competition* and *choice* in human services. Nonetheless, the authors make a further tacit, but important acknowledgement about the minimal likelihood of obtaining benefits from a competitive approach in *statutory* service environments:

If governments wish to exercise tight control and set prescriptive standards over the products or services provided to users, the usual benefits of competition — diversity of product, innovation and price competition — are unlikely to materialise. In these cases, it may be more efficient for governments to remain sole providers of the service or to pursue joint ventures or managed competition models with non-government providers (Harper et al. 2015, p.235).

Corrections is indisputably an area in which governments wish to – and *do* – exercise 'tight control' and 'set prescriptive standards' over the services provided to 'users'. Indeed, as discussed in this chapter, criticisms and concerns have been raised about the 'managerialisation of practice' (McCulloch & McNeill 2007) in correctional contexts. Moreover, it is clear that Australian governments have not, in any way, remained the sole providers of juvenile justice or other correctional services. The Harper Report further recommends that: 'user choice should be placed at the heart of service delivery' (Harper et al. 2015, p.8). As explained earlier in this chapter, 'user' or 'consumer choice' is a contentious and, some would argue, nonsensical issue in relation to juvenile justice and other mandated or involuntary clients. Notably, although the Harper Report concedes that there are 'limits to user choice in human services' (Harper et al. 2015), there is no clear

mention of the issues potentially facing mandated or involuntary clients. Instead, the report refers – somewhat euphemistically – to ‘vulnerable users’, who are ‘less able to exercise effective choice’ (Harper et al. 2015, p.235). Finally, while the authors recommend that a ‘default option’ should always be available, no further explanation is provided as to what this might look like in statutory service systems.

### **3.6 Conclusion**

This chapter has focused on the context of case management. It began with a discussion about early case management, including service coordination and the casework relationship. A number of theories and models were reviewed which provide a background to case management in youth justice. This includes systems theories, consumer choice and rational choice theory. The chapter charted the conceptual shift in youth justice from casework to case management, and the current trend towards offender management. An overview of factors influencing case management in contemporary juvenile justice was provided and included deinstitutionalisation, the ‘what works’ and evidence-based practice movements, and neoliberalism approaches such as New Public Management, neo-classical economics, managerialism, performance management, actuarial justice, risk assessment, electronic monitoring, contracting, and fragmentation and competition between services. Chapter 4 expands the discussion about the ‘what works’ movement and locates case management within this paradigm.





# Chapter 4: What works and case management

## 4.1 Introduction

The previous chapter outlined the rise of the ‘what works’ movement in juvenile justice in Australia and abroad and examined the associated discourse of evidence-based practice and policy. This chapter situates case management within these contexts and notes the paradox of the overall lack research focused on case management with juvenile justice clients, as well as some challenges posed for research. The case is made for recognising the importance of case management in youth justice as the context or structure for supervision, casework and other interventions. An overview is provided of findings from studies examining what works to reduce adult and youth recidivism, including those that relate specifically to case management. Principles for effective case management are then identified, as well as relevant findings from seminal studies of case management in adult corrections. The chapter concludes that there appears to be an increasing interest in examining the efficacy and outcomes of case management with young people and adult offenders, but very little relating to juvenile justice, or clients’ perceptions and experiences of case management.

## 4.2 Case management: an under-examined phenomenon in juvenile justice

Paradoxically, despite its popularity in Australian juvenile justice and the emphasis on evidence-based practice and policy in this context, case management is an under-researched phenomenon and there appears to be little evidence to support its efficacy (Sartore et al. 2015; Turner 2010). Gursansky, Harvey and Kennedy (2003) suggest that its very *prevalence* has legitimised case management and deflected the need for closer examination and analysis. In addition, they intimate that the lack of case management research may partly be due to the nature of human service work itself: ‘As is so often the case in the human services, the doing of the work obscures the analytical task that is critical

for development of practice' (Gursansky, Harvey & Kennedy 2003, p.17). Others point to the inexact definition of case management as a challenge for studies that have attempted to analyse and evaluate its various styles and applications, a looseness which poses a particular problem for comparative research (Camilleri 2000; Partridge 2004). This is not just because of the array of terms for case management in different settings, but because the intended purpose and outcomes of case management vary according to each organisation's goals and values (Birgden & McLachlan 2004; Gursansky, Harvey & Kennedy 2003; McNeill & Whyte 2007; Sartore et al. 2015). A further complicating factor for evaluating case management specific to Australian juvenile justice is the significant variations between the different state and territory jurisdictions. These also entail philosophical differences shaping their respective approaches to service delivery and case management (Stout 2017). Indeed, more generally, comparative studies in juvenile justice are hampered by a limited understanding of what is occurring in and between constituent jurisdictions (Heseltine & McMahon 2006).

As expounded in this chapter, several studies that examine the efficacy of case management note the difficulties posed by its contextual nature. This, as well as the multi-agency nature of many case management arrangements in Australian juvenile justice, presents even more challenges for evaluative research. Sallybanks (2002, p.6), for example, notes the importance of contextual factors for the success of rehabilitative interventions, such as how programs are situated 'within a holistic case management approach for individuals'. Sartore et al. (2015, p.37) also comment on the symbiosis between case management and other interventions:

[I]t is important to keep in mind that case management practices always will be an organising structure wrapped around a range of clinical services. In this sense, case management is a service delivery practice that depends on the quality of the service itself.

Furthermore, Adler et al. (2016, p.14) point to the added complexities of multi-agency approaches for practice and research:

Multi-agency approaches involve a range of structures, from the development of multi-agency protocols to co-location or the integration of services. This variation, and the fact that multiple agencies are involved, presents challenges, both for evaluating these approaches, and for synthesis of

the evidence. For example, it can be difficult to identify the specific contribution of multi-agency working when it forms part of an intervention programme, which is often the case.

These arguments about the difficulties of isolating contextual factors for the purposes of an evaluation resonate with the criticisms of evidence-based approaches, discussed in Section 3.4.4 and their general reliance on evidence hierarchies that favour ‘closed systems’ research (see Alston & Bowles 2012; Gray, Plath & Webb 2009; Healy 2014; McNeill, 2006). Indeed, approaches such as randomised controlled trials (RCTs) are typically unable to effectively deal with complexity (Gray, Plath & Webb 2009), such as that inherent to case management and multi-agency approaches.

### 4.3 Case management as the ‘context for supervision’

In 1998, Her Majesty’s Inspectorate of Probation (HMIP) in London published a paramount report: ‘Strategies for Effective Offender Supervision’. The report summarises the findings of the HMIP ‘What Works’ Project and demonstrates that community penalties offer an effective and cost-effective option for responding to a wide range of offending behaviour (HM Inspectorate of Probation 1998). Importantly, the report and its companion guide (see Chapman & Hough 1998) clearly recognise the strategic importance of case management to the delivery of integrated and effective practice. More specifically, case management is conceptualised as providing the ‘context for supervision’ (Holt 2000a). In 2003, Day, Howell and Rickwood (2003) similarly identified case management as a ‘structure’ for supervision in juvenile justice in Victoria, Australia. In particular, they distinguish *casework* from *case management* while noting their interconnectedness and mutual importance for ensuring effective practice:

*Casework*, itself, may apply some of the techniques understood to be effective for offender rehabilitation, such as, cognitive skills-building and family intervention. *Case management* provides the *structure* in which rehabilitation interventions are given, and this can have an impact on the success or otherwise of the intervention. This includes engaging the client, and family, and establishing the roles, rules and responsibilities during the order. Case management provides the assessment and case planning activities; it sets the objectives, tasks, activities, and plans the sequencing or scheduling of any required tasks or interventions for implementing the plan and managing the sentence (emphases added) (Day Howells & Rickwood 2003, p.13).

Likewise, in what appear to be the only Australian papers to directly consider the design of case management in youth justice, Moore describes it as ‘a *framework* for statutory supervision’ (Moore 2003, n.p., emphasis added; see also Moore 2004). Thus, as the *structure, framework* or *context* for supervision, the purpose of case management in Australian juvenile justice is to support the broader goals of reducing recidivism and enhancing client compliance and community safety (see AIHW 2018b; AJJA 2009). Consequently, the design and practice of case management in juvenile justice should be informed by evidence about ‘what works’ to achieve these aims.

Most of the primary studies that inform the systematic reviews and meta-analyses included in the ‘what works’ literature and discussed in this chapter, originate from the USA, followed by Canada and the UK. There appears to be a lack of robust evaluations of young offender programs from Australia, New Zealand and most European countries (Buckland & Stevens 2001; Koehler et al. 2013; Sallybanks 2002; Sartore et al. 2015). This emphasises a need for the systematic evaluation of programs and interventions and for outcome arbitrators across various countries (Koehler et al. 2013). It also indicates that the transferability of findings from these studies to an Australian context should be considered cautiously, given the differences in legal and sentencing structures, as well as economic and social contexts. In addition, the transferability of findings from the studies involving only adult offenders to a juvenile justice context should be considered cautiously, in light of the developmental differences between adult and young offenders.

## 4.4 ‘What works’ to reduce recidivism

McGuire’s (2000) review of what works to reduce criminality provides a useful synopsis of key early findings from some seminal studies (e.g. Andrews, Donald & Dowden 2009; Dowden & Andrews 1999; Gendreau, Goggin & Cullen 1999). A central finding is that rehabilitative approaches work better than punitive, deterrence-based interventions, which are sometimes linked to *increases*, rather than reductions in recidivism (McGuire 2000). McGuire (2000) concludes that a diverse range of interventions are effective in reduce reoffending, but those that work *best* are characterised by the following features:

- *Theoretical soundness* – clearly articulated theoretical underpinnings that provide an evidence-based, cause-and-effect rationale for crime and offending behaviour;
- *Structure* – lucid aims and outcome goals that encourage expert and ordered worker participation in activities, which clearly relate to an individual offender’s needs;
- *Methods* – a cognitive behavioural approach, that centres on the interactions between a person’s feelings, thoughts and behaviour during the course of an offence;
- *Risk-Needs-Responsivity* – the intensity and type of intervention is matched to an offender’s assessed level of risk (i.e. drawn from criminal history and other variables); ‘criminogenic’ need (i.e. based on dynamic or variable risk factors known to be connected to offending behaviour, such as attitudes, pro-criminal peers, family problems, or substance misuse); and responsivity factors (i.e. an understanding of the individual offender’s learning and change style and needs related to age, gender, culture, language, etc.);
- *Program integrity* – ongoing monitoring and evaluation of programs to ensure their adherence to pre-arranged aims and outcome goals, chosen methods of intervention and appropriate levels and types of staff training (McGuire 2000).

A further finding is that interventions delivered in a *community setting* are generally more effective than those delivered in prisons or detention centres (McGuire 2000). However, this effect depends on the design and implementation of the intervention. As McGuire (2000, p.5) explains: ‘badly-designed, poorly implemented services emerge as ineffective regardless of criminal justice setting’.

## 4.5 What works with young people who offend

While McGuire’s (2000) review provides significant and useful insights into what works for offenders in general, given the developmental differences between adult and young offenders, it is important to more closely examine what works for young people who offend. To this end, the findings of the following four systematic reviews are especially useful:

1. In 2002, McGuire, Kinderman and Hughes published a review of effective practice for offending behaviour programs with young people for the Youth Justice Board (YJB) and the Ministry of Justice in England and Wales. The review includes 23 systematic reviews or meta-analyses, published from 1985 until 2002, that examine effective practice with young offenders (aged 12–21 years); excluding those focused on sex offenders (McGuire, Kinderman & Hughes 2002).
2. In 2002, the Australian Institute of Criminology published a review by Sallybanks of 164 papers, published from 1995 until 2002, relevant to reducing and preventing offending among young people (aged 12–25 years). Of the 40 evaluations included, 45% originate from the USA with the remainder from Canada, New Zealand, Australia and the UK (Sallybanks 2002).
3. In 2013, Kim, Merlos and Benekos published a journal article of an evaluation of the findings of 85 meta-analytic studies about correctional interventions for young offenders. The included studies were published in English, between 1980 and 2009 and originate from the USA 'or a substantially similar English-speaking country (e.g. Canada, the UK and Australia)' (Kim, Merlo & Benekos 2013, p.174).
4. In 2016, Adler and colleagues published a Rapid Evidence Assessment (REA) commissioned by the YJB that examines 'what works' to manage young people (aged 10–21 years) who offend (see Adler et al. 2016). The final synthesis includes 164 papers, published in English between 1990 and 2014, of which 41 were meta-analyses or systematic reviews (Adler et al. 2016).

Overall, the findings of these systematic reviews accord with those detailed in McGuire's (2000) earlier review and, as discussed next, reach similar conclusions about what works to reduce youth recidivism.

The four reviews find that the most effective approaches adhere to the *risk-needs-responsivity principles* and consider 'the wider context within which the offence occurred' (Adler et al. 2016, p.44; see also Kim, Merlo & Benekos 2013; McGuire, Kinderman & Hughes 2002; Sallybanks 2002). Additionally, there is consensus that correctional interventions with a rehabilitative orientation work better to reduce recidivism than no treatment or punitive,

discipline-based approaches (see Adler et al. 2016; Kim, Merlo & Benekos 2013; McGuire, Kinderman & Hughes 2002; Sallybanks 2002). To varying degrees, findings from three reviews support the *short-term* effectiveness of mentoring and recreation programs and the longer-term effectiveness of those that help young people access and maintain educational involvement (see Adler et al. 2016; McGuire, Kinderman & Hughes 2002; Sallybanks 2002). However, one review finds no evidence supporting such programs or those focused on drug-treatment, vocational and cognitive behavioural treatment (see Kim, Merlo & Benekos 2013).

All four reviews reach conclusions that appear to support the effectiveness of case management or related approaches for reducing youth recidivism, such as *individualised* service delivery, multiple coordinated services and service brokerage or referral (see Adler et al. 2016; Kim, Merlo & Benekos 2013; McGuire, Kinderman & Hughes 2002; Sallybanks 2002). Sallybanks (2002), for example, concludes that:

[P]rograms that are targeted at the individual's needs appear to be effective. One program does not necessarily "fit all" and a case management approach to dealing with young people may be more appropriate.

Sallybanks' (2002) review further finds that case management and intensive supervision are effective when agencies work together. However, this finding is based on the results of a small number of studies conducted primarily in Orange County, California, specifically of programs targeted at serious, persistent and gang-involved young offenders (Sallybanks 2002). Therefore, any relevance to the Australian youth justice context should be interpreted with caution.

#### **4.5.1 Case management with vulnerable families**

In 2015, the Parenting Research Centre published a Rapid Evidence Assessment (REA) that examines controlled evaluation studies of case management models with vulnerable families (Sartore et al. 2015). The REA, commissioned by the NSW Department of Family and Community Services (FACS), examines studies on case management for service areas that include early parenting with at-risk families; families with complex needs; and children

and youth (Sartore et al. 2015). In total, 29 publications, covering 22 models of case management are included and of these, 14 publications covering ten models of case management in services for children and young people (Sartore et al. 2015). These services include employment services, inpatient and outpatient treatment, mental health support, juvenile justice (i.e. diversion, tertiary-level supervision and post-release after-care) and ‘wrap-around’ models targeted at young offenders and young people with social, emotional and behavioural difficulties (SEBD) (Sartore et al. 2015).

The reviewers note that only two of the included studies are Australian i.e. (Cameron et al. 2012; Grace & Gill 2014) and none, specifically consider ATSI people or those from culturally and linguistically diverse backgrounds (Sartore et al. 2015). This is significant, given the overrepresentation of young people from ATSI backgrounds in juvenile justice. The reviewers reach a number of specific conclusions about case management. They identify the following as common case management tasks: assessment, individualised case planning (and a written plan), monitoring, service coordination, information provision and education, referral to services, direct service provision and therapy, provision of general ‘support’, and linking families to services (Sartore et al. 2015). Overall, the reviewers conclude that, despite promising findings, the evidence for case management is mixed, as some studies are not sufficiently rigorous and some studies find no benefit for case management models. In particular, consistent with some other studies (e.g. Adler et al. 2016; Sallybanks 2002), the reviewers find that the contextual nature of case management is challenging for evaluation.

## **4.6 Beyond risk: ‘desistance’ and ‘effective practice’ with involuntary clients**

There is general acceptance of risk-need-responsivity principles in youth justice. However, a substantial number of critics argue that rehabilitation endeavours are more successful when focused on the individual *needs* of clients and that risk-driven intervention may be counter-productive by distracting workers from what works *best* (see Trotter, McIvor & McNeill 2016). These critics tend to argue for a return to focusing on the person-in-environment in a humanising way. McNeill (2006b, 2008), for example, argues that *missing* from the what



works paradigm is a conceptualisation of how change processes occur and that this must be understood first to consider how practice should be shaped. Specifically, McNeill (2008) advocates for an understanding of *desistance*, the methods by which offenders cease and refrain from offending. The desistance paradigm concentrates more on criminological research about *how change works* rather than on the evaluative evidence of *what works* in its developmental approach to evidence-based practice (Maruna, Shadd & LeBel 2010). It may also be described as a strengths-based approach, as it seeks to promote elements that are empirically known or considered to be related to desistance (e.g. pro-social participations, social connections and capital), rather than a deficits-based approach that is offence-focused and targets or rectifies offender deficits (Maruna, Shadd & LeBel 2010).

McNeill's (2006a, p.135) review of evidence for effective practice with young offenders, concludes that greater attention needs to be paid to their experiences and perspectives:

[T]he construction of community supervision should begin not with evaluations of 'tools' and 'programmes' (belonging to 'experts' and 'professionals') but with understandings of processes and transitions (belonging to young people).

In particular, he identifies the following three key principles:

1. 'Relationships' are at least as important as 'tools' and 'programs' in influencing the outcomes of supervision
2. 'Social contexts' are at least as significant as 'individual problems' and 'resources' for offending and desistance
3. 'Social advocacy' is at least as necessary as 'individualised responsabilisation' to support desistance (McNeill 2006a).

Importantly, McNeill and Weaver (2010) argue that there are six key implications of desistance research for case management with juvenile justice clients:

1. A 'one-size-fits-all' approach will not work, as the desistance process is inherently subjective and individualised. Instead, case management must be able to accommodate and develop issues of diversity and identity.
2. Case managers must help young offenders develop motivation, but also hope.

3. Notwithstanding the importance of positive client-worker relationships, desistance must be understood within the broader context of human relationships and who is important to the young person
4. Case management should not just focus on a young person's risk and (criminogenic) needs. It also needs to focus on and exploit the available strengths and resources of a young person and their social networks to help overcome impediments to desistance.
5. Case managers need to work *with* young people, rather than *on* them. This is to respect and encourage self-determination and promote the discovery of personal agency; a necessary precursor for desistance.
6. Just 'engaging' with a young person is not enough; others must be 'coordinated' to engage with the young person and support the desistance process. Case managers need to help build 'social capital' (i.e. relationships and family and community networks) and not just 'human capital' (i.e. personal skills, knowledge and resources).

McNeill and Weaver (2010) conclude that an understanding of the *change process* should shape the design of case management in youth justice and corrections, as well as the design of programs and interventions.

Trotter (2015) examines the role of worker attributes and skills in developing effective approaches for working with involuntary clients. In brief, he identifies the following:

*Role clarification* – this not only requires the worker to clarify their *own* role for the client, but also to clarify the role of *other* workers involved with the client, and the purpose of interventions (Trotter 2015). Specific to case management, Trotter (2015) contends that workers should be 'clear about their particular role as case planner, case manager or problem solver [and] should also help the client to understand the role of other workers in the helping process' (Trotter 2015, p.73). In light of the evident ambiguity of case management in juvenile justice, this is clearly problematic.

*Reinforcing and modelling pro-social values* – this is essentially based on learning theory. Trotter (2015) contends that workers should provide verbal and non-verbal cues and

rewards to clients to support pro-social comments and behaviours; they should also model the expected pro-social behaviours. Trotter (2006) further notes that building positive worker-client relationships through empathy, humour, optimism and some self-disclosure can provide the foundation for effective outcomes, when accompanied by pro-social modelling and problem-solving.

*Collaborative problem-solving* – Trotter's (2015) approach is based on the client's definition of problems and goals, and involves several steps that clearly intersect with various models of case management. These steps include surveying, prioritising and exploring the client's problems, setting goals, developing a contract with associated strategies and tasks, and ongoing monitoring and review (Trotter 2015).

*Integrated approach* – Trotter (2015) argues that findings from several studies (see Bonta, J et al. 2011; Raynor, Ugwu-dike & Vanstone 2014; Robinson et al. 2011; Trotter 1996; Trotter 2013; Trotter & Evans 2012) support integrating role clarification, pro-social modelling, collaborative problem-solving and, to a lesser degree, cognitive behavioural therapies.

Given the ambiguity associated with case management, Trotter's (2015) findings about the importance role clarification are particularly relevant for this study. They also has particular implications for practice in multi-agency case management arrangements, which are prevalent in juvenile justice. Some of these challenges are described by Trotter (2015, p.74) as follows:

If the worker has a role as a case manager and case planner, with much of the direct problem-solving work being done by other agencies or workers, this should be made clear to the client. The worker should try to help the client understand how help will be provided for different problems, how services will be coordinated and the worker's responsibilities in this, what the client can do if services are unsatisfactory, and what happens if the client does not follow up services as planned. It should also be clear to the client how they can participate in the case-management, case-planning and problem-solving processes. The client should be helped to understand his role in relation to each step of each of the processes.

Thus, in addition to the greater complexities, described earlier in this chapter, that multi-agency working creates for evaluation (see Adler et al. 2016); there are also greater complexities for practice.

Trotter and Evans (2012) published the findings of a recent study that specifically examines the use of effective practice skills, (including role clarification, pro-social modelling, and problem-solving) by juvenile justice workers in NSW. The study involves observations of interviews between juvenile justice workers and clients. In total, 47 juvenile justice workers and 80 clients participated and 128 interviews were observed (Trotter & Evans 2012). The researchers conclude that: ‘the style of supervision by juvenile justice workers can make a difference to the likelihood that young people under supervision will re-offend’ (Trotter & Evans 2012, p.2). In particular, the researchers find that the juvenile justice workers are stronger on relationships skills than on role clarification skills, such as explaining their dual role, discussing the limits of confidentiality, and clearly establishing negotiable and non-negotiable matters (Trotter & Evans 2012). The findings also suggest that considerably more time is taken up in the interviews with needs analysis or assessment and less with setting goals, developing solutions and implementing cognitive behavioural approaches (Trotter & Evans 2012).

These findings have important implications for youth justice organisations and for case management with juvenile justice clients. Importantly, the aim of this study is not to replicate the findings of Trotter and Evans’ (2012) research. Rather, the focus is on case management as the *framework* or central organising structure that underpins the delivery of supervision, casework and other interventions. Nevertheless, an overlap between the relational elements of case management and supervision in juvenile justice is unavoidable, particularly where these services are provided by the same worker.

## **4.7 Principles for effective case management in corrections**

In 2000, Holt published a review of research on models of case management, which examines the design implications for effective practice in corrections. As noted earlier in

this chapter, he situates case management in correctional settings as the ‘context for supervision’ (Holt 2000a). Holt (2000a) further argues that the lack of clarity and precision about what constitutes case management, impedes its implementation and evaluation. He argues that agencies should make a clear distinction between the *service coordination* or *administrative role* of a case manager and their role as the ‘human link’ in the process of supervision (Holt 2000a; see also, Partridge 2004). In particular, Holt (2000a) identifies the following ‘four Cs’ as key interrelating elements for an effective probation case management model:

1. *Consistency* – a crucial facet to seamless service delivery and prerequisite to increasing client motivation and learning. For example, consistent assessment practices across services and between individual workers, delivering the various elements of the case plan in a logical, ordered way and monitoring the quality of outputs from service providers (Holt 2000a).
2. *Continuity* – of assessment and supervision across time and the entire continuum of interventions. This is required to create a central point of stability and the sense of a single holistic, supportive and steady relationship for the client, which minimises their fragmented thinking process (Holt 2000a).
3. *Consolidation* – of learning, necessary to assist the client to join up fragments of learning to form a whole by using reflective practice and supervision, as well as community integration where a client’s strengths can be utilised and confirmed (Holt 2000a).
4. *Commitment* – required from the case manager to the case plan, the client and the process of supervision, in order to reduce recidivism and promote positive change (Holt 2000a).

McNeill and Whyte (2007) reviewed and confirmed Holt’s (2000a) conclusions as part of a broader examination of the role that case management approaches can play in the reduction of recidivism. However, they argue that given the importance of the wider criminal justice system to a community corrections setting, a fifth element should be included:

5. *Compliance* – client compliance with the conditions of a legal mandate and possibly those of a case plan may itself be a condition of an offender’s probation or parole (see Healey 1999). Thus, assisting a client to comply with the legal order and associated case plan should be included as part of a model of case management that promotes effective practice in corrections (McNeill & Whyte 2007).

McNeill and White (2007) particularly emphasise the importance of a positive client-worker relationship for fostering the legitimacy of the worker’s authority in the eyes of the client and enhancing compliance.

## **4.8 Findings from studies of case management in adult corrections**

Although the focus of this study is on the case management experiences of juvenile justice clients, the findings from three seminal studies of case management in adult corrections are included in this chapter. The findings are pertinent to this study, because two of the studies directly examine the experiences of offenders. Of these, one involves prisoners in NSW (see Coulter 1999) and the other involves probationers in England and Wales (see Partridge 2004). The third study, introduced in Chapter 1 (see Section 1.4.4), is a wide-scale study of correctional case management in Europe (see DOMICE 2012). To date, it represents the largest study ever undertaken on this subject. Despite the geographical variations between the three studies, the findings are remarkably consistent and appear to support the principles for effective case management, identified by Holt (2000a) and McNeill and Whyte (2007).

### **4.8.1 Case management in New South Wales correctional centres**

Coulter (1999) conducted a study for the NSW Independent Commission Against Corruption (ICAC) that aims to explore the perceptions of inmates and officers about how case management operated in their correctional centres. The study was prompted by the findings of a wider ICAC investigation that several custodial officers had engaged in corrupt conduct in the case management of inmates (Coulter 1999). Coulter (1999) undertook 77

structured interviews with a random sample of 37 correctional officers and 40 male and female inmates in nine NSW correctional centres. Based on the findings from the interviews, Coulter (1999) concluded that: 'case management' meant different things to officers than to inmates; and neither officers nor inmates thought that case management was working very well in their correctional centre at the time of the research. Specifically, she found that officers perceived case management to mean better *administration* and *monitoring* of inmates; while inmates viewed it a process for working through their difficulties with a *specifically-appointed, supportive and trustworthy* officer (Coulter 1999). The inmates and officers agreed that for case management to be effective, a mutually positive relationship was required, as well as an officer with a committed and positive attitude towards case management and offender rehabilitation (Coulter 1999). Notably, they felt this could best be supported by not changing case officers or caseloads, to allow for the development of a consistent and continuous relationship; and nominated the provision of a dedicated officer for inmates to report to as the 'best thing' about case management (Coulter 1999).

#### **4.8.2 Models of probation case management in England and Wales**

Partridge (2004) conducted an exploratory study, commissioned by the UK Home Office, into case management models in probation settings in England and Wales. The purpose was to compare and make recommendations for practice. Partridge (2004) defines 'case management' as the staffing structures and organisational processes that exist to coordinate and integrate all aspects of community supervision; ranging from initial offender risk and need assessment to program delivery and the anticipated order completion. The study involved maximums of 10 offenders and 15 staff across different grades, (i.e. management, practitioner and administrative) from five probation areas. It included interviews with offenders from each area to explore their experiences and any differential bearing on their motivation due to different case management models.

In relation to the offenders' experiences of probation case management, Partridge (2004) makes numerous findings related to clarity, continuity, crisis management and fragmentation. More specifically, most of the offenders reported that they:

- did not understand the concept of *case management* or *case managers*;
- had difficulty articulating what type of order they had received, the length of the order or when it commenced;
- seemed unaware that they had a case manager who was overseeing and integrating their order;
- were unable to distinguish between different grades of staff using the term 'Probation Officer' when referring to any member of staff;
- were clear about the distinction between partnership agency staff and probation staff;
- remembered discussing attendance and compliance rules during the first meeting with their supervising officers;
- understood what they were trying to achieve during their order – though few were specific about the objectives of their supervision plan; and
- were happy that the supervising Probation Officer had taken into account issues they had raised and that these issues had been incorporated into their order (Partridge 2004).

Partridge (2004) finds that *continuity* in case management is important to offenders and their experiences of fragmentation are either mitigated or exacerbated by: the design of a team case management model; staff turn-over rates; the degree of contact between offenders and their case manager; and the number of referrals between practitioners and partnership agencies. The conclusion is that *small team* approaches can help mitigate the impacts of staff absences and turn-over.

Partridge (2004) identifies consensus among the probationers about the importance of working with the same supervising probation officer, who is known and trusted. This is important throughout the entire period of an offender's order, but most particularly in the early stages of an order. She notes that the probationers in her study often referred to any



members of case management teams as 'probation officers', suggesting that effective offender-worker relationships can be built with other staff (Partridge 2004). The offenders reported the following three main issues that they faced when their probation supervision was transferred to a new officer:

1. inadequate time to develop confidence and rapport with new people;
2. concern that the quality of their supervision declined during this period and that they might be treated differently; and
3. fatigue at having to continually recount their problems to someone new (Partridge 2004).

Furthermore, the offenders who experienced numerous supervising officer change-overs were more uncertain about who to contact if they experienced a personal or a practical crisis (Partridge 2004).

Partridge (2004) concludes that regardless of the model type, several core case management principles improve offender engagement. These principles are summarised, as follows:

1. Offenders' experiences and needs should be acknowledged.
2. It is necessary to promote and ensure continuity of contact between an offender and the same case manager and other case management team members to build trust and rapport with the offender, especially during the early stages of supervision.
3. Task separation between case management team members should be limited where possible and primacy given to regular contact between the offender and case manager. This can reduce offenders' confusion about the process of case management and supervision.
4. Face-to-face contact with a small case management team is beneficial for both staff and offenders, since this can mitigate the unavoidable discontinuity of relationships.
5. Case management models should be characterised by openness, flexibility and support, as these are key motivating factors for offenders (Partridge 2004).

Partridge (2004) further concludes that her study was unable to make direct causal links between effectiveness and models of case management. She describes effectiveness as relating to a range of factors and that the particular impacts of different case management models are difficult to isolate from the myriad of other local and contextual factors.

Partridge's (2004) study was used as a significant piece of evidence used to inform the National Offender Management Model (NOMM) in England and Wales (Robinson 2011). The OMM, developed by Tony Grapes, was a key element of the National Offender Management Service (NOMS) introduced in 2008 (see Section 3.5). The OMM adopts the case management principles or 'four Cs' identified by Holt (2000a): consistency; continuity; consolidation; and commitment. The key tasks and processes of the OMM are: assess; sentence; plan; implement; review; and evaluate (ASPIRE) (Robinson 2011). In addition, the model comprises the following main components:

- *Tiering framework* – targeting resources to the level of assessed risk;
- *Sequencing* – organising multiple interventions so that they are coherent, appropriately timed, and wherever possible, incrementally build on the previous interventions; and
- *Brokerage* – ensuring the client can access services and interventions that are internal to community-based or custodial services or from external partner agencies, to provide a balanced, holistic package of interventions.

The OMM promotes a small team approach. This entails an *offender manager* coordinating all the communication among stakeholders and the overall plan and direction, while *key worker(s)* deliver interventions; an *offender supervisor* working each day to actively implement the plan; and a *case administrator* keeping it all on track (NOMS 2006). Burnett, Baker & Roberts (2007, p.237) suggest that a major contemporary transformation in probation practice is 'the movement from one-to-one casework as the principal modus operandi to a team-based offender management approach'.

### 4.8.3 Developing Offender Management in Corrections in Europe (DOMICE)

Between September 2009 and November 2011, a large-scale research project was led by Tony Grapes and Jo Chilvers, designed to advance knowledge about correctional case management approaches across Europe and to share promising practice between jurisdictions (see DOMICE 2012). The study, known as the Developing Offender Management in Corrections in Europe (DOMICE) Project was funded by the European Commission and involved more than 40 jurisdictions from 34 European countries. The project aims to facilitate learning and understanding between jurisdictions and to highlight the significance of case management to correctional practice (DOMICE 2012). Importantly, the DOMICE Project (2012) also attempts to examine how an offender might experience case management:

The unique focus of DOMICE was upon the case management of adult offenders across the whole of any correctional jurisdiction. That is, it was to try to understand the case management arrangements as an offender would experience them, making his/her way through the system, rather than from the perspective of the probation service, prison service or any other provider of services (DOMICE 2012).

However, the project did not directly examine the views of offenders or involve them in the research. Nevertheless, the DOMICE Project makes a number of findings, particularly related to models of case management and its operation as a system-wide function, that have implications for offenders' experiences.

The DOMICE (2012) researchers analysed the term 'case management', noting that the word 'management' suggests authority and strategy – that something will occur with intention, rather than by chance. They interpret the term 'case' as an *episode with a person*, so that any organisation handling or managing a 'case' can be said to be doing 'case management' (DOMICE 2012). The DOMICE researchers further note that in correctional systems, 'case management' more typically refers to:

[A] way of working in which multiple "interventions" are arranged for multi-problem, multi-issue people (cases). It contrasts with an approach limited to one-to-one "therapy" or casework, although one-to-one "therapy" or casework may be one of the "interventions" (DOMICE 2012, n.p.).

This is clearly consistent with the notion of case management as the context for supervision and casework, discussed in Section 4.3. The DOMICE researchers contend that in case management arrangements, there is usually, although not always, a lead person ‘in charge’ (DOMICE 2012, n.p.). They refer to this role as the ‘case manager’, but acknowledge that different organisations use varying titles for the same role.

The DOMICE (2012) researchers identify three main models of case management: *individual-based*, *team-based* and *hybrid* models. Individual-based models prevail in the community and team-based models in custody, which suggests that case management is conceptualised and operationalised differently across custodial and community-based correctional settings. The researchers describe a *hybrid-team-based* approach as the most popular case management model overall, regardless of setting. This involves a team of staff assigned collective, exclusive responsibility for a case, providing various services. They typically agree on a single assessment, based on separate assessments from various professionals, which then informs a case plan through a collaborative planning approach with the client (DOMICE 2012). Tasks are assigned to each team member from within the plan, but a *single person* is assigned responsibility for ‘driving the plan’ or continually monitoring the progress of the entire plan, while also supporting and encouraging the client (DOMICE 2012). Progress reviews are conducted through periodic team meetings (DOMICE 2012). Notably, the researchers reported that custodial team-based approaches are ‘strong on making plans; less reliable on implementing them’ and there is ‘little evidence of active, assertive case management of unsentenced detainees [with] cases rarely assigned a case manager’ (DOMICE 2012, n.p.).

Overall, the DOMICE Project (2012) finds that individualised case management exists in every examined jurisdiction and a substantial amount is spent on managing individual cases. However, in no jurisdiction is case management designed and delivered as an integrated, system-wide function, nor is it designed with a single case management plan that spans ‘end-to-end’, across all the possible pre-sentence, post-sentence, custody and community stages (i.e. ‘end-to-end’) (DOMICE 2012). More specifically, the researchers found the following:

- weak quality assurance of case management
- lots of duplication, contributing to a repetitive, fragmented experience for accused and offenders going through systems
- less efficient and effective systems than they otherwise could be
- little evidence that case management arrangements are understood between jurisdictions (DOMICE 2012).

Therefore, the researchers determine that the potential for case management to ensure that work at each stage of the correctional system builds incrementally on the last is not being fully realised – the consequence is duplication and waste on a massive scale (DOMICE 2012). They conclude that there should be a continued focus on case management to generate a common understanding and ‘language’, and that jurisdictions should critically examine their case management arrangements across the whole system, from *the perspective of an offender* passing through (DOMICE 2012).

Maguire and Raynor (2016) summarise the key findings of research and experimentation with offender management in adult corrections over the past two decades. These are that case management should be:

- part of a coherent process in prisons that commences early in the sentence and continues beyond release;
- viewed as a ‘human service’ and not just a system of management – therefore, it must be based on trusting client-worker(s) relationships;
- involving a collaborative approach to sentence planning and implementation;
- individualised with interventions tailored to personal risks and needs, instead of a ‘one size fits all’ approach;
- holistic, focused on offending behaviour and pro-criminal thoughts, attitudes and beliefs, as well as practical supports and reintegration issues (e.g. accommodation, education, employment, etc.);
- delivered by skilled practitioners; and
- supported by a rehabilitative culture, where staff are provided with adequate time and resources to work with clients (Maguire & Raynor 2016, pp.151-2).

In sum, offender management or case management is 'the glue that holds everything together' (Maguire & Raynor 2016, p.151) and key to the design of more effective correctional systems.

## 4.9 Conclusion

The chapter concludes that there is growing interest in determining the efficacy and outcomes of case management with young people and adult offenders, but virtually none relating to juvenile justice, or clients' perceptions and experiences of case management. This chapter situated case management and the limited research about its efficacy with youth justice clients within the broader context of the 'what works' and evidence-based practice movements. A case was argued for recognising the strategic importance of case management to effective practice in youth justice; as the context or structure for rehabilitative interventions. It was noted that the research to date focuses primarily on individual approaches to working with offenders rather than examining case management systems. The chapter reviewed established research findings, competing paradigms and critiques, including the concepts of desistance, role clarification and collaborative problem solving. Then a list of principles for the effective practice of case management were identified that inform how case management *ought* to be practiced with youth justice clients. This is relevant for understanding and interpreting the findings of the literature related to clients' experiences of case management, reviewed in Chapter 5.

# Chapter 5: ‘Clients’ experiences of case management: a review of the research literature

## 5.1 Introduction

The chapters to date have focused on the context of case management, its definitions and effectiveness with juvenile justice clients. This chapter focuses on the specific issue under examination in this thesis, *young offenders’ understanding and experiences of case management in juvenile justice* and adopts a rigorous approach to searching and reporting the literature. It addresses the following two questions:

1. What is already known about the experiences of case management from the perspectives of ‘clients’?
2. What methodological approaches appear useful for understanding ‘clients’ experiences of case management?

As noted in Chapter 1, the working definition of ‘*case management*’ for the purposes of this study is as follows:

‘Case management’ refers to the arrangements made to coordinate and integrate the different components of a court order and associated case plan for a juvenile justice client, particularly through the processes of assessment, planning, implementation and review.

To ensure comprehensiveness, the literature search has aimed to include knowledge about the case management experiences of current and former juvenile justice clients, as well as those of children and young people in circumstances similar to juvenile justice clients.

Therefore, for this review, the term ‘client’ has a broader meaning than ‘juvenile justice client’ and refers to the following three distinct groups:

1. *Current or former ‘young offenders’ in the community or in custody* – children or young people, at or above the local age of criminal responsibility and below the local

age of criminal majority at the time of committing a crime, who have been found guilty in a court of law of a criminal offence

2. *'At-risk' young people* – children or young people who are considered to be at risk or in danger of involvement in the statutory child welfare or criminal justice systems, for reasons such as homelessness, association with offending peers or family members, or exposure to abuse.
3. *Young mandated clients* – children or young people who are compelled to receive a service by virtue of a court order or the threat of some other legal penalty (Trotter 2006)

The broader criteria are intended to recognise and capture the case management experiences of 'cross-over kids' (Cashmore 2011, 2013), involved in both statutory child protection and juvenile justice.

## 5.2 Inclusion and exclusion criteria

Literature included in this review has been selected according to its relevance to the research question. As such, it has to have a substantial focus on 'clients' self-reported experiences of 'case management' or components thereof (e.g. throughcare or post-release support). Literature has been excluded if it focuses on any of the following:

- 'Clients' views, perceptions and experiences of aspects of the juvenile justice system beyond the ambit of tertiary-level juvenile justice supervision (see Figure 1.1 and Section 2.4) (e.g. diversion schemes, restorative justice approaches, specialist drug or mental health programs, courts or the police, etc.);
- Research or programs about sex offending, since this is often treated as a 'specialist' area within juvenile justice; and
- Case management approaches in contexts that do not involve young offenders, 'at risk' young people or young mandated clients.

For pragmatic reasons, this review only includes literature published in English. The literature search is limited to studies published from January 1975, when contemporary



case management approaches first emerged in Australia (see Section 3.4.2) until December 2018; just prior to the thesis submission date.

This review was not predicated on a hierarchy of evidence. However, the following types of studies have been excluded:

- Studies with poor methodology (e.g. ill-defined terms, no outcome measures, etc.);
- Purely descriptive studies, unless directly relevant to answering the research questions (e.g. a description of JJ NSW client demographics or young offenders' views of a case management program);
- Anecdotal commentaries.

Instead, only studies with an explicit and fit-for-purpose methodology have been selected.

This review includes both 'black' literature (e.g. peer-reviewed journal articles and theses) and 'grey' literature (e.g. government and other reports or websites). Arguably, the peer review associated with 'black' literature ensures that these studies have stronger methodologies than those published in less formal journals or magazines (Aveyard 2010; Jesson, Matheson & Lacey 2011). However, including only 'black' literature would have unnecessarily limited the review's scope. Indeed, the Cochrane Collaboration recommends the inclusion of 'grey' literature in systematic reviews, in order to enhance their comprehensiveness (Higgins & Green 2011). Finally, in reporting the findings, emphasis is given to studies that are *contemporary* (i.e. published in the last decade); and *local* to the context of this study (i.e. New South Wales, Australia).

### 5.3 Overview of the 'key studies'

Twelve studies have been identified from the literature as central to understanding how 'clients' experience case management. These are referred to in this chapter as the 'key studies'. The majority of the key studies are commissioned reports (8) while the remainder include peer-reviewed journal articles (3) and a doctoral thesis (1). The papers were published between 1997 and 2017; with the majority (11) published in the last decade. Most of the key studies (10) were conducted in Australia and almost half of these (4),

included New South Wales. The two international studies in this review were conducted in the USA and Scotland, respectively.

The methodologies of almost all the key studies are exploratory and, to varying degrees, employ mixed methods that favour qualitative over quantitative approaches. Many studies, particularly commissioned reviews of juvenile justice systems or programs, are evaluative in nature (see Armytage & Ogloff 2017a; Keys Young Pty Ltd 1997; Murphy et al. 2010; Roy & Watchirs 2011; White & Gooda 2017). Two of the studies focus on young people's self-reported outcomes of case management and employ quasi-experimental research designs (see Barrett 2012; Hartwell et al. 2010). In the majority of studies, the sample sizes are relatively small. Overall, the methodologies of the key studies do not allow the findings to be generalised to broader populations or situations but are appropriate to the aims of the studies.

## **5.4 Studies explicitly involving current or former 'young offenders'**

There are nine key studies that explicitly involve young offenders and examine their perceptions and experiences of case management in statutory institutions and/or after their release from such facilities. Of these nine studies, four are major commissioned reviews of various state and territory juvenile justice systems in Australia (see Armytage & Ogloff 2017a; Murphy et al. 2010; Roy & Watchirs 2011; White & Gooda 2017) and the remaining five, are focused on 'throughcare' (see Barry & Moodie 2008; Halsey 2006; Hartwell et al. 2010; Keys Young Pty Ltd 1997; Moore, Saunders & McArthur 2008). In Australia, *throughcare* refers to 'the process of delivering continuous care' (Borzycki 2005, p.11) and facilitating 'seamless' transitions as a young person moves between custody and the community (see also Moore, Saunders & McArthur 2008; more than ideas 2016; White & Gooda 2017). In other parts of the world, this is sometimes known as 're-entry' (Altschuler 2011; Maruna 2001, 2011; Maruna & Immarigeon 2004; Mears & Travis 2004a, 2004b) or 'resettlement' work (Gray 2010; Maguire & Raynor 2006; Millie & Erol 2006; Parkinson 2010; Phillips et al. 2012). Importantly, the focus on throughcare is relatively narrow and

does not account for case management along the full continuum of juvenile justice services, particularly in the community.

### **5.4.1 Government commissioned reviews of juvenile justice**

The key studies include four major reviews of Australian state and territory juvenile justice systems. These were of the youth justice systems in NSW (Murphy et al. 2010); the ACT (Roy & Watchirs 2011); Victoria (Armytage & Ogloff 2017a); and the NT (White & Gooda 2017). Notably, the most recent NT review is a widely-publicised Royal Commission, which examined the treatment of children in detention and child protection (see Australian Government 2018). In brief, these reviews provide valuable information about case management as follows:

- Each review emphasises the importance of case management to support effective practice and to coordinate service delivery;
- For it to function optimally across the juvenile justice system, case management was broadly conceptualised as a supporting framework;
- In none of the juvenile justice systems was case management operating as an ‘end-to-end’ system.

The aims and methods of each study are now briefly described, followed by an analysis of their limitations and findings in relation to ‘client’ perspectives about case management.

### **5.4.2 NSW: Noetic review of juvenile justice**

In 2010, the NSW Minister for Juvenile Justice commissioned Noetic Solutions Pty Limited to undertake a ‘four-phase strategic review’ of the NSW juvenile justice system (‘Noetic JJ NSW Review’) (Murphy et al. 2010; Murphy, McGinness & McDermott 2010). This review was intended to offer a future pathway for policy, programs and practice that would support the broader goal of reducing recidivism (Murphy et al. 2010). In doing so, the reviewers were required to consider resource implications and the particular needs of ‘vulnerable groups’, including girls and young women, culturally diverse groups, and ATSI young people (Murphy et al. 2010). In addition to a number of aims targeted at identifying effective practice and

reducing juvenile recidivism, the Noetic JJ NSW Review aimed to recommend ways for government agencies and communities to improve the continuum of services delivered to young people in the juvenile justice system. This aim in particular required the reviewers to consider case management and the 'end-to-end' service provision in juvenile justice in NSW.

The study includes a narrative review of international and national literature pertaining to 'effective practice' in juvenile justice. According to the reviewers, this helps 'build a comprehensive evidence base from Australia and overseas in order to test current practice and new ideas in the NSW context' (Murphy, McGinness & McDermott 2010, p.iii). The published report of the review indicates that young people involved in the juvenile justice system were directly consulted and that 'this provided a very different perspective' (Murphy et al. 2010, p.vi). However, no further information about these consultations or the unique insights gained from the young people is included in any of the published reports from the Noetic JJ NSW Review (see Murphy et al. 2010; Murphy, McGinness & McDermott 2010). Consequently, the researcher contacted the report's first author directly, to seek further details. The author advised that the researchers had spoken with four young people involved in a community program who had previously been in juvenile detention in NSW (Murphy 2017, pers. comm. 7 Oct). Thus, it seems there was minimal overall input from justice-involved young people into this review.

The review finds that Juvenile Justice NSW provides community and custodial services through case management, in partnership with other government agencies, as well as non-government agencies (Murphy et al. 2010). The reviewers describe 'case management' as a 'service' that includes 'interventions to address risk factors identified as contribut[ing] [to] young people's offending behaviour' (Murphy et al. 2010, p.114). Specific to custody, the reviewers find that 'individual case management' is used to 'plan for a young offender's release and reintegration into the community' (Murphy et al. 2010, p.116) and to establish relationships with non-government organisations post-release. More broadly, the review describes the use of the Youth Level of Service Case Management Inventory – Australian Adaptation (YLS/CMI-AA) in Juvenile Justice NSW for initial assessments and the

development of case plans. In particular, the reviewers note an emphasis on risk assessment that they determine to be in keeping with a *risk-needs-responsivity* approach:

These assessment frameworks demonstrate a trend towards a risk-based intervention within Juvenile Justice. A risk-based approach suggests that effort should be focused on addressing the criminogenic needs of high-risk clients. This is a marked shift in the way Juvenile Justice previously practised case management which was based on 'minimum standards of supervision' (Murphy et al. 2010, p.113).

Importantly, at the time of writing their report, the reviewers note that it had to be 'assumed' that this approach would be implemented effectively. No further published reports appear to exist in relation to this issue.

In addition to Juvenile Justice NSW, the review mentions several agencies and services working with juvenile justice clients that use a case management approach, including Justice Health, the NSW Police Youth Command, Housing NSW, Community Services (statutory child protection), Disability Services, and a range non-government organisations. Notably, the reviewers find that these agencies do not collaborate very effectively with one another:

It is evident that individual departments and agencies are doing a lot of good work for children and young people, but this effort is not always coordinated, and does not fit into a broader strategic framework. [...] There is no strategy or framework that sets out a philosophical approach, long term goals, and brings together the range of services, projects, programs etc. available for children and young people (i.e. from building youth friendly infrastructure to juvenile justice centres) (Murphy et al. 2010, p.vii).

The reviewers recommend a strategic, 'whole-of-government' and 'whole-of-community' approach to children and young people in NSW that would assist agencies to develop a collective understanding of their respective roles and responsibilities in contributing to this approach (Murphy et al. 2010). The reviewers conclude that there is a need for 'whole-of-government collaboration [...] across the entire juvenile justice continuum, from integrated case management at the first signs of risk, to post-release services' (Murphy et al. 2010, p.82).

#### **5.4.2.1 ACT: Human Rights Commission review of youth justice**

In 2011, the Legislative Assembly of the ACT commissioned the Human Rights Commission (HRC) to conduct an inquiry into the ACT juvenile justice system (Roy & Watchirs 2011). The review aimed to investigate and report on systemic issues relevant to the ACT juvenile justice system and particularly to Bimberi Youth Justice Centre (YJC). It ran for six months and was underpinned by three basic principles: (1) human rights standards; (2) evidence-based practice (EBP); and (3) participation of young people (Roy & Watchirs 2011). Notably, of the 147 people taking part in the review, 30 are current or former juvenile justice clients (Roy & Watchirs 2011). The reviewers employ a mixed methods approach to data collection intended to capture a broad range of views and perspectives. Specific to the young people involved in the study, the methods include interviews with all 30 participants; surveys completed by 19 current or former residents of the Bimberi YJC; four focus groups with 12 young people in Bimberi YJC; and consultation with a Young Persons Reference Group (YPRG) that includes eight residents of Bimberi YJC (Roy & Watchirs 2011).

The researchers note that due to the investigative, political and public nature of the study, only partial or no demographic information is provided about the study participants to protect their identities (Roy & Watchirs 2011). Although clearly a necessary and ethical measure, it limits the degree to which the study's findings can be interpreted to account for differences in the characteristics of the people in the sample groups. Overall, this is the most relevant study identified in this review, as it is the only Australian study to have examined juvenile justice clients' experiences of case management from an 'end-to-end' perspective. However, it did so within the parameters of the reviewer's remit, as part of a wider examination into the youth justice system. In addition, it is not always clear from the report of the review, which of its findings is directly attributable to the views of the client participants. Moreover, the transferability of the findings should be carefully considered, as there are important differences between the ACT and NSW. In particular, the ACT comprises a much smaller geographic area than NSW and it has significantly higher income and educational levels for its population than the national average, due to the federal government being located there (ABS 2018). The researchers also note that the accuracy of

survey responses is generally not independently verified, but that the results are consistent with information provided by other study participants and, therefore, appear trustworthy (Roy & Watchirs 2011).

The HRC completed its review in June 2011 and made 224 recommendations about the ACT juvenile justice system, addressing issues such as, staffing, case management, prevention and diversion, programming, conditions of detention, and management and oversight of the system (Roy & Watchirs 2011). Notably, a key recommendation and an entire chapter of the final HRC report is devoted to *case management*, based on the HRC's determination that 'a quality youth justice system is supported by an effective case management system' (Roy & Watchirs 2011, p.200). The reviewers define case management as a process that involves *assessment, case planning* and *coordinating* the varied and complex roles and responsibilities of different organisations with a client (Roy & Watchirs 2011). At the time of the review, it was guided by the case management framework of the ACT Office for Children, Youth and Family Support (OCYFS) (Roy & Watchirs 2011). The reviewers find that a range of government and NGO service providers in the areas of education, health and family services also provide case management services to young offenders (Roy & Watchirs 2011). To ensure adequate through-care and after-care, the researchers argue that young people need *continuity* in case management services (Roy & Watchirs 2011). More specifically, the review ascertains that case management is a vital instrument for facilitating effective collaboration between agencies, and improving outcomes for young people, but only if well-designed and well-implemented (Roy & Watchirs 2011).

The ACT HRC Review has identified a number of key challenges to implementing an effective case management system in juvenile justice as follows:

1. determining a shared vision for case management;
2. establishing role clarity for the different stakeholders;
3. assigning a key case manager;
4. enabling information sharing and communication;
5. upholding professional respect;
6. enabling participation of young people and their families; and

7. establishing effective monitoring and evaluation (Roy & Watchirs 2011).

The review recommends *a new case management model* for services across the youth justice system which includes the following elements:

1. aligning the case management model to reflect the vision, goals and objectives of the juvenile justice system;
2. a single care team across Bimberi YJC and CYJ;
3. a single case plan and case manager for young people wherever they are located (i.e. Bimberi or CYJ);
4. involvement of advocates;
5. timely case conferences: and
6. a memorandum of understanding across the OCYFS (Roy & Watchirs 2011).

Since the review in 2011, the ACT juvenile justice system has reportedly implemented the *single case management* approach (ACT Government 2012, 2014; The Legislative Assembly for the Australian Capital Territory 2011), but no further reports or evaluations appear to be available.

#### **5.4.2.2 Victoria: review of youth justice**

In 2017, Armytage and Ogloff (2017b) published their review of the Victorian youth justice system, commissioned by the Department of Health and Human Services (DHHS). The review is wide in scope and aims to develop a foundation for the systematic reform of youth justice services, so as to provide an evidence-based response to offending by young people, reflective of their needs and attitudes and those of the broader community. The review considers the structures and practices of youth justice systems across Australia, including NSW, as well as internationally. The review uses a 'blended project methodology' (Armytage & Ogloff 2017b) that includes data and document analysis, a formal literature review, and stakeholder consultation and engagement. Young people were reportedly involved in the review through centre visits, focus groups, workshops and a survey. While the reviewers spoke with young people in custody, including in New South Wales, they note



that owing to ethical considerations and constraints, these are informal consultations only (Armytage & Ogloff 2017b).

The reviewers conducted five focus groups, involving 32 young people, some of whom were using the services of various youth and community agencies that assisted in recruiting them for the study. A series of facilitated workshops were held that involved Victorian young people with 'exposure to the youth justice system' as a way to understand their perspectives and experiences in relation to crime and the youth justice system (Armytage & Ogloff 2017b). In addition, more than 1,000 Victorian young people aged 25 or under responded to a web-based survey about their attitudes to crime and expected government responses. The reviewers emphasise the importance of client perspectives as follows:

Young people have a strong desire to be directly involved in approaches to addressing youth crime. The Review team heard many distressing stories about the experiences of some young people but, more importantly, heard stories of hope and determination to improve their lives and the lives of their friends and families. Young people must be at the centre of everything the youth justice system does (Armytage & Ogloff 2017a, p.4).

Notably, the report is not written in such a way that it is possible to extract the specific perspectives of these young people. Instead, a set of generalised observations and findings are provided by the reviewers that amalgamates the sources. Nevertheless, as the review is contemporary, Australian, and includes findings about case management, relevant material has been included in this review.

The review finds that youth justice supervision in the community has 'evolved into a case management model where youth justice workers refer complex cases to psychologists and other services in the absence of suitable programs' (Armytage & Ogloff 2017b, p.23). The reviewers note an 'over-reliance' on one-to-one supervision meetings by workers and unstructured counselling and interventions by psychologists in custodial and community contexts (Armytage & Ogloff 2017c). The findings also suggest a need for greater support for young people to manage transitions, particularly between custody and community and a lack of available resources for youth justice workers to draw on. The review also notes that high administrative workloads reduce the amount of time that youth justice workers can

spend with clients and, in some areas, workers are spending a great deal of time transporting young people between appointments. It is unclear from the review if workers are able to use this time productively or how the clients experience this. For example, young people may perceive this as helpful, rather than a waste of workers' time.

The reviewers describe juvenile justice services as being 'delivered along a continuum from pre-plea diversion and court advice through to custody and into the community' but lacking in any 'single, clear articulation' of purpose and intended outcomes (Armytage & Ogloff 2017b). They note variable intake and assessment practices across the different juvenile justice offices which therefore lack consistency (Armytage & Ogloff 2017b). The reviewers find the information obtained from structured assessments about criminogenic need is not 'reliable' or 'robust' and that workers are making unstructured assessments because they consider the structured assessment tools to be inappropriate and unhelpful (Armytage & Ogloff 2017d). This is consistent with the findings of other studies that have examined the use of structured assessment tools in youth justice and human services, as discussed in Chapter 3. Importantly, the review finds that courts are making decisions in the absence of reliable or useful assessments and information from youth justice (Armytage & Ogloff 2017d).

The review concludes that the lack of a structured approach to assessment is replicated in the overall ad-hoc approach to supervision of young people in the community (Armytage & Ogloff 2017a). In particular, the reviewers find evidence of a lack of role clarity between workers from Youth Justice and Child Protection, as well as between workers from Youth Justice in the community and in custody. They report examples of 'blurred accountability over who has responsibility for young people in youth justice along the full continuum – from bail, through to remand, custody and parole' (Armytage & Ogloff 2017a, p.24). In addition, the reviewers comment that there is a reliance on funded service providers to deliver a range of interventions to juvenile justice clients, including specialist mental health services, community-based prevention schemes, intensive support and engagement, and case management (Armytage & Ogloff 2017b). Thus, there appears to be a multi-agency approach to service delivery, coupled with role clarity problems. Certainly, the review finds

‘service coordination’ to be deficient in meeting the complex needs of juvenile justice clients (Armytage & Ogloff 2017b). In particular, the needs of girls and young women are not adequately met, and there is limited engagement of families and carers and inadequate services for young people’s multiple needs. They add that more strengths-focused and culturally responsive approaches are required for working with ATSI young people and communities. The reviewers further argue that ‘a contemporary youth justice system should be based on strong principles that support timely, certain and effective justice approaches’ (Armytage & Ogloff 2017d, p.51).

#### **5.4.2.3 NT: Royal commission into the protection and detention of children**

In September 2016, The Royal Commission into the Protection and Detention of Children in the NT (RCIPDCNT) was initiated in response to widespread public outrage at the mistreatment of young offenders at Don Dale juvenile detention centre. Footage aired by the ABC Four Corners program showed boys (mainly from ATSI backgrounds and some as young as 14); being tear-gassed in their cells, held in solitary confinement and ‘hooded’ and transferred to an adult prison (Stout 2017). The incidents had actually occurred two years earlier and were, at the time, the subject of a Children’s Commissioner investigative report (see ONTCC 2014). The Royal Commission swiftly discovered more than 50 written reports about related issues in child protection and youth detention in the NT (Everingham 2017). None appear to have been ‘taken seriously’ by Australian governments until they received high-profile public exposure and condemnation. The commission concludes that, during the period of the review, the youth detention system in the NT has ‘failed at multiple levels’ in ‘extensive’ and ‘very serious’ ways (White & Gooda 2017, p.10). A further conclusion is that this has resulted from a ‘disregard for evidence of what works, and insistence on a punitive approach that demonstrably does not’ (White & Gooda 2017, p.11).

On 31 March 2017, the commission released an interim report which was publicly criticised by some of the young people who gave evidence about its omission of their voices and experiences in the juvenile justice system (Anthony 2017). This appears to have been addressed in the commission’s final report which includes a section of personal stories of some young people, in their own words about care and detention. Indeed, the report

makes particular mention of the important contribution that such personal stories of made to the commission's inquiries (White & Gooda 2017). The commission further notes that the opinions of children and young people about matters that affect them have not been considered in the development or implementation of legislation, policies and procedures. This is despite existing provisions for this in both NT's child welfare legislation and the United Nations Convention on the Rights of the Child. Consequently, the commission recommends that:

The Northern Territory Government establish mechanisms for children and young people in care and detention to be able to express their views in the development and implementation of laws and policies affecting them, and that those views be given due weight (White & Gooda 2017, p.109).

This is clearly pertinent to the concerns of this study. The commission has determined that findings from the 'what works' literature, as well as the self-reported 'lived experiences' of children and young people in care and detention should influence policy.

This commission also made a number recommendations for case management and exit planning from custody (White & Gooda 2017), describing them as important services to support the potential for young people's rehabilitation and reducing their risk of recidivism. Further relevant findings follow. Most young people have been deemed ineligible to access these services, especially to many subject to remand (White & Gooda 2017). Insufficient staff are available to provide the required level of case management services in detention. Like the Victorian youth justice system (see Armytage & Ogloff 2017b), there is a strong reliance on funded non-government organisations to provide rehabilitative services to young people – in this instance, for exit planning and post-release support (White & Gooda 2017).

This final report also highlights the lack of training for detention centre staff and describes an overall 'inexperienced', 'casualised', under-staffed and unsupported workforce (White & Gooda 2017). The commissioners argue this originates from 'substandard' recruitment practices for youth justice officers (White & Gooda 2017). They emphasise the importance of pro-social modelling by detention staff i to build positive working relationships with the

detainees and to uphold the legitimacy of their own authority to promote compliance, finding the opposite in practice: 'Far from being good role models, some youth justice officers' own poor behaviour in swearing at detainees and breaching rules endorsed a certain indifference to rules and discipline' (White & Gooda 2017, p.20).

### **5.4.3 Through-care studies: young people's experiences in custody and post-release**

Five key studies specifically examine clients' 'through-care' experiences, with consideration of their case management experiences in custody and post-release. This includes the oldest (1997) publication in this review, also the only study with a national scope – although it focuses particularly on juvenile justice services and transition arrangements in NSW, WA and Victoria (Keys Young Pty Ltd 1997). The remaining four were published between 2006 and 2010; two peer-reviewed journal articles and two commissioned reports. Of the five, two are Australian, conducted in the ACT and South Australia (SA) respectively; the remaining three in the USA and Scotland.

#### **5.4.3.1 National review: juvenile justice services and transition arrangements**

In 1997, the National Youth Affairs Research Scheme (NYARS) published its commissioned review (NYARS National Review) of the services and transition arrangements for young people in and leaving Australian juvenile justice secure care facilities (Keys Young Pty Ltd 1997). This review appears to be the only *national* study of its kind. The NYARS National Review specifically aims to identify the types of support services required for a comprehensive Australian juvenile secure care system (Keys Young Pty Ltd 1997). To this end, it aims to identify existing support services and examples of good practice for young people in Australian juvenile secure care systems and post-release, particularly for those with special needs. In addition to a literature and policy review, the researchers have surveyed each state and territory juvenile justice department and explored young offender's experiences and perceptions about their transition from detention to the community. In-depth interviews were conducted with thirty young offenders who were in, or recently

released from, detention in NSW, WA or Victoria. The researchers highlight the importance of hearing directly from young people about their experiences, remarking that their stories 'painted a very vivid picture of the major issues they face' (Keys Young Pty Ltd 1997, p.vi). However, one main limitation is that this report does not consistently make it clear which findings relate specifically to the self-reported experiences of young offenders.

The researchers initially report a dearth of research about so-called 'transitional' programs in Australia and conclude that these programs' effectiveness could not be independently assessed as they intersected too closely with the broader juvenile justice system (Keys Young Pty Ltd 1997). Nevertheless, they report on the young people's experiences of these programs. Some of these see a strong contrast between the relatively high levels of support offered in custody, compared to the low levels offered post-release (Keys Young Pty Ltd 1997). The period immediately following release is identified as especially challenging for many young people, particularly when supports such as housing or family are lacking (Keys Young Pty Ltd 1997). Overall, the study finds that the young people experiencing the most difficulties transitioning from custody to the community were those who: had been in detention for several months or longer; had no personal support; or were dependent on alcohol or other drugs. Importantly, the young people interviewed regarded highly the intensive post-release support services that provided *continuity* in workers and programs. The researchers argue that the issues young people experience after their release from custody should be addressed concurrently, rather than separately. Specifically, they conclude that 'a coordinated and collaborative approach to service provision is necessary to meet the multiple needs of these young offenders' (Keys Young Pty Ltd 1997, p.v).

The study finds considerable variation between Australian states and territories in arrangements and policies for the transition and release of young people from custody to the community (Keys Young Pty Ltd 1997), particularly *pre-release*; *temporary* or *staged release*; and *post-release*. Two broad approaches are identified for *pre-release*. First, a more implicit approach, holds that all custodial services and programs are oriented towards a young person's release and therefore, do not need to be specifically labelled as 'pre-release' (Keys Young Pty Ltd 1997). Second, a comparatively more overt approach, explicitly

relies on *case planning* or *case management* as the primary mechanism for preparing a detainee for release from custody and a return to the community (Keys Young Pty Ltd 1997). Importantly, the researchers note that *all* jurisdictions maintain that *case planning* and *case management* is the 'key mechanism' for preparing a young person for release (Keys Young Pty Ltd 1997, p.38). For *temporary* or *staged release* schemes, some jurisdictions make extensive use of these while others have none. However, interviewees shared a broad consensus of the desirability and benefits of a gradual transition and reintegration process for young people from detention into the community (e.g. through release for study, employment or family visits) (Keys Young Pty Ltd 1997).

These young participants report institutional-based programs and supports as beneficial, provided that they are accessible, well organised and of high quality (Keys Young Pty Ltd 1997). The review identifies a number of 'special needs' groups, including serious or serious repeat offenders; ATSI young people; girls and young women; young people from a non-English-speaking background; young people with problematic substance use; and young people living with disability, diagnosed as HIV positive, without housing, and living in rural or remote areas (Keys Young Pty Ltd, 1997). Consequently, the researchers specifically emphasise the value and importance of an *individualised approach* through *case management*:

The needs of young people in custody are many and complex, and are often inter-related. Focusing on special needs groups of young people in detention is largely an artificial exercise. Typically, a young person in custody will have a range of needs, rather than a single or major defining need. The critical question then becomes how the particular set of support needs of a young person are identified and addressed, and it is in this context that case management and service coordination become so important (Keys Young Pty Ltd 1997, p.5).

In addition, the researchers conclude that *input from clients* is necessary and increases their motivation to participate, as well as from designated program managers in detention centres who could help ensure programs are well organised and delivered in a planned and consistent way (Keys Young Pty Ltd 1997).

The review finds that, while each juvenile justice jurisdiction professed to have instituted some type of formal case management or case planning system, several problems need

addressing to ensure these processes operate effectively (Keys Young Pty Ltd 1997, p.38). For example, research participants identified an over-emphasis on 'assessing the young person and getting a "caseplan" down on paper' (Keys Young Pty Ltd 1997, p.38), and an under-emphasis on making sure the case plan is actually implemented. This prompted the researchers to caution against 'the means becoming the end', that is, the creation of a case plan itself becoming the main outcome of the case management process, rather than the achievement of the case plan goals (Keys Young Pty Ltd 1997, p.38). Two further problems are identified for case plans. Firstly, in some areas, they case plans lack transferability between detention centres, disrupting the sense of *consistency* and *continuity* for the young person transitioning between centres (Keys Young Pty Ltd 1997). Secondly, *role clarification* is lacking, the lines of responsibility or accountability (i.e. 'who' is doing 'what') are not clearly specified for the listed tasks in case plans (Keys Young Pty Ltd 1997). Importantly, the reviewers argue that the lack of a clearly identified and empowered 'case manager' has an overall detrimental impact on the case management process:

If no person is driving the case plan or the case manager does not have the authority to ensure others involved in the case management process do what they say they will do, the effectiveness of case management is diminished (Keys Young Pty Ltd 1997, p.38).

As a corollary, they also find that case management reportedly works well and benefits young people when case plans include well-defined tasks, goals and timeframes, as well as clear lines of accountability and responsibility (Keys Young Pty Ltd 1997).

The reviewers note the importance of a 'culture' of commitment and enthusiasm in detention centres to ensure a 'customer focus' and the effective implementation of programs, services and supports (Keys Young Pty Ltd 1997). More broadly, they recommend 'a state and territory-wide coordinated approach to services and supports across detention centres' to ensure their *consistency* (i.e. in type and quality); and greater *continuity* for young people, transferred between centres (Keys Young Pty Ltd 1997). They acknowledge the contribution of the Australian Juvenile Justice Administrators Quality of Care Standards in promoting a national, *consistent* approach to the standards of care for young people in detention. However, they note the need for genuine political commitment (through both



will and resources) in order to achieve ‘the effective *implementation* of these standards’ (Keys Young Pty Ltd 1997, p.vii, emphasis added).

#### **5.4.3.2 SA: lived ‘repeat incarceration’ experiences of young male offenders**

Between 2003 and 2004, Halsey (Halsey 2006) carried out a pilot study called Negotiating Conditional Release (also referred to as the NCR pilot), which uses an interpretive biographical approach to explore the ‘lived experiences’ of young men in and post-release from the Cavan Training Centre (CTC) in SA, with the following aims:

- to understand the reasons for high breach and recidivism rates for young males released from the CTC
- to analyse the circumstances which support or hinder the young men to complete their conditional release plans
- to examine what factors contribute to a longer or shorter amount of time between release and reoffending

The study’s methodological aim is stated as: ‘to test the relevance and efficacy of the narrative biographical method in the context of researching juvenile recidivism’ (Halsey 2006). Halsey (Halsey 2006) conducted in-depth interviews with twenty young men in the CTC aged 15 to 18 who had served enough time in the CTC to be eligible for conditional release and had also successfully or unsuccessfully completed a prior release plan (not connected to their current time in detention). Notably, Halsey (Halsey 2006) contends that the findings of the study underscore both the importance of young people’s perspectives and the interpretive biographical approach.

Some findings relate directly to young offenders’ experiences of case management, specifically at the *pre-release* and *post-release stages* of their time in custody. Most (Halsey 2006) of the young men perceive conditional release to be an ‘abstract’, administrative or bureaucratic process that held little concrete or personal meaning for them as an opportunity to ‘make good’ (Maruna 2001). The apparent, ‘overly bureaucratic’ tendencies of the staff overseeing the process contribute to an overall sense of ‘detachment’ for the participants (Halsey 2006). While there are examples of committed workers (Halsey 2006,

p.153) who ensured smooth transitions to release, participants generally feel that workers defer to the rules at the expense of responding to the unique needs of their clients. Moreover, participants report feeling 'swamped by detail' in their conditional release plans, exacerbated by high staff turnover that creates a general lack of continuity in 'pre- and post-release liaison' (Halsey 2006, p.154). Importantly, this appears to disrupt *continuity* for both case planning and the development and maintenance of trusting client-worker relationships (Halsey 2006). Indeed, Halsey (2006, p.154) suggests that for some participants, the impact of having to change workers is so great, that it is likened to a form of 'betrayal'. Nevertheless, some young men describe the custodial environment as *less* chaotic or traumatic than their own home environments (Halsey 2006).

Halsey further identifies the importance of congruence between the young person's ideas about what they 'desire' to achieve and the 'expert view of the optimal conditional release plan' (Halsey 2006, p.162). To this end, he argues for tasks, programs and activities that are worthwhile and meaningful to the young person. Halsey (2006) determines that, similar to parole, conditional release focuses on 'risk' and inherently involves an assessment of a young person's likelihood of reoffending after their release. Importantly, he concludes that this shapes the design, implementation and monitoring of release plans, which in some instances constitutes, rather than mitigates risk (Halsey 2006). For example, one release plan required attendance at a drug support program which involved discussions about drugs that the participant experienced as an *enticement*, rather than a *deterrent* to substance use (Halsey 2006). Similarly, the distance of programs from the young person's residence on conditional release significantly influences the likelihood of compliance and desistance (Halsey 2006). Indeed, the young men appear more likely to attend a program located within their individual 'comfort zone'; Halsey (2006) notes they are not given much, if any, time or support to adjust or orient themselves to their post-release environment.

A culture is observed (Halsey 2006) of 'deficit modelling' in custody – as opposed to 'pro-social modelling' or 'strengths-based' practice – whereby detainees are punished or given 'consequences' for misbehaving, but rarely rewarded for compliance or more positive behaviour. Halsey contends this has important implications for how a young person on

conditional release is expected to behave in the community and how this is managed by supervising staff:

Specifically, authorities have tended only to be concerned with the failings or transgressions of offenders rather than with the strengths and progressions of young persons. [...] Transgressions of release plans are taken to signify the end of the plan rather than a necessary and normal component of learning to get by in the community (Halsey 2006, p.167).

Indeed, Halsey (2006) argues that 'failure' ought to be seen as an anticipated component of being released from custody. Notably, this is in keeping with Holt's (2000a) recommendation to design correctional case management so as to provide offenders with opportunities for *consolidation* of learning and skills. This means, for some young people, learning to live a 'new way of life' without reoffending or returning to detention requires practise and therefore, room for mistakes. This fits with a *desistance model* of offending which recognises that desistance is not a single, definitive moment in time but rather, a ubiquitous process that requires constant negotiation (Halsey 2006; Maruna & LeBel 2010; McNeill 2003; McNeill, F 2006b; McNeill 2008; Weaver & McNeill 2011).

#### **5.4.3.3 Canberra and Massachusetts: 'through-care' experiences of young offenders**

Two of the five key studies involving young offenders share several important similarities in their aims and design and are considered together. Moore, Saunders and McArthur (2008) published a report in 2008 that explored young peoples' experiences of transition from youth detention in the ACT. In 2010, Hartwell et al. (2010) published an article about the post-discharge issues experienced by male juvenile offenders in Massachusetts, USA. These share the aim of including the voices of young offenders in the 'what works' discourse, specifically concerning post-release and community reintegration needs to reduce recidivism (Hartwell et al. 2010; Moore, Saunders & McArthur 2008). The studies are similarly designed to interview young offenders at different points in time following their release from custody; including immediately after release and sometime thereafter. The researchers intend in both studies to examine and document the extended post-release experiences of the young offenders, but find this not possible due to the higher and faster

than expected re-arrest rates of their sample groups (Hartwell et al. 2010; Moore, Saunders & McArthur 2008). They also set out to include both genders, but Hartwell et al.'s (Hartwell et al. 2010) Massachusetts study was unable to recruit any females at all. Moore, Saunders and McArthur (Moore, Saunders & McArthur 2008) managed to recruit just two for their ACT study but their views were ultimately represented as those of male offenders in order to protect their identities in the final report. Thus, any possibly unique, gendered perspectives are not revealed in the study's findings (see Moore, Saunders & McArthur 2008). Finally, both studies also rely on the assistance of juvenile justice staff for participant recruitment, which may have resulted in some selection bias (Hartwell et al. 2010; Moore, Saunders & McArthur 2008).

Hartwell et al.'s (2010) Massachusetts study involves 35 young male offenders from six sites within the Department of Youth Services (DYS) (three in Greater Boston and three in the Southeast Metro Region). Aged 14 to 20, participants had been released from residential juvenile justice treatment programs where they had been for at least 6 months (Hartwell et al. 2010). Initially, the study design was to entail comparison between young people re-arrested and those not re-arrested within 12 months post-discharge. However, this time period was reduced to 3 months as very few young people were not re-arrested within 12 months, and several had turned 18 and 'aged out' of the DYS system (Hartwell et al. 2010). Notably, it appears that young people from the most 'chaotic' backgrounds are excluded from the study, since the purposive sample selection was mainly managed by program staff (Hartwell et al. 2010). Of the 35 young males, around half (N = 18) remained arrest-free in the community after their discharge from residential treatment and the other half (N = 17) were re-arrested almost immediately post-discharge (Hartwell et al. 2010).

All the young males in the Massachusetts study took part in a semi-structured interview, which includes 71 data points and 61 qualitative responses (Hartwell et al. 2010). The interview format is divided into nine topic areas, designed to capture the young males' experiences and to correlate with known young offender risk and protective factors (Hartwell et al. 2010). Each contains quantifiable data points and questions intended to elicit the respondent's views on the topic area; the summary section finishes with

suggestions from respondents for the development of an effective juvenile justice community re-entry program (Hartwell et al. 2010). The young males who had been re-arrested were interviewed at detention or secure treatment programs and those not re-arrested were interviewed at their allocated DYS community re-entry centres (Hartwell et al. 2010). The initial intention was to compare a sample of young people re-arrested within one year against one not re-arrested within a year, impossible due to the rates at which young people were re-arrested or ageing out of the youth justice system (Hartwell et al. 2010). The crime-free post-release time frame was ultimately reduced to 3 months to ensure the availability of a sample, but this reduces the study's capacity to conduct a comparative analysis (Hartwell et al. 2010). In addition, the research is neither able to capture the processes or context of the re-arrest experience nor account for the possible impact of factors other than young people's criminality, such as neighbourhood disorganisation or increased police presence (Hartwell et al. 2010).

The vast majority of the young males identify that family services, anger management and staff being fair are helpful at post-release (Hartwell et al. 2010). They ascertain that peers, drugs, their environment, and not having any money are the most difficult post-release factors to cope with to stay crime-free (Hartwell et al. 2010). Conversely, they report that family contact and support, school involvement, a job, and activities are the most helpful factors to remaining crime-free in the community (Hartwell et al. 2010) and that the development of an effective post-release program depends on the provision of a range of activities and fair treatment of children by staff (Hartwell et al. 2010). Importantly, among the researchers' conclusions are that the findings emphasised *the importance of the young people's perspectives* and the need for interagency collaborations to deal with the young people's health and service needs (Hartwell et al. 2010).

The Australian study, conducted in Canberra over 18 months, was funded by the ACT OCYFS (see Moore, Saunders & McArthur 2008). It involves a group of young people who were on a committal at the ACT's former secure youth facility, Quamby Youth Detention Centre (Quamby) at some time during 2007 and 2008. The study is designed to explore, over time, their experiences of initial detention and their life thereafter, in order to help design and

implement more effective responses to young people leaving juvenile detention (Moore, Saunders & McArthur 2008). The researchers employ a qualitative phenomenological methodology (Moore, Saunders & McArthur 2008), concentrating on four main areas of inquiry: how the young people understood their lives, how they interpreted their time in detention, what took place during the post-release period and what the young people considered was and could have been helpful in making the transition from detention to the community (Moore, Saunders & McArthur 2008).

The study involves eleven young people, from approximately fifteen possible participants, serving a sentence of more than three months at Quamby YDC (Moore, Saunders & McArthur 2008). Notably, unsentenced young people in custody are excluded from the research. The researchers note that this creates a more homogenous sample group: older than the average detainee, conceivably more entrenched in the youth justice system, with comparable experiences (Moore, Saunders & McArthur 2008). The researchers also collected data from client case management files and from some of the young people's parents and nominated 'support persons', as well as workers from key services and case management staff at Quamby and from CYJ (Moore, Saunders & McArthur 2008). The researchers conducted three separate, semi-structured interviews with each young person, in detention, and where possible, in the community, to try to explore their experiences over time (Moore, Saunders & McArthur 2008). At time of the first interview, the young people in the sample group were aged 16 to 18 years comprising two females and nine males, of whom four identified as ATSI and three as Pacific Islander (Moore, Saunders & McArthur 2008). The majority had led chaotic and unstable lives since an early age and had some involvement with statutory child protection services (at least four having experienced out-of-home care (OOHC)) (Moore, Saunders & McArthur 2008). The researchers acknowledge that the small sample size limits the findings. However, they argue that the depth and richness of the data sources as well as the use of multiple data sources and multiple interviews assist to provide a robust description of the experiences of this group of young people (Moore, Saunders & McArthur 2008).

The three interviews each with their own focus, use an analytic induction method, building on previous interviews (Moore, Saunders & McArthur 2008). The first interview focuses on aspects of the young people's lives; the second, examines the leaving detention preparation process; and the third is conducted three months post-release, and seeks to understand the transition process. Notably, except for three, all had returned to Quamby by the time of the third interview (Moore, Saunders & McArthur 2008). This means no meaningful comments can be made about the young people's extended post-release experiences (Moore, Saunders & McArthur 2008). The interviews are tape-recorded and ask young people's views about family, school, employment, engagement with formal and informal supports, hazards and challenges that may worsen and extend their offending behaviours, and strengths, opportunities and protective factors that moderate their engagement in offending behaviour and affect their post-release re-entry (Moore, Saunders & McArthur 2008).

The researchers conclude that young people know what does and does not work for them when transitioning from detention to the community (Moore, Saunders & McArthur 2008), in particular, poor service coordination and communication between multiple agencies with different goals do not work (Moore, Saunders & McArthur 2008). Specific areas of their lives young people report needing assistance with are: maintaining and developing relationships, sustaining connections with crucial institutions such as workplaces, schools, and informal supports, resolving the impacts of incarceration and accessing support to successfully reside in the community (Moore, Saunders & McArthur 2008). However, the researchers find young people generally to have a poor engagement with services after their release (Moore, Saunders & McArthur 2008). The young people attribute this to several factors:

- being re-incarcerated after a short period of time;
- not wanting to engage in statutory programs;
- not having strong connections between young people and services, and requiring young people to request help, which they often lack the confidence to do;

- frequently poor communication between agencies and agencies not sharing the same goals;
- lack of system oversight and accountability; and
- lack of available support at the time young people desire or need it (Moore, Saunders & McArthur 2008).

The study identifies two pivotal junctures in the young people's lives when they sought and/or required assistance: the brief period immediately post-release and around three months after being released, when the normality of life had become established (Moore, Saunders & McArthur 2008).

Participants note the importance of a *relational* approach, stating that positive relationships could best facilitate a successful transition from detention to the community (Moore, Saunders & McArthur 2008). They value relationships with workers whom they described as:

- hopeful, optimistic, and supportive of interdependence;
- available when the young people feel they most needed it (i.e. when they feel upset or unsafe, or that they might go out and offend or use drugs);
- seeing the best in them and believing they could succeed;
- committed to identifying problems and working with the young people to address them; and
- empathising with them and resisting making rash judgments about them and what was occurring for them (Moore, Saunders & McArthur 2008).

Importantly, while these young people value workers spending time to identify their problems, they reject relationships with workers or services that solely focus on their problems and fail to assist them to see the positives and potential in their lives (Moore,



Saunders & McArthur 2008). The young people specifically report the following to be unhelpful and issues that dissuade them from asking for and accepting support:

- workers who treat them disrespectfully by speaking down to them or not allowing them decision-making rights or treating them poorly;
- services that do not deliver what the young people believed was promised so they consider it pointless to seek further assistance;
- services where they have little control (e.g. youth accommodation services with stringent rules);
- services that do not actively remain in contact with them, (even if the young person loses contact with the service, since the young people report this is not necessarily an indication of their unwillingness to engage with the service, but more an indication of their chaotic circumstances); and
- services that exert too much pressure on them and/or overstate their failures (Moore, Saunders & McArthur 2008).

When asked about their experiences of case management in detention and in the community, young people in custody report not completely comprehending the role of case management during detention, frequently considering it limited to operational issues (Moore, Saunders & McArthur 2008). They consider the degree of support that case managers can offer young people at Quamby is constrained by limited resources, including staff shortages (Moore, Saunders & McArthur 2008). For case management in the community, they report appreciating a variety of supports on offer but that CYJ post-release case management principally focuses on compliance issues.

The researchers conclude that the young people find the duality of the CYJ workers' role hard to comprehend and deal with (Moore, Saunders & McArthur 2008). They also find that barriers to CYJ case management achieving optimal outcomes include: the location of appointments and unwillingness by workers to offer outreach support and a lack of trust in workers who undertake different roles and approaches (Moore, Saunders & McArthur

2008). Overall, the young people express their want for a case management approach that is *individualised* and *simultaneously* addresses their multiple interpersonal and practical support needs (Moore, Saunders & McArthur 2008). In sum, the young people describe a good case management process as one that is: strengths-based, realistic and responsive to their needs and aspirations, provides choice and opportunities for participation, and encourages continuity of care (Moore, Saunders & McArthur 2008).

#### **5.4.3.4 Scotland: transition experiences of young people in secure care**

From April 2003 to March 2008, the Scottish Government funded Who Cares? Scotland to design a project to achieve better outcomes for children and young people in 'secure accommodation'. Secure accommodation spans both the child welfare and juvenile justice systems in Scotland. Children and young people can be legally compelled to reside in secure accommodation through the children's hearings system or the courts, for reasons such as posing a risk to the welfare of others or themselves, the probability of absconding, and persistent or serious offending behaviour (Walker et al. 2006) (Barry & Moodie 2008). The children's hearing system is unique to Scotland; it deals with children and young people who both commit offences and are in need of care and protection, on the premise that these are often one and the same (Children's Hearing Scotland 2014). It is comprised of lay people with the knowledge and experience necessary to consider children and young people's problems and is neither a court of law nor a local authority committee (Children's Hearing Scotland 2014). Nonetheless, it has powers of compulsory action and can vary measures appropriate to the individual (Children's Hearing Scotland 2014). Who Cares? Scotland is relevant to this review because although the majority of children and young people are referred to secure accommodation through the children's hearings system and not the courts, offending behaviour is found to be the main reason for their admission (Barry & Moodie 2008). As such, the study involves young offenders, at-risk young people and young mandated clients.

The study's sample comprises 76 children and young people, 56 males (74%) and 20 females (26%) (Barry & Moodie 2008), all females and 35 males referred through the children's hearings system, while the remaining 21 males referred through the courts (Barry & Moodie

2008). Not all participated in all the data collection which comprises two key phases. The first entails in-depth, 'four-stage journey interviews' with thirteen children and young people, (eight males and five females) with: an entrance questionnaire; fortnightly meetings between the young person and their worker while in secure care, concluding with a qualitative interview; a pre-exit questionnaire administered after an official decision that the young person should or should not remain in secure care; and a post-exit questionnaire, approximately one month after leaving secure care (Barry & Moodie 2008). The second involves retrospective, in-depth interviews with eight children and young people (four males and four females). In total, from consultations with the 76, the study's findings were based on 71 pre-exit questionnaires; 61 post-exit questionnaires; 13 journey interviews and eight retrospective interviews (Barry & Moodie 2008).

The project's main aim was to engage and build relationships with children and young people in secure care and, through their participation in the study, to improve their self-esteem (Barry & Moodie 2008). The project sought to 'map' the children and young people's secure care journey from their perspectives. They were consulted on their 'lived experiences' and views of secure care from admission through to final discharge, as well as the transition from secure care and related services to assist them with the transition. The children and young people were asked about four broad themes: admission to secure care; time in secure care; exit from secure care; and reflections once out of secure care (Barry & Moodie 2008). Of these, the findings that relate to the children and young people's *transition* to and from secure care are the most relevant to this review, along with the findings about their views on the interventions and procedures of secure care.

Specifically, in relation to their transition to and from secure care, the children and young people reported that:

- the reasons for their placement in secure care are clear, but their transfer involved no prior consultation and was unplanned
- they have limited knowledge of and access to their care plans, but nevertheless feel involved in the overall care planning process

- they are either unable to ascertain 'assessment' as a *defined* period or associate it with *punishment* instead of care, because they feel isolated during this time with restricted opportunities to acquire rewards
- the available information is inadequate at admission, but that the staff are friendly and welcoming (Barry & Moodie 2008).

Additionally, the researchers found that most of the young people do not know about their exit plans, even when their exit date was as close as a week away (Barry & Moodie 2008).

Of those familiar with their exit plan, about a third report a change or interruption, owing to some extent to the lack of alternative accommodation options to secure care (Barry & Moodie 2008). Also, those who had left secure care to reside in the community appear to have a large variety of agencies and workers at their disposal, as well as support from subsequent placements in residential units (Barry & Moodie 2008).

In relation to their views on the interventions and procedures of secure care, the children and young people reported the following:

- feeling frustrated at the lack of consistency between different staff towards comparable routines and regulations across units
- program work in the unit is less effective than that in the community on release from secure care
- not having a throughcare worker in secure care or if there is one, their availability or the value of their input is questionable (Barry & Moodie 2008).

The research also reveals that the nature of the relationship between the children and young people and staff, and issues of trust in particular are important (Barry & Moodie 2008). Most children and young people hold positive attitudes towards the staff members in secure units (Barry & Moodie 2008). In particular, they emphasise important traits for workers as: 'being reasonable, being a good listener, good fun, honest, respectful and easy to talk to' (Barry & Moodie 2008, p.5). The children and young people are discerning about

which staff members they choose to confide in and critical of social workers seen as not providing timely and appropriate support (Barry & Moodie 2008).

This study includes 17 recommendations for reforms to the operation of secure care in Scotland. The first is for nationally agreed guidance 'to ensure consistency of approach, values and practice across and within secure units' (Barry & Moodie 2008, p.vi) and a 'welcoming pack' for children and young people to help them understand secure care at the commencement of their placement. Developing a consistency of approach to distinctions between care and control interventions in secure accommodation is also recommended, through common policies, procedures and staff training. Regular consultation with and greater, more meaningful involvement of children and young people in the care planning process is advised, particularly in through-care and exit planning. The length of the assessment process should be shortened and more clearly defined to allow the inclusion of children and young people at the earliest possible opportunity in group activities, incentive schemes, schooling, etc. (Barry & Moodie 2008). Adequate staffing, resources and flexibility are required to not disadvantage young people in their opportunities for education, programs, mobility and leisure through staff shortages or budgetary constraints (Barry & Moodie 2008).

## **5.5 Studies involving 'at-risk' young people and mandated clients**

There are three key studies that directly involve 'at-risk' young people or young mandated clients and which focus on examining their perceptions and experiences of community-based case management services. Of these three studies, one is an evaluation of an intensive case management service in the southeast of Melbourne (see Barrett 2012) and the other two, are related studies of electronic case management systems in NSW (see Tregeagle 2009; Tregeagle & Johnstone 2013).

### **5.5.1 Evaluation of an intensive case management program**

Between 2011 and 2012, the Brotherhood of St Laurence's Research and Policy Centre undertook a formal, internal evaluation of Peninsula Youth Connections (PYC) (Barrett 2012), an intensive case management program operating in the Frankston-Mornington Peninsula region, southeast of Melbourne. PYC was part of a national educational re-engagement program, known as Youth Connections. The researchers describe it as: 'the local expression of an intensive case management program funded by the Australian Government for young people at risk of disengaging from education or training' (Bond 2011, p.v). Notably, the purpose of the PYC's internal evaluation is to supplement a broader, national evaluation undertaken by the federal funding body (Barrett 2012).

PYC's aim is to assist 'at risk' young people by improving local youth services and providing intensive case management, including outreach and re-engagement activities (Barrett 2012). The evaluation is intended to identify any unmet client needs or wider systemic issues that impeded young people's educational participation and learning; and to consider PYC as 'a case study to reflect on the Youth Connections model's advantages, constraints and opportunities for development' (Barrett 2012, p.3). The evaluation comprises three stages. This review focuses on the second which examined young people's perspectives of the case management program, the outcomes they have achieved; and any ongoing challenges that they encounter (Barrett 2012). Research questions were:

- What concerns are young people presenting to PYC with, and how do these concerns affect young people's progress through education, their engagement with the service and their outcomes?
- How is the PYC service model experienced by young people, and is it successful in meeting their needs?
- How do young people fare after exiting the program? Are outcomes sustainable, and what ongoing challenges do young people face?

The evaluation is a mixed methods, exploratory study, involving qualitative interviews with twelve former PYC program participants and nine PYC staff members and a focus group with

four former PYC participants (Barrett 2012). The researchers collected quantitative data from three main sources: electronic database information recorded by case managers about participants who completed PYC from Jan 2011-March 2012; information recorded by PYC administrative assistants on the PYC referrals database; and data from a purpose-designed survey, sent to participants 3 months after program exit (Barrett 2012). The researchers have protected participants' identities by constructing composite case studies. Where relevant, bivariate data analysis techniques have been applied to test for significant differences between groups, significance was declared where  $p \leq .10$  (Barrett 2012).

The researchers note some important limitations of the study, particularly related to the probability of sample selection bias. Former PYC participants were required to have maintained the same contact details since exiting the program in order to participate in follow-up interviews and surveys (Barrett 2012). This could have resulted in an underrepresentation of participants experiencing the most unstable living arrangements. In addition, those volunteering to take part in the research are possibly more likely to do so in light of prior positive experiences with the program (Barrett 2012).

Findings include that overall, young people's needs are addressed effectively through the intensive case management approach (Barrett 2012). The majority (84.5%) achieve at least one kind of outcome, and at follow-up, the majority (72.5%) are engaged in education (Barrett 2012). In particular, young people with mental health concerns and interpersonal and learning problems appear to benefit from intensive case management (Barrett 2012). The researchers note that while those from unstable family and financial backgrounds and with 'risky' behaviours also experience benefits, they had more enduring challenges (Barrett 2012). This is particularly pertinent, when considering the potential underrepresentation of such participants in the study (see Barrett 2012) and the likelihood of unstable living arrangements and risky behaviours among juvenile justice populations (AIHW 2017). The results of this research demonstrate the complexity and diversity of issues faced by young people when disengaging from education and training (Barrett 2012). There are relationships between the young people's demographic characteristics (such as age, gender and area socioeconomic disadvantage), the barriers they face, and the outcomes they

achieve. The researchers claim that this demonstrate the necessity for programs to provide integrated and holistic services that can be adapted and personalised to fit the needs of young people navigating various routes through education and service structures (Barrett 2012).

Participants identify the following strengths of the PYC program: friendliness, personal support, encouragement, informality, flexibility, persistence and enjoyment (Barrett 2012). Importantly, young people especially value the *relational* aspects of the PYC program; the personalised support they receive through the relationship with their case manager plays a critical role in their successful engagement with the program (Barrett 2012). At follow-up, the researchers also find that, despite ongoing challenges, the improvements the young people make to their lives through PYC participation has continued (Barrett 2012). Most were engaged in work or study at this time, yet were still dealing with ongoing challenges in housing, finances, mental health and self-esteem. Educational disengagement has 'left a powerfully negative impression on young people... (it) was an experience which in itself formed a barrier to future engagement' (Barrett 2012, p.53). Conclusions include that although, overall, the PYC program has been helpful to participants, a re-engagement program is unable to completely mitigate the adverse effects of such prior experiences on young people's self-esteem and confidence (Barrett 2012).

### **5.5.2 Clients' experiences of electronic case management**

In 2009 and 2012, two separate, related studies were conducted in NSW aiming to encourage young people's participation in decisions about out of home care (OOHC) arrangements through electronic case management systems (Tregeagle 2009; Tregeagle & Johnstone 2013). Since 1997, case management systems have been used in NSW OOHC, based on the UK's Looking After Children (LAC) system. An explicit goal of LAC is to increase young people's involvement in OOHC decisions. It was adopted in Australia as the Looking After Children Electronic System (LACES), requiring significant amendments to match the needs of young Australian people and the rapid uptake of information and communication technologies (ICT).



The first study was conducted by Tregeagle in 2009, as part of her doctorate. The study focuses on service users' experience of the system and their then use of ICT. It is unique in that it explores the long-term use of case management systems in which service users were no longer dependent on welfare agencies (Tregeagle 2009). The second study was conducted in 2012 by the CREATE Foundation to explore experience of using LACES, and to find out from those young people who have not used the system what they want from a case management tool to encourage participation. A newer version of LACES was also being developed in 2012, known as MyStory™. The details of these two studies are outlined in an article by Tregeagle and Johnstone (Tregeagle & Johnstone 2013). A copy of the original doctoral study by Tregeagle (2009) was located for this review, but the article is the only reference that could be found for the CREATE Foundation's study. Nonetheless, both have been included due to their unique contribution to the literature about young people's views on electronic case management and the relevance this has for ongoing and future case management systems and approaches.

Tregeagle's (Tregeagle 2009) doctoral study involves individual interviews with young people about their experiences of using the LAC system or the associated system for young people still living with their families. Her data analysis draws on grounded research methods and the study comprises 32 participants, (children, young people and parents), from 25 families across NSW welfare programs using both LAC and another electronic case management program known as Supporting Children and Responding to Families (SCARF) (Tregeagle 2009). Twelve participants have used LAC and 20, SCARF. The LAC group comprises eight young people who have been in long-term foster care or adolescent homelessness programs, and who have used LAC for up to 8 years, and the parents of two of the children. Of the eight young people, three are aged in their early 20s and living independently; two are 18 year olds, just finished school and in (separate) long-term foster placements; two are 15 year olds now adopted, and one a 12 year old who has used LAC in short-term foster placement and now restored to his birth father's care. The SCARF group does not include any young people and so, is not considered in this review.

The findings of Tregeagle's (Tregeagle 2009) doctoral study relate to the aims, planning process, power relations and technology of the case managed intervention: service users have a wide range of experiences and many valued practical, social and emotional assistance and the development of insight (Tregeagle 2009). Her findings indicate that trusting and reliable relationships between service users and social workers are both possible and important (Tregeagle 2009). She notes that service users challenge how poverty, extended family relations and childhood are understood in the child welfare sector and they desire more specialised assistance (Tregeagle 2009). Notably, service users identify written text as creating barriers to their participation in interventions and describe the case management systems as failing to constrain their own, or workers', exercise of power (Tregeagle 2009). However, the use of ICT is also considered challenging, as it is limited in its availability and the impact of its use on communication in practice is poorly understood by social workers and managers (Tregeagle 2009).

The 2012 CREATE Foundation study arose from a series of individual consultations with 21 young people, aged 15-23 years and living in metropolitan, regional and rural NSW (Tregeagle & Johnstone 2013). All participating young people were members of ClubCREATE and have experienced a range of OOHC placements (Tregeagle & Johnstone 2013). At the time five were over 18 and still receiving services from caseworkers or after-care services (Tregeagle & Johnstone 2013). The article by Tregeagle and Johnstone (Tregeagle & Johnstone 2013) provides limited methodological description, but the CREATE Foundation reportedly employed their 'standard consultation techniques' and involved young people in the research on a voluntary basis only. The study participants in OOHC were asked about:

- what information children and young people want to record and how it can best be done;
- when they first entered care what was most important for them to know at that time;
- what they would like their carers/caseworker to know;
- what the main challenges are for young people when they commence a new placement;

- how they communicate with their caseworker about difficulties;
- preferred methods of communication;
- who they would talk to if they had a problem in a placement; and
- how information should be stored (Tregeagle & Johnstone 2013).

Of the initial sample group, ten (aged 18-23 years) participated in a follow-up study. A newer version of LACES evolved, known as MyStory™ aimed at proving young people with a strong voice in planning and reviewing their circumstances of care (Tregeagle & Johnstone 2013). The young people were asked to consider areas of concern about the use of ICT in OOHHC care decision-making and how the designers of MyStory™ could mitigate these. Each took part in an individual interview using a questionnaire containing visual icons as a prompt and the CREATE Foundation's Community Facilitator for NSW reportedly analysed the findings (Tregeagle & Johnstone 2013).

Tregeagle and Johnstone (Tregeagle & Johnstone 2013) determines that designers of a new case management system could draw on the thoughtful considerations of young people expressed in these interviews. They also determine that while face to face interactions with workers are important in both studies, many issues could be addressed by MyStory™. This revolves around the need for better informed decision-making and the need to retain personal information, including mementos and photographs. Case management tools are generally seen to have a role in improving interventions. For those not using case management systems in 2012, a clear yearning for more accessible information is apparent. This relates to both immediate information about their personal story ('My case history') from when a young person was first placed into care and their personal information (e.g. family photographs that the young person wants safely stored for the future) (Tregeagle & Johnstone 2013). Also young people who have not used case management indicate the need for clear, easily accessible information, with the opportunity for detail and questions early in placement. Those who have used LAC identify the importance of the data to inform parents and carers of their individual needs and circumstances and to understand their own history (Tregeagle & Johnstone 2013). Importantly, greater understanding of the young

person and their preferences by caseworkers and carers is seen as a very positive and necessary outcome of case management (Tregeagle & Johnstone 2013).

The 2009 study identifies significant problems with paper-based systems, including a 'strong association with bureaucratic forms, which were described as intimidating, cumbersome and easy to lose' (Tregeagle & Johnstone 2013, pp.90-1). Another key issue is the loss of information important to the life of a young person:

Both studies described young people's distress caused by losing important records, particularly photographs, when these records were kept in hard copy only. The transient housing of young people after they left care, and also sudden moves whilst in care described in the second study, and the subsequent loss of information were highly distressing (Tregeagle & Johnstone 2013, p.91).

Those who have used LAC also lose paper forms and do not always know how these could be replaced (Tregeagle & Johnstone 2013). The use of ICT is held to require further pursuit in both the 2009 and 2012 studies, but many want to understand the implications of this (Tregeagle 2009; Tregeagle & Johnstone 2013). Difficulties have been experienced in contacting workers for both the young people who have used LAC and those who have not. This is considered a key reason for potentially broadening the use of ICT, even if it could not guarantee a worker response (Tregeagle & Johnstone 2013).

The researchers note that between 2009 and 2012 concerns about the use of ICT shift. Specifically, the earlier study find variations in the degree to which participants want use ICT and in 2012, the predominant concern was privacy (Tregeagle & Johnstone 2013). In particular, storing information on the internet is met with reservations from young persons in 2012 (Tregeagle & Johnstone 2013). The researchers note that these online privacy and safety concerns extend to children and young people without a care experience and relate particularly to social media platforms. The researchers recommend that the participants' request to have a 'privacy setting' added to electronic case management systems be acted on, in order to realise the full extent of the 'interactive capacity' of the system (Tregeagle & Johnstone 2013). The participants in the 2012 study also advocate for a case management system that promotes a 'sense of empowerment' and inherently encourages participation

(Tregeagle & Johnstone 2013). The researchers suggest the use of smart phone technologies which are widespread and easily accessible to address the obstacles to participation posed by paper-based case management systems (Tregeagle & Johnstone 2013). According to the researchers, the two studies show the young people's carefully deliberated views about case management and technology and its potential to support decision-making (Tregeagle & Johnstone 2013). The researcher concludes that the design of an electronic case management system should be transparent, safe and protective of privacy, and should ensure meaningful participation from the young person and allow for 'a more active and informed role in the decision-making processes' (Tregeagle & Johnstone 2013, p.92).

## 5.6 Summary of the findings

This literature review offers a useful 'starting point for questioning' (Guest, MacQueen & Namey 2012, p.8) or a guide to further identify what is important to examine in this study and how best to go about it. In particular, this review set out to answer two questions. The first is:

What is already known about the experiences of case management from the perspectives of 'clients'?

None of the studies including in this review, specifically or explicitly examine the experience of case management from the perspective of juvenile justice clients. Several are concerned, to varying degrees, with elements of case management, such as 'exit planning' (Barry & Moodie 2008; Halsey 2006; White & Gooda 2017), 'post-release' support (White & Gooda 2017), 'reintegration' (Murphy et al. 2010) and 'after-care' (Roy & Watchirs 2011). Most of the studies identified a need for greater 'service coordination' and 'continuity of care' from the perspectives of workers and young people. However, it is often not made clear in these studies, which of the findings stem from the young people's perspective.

Some studies do clearly identify that young people want greater opportunities to *consolidate* their learning, particularly in through-care programs (see Halsey 2006; Keys Young Pty Ltd 1997). They also appreciate pro-social attributes in workers and a genuine

sense of commitment from workers to the young person, as pivotal for building relationships and engaging in their case plan (Barrett 2012; Barry & Moodie 2008; Halsey 2006; Moore, Saunders & McArthur 2008). In regard to case planning, they appear often to feel removed from this process or perceive it as bureaucratic; they want a consistent, 'client-friendly' approach (Halsey 2006; Tregeagle 2009; Tregeagle & Johnstone 2013). The studies in the review further identify the importance of *role clarification*, particularly for multi-agency approaches and note that without this, accountability for case management responsibility remains unclear. The challenges of effective implementation and issues such as staffing, staff training and recruitment, as well as a lack of resources to support case management are also identified across several of the studies.

The second research question is:

What methodological approaches appear useful for understanding 'clients' experiences of case management?

Each of the studies included in this review emphasises the importance and value of directly involving clients in research and using the insights gained from their lived experiences to inform practice and policy. Most studies use a flexible approach to data collection with the young people, such as informal consultations and semi-structured, in-depth interviews. Finally, it is clear from this review that, across the entire continuum of youth justice, a limited number of studies exist which directly consider client views about case management. This indicates the need for an 'exploratory purpose' (Alston & Bowles 2012; Grinnell, Unrau & Williams 2014) to this study.

## 5.7 Conclusion

It is clear that a lot of attention has been paid to reviewing, evaluating and in some cases researching criminal justice programs and interventions. The literature suggests that some approaches are perceived by youth justice clients as effective and meeting their needs. In particular, these are services which provide practical assistance, are integrated and holistic, consult young people about their needs, are well staffed and help young people to develop skills, and cope with everyday activities including school and relationships with family. On

the other hand it is equally clear that there has been little research on the way in which young people experience case management and the situations in which it works well or does not work well, from their perspective. It seems that we know something of what works in relation to individual services for young people, particularly in terms of recidivism and to some degree in terms of their own perspective. We know less, however, about how young people experience case management and the multiple services to which they are sometimes exposed. This issue is the subject of this thesis and leads to the general research question:

How do juvenile justice clients understand and experience case management?

Two subsidiary questions arise:

What is the nature of the case management services offered to juvenile justice clients?

Are these clients experiencing case management as the literature suggests it occurs and should occur?

# Chapter 6: Methodology

## 6.1 Introduction

This chapter introduces the methodology for the study. It first discusses the concept of audit trail and outlines the theoretical and data audit strategies used to enhance the trustworthiness of the study. A discussion of 'reflexive critical pragmatism' follows, showing how this relates to the current research. Then the qualitative dominant mixed methods approach is discussed, followed by an overview of the study design, ethics approvals and criteria for evaluating trustworthiness. The rationale for focusing on clients' views is given, explaining issues relating to the power imbalance between the researcher and the research subject, in this case the youth justice client. The chapter continues with an overview of sampling, informed consent, strategies for recruitment and data collection, and reflexive thematic analysis. The audience review method is expounded, followed by critical reflection and analysis of the study design and presentation of the findings, and a chapter summary.

## 6.2 The audit trail

This chapter provides a detailed methodological description or 'audit trail' (Carcary 2009) that demonstrates the researcher's organised and systematic approach to this study. The purpose of the audit trail is to enhance the trustworthiness of this study's findings, by making the logic, relevance and rigour of the research transparent and available for external evaluation (see Finlay 2011; Jones, Torres & Arminio 2006; Longhofer, Floersch & Hoy 2013; Shenton 2004). Following Shenton's (2004) guidance, the audit trail is visually represented through two diagrams. The first is a 'theoretical audit trail' (Shenton 2004) that helps situate or 'anchor' (Jones, Torres & Arminio 2006) the study (see Figure 6.1). It maps the various iterative processes, major sources of knowledge and key assumptions that influenced inquiry decisions and the design of this study. In brief, it depicts how the researcher arrived at: (1) the research problem and (2) the methodology and methods. The second diagram, provided immediately above Section 6.5.1, is more 'data-oriented' (Shenton 2004) and deals with the methods of data collection and analysis (see Figure 6.2).



The audit trail is coupled in this chapter with a *reflexive analysis* of the researcher's philosophical assumptions, practical inquiry decisions and methods (Finlay 2011; Finlay & Evans 2009; Shenton 2004).

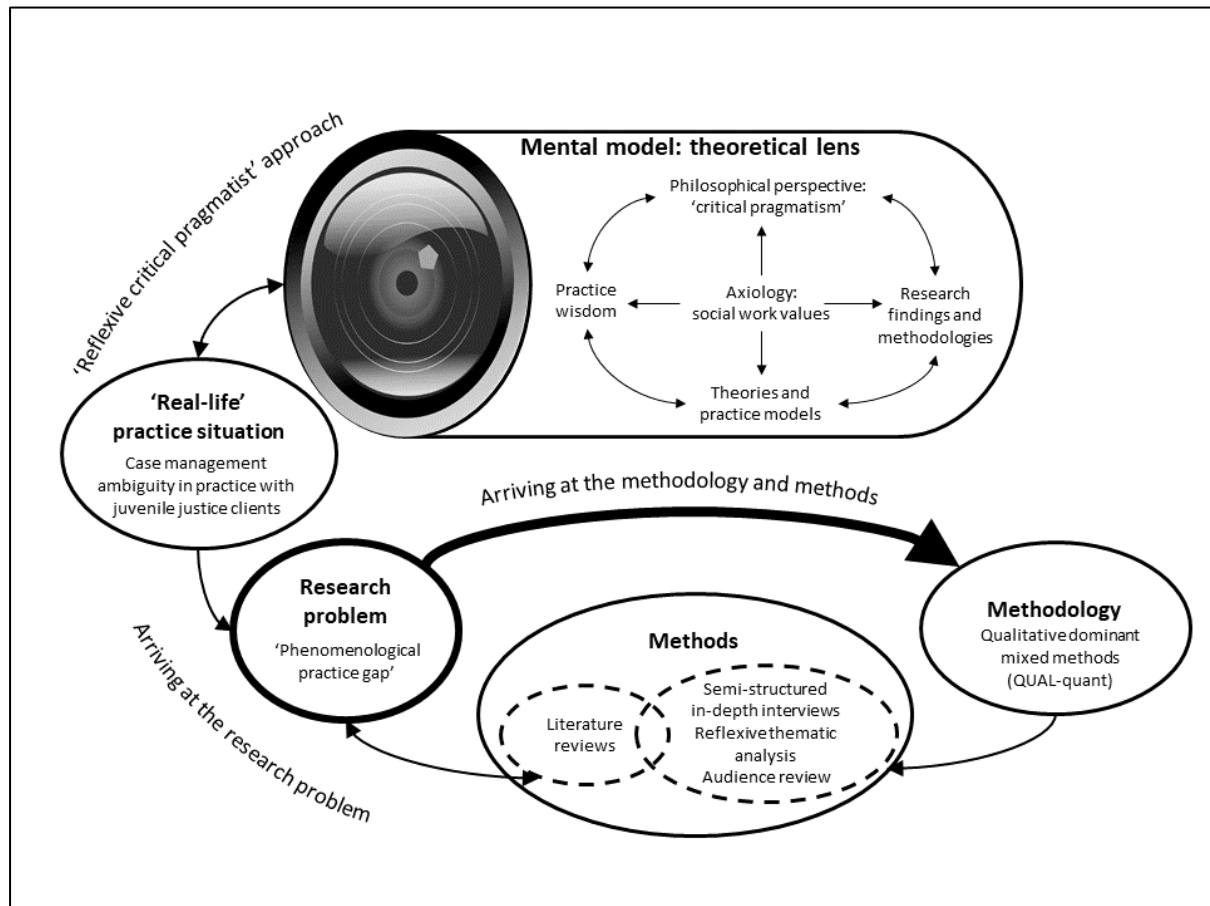


Figure 6. 1: Theoretical audit trail

### 6.2.1 The researcher's mental model

Figure 6.1 depicts the researcher's 'mental model' (Phillips 1996; Smith 1997) and its various key components: social work values, a 'critical pragmatist' philosophical perspective, research findings and methodologies, practice wisdom and theories and practice models. Social work values are shown at the centre of the mental model, as these guided the study's axiology and informed the researcher's 'critical pragmatist' worldview. In turn, as discussed in Section 6.3, 'critical pragmatism' guided the researcher's reflexive use of knowledge.

Greene (2007, p.12) defines a 'mental model' as 'the set of assumptions, understandings, predispositions, and values and beliefs with which all social inquirers approach their work'. A mental model is more comprehensive and multidimensional than the notion of a philosophical paradigm (see Biesta 2010; Morgan 2007). As Greene (2007, p.13) explains:

'Mental models...subsume philosophical perspectives, as well as substantive theories, disciplinary perspectives and a whole host of more personalised experiences, values, and ways of knowing'.

Importantly, mental models influence how researchers choose, frame, design, and implement their research (Greene 2007). In this way, as shown in Figure 6.1, the researcher's mental model provided a broad 'theoretical lens' (Merriam & Tisdell 1997) through which to view the research problem and shape the overall approach to the research.

### **6.2.2 Framing the research problem: a 'phenomenological practice gap'**

The researcher first arrived at the research problem in a way that Flynn (2016) suggests is typical for a *practitioner researcher*: not through any particular theoretical or methodological imperative, but instead, through curiosity about a complex, 'real-life' practice situation. Importantly, the researcher's prior knowledge for practice or 'theory in use' (Argyris & Schön 1974) enabled her to 'see' or interpret the 'real-life' situation of case management ambiguity as a 'problem' for practice and research with juvenile justice clients. As Longhofer, Floersch and Hoy (2013, p.32) explain:

In doing practice research, the aim is to understand some type of event, circumstance, interaction, or intervention. No practitioner or researcher has an omnipotent eye that "sees" practice directly. Practice requires "theory" to see, understand, and explain. And theory assumes a philosophy of social science.

Put simply, the researcher saw a gap between the knowledge about how case management with juvenile justice clients *ought* to occur and the ambiguity that exists in real-life practice.

Longhofer, Floersch and Hoy (2013, p.4) suggest that a *knowledge-practice gap* is the 'space' in which social workers and clients 'struggle' during the attempt to apply theory or models

of practice to ‘actual’ practice. They characterise this space as a ‘phenomenological practice gap’ (Longhofer, Floersch & Hoy 2013). This concept, conceived previously by Longhofer and Floersch (2004, p.483) is elaborated as follows:

Why phenomenological and why a gap? It is phenomenological because all of social work practice is first grounded in human experience, in human life worlds (Lebenswelt). And we inevitably find gaps between theory and practice because knowledge, especially in human and open systems, is never a mere reflection of the objects studied; in short, there can never be correspondence between our concepts and their referents. And if they were the same, mirror images of one another, there would be no need to produce knowledge about them.

Importantly, as evident in this study, a phenomenological practice gap offers fertile and ready-made research aims (Longhofer, Floersch & Hoy 2013).

### 6.3 Reflexive critical pragmatism

The researcher’s overall approach to using knowledge in this study and making practical inquiry decisions can best be summarised as ‘reflexive critical pragmatism’ (see Figure 6.2). ‘Critical pragmatism’ refers to the researcher’s worldview or philosophical perspective; it embodies axiological, ontological and epistemological assumptions that inform both the researcher’s *professional* and *research* practice with juvenile justice clients. As noted in Chapter 3, the researcher contends that balancing ‘critical’ and pragmatic’ perspectives is useful and required for social work practice, particularly in statutory contexts such as juvenile justice (Healy 2001a, 2001b; Hill 2010). In the course of reflecting on this approach, the researcher *independently* arrived at the term ‘critical pragmatism’ as a descriptor – and subsequently discovered that it is recognised more widely as an *emerging* philosophical perspective (see Vannini 2008). Indeed, ‘critical pragmatism’ is relatively well-known in the fields of public planning (e.g. Forester 2012, 1993; Zack 2008) and education (e.g. Jenlink, Stewart & Stewart 2012; Jordan 2012; Foster 1994; Maxcy 1991), and recently is referenced in relation to social work field education (see Chilvers 2017; Wallengren Lynch, Bengtsson & Hollertz 2018). Thus, critical pragmatism also influenced the initial research question. As Grix (2002, p.179) explains: ‘[I]t is our ontological and epistemological positions that shape the very questions we may ask in the first place, how we pose them

and how we set about answering them.’ Nevertheless, the researcher did not consciously set out to ‘do’ a ‘critical pragmatist study’. While critical pragmatism helped *guide* practical inquiry decisions, it did not *prescribe* them – rather, they were also informed by the researcher’s knowledge for practice and the requirements of the research context. In particular, critical pragmatism provided a normative and methodological framework for selectively shaping the reflexive way the researcher used knowledge in this study. The two main components of this approach, reflexivity and critical pragmatism, are considered next in this chapter.

### 6.3.1 Defining reflexivity

Reflexivity is a complex and contested concept, commonly associated with social research, where it has variously been characterised as ‘disciplined self-reflection’ (Wilkinson 1988, p.493), ‘turning back onto a self’ (Steier 1991, p.163) or ‘thoughtful, conscious self-awareness’ (Finlay 2002, p.532). More recently, ‘reflexivity’ has also been linked to *professional practice* (see Agee 2009; Archer 2010; D’Cruz & Jones 2014; Fook 2015; Parton & O’Byrne 2000a, 2000b; Taylor & White 2000). Indeed, the researcher’s understanding of reflexivity is in keeping with Taylor and White’s (2000, p.206) interpretation that ‘For workers in health and human services it means that they subject knowledge claims and practice to analysis’. More specifically, the researcher shares Eby’s (2000) and Ulrich’s (2008a, 2008b, 2008c) view that this requires a combination of tacit emotional competencies and intellectual, methodological reasoning skills. Thus, for the researcher, reflexivity entails a synthesis of self-awareness, critical thinking (Gambrill 2018; Paul & Elder 2014) and critical reflection (Fook 2015; Fook & Gardner 2007, 2013).

Paul and Elder (2014, p.366) contend that ‘critical thinking begins when we think about our thinking with a view to improving it’. Gambrill (2018) suggests this involves active, open-minded thinking that draws on relevant knowledge and skills, including those related to metacognition and questioning preferred assumptions. This also informs Fook and Gardner’s (Fook 2015; Fook & Gardner 2007, 2013) understanding of critical reflection, which is about developing awareness of how power functions, in order to promote *transformative action*.

‘Critical’ in this sense refers to the Western Marxist philosophy of Critical Theory (see Bohman 2016), while ‘reflection’ relates to ‘reflective practice’, as described by Dewey (1933), Argyris and Schön (Argyris & Schön 1974; Schön 1983, 1987). In particular, Schön (1983) understands reflective practice as ‘reflection-*in*-action’ and ‘reflection-*on*-action’, whereby thought is *turned back* on action as it occurs *during* and *after* the moment. He contends that reflective practice can be prompted when professional practice does not go to plan, or when there is uncertainty or ambiguity – such as the ambiguity related to case management practice with juvenile justice clients. Moreover, Schön (1983) suggests that the gap between formal theory and real-life practice can be reduced through ‘reflective practice’, which unearths the theory embedded in what professionals *actually* do, rather than what they *espouse* or *say* they do. This accords with the researcher’s construction of the research problem as a ‘phenomenological practice gap’ (Longhofer & Floersch 2004), as described Section 6.2.1.2.

### 6.3.2 Practising reflexivity

Reflexivity entails reflection and self-awareness, but should not be just ‘benign introspection’ (Woolgar 1988) or ‘hermeneutic narcissism’ (Maton 2003). That is, reflexive research should not entail ‘self-absorbed, interminable deconstruction’ (Finlay 2011) that loses the phenomenon and privileges the researcher’s own experience over that of the participant (see also Bourdieu 2004a, 2004b; Finlay 2012; Knafo 2016). Instead, ‘practising reflexivity’ (Taylor & White 2000) should involve an explicit and critical examination of the kinds of knowledge used in practice and how this is applied to make sense of situations and proceedings. It is a continual and *critical process* of interpretation and re-interpretation that has to be ‘done’ or ‘practised’ to make new knowledge (Archer 2003, 2007, 2010; Fook & Gardner 2007; Gardner 2014; Longhofer, Floersch & Hoy 2013; Taylor & White 2000). Archer (2003, 2007) describes reflexivity as occurring through ‘internal conversations’, where we contemplate what we care about and how to bring this to fruition in contexts that are not of our own making. These ‘internal conversations’ can be ‘autonomous’ (i.e. entirely independent) or ‘communicative’ (i.e. concluded or confirmed with other people) (Archer

2003, 2007). Indeed, this is an apt description of the independent and dialogic ways the researcher continuously and iteratively engaged in reflexivity throughout this research.

### 6.3.3 Reflexivity through a critical pragmatist lens

Reflexivity is often described in holistic terms, whereby researchers are encouraged to recognise *all* aspects of themselves and their contexts (see Bleakley 1999; Fook & Gardner 2007; Hesse-Biber & Piatelli 2012). However, holism is not a *practical* concept. As Ulrich (2007d, p.1110) points out ‘Selectivity, not comprehensiveness, is the fate of all practice’. Thus, reflexive practitioners must continually make ‘boundary judgements’ (Ulrich 1983); deciding what *does* and *does not* count as relevant ‘facts’ and ‘values’ (see also Longhofer, Floersch & Hoy 2013; Sayer 2011). Notably, Ulrich (2006) describes this as a Kantian, two-dimensional understanding of rationality and the determining feature of research conceived through the lens of *critical pragmatism*. He explains that ‘the quest for rationality always involves empirical claims (i.e., factual assertions: What is the case?) *and* normative claims (i.e., ethical assertions: What ought to be the case?)’ (Ulrich 2006, n.p., emphasis in original). Indeed, a critical pragmatist lens helped narrow the researcher’s attention to two key concerns for the use of knowledge and design of this study: those related to *ethical* considerations for conducting research with juvenile justice clients and those related to the research context and the *practical workability* of the study. Jordan (2012, p.57) similarly argues that critical pragmatists must constantly ask reflective questions that stem from two lines of inquiry:

1. ‘Am I being properly critical within my practice?’
2. ‘Is my practice necessarily pragmatic in nature?’

These questions, in attending to what *ought* to be, as well as what *is*, are core to a normative mode of reflexivity (Longhofer & Floersch 2012). As recommended by Jordan (2012), the researcher continuously reflected on these questions, as an ongoing method, throughout this study.

### 6.3.4 The emerging project of critical pragmatism

Critical pragmatism is both a relatively new term and an emerging project (Ulrich 2007a) that aims to coalesce and exploit the affinities between *Critical Theory* (see Bohman 2016; Thompson 2017) and *classical pragmatism* (see Hookway 2016; Johnson & Onwuegbuzie 2004; Johnson, Onwuegbuzie & Turner 2007). In brief, critical pragmatism blends *pragmatist* understandings of inquiry, meaning and truth, with *critical*, post-structural concerns about the power of discourse and representation; and the socially constructed, situated and emergent nature of knowledge (Vannini 2008). In particular, Critical Theory's normative goal of achieving 'real consensus' in order to transform capitalism into a 'real democracy' (Horkheimer 1972), bears striking similarities to the concerns of 'classical pragmatism' (Bohman & Rehg 2017; Bohman 2016). These concerns are particularly evident in the work of Addams (1860 – 1935), Dewey (1859 – 1952) and Habermas (1929 – ) (see Deegan 1988; Kadlec 2006, 2007; Shook 2000; Villemaire 2002) – all of whom have been described as *critical pragmatists* (see Ulrich 2007a). Indeed, discussions in the literature about critical pragmatism often specifically emphasise the intersections between Habermas' (1984, 1987, 1996) *critical social theory* and the anti-foundational, critical and pluralistic-deliberative nucleus of *pragmatism*, especially as conceived by Dewey (1925, 1927) (see also James 1907; Peirce 1878; Ulrich 2007a). The coupling of Critical Theory and classical pragmatism can result in a 'pragmatically reconfigured critical theory' (White 2004). However, more commonly – as in this study – it manifests as a critically informed pragmatism (Jeanes & Huzzard 2014; Kelemen & Rumens 2008; see also Kadlec-Hassing 2004; Kadlec 2006; Ulrich 2007c).

### 6.3.5 A critically informed pragmatism

Critical pragmatism often denotes an expansion of classical pragmatist ideas, consistent with a *radical-reformist world view* (Ulrich 2007a). For example, Deegan (1988) coined the term 'critical pragmatism', specifically to describe Addams' radical extension of the principles of Chicago School pragmatism (see also Shook 2000; Villemaire 2002). This is notable, given that Addams was a central figure in the early development of professional

social work, case management, and a separate system of justice for children (Moyer 2001; Paul 2016). Deegan (1988, p.25) defines critical pragmatism as ‘a theory of science that emphasises the need to apply knowledge to everyday problems based on radical interpretations of liberal and progressive values’. Similarly, Vannini (2008, p.160) describes critical pragmatism as an emerging ‘critical’ guise of classical pragmatism that has helped revive pragmatism’s ‘radical political spirit’. He suggests that an explicit emphasis on social change and transformative action is what distinguishes *critical* from *classical* versions of pragmatism and allows the deficiencies of liberal democracy and globalised consumerism to be critiqued (Vannini 2008). According to critical pragmatism’s democratic ideal, technocratic and scientific knowledge should *support*, rather than control liberal democracies; *diversity and pluralism*, rather than elitism should drive cultural policy (Vannini 2008).

### 6.3.6 Diversity and pluralism

For research, the democratic ideal that underlies critical pragmatism means that many methods of inquiry are considered equally valid, worthwhile and scientific (Anastas 2012); different, sometimes conflicting, theories and beliefs are held to be useful for understanding people and the world (Johnson & Onwuegbuzie 2004). This does not *discount* the scientific method, but contends that a wide plurality of perspectives must be considered to evaluate the usefulness or *truth* of propositions (Anastas 2012; Bourgeois & Rosenthal 1979). Thus, as Anastas (2012, p.162) explains ‘service users as well as professional experts would be allowed a voice in determining what works’. Not only is this clearly applicable to the concerns of this study, it also relates to those of the broader ‘what works’ discourse, discussed in Chapters 3 and 5, that continues to permeate criminal justice contexts. Indeed, Kovarsky (2008, p.48) notes the near total absence of client perspectives from this discourse:

When it comes to constituting proof that our professional efforts are effective, current models of evidence-based practice (EBP) marginalise and even silence the voices of those who are the potential beneficiaries of assessment and intervention.



This clearly resonates with the discussion in Section 3.4.4 about the marginalisation of certain sources of knowledge (e.g. practice wisdom and lived experience) in evidence hierarchies that inform policy and practice. It also directly relates to this study's aim of prioritising the marginalised voices of juvenile justice clients and contributing their perspectives to a public discourse. While this could be construed as a form of 'educative consciousness raising' (Freire 1970) and may even be experienced as such by some participants, the underlying intentions of this study are not 'emancipatory-transformative' (Mertens 2003). Instead, a more accurate characterisation of this study's intent is, in Humphries' (2008, p.194) terms: to 'democratise ways of knowing' and raise the status of the knowledge of marginalised groups closer to that of scientific 'knowers'.

### **6.3.7 Social constructionism, fallibilistic realism and practical adequacy**

A central tenet of critical pragmatism is that knowledge is *socially constructed* (Vannini 2008). Reality is considered to be collectively generated and conveyed; neither just a product of individual thought, nor an independent, objective truth in its own right (Crotty 1998). McNeill (2006) argues that social workers typically subscribe to a 'weaker' (Anastas 2014) or 'mild' (Sismondo 1993) constructionism that incorporates ontological *realism*. He suggests that this middle ground is appealing because it rejects both positivism and extremer forms of postmodernist constructionism, which deem *all* accounts of reality to be *equally valid* (McNeill, 2006). Anastas (2014, p.573) supports this claim as follows:

“Strong” versions of social constructionism may not be compatible with professional practice because of its relativism...which does not support the normative judgements social workers must make (e.g. being mandated reporters of abuse), but “weaker” forms of it can be very useful [...].

Critical pragmatism adds an explicitly 'fallibilistic' (Johnson & Duberley 2000) view of reality, whereby truth is essentially understood as a typical practice or 'convention' (McCaslin 2008; McDermid 2016). That is, truth stems from collective action and intersubjective meaning and is 'what works' (McCaslin 2008; McDermid 2016) or is 'practically adequate' (Sayer 1992) for the moment and situation. This recognises that knowledge claims are fallible –

what is true today, may at any given time be considered false and replaced with a truth that *works better* (Johnson & Duberley 2000; McDermid 2016). McDermid (2016) suggests this resembles Popper's (1963) 'falsificationist' philosophy of science, whereby a knowledge claim can be rationally accepted, as long as repeated attempts to falsify it have failed. This theory is particularly relevant to the trustworthiness, as described in Section 6.5.2, of this study's findings.

### **6.3.8 A practical philosophy: critical pragmatism as a normative and methodological framework**

In general, the collective rationale for bringing Critical Theory and classical pragmatism together as critical pragmatism, centres on making a *theoretical* philosophy a more *practical* philosophy (see Ulrich 2007a; Vannini 2008). Indeed, because of their respective proclivity towards *action* or praxis (see Gramsci 1971; McCaslin 2008); Critical Theory and classical pragmatism have both been described as 'antiphilosophy' (see Bronner 2017; Johnson & Onwuegbuzie 2004). However, consistent with the approach taken in this study, those who have theorised or conceptualised 'critical pragmatism' as a *method* or 'practical philosophy' (see Ulrich 1983, 2007d) have invariably included the requirement for 'reflectivity' or 'reflexivity' (see Forester 2012; Jordan 2012; Ulrich 2007b). It seems that, critical pragmatism is essentially reliant on a method of reflexivity to genuinely shift it from a *theoretical* philosophy or 'a line of analysis and imagination' (Forester 2012, p.1) to a more *practical* philosophy that can be put into action. Jordan (2012, p.57), for example, suggests that critical pragmatism can be understood as a pedagogy of ongoing intrapersonal communicative action', which resonates with Archer's (2003, 2007) notion of 'autonomous' and 'communicative' reflexivity. Thus, when combined with a *reflexive* approach to using knowledge for practice, critical pragmatism offers both a *normative* and *methodological* framework for deliberation and decision-making.

Many writers note the importance of the dual emphasis on *ethics* and *action* in critical pragmatism. Forester (1999, p.207), for instance, describes Habermas' (1984, 1986, 1987, 1995) work on *discourse ethics* and *communicative action* as 'a "critical pragmatism" –

“critical” because concerned with ethics and justifications, a “pragmatism” because concerned with practical action, history and change’. Similarly, Zimmerman (2017, p.2) argues that Dewey’s critical pragmatism emphasises the ‘logic of empirical inquiry’ and thereby, provides methodological support to Critical Theory, which otherwise offers only a conceptual ‘normative yardstick’ for social science. In the same vein, Ulrich (2016, n.p.) proposes critical pragmatism as a new approach to *ethics* and a foundation for ‘reflective practice of applied research and professional intervention that would bring together pragmatic and critical ideas in systematically practicable ways’. However, he endorses critical pragmatism *only* as a ‘methodological project’ and argues that as a ‘normative framework’, it is akin to wearing ‘ideological blinkers’ (Ulrich 2007a). Yet, as discussed in Section 6.3.6, Critical Theory and pragmatism share a fundamental, *reformist* commitment to an open, pluralist democratic society. Consequently, the researcher’s view is that it seems somewhat narrow or ‘blinkered’ to omit this shared *ethos* from a critical pragmatist project. Indeed, even Ulrich (Ulrich 2007b, n.p.) concedes that ‘societal visions and philosophical efforts may (and usually do) motivate and support one another’.

## 6.4 Arriving at the methodology and methods

The researcher took a pragmatic and overtly ‘question-led’ (Grix 2002) approach to the choice of methodology and methods in this study (see Figure 6.2). The nature of the research problem meant that these needed to facilitate *exploration* and *understanding* of juvenile justice clients’ *experiences* of case management *from their perspective*. On this basis, primarily *qualitative* methods were used to address the research problem. This is because the inductive orientation of qualitative methods fits well with an exploratory study purpose and can enable a detailed, complex understanding of a research issue, including its context (Creswell 2007, 2013; Guest, Namey & Mitchell 2013; Jones, Torres & Arminio 2006). Qualitative methods are also appropriate for describing an aspect of human experience as seen through the eyes of others, and imparting the opinions of a group of people whose views are rarely sought (Alston & Bowles 2012; Creswell 2013; Rubin, Allen & Babbie 2014), including in social work and criminal justice contexts (Cruickshank & Barry 2008; Miner-Romanoff 2012; Watkins & Gioia 2015). This research also employed some

*quantitative* methods to seek significance enhancement (Collins, Onwuegbuzie & Sutton 2006) or complementarity (Greene, Caracelli & Graham 1989). That is, the aim of mixing qualitative and quantitative methods was to facilitate the thickness and richness of data and *expand* understanding, interpretation and usefulness of the findings (Johnson, Onwuegbuzie & Turner 2007; Saini & Shlonsky 2012). Accordingly, the research approach is best described as 'qualitative dominant mixed methods' (i.e. 'QUAL-quant') (Johnson, Onwuegbuzie & Turner 2007). Johnson, Onwuegbuzie and Turner (2007, p.124) explain this as follows:

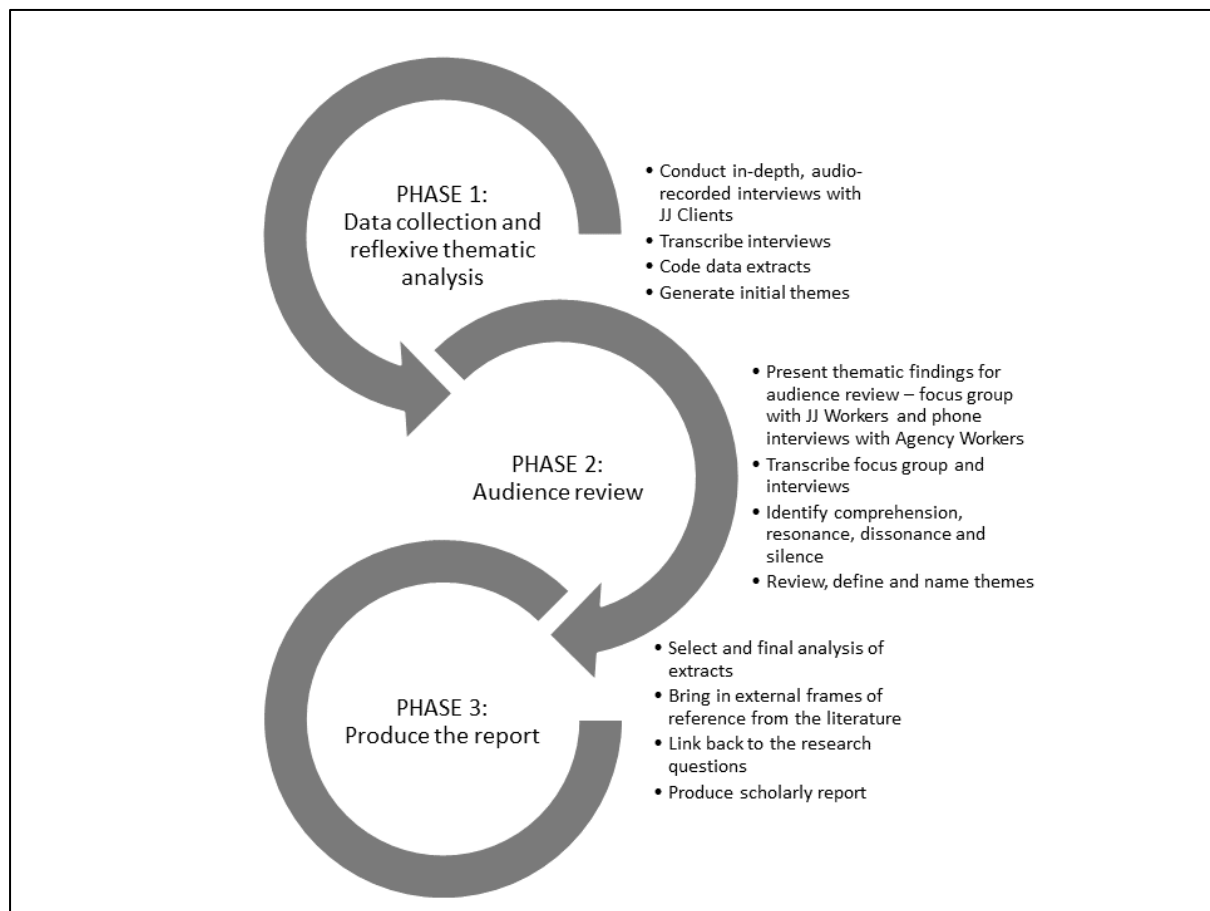
Qualitative dominant mixed methods research is the type of mixed research in which one relies on a qualitative, constructivist-poststructuralist-critical view of the research process, while concurrently recognising that the addition of quantitative data and approaches are likely to benefit most research projects.

As elaborated in the next section of this chapter, this involved conducting the phases of qualitative and quantitative data collection concurrently.

## **6.5 Research methods and key phases of the research**

There were three distinct phases during which data collection and analysis, and the interpretation of findings took place during this study. These data-orientated components are diagrammatically represented in Figure 6.2 to help enhance the *credibility* of the findings (Shenton 2004). In brief, the first phase involved the concurrent collection and analysis of data from in-depth interviews with clients of Juvenile Justice NSW (JJ Clients) about their understanding and experiences of case management. The second involved a method of credibility triangulation known as audience review (Patton 2002). This occurred through a focus group with workers from Juvenile Justice NSW (JJ Workers) and phone interviews with workers from various community organisations (Agency Workers). The purpose of this phase was to test and enhance the *credibility* and *dependability* of the researcher's interpretations or the initial findings from interviews with the JJ Clients. Thus, the data collected from the JJ Workers and Agency Workers were not treated as a separate source. Instead, priority was given to the data from the interviews with the JJ Clients, as a way to support the study's aim of 'giving voice' to and privileging their perspectives. The

final phase involved producing the report of the findings, which entailed the selection and final analysis of extracts and consideration of the study's aims, context and audience.



*Figure 6. 2: The study design and methods*

### 6.5.1 Human Research Ethics Committees (HREC)

Two Human Research Ethics Committees (HRECs) approved and oversaw this research project:

1. the Monash University Human Research Ethics Committee (MUHREC); and
2. the Department of Juvenile Justice (DJJ) Research Steering Committee (see Appendices 1 - 5 for approval documents).

In both HREC applications, the researcher explicitly acknowledged her position as an insider-researcher and addressed potential conflicts of interest. In particular, given the researcher's

position of authority within the NSW Youth Drug and Alcohol Court (YDAC) program, the study was designed to ensure that no potential or current clients of the program were included. Moreover, the study was designed according to the ethical imperative to do no harm (AASW 2010) and the specific strategies used by the researcher in this regard are discussed in detail throughout this chapter.

Both HRECs approved an amendment to the initial research design, which involved member checks through *follow-up interviews* (Shenton 2004). Member checks are a process of respondent validation, whereby the emerging findings of a study are reviewed by the inquiry participants as a way to enhance credibility (Silverman 2005, 2013). While several participants initially agreed to participate in a follow-up interview to check the researcher's interpretations, only one young person was ultimately able to be contacted for this purpose. This posed a methodological dilemma, which prompted the researcher to reflect on the potential weaknesses of the original study design and to consider a suitable, robust alternative. Consistent with reflexive critical pragmatism, the researcher considered the ethical implications and workability of a study redesign. This was done autonomously and communicatively with the principal research supervisor and the DJJ Research Steering Committee. The study design was amended to its current form to include audience review in place of the follow-up interviews. As described in Section 6.6.12, contemporaneous member checking had already taken place during the course of the interviews. In addition, the participants' respective interview transcripts had been made available for checking, but in keeping with the low response to follow-up interviews, only three young people appeared to actively engage in this process. Further reflections on the study design are offered throughout this chapter and Section 6.7.5 is devoted to a critical reflection on this aspect.

### **6.5.2 Criteria for evaluating 'trustworthiness'**

The design of this study is intended to enhance the rigour and overall trustworthiness of the findings. The conventional tools for evaluating methodological rigour are *reliability* and *validity* (Finlay 2011; Morse 2015; Shenton 2004). Lincoln and Guba (1985) propose alternative criteria for evaluating naturalistic inquiry, which have been widely adopted by qualitative researchers (Creswell 2013). These criteria – *credibility*, *transferability*,

*dependability* and *confirmability* – parallel the conventional notions of *internal validity*, *external validity*, *reliability* and *objectivity*, respectively. Naturalistic inquiry, like this study, occurs in the real world – in open systems, without the researcher’s manipulation of variables (Longhofer, Floersch & Hoy 2013; Patton 2002). Arguably, the more naturalistic a study is, the more it depends on its audiences to make their own interpretations and reach their own conclusions (Patton 1999, 2002). The researcher designed this study and used specific techniques to ensure rigour, in accordance with Lincoln and Guba’s (1985) criteria. This is now expounded in relation to each phase of this study, in the following sections.

## **6.6 Phase 1: Data collection and analysis**

Phase 1 involved the collection of data for this study through in-depth, semi-structured interviews with clients from Juvenile Justice NSW (JJ Clients). The interviews were audio-taped and conducted on an individual, face-to-face basis with each participant. The style of the interviews was conversational and included some brief initial questions to gather self-reported characteristics of clients, such as gender, age and cultural identity. The purpose was to increase ‘thick description’, which in turn, allows the reader to assess the *transferability* of the findings to other contexts (Guba & Lincoln 1989; Morse 2015).

### **6.6.1 Sampling strategy and rationale**

It is widely agreed that the choice of sampling methods depends on the goals of the research (Alston & Bowles 2012; Finlay 2011; Grinnell, Unrau & Williams 2014; Maxfield & Babbie 2009). Accordingly, the researcher used a non-probability, purposive, criterion sampling strategy for selecting the interview participants. This strategy suits studies where the goal is not to *generalise* the findings, but rather to *explore* a somewhat unexamined topic through persons typifying the issue to be studied (Alston & Bowles 2012; Patton 2002). As such, the strategy was specifically intended to generate a relatively *homogenous* sample group; an important factor for generating thick description and rich data for analysis and to ensure the study’s feasibility (Cohen & Crabtree 2006; Patton 2002). For this reason, as well as to protect participants against coercion and a lack of privacy, the researcher used the following specific inclusion criteria:

*Aged 16 years or over* – this was also the minimum age set by Juvenile Justice NSW for a young person to independently provide *informed consent* (see DAGJ NSW 2011).

*Willing to participate in the research* – this emphasised the *voluntary* nature of participation in this study, which, given the statutory context of juvenile justice and the involuntary nature of the client group, was important to continually reiterate.

*A current community-based client of the JJ NSW Metropolitan Region* – the inclusion of only *current* juvenile justice clients ensured that the participants' case management experiences were contemporaneous and could still be recalled in some detail. Including only *community-based* clients in this study set it apart from most other studies examining the perceptions of juvenile justice clients, which focused solely on young people in or recently released from custody (see Chapter 5). This is noteworthy, as most juvenile justice clients are supervised in the community (AIHW 2017). Finally, to enhance the *homogeneity* of the sample group, only clients from the Metropolitan Region of Juvenile Justice NSW were included. This is because there are significant geographical and population differences between metropolitan and regional areas in NSW that influence the provision of case management services and resources (see Australian Bureau of Statistics 2018).

*A client of JJ NSW for at least six months* – this was important for ensuring that interviewees were likely to have had sufficient opportunity to experience case management as a juvenile justice client, prior to interview.

### **6.6.2 Sample size and implications**

There is little consensus in the literature about an appropriate sample size for qualitative research, except that it should be fit-for-purpose and help ensure the feasibility and *credibility* of the research (Alston & Bowles 2012; Grinnell & Unrau 2008; Patton 2002). The non-probability, purposive, criterion sampling strategy used in this study is generally correlated with smaller sample sizes (Alston & Bowles 2012; Bryman 2012). Patton (2002) notes that samples of 20 and fewer participants are common in qualitative research. Indeed, the sample size for this study was 18 participants. Larger sample sizes are important for studies aiming to get a representative range of participants (Alston & Bowles



2012; Bryman 2012). However, for studies like this one, that are exploratory and not aiming to generalise findings to a wider population, *more* is not necessarily *better* (Finlay 2011). Nevertheless, Morse (2015) cautions against sample sizes that are too small and data that is not saturated, on the grounds that the findings become superficial and obvious, and lack the thick description required to enhance their *transferability*.

### 6.6.3 Data saturation

Saturation is typically associated with grounded theory (Charmaz 2003, 2014; Glaser 2001; Glaser, Barney & Strauss 1967) and is a broadly pragmatist approach (Bryant 2017). In this study, 'saturation' refers to the point at which no new or relevant information emerged from the data in relation to the themes developed by the researcher (see Saumure & Given 2008). That is, the data was not contributing further to the researcher's generation of thematic ideas *across the data set*. At an idiographic level, something new was always being added, but this did not, on its own, constitute a theme (see Bowen 2008). There is little consensus in the literature about how many interviews are required to reach a saturation point. Guest, Bunce and Johnson (2006) experiment with a data set, finding that in general, 12 interviews were optimal to achieve meaningful theme development and saturation, but that half as many would suffice in studies with a high level of homogeneity among the population. Similarly, Charmaz (2006) argues that a smaller study with more 'modest claims' is likely to reach saturation point faster than a larger study that intends to describe a process or experience that crosses multiple disciplines.

In this study, the data saturation point was reached after 14 interviews. However, the researcher completed a further four interviews with young people for two pragmatic reasons. Firstly, the interviews had already been scheduled with young people who wanted to participate in this study and therefore, the researcher honoured those commitments. Secondly, the researcher had been required to stipulate an intended sample size from the outset of this study, in order to gain approval from the ethics committees. An initial sample size of 18 participants was chosen, as this would distribute the recruitment of participants relatively evenly across each of the seven Juvenile Justice Community Services (JJCS) offices in the Metropolitan Region. If required, the researcher would have re-applied to the ethics

committees to extend the data collection and increase the sample size. However, the initial sample size was sufficient to reach saturation. In sum, the sample size fits the exploratory purpose of this research, while also reflecting a balance between the methodological *ideal* and pragmatic *reality* of what could actually be achieved (Alston & Bowles 2012; Tashakkori & Teddlie 2010).

#### **6.6.4 Rationale for directly involving young people in research**

The aims of this study called for exploring juvenile justice clients' understanding and experiences of case management, directly with the clients themselves. There are a range of compelling reasons for directly involving children and young people in research about issues that affect their lives. In particular, in the context of human rights discourses, this approach emphasises that children and young people involved in the criminal justice system are worthy of being listened to (Naylor 2015). Indeed, Naylor (2015, p.80) suggests that a key aim of qualitative research in criminal justice is often to 'give voice' to offender participants – as a response to the silencing of their voices once they become mandated clients of the state. Similarly, Drake, Fergusson and Briggs (2014) and Barry (2006a, 2009a, 2013a) argue that focusing on young people's accounts of their experiences in the juvenile justice system can serve to humanise them for others, and provide new and unique insights for policy and practice. Article 12 of the UN Convention on the Rights of the Child, 1989 (United Nations 1989) proclaims the rights of children and young people to express their views about matters that pertain to them and for their views to be considered by decision-makers. Thus, research in which young people participate, express their views and describe their lived experiences can be an important avenue through which to help realise the intentions of Article 12 (Wilson & Wilks 2013).

Numerous prior studies have been conducted directly with young offenders (see Botley, Jinks & Metson 2010; CCYPCG 2011; Evans & Fraser 2009; Hazel, Hagell & Brazier 2002; Lacey 2012; Lyon, Dennison & Wilson 2000; Mendes, Snow & Baidawi 2013; Mission Australia 2010; Newbury & Dingwall 2013; Phoenix & Kelly 2013; Putninš 2010; Ravoira et al. 2012; Roy & Watchirs 2011; Tregeagle & Johnstone 2013; Wagland & Blanch 2013), including those that have examined their views using in-depth or semi-structured, individual

interviews (see Barry 2000, 2006a; Barry & Moodie 2008; Chui, Tupman & Farlow 2003; Edwards & Van den Eynde 2013; Hartwell et al. 2010; McIvor & Barry 1998; Moore, McArthur & Saunders 2013; Moore, Saunders & McArthur 2008; Murray 2012, 2013; Olcott 2015; Phoenix & Kelly 2013; Ryals 2011; Trotter & Evans 2012). Nevertheless, as considered next, directly involving children and young people in research raises important ethical and methodological issues (Morrow & Richards 1996; Thomas & O' Kane 1998) that are further complicated in this study by the young people's involvement in the criminal justice system.

### 6.6.5 Voluntary informed consent

Voluntary informed consent is considered the foundation of ethical research practice and entails ensuring that participants fully understand the nature of the research, and its potential benefits and risks (AASW 2010; Israel 2004; Ivanoff, Blythe & Walters 2008). Gaining access to participants and obtaining informed consent are key challenges for researchers wanting to conduct research with children and young people (Hood, Kelley & Mayall 1996; Morrow & Richards 1996; Thomas & O' Kane 1998), particularly in criminal justice settings (Israel 2004). Hood, Kelley and Mayal (1996) note, for example, that the socio-political positioning of children and young people typically requires them to have permission from an adult to participate in research. Indeed, if a young person is aged *under 16 years*, Juvenile Justice NSW requires researchers to obtain '**written** and informed consent for participation...from the parent or caregiver of the young person' (DAGJ NSW 2011, p.17, emphasis in original). Similarly, Section 4.2 of the National Statement on Ethical Conduct in Research Involving Humans (2007, updated 2018, p.65) states:

Consent to a child's or young person's participation in research must be obtained from:

- the child or young person whenever he or she has sufficient competence to make this decision; and either
- the parents/guardian in all but exceptional circumstances; or
- any organisation or person required by law.

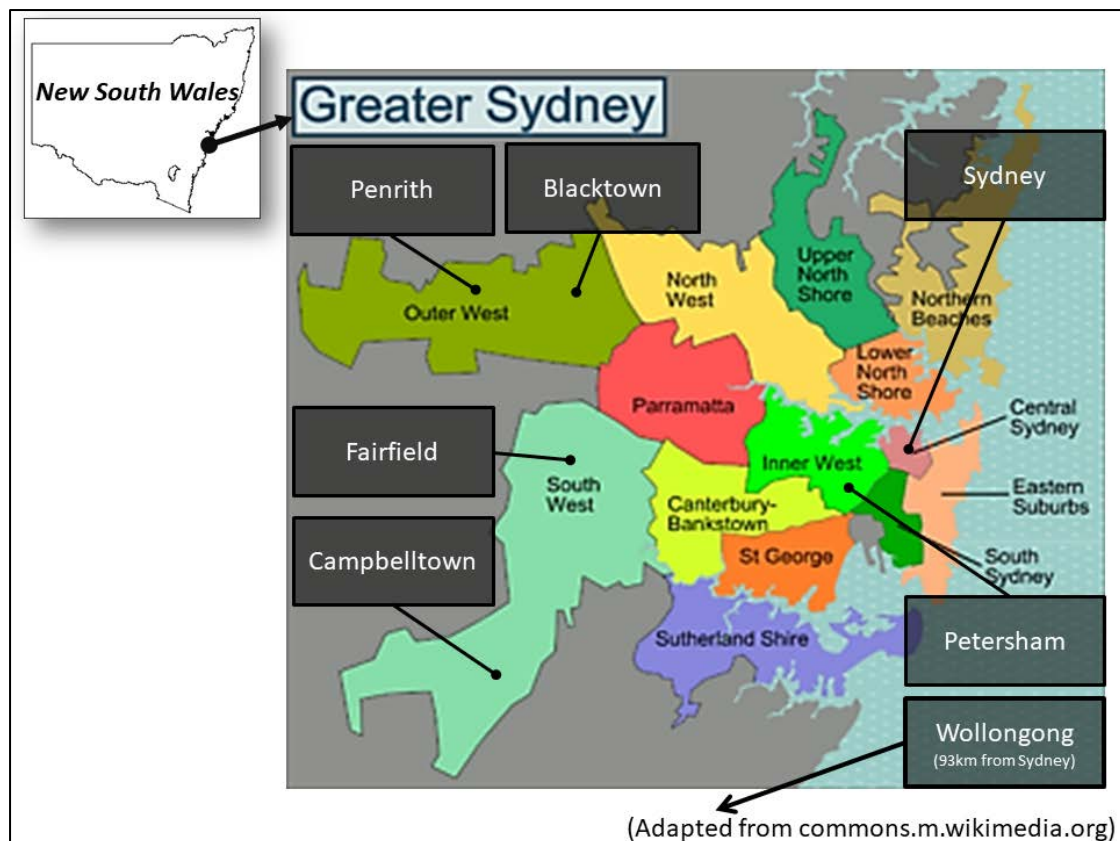
Importantly, both the Department of Juvenile Justice (Research Steering Committee) and Monash University (Standing Committee on Ethics in Research Involving Humans (SCERH))

determined that the circumstances of this research project fell within the 'exceptional circumstances' category provided in Section 4.2(b).

Gaining parental consent from juvenile justice clients for this study was considered impracticable because the living circumstances of this cohort are often relatively unstable and transient and the nature of their contact with parents or guardians is often tenuous or unreliable. A requirement for parental consent was also considered likely to bias the sample group, as only young people able to access parental support would have participated. Nevertheless, in the interests of ensuring that participants were competent and mature enough to provide *informed consent*, the researcher opted to exclude participants under the age of 16 years. Additionally, as expanded next, the researcher designed the consent procedures in accordance with core ethical principles for conducting research with children and young people: to be *voluntary, informed, explicit* and *renegotiable* (Powell et al. 2012).

### **6.6.6 Recruitment strategy**

Participants for Phase 1 were recruited through a poster (see Appendix 6), displayed in the waiting area and interview rooms at each of the Juvenile Justice Community Services (JJCS) offices in the Metropolitan Region of JJ NSW. At the time of the study, these included seven office locations: Penrith; Blacktown; Sydney; Petersham; Wollongong; Campbelltown; and Fairfield (see Figure 6.3). A brief explanatory statement (BES) and expression of interest (EOI) form (see Appendix 7) was located near the posters in the waiting areas and interview rooms. This described the research in a straightforward, accessible way and clearly explained the *voluntary* nature of participation. The researcher ensured that this was reiterated at several different stages of the research and in multiple ways. The researcher explicitly noted the *voluntary* nature of consent directly with young people prior to an interview and attended staff meetings at the JJCS office to emphasise this to staff. These explanations included information about the nature of the research, what was expected of participants and the researcher, what would be done with the data once collected, and the measures taken to protect participants' privacy. In particular, the researcher made it clear to the Juvenile Justice staff that their role was *not* to actively recruit participants to this study, but rather to facilitate any interest shown by a young person (see Appendix 8).



*Figure 6. 3: Juvenile Justice NSW Metropolitan Region (at time of study)*

Young people who wanted to express their interest in participating in this study could do so in any of the following ways:

1. *Meet with their Juvenile Justice worker* – typically as part of their regular appointment schedule and ask for more information. The worker would offer to read out the BES and provide the young person with an information pack. The young person could take this away to read in their own time, and if desired, complete and return the EOI form included.
2. *Complete an EOI form* – and put it in a sealed envelope, into the drop box; then wait for the researcher to get in touch by phone or email (as indicated by the young person on their form).

3. *Contact the researcher directly by phone or email* – to ask for further information (see also Appendix 9).

Once in direct contact with a young person, the researcher would review the full Explanatory Statement (see Appendix 10) in detail to ensure the young person understood what was involved in the research and could provide *informed* consent. In keeping with Juvenile Justice NSW policy, the researcher also clearly informed each participant about the limits of confidentiality. That is, as a mandatory reporter, the researcher would be obliged to report any details of abuse or risk of immediate harm to self or others disclosed by the participant. If, at this stage in the recruitment process, a young person changed their mind or appeared unsure about participating, the researcher would not initiate any further contact.

Where a young person remained interested in participating in an interview, the researcher would ask them to nominate a preferred suitable interview time and location. Suitable times were between daylight hours (approx. 8am – 5pm); and suitable locations were public venues with access to private spaces, such as a library, café or the participant's local JJCS office. These stipulations aimed to protect the privacy of the participants and minimise any risks to their safety and that of the researcher. Immediately prior to interview, the researcher reviewed the BES again with each young person to reiterate the *voluntary* nature of participation and ensure their capacity to give *informed* consent. The researcher provided opportunity for questions and reiterated that consent was *renegotiable* and could be withdrawn at any time prior to the production of the report of the analysed data. The researcher also showed each young person how to use the audio-recorder, in case they wanted to turn it off during the interview. Once satisfied that the young person could provide voluntary informed consent, the researcher requested this to be made *explicit* through the completion of the Consent Form (see Appendix 11). Thereafter, the researcher commenced and audio-recorded the interview.

### **6.6.7 Recruitment challenges in the organisational context**

In total, 29 clients from the Metropolitan Region of Juvenile Justice NSW applied to participate in this study during the 6-month recruitment period. Of these, one was excluded on the grounds of not meeting the minimum age for inclusion in the study. A further ten were eventually excluded after repeatedly not attending scheduled interview appointments or not responding to the researcher's phone calls. Figure 6.3 shows an indicative map of the Juvenile Justice NSW Metropolitan Region at Phase 1 of this study. The researcher regularly travelled long distances for scheduled interviews or to attend JJCS offices and, overall, the recruitment was quite time consuming. Although there was support at the executive level for this study, recruitment of participants relied to a significant degree on the capacity and willingness of juvenile justice workers and local area managers to facilitate this. The researcher attended staff meetings at each JJCS office to explain the research and seek permission to use interview rooms and display posters. The levels of interest varied between locations. In addition, Juvenile Justice NSW underwent a major restructure during the data collection period, which made it challenging for staff to prioritise the research project. Nevertheless, at least three participants were successfully recruited from all but one of the seven JJCS office locations.

### **6.6.8 Data collection strategy: principles for research with young offenders**

Holt and Pamment (2011, p.126) argue '[I]t is the very interplay of 'young-person-as-offender' which presents some very particular and specific challenges to researchers who want to work with such populations'. Yet, with the exception of their article (Holt & Pamment 2011) and a book chapter by Nee (2004), there appears to be a dearth of literature about how to ethically and successfully conduct research directly with young offenders. Similarly, only a modicum of literature appears to exist that focuses on these issues in relation to *adult* offenders (see Cowburn 2005; Lindsay et al. 2007; Roberts & Indermaur 2003, 2008). Nevertheless, a relatively large and useful body of literature exists pertaining to the ethical and effective conduct of research in social work and criminal justice

contexts (see Alston & Bowles 2012; Anastas 1999; Gadd et al. 2012; Grinnell & Unrau 2014; Maxfield & Babbie 2009; Noakes & Wincup 2004; Rubin, Allen & Babbie 2014; Yegidis & Weinbach 2012) and with children and young people (see Eder & Fingerson 2001, 2003; Harden et al. 2000; NSW CCYP 2005; Powell et al. 2012; Thomas & O’Kane 1998; Morrow & Richards 1996; White, Harris & McDonnell 1996; Williams 2006)

Overall, the following key principles can be discerned from the literature as useful for research practice with young people involved in the criminal justice system:

1. The interviewer’s experience and ability to develop rapport with young people in the juvenile justice system
2. Careful attention to researcher-participant power imbalances, offender group dynamics, and participants’ rights to privacy and confidentiality in methods of data collection
3. A flexible, responsive approach to data collection that accommodates the developmental, oral language and literacy needs of young offenders

These principles influenced the researcher’s choice of methods for data collection and analysis, including sampling and recruitment strategies; these are described next.

### **6.6.9 Interviewer experience and ability to build rapport**

The experience, style and approach of the interviewer is held to play a key role in responding effectively to and building rapport with young interviewees, including those involved in the criminal justice system (see Eder & Fingerson 2001, 2003; Nee 2004; Rubin & Rubin 2005; Snow & Powell 2004, 2012). Nee (2004, p.11), for example, argues that ‘difficulties can be significantly reduced by an experienced interviewer who takes care to build up a rapport with the offender in a one-to-one situation’. As noted in Chapter 1, the researcher is a qualified social worker with extensive experience working with children and young people in youth justice. With this experience, the researcher conducted the interviews in a responsive way to promote a natural, conversational flow with the interview participants that would help set them at ease. Rubin and Rubin (2005) suggest that *responsive interviewing* is appropriate whenever a researcher, such as in this study, wishes



to learn in-depth about a topic from another person's perspective. It involves selecting interviewees who are knowledgeable about the research problem, listening carefully to what the interviewees say and asking additional questions as needed to fully understand their responses (Rubin & Rubin 2005). Rubin and Rubin (2005, p.vii), describe this approach as responsive because, rather than relying on pre-set questions, the interviewer *responds* with questions to and on the basis of what said by the interviewee. This type of open-ended and non-directive approach can allow young people to bring up topics that are familiar and important to them (Eder & Fingerson 2001, 2003).

#### **6.6.10 Balancing researcher-participant power, group dynamics, and participants' privacy**

Morrow and Richards (1996, p.98) argue that 'the biggest ethical challenge for researchers working with children is the disparities in power and status between adults and children'. The respective power and status disparities are even greater between adults and children or young people involved in the criminal justice system (Botley, Jinks & Metson 2010). This is because juvenile justice clients represent two of the most denigrated and marginalised groups in society: young people and offenders (Holt & Pamment 2011). In this study, there was an inherent power imbalance between the researcher, as an adult employee of Juvenile Justice NSW and the participants, as young, statutory clients of Juvenile Justice NSW. Healy (2001a) draws attention to the potentially *patronising* effect of downplaying, rather than acknowledging the researcher's role and power in a study. This is particularly pertinent to this study and others in statutory contexts, where it is dubious, at least, to suggest the research participants hold power that is equal to or greater than the researcher's. As Phillips (1991, p.134) observes 'power that is acknowledged can be subjected to mechanisms of democratic control; power that is denied can become unlimited and capricious'. Certainly, this reflects the approach taken in this study to both acknowledge and mitigate inherent power imbalances between the researcher and participants, where possible.

One way to reduce the power of an adult researcher is to interview children as a *group* rather than as individuals (Eder & Fingerson 2001; NSW CCYP 2005; Suthers 2011). However, with the exception of matters that fall under duty of care obligations, Juvenile Justice NSW requires that 'the anonymity of participants must be protected at all times' (DAGJ NSW 2011, p.14). By default, a group interview would have identified each participant to others in the group and compromised their privacy, both during and beyond the period of the interview. Such an interview would also have risked exposing each participant to the negative effects of labelling and contamination that come with grouping offenders together (see Latessa & Lowenkamp 2006; Nee 2004; Trotter 1995; Turner & Trotter 2016; United Nations 1985). Thus, the potential harms of a group interview approach appeared to outweigh the potential benefits. Consequently, the researcher opted to use an individual interview approach in this study, coupled with specific techniques aimed at creating a non-threatening, naturalistic and responsive interview experience for each participant.

Eder and Fingerson (2003) recommend *reciprocity* as a way to address power dynamics in research with children and young people. They explain:

The researcher's desire to gain something from child participants without giving something in return reflects an underlying sense of the adult researcher's privilege. However, by giving something in return for receiving this information, researchers can reduce the potential power inequality (Eder & Fingerson 2003, p.37).

However, there is currently no agreed position on whether children and young people, and those involved in the criminal justice system, should be paid for participating in research or what kind of recompense is appropriate (Israel 2004; Powell et al. 2012). Debates oscillate between the view that payment functions as an inducement or bribe and the counterview that payment for research participation is a reasonable and ethical form of reciprocity (NSW CCYP 2005; Powell et al. 2012). In this study, the researcher took the latter position and provided participants with a gift card valued at \$50.00. Participants could choose a gift card for either a music-media store or a supermarket chain and in keeping with Juvenile Justice NSW policy, the cards could not be exchanged for cash or used for the purchase of tobacco or alcohol.

### 6.6.11 The literacy and oral language needs of young offenders

Eder and Fingerson (2003) argue that the design, implementation and analysis of interviews should be developed from knowledge about the nature of young people's communicative competence. This is especially relevant to young people in the juvenile justice system since a substantial body of Australian research has raised concerns about their *poorer* than average literacy (see Allerton et al. 2003; Kenny et al. 2006; Putninš 1999) and oral language skills (see Bartels & Richards 2013; Snow & Powell 2002, 2005, 2008, 2011). In particular, a study using the Wechsler Individual Achievement Test II-A (WIAT-II-A) to assess the basic literacy and numeracy skills of 802 community-based clients from Juvenile Justice NSW (JJ NSW) (of a possible 1,900 clients), has found that '[their] average overall academic performance fell within the borderline range, with most scores equivalent to those expected of people with intellectual disabilities' (Kenny et al. 2006, p.23). In Victoria, Snow and Powell (2004, 2005, 2008, 2011, 2012) have compared the oral language skills of young male offenders to their non-offending male peers finding that the young offenders had low expressive vocabulary, and poor auditory processing and narrative language skills. In particular, the young offenders generally have significant difficulty understanding abstract or figurative language and constructing narratives that are logical and coherent.

Snow and Powell (2004, p.223) conclude that: 'young offenders are disadvantaged with respect to their ability to "tell their story" — a task which is fundamental to the police and courtroom interactions required of them'. It follows that implications also apply to interviews conducted for other purposes, such as case management or research, which are obviously relevant to this study. Young people are, for example, regularly required to 'tell their story' as part of intake and assessment interviews. Likewise, in the interviews for this study, the researcher also asked young offenders to 'tell their story', insofar as it relates to their understanding and experiences of case management as a juvenile justice client. Thus, these issues were taken into account in the researcher's approach and the design of the interview format.

### 6.6.12 A flexible, responsive approach to data collection: the semi-structured interview format

The researcher used a *semi-structured* interview format which has the advantage over other methods of data collection, such as surveys or questionnaires, of offering access to *serendipitous* information (Gochros 2008). This is particularly useful for *exploratory* studies like this one where not much is already known about the interviewees' perspectives (Alston & Bowles 2012). A completely *unstructured* interview is also suitable for exploratory research. However, unlike most adults, young people may not speak at length during qualitative interviews and require more probes and structured questioning (Harden et al. 2000). The topic areas for the interviews were loosely based on the findings of the literature review (see Chapter 5) and developed into a series of questions and prompts that formed the interview guide (see Appendix 12) and core structure for each interview. The same interview guide was used each time, thereby ensuring a basic level of consistency across all the interviews. However, the researcher deviated from the guide where it seemed appropriate or necessary to promote rapport with individual interviewees and to further explore their perceptions. For example, sometimes questions on the guide were asked in a different sequence, slightly different wording was used when posing questions and additional questions to those on the interview guide were asked when following up interviewees' responses. In this way, the semi-structured interview format promoted researcher reflexivity (Bryman 2012) and a relatively systematic, transparent and flexible approach.

In view of the possibility that at least some of the research participants would have oral language difficulties, the researcher adopted specific interview approaches recommended by Snow and Powell (2004). These include continually and sincerely checking the young person's level of understanding (e.g. by asking the same question in different ways and checking the consistency of responses) (Snow & Powell 2004). In this way, the researcher also continually checked the accuracy of her *own* contemporaneous understanding with participants about what they were saying. Notably, Shenton (2004) suggests that such iterative questioning functions as a form of on the spot *member checking*, which can bolster

the *credibility* of the research findings. The researcher also provided ample time for young people to respond, in order to allow for any reduced processing capacity and indicated to the young person when parts of their account were unclear or appeared inconsistent or lacking in detail (Snow & Powell 2004). To this end, the researcher used clarifying strategies, such as open-ended questions and grammatically simple sentences (Snow & Powell 2004). In this way, data were checked and confirmed during the data gathering process.

The researcher reduced, where possible, the length and convolution of sentences and modified the complexity of language, including minimising the use of figurative language (Snow & Powell 2004). Avoiding figurative language was particularly germane for this study, since *case management* is an inherently abstract concept. It meant, for example, that the researcher could not just simply ask each juvenile justice client 'How do you understand and experience case management?' Instead, the researcher asked more general questions about the young people's *experiences* of case management as *juvenile justice clients* and about the various *meanings* they attributed to these experiences. For example, each young person was asked if they had a case plan and if so, who contributed to this plan and what its purpose was. Nevertheless, where it seemed appropriate to the young person's responses, cognition, and oral language abilities, the researcher specifically asked about their understanding of the term 'case management'.

Snow and Powell (2004, 2012) find that the issues experienced by young offenders in their oral communication are exacerbated when they feel under pressure, such as during a police interview. Similarly, Holt and Pamment (2011) find that young offenders with prior interview experiences with police or social workers could construct the research interview as threatening. This points to the importance of a relaxed and naturalistic approach, which not only applies to interviewer's way of being, but also to the context for the interview. Eder and Fingerson (2003, p.35) helpfully suggest that 'The naturalness of the interview context can be further developed if the interview is placed within a larger activity with which the respondents are already familiar'. To this end, as noted previously, the researcher allowed the participants to nominate a preferred suitable interview time and

location. Most young people opted to take part in an interview in a private room at their local JJCS office, either before or after a scheduled supervision appointment with their Juvenile Justice worker.

### **6.6.13 Reflexive thematic analysis**

The researcher adopted and adapted Braun and Clarke's (2017) method for analysing qualitative interview data, known as reflexive thematic analysis. Braun and Clarke (2013; 2017) describe this as a flexible, interpretive approach that foregrounds researcher subjectivity and is not connected to any pre-existing theoretical framework. They contend that reflexive thematic analysis is therefore, consistent with many epistemological and theoretical approaches and can also be:

[A] 'contextualist' method, sitting between the two poles of essentialism and constructionism, and characterised by theories [...] which acknowledge the ways individuals make meaning of their experience, and, in turn, the ways the broader social context impinges on those meanings, while retaining focus on the material and other limits of 'reality' (Braun & Clarke 2006, p.81).

Clearly, reflexive thematic analysis appears to sit comfortably with methodological pluralism and the tenets of reflexive critical pragmatism, described earlier in this chapter. In addition, it appears to offer a good fit with the aims and design of this study. Specifically, Braun and Clarke (2017, n.p.) contend that their method is suitable for questions aimed at understanding people's experiences and perspectives and for researchers who 'want to focus more on patterned meaning across the data set'. In light of the privacy legislation pertaining to juvenile justice clients, the researcher did *not* focus on idiographic detail or individual contributions because this risked identifying the study participants. Instead, the analysis and subsequent reporting of the findings focused on what Oliver (2012, p.13) describes as 'a conceptual synthesis of individual contributions'.

### **6.6.14 Stages of reflexive thematic analysis across the study phases**

The reflexive thematic analysis of data was undertaken at the same time as the researcher interviewed new participants. During Phase 1, the researcher undertook the *first three* of the *six* stages of reflexive thematic analysis (see Braun & Clarke 2017) as follows:

*Stage 1: Becoming familiar with the data* – each interview as audio-taped and professionally transcribed. The researcher reviewed each transcript while listening to the audio-recording of the original interview and amended the transcripts to accurately reflect the young person's words (i.e. where words had been misheard), their intended meaning (i.e. as conveyed by emphasis on particular words, tone of voice or indicators, such as laughter or silence) and their way of speaking (i.e. by including words such as 'like', 'um' and 'nah'). The researcher read and re-read each transcript, noting down initial ideas.

*Stage 2: Coding* – interesting features of the data and the researcher's initial analytic observations about each interview were coded in a systematic way across the entire data set. The codes were primarily semantic in nature, but a few latent codes were also generated. According to Braun and Clarke (2012, n.p.), semantic codes are better suited for presenting 'a more realist and descriptive account of participants' experiences', while latent codes allow for 'a more constructionist account of [...] assumptions'.

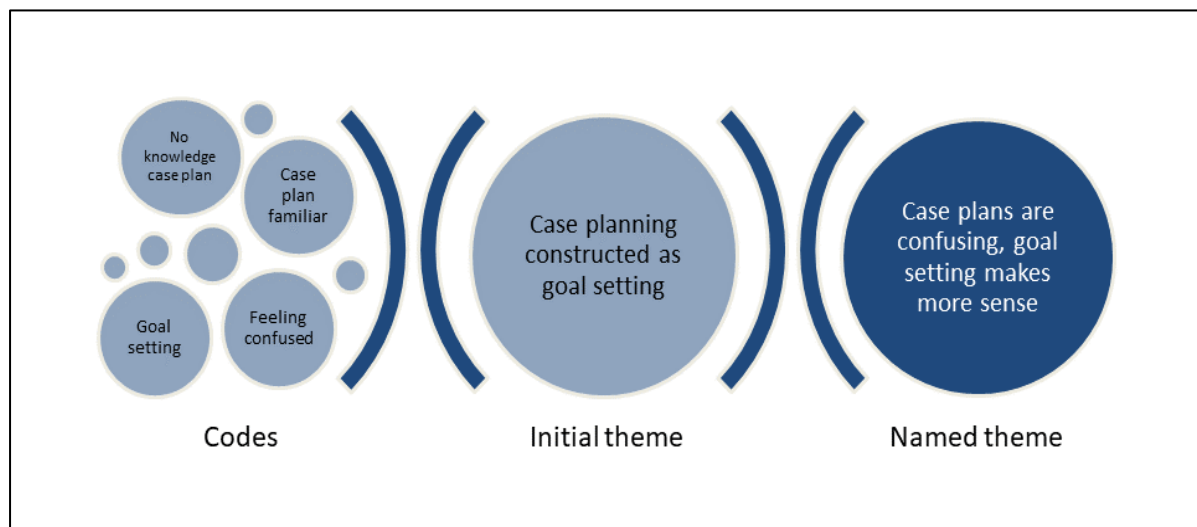
*Stage 3: Generating initial themes* – the researcher organised the codes into possible themes, collating all the relevant data from across all the interviews for each possible theme. Notably, Braun and Clarke (2017, n.p.) hold coding to be 'an active and reflexive process that inevitably and inescapably bears the mark of the researcher'. Thus, they critique the idea that themes 'emerge' from the data as suggesting that meanings already exist; independently of the researcher's interpretation (Braun & Clarke 2006; 2013).

The researcher then presented and discussed the developing thematic findings with the JJ Workers and Agency Workers for the audience review in Phase 2 of this study, before going on to next stages of reflexive thematic analysis:

*Stage 4: Reviewing themes* – the researcher reviewed each of the possible themes against the coded interview extracts, as well as the entire data set (all the interviews), to check and ensure their strength, coherence, clarity and consistency. This involved re-organising, adding and eliminating some themes.

*Stage 5: Defining and naming themes* – the researcher refined the particulars of the themes to develop a clear definition and name for each. An example of this theme development process, directly related to this study, is shown in Figure 6.4.

Next, the researcher undertook Phase 3 of this study, which involved the *sixth* and final stage of thematic analysis: writing up the findings (see Braun & Clarke 2017).



*Figure 6. 4: Example of theme development in this study*

## 6.7 Phase 2: Audience Review

Patton (2002) describes an *audience review* as a form of *credibility triangulation* that involves multiple analysts. More concretely, it involves presenting the findings of a study, as a way of testing their credibility, to its intended readers and users. In Phase 2, the researcher undertook an audience review through a focus group with staff from the Metropolitan Region of Juvenile Justice NSW (JJ Workers) and phone interviews with workers from relevant external agencies (Agency Workers). The purpose was to test and enhance the *credibility* and *dependability* of the researcher's emerging findings from the JJ Client interview data (i.e. to challenge the apparent veracity of the researcher's individual, thematic constructions). Thus, in order to privilege the JJ Clients' perspectives above all others, the data collected from the JJ Workers and Agency Workers during this second



research phase was not treated as a source in its own right. Instead, it was used to help review and refine the developing thematic findings of this study.

### 6.7.1 Enhancing credibility: the refutability principle

Silverman (2005, 2013) suggests that in order to enhance the credibility or internal validity of a study, qualitative researchers should guard against anecdotalism, by which is meant presenting findings based on bits of ‘cherry-picked’ data rather than a critical analysis of all the data. He further suggests that researchers can minimise the risk of anecdotalism by applying the *refutability principle* to their findings (Silverman 2005, 2013). This involves actively looking for ways to refute their initial assumptions about their data. This principle is closely related to Popper’s (1959) falsification theory (see Section 6.3.7) which holds that researchers should attempt to refute assumed relations between phenomena. The goal in doing so is to reach a point of objectivity that is, nevertheless, fallible and contingent on knowledge developed from the next study (Popper 1959; Silverman 2005). In this study, the audience review provided the mechanism for applying the refutability principle. Importantly, the refutability test applied to the credibility of the researcher’s interpretations, and not the truth of the research participants’ experiences.

The use of a focus group for conducting part of the audience review in this study resembles McNiff’s (2016) validity group concept, whereby the credibility of the researcher’s claims and supporting evidence are tested by others. Indeed, the validity group and audience review concepts are both underpinned by similar understandings of validity. In particular, they are informed by the notion of social validation, which is at the core of Habermas’ (1984, 1987) theory of communicative action. Habermas (1979) contends that people achieve intersubjective agreement when they talk together and negotiate what they are willing to accept. This is the crux of social validation (McNiff 2009, 2016). As McNiff (2009, p.195) explains to researchers, it essentially involves the audience ‘coming to a decision about whether or not [your evidence], and you, are to be believed’. Habermas (1979) emphasises the necessity of *dialogical interaction* to develop consensus and to avoid group-think (McNiff 2009). He argues that the process requires rigorous assessment, based on clear measures and principles to guide judgements (McNiff 2016). For these reasons the

researcher devised a framework for the audience review, loosely based on McNiff's (2016) guidelines for a validation group and, as recommended, adapted it to the context of this study.

### 6.7.2 Audience review framework

Prior to the audience review, the researcher provided the JJ Workers and Agency Workers with written and verbal information about the background to this study, its purpose and questions, and the researcher's developing findings (McNiff 2016) (see Appendices 13 and 14). During the audience review, the researcher provided greater detail about the emerging findings and posed reflective questions around the following criteria:

- *Comprehensibility*: Are the researcher's claims coherent and logical? Do they make sense to the audience? (Habermas 1979; McNiff 2016)
- *Resonance*: Do the claims resonate with the audience members' experience? Are the claims relevant? Is there any dissonance or disconnect? (Finlay 2006, 2011)
- *Democratic validity*: Does the research produce findings that are relevant to the local setting? (Herr & Anderson 2005)
- *Face validity*: Are the findings believable? Do the findings connect to how the audience understands the world? (Lather 1991; Patton 2002)
- *Ironic validity*: Are the researcher's assumptions that informed the findings appropriate and acceptable? (Lather 1991)

Although the focus of the audience review or credibility triangulation process centred on identifying congruence and resonance, dissonance and inconsistencies were not seen as necessarily weakening the findings' credibility. Rather, as Patton (1999, p.1193) suggests, they were seen 'as offering opportunities for deeper insight into the relationship between inquiry approach and the phenomenon under study'. Similarly, in searching for implicit meanings, silences were acknowledged to be as relevant as spoken words (Charmaz 2002, 2004).

### **6.7.3 Focus group: description, sampling, recruitment and rationale**

The researcher and principal supervisor conducted an audio-taped focus group with eleven, community-based JJ NSW workers from the Metropolitan Region. Participants were recruited via email invitation, following presentations about the research at regional and local executive staff meetings (see Appendix 15). A non-probability purposive criterion strategy, similar to that described in Section 6.6.1 for the JJ Clients, was used to select potential participants for the focus group. Specifically, the researcher sought a sample of workers from JJ NSW, who met all of the following criteria:

- employed for at least 6 months in a position that directly involves client case management in a community office in the JJ NSW Metropolitan Region;
- permitted by their supervisor to take part in the focus group;
- available to participate in the focus group on set date and time; and
- willing to participate in the research.

These criteria were to ensure the JJ Workers were knowledgeable about the research topic and could provide voluntary informed consent. Prior to the focus group, participants signed a consent form and completed a brief self-report survey about their basic personal demographic and employment details (see Appendices 16 and 17).

A total of 11 eligible participants applied, so all were included in the focus group, five females and six males. The majority (N = 6) identified their as Anglo-Australian; two identified as ATSI; and a further two as New Zealand Maori or Pacific Islander. The JJ Workers had been employed at Juvenile Justice NSW between 2.5 and 15 years, with the average length of employment being 5.4 years. The JJ Workers reported being in their current roles for period ranging from 3 months to 13 years, with the average being 3.5 years. Most (N = 7) identified as a Juvenile Justice Officer (JJO), while the remainder (N = 4) identified as Juvenile Justice Counsellors (JJC).

A focus group was considered the most appropriate way to conduct the audience review with the JJ Workers for several reasons. Firstly, a group approach was intended to help mitigate any researcher-participant power imbalance, through numbers. As an insider-researcher, it was possible that the researcher might know some of the participants as colleagues, supervisors or supervisees. Therefore, to further mitigate any potential conflict of interest, the researcher ensured the focus group was overseen by the principal supervisor. Notably, this is also consistent with McNiff's (2016) recommendation to include the researcher's supervisor with independent persons from the institution (i.e. the JJ Workers) in the composition of a validity group. Secondly, as required for an audience review, focus groups are useful for generating discussion and obtaining detailed information about people's individual and collective perceptions and opinions. They also offer the flexibility and opportunity to seek and provide clarification. Finally, focus groups are also cost-effective and time-efficient in comparison to individual interviews. The time-efficiency factor was particularly important to the JJ Workers and their supervisors, since it helped determine whether or not a worker had the capacity within their existing workload to take part in the study. The agency's executive supported the focus group by allowing JJ Workers to participate in it during their usual working hours; also they provided space at their central training unit, which was a familiar and accessible location for the participants. In the interests of reciprocity, the researcher paid for some basic catering for the participants.

#### **6.7.4 Phone interviews: rationale, sampling and recruitment**

The researcher conducted individual telephone interviews with nine workers from relevant agencies external to Juvenile Justice NSW. Due to privacy legislation, these interviews could not be recorded and the researcher opted instead to take written notes during them. A primarily opportunistic and emergent sampling strategy was used to select potential participants for a phone interview. That is, the researcher first reviewed all the JJ Clients' interview transcripts to create a list of the government and non-government agencies that they identified as providing them with a service (see Appendix 18). Initially, this identified 25 individual agencies. The list was then refined by excluding agencies that could potentially identify the client (e.g. those with very few JJ Clients) or that no longer existed (e.g. some

services had been merged or defunded). The researcher then contacted all the agencies on the list via email or a phone call to introduce the study and determine their willingness to participate. Care was taken to contact the agencies via a central email address or phone number, wherever possible, and not to contact any specific workers mentioned by the clients. The agencies' administrators determined which of their staff would be appropriate to participate in a phone interview. Prior to the interview, the researcher obtained explicit voluntary consent through a signed consent form and administered the same structured demographic data collection survey as used with the JJ Workers (see Appendices 19 - 21).

Nine individual Agency Workers ultimately participated in a phone interview; they represented seven different agencies and nine distinct services. Three of the workers were employed at agencies that provided primarily alcohol and other drug services; the remaining six workers were employed at agencies that provided primarily accommodation, education or crime prevention services. Six interviewees were females and three were males. The majority (N = 7) identified as Anglo-Australian and one as Aboriginal Australian. The Agency Workers reported having worked for their respective employers between 6 months and 12 years, with the average being almost 5 years. They reported being in the current roles for between 6 months and 12 years, with the average being just over 3 years.

The telephone interviews were considered an appropriate approach with the Agency Workers for a number of reasons. Firstly, it was impractical to conduct a focus group, given the diversity and long travel distances involved. Conducting interviews by telephone provided an efficient, practical and affordable way to engage the participants. This was also appropriate, given that paying for the phone call was the only form of reciprocity the researcher could offer the Agency Workers. Secondly, conducting the interview by telephone, rather than face-to-face, may have assisted to more evenly distribute power between the researcher and interview participants (Farooq 2015; Vogl 2013). This is because the telephone could provide the interviewee with more control to direct the conversation and encourage their open and free communication (Farooq 2015; Vogl 2013). Thirdly, the telephone may potentially have reduced bias based on visual cues related to the appearance of the interviewer or interviewee (Vogl 2013). Of course, assumptions are still

likely to be made based on audio cues about attributes, such as the interviewer or interviewee's age, gender and cultural background.

### **6.7.5 Critical reflection on member checks**

As mentioned in Section 6.5.1 and elaborated on in Section 6.6.5, this study was initially designed to include member checking, but not enough of the participants responded for a follow-up interview. Notably, the nine key studies reviewed in Chapter 5 that explicitly involved current or former juvenile justice clients all included informal consultations or interviews in their research designs (see Section 5.4). Just two of those studies included follow-up interviews as part of their design and in neither study were these actually able to be carried out (see Section 5.4.2.3). The relevant researchers reported this to be because the young people were re-arrested at rates, faster than anticipated (see Hartwell et al. 2010; Moore, Saunders & McArthur 2008). This highlights the generally chaotic and unpredictable nature of the lives of young people involved in juvenile justice, which may have been a factor in the lack of response from participants for follow-up interviews in this study.

Critically reflecting on this part of the initial study design revealed some important practical and ethical concerns about the use of member checking, particularly with vulnerable participants (Goldblatt, Karnieli-Miller & Neumann 2011), that the researcher had not previously considered. Buchbinder (2011, p.106) contends that a key challenge for conducting member checks is how the researcher deals with the 'transfer of power to the interviewer during the validation interview'. In a study of its use in health care, Goldblatt, Karnieli-Miller and Neuman (2011, p.389) found that member checking can cause harm to vulnerable participants and to researchers and 'is not necessarily the best method for achieving credibility'. Similarly, Ashworth (1993) argues that underlying power dynamics in member checking can essentially undermine the process. He maintains that while 'participant views should be taken very seriously indeed' and researchers should at some point *check* with a participant that they understand what the individual has said, this should not be conflated with *validating* the research findings (Ashworth 1993, p.14).

Participant validation is flawed [...] since the "atmosphere of safety" that would allow the individual to lower his or her defences [...] and act in open candour (if this be possible), is hardly likely to be achieved in the research encounter. [...] Human anxiety concerning self-presentation in the face of others is pervasive and can give rise to both resistance and acceptance of findings (Ashworth 1993, p.15).

This accords with Snow and Powell's (2004, 2012) observations of young offenders using particular strategies to try and hide their anxiety, embarrassment and oral language deficiencies in forensic interviews. In particular, for example, answering just 'yep', 'nup', 'dunno' or 'maybe' and providing affirmative responses to closed questions, even when not comprehending the questions.

Buchbinder (2011) examined the use of member checking by social workers and found that the balance of power shifted markedly from the interviewee to the interviewer during the validation process. This is pertinent to this study, given the relatively acute imbalance of power between the researcher (i.e. an adult and employee of Juvenile Justice NSW) and the participants (i.e. young, statutory clients of Juvenile Justice NSW). It follows that the participants in this study, unless in a group, may not have felt able to act with the *candour* required to challenge the researcher's interpretations (see also Eder & Fingerson 2001; NSW CCYP 2005; Suthers 2011). However, since it was not legally or ethically possible to have the young people in a group (see Section 6.6.5), the audience review may in fact have been more appropriate and effective than conventional member checking through individual follow-up interviews. That is, the audience review process effectively *levelled the field*, in that the workers were in a stronger and more equal position than the young people to challenge the researcher's interpretations. The researcher tried to level the power dynamic even further through the use of a group approach with the JJ Workers (see Hennick 2007) and through the relative anonymity provided by the phone interview for Agency Workers (see Carr & Worth 2001; Holt 2010; Vogl 2013). The researcher's reflexive critical pragmatist approach is evident in the response to this methodological dilemma. The redesign of this study not only helped ensure its feasibility, it also aimed to answer the research question with integrity by maintaining the JJ Clients' perspectives as the primary

data source and the researcher's interpretations as the refutable basis for the audience review.

## **6.8 Phase 3: Presentation of the report**

Braun and Clarke (2006, p.87) suggest that *writing up the findings*, which is the sixth stage of reflexive thematic analysis, offers a 'final opportunity for analysis'. It involves bringing the data extracts together with an analytic narrative, and contextualising this in relation to existing literature (Braun & Clarke 2017). This constituted Phase 3 of this study (see Figure 6.2), in which the researcher determined how to present the findings and analysis of this study in a compelling, scholarly and accessible way. Finlay (2012) argues that in producing the report, it is important to attend to the audience and report the research in the mode most likely to have the most relevance and impact. Indeed, consistent with the tenets of critical pragmatism and a reflexive approach to knowledge use, the researcher paid attention to the possible broader political, instrumental and strategic interests at stake in this study (Finlay 2006). Beyond the academic examiners, the intended audience for the findings of this study are juvenile justice practitioners and administrators. It is also possible that clients, particularly former clients of Juvenile Justice NSW may also be interested in the findings of this study. Thus, the report of the findings in the next chapter is presented in a clear and accessible manner. Overall, the various interests at stake in this study appear best served by emphasising the systematic nature and scientific credentials of the research, as well as its ethical significance; of which this and preceding chapters have provided ample evidence.

## **6.9 Conclusion**

This chapter provided an overview of the methodology for the study. It first discussed the concept of audit trail, followed by an overview of the researcher's mental model and philosophical assumptions. This included a detailed critical analysis and justification for the researcher's position of reflexive critical pragmatism, and the implications of this position for the research. The qualitative dominant mixed methods approach was described, as well as the criteria for evaluating trustworthiness. A comprehensive rationale for focusing on



clients' views was offered, which examined issues of power and ethics in research with children and young people in youth justice contexts. The study design was described, including sampling, informed consent, strategies for recruitment and data collection. The methods of reflexive thematic analysis and audience review were discussed, alongside a critical analysis of the study design and approach to the presentation of the findings in the next chapter.

# Chapter 7: Findings

## 7.1 Introduction

This chapter presents the findings from the interviews with the juvenile justice clients ('JJ Clients') and the responses from the Juvenile Justice workers ('JJ Workers') and non-government agency workers ('Agency Workers'). It first provides an overview of the demographics of the study participants. Then the thematic findings from the research interviews are detailed, followed by reflections and commentary from the audience review, conducted through the focus group with the JJ Workers and the telephone interviews with the Agency Workers. The workers commented on all the themes, but in some cases their discussions went beyond the immediate topic. Where relevant to the research questions, some of this additional discussion is included. The individual JJ Clients who participated in this study are referred to by pseudonyms in this chapter to protect their privacy, as well as to humanise their experiences. The comments made by the JJ Workers and the Agency Workers as part of the audience review are also de-identified, but are not attributed in any way to particular individuals. This is in keeping with this study's aim of prioritising the perspectives and voices of the young people.

### 7.1.1 Use of terms

Table 7.1 lists some common acronyms and terms used by the research participants. In particular, the acronym 'JJ' was used to refer to the 'Juvenile Justice' agency, as well as to the juvenile justice workers (i.e. 'JJs' or a 'JJ').

*Table 7. 1: Common acronyms and terms used by the research participants*

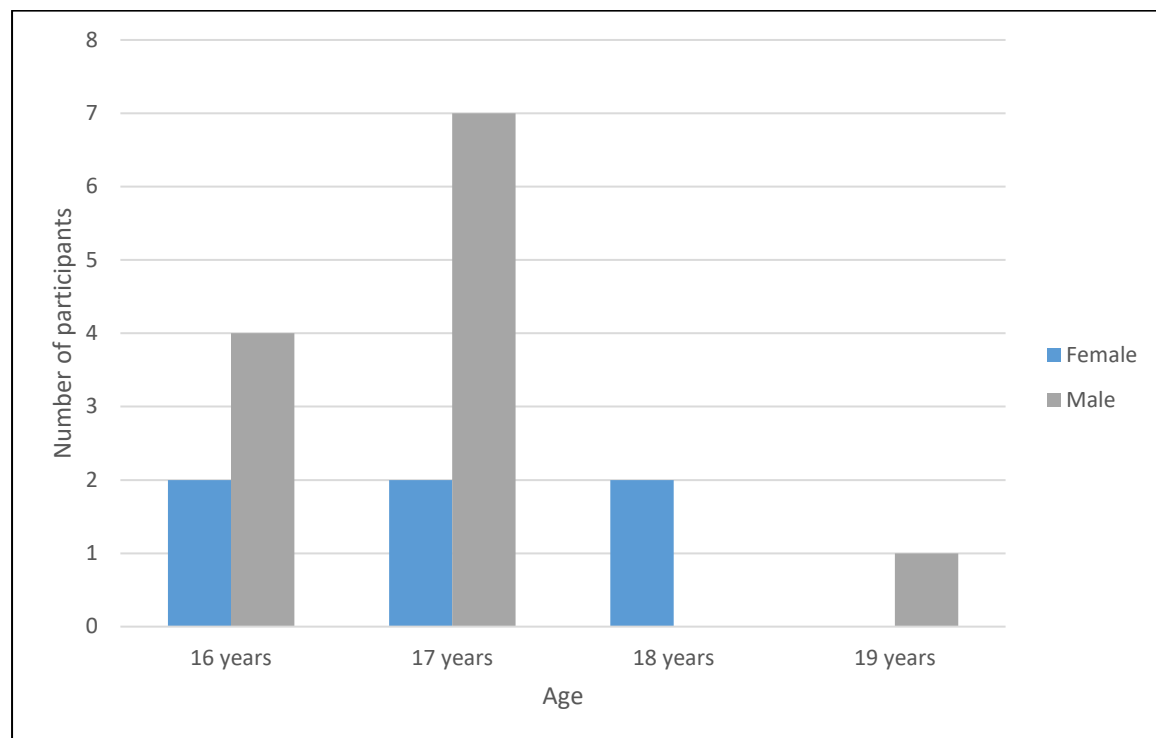
Term	Meaning
AOD	Alcohol and Other Drugs
CHART	Changing Habits And Reaching Targets – cognitive behavioural change program
CIMS	Client Information Management System (electronic system for JJ NSW)
JJ	Juvenile Justice (agency or workers)
JJ NSW	Juvenile Justice New South Wales
JJC	Juvenile Justice Counsellor
JJO	Juvenile Justice Officer
JJ worker	Juvenile Justice worker (can be an officer or counsellor)
TAFE	Technical and Further Education
YJC	Youth Justice Conference
YLSI	Youth Level of Service Case Management Inventory (Australian Adaptation)
YP	Young Person

## 7.2 The study participants

In total, 29 clients from the Metropolitan Region of Juvenile Justice NSW (JJ NSW) applied to participate in this study. Of these, one young person was excluded on the grounds of not meeting the minimum age for inclusion in the study. A further 10 young people were eventually excluded, after not attending scheduled interview appointments. Eighteen clients of JJ NSW took part in an interview. This section of the thesis provides an overview of the demographics of the study participants. The information is based on self-reports from the participants. Although self-reports are criticised as inherently biased, this approach is consistent with this study's aim of understanding the participants' perceptions and experiences (Fielding 2006).

### 7.2.1 Age and gender of the study participants

The participants in this study were aged 16 to 19 years (inclusive), with the average age being 16.8 years. One third were female (N = 6) and the remaining two-thirds were male (N = 12). The ages of the female participants were evenly distributed across the range of 16-18 years; while the majority (N = 7) of male participants were aged 17 years. In NSW, on an average day in 2016-17, males made up 82% of those under juvenile justice supervision and the most likely age of a young person under supervision was 16 years for females and 17 years for males (AIHW 2018b). Figure 7.1 shows the age of the study participants according to their gender.

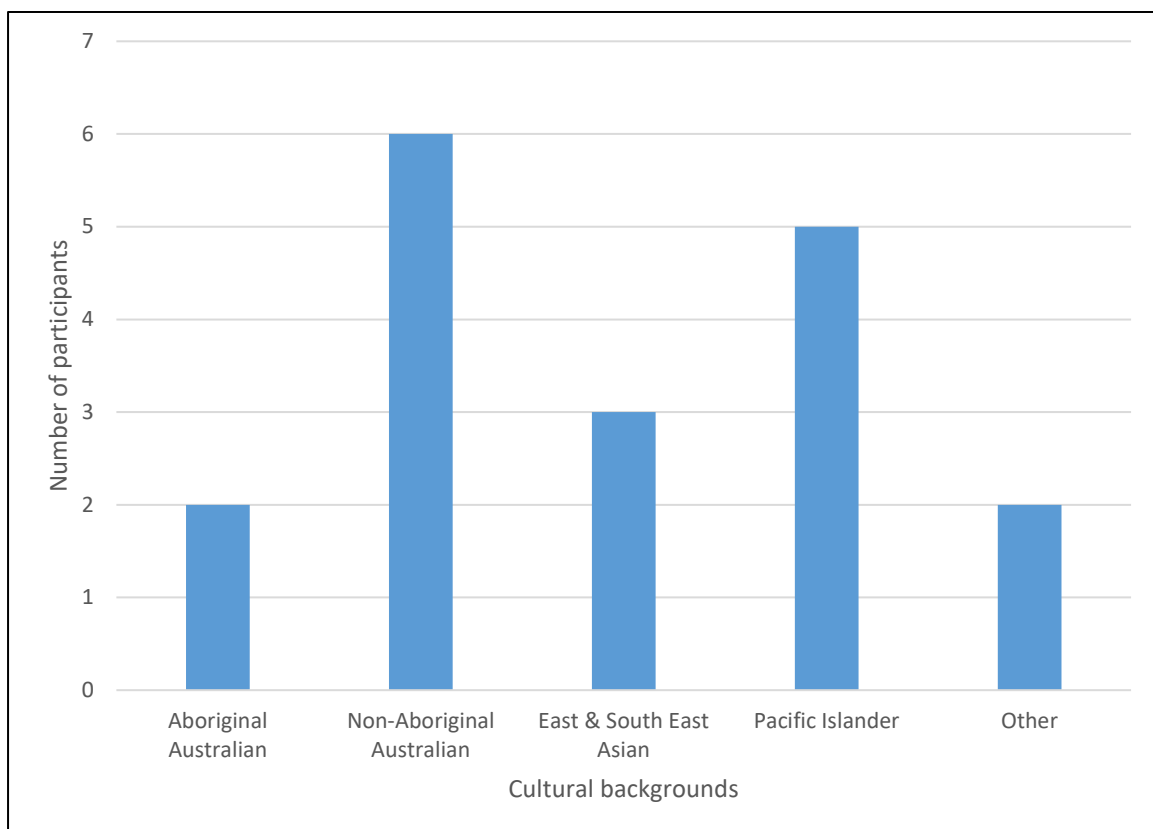


*Figure 7. 1: Age of participants by gender groups*

### 7.2.2 Cultural backgrounds

Figure 7.2 provides an overview of the self-reported cultural backgrounds of the study participants. The majority reported their cultural identity to be 'Non-Aboriginal Australian'

(N = 6), while two identify as 'Aboriginal Australian'. The second largest cultural group identify as 'Pacific Islander' (N = 5); and include young people from Samoa, Tonga and the Cook Islands. The third largest cultural group includes young people from 'East or South East Asia' (N = 3); and the specific countries from these regions are not identified in this study, in order to protect the privacy of the individual participants. Similarly, for privacy reasons, the specific cultural backgrounds of two other participants are not identified in this study and simply categorised as 'other' in Figure 7.2.

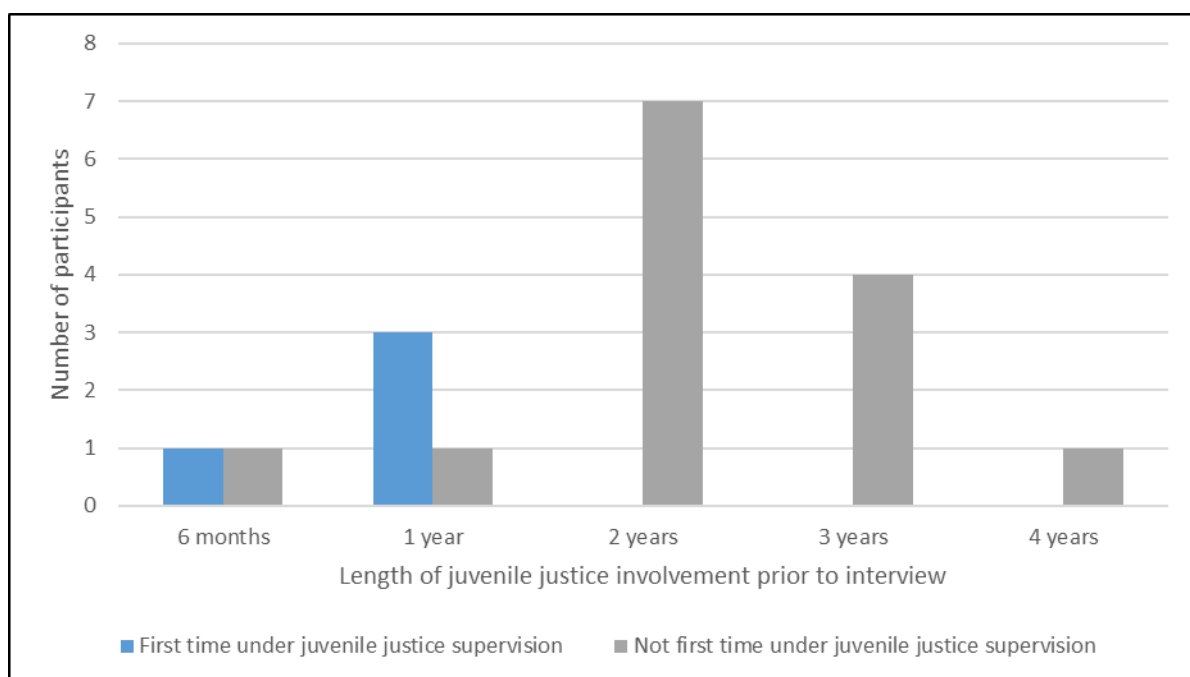


*Figure 7. 2: Cultural backgrounds of the study participants*

### 7.2.3 Nature of prior and current involvement with juvenile justice

To be eligible for inclusion in this study, young people had to have been supervised by juvenile justice for at least 6 months. Figure 7.3 shows the length of time that they reported

prior to participating in the interview; it also indicates the number who reported they had *never* previously been supervised. The majority (N = 14) reported that their current court order and period of juvenile justice supervision was *not* their first time under juvenile justice supervision. Of the four who reported that this *was* their first time, three stated this period as around 12 months before the interview and one, just over 6 months. Most participants reported involvement with juvenile justice for around two years (N = 7). Four reported prior involvement for around three years (N = 4). Of the remaining three participants, two advised of involvement with juvenile justice for just over six months and one reported this as close to four years. Thus, the average period of prior juvenile justice involvement was around 21 months. Importantly, this is a substantial amount of time for the participants to have experienced case management as a juvenile justice client before participating in this study.



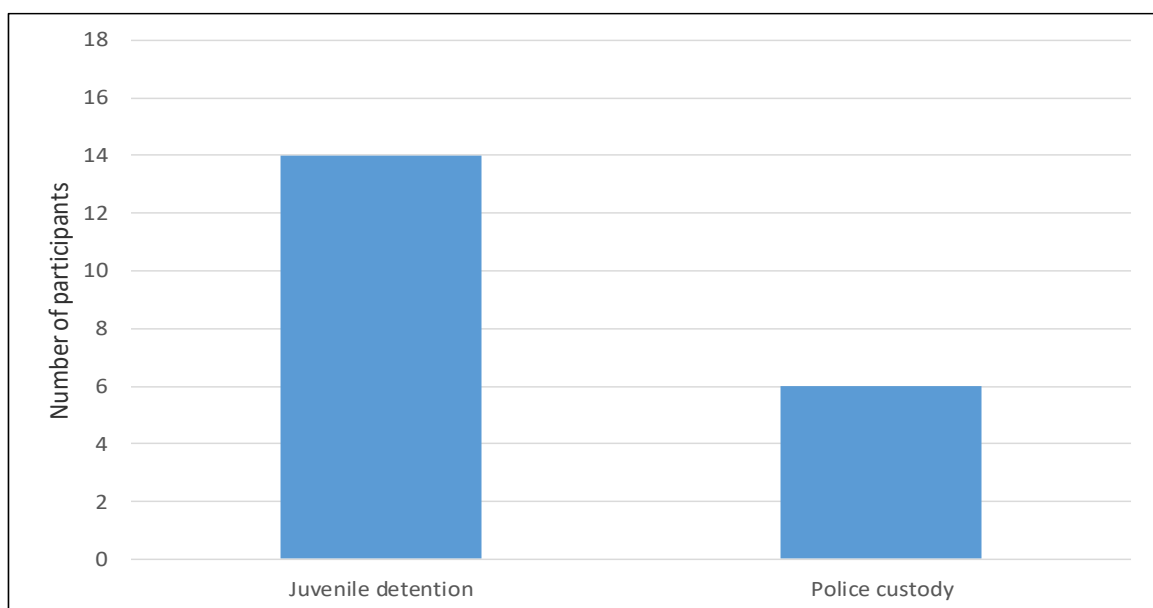
*Figure 7. 3: Participants' length of involvement with juvenile justice prior to interview*

The duration of the periods of juvenile justice supervision reported by the participants are substantially longer than the average of 6 months reported by the NSW Government for 2016-17 (see AIHW 2018b). However, over the five years to 2016–17, there has reportedly been a significant (19%) drop in the number of young people under juvenile justice

supervision in NSW (AIHW 2018b). Moreover, the researcher sometimes asked the young people about the duration of their ‘involvement’ with juvenile justice, rather than specifically their time under ‘supervision’. This is a broader question and in answering, the young people may have included their dealings with the wider juvenile justice system, such as the police or courts. In any case, for the purposes of this study, the important measure is the young people’s perceptions about the duration of their prior juvenile justice involvement, rather than any other measure.

#### 7.2.4 Prior custodial experiences

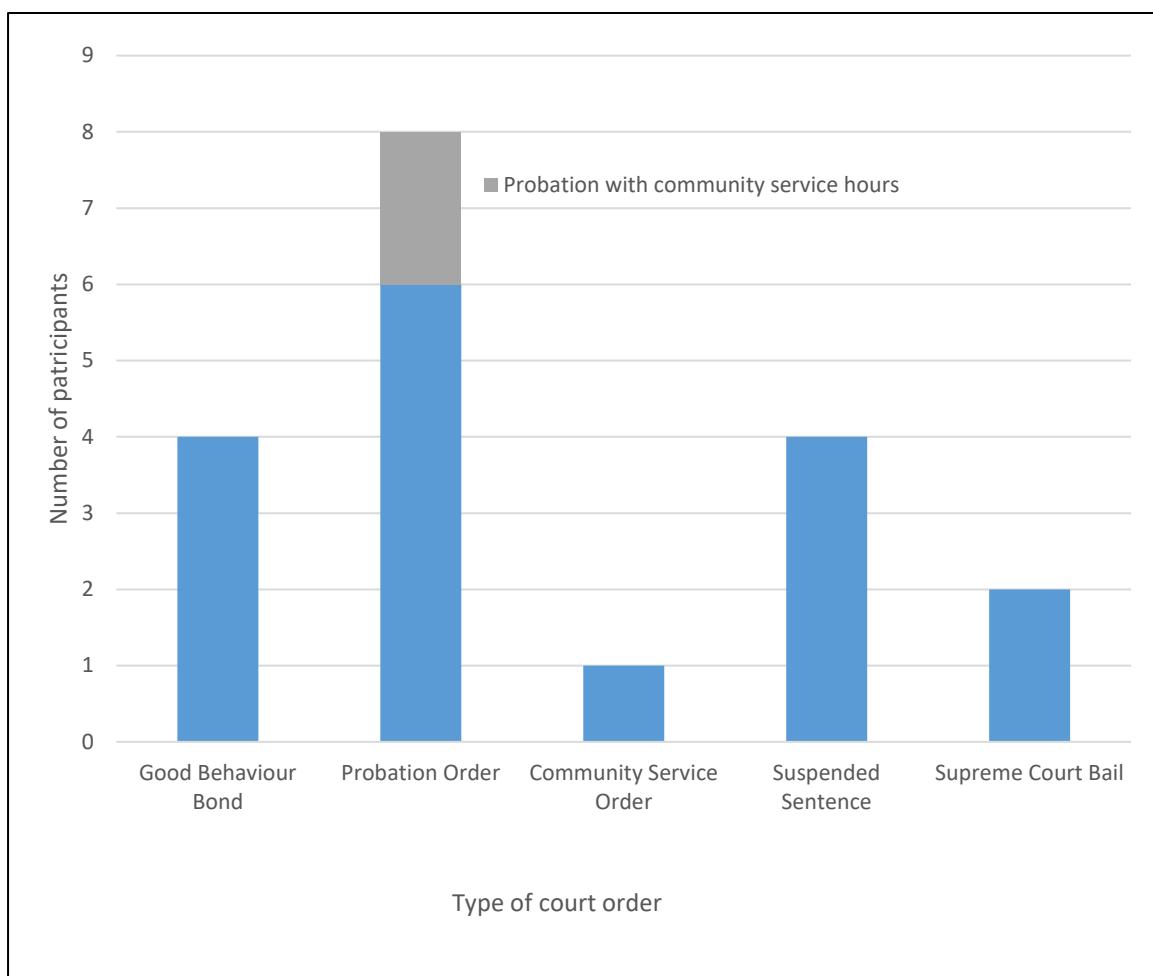
Figure 7.4 shows the number of young people who had spent time in juvenile detention or police custody, prior to participating in the study. Some participants reported having spent time in a police cell (N = 6), while most (N = 14) had spent time in a youth detention centre. This meant that the majority could describe their experiences of case management while in custody as well as in the community. From the interviews, it appears that in most cases, the participants were in custody while ‘on remand’. That is, they were unsentenced and awaiting a court appearance for sentencing. This is consistent with the high percentage (56%) of young people, who on an average day in 2016–17, were unsentenced while in detention in NSW (AIHW 2018b). None of the young people reported having spent time in an adult prison or remand centre.



*Figure 7. 4: Number of participants who spent time in custody prior to the study*

## 7.2.5 Types of court orders

Figure 7.5 shows the highest or most serious types of court orders for each of the study participants at the time of their interview. Most were subject to a Probation Order (N = 8), two Probation Orders included the condition to undertake community service hours. Four were subject to a Suspended Sentence and another four, a Good Behaviour Bond that included the condition to accept supervision from juvenile justice. One young person was subject to a Community Service Order (CSO), the remaining two were subject to Supreme Court Bail with the condition to accept supervision from juvenile justice.

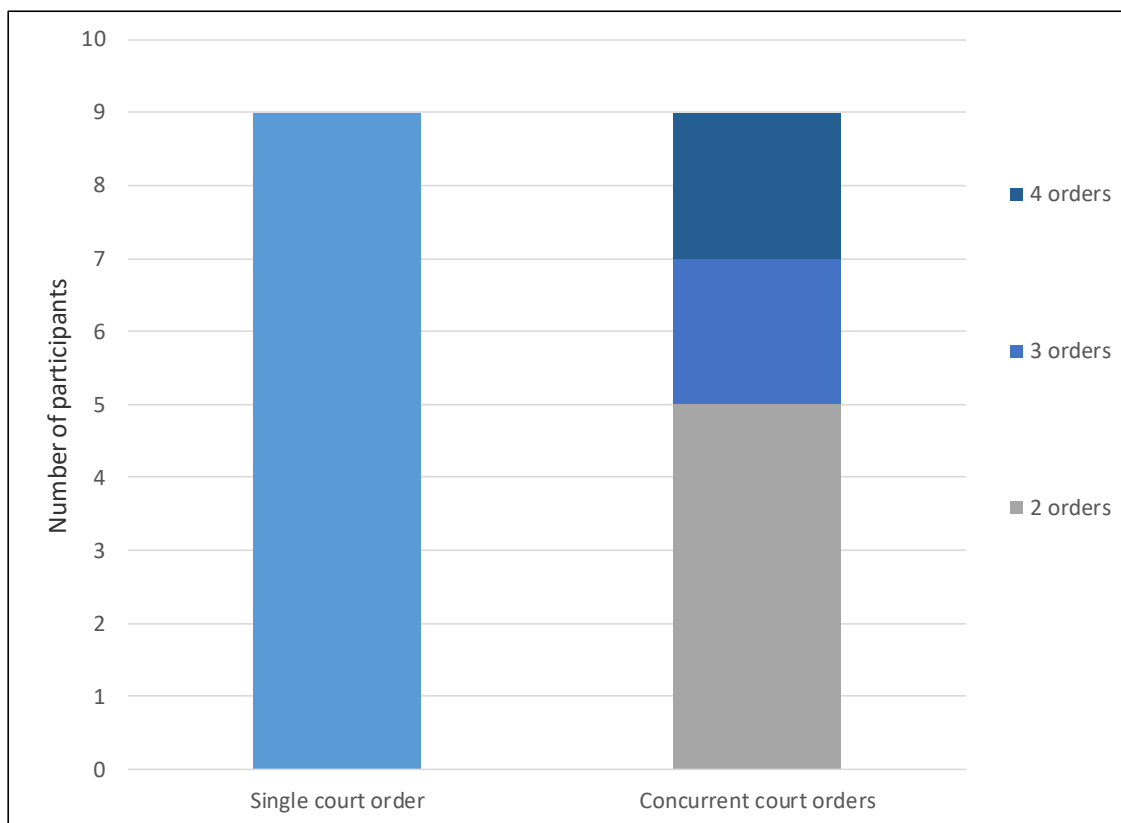


*Figure 7. 5: Highest type of current court order reported by participants*



## 7.2.6 Concurrent court orders

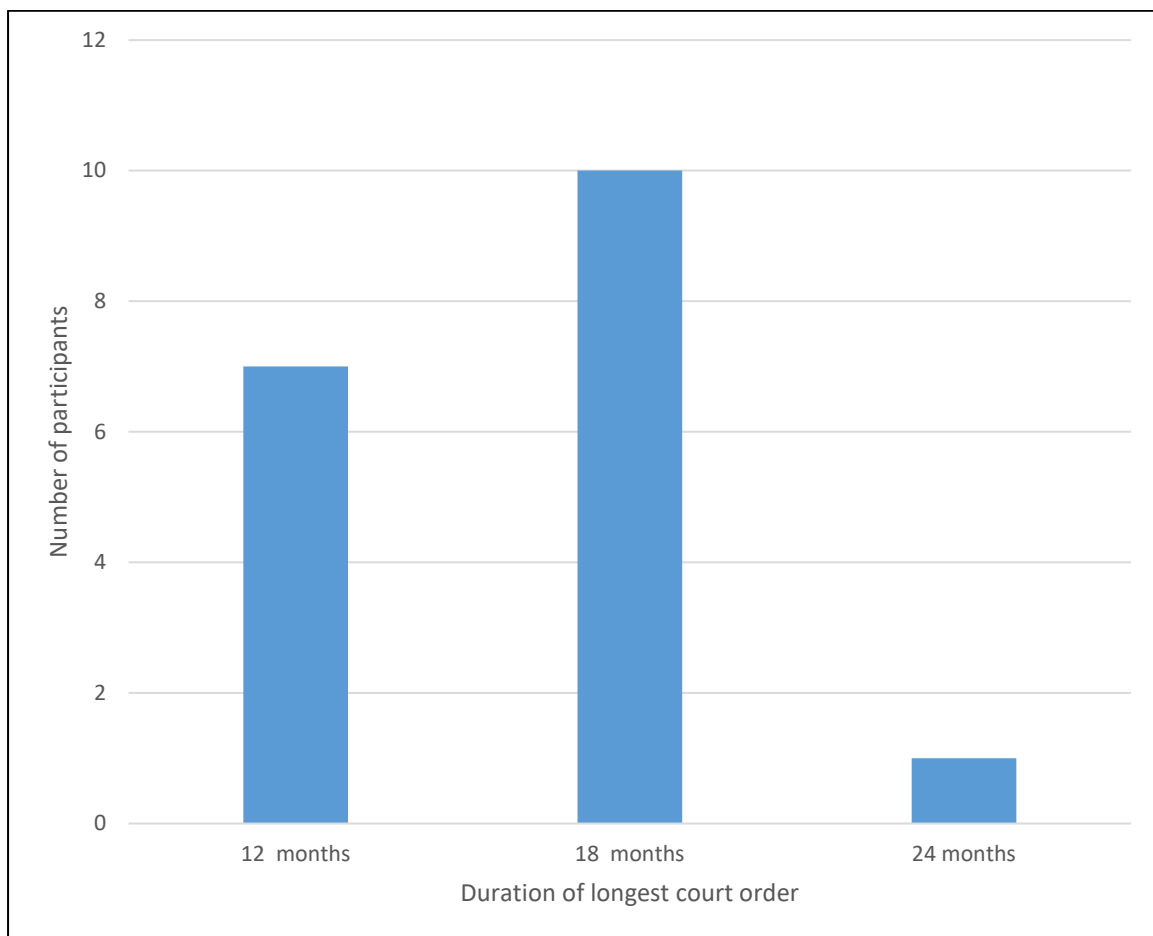
As shown in Figure 7.6 half (N = 9) the study participants were subject to multiple or concurrent court orders. Of those, most were subject to two (N = 5) and the rest were subject to either three (N = 2) or four (N = 2). Notably, one young person subject to three concurrent court orders was also subject to concurrent supervision from juvenile justice and adult corrective services. Most of the young people interviewed (N = 15) were clear about what type and how many court orders they were subject to. However, in one case, the person knew of at least four active court orders, but was confused about their respective duration and type. In two cases, the young people did not understand the terms 'court order' or 'legal order' and the interviewer had to explain what was meant. Both participants had been involved with juvenile justice for around two years.



*Figure 7. 6: Number of concurrent court orders reported by participants*

## 7.2.7 Length of court order

Figure 7.7 shows the duration in months of the longest court order for each participant. Most young people reported that their court order was for around 18 months (N = 10) or 12 months (N = 7). Just one reported it as around 24 months. The average duration was around 16 months. As noted earlier, this is considerably longer than the average juvenile justice supervision period of 6 months for NSW in 2016-17 (AIHW 2018b).



*Figure 7. 7: Duration of longest court order reported by participants*

## 7.3 Themes identified in this study

This section presents the thematic findings from the research interviews with the JJ Clients, followed by extracts from the audience review, conducted with the JJ Workers and the Agency Workers. Six themes were generated from this study. These are defined from the perspectives of the young people, as follows:

1. 'Case management' is meaningless
2. Many workers, but no clear case manager
3. Assessment is being judged for the court
4. Case plans are confusing, setting goals makes more sense
5. Planning and talking can help, but action is better
6. Transitions are common and stressful, especially changing workers

A number of important points within the main themes are identified with separate subheadings and considered in the discussion of each finding.

### 7.3.1 'Case management' is meaningless

The term 'case management' appeared to mean little, if anything, to most of the young people interviewed. As noted in the previous chapter, the researcher generally avoided asking them outright whether or not they understood this term in light of their potential oral language difficulties. However, during about half the interviews, an appropriate opportunity arose to directly ask the young person about their understanding of this term. Most did not think they had heard the term before or had no knowledge of it at all. The following are some examples of these exchanges:

Interviewer: [Have] you ever heard the word, you know, 'case management' before?

Taina: I think I, I think I have...but...I dunno what it means. [laughs]

Interviewer: Have you heard of 'case management' before?

Daniel: No, I don't think so. I might have.

Interviewer: [T]his project was about 'case management', have you ever heard about that term before?

Mara: [Shakes head]

Interviewer: That's okay.

There was one notable exception to these kinds of responses, as follows:

Interviewer: [H]ave you heard of the term 'case management', have you heard of that word?

Hannah: [nods] Yeah.

Interviewer: Yeah?

Hannah: Yeah.

Interviewer: Do you know what it means, what do you see that it means?

Hannah: Um...just...like, sort of like a case manager where they put together, like, a case plan...um, of like your goals and stuff.

Interviewer: Ok. And is there anything else that comes to mind when I say 'case management'?

Hannah: Mmmm, not really.

Hannah was the only participant, who stated she had heard of case management before this study. Her definition, which mentions a *case manager* and *case plan* includes some of the elements of case management that appear in the formal literature. Notably, Hannah was also one of the most articulate of the interview participants, with strong oral language skills. For example, she appropriately used terms such as ‘personal development’ and ‘relapse prevention plans’ during the interview. She had also been involved with Juvenile Justice for close to eighteen months at the time of the interview and had prior involvement with a specialist, intensive case management program.

Some young people tended towards more literal understandings of the term ‘case management’. An example of this is evident in the following exchange with Omar:

Interviewer: [H]ave you ever heard that term ‘case management’ before?

Omar: Nup.

Interviewer: Would you know what it means? Do you want to have a guess at it?

Omar: Oh, like, you’re being managed, like, a case. [...] That I was being managed by a case, that’s what I thought it was. [...] Yeah, like, just being managed, like, you know, all my files are in a case and...yeah, they just check up on me...

Omar was clearly contemplating the meaning of the term as he responded to the researcher. He connected it to the notion of being managed and referenced being monitored or ‘checked up on’. His mention of files suggests he understood that information was maintained about him, somewhere. It also appears that Omar was grappling with the word ‘case’ and its possible meanings, as his comments highlight the ambiguous nature of this term. That is, it is not clear whether Omar was referring to himself, in an abstract

sense, as the case or if he was referring to something more concrete, such as a case worker or a container, (e.g. a box or briefcase) where he thought his files were kept.

Two other young people appeared to understand the term 'case' in an abstract way and to connect it to case management constructs. Elijah, for example, appeared to refer to himself as the case when talking about his previous employment service:

I'm not with [job agency] because I finished, um, I finished my [school level] [but], I still was down as a *case*, like, for *case management* and that, like a *caseworker* that would help me do all this stuff.

Similarly, Andrew used the term 'case' in a figurative way when he talked about his JJ Worker's role and appeared to connect it loosely to the idea of case coordination:

Interviewer: What's his job?

Andrew: He's my JJO, he takes care of my whole case.

Interviewer: Right, okay, so what do you mean by the 'whole case'?

Andrew: Like, he does my background report for me, so he, he studies and like monitors my behaviour [at the office] and then gives a report back to the court on how I've been going.

Andrew's description of his 'whole case' centres on the JJ worker's assessment and reporting role for the court, including compliance monitoring. Indeed, other young people, who used the term 'case' – without any prompting from the interviewer – did so in relation to their legal matters or the 'court case'. For example, Luke stated that his JJ worker would

‘go over my *cases* and stuff [...] before every *court case*’. Some other examples are, as follows:

[Y]ou know how you have those legal, um, if you didn’t have a solicitor you could have one of those legal people at the, um, you put your name down when you go into court and one of the legal people will come see you. Yeah, um, I had a girl and she, um, done my order thingy, oh, like she done my *case*... (Lilo)

Um...it was a Legal Aid, I think, but then like my lawyer always had the *case*... (Felix)

The young people tended to connect the term ‘case’ more frequently with legal and criminal justice concepts than with social work or practice concepts. They rarely used the word ‘management’, except in association with ‘anger management’. Vincent, however, in response to a question from the researcher, unhesitatingly nominated his JJ Worker as the person in charge because:

He *manages* all my like reports and stuff, yeah. [...] Ahhh...[pause] nah. He just...but, like, pretty much everything goes back to him, that’s why he’s, like, the kind of boss.

Vincent’s comment about his JJ worker managing his reports is in keeping with Elijah’s description of his JJ worker handling his records and Omar’s understanding of case management as involving file management. Vincent also appears to suggest that his JJ worker undertakes a coordination role – at least in relation to reports – which is similar to Andrew’s understanding of his JJ worker managing his ‘whole case’.

### 7.3.1.1 Audience review

The JJ Workers and Agency Workers were not surprised that the term ‘case management’ was essentially unfamiliar to the young people. The literal interpretations of case management and related concepts, and the linking of this to the notion of a court case, also resonated with the JJ Workers and the Agency Workers. For example, one Agency Worker commented that:

Unless you’re in the industry or involved with other agencies, the term ‘case management’ could mean anything, like it could be a *legal case*. Staff use it and organisations use it, but there are lots of different terms in this industry – this industry loves acronyms, like AOD, etc. It’s pretty confusing.

The JJ Workers also acknowledged that they did not have a shared understanding of case management amongst themselves. Instead, they had variable interpretations that included abstract and conceptual elements, as well as more literal understandings:

I see case management [...] as a semi-structured or structured process of providing services and coordinating other referrals to our clients, which is kind of an ongoing process to get a desired outcome [...] which obviously in Juvenile Justice is around offending behaviour – reducing that.

It’s taking it individually as well...you know, each one’s different and you take it *case by case, managing the case*. You know, finding out what needs they’ve got, whether they be criminogenic or not – addressing that and going from there.

There was also congruence for the JJ Workers in the young people’s more legalistic understandings of the ‘case’ and the related role of the JJ worker. The JJ Workers tended to



connect this to the statutory nature of their work, which requires a 'legal mandate' for case management:

It's a court-ordered service. It's a monitoring role, largely [agreement in room].

[It's] *managing a case* that's been formalised through... *a legal process*, so we don't go out spruiking for business; it's mandated, so that's, we then *manage what is specifically a mandated sort of case* for us, so it's within that sort of context as well.

Some of the Agency Workers suggested that case management was a meaningless concept for the young people, because it was not often clarified by or even among workers, particularly in multi-agency arrangements:

The case management process is rarely explained to a young person when they're entering any care system, including custody or Community Services.

The case management arrangements between agencies are not always clear, especially not to the young person and so the kid's not necessarily going to know what's what.

The JJ Workers had a similar view, noting that confusion existed among themselves and other workers, particularly in shared case management arrangements with statutory child protection. This is evident from the following exchange between some of the JJ Workers, who sought clarity from one another:

I thought [...] that if [child protection] are involved, they were supposed to be the lead – is that correct? Is that what other people would take on? If the young person is in their care, that they would be, that [child protection] should really be leading it?

I found that it depends on the [child protection] worker [agreement in room] – some really like you to take the bull by the horns and control the case and the others kind of just want you taking a back step while they kind of delegate to you what they want you to do [general agreement].

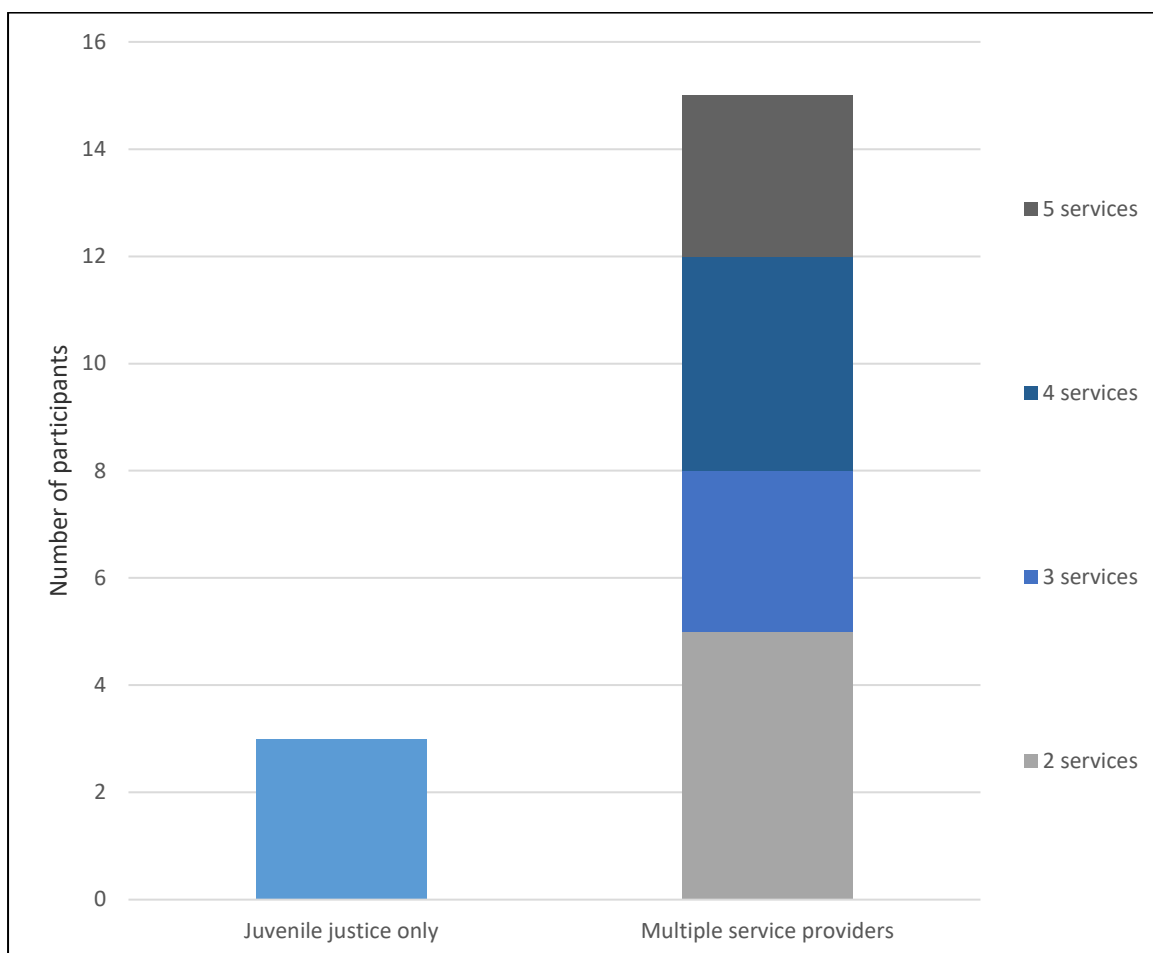
No, it depends on the mandate. Some legal mandates might say or stipulate what (child protection) is to do and what JJ is to do; others it doesn't, so yeah...

Notably, in this exchange, the JJ workers returned to the importance of a legal mandate for informing their practice of case management.

### 7.3.2 Many workers, but no clear ‘case manager’

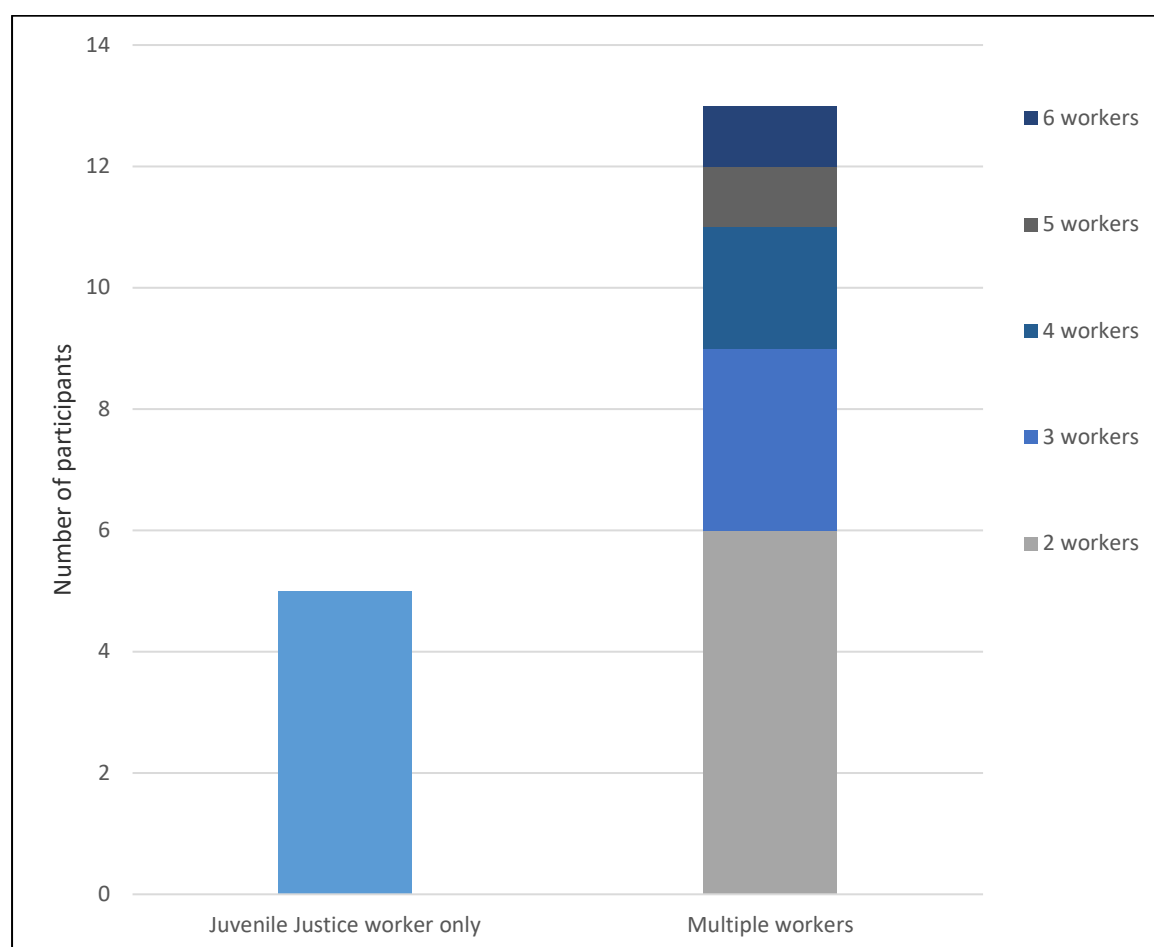
Most young people were involved with several workers at a time and generally, did not or were unable to identify a specific worker as a case manager, unless the researcher provided some prompting or a description about this role.

Figure 7.8 shows that just three participants reported being involved solely with JJ NSW while most (N = 15) reported involvement with JJ NSW and additional services. Figure 7.8 further shows that of this larger group, most (N = 5) were involved with two services (including JJ NSW), while three young people were involved with three services, four with four services and three with five services.



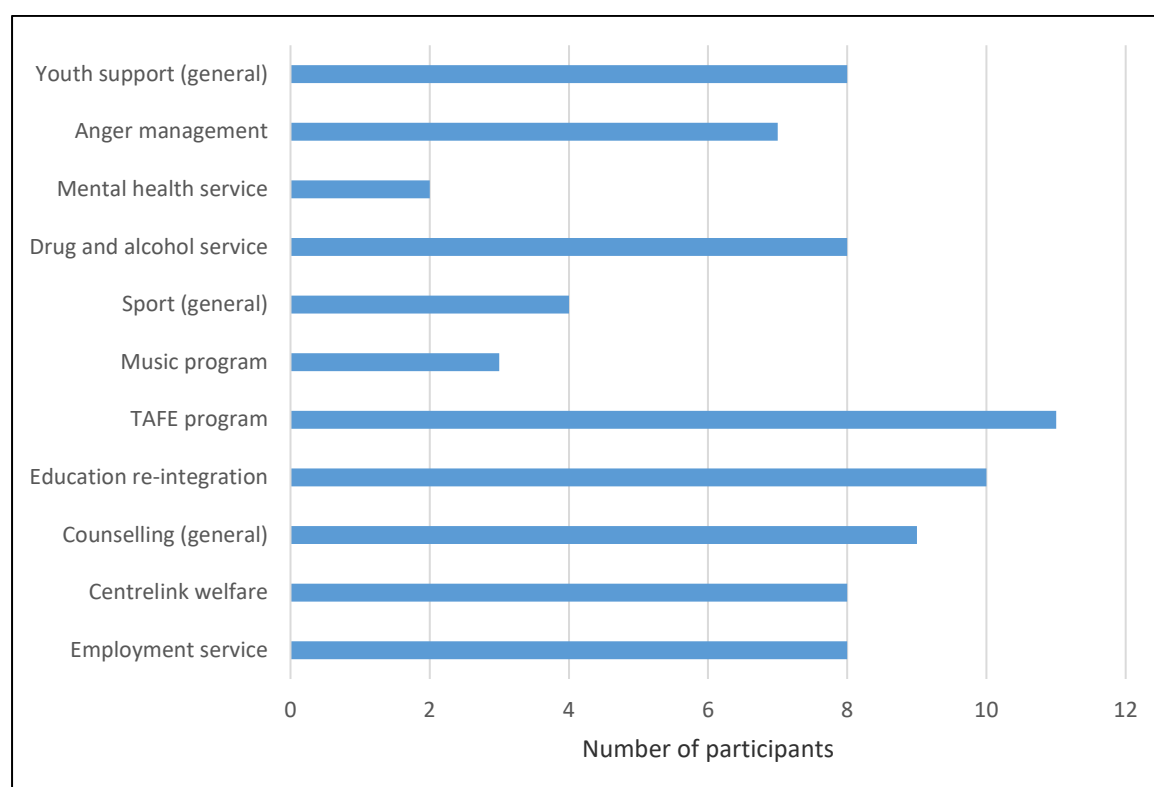
*Figure 7. 8: Number of participants involved with multiple service providers*

As shown in Figure 7.9, the number of services the participants were involved with did not necessarily equate with numbers of workers. For example, one young person was only involved with JJ NSW, but was reporting to or involved with six different workers employed by JJ NSW: one JJ Officer, one JJ Counsellor and four different Community Service Order (CSO) supervisors. Similarly, another young person was also only involved with JJ NSW and reporting or involved with five different workers: one JJ Officer and four different CSO supervisors. These two participants, both with multiple CSOs, were involved with the most number of workers in this study. As Figure 7.9 indicates, participants' experiences varied on this point. Of the remaining 16 participants, 5 participants stated that they were just reporting to or working with one allocated JJ Worker, two had four different workers, three had three and six had two workers.



*Figure 7. 9: Number of participants with only a JJ worker or with multiple workers*

Figure 7.10, shows the types of services the participants reported they were involved with. Most of the young people (N = 11) reported that they were involved in a TAFE program, followed closely (N = 10) by the number of young people (N = 10) who said they were involved in an education reintegration service. Of the 8 participants engaged with Centrelink for welfare support, 7 also reported involvement with an employment service, brokered by Centrelink. Nine participants indicated that they were attending generalist counselling and in five instances, their JJ worker had organised the referral. Eight participants said they were attending an alcohol and other drug (AOD) service and involved with a youth support service, respectively. A small number of young people said they were participating in recreational programs, such as music (N = 3) and sport (N = 4). Notably, although ‘cross-over kids’ are overrepresented in Australian juvenile justice (Dean 2018) (see Section 2.1), none of young people in this study reported involvement with statutory child protection services.



*Figure 7. 10: Types of service and number of participants*

Consistent with their unfamiliarity with the term 'case management', most of the young people were unfamiliar with the term 'case manager'. Galen, for example, shook his head when asked if he had heard of a case manager before, and Vincent stated, 'No idea. I don't even know what it is, a case manager'. Some of the young people thought they had heard the term 'case manager' before, used by their JJ Worker. However, as the following examples show, they were not sure what the term meant or felt unable to articulate or recall its meaning:

Interviewer: [H]ave you heard of a case manager?

Omar: Yeah.

Interviewer: When did you hear about a case manager, or do you know someone who is one?

Omar: No, I don't know anyone who is one, but I only heard it once, but it was a while ago. [...] Yeah, my JJ was talking about it with me.

Interviewer: Okay, and can you tell me a bit about what you were talking about?

Omar: Nuh, I forgot really.

Interviewer: So have you ever heard of a case manager, or a case worker?

Dominic: Yeah, I've heard of one, but I don't really know what that is.

Interviewer: Where do you think you've heard of that before?

Dominic: Um, in, um, around [local JJ office], really.

Interviewer: Around [local JJ office].

Dominic: Yeah. [pause]

Interviewer: So, what about have you ever heard of worker that's called a 'case manager' before?

Taina: Is that like a helper? [...] Someone that helps out and that, or...?

'Cause I heard, [current JJ Worker] said that to me, but I don't remember what she said, like actually mean, like what she said. [...] Like, she always says it every time I go see her and like just it... it comes in, like, one ear and it goes out. [laughs] So, I forget what she says and what it means. [laughs]

### *Relevance of job titles*

Just two young people identified a particular worker as their case manager without any prompting from the interviewer. In both cases these were workers from non-government organisations, whose job titles were specifically 'case manager'. Elijah, for example, identified his allocated employment worker as a case manager:

Interviewer: So what's her job, what's she supposed to do?

Elijah: Um, she's now my job seeker case manager.

Interviewer: Case manager?

Elijah: Yeah.

Interviewer: What does that mean?

Elijah: Um, she's just basically handles all my records and handles me and that, like trying to find me jobs and help me get jobs and that.

Notably, Elijah appeared to interpret 'case manager' in a similar way to Omar's understanding of 'case management', described earlier. In particular, both these young

people referred to their records and files. Elijah also appears to understand that a case manager is there to handle or *manage* him. Later in the interview, Elijah likened his JJ worker's role to case manager and mentioned that he has two separate case plans: one with JJ NSW and one with the employment service. The researcher tried to understand his experience with two case managers:

Interviewer: So you have those two case managers, so they work well together or are they opposite or...

Elijah: I don't know, they don't really talk to each other.

Interviewer: They don't talk to each other. [...] Okay, so does it matter that you've got two workers, like, both doing employment or not? Is it helpful or is it...

Elijah: Um, I don't know, well, in JJs the focus isn't so much as working, because, like, they virtually, like, tells me, you know you can find jobs here and do jobs here. But with [employment service] it's sort of, like, come in, get on the computer look for jobs, they look for jobs as well. [...] [My JJ Worker] does it for me with JJs in this sense and she [my employment service case manager] does it all for me in work, like, she handles all my stuff and does all that for me. [...]

Interviewer: Do they talk to you about what kind of things stop you from getting a job?

Elijah: No, not really.

Interviewer: So you know where you were talking about the [drug education program] and doing stuff like that, have you been able to talk to [your employment service case manager] about, you know, what you've achieved so far – that you're not using drugs anymore?

Elijah: Oh, she knows I'm not using drugs anymore.



Interviewer: Okay, so you talked to her about that stuff?

Elijah: Yeah, because she asked once, she goes 'You still on...um, with a pot problem?' and I went 'Nah, I got off it.'

Although not immediately obvious, it seems that Elijah understood the main difference between the two case managers' roles to be that, his JJ worker *talks* about employment and his employment case manager actively helps Elijah to find a job.

Hannah, the young person who most clearly articulated a conceptualisation of case management, identified a non-government worker as her case manager in an intensive case management program with JJ NSW. Hannah recalled this experience:

Oh, wait, no I had a case manager as well, called [Jane Doe] [...] No, [she didn't work for JJ], I think she was from some other place, but, like, they were all case workers or case managers or something where she worked, and, um, I think it was like [...] a charity that she worked for as well. But, I don't know – but yeah, I think her main role was just to transport me places and stuff, like, actually be sort of, like, a mentor, not a mentor, but, like, sort of, yeah. [...] She bought me books as well. When I went into rehab, I told her that I liked reading and I didn't have any books, so she bought me some books. What else did she do? I think...that's about it. I can't really remember anything else. [pause] [...] I think [her job title] was Case Manager, yeah.

Hannah's response suggests she recognised the role of case manager, primarily through a corresponding job title and not because the non-government worker undertook any particular tasks associated with case management, such as assessment, planning or indirect interventions, like service coordination. Instead, Hannah's description of her case

manager's role corresponds more to direct, practical support such as providing transport, building rapport through shared activity and purchasing items to support the young person's personal development and recreation. This was identified by other young people in this study as important to them and is discussed in further detail in Section 7.3.9.

### *Small team of workers*

Some of the young people were involved with a group of workers, who appeared to be operating collaboratively in a 'small team' approach. The young people identified a case manager when prompted by the researcher, but otherwise did not clearly identify anyone as 'in charge' or the 'boss' of the other workers in some way. Importantly, the young people appear to find this 'small team' approach helpful, even when the workers were collectively involved in monitoring and reporting functions:

Interviewer: [A] case manager is usually the person who's sort of 'in charge' of everything, in charge of making sure that everyone's doing what they're supposed to do to help someone, right? So would that be, like, if, from the way you say it, that sounds like that's what [your JJ Worker] does, sort of. Would [your JJ Worker] be your case manager do you think, or, if you, if you had to have, pick someone?

Taina: I think so, yeah.

Interviewer: Yeah? Or, or would it be [John Doe]? 'Cause you said that [John Doe] does a lot of ringing up and...

Taina: He does! [...] [John Doe] and...they, all of, all of, they all do, like...[laughs]...every single one of 'em do. [laughs] [...] I think, they just, like, ring, like, each other and that and then I'll be the last person that they ring. [laughs]

Interviewer: [laughs] So how do you know they all ring each other?

Taina: I don't know. I'm just guessing like, cause [John Doe]'ll ring me 'n say something about [my job seeker worker] and like, [John Doe] will ring me 'n say something about [my JJ Worker], then [my JJ Worker] will ring me 'n say something about, like, I think they all get together and just start ringing and that, and then they'll let me know. [...] I reckon every single one of 'em would try and help me out, like to get somewhere, and that, and, like, I dunno. [laughs] [...] They're just all helpful and that. [...] It's just everyone else just wants to help me. [laughs] [...] To make sure I don't breach it.

Similarly, Mara appeared to appreciate the support from her JJ Worker and community workers, even when their input was quite similar:

Mara: With [youth education re-engagement service] they're just doing, because you know how [my youth worker and employment manager]'s like up there now...I'm just focusing on [...] my school stuff. But with [youth alcohol and other drug residential rehabilitation service] they're still, like... That's what the program's about, like, after [youth alcohol and other drug residential rehabilitation service]. And we just talk about, oh, all we do is like a crime journal, and AOD journal, yeah, like, a rethinking journal. Like about five - six journals we have to work on.

Interviewer: So is that different to what you're doing with [name 1 - current JJ worker] [because] aren't she's talking about crime too?

Mara: Yeah, she does a crime journal too, but her crime journal's like looking into the crime, but with the [youth alcohol and other drug residential rehabilitation service] journals it's just like, they just want to know what the main thing was and how it started off going and then what happened next

and then whatever. But with [my JJ worker] it's like pin points, like main points, like, oh, I don't know.

Interviewer: Which one of those two is more helpful for you?

Mara: Both of them.

Daniel also appeared to have a positive experience of engaging with multiple workers who met with him regularly at his local JJ community services office and came from several different government and non-government organisations:

Daniel: It was good because I'd rather have five different people telling me... five different things than one person sitting there telling me five different things and getting it all mixed up and stuff, so, I know with [John Doe], I've got to do my study and my traineeship, and I know with [my JJ Worker] I've got to do my alcohol and stuff like that, and with my Community Service Worker, I've got to do my community service, with [employment agency] I've got to do [employment stuff], so yeah.

Interviewer: So like out of all the people you're working with that, you said they're all kind of helpful is any of them, like, more important, or more of a 'boss' than the other one, if you know what I mean?

Daniel: I dunno, I reckon [my JJ Worker]'s probably the best because he sort of knows, like, 'cause, like, at the moment what I need is, like, all that court stuff and, like, he knows, like, more about that, he can do, like, pretty much everything for me, get in contact with whoever I need to talk to. So, yeah. [...] [yawns] No, they're pretty good. [Juvenile justice] can do, like they do anything, pretty much. [...] Yeah, they tell you like... like, they ask if you wanna do stuff or whatever, like they say, oh, like, say you're saying you're

looking at a course, they're like 'Oh yeah this is a good one and you'd like that.' Like I had the same... just get back... yeah. Just put things to you.

Notably, Daniel nominates his JJ worker as 'the best' because of the help he provides with 'all that court stuff'. As discussed in Section 7.3.9, the young people generally appreciate the practical assistance provided to them by workers in relation to their matters at court.

### *Identifying a 'case manager' in the community and custody*

Some of the young people clearly identified their community-based juvenile justice worker as their main worker. Andrew, for example, as mentioned earlier, referred to his JJO as the person who 'takes care of my whole case'. However, other young people required some prompting or explanation from the researcher about what the role of case manager might look like, before they identified their JJ Worker as such. Vincent, for example, after hearing the researcher describe a case manager role, decided that:

Yeah, yeah, I think [my JJ officer] is my case manager [laughs]. [...] Yeah. Well that's the same thing [as a JJ officer], hey? [...] Case manager? [...] Oh yeah, that's what he done. [...] He's kind of like a case manager, yeah.

Some other examples are, as follows:

Interviewer: [T]hey are in charge of making sure all that, everything that needs to happen for that person happens. So it could be transport, phone calls, it could be doing counselling, it could be all sorts of different things and that's

‘case management’, in a nutshell. [...] Do you think anyone who is working with you would be a ‘case manager’ would they be doing that kind of job?

Sarah: Yeah, um, my Juvenile Justice Officer definitely, yeah. He would do that. Say, if I needed transport he would find a way to get it for me. If I needed clothes for a job interview, he would find a way to get it for me. If I needed, say, a résumé, he’d help me write it, and um, so yeah, pretty much just anything even if it’s something small, he’s there to help.

Interviewer: Well, usually a case manager is someone who’s sort of in charge of organising, like say you come for some help, they’re in charge of making sure you go to the right places and they make phone calls for you or help you set up things or link you in, and then might see you as well. That sounds – is that what you would say [your JJ Worker] does?

Dominic: Yeah, yeah.

Interviewer: Yeah. Is that the same as what your Community Service Worker does or different?

Dominic: No, it’s pretty, it’s different, completely different.

Dominic elaborated on the distinction between his JJ worker’s role and that of his Community Service worker, but did not identify either of them as being in charge or as a ‘case manager’:

They all work in the same office. [...] I think they work separately [...] ‘cause, um, [my JJ worker]’s usually check – he’s usually just mainly a check up and stuff like, like, he, um, asks how is the family and, how’s work going and, how am I finding it and stuff like that and, and, um, if I’ve reoffended in life and stuff like that and...and, um, the

Community Service worker, he's more like...he's more of a, he's more of a, um, just shows us what we've got to do and stuff like that, so. I think they work, so I don't think...neither of them are the boss really so, out of each other, they just, yeah.

The other two young people in this study, who were subject to community service hours as part of their legal order, also delineated clearly between the role of the Community Services workers and other JJ workers. Andrew, for example, said his community service worker just 'helps us mow lawns', while Vincent described the role of his community service workers as being to 'supervise us, like...[long pause, laugh]...we're doing our job properly, like, see how we're painting [...] or mow[ing] grass'.

The young people who had spent time in youth detention appeared to more clearly identify a dedicated worker, who they often described as a 'case worker'. Some of the young people equated this to the role of a case manager, but the descriptions of the functions performed by the case worker tended to relate only to operational matters, such as intake and behaviour management. Some examples are, as follows:

Felix: Everyone has a caseworker in there, but, like, they'll help you with, like, contacting your family, and all that stuff, you know, so, like, everyone has a case worker, yeah.

Interviewer: What was that like? The case worker.

Felix: Oh, it was annoying, because, um...[laughs]...because, um, like, say, like, there's two caseworkers out of the whole unit, you know? And they'll supervise the whole thing and then, like, sometimes – it will take time for them and like when you first come in it's frustrating, you want to, you want

to speak to your parents or, you want to speak to your close one, like girlfriend and stuff, like you know what I mean?

Babana: Yeah I had a, I had a case manager. Yeah, can't rememb-, can't remember his name.

Interviewer: What was that like? The case worker. What did they do, that person?

Babana: Ah they give us like singlets, socks... and they get us books and that, if we want to read 'em... get us like sketch books, so you know, we're not tagging all over the room, you know, just on the paper, sketch it out and do pieces and that. [...] I don't know mostly they're just, supposed to, help you out with your behaviour and that like, if your behaviour ain't good you don't make your points and if you don't make your points you don't make your TV. And if you don't make your TV you don't make buy ups, basically you don't get anything, if you're not good.

Andrew equated the role of his custodial case manager with that of his JJ Worker, but was unhappy about his custodial case manager's level of commitment to and performance in her role:

Andrew: They just – because we have a buzzer inside our room, you just press the buzzer and someone has to answer it at admissions. Admissions, like, answers all the phone calls coming there all day and that and it handles paperwork stuff about court dates and stuff.



Interviewer: Is there anyone in there, though, that's kind of like – do you know what a case manager is?

Andrew: Yeah, a case, yeah, yeah, yeah.

Interviewer: Tell me what you think a case manager is?

Andrew: Um, the person that, I don't know, she helps, she's like a, she's like your JJ in there.

Interviewer: So who's that? Did you have one?

Andrew: Yeah, but she was pretty shit. She was pretty hopeless.

Interviewer: Why do you say that?

Andrew: She never showed up. Every time she said she was going to show up, she never showed up. [...] She would just stay wherever she was and she wouldn't even come.

Hannah referred to 'managers' in custody, which are likely to be the *unit managers*, but she did not equate these with a case manager (or case worker) role:

We had just like the managers at the unit and I also had an AOD counsellor that I used to see every Thursday in there. And not really a case worker or anything but, like, we did have the workers there to always talk about like if we wanted something done. Yeah. [...] Oh yeah. It was a different person all the time. [...] In [JJ detention centre] it's pretty hard to ask for something because, like, they take their time, or they're really like – yeah, I don't know, it's not really that easy to get what you want in there. [laughs] [...] Um...[pause]...I don't know. Just they were too busy and...yeah. [...] I just had to deal with it.

### 7.3.2.1 Audience Review

The JJ Workers and Agency Worker found it comprehensible that the young people typically did not identify a clear ‘case manager’ among their workers. Some Agency Workers suggested that this was due to a lack of clarification of the overall case management process and associated roles:

If [case management] was explained, the young people could better identify who it is that they need to go to for help and support.

[T]here needs to be open communication and agencies need to be working together – if this isn’t happening, then the kid’s not going to know what’s going on or who to go to.

The JJ Workers agreed that case management arrangements were not very clear, particularly between agencies. In particular, they discussed the difficulties identifying a lead agency and case management between JJ NSW and statutory child protection:

I think with shared clients also is that a lot of departments/agencies, we have different objectives. So, JJs has an objective around, you know, reducing reoffending, providing intervention and that, but [child protection] might have one around producing them into after-care services, accommodation, welfare, *so it’s hard to identify one case worker for the whole lot...*

[...]

I don’t think that MOU [Memorandum of Understanding] is necessarily upheld [vocal agreement], um, and I think that, talking specifically about [child protection], I think that there sometimes could be considered fiefdoms within a bureaucracy, um and, they pick and choose how they budget, what they choose to pick up and how much

they choose to pick up of specific case work needs for juvenile justice clients. Um, to give an example: we might have a 14 year old homeless person that is really in dire need of assistance and they'll say, 'It's not our role, um, it's not mandated in our role.' And yet, the MOU would say, you should be working with JJ collaboratively to come up with an outcome for this young person, but they will just seal the doors and say, 'No.' And, so, then it falls back onto us, which comes back then to the idea of case managing [...] because we've got to get this young person a home or somewhere to stay and that, I see as a, as a bit of a problem, sometimes...on occasion.

Notably, one of the Agency Workers recounted a very similar scenario as problematic for identifying a lead agency and case manager:

I think this situation reflects higher-level government policies – whose responsibility is it? I've seen jurisdictional fights between agencies like Juvenile Justice NSW and [child protection] about whose responsibility a homeless young person is – thankfully this doesn't happen often.

Other Agency Workers suggested that high staff turnover played a role in young people not being able to clearly identify a case manager:

Another relevant issue is that of clients having to change workers all the time, sometimes suddenly without explanation [...]. When staff go on leave, I have found it unclear who their replacement is and *who is in charge* of the young person.

My experience with some of the young people is that they constantly have to deal with changes in staff for like holiday periods or new roles, so they end up *not knowing who their case manager is*. This applies to lots of agencies.

This issue also resonated with the JJ Workers, who concurred that clients changed workers frequently:

But the hard thing for clients as well, I see, when especially clients swap workers, so that, for whatever reason, tends to happen quite a bit...[agreement].

### *Relevance of job titles*

It resonated with the JJ Workers that the young people who identified a case manager without prompting from the researcher did so by their job title. The JJ Workers suggested that most of the young people are 'fairly literal' in their thinking and understanding and that it therefore, 'makes sense' that they would only identify someone as a case manager if that was also their job title:

[L]ike they see us as 'JJs', you know what I mean? [agreement in background] So, if you say 'Oh, who's your case manager?' they'll go 'Oooh, um, um.' But if you say, 'Who's your JJ?' [then they'll say] 'Oh, yes, [Jane Doe].'

Similarly, the Agency Workers could see the importance of relevant job titles to help young people identify and understand workers' roles. One Agency Worker, in particular, noted that this was confusing:

The job title of juvenile justice workers is not 'case manager' – in custody there are no case managers anymore; they're called Youth Workers or Unit Coordinators or Unit Managers, different things. Juvenile justice workers are supposed to be case managers, but they're not introduced to young people in that way – it's not put to young people in that way and perhaps if it was, young people would expect more from them in terms of delivering case management services. Even though juvenile justice workers are not called case managers [young people] know that's their job...

### *Small team of workers*

The JJ Workers concurred that the young people would find a small team approach helpful and that no one would appear to be 'in charge' from their perspective. However, the JJ workers commented that 'behind the scenes' they were typically 'holding the case':

[L]iaising with other services; that's always a little interesting working for JJs and working with mandatory clients, because I think some JJ workers assume or it's kind of the approach that we are the case managers, therefore we have the legal mandate and we sometimes source other agencies to work with us, but we [...] have the overriding case plan.

The JJ Workers understood that young people might not be able to identify a case manager when several workers were involved and would probably nominate the person doing the most visible work as the 'case manager':

I guess, who's doing the most work with them... [agreement]... like if they're just going to see their JJ once a week and all you're doing is CHART, 'cause they got referred to [a community agency] and [the community agency] is taking you out on

camps, taking you to job appointments, doing all these other things, they might go 'Oh I done heaps more with them.' [agreement] So, [this is] what's literal again, I suppose what – you know – they're doing more work, so they must be my manager... [agreement]... he only does CHART.

Several Agency Workers agreed that the nature of the work carried out by particular workers and the quality of the worker-client relationship would influence whether or not a young person viewed a particular worker as a case manager:

They may have thought their juvenile justice worker was the primary worker because lots gets reported back to JJOs for court. Other agencies sometimes do lots of the groundwork – running around taking young people to courses and appointments, etc. – so in those instances, the young people might see them as the case managers.

It depends on the involvement of the JJO. Some are heavily involved and have a close relationship with their client, but others might do less. It could also be the first time a young person's had a worker involved in their life, when they're with Juvenile Justice NSW, so they might think then that their JJ is a case manager.

### *Identifying a 'case manager' in the community and custody*

The JJ Workers comprehended the variance in the young people's perceptions of key workers in custody and community-based environments:

I think, um, it's probably reflective of the fact that we don't work together. They rarely see us in the same room unless it's at a case conference and not all kids have one and I'm not even sure when they have one they know. Like, it's only at exit or

discharge [...] when we go and see clients, maybe we should be saying, 'Does your keyworker want to come?' I don't even know if that's possible? But, we don't work together, so [agreement].

It's two different roles [much agreement].

I was two years in custody, two years in community; I was a completely different worker in custody than what I am in the community. 'Cause you're more disciplined, you're more reactive in custody in dealing with immediate behaviours right there and then, whereas, you know, in the community you're tapping that case work intervention and you're focused on helping the person out doing that; whereas there [in custody], you just don't want them to smash your head...or other kids', you know?

The JJ Workers also pointed out that a young person subject to remand might have difficulty identifying a case manager in custody:

They have a keyworker allocated to a unit, so that would be the person. But see in like [detention centre], because it's remand, they move them around so often, so you couldn't – it's probably not practical – or they could I suppose change it around, but the keyworker would change when they change units.

[...]

'Cause the majority of our kids are on remand, not so much on Control Orders; they're not in custody for a long period of time; they could be in for a week this time, come out for a month, back in for a week, so, there's just that turn-over in custody where they don't have time to be sitting down and going, 'Oh, who's working with you now?', sort of, 'Who's your JJO?', 'cause we've got seventeen other kids going, 'Miiiiiss! Miss! Sir!' or whatever, you know? So.

The Agency Workers had less comprehension about this component and the varying roles of JJ workers in custody or the community, by virtue of their limited experiences. However, they felt this was plausible:

I'm not sure, but I guess they are quite different. Young people may see juvenile justice staff in custody or remand as being authority figures rather than a consultant or case manager, but I don't spend too much time in detention centres.

Oh yeah, it's a really different environment and focus to one another. Custody is about containment, behaviour management and risk, foreseeing events. Community is about supporting young people to reduce their risk of re-offending...

### **7.3.3 Assessment is being judged, usually for the court**

The young people generally inferred that they experienced 'assessment' as something being done *to* and *about* them, rather than *with* or *for* them. Some explicitly mentioned 'risk' in relation to assessment and their own status within the juvenile justice system. Babana, for example, recounted being pulled over by police, apparently on the basis of his risk status:

I don't know, like, they probably just didn't want to get pulled up by police and that, harassed by them, like...me, I can't even walk in this street, coppers see me it's 'boom', strip search, you know, they say to me, 'Oh only reason we're doing this mate is 'cause you're a *high risk offender*'. You know, and that's bullshit, I ain't even on the list of high risk offenders.



Keira's account of 'getting' assessed during the transition from police custody to youth detention appeared particularly stressful and highlights the fairly meaningless or glib way that 'risk' is understood by the young people:

I was in, um, a suicide, oh, a suicidal unit, but you have to go in there anyway, you have to go in a camera room. [...] Oh, because I went to [health service] and 'cause I've been to [health service] before. [...] Oh, a mental, fucking, ward thing. [...] [T]hey took me to [health service] and *got me assessed* before I went to [JJ detention centre] to see if I was, um, mental in the head I guess. [laughs] [...] Because, I'd been, um, because they had to take me to – the cops had to take me to [name of health service] *to get me assessed* that night I went to [JJ detention centre]. [...] Yeah, because I have to – like, every time I've been arrested so far – 'cause like, I don't know, it's like, we always, me and [friend], we argue with them, like, they piss us off to that point where we just, like, we kill 'em. [...] Yeah the police, like, they just, they get under our skin and our nerves and they just can get straight onto us, like straight to us, like they know what buttons to press, they know how to get to us, they know what words to say and shit, and it just pisses us right off. [...] Oh, 'cause they, 'cause they're fucked. [laughs] They just want to fuckin', they have no fuckin' life and they like arresting petty criminals, not real ones. That's their life. [laughs] [...] Oh, 'cause we're going mental, [laughs], we're in a fuckin' bin trying to kill people and shit and then, they're like, [puts on nasal voice] "Oh, because you're a *risk* to society and you could be a *risk* to yourself", they have to take us up there *to get assessed*. (Keira)

Elijah understood that the JJ workers were actively assessing his risk of re-offending, but also alluded to their dual role:

Yeah, basically, they're just *keeping an eye on me*, I guess [...] Not really in a way of, like, shadowing, but I guess they're just, I guess they're doing it *for our good*, like, if you look at it, they're just, like, it's a *risk assessment* sort of thing, like, just to make sure we don't slip up too many times and fall back into offending or um, yeah, just basically stuff like that, I reckon, they're just trying to do, so they know where to give us hands and what field we need it in and what not.

Similarly, some of the young people talked about the frequency of their supervision appointments with their JJ worker being reduced, in response to a perceived lower risk of re-offending:

Yeah, oh, it's been dropped to every two weeks, so every two weeks. [...] 'Cause, um, apparently I'm *low maintenance*. [...] Like, I don't need to be, like, seen all the time. [...] Because they don't worry, they know, like, I do the right thing. (Omar)

At the moment I'm doing fortnightly, I only just got onto it. [...] Because my JJ feels that *I'm getting better*, so, yeah. [...] [I]t's kind of the juvenile justice that, you kind of wait for them to ask the question in a way, like, you wouldn't, like, walk up and be like, 'Yeah, I've done this, this, this, this, this' – like not even about, like, work, like, it could even be about, I don't know, home life, like, I don't know but, it's kind of they, they kind of bring up the topics and so, because *they know what they're looking for*, it's their job, like. They know what they want to find, what they want to see and what they want to hear, so. [...] 'Cause at the end of the day they are enforced with, like, the government and the law in some ways, like, because there are still restrictions what you can and can't say. (Samson)

Most of the young people described being assessed, primarily through the background report process, which featured prominently in many interviews. The report writing process

was also experienced as something that was done *to* or *about* the young people. For example, Andrew reported that his JJ worker would say 'I've got to write a background report on you and send it to court, next time you go to court.' Similarly, Babana said:

*Yeah they done a background report on me. [...] Um, a background report, that's um... something like, to do with your life, like what you've been like when you was growing up and that, how your family is, how you are with your family, you know and sort of stuff like that. [...] Ah, to see if you're like doing good, like going to see your JJ every week, reporting to them...*

More specifically, many of the young people did not experience the background report process as collaborative or transparent and indicated that they had not read the report or that it went directly to the court. It is also clear from the following examples that these young people understood they were being judged for the purposes of sentencing:

*Like [they're] for when you get sentenced and then they can see what you get out of it... at the end... at court. [...] Like, do you get Probation, like, or what do you get out of it? [...] Yeah, that's what I think. (Crispin)*

*Yeah. I don't get to read it. [...] The judge [reads it]. [...] The solicitor, judge and, um, I think the prosecutor as well. [...] I wouldn't know. (Andrew)*

*I don't get to read it. [...] Nah, I don't get to read it. JJ, um, JJ just posts it to, um, to court. [...] [I know about the reports] because the judge says, yeah, um, "All her background report's good, rah, rah, rah". [...] Yeah, yeah, I hear that, like, most things I know what they're talking about, some things I just don't know what they're talking about. [...] JJs writes it. [...] I think it's from all your, um, interviews you do. [...] Yeah, they do it the day before you get, go to court. [...] Or the week before, something like that. [...] Oh, they tell me they're going to be doing a background*

*report*, but they, they don't tell me, like, I think it's just like if we've, like... stuffed up, if we've been good for JJs I guess and that, like, *that's how the judge, like, tells*. You get what I mean? Like, if I be good for JJs, if I come see 'em and that, if I didn't come see them, he'd probably go "Oh, well, you can't see JJs, *you can't do anything right*, so I might as well just send you back into, like, [JJ detention centre] for the rest of your time." You know what I mean? (Keira)

Babana: Yeah that goes to the magistrate, and he reads it... says 'Yeah you've been all right these couple of months, the part that's been gone, you can go now, you've got no bail, nothing' or 'bail is to be continued' or something. Or like if you're on a bond, he'll just say 'Yeah, just, obey the rules on your bond and... yeah just be good', and he'll just say you can go. [...] Yeah the magistrate reads it, like they type it up.

Interviewer: And do you see it before it goes there?

Babana: No, I've never seen. I've never seen any of my background reports.

Interviewer: Okay, so you've had a few of those?

Babana: Yeah I've had about four or five.

Many of the young people considered the background report assessment process to be very important in terms of influencing the treatment they would receive. Some also felt that their JJ Worker and the background report had the power to determine the court and sentencing outcome. A few suggested that, notwithstanding the importance of the background report, the magistrates generally already had their minds made up about what a likely sentencing outcome would be. These views are evident in the following examples:

The background report is – it's a report that Juvenile Justice does to give to the judge on sentencing day to try and change his mind or, like to see what the JJ thinks should happen and... what the JJ knows has been happening like, with the client or whatever they're, we're called or whatever. And um, yeah, and to like, and the judge, like in the background report the judge asks for like the opinion of what should happen from the JJ and they say like 'good behaviour bond', 'probation', 'custody'... like, they can go either way and, yeah. [...] And, yeah, like all [that JJs]'re really for is for the end of your court time is... like it depends on them really. Like it depends on the judge of course, but it really depends on your JJ if you get locked up or not on, like, their background report. [...] Because they can, if the JJ doesn't like you, they can write the worst things about ya, and the judge can, is just going to say 'No, you're doin' time.' But, um, yeah if the JJ likes ya and you've done what he's asked ya, what he's asked you to do, 'n this n' that, then he'll write up a good one and the judge'll be lenient. (Luke)

To see – *to determine what happens to me*. [...] Like, unless I, like, I go back to juvie, like, I get, like, a Good Behaviour Bond or... yeah, *it was pretty much determined*. [...] Um 'cause they ordered [JJ Worker] to, um, do a report and to see like, you know, *what was my best interests*, and he said 'Good Behaviour Bond'. (Omar)

[My JJ worker] has to do a report on me as well and the court magistrate sees it. Like, if the report might be about *me being bad and stuff*, then that's not going to be good for me either. So, I have to be good. (Vincent)

Um, I think they, I think they honestly look for, like, the differences between disadvantaged children and the ones that aren't and the ones that have family support and the ones that don't, because the ones that have family support and have a... let's say a healthy background, um, they're the ones that *have more chance of getting somewhere in life* technically to the, to their eyes, but, yeah. [...] Just, it's just *all depending on the judge and on the day and on their moods, really*. Like if you get a judge that, that's convicted heaps of people and you can just tell that they're in

a bad mood and that kind of stuff, it really doesn't help you. That's why *it's the best to get in first, first in, first out*. (Samson)

A few of the young people found the background report process to be positive, particularly in terms of their JJ Workers advocating for and helping to ensure a good outcome at the court and helping the magistrate to have a balanced view of the young person:

And [my JJ Worker] was telling me like, what will be good, and then plus he knows the judge sort of, as well and like, yeah, and he'd just like, *write a good report* then he'll, um, what was I going to say? He was telling me like, what to do like, try to, like, try go get some jobs before you get to court. [pause] It's a bit late now, but yeah. [...] Just like trying to give me hints on what to do to *make it look a bit better*. Yeah. But he said it's all looking pretty good, 'cause I haven't been in trouble for ages, and been tryin'. So, yeah [quietly]. (Daniel)

[M]ainly the background report is *to show the good sides of things*, in a way, so if there was, like, example if I got into a fight, they would write down, like if I was intoxicated, like, not if I wasn't, but if I was, they would write that down saying that I was intoxicated, didn't have a complete understanding what was going on, he thinks that he has like a drinking problem if I thought that, you know what I mean? So it's just kind of, *background report's just there to help*. It's kind of like having a solicitor stand there talking for you, except it's on paper and it goes straight to the judge, but from JJs. That's practically what it's about in a way. [...] Um, it's just to show to the judge that, if the kid has potential to do well in future years or, you know, to see how high of possibility he has to get, to get a career and to move, to move on in life, you know what I mean? [...] So, that's, that's what I believe that it is. (Samson)

I know that there was a report at some stage... [my JJO] wrote it. [...] Um yeah, she came to see me when I was doing... like, as soon as I had gotten out of [JJ detention centre], she was there the first day I got out and she would talk to me and she wrote

a report which I then later went to the court and had been handed in. [...] Pretty much my attitude and like, how I want to change things, if I feel that I am mentally stable to be around other people and stuff like that, yeah. What I want to do in my life, how I was at school. Just pretty much everything in my past, what I want in my future and what is at the present at the moment, so, yeah. [...] *I saw it was to help me a bit and to help the court understand more where I was coming from and to probably see a different outlook on me that I am not really a bad person.* I just... did bad things and I made my mistakes, but I am learning from them now. (Sarah)

It is evident from the way some these young people talked about their experiences of the Background Report assessment and sentencing processes that while they understood the intention to be supportive, they also felt scrutinised and somewhat morally judged. This is also evident from the following comments from young people who were in custody while they being assessed:

It was just to see what, I think it was just to see what like *how I became from being a good school kid to end up to doing this [crime] thing.* Yeah, I don't know, I think the background report back then was about how I ended up from the one thing, like something minor to major. [...] Yeah, and like they wanted to know what I was doing with my life at that time. [...] The support I had on the outside and my education time, if I was going to school at that time and *if I had a good home to go to* and stuff like that. [...] [It went] to court. [...] [They] just sit there and read it. [...] *To see if I was worthy to be out in the community or not.* (Mara)

[W]hen I was in custody, locked up in [JJ detention centre]. They came to me and I just got some, like, background details and stuff, like, like, how many... like, what you do and stuff, do you drink alcohol or take drugs, who's your co-offenders, all that stuff. They just ask you like background information on your crimes and stuff. [...] Nah. [laughs] Probably just, I don't know. Probably just *build a profile* probably. [...]

Like, they ask you, like, some non-crime related stuff, like 'Do you drink alcohol?' So if you say, like, you drink a lot then they put you through counselling based on, like, the information they gathered back then and ask you other stuff that relates to your family, like 'Who lives in your family? Who do you live with and does your parents have any crimes and stuff?' [laughs]. (Vincent)

Um, I just remember [the JJ Worker] coming in and asking me... *what kind of family background do I have* and are they supportive and stuff like that, so. I think he was just... *getting more of an image of what kind of person I am and what environment I grew up in* and stuff like that, so. [...] Um, just to see what kind of person I was, and, um... to help me – to get a start on things, to see where we got to go, from where I am. [...] Like, um, say if I was – say if I didn't have my [school certificate], he'd probably say 'Oh, well then, maybe we should get you doing some study programs in school,' and stuff like that, so. [...] Yeah, yeah. It was mostly, mostly about family though. (Dominic)

For some of the young people, the background report assessment process was experienced in quite a personal way, as it involved the JJ Worker visiting their home and observing their family and relationships. The young people seemed acutely aware of being assessed during these visits and recognised the JJ Worker was considering their welfare, as well as assessing and monitoring their risk of re-offending. Some examples follow:

[T]hey'll have a thing called a home visit where they'll come to your home, like, it's not that serious. They just have a quick meeting inside the house, *they just like slyly have a geezer around*, see what they think about the place. [...] I don't know, they're just kind of seeing for, like, what family life is like in a way, like if they think like there's food for me to eat and no water to drink, if there's, like, even if there wasn't electricity, little things like that to see if I was – [...] Yeah, yeah, like that, so, that's



practically what it is. They try and make it out that it's not but, really, when it comes down to it. (Samson)

Yeah, I had to do a background report before that but. [...] They just asked me about like what I'm doing with my life and what led up to this, like, offence and stuff like that and what my family's like and everything like that and then it just goes back to the courts about me and my family and my life and stuff. And it helps the judge make a decision. [...] *It was just... weird, someone you didn't hardly know, asking you all these different questions about you, your family, what you do with your life and stuff.* (Galen)

[My old JJ worker] met me at my house the first time. [...] And um, yeah, just...um, yeah, and that, um, yeah, just the first time he come around he was just looking at, like, lookin' at all my previous stuff and stuff like that, *trying to figure out what, like, level I'm on and stuff.* [...] Like, just...not, not, like...like, metaphorically. [...] If you know what I mean?" (Luke)

Um... first time, oh, when they came to my house to do the report, the background report. [...] Um... yeah, I had a guy named [JJ Worker] from [suburb] and um... yeah, he used to come by, like, once a week and he used to make sure everything was okay. [...] Yes, it was for the background report. [...] Like, he wanted to make sure, like, *I was a obeying my curfew, and you know, I was like, kept doing the right thing.* [...] Yes, that's pretty much it. [...] *Oh yeah, he asked me questions, like, if I was, like, remorseful and sorry and stuff.* [...] *Yeah, I hated it.* [...] Because I didn't want to be in trouble. (Omar)

### 7.3.3.1 Audience review

The JJ Workers did not seem surprised that the background report assessment process was a significant experience for the young people. In fact, they appeared to empathise with the

young people and the emotions they might feel during the process, particularly given its connection to sentencing. This is evident in the following exchange among the JJ Workers:

'Cause you're confronting them about all of those key areas in their life that are either issues or have been significant in one way or another, either positive, negative... or significantly mediocre.

It determines a court outcome too [sounds of agreement from other JJ Workers].

And this is often before the day when they're going to be sentenced... [agreement]... so there's always that impending, not knowing about what's going to happen so, they're thinking 'I've got to be compliant. I should try to make this sound good. I won't tell them about this. Fuck you – I'm not telling you about this.' You know? A whole range of emotions are attached to that process of background report assessment and by its very nature, I think it touches a lot of nerves, in one way or another.

I think it can also be a really raw experience for the young person and the family as well, especially if it's the first time they've had any JJ involvement. So, quite often we'll do our address checks; as a part of that we're invited into somebody's family home, you know, we might be speaking to paediatricians and the school and you know, other family and, for the first time, the young person's reflecting upon their own life journey and why things have gotten to this stage and we're allowing parents to kind of give feedback on that as well, so I think, you know, it is quite difficult when you do a background report, you know all that about them and then they get transitioned to a different worker, and perhaps, you know... that isn't always that clear.

The JJ workers confirmed that the Background Reports influences the decision-making of the courts:

We're getting all that information about them, all their history and it tells us what we're dealing with. So, I think it's a really valuable tool for us, as workers.

**Researcher:** And...they're highly influential in determining the outcome?

Yeah [some quiet agreement].

The JJ Workers also acknowledge the strong focus on risk assessment within the organisation, which shapes their assessments and the case plan:

But I think it shapes the case plans quite a lot as well... [agreement in background]... you know, we've identified what areas are placing them at risk of reoffending and so, I've now gotten into the habit that once I've written the report, I make it one of their background report appointments and run through what my recommendations are and what areas I think they need to work on and what programs we have on offer that will happen if they get a supervised order, so that there is no having to start again, or, you know, there is that consistency and follow-on from what Juvenile Justice does as a whole and what we'll be providing.

[...]

[B]ecause we're targeting offending behaviour, the domains of risk are so holistic, you know, we will be looking at family and behaviour and school and, you know, employment [...] and that, I think, is [...] why we tend to target so many different domains and deal with so many different agencies as well.

I think that's a really good point [agreement].

I think [...] the domains of risk, you know, there's a certain structure that we have to work with in this bureaucracy, so you can say, the case plan is part of that bureaucracy, part of measuring specifically where we can, um, what we're doing in our job and what we're trying to achieve with the young person. And those domains

of risk fit in directly to the YLSI and so, you've got education, you've got family, you've got behaviours, attitudes and all those sort of things... The idea of then to be able to have some sort of measuring stick. So, what is it that we're trying to achieve? What's the issue? How are we going to do it and what do you think we can get out of that, you know? It's a bit of a measuring stick, but within that bureaucratic and sort of organisational context.

When the JJ Workers were told that many of the young people described not having seen or read their background report before it was sent to the court and not being clear on what the report contained, there was a moment of extended silence in the room. This is an example of how the researcher interpreted silence as resonance in the audience review. The silence was followed by this brief exchange:

Not so much the case now.

After QA [quietly] [quiet laughter in the background].

This comment referred to the quality assurance process that had recently been extended from the custodial services to implementation in the community services area of Juvenile Justice NSW. The timely completion of background reports and ensuring that young people had read or at least seen them was a measure of quality. However, at the time of interviewing the young people, the QA process did not exist.

Most Agency Workers were unsure about the researcher's finding that the young people generally did not see or read their background reports before they went to Court, but thought it seemed believable:

I don't know – maybe [...] it's true?

They could be saying it because they haven't seen the Background Reports. It could be true!

Yeah, this is accurate.

Maybe Juvenile Justice are not showing them the reports.

[I]t depends on the relationship with the JJO. [...] Yes, I would have only seen a handful of background reports – I get called up about them a lot, but I don't ever remember a young person seeing one.

Several Agency Workers speculated that tight timeframes might be a contributing factor for why JJ Workers did not show the reports to the young people beforehand. They commented on possible weaknesses in the process that existed for JJ Workers, in particular that it was 'rushed' and the information was compiled by a single worker with limited input from other workers:

At a guess, I would say the background reports are done in such a rush that there's *not enough time* to meet with the young person to discuss the report before it goes to court. I'm sure many of the workers would like to do that.

Hmmm, I'm not sure, probably because they do become a bit rushed – I've been part of some background reports, and *just one person* has to gather lots of information by a certain date and I'm not sure if the workers really *have the time*.

When background reports are written there's really *very little input from the care team* – no verbal input, it might be drawn from other documents, but there's no real context provided to the reports; *they're essentially written by one person*, which makes them skewed.

One Agency Worker also pointed out how important input into the Background Report could be in ensuring the young person had a more positive court outcome:

We give feedback that's ongoing and is collated into the background report – it all gets put in. It is important because it does have a huge bearing on the court outcome and that comes from the juvenile justice worker. If the young person has engaged with Juvenile Justice, but maybe not yet produced any real outcomes, then our comments and feedback can really help, because we can show that the young person has made links in the community.

This is also relevant to the theme discussed in Section 7.3.9, particularly in relation to young people valuing workers' support at court.

### **7.3.4 Case plans are confusing, setting goals makes more sense**

Most of the young people did not explicitly talk about a case plan or planning. Instead they mentioned setting or talking about 'goals', usually as a regular part of contact with their JJ Workers:

Yeah we done some goals, like, um, what's it called, um, a 'to do list', yeah. We done one of those, and yeah I think I've done everything on it. (Babana)

Just basically steps and goals that, um, I want to achieve. (Elijah)

Set goals and just talk about how the week went and just see if – like, they catch up and see how I was going through the week, any problems, or like any issues I can do better or anything. [...] I don't know, just to get a job and that, get working and support myself, move out of home... stuff like that. [...] Me and my JJ. (Andrew)

One of my major goals was to quit pot, because I was a heavy smoker. I was smoking for about three years every day more than once a day, so that was probably one of my biggest problems because it was also affecting my mental health [...] Um, that was pretty much *my decision*. I said that straight out that *I wanted to do that because I wanted to get my life back together...* (Sarah)

In these instances, the young people appeared to have some agency and input into their goals. However, in the following instances this is less obvious and at times, it seems that the goals or plans are pre-determined and have been set *for*, rather than *with* the young person:

[A]fter I got released from the juvenile detention centre that was when, um, I first saw him [my old JJ worker]. Like...I dunno, I think he must have called me, like, after I got out and said, like, '*These are the plans*. You're gonna have to meet up with me at this time, blah, blah, blah.' (Luke)

I just come and see my JJ, and we just talk, and yeah, we just talk and stuff, pretty much. [...] Oh yeah, we just like *talk about my case plan, and you know like, what I have to do*. [...] Just, just... 'be good'. [...] Yeah, like, I know what to do and what I have to do and stuff. [...] Um, yep, pretty much I come here to see my JJO. I just have to go to school and yeah, like, obey my mum. [...] Not listening to my mum ended me up here. (Omar)

Um, yeah, like there's always, *there's always set goals*, like, but it's just a matter of, it's the matter of, it's the matter of the juvenile, like, it's, there can always be goals and the Juvenile Justice people can always have goals and *try and push the goals*, but it's always up to the person for anything so... (Samson)

As evident from a few of these examples, some of the young people *did* use or respond to the term 'case plan'. Mara, who had previously undertaken a youth justice conference,

approximated the case plan with an 'outcome plan'. An outcome plan details the restitution tasks a young person must undertake after a conference, such as an apology to the victim, a personal development program, community work or financial reparation or work for the victim (see Taussig 2012):

We had a case plan yeah, we had a case plan. [...] *It was the same as my outcome plan.* [...] *Sort of like that, yeah.* [...] I think I had the case plan first, because it was with my JJ and then the outcome plan came from the conference. [...] Yeah it was pretty clear for me. I knew what I was doing. (Mara)

Lilo had a clear theoretical understanding of a case plan, but did not actually complete one in practice:

Like you plan out what's going to happen from the start of your probation to the end. [...] Oh, I just heard it. [laughs] [...] Um, at court. [...] Um, the lady, that done my case. She'd tell me that I'll have to do a, *case plan* but we didn't do one.

Lilo explained that she had expressed a preference to her JJ worker for a more informal approach, rather than using a written case plan or doing any formal goal setting:

Yeah. But we didn't it, um, do [a case plan] because *it was just easier the way we were doing it.* [...] Like, um, yeah, we'd just talk about everything and then, um, I would get my book out and then we'd go through the things, like, I would write in it before I came and saw her and then she would talk about all of the stuff that goes, like, that goes in my, like things that go, like, around my life. [...] Yeah. We've just talked about it like, week and weeks, like every week I saw her. [...] No, it's just when



I see her she gives me activities I have to do it. Like, it's homework and I have to take it into her when I see her the next time.

Similarly, a couple of other young people expressed a preference for not having a formal, written case plan or set of goals:

No, I don't got a copy. I just seen them, I was there when [my JJ] was writing it up. [I have] just mental notes. (Andrew)

I just seen [my case plan] once. [...] Because, like – I don't know. Shit, I just don't know. I just find it better if, like, if I don't know, you know like, *it works better in my favour*. [...] Like, *I like not knowing*. Like, the, you know, like, I would rather not know what I'm doing and that way, you know, like, there's no pressure...and so, I just find it easier to get through it. [...] Pretty much, that's how I go. [...] Yeah, I just go with it, you just go with it. I just go with it, 'cause there's no point. Like, you just do it, and if you just go with the flow, it ends up just being quicker and just, you know, yeah. So it just works out better for you anyway, 'cause then you've helped out more. (Omar)

As discussed in Section 7.3.3, many of the young people had more than one assigned worker. The researcher tried to determine whether those young people also had more than one case plan, but most did not know. Elijah is an exception and clearly state he had separate case plans with two different agencies:

Interviewer: I mean you've got, like, a case plan with [employment service] and you've got a case plan here with Juvenile Justice, you did it with [your previous JJ Worker]...

Elijah: Yeah.

Interviewer: ...do you, are they totally different to each other or have they got the same kind of things on them?

Elijah: Basically they're the same. The one [at local JJ office] is 'find work', um...and I think it's an apprenticeship [at local JJ office] as well that I said, and the other one's for an apprenticeship. I'm pretty sure what I'm on now has got more than just that on it, I just can't remember what it's got on it. [...] I remember having a case plan, I can remember that, but I just don't really remember what went on in it, 'cause I think I was sort of not paying attention in that either. [...] I didn't have a copy of it, he had it in his book. [...] All JJs have, like, a folder thing to keep their information in.

Most of the young people who used or responded to the term 'case plan' also linked it to setting goals:

Yeah, yeah, um, isn't that, oh, a case plan is like where you – it's kind of like you have your goal, but then you have like kind of timeframes, is that right? (Samson)

Yeah, that, I think, what I have to achieve or something. [...] Um, my case plan. [pause] Yeah, it's about what I have to, like, do. So, like it says on, on it, I have to attend school regularly - that means I can't truant. [...] I can't truant. I can't, like, take days off just because you want to. But, if I do I have to, I have to give, what do you call it, legal, what do you call it, excuse or whatever, like a doctor's certificate, yeah. I have to do community service, which I'm doing right now. (Vincent)

Yeah, I've got a case plan, which is a goal setting. So, yeah, we sit down, we have a talk and, like, within the next three months, what will you [do when you] wake up in the morning – having, like, you know, having a car, go out, eat, or something like that, you know? [...] Well as soon as I got out, um, [my JJ counsellor] mentioned it to me, you know? She started going 'Oh we should have a case plan. Do our goals. What you want to do with your life?' And stuff, you know? So, yeah, I was happy with it. (Felix)

For Felix, goal setting seems to be part of 'talking' with his JJ counsellor. Indeed, he appears to be referring to a counselling technique known as the 'miracle question', which can be used to help determine someone's ideal goals for the future. Some of the other young people also reference setting goals as part of their regular supervision with their JJ worker and sometimes, as interrelated with talking or counselling. For example, Andrew met weekly with his JJ Officer and JJ Counsellor to discuss his goals:

Interviewer: Can you give me an example of what kind of things you would do?

Andrew: The same things I told you about, like, um, the case plan, how we write down our goals and that.

Interviewer: Are you doing that every week, though?

Andrew: Yeah.

Interviewer: Every single week you do goals?

Andrew: Yeah, short-term goals.

Interviewer: So what's an example of a short-term goal for you?

Andrew: Um, how much weed I smoke.

Interviewer: And then your longer term goals were things like getting a job down the track? (discussed earlier in interview)

Andrew: Yeah.

### *Areas of confusion*

A couple of the young people were confused about the term 'case plan' or conflated it with other, related ideas. Hannah, for example, asked: 'What's a case plan?' Yet, as mentioned earlier in Section 7.3.1, she defined 'case management' as 'sort of like a case manager where they put together, like, a *case plan*...um, of like your goals and stuff'. Similarly, when the researcher tried to clarify if Babana's goals and 'to do list' were part of a case plan, he responded: 'I don't know'. Daniel recalled something like a case plan, but seemed unclear about what it entailed:

Like steps, like what we're gonna do. I'm pretty sure something, there was something like that. Like I just write like what...[sigh]...'cause I've got to do like heaps of counseling and stuff so everything sort of like goes, goes into each other.

Some of the young people said they were not clear about what was and was not compulsory or mandated as part of their case plan or legal order. As noted earlier in this chapter, half the participants in this study were subject to multiple or concurrent legal orders and some had difficulties recalling exactly what their legal orders were. Luke, for example, conflated the case plan with the background report and the court order and described it as 'a plan for the case' – presumably the court case:

I think I did, I dunno, like the case plan, all the case plan is, like, is you know how I said before how they write down notes? And like they add all of them up to the background report at the end? That's pretty much what the case plan is. *A plan for the case...* [pause]... which is pretty much just notes to add to the background report, like, yeah like *what the case plan is, the background report in an earlier stage.* [...] Oh, I think actually *maybe a case plan is what like the conditions of my, of my um, of my sentencing.* [...] It's either what I said before ...or it's um, like on my thing it says I have to be of good behaviour, I can't break the law whatsoever... um, I... what else do I – I have reside at [address] or um... direct to my JJ otherwise... and direct to my JJ. [...] Yeah. Like some people have like more than that, like they can put you on like, um, [smacks lips], like you can't hang around certain people, or um, curfew, and stuff like that but yeah, they're just the conditions of mine, pretty much. [...] Yeah. *It's what I have to do not to go to jail in the next so and so months.* (Luke)

Elijah felt that the JJ Workers were 'tricking' him and deliberately not being clear about what was or was not compulsory. However, he also appeared to believe that his JJ workers had his best interests in mind:

Interviewer: [W]hen you first started seeing [your previous JJ Worker], did you guys go through what things were compulsory and what wasn't compulsory?

Elijah: Not really. It was just that every time something come up he'd ask me if I wanted to do it. Like, and then just like some things he'd be like 'Oh well, here's a course I think you've got to do, do this, that.' And then it'd come up it would be like 'So, how do you feel about this course?' Didn't actually say 'Do you want to do it?' He'd just go 'How do you feel about this course?' and I was like 'Ah compulsory' and he'd go 'Nah, not compulsory.'

Interviewer: So, you would go and do it, thinking it was compulsory?

Elijah: Yeah.

Interviewer: Okay. So, do you think it was, like, a positive strategy that he was using?

Elijah: Oh, yeah, it is.

Interviewer: So it was something like for your own good, like a parent sneaking the vegetables in?

Elijah: Yeah. [laughs]

Galen talked about receiving written warnings from his JJ Worker about not attending supervision appointments or going to school. The 'grey' area appeared to be connected to school attendance:

Galen: Yeah, I've been given, like, warnings and stuff. [...] I get one in the mail and they tell me. [...] Yes, so my parents see it and stuff. Yeah. I'm on my, like, last warning. [...] Yeah. [laughs] [...] Not attending appointments, not attending school. [...] They're both very serious. [laughs].

Interviewer: So, what happens then if you don't go to school and your mum yells at you, what happens then?

Galen: I don't know.

Interviewer: You don't know? Well, do you get into, like, more trouble than that, or are you in breach of your order or anything like that, or...?

Galen: Errrr... [long pause]... I don't know, I think I am. [laughs]

Interviewer: You think you are?

Galen: Well, I can be, but like, I don't know, [laughs], I'm not sure!

Another 'grey' area related to supervision or counselling. In some cases, counselling was clearly stipulated as part of the legal order from the court. Andrew, for example, described his intensive bail program as involving a 'cognitive program' and 'anger management counselling'. He commented:

[My counsellor] just came with it, came with the bail. [...] Yeah, [laughs] just got this nice little package deal. (Andrew)

Lilo was also clear about her legal requirement to attend anger management counselling:

Um, I have to come see my JJ every fortnight. But like lately I've been coming every week to do the group thingy, the girl group. [...] Yeah. It's a part of it. I have to do it. Yeah. [...] Yeah. I had to do, um, anger management, ah, anger management classes too, out of, um, that was a, um, some, oh that was a, oh, um, like, a part of my, probation order that I had to do anger management.

However, some of the young people expressed confusion about what engaging in supervision or counselling actually meant in practice. Specifically, they were unsure about how much they had to divulge about themselves and their personal relationships to be seen as 'engaging' or compliant with their legal requirements. The following comments made by Kiera, make this ambiguity particularly evident:

[W]e get along, yeah. But, like, I don't know, sometimes [my JJ Worker] just, I don't like talking about me family, that's the main, that's the main issue I've got with

them. Like, they're good and that, it's just, [sigh], I understand why [my JJ Worker] has to push me because she gets told to, but *I don't like being pushed*. [...] Yeah, well, she was getting told off by her boss, because she wasn't getting enough information, that's why she's asking me all that. [...] Well, tell your boss to get fucked. That's what I told her. [laughs] I told her boss, I told her to go tell her boss to come interview me then. [...] Yeah and I told her 'I'm not talking about me life.' [...] 'Well, I'm going to breach you', that's exactly what [the JJ boss] said. [...] And I said 'Well, breach me then'. [...] No, it didn't work. Well, I think she was trying *to scare me*, so...

Luke also thought that his JJ worker was trying to scare him into getting a job, by threatening to breach him if he didn't achieve this goal, but was uncertain if this was a mandated goal:

Like, yeah, this what I've thought the whole time, like, like – they always try and get me to get a job and say, oh, they are going to, um, breach my, like breach me and try and send me to custody if I don't, and this n' that, but *I don't understand how they get to be involved in my personal life* and, like, *I don't understand why they get to choose if I get a job or not* and this n' that. Like, if you know what I mean? [...] They just say 'Well, well you broke the law, we're the...' – they practically, not in these words, but saying 'Oh like, like *we're in charge of you now, you broke the law, we can do what we want.*'

Andrew expressed that he felt didn't have a choice in regards to divulging information about his personal life to his counsellor, who had 'come with the bail':



Andrew: Oh, we just talk about the week, really, and how I've been, my relationship between my parents and that, because I don't really have a good relationship with my parents any more. [...] I don't know. They reckon it's good to talk about it.

Interviewer: And what do you think?

Andrew: I don't like talking about it. [...] I don't know. They think it's good to just ventilate, I think. I think, I'm not sure. [...] I don't, I don't really get to make much choices any more.

#### 7.3.4.1 Audience Review

The meaninglessness of a formal case plan for the young people resonated strongly with the JJ Workers during the focus group. They agreed that setting goals is more meaningful for young people and that this is what most workers do in practice to make case plan 'child-friendly'. This is evident in the following exchange during the focus group with the JJ Workers:

**Researcher:** What do you see as the purpose of a case plan?

It's a lovely colour. [laughter] You should see them!

[...] Just to give them goals. To provide goals, I think. Provide goals and structure to what you've tried to accomplish.

[...]

You kind of 'goal it down', so like, it's not like a formal case plan, but then you know in your head what the case plan is and where you all want to go with this young person; they mightn't realise that's what you're doing half the time when you're going and talking to the school, you're talking to [support programs], you're going to Centrelink, which is part of their case plan, but if you asked them 'Was that part of your case plan?', they'd go 'Nuh.'

[...]

Yeah, that's right. [agreement]

I try to frame it in terms of goals with the young person [...] On CIMS they're for a purpose to meet needs of managers and up the top, but with the kids, I think, you just have to, um, vary your interpretations between the two and how you present it between the two.

[...]

But as far as their case plan, I could almost bet a hundred bucks that most of my kids wouldn't have a clue. So, they'll know that 'Oh yeah, well I come in and we talk about me offending and like, he helped me get a job and stuff and, you know, he made sure I go to school.' But as far as what's in the case plan, they wouldn't be able to elaborate on it, they kind of get just the basics of it, I think [agreement].

The JJ Workers also found it comprehensible that some of the young people preferred not to engage with a formal, written case plan document:

Yeah, like I printed off copies, made it nice and pretty, coloured paper, laminated it – and you like find it downstairs as they exit the building... [loud laughter]... like stuffed in the bushes.

I've had clients in the process of, you know, I need you to sign this and we're going to go through it together and it's like we discussed and it's, you know, a few points in they're like 'Oh look, I really don't care.' And they've signed it. [agreement] Done. 'Would you like your copy?' 'Nuh.'

The JJ Workers noted that limited literacy skills would prevent some young people from engaging with a written case plan document, in particular if it contains jargon. The workers discussed how they felt this type of language was required by managers for performance measurement purposes:

But also, like how you set goals – [...] so maybe when we hand them a case plan document with all of our language, which they probably don't understand sometimes, we chuck in buzzwords, so QA is going to look great... [laughter]... they look at them and go 'What's that?' It's just another document, and it might not be of importance, but they've got their own goals in their minds... at the review, at the end, at the closure, you say 'What did you get out of juvenile justice?' They'll remember the important for them, but they might not remember the every little bit that we documented that was important for our work as a whole... if that makes sense?

And they can recall that. It's organic, it's fluid, it's not necessarily written in words and often our young people struggle with the written word and struggle with concepts, but at the end of that, if we can sort of get an inkling that they have got an idea of some of the concepts that we've been talking about, around just gearing choice and gearing personal changes and they can actually, you know, say that, even roughly, at the end of supervision, well that's good.

Although lengthy, the following series of exchanges between the JJ Workers supports the researcher's interpretation that the young people are generally unfamiliar with a formal case plan. It is important because it reveals some of the impacts of electronic case management systems and structured risk assessments on the case planning process, specifically the JJ Workers' ability to adapt and tailor the case plan to be meaningful to individual clients:

The reason I think there's a *formal case plan* against *informal work* is when you look at the YLSI and how it formulates our case intervention plan [...] you think 'How I can tie each goal back to recidivism, reoffending, the RNR [risks-needs-responsivity] model?' [...] [A]nd then you look at like, with your crisis-driven and all your other welfare needs, they don't really fall into the RNR model a lot of times. That's why we might have a case plan documenting how we're reducing reoffending in all these ways and we might be doing a lot of informal work, which doesn't fit within that framework, if that makes sense? And that's why I think sometimes we have those two models going at the same time.

[...]

There's a tension in our work from that and it can bubble up to a conflict, can't it?  
[agreement]

Yeah, I mean I do actually have two separate case plans. It's probably not...right...

So, staying in the room. Shhhh!

But they're both the same?

No, I have one that's on our formal system and that's so, the intervention plan which is for me, I guess my guide as to what the young person's higher risk areas are [...] that I need to think about when I'm working with this [young] person and then I do a written case plan with the young person, that's what *they* want to do, but I always

say that working on offending has to be part of that case plan. [...] So, I don't do the CIMS case plan [quiet laughter].

But...it sits there quite often and [...] well, these are kids' lives; they're not static [...] – the one that you write on CIMS can become a bit arbitrary sometimes.

Yeah, and 'cause you've got to update it every month, like not necessarily in response to *need*, but as part of the case plan review process, then it becomes about ticking boxes and not about actually doing it.

Well, I do feel sometimes like we're forcing our own agenda a little bit and whilst it is collaborative and we do have that discussion with the young person – we explain the case plan – it does feel very time-orientated that managers give you a specific amount of time to have your case plan on CIMS, your YLSI done – let's just keep rolling.

Giddy-up!

Yeah.

I'm blown away by how intrigued the managers are about these case plans – they're the ones who seem more interested about what's on paper, like you said, as that ticking a box type thing or actually when they're looking at filing a client down. Have they met the objectives of their case plan? And if so, and their risk has been lowered, then we can file them down. It's a little bit more administrative, as opposed to purposeful for the young person.

It's a lot of admin, yeah.

I think that's part of the conflict that we have, that it's the context of our case plan and the role of it is more administrative rather than what we feel is most important for the young person's needs.

**Researcher:** You're really saying the case plan is meaningless to the young people, like it's an exercise for the management or to direct you in your work or...?

Well, I don't think it's meaningless, because it has meaning to *us* and that's part of the relationship that we have... but it's helping *us* make sense of that relationship with the young person. It's more *us* making sense towards them, so, you know, if you look at the interaction between the two, yes, it probably is more important to us, but it's giving that meaning to that relationship that we have to the young person.

The Agency Workers had less to say than the JJ Workers about the relevance of case plans developed by JJ NSW for the young people. This may be because they appeared to feel relatively removed or even excluded from the process, as evident from the following comments:

Our case plan is not related to the Juvenile Justice case plan because the Juvenile Justice case plan is their property. We never get invited to work with a young person while they're in custody, even though we should.

JJOs would frequently make commitments to attend collaborative case conferences with young people in custody and they would frequently be cancelling and not attending – this really undermined their work with the young person and other agencies. I think the JJOs were mainly motivated by their need to comply with their agency policies, rather than a commitment to best practice.

[It's] a verbal conversation with the juvenile justice workers – I've never seen a written case plan from Juvenile Justice NSW, unless the clients come from YJC because then they have a written outcome plan. Sometimes I would get emails from juvenile justice workers about the case plan, but it would be unstructured. I think this is a problem because the more complex clients are usually not coming from YJC, so it's the other clients that need a more structured approach and could benefit from best practice in terms of collaboration between agencies.

Consistent with the idea that case management processes are not often explained to the young people, one Agency Worker commented that:

I have never heard a young person talk about a case plan and this is true across the industry, not just in juvenile justice, so I don't think it's discussed with them.

However, in contrast to these comments, a couple of Agency Workers talked about having a separate case plan from JJ NSW that was developed collaboratively, even if the young person was not aware of this:

We have separate case plans, but they're coordinated, so that they're not overlapping or confusing for the client and so that the client is not over-served. We meet with the young person to develop the case plan separately, create the plan and then coordinate with the juvenile justice workers at agency coordination meetings – the young person is not always involved in that.

[I]t depends on the JJ and the relationship we have with them – sometimes they say, 'We're working on this....' We know the legal issues will be for the JJ to deal with. It does get discussed in the case reviews, but it's more of an informal mapping out of roles – there's no formal MOU or anything about role, it depends on the client's needs and wants as to who does what. We try and liaise with Juvenile Justice NSW as much as possible.

We would have a separate case plan, so the young person would have two case plans: one with us and one with Juvenile Justice NSW. We knew what was in the young person's Juvenile Justice NSW case plan because it was discussed and we could see it.

This appears to reflect some of the positive ‘small team’ approaches to case management, described by the young people in this study and discussed in Section 7.3.2.

### *Areas of confusion*

The JJ Workers found it understandable that some of the young people were confused about which components of their case plans are compulsory or not compulsory. This discussion quickly revealed a similar level of confusion among the JJ Workers themselves:

[I]f they [the young person] go to, like, an NGO, like, counselling appointment or AOD appointment and they go ‘I don’t want to talk.’ The NGO goes ‘Well, what can I do?’ [agreement] So, if the agency’s not willing to work with them, you can’t jump on the kid because he doesn’t want to talk about his issues – he doesn’t want to change, he’s still pre-contemplative. What can you do as far as that? I think that’s where it gets confused, because then they *have* to go. They go, and then all of a sudden they *don’t have* to go and there’s no consequence again [agreement]. So, that’s why I think there’d be that cloudy area. I think, I’m cloudy on it, to be honest.

At this point, other JJ Workers strongly agree:

I was going to say... [sounds of relief and agreement]... I’m glad... Absolutely!

Like, I find it really hard, um...to know what is something that, um, is absolutely mandatory and that is, like, if they don’t do it, it’s a breach; and then in other senses, what is something that is for their welfare and not critical that they do and that if they don’t – like if it’s a choice, necessarily? And I think maybe that’s something



that, um, we definitely need to be more explicit about it at the case plan, but also in, like, in our own mind, before we even talk to a young person about it...

But, I don't think that we would breach a kid if he is not going to go to [a community program], even though we're saying to him 'Look, we want you to go three days a week to, you know, engage in this.' And then he's not going... consistently. We're going to pull him in, just have a 'C'mon mate, you need to go' and have a chat to him, but we're not going to breach him, are we?

But, I think that's where staff do get confused... [agreement]... and how it might confuse a client... [agreement]... because when you want consistency it's very difficult and it is good that *there is sometimes that grey area*. But I think sometimes, the case plans, because they're done so early within the working relationship, are sometimes a little bit like pie like in the sky type stuff – if you do everything on this case plan, that would be amazing because we're targeting like, your criminogenic areas and you've chunked in a few goals of your own...

Yeah, I agree, it's no surprise the kids are confused, because I think *we're* confused and like you said, even with school and you raised this about school, it's a huge grey area, because I was told now that magistrates aren't supposed to be mandating the kids on legal mandates to attend school anymore, but they still do.

And then in other cases, where I've had it, you know 'must attend school' and then I spoke to my manager saying 'Well he's not actually going. What do we do? Do we attend a meeting there?' And this is when I was new to [my office] and, um, [the manager] was like 'Well, what type of order is it?' Because if he's on a Good Behaviour Bond, we cared less about him actually attending school... [agreement]... than if he was a parolee. And I thought, oh well that's interesting, like, it's on there, shouldn't we be prescriptive enough to say 'You need to stick to it'? *And that was on a legal order, so...*

Yeah, and I guess we don't really think about why? Like, when we breach or when we make something compulsory or not, the thought – what goes into that? Like, it's seems somewhat arbitrary [agreement].

The Agency Workers had similar responses. One worker, in particular, echoed some of the themes expressed by the young people and the JJ Workers about *grey areas* and vagueness concerning what is compulsory in case plans:

The issue of coercion, breaching and Juvenile Justice's role is ambiguous, I mean, there's an ambiguity to how that all plays out in practice – the clients need to know the boundaries, but there's a *cloudiness* about what is and what isn't mandatory in their case plans. I've heard contradictory information. I've heard that all aspects of the juvenile justice case plan are mandatory and the young person can be breached on all of them. Then I've heard the opposite; that none of the case plan goals are mandatory and only the legal order conditions are. And then I've heard that only some aspects of the case plan are mandatory and other aspects are voluntary. I've even sometimes called the JJ case manager to find out the details, but I still could not get enough clarity. They must be *confused themselves* or hampered by *unclear* policy.

Several of the Agency Workers also felt that the individual JJ Worker played an important role in helping the young person to understand what is and is not mandated in their case plan:

I think the expectations are pretty clear, but it does depend on the worker, sometimes the message is clear, sometimes it's not.

[I]t depends on the worker and how seriously they take it – they're not consistent across the board in this, some workers cancel appointments with kids all the time – that's sending a mixed message: it's ok for the workers to chop and change and cancel appointments – and look disorganised – but it's not ok for the kid to do the same.

I think the documentation is clear, but maybe the explanations to the young people about what is and isn't compulsory are not clear.

In particular, some Agency Workers commented that the way in which JJ Workers explain or do not explain aspects of the case plan and legal order in relation to counselling and participating in programs can contribute to confusion for the young people. These Agency Workers also suggest that the personal agency and level of internal motivation from the young person also plays a role:

The case plan is part of policy, not a legal requirement, I think, but that's an interesting issue because if counselling is part of the case plan then the kids are expected to go. [...] The problem is how things like counselling are portrayed to young people, like they just get on their orders that they have to attend counselling – 'You have to go to 'X' number of sessions' or they're told 'You have to work on anger management.' You *can't force* engagement or rapport like that; young people need to take *ownership* over the process and they can't do that like this. So how you portray counselling really matters.

It depends on how the information is delivered to young people, where the emphasis is put on what's important. Sometimes they're told to go to counselling without any reasons, so they rock up just to get ticked off, rather than have any understanding of why and engaging. [...] Sometimes we need to *reinforce the idea* with the young person that they are in the program for their [problematic behaviour] and *not just a ticket out of lockup*. They do not fully understand the legal

requirements and expectations of counselling meetings – they need more, deeper explanations.

What young people view as most important to them is what they uphold – they just won't do it otherwise. Maybe these issues are not properly explained to them, but I think it all is – at least in my experience – and sometimes young people just don't want to have that conversation.

I think the difference between their legal order and case plan is also pretty cut and dry; I'm not sure how they confuse that. [...] [K]ids don't want to talk sometimes – you know you can lead a horse to water, but you can't make it drink. I think they do know that if they are supposed to go to counselling that they're also supposed to *talk* to the counsellor.

Also, some young people are smart; if it's not spelled out on the legal order, then they think they don't have to do it. The legal order actually only does say that young people have to attend appointments – I know that from speaking with JJOs.

Another Agency Worker echoed the JJ Workers' comments about the confusing nature of the different philosophical positions between statutory and voluntary agencies:

Well, there's differences between organisations – if we have clients who are referred by Juvenile Justice NSW their court order could say that they have to attend counselling, but it doesn't mean that they have to engage; that's my understanding. We can't force them to engage and we can't make them come to appointments – it's up to them. There could be confusion between the role of Juvenile Justice NSW and other agencies.

Finally, one Agency Worker noted the potential for confusion caused by figurative language used on court orders for young people:

It also depends on the young person's level of comprehension – some of them really don't get it, they don't understand the terminology the legal jargon either – you might say to them 'Okay you're not to go within a 5km radius of a suburb' – that could be what's on their bail papers and the kid will say 'Yeah, ok... what's a radius?' It's stupid to use that kind of terminology with kids – some adults don't even know what a 'radius' is – these kids have literacy and numeracy problems and learning problems, you can't just expect them to understand stuff.

### **7.3.5 Planning and talking can help, but action is better**

Some of the young people found talking to their workers about their problems to be helpful, particularly if the worker listened well and was respectful:

She helped me with my relationship with my family and my mum. [...] And yeah, she helped me so much, she helped me so much, she helped me change, like, made me think twice about why, like, before I was to do something, like, before I'd go outside and say, 'I'm going to go steal this car'. She makes me think hard before I go to this action and do what I have to do. [...] Yeah, just talking and she's a good listener, like, you can just tell her whatever and she'll listen and she'll just tell you what's right and what's wrong of what I just told her. She was really helpful. (Mara)

Just [my JJ worker] in general, just the way she talks to me, the way she treats me, she treats me like an equal, not like talk down to me or nothing. I just find her easy to talk to. (Elijah)

Because like...the way we communicate, I reckon. Like sometimes when he picks me up, like we'll go to McDonald's or something yeah, and he'll shout me and stuff. [...] Yeah. He's pretty all right, yeah. Free food. [...] I just expected to check in every two weeks and home visits and community service. (Vincent)

When I wasn't always able to make it into [suburb where JJ office located] to come to see her, she would understand that, she wouldn't get angry at me and she wouldn't say that she was going to breach me because I wasn't always able to make it in. She actually understood where I was coming from that I don't always have the money to get out here and I don't always have the time and stuff like that. [...] That if I couldn't make it to her, she'd come and make it to me so if I ever had a problem all I had to do was call her and she would try and help me sort it out and she was just sort of there for anything that I needed. (Sarah)

The young people appeared to generally value making plans with and talking to their workers, but appeared to value practical support even more. Sarah expresses this sentiment quite clearly:

Um...probably just listen more, try and actually resolve the problems than to just sit there and talk about the problems because talking doesn't always help. Sometimes activities maybe they help a little [...] so yeah.

Similarly, Felix suggested that while talking and setting goals could be helpful, a better way for workers to build rapport with young people is through providing them with practical support:

Juvenile Justice they sit down, they *talk* to you, they'll *set goals* for you, and, like, you know what I mean? But really, like, what I can, what I should recommend is, like [...] what [Youth Worker]'s trying to do is, like, he's trying to get me, you know, even though, like, say I got job interview, you know, he'll *drive me* and that, you know, he'll support and that, you know, even I go to court, *court support*, you know, or, like, things I need to do in my life, he'll be there and help, like, you know, as in, like, Centrelink, *he'll fill out the forms*, or something like that for example. So, like, by helping like that, you know, you slowly get, like, the message to the boys that, like, you want to change, you know? Yeah. [...] By helping them with their family problems and, or, like, their problems in life and what should they do with their job and how are you going to, like, support them, even if they have no car, you know? You should *drive* them around or, like, you know, you know, like, do something with them to *make them feel that you're there for them* [...] if you want to help them, you know, you've got to put yourself in their, their, you know, their life, not just being there for them by telling them what's bad or what's not bad, you know? (Felix)

### *Transport and food*

Like Felix, a number of other young people talked about how much they valued their workers providing them with practical support, especially driving them to and from different places:

Well, he *picked me up* today from my friend's house, so that I could go to [a program] and then they took me to [suburb], so that I could meet the people...and stuff like that. If, say, I was to *need a lift* to [JJ office] and I wasn't able to get to [JJ office] to go to [program], they'd probably come and pick me up and if I...say, couldn't get in [to [JJ office]] and they'd just come out and meet me at [program location] and speak to me there, so yeah. (Sarah)

[P]ersonally, like, oh, *picked me up* when I've had an argument with me [parent], from me house. [My JJ worker] come *picked me up*. [...] Got out of the fucking house. I got away. Before killing someone. [laughs] [...] Yeah, I can call [my JJ worker] whenever, as long as she's in the office, yeah, I can talk to her. (Keira)

Because when we were going [to residential rehabilitation service], like, because when I was coming from custody to go there, [my JJ worker] *drove me*, and, like, I was planning on running away the first day. But then [my JJ worker] was like full talking me into it, so then I spent the first week there and then it turned out all right. But then, I had my ups and downs and so on and I told [my JJ worker] about it, so she come *visited me* to see if I was all right. And yeah, she was just watching me, like she was just seeing how I was feeling while I was in there for the first couple of weeks and then after that, we started *going out for lunches* for like two, three hours. She *took me out of the place* and then after the [number of] months, we got into doing the case plan. (Mara)

Mara appears to appreciate the care shown by her JJ worker in not only talking to her, but also taking her out for lunch. Other young people also appeared to appreciate this from their workers. Hannah, for example, said that her NGO case manager: 'always used to just drive me out and take me for lunch and just talk, and she'd take me to court as well...and yeah, she was really nice'. Omar shared a similar experience with his NGO support worker:

Yes, [my NGO support worker] was really helpful. [...] [He] used to take me to lunch and stuff, like, all the time. [L]ike, if I needed money [he] would help me out with it and stuff like that. [...] [My NGO support worker] felt like my JJO. [...] Yeah, like, [he] really felt like it. [My JJ worker], well I don't know what [he] felt like. I didn't see [him] much, so I wouldn't know.



Luke said that although he really wanted his JJ worker to 'get the hell out of my lifes', he would enjoy meeting for supervision over lunch:

[I]nstead of [meeting at local JJ office] we could go to lunch or somethin' when we see each other, so we're doing something, not just, sitting around like idiots. [...] It'd help me with my hunger problem [laughs].

Babana indicated that he felt looked after by his JJ workers when they purchased food for him and helped him pay for public transport:

Babana: Like they'll buy you feeds when they like, if you're driving around with them, to go do stuff, and like they go through like lunchtime and that, they'll buy you a feed, like they won't let you starve, they'll buy you a feed. [...] Yeah, and like if, if you live pretty far away, like they'll give you some money to catch a train or a bus home. So yeah, they look after you.

Interviewer: So that kind of stuff is, it sounds like it's important to you?

Babana: Yeah. [...] I don't know like, it's not that important like, I'm just saying but, like they look after you.

Interviewer: Okay, so it's like a caring thing?

Babana: Yeah, like, whereas the coppers, they don't care about you. All they want to do is harass you, you know, pull me up, say this n' that, and just go away you know?

Kiera also said she found this type of support helpful:

[Juvenile justice] do help you, in a kind of a way, but like...not all things they can help you with, but most things they can, so that's pretty good. They can help you with money and that, like, say if I needed money to get here, like, get home, they'd, they'd give me money to get home, *exactly* the right amount of money to get on the bus or the train, whatever. Yeah.

### *Other practical support and service advocacy*

Several of the young people mentioned other forms of practical support as helpful, including advocacy from their workers to access services. For example, Hannah mentioned her JJ worker helping her find a dentist and organising to get a copy of her birth certificate, and Sarah said her JJ worker helped her write a résumé and 'purchase clothes to go for a job interview'. Some young people talked about how much they valued their worker's help in relation to returning to or staying in school and other education courses:

[W]hen I was inside this time [...] I wasn't allowed to do school, because I don't know, and then she hooked up [youth worker and employment manager] to coming back to the school and finishing off my Year 11 stuff and that stuff. (Mara)

[T]hey help me out a lot. [...] They helped me out with this course and before I had this course, one of the other Juvenile Justice workers sent me to [suburb] to go work with this guy named [John Doe] and making music and that. (Andrew)

Um...when I used to go to [high school], I had problems going there, so they sent me there and then I got kicked out of [current educational institution] and then, I left for a while and then, I came back. Then when I started coming here [current JJ office], I told them that I used to go there, and then [JJs] got in contact and then, now I'm back there. (Galen)

Probably [my JJ worker] getting me my [school level], helping me to get my [school level]. [...] Well it's just without my [school level], I wouldn't be able to get an apprenticeship; I wouldn't be able to do a lot of things. (Elijah)

Many of the young people appreciated their workers' support and advocacy in helping them access Centrelink and negotiate with other services:

[S]he got me on Centrelink and that, and she got my Medicare card for me, like that was [recently], went down fixed all that up, and yeah. [...] [Y]ou know stuff like, stuff you'd do in your life like normally, but, they're just doing it quicker for you. (Babana)

[T]he case worker from school's like [...]...she'd, like I had some appointments down at Centrelink and stuff before and *I didn't know what to say*, so she came and helped me. She just helps me out. (Galen)

Elijah: [My employment caseworker] was always looking for jobs and looking for other courses and that and just helping me do stuff, like, if I had to go do something in [suburb] or whatever, she'd meet me and *help me through it* and that, like, *take me in there* to make sure *they're doing the right thing* [...] Like, [...] she'd basically just go in there and *make sure they're not, like, pushing me around*, because I was a young kid, like, giving me the wrong stuff and, like, leading me in this direction when they should've been doing this and that, and she'd just be there to sort of, I don't know, *look out for me*, I guess.

Interviewer: [W]here was that that she was taking you?

Elijah: Um, it was just all over the place, like if I had appointments with Centrelink, 'cause this was when I was trying to get onto Job Seeker and *they were really screwing me around*.

Interviewer: Is that right? Oh, so you felt they were treating you differently because you were a younger person?

Elijah: Yeah. Although I talked to one of them on the phone and he was full, like, disrespecting me and that and just like, being rude and arrogant and that, and then I got [my JJ worker] to talk to him. And, yeah, as soon as she jumped on the phone with *her tone of voice*, it was funny as. He just shut up and starting talking as polite as could be. [...] Yeah, it was funny. It's funny how someone's tone of voice can set a, set it straight. [...] Yeah, she just went all deep and sounded pretty sadistic... [laughs].

Interviewer: [laughs] Sadistic!?

Elijah: Yeah, she sounded like, 'Do it, or I'm going to come after you.' So, it was good. [...] That really helped me yeah.

Some young people also suggested their workers spend time with young people doing something 'fun' as a way to encourage desistance:

[T]ake [us] out places more often. You know like, *do somethin'*, go go-karting or somethin' you know, somethin', paintball or somethin'. (Babana)

Um...I think maybe putting in like a program or something that – I don't know, has like a group of kids where they could – I don't know, maybe instead of going out and doing crimes, do something else, but, like – not something that's already out there like computers...or something gay – like, something that the kids will enjoy doing together, like maybe a graffiti art workshop or something, and yeah, I don't know,

some programs that will help the kids want to do that, and not go on the streets and offend. (Hannah)

I reckon just maybe get them to go over to the oval and work off some steam and that in a big group, just do some sports and what not. [...] Yeah, it could, like, I don't know group sports, like, can show them, I guess, basically one thing it could help with, is there's something else to do besides offences in groups and that, you can just go do that, because a lot of them do it, I guess, because they're bored or want something to do. (Elijah)

### *Helping with court*

Almost all the young people appreciated it when a worker helped them to understand and make sense of what happens before, during and after a court date. In most cases, this role was filled by a JJ worker. However, Galen, for example, talked about why his case worker from school was helpful: 'when I was going to court she used to come to court for me and stuff, give me support'.

Some of the young people seemed to have encountered a specific JJ Court intake worker. Generally, they found this role helpful:

Um, they were – I don't know what their role would be, but it would be like, just *someone who works in the court house*, really [...] oh, what I think happened would have been my [parent] and the JJ talking because my [parent]'s very involved with all my charges and all that kind of stuff so, she would have had a very good idea what was going on as well, probably better than what I did [laughs]. (Samson)

I first met them at the courthouse. I met...I can't remember what his name was, but I met him and he was one of the guys that organised for me to come to Juvenile Justice [...] I pretty much got involved with Juvenile Justice, um, because the court could see that I wasn't stable and I needed some kind of help there and so, yeah,

that is how Juvenile Justice got involved. [...] Yes, he – I don't remember his name – but, I know he does work [at the JJ office]. He was... he works more at the court, like for all the juveniles there, but um, he... he used to just speak to us and see how I was going, see what I was doing and... [...] Yeah I went... for a while I was probably at court every two weeks for about six months. [...] I didn't see him every time, I saw him every now and then and I would just speak to him just a little bit, see how I was doing and what not, so yeah. [...] I think his job is to kind of put people in Juvenile Hall if they deserve it and probably talk to them and organise their solicitors and just help them a bit to understand that what they're doing is wrong and, sort of, find out more of the truth and what's actually going on in their life, so yeah. [...] I don't think it is necessarily his decision, but I think he makes an impact on it. 'Cause, um, you see it's the judge that makes the decision, but I think the judge and him would probably conform and make the decision together. (Sarah)

Sarah's comments resonate with those discussed in Section 7.3.5 about some young people's perception of a predetermined court outcome based on their JJ worker's assessment.

Also in keeping with some of the discussion in Section 7.3.5, a couple of the young people talked about how their JJ worker advocated for them at court through the Background Report assessment process. As in the examples that follow, the JJ workers' advocacy also related to applications for bail:

[My JJ worker] got me out of Juvie so many times. I would have been inside serving my whole eighteen months, but *because of the report from her* and the juvenile workers [at current JJ office], they said I was so respectful every time I come in and stuff, so that's what else got me out... (Mara)

Interviewer: What would say is the most helpful thing that your Juvenile Justice Officer has done?

Andrew: Got me out.

Interviewer: Got you out?

Andrew: Yeah. [...] He came in and he explained what I was going to be doing every day for five days a week.

Interviewer: But how did that get you out? I don't understand that.

Andrew: Because the judge wasn't going to let me out and [parent] came and the judge still wasn't going to let me out. My Juvenile Justice [worker] came and then, he like explained everything to her, the judge, and then... [pause]... yeah, she got a bit, like, she smiled at him, let me out.

Interviewer: Because you had this five-day plan that you guys came up with?

Andrew: Yeah, he pretty much made it up on the spot. [...]

Interviewer: Right, right. And so you agreed to do it or had you talked about it before?

Andrew: No. [...] [H]e was just, winging it. [...] Yeah, we talked about it on the car ride home. [...] He was just telling me that he just made it up on the spot and that. I told him that I'd stick to it.

Interviewer: What did you think of all that?

Andrew: It was pretty cool. [laughs] It was pretty cool.

And right now I'm going for a bail review on [date], to try to get my bail off and [my JJ Worker]'s, like, gettin' all the paperwork and, like, sortin' it all out and talking to the, my solicitor, and yeah, he's helpin' me out there so that's pretty good. Like, if I didn't have him there, like, I'd be pretty, I really wouldn't know what to do. [...] I

probably wouldn't have known what to do. I probably would... [sighs]... I dunno, I wouldn't have probably done anything, I probably would've just waited till court. (Daniel)

Um, I didn't really kind of understand at first, like, what their role was or anything like that so, I just met [my JJ worker] the first day and she was just [...] like explaining what's going to happen like in court and what they're trying to put against you, like as a charge. [...] Um, well, she would be, like, *on my side* of the court in a way, like, she would write up a thing called a *background report* [...]. So that's practically what she did mainly at the beginning because I needed a, I needed a good one for court. It seemed to work. [laughs] So, I got out, so. (Samson)

Samson further commented on how he felt his JJ worker had been more helpful at court than his solicitor, particularly when he was younger:

[W]hen you're fourteen you don't really know much about that whole system in a way. Speaking with my JJ did help a lot, like, if I didn't have my JJ, I don't know, like, maybe I would have said things wrong that I might have thought was right, you know, like they just push you in the kind of right direction in a way, especially when you're in them kind of situations, like they tell you, 'No, you shouldn't say this, they can take it the wrong way', you know what I mean? I think that JJs are people who go the extra mile for the kids in a way like, they're, they're the people that are there and they don't care about the money, they actually care for the future. Like, I reckon, I just think Legal Aid is just there, they see hundreds of kids a week and they just say the same shit, you know [...] they just kind of say the same things, like, every day in court [...] and they will see a kid for ten minutes then, once they, once you show them the papers, they read through the papers and that's basically it. That's all they do, like, 'All right, we'll see you soon', but JJs are, like, they'll sit there and explain shi-, stuff to you, like, I don't know, it's hard to explain. Um...like, ah, it's just



the way they kind of – how they go about things, like, Legal Aid is more straight up and, ‘All right, this, this, this.’, and JJs is like, ‘Well, there’s this and there’s also you can go that way or this way with that, then also there’s this, where you can go whichever way.’ Yeah [laughs].

Luke, as mentioned in Section 7.3.1, appreciated his JJ worker helping him to prepare before each of his court cases, remarking that ‘just before every court case he’d try and get me into like a TAFE course, or like a some kinda education or something’. Luke further commented that his JJ worker’s support added a legitimacy to his appearance at court that was almost more influential than his solicitor:

[I]f you don’t really have the money, like Legal Aid aren’t, really aren’t that good, they won’t do much for you, if you know what I mean. Like, they um, they, they just like to get the job done and get their pay at the end of the week, they don’t really care. [...] [T]hey’re trying to tell you that you did something that you didn’t, you can’t depend on Legal Aid to back you up, like, you have to have a good lawyer. [...] So yeah, it’s a lot better for [your JJ] to rock up because the judge believes the Juvenile Justice for what they’ve got to say. [...] More than I or ... maybe even the lawyer. [...] Maybe even the lawyer. I dunno, but definitely over me. (Luke)

Omar expressed similar sentiments:

No. The Legal Aid system sucks. It sucks. I didn’t want Legal Aid. [...] Yeah. It didn’t help me at all. It made things worse. [...] It’s really crap, like, pretty much. Because, they say they have your best interests at heart, but, like, really they don’t. Like, I found that, um, when I first had Legal Aid they were kind of working against me...they kind of did me over. [...] [M]y curfew was to go up, and I had Legal Aid to

help me, it was supposed to go up to seven. Instead, they got it to 5 o'clock on the weekends [...] and they're like, 'We have your best interests at heart', and I was like, 'Well my best interest doesn't say make it 5 o'clock on the weekends.' [...] I kind of, I lost it at court, like, downstairs at my lawyer, and I also lost in the courtroom and one of the [JJs] there was just like, um, he's like, telling my mum, 'Tell your son he needs, um, youth drug court, he has a problem'. [...] And, yeah, that helped. (Omar)

Dominic described the frustration he had experienced dealing with multiple lawyers at court and trying to understand his court case:

Dominic: I started getting Legal Aid, so. Yeah, it was pretty confusing, most of it, so.

Interviewer: [...] So you had a couple of different lawyers then, or did you have the same person from Legal Aid?

Dominic: Different lawyers. [...] [I]t confused me most of the time, because being sixteen, seventeen, you wouldn't understand most of the stuff they're talking about, and to have a, ah, one lawyer tell you this one week, and then another one tell you something else the next week, so. [...] Me, I would just sit there and go, 'Yeah, yeah.' And then just go. [...] Um, just given up on trying to understand everything, really. And, um, just wasn't bothered. When I was there, I just – yeah, whatever, do whatever it takes to get it over with, I just want to hurry up and know how long I've got, so.

In light of this experience, Dominic was especially grateful for his JJ worker's advocacy at court in relation to a more recent matter:

Dominic: Um, when my matters were finalised in [month], I think it was, um, the judge sentenced me to, ah – at first they told me it was three-fifty hours, with, um, [adult corrections], and, um, [my JJ worker] was behind me going, ‘Dominic, Dominic’, and I turned around, and he’s like, ‘Oh, they can’t do that to you’, and I was like, and I was lost, so...and then, um, after [my JJ worker] pulled me out, he goes, ‘The maximum community service for a kid is, for Juvenile Justice, for juvie, is, ah, two-fifty’, and because I was still charged, getting charged for a juvenile, the judge didn’t know that and, ah, so he’s given us three-fifty, and then I had to go back and, do it all over again and stuff like that, so yeah. [...]

Interviewer: So how did it all go back to court? Did you have to do something or who did that?

Dominic: No, actually, um, I think [my JJ worker] actually...corrected them about it and, ah, sent them a letter or something, saying this and that, so. I think it was all...[my JJ worker] that fixed it up, so yeah. [...] Yeah, the same judge called me back saying, just to say, ‘Yeah, two-fifty’, and stuff like that and re-sign some papers and stuff like that, so yeah.

Interviewer: And then it was supervised by Juvenile Justice, not by [adult corrections] and it’s a hundred less hours?

Dominic: Yeah. [...] I was glad to come back here, so.

### **7.3.5.1 Audience Review**

The idea that young people valued action or outcomes over talking, planning and goal setting resonated strongly with the JJ Workers and the Agency Workers. One JJ worker

noted in the focus group that young people request practical outcomes as part of setting their goals:

[W]henever I've sat down with a client and said, 'What do you want to achieve?' They're like, 'Get a job.' or 'Go back to school.' [agreement] Um, no kid's ever said to me, 'I want to target my attitudes, beliefs and values.' [laughter] I've never had that experience yet. So, it's always been, 'Get a job. I want money. I want to be able to buy things so I don't have to offend to get it.'

Similarly, the Agency Workers suggested that the young people value practical support above just talking or setting goals, because this meets their needs and helps build the client-worker relationship by demonstrating the authenticity of their worker's commitment:

The practical support is important because most young people want to get out of the rut they're in; to move out of the juvenile justice system, earn a living, have a better life.

If workers set goals with the young people and then they see outcomes from those, then the workers are not making empty promises. Sometimes young people have to tell their story 10-15 times to different workers, so they need to be able to see the point of doing that; they need an incentive to engage from the start.

[Y]ou can pay lip service to helping kids, but if you do it hand-on; that's what they remember.

It takes a lot of skill among workers to develop an intervention that's more than just talking about a problem. Juvenile justice clients are kinaesthetic learners and need to do something different to be able to reflect on it. Doing something together that's positive builds a positive relationship.

### *Transport and food*

There was a lot of nodding and laughter from the JJ Workers in response to the suggestion that the young people appreciated being driven places and having food purchased for them by their workers. They found it credible that this was more meaningful to the young people than talking or setting goals, as this reflected their own experiences:

Ah, one experience I had recently was I worked with a kid for like over a nine month period, um, who did well, did the CHART program, did all that, was compliant, didn't reoffend and that. At the end in the last kind of sessions towards the end of the week, he did relapse prevention planning, all that, and [I] said 'You know, you done really great on your order.' Went out and had something to eat with him – it was all approved and all that, so there's no issues... [laughter]... um, and I said 'What was, you know, what did you learn from supervision? What was the best sort of thing?' He said 'This was the best part. At the end, where we went and had Maccas [McDonald's]'. [laughter] You know? And it made me think, well maybe if I did that from the beginning... [agreement]... 'cause I've built more rapport, a more meaningful relationship in that interaction of that informal nature than all the interventions, all the case planning, all the programs over the whole nine month period. I was thinking maybe if I did that sort of thing from the beginning or more often, then he'll take more ownership of his supervision, of his case plan, of what we're trying to get out of... um, more understand what he actually wanted out of the process, instead of that more formalised process of assessment, intervention plan, you know, that sort of thing.

**Researcher:** Are you willing to eat Maccas three days a week?

Ah yeah, that's it [laughter]. I'd have to mix it up: Maccas, KFC... [laughter]... I don't think they'd like that, um, with the petty cash [laughter].

The Agency Workers responded in much the same way as the JJ Workers, particularly in relation to the value of providing food as a way to build rapport with young people:

Food is my number one – it helps relieve the tension between myself and the client, especially if it's a first time visit – you can build rapport through eating.

Food is the nearest thing to a nurturing intervention that we can provide and lots of these young people don't receive enough nurture in their childhoods – they can feel safe and cared for through food. [...] This is an undervalued approach though. The dominant approach to counselling is still an American middle-class one, where it originated from, and food is not included as part of this.

Some of the Agency Workers also pointed out that the young people were likely to appreciate food simply because they are hungry:

[T]hey're growing and they're hungry these young people, plus their backgrounds – they might not have eaten.

Because, food – we go to some of these homes and there's limited nutritional food in the households.

Something as simple as food, they see as wonderful, because maybe there's no food at home. Parents can say they love their children, but not act on it. If a stranger buys them lunch, the young person can connect with that. Young people see it as someone doing something really nice for them. If someone's hungry, then feed them.

Both the JJ Workers and the Agency Workers acknowledged that the young people would want more of this type of support, but explained some practical limitations to realising this. For example, one Agency Worker asserted that:

It's the same everywhere (not just in juvenile justice), but you got to get a balance – driving them everywhere is not realistic in the long-term, it doesn't empower them; it might help with engagement in the beginning if you've got a kid that won't talk and stuff, but you can't keep that up forever. I had to talk to a chaplain in custody once, who was basically bribing kids to come to [church] services with food and drink – it's the same kind of thing, you've got to get a balance.

The previous extract from the focus group with the JJ Workers shows the requirements for them to seek management *approval* to spend *petty cash* on buying food for a young person. One Agency Worker commented that similar restrictions related to the provision of transport for young people are applied to JJ workers, as well as to workers from agencies funded by JJ NSW:

I think juvenile justice staff would like to do more with young people, but because all the brokerage is contracted out to other agencies, Juvenile Justice NSW has none of their own – at least that's the impression I get. So, they can only use verbal interventions – resourcing is an issue and risk-aversion is the driver. [...] Anecdotally, I have heard that some managers don't want their staff to transport young people at all, which cuts out their 'physical' case work ability. They have to complete risk assessment forms to let contracted agencies transport clients [but] the policy and paperwork was all confused.

The issue of JJ NSW funding contracted service providers and how this shapes direct service delivery for young people also came up during the focus group with the JJ Workers:

[T]he elephant in the room is that we're funding other non-government agencies to work specifically with JJ clients. Um, so we, I guess by the nature of that relationship, take that lead role. You know? [...] [O]rganising, setting goals and all of that sort of arrangement [...], but mentoring the young person to employment skills and whatever, well that's specifically the NGO. [W]e've got to be very clear about what we can do and what we can't do. So we don't take young people out to employment, um, or to job interviews or things like that, 'cause specifically that's their role and if we spent more time doing that, well we wouldn't be doing the things that [...] are specifically geared towards JJ case management...

Notably, consistent with the researcher's interpretations of the young people's experiences of receiving direct service delivery from their JJ workers; the JJ Workers acknowledged that this divide in direct service provision between JJ NSW and funded NGOs was somewhat theoretical and more diverse in practice:

But it does vary greatly from person to person that you're working with, um, the case worker, so you might have that's just a bull at a gate [...] and then you have other ones that have to be constantly reminded. You know, 'Oh, are you going to this today?' or that sort of stuff. So that's a constant battle in itself and [...] you have to make sure that they're on top of what their role is.

And [...] then I think you just go, 'Well, I'm just going to do it myself' [lots of agreement]. Because it takes the same amount of time to hassle someone to do it and I don't even know if they're going to do it well. [...] [I]t takes a lot of trust, you



know, when you're engaged with a client and you want good outcomes for them. [You] really want someone to follow up in the same way that you would.

### *Other practical support and service advocacy*

The Agency Workers also comprehended the young people valuing their JJ worker acting in an advocacy role:

[I]t's easy for a worker to give a phone number to a young person and say, 'Here you go, make the call'. If the young person has no support at home, then their JJO can be a supportive figure in their life by showing them what to do, instead of just telling them.

All these kinds of things, this practical support, are opportunities that promote relationship-building [...] it's also concrete learning of skills – they need that, it's how young people need to learn.

This also resonated with the JJ Workers, who lamented not being able to provide more practical support to young people:

[I]t's hard to build a relationship with a kid in the confines of an office...[agreement]...you know, um, and the best time to build a relationship is in the home visits or when you're running a program with them...like with the [specific] program we've ran, we got to go to [a recreational activity] with them and the rapport that you built with them in that – just taking them to [a recreational activity] and seeing 'em in that, not in that kind of structured environment – those same kids you can walk past them in the street; they'll say, 'Hello'. But there will be kids that I've supervised for twelve months that did all the structured formal stuff and they'll

look the other way. [S]ometimes we might not have that time – when you’ve got six other kids coming in – to focus on building a great relationship when you know, case reviews are coming up and you need to have progressed to here...[agreement]...and done this and got this done and ticked every other box. So you focus on, ‘I need to finish these modules of CHART; I need to do to this, I need to do that.’ Instead of just, sitting there talking to the kid about what’s going on or, you know, developing that relationship like you would do with other people in life.

There’s also that added challenge because they are involuntary clients and in a sense we are sort of trying to run our agenda by sticking mandatory things on a case plan [...] you know, you’ve got a hard challenge, especially with teenagers, to get them to want to come and see you...[agreement]...and see the benefit of what you’re trying to do and perhaps that isn’t that apparent in those first few weeks when we’re designing the case plans.

One Agency Worker summed up the situation for JJ workers and their ability to provide practical support to young people, as follows:

[T]here’s little time to focus on fun and mastery – this is left behind in favour of a focus on criminal risk factors. What I mean by that is that fun builds resilience in young people and mastery is helping them have opportunities to make choices and learn, like other young people do.

### *Helping with court*

The JJ Workers confirmed that the young people would value their input and support at court and could understand why they might at times, be in a better position than legal practitioners to provide this:

They don't have the relationship with anyone at court. I suppose they've got time to develop one with us. We've got a vested interest in their whole life, whereas court have got a vested interest in that outcome.

A lot of our kids obviously use Legal Aid or ALS [Aboriginal Legal Service] or something like that and it's not having a dig at them, but those solicitors have a big caseload themselves, you know, so they might be reviewing the young person's case that day, you know, so that relationship might be five, ten minutes in a little room before they go in to court; next minute they're in court arguing their case and that's it. Good bye. Go see Juvenile Justice within seven days. There's no real time.

The JJ Workers agreed with the young people that providing court support was an important part of their role and returned in their discussions with one another to the problem of using complex or figurative language with clients:

And even when I've sat in court sometimes it's hard to understand the process and what's happening – you got to really focus on what's being said.

The magistrates don't talk to kids very often and the ones that do... [trails off to quiet laughter]... I see kids are much more engaged in the process... [laughter]... if they're using language the kid can understand, but um... I think it's one of the biggest issues we have in terms of them understanding court. Because I went and picked up a kid from [court] who got bail [...] and forty minutes into the trip home, she said 'Oh, so what are you doing?' like 'Who are you?' and 'Why?' [agreement] And so, I had picked her up from court and she didn't even understand who I was or why I was there and I just assumed that she would, but she got into a car with a complete stranger, not knowing where, why, [...] who I was, like [...] or what her bail was.

Well, a lot of kids are just spoken *about* in court... [agreement]... they're not spoken *to* and again, I'm not blaming anyone at fault or anything, but courts are busy places and they just tend to get pumped in and out and yeah, presumptions, especially when they're new to the system, um, that they're just going to understand – what the hell is *bail*?

Yeah, what is that? Like, it's just a word we use every day. What does it actually mean?

I think you'd find several adult offenders would have the same response as juvenile offenders 'What the hell went on there? I've got no idea.' [general agreement] 'I'm just on a Good Behaviour Bond, got a Section Nine.' 'What's Section Nine?' 'I've got no idea, I was just told that's what it was.' [agreement]

[...]

That's why our initial appointments are so important...[agreement]...and explaining to parents as well and carers, like, exactly what this means, break it down 'Do you understand it? Tell me what it is in your own words. How committed and how motivated are you?' and really taking that time before we do launch into all the other stuff: case plans and CHART and all the rest. Does the kid understand what's going on and what's expected? And, you know, what do they need to make sure that they can stick to this?

The Agency Workers strongly concurred that the young people would value their workers' support at court. Almost all of them commented that JJ workers are often better placed than lawyers to provide this support and have a different relationship with the young person:

I totally agree with that. This describes Juvenile Justice workers to a tee. Some workers really care about young people and they try to give them as much

information as they can about court and legal stuff and how to keep themselves out of court. The Legal Aid solicitors – from the young person's point of view – see the young person as another number.

It's true. Because the JJO has a vested interest, it's their role to help young people avoid custody and to work with them later, but the Legal Aid solicitors just fly in and out – they're like a factory, young person after young person – ideally, solicitors should explain everything about the court process to the young person, but it doesn't happen like that because they're just not around long enough, so Juvenile Justice fill that gap.

Because the young people have had a long relationship with Juvenile Justice, rather than lawyers. [...] If their solicitor is unsuccessful in getting them off, then this can shape the young person's view too. Juvenile Justice is there from the beginning, so they relate to Juvenile Justice and see them as supportive – it relates back to that issue of consistency with these young people.

Young people have more to do with Juvenile Justice NSW at court than their solicitors. The solicitor might only see the young person once and has only got a brief overview of that young person. I've been to court with young people and they usually just get the Legal Aid solicitor on the day.

It's probably true. Juvenile Justice is more trained in dealing with young people in that situations – lawyers are just there for that one hour and so, have no rapport; the kids see a person in a suit, who is a bit abrupt and so, just doesn't care, that's the perception – Juvenile Justice is there for the longer term.

Several Agency Workers also commented that compared to lawyers, JJ workers communicated more easily with the young people to help them understand the court processes:

Juvenile Justice NSW staff know a lot about legal matters and have time to explore the young person's understanding and communicate slowly with them – they're best placed to have those conversations really. Lawyers charge by the hour and they're not there for welfare issues.

Lawyers have a different role and a different outlook. The court procedure and outcome is important to lawyers, but Juvenile Justice focuses on the impacts of the court stuff on young people. Lawyers can't really help in this way – their language, their demeanour and the way they dress can all be intimidating to young people and they can't relate to that.

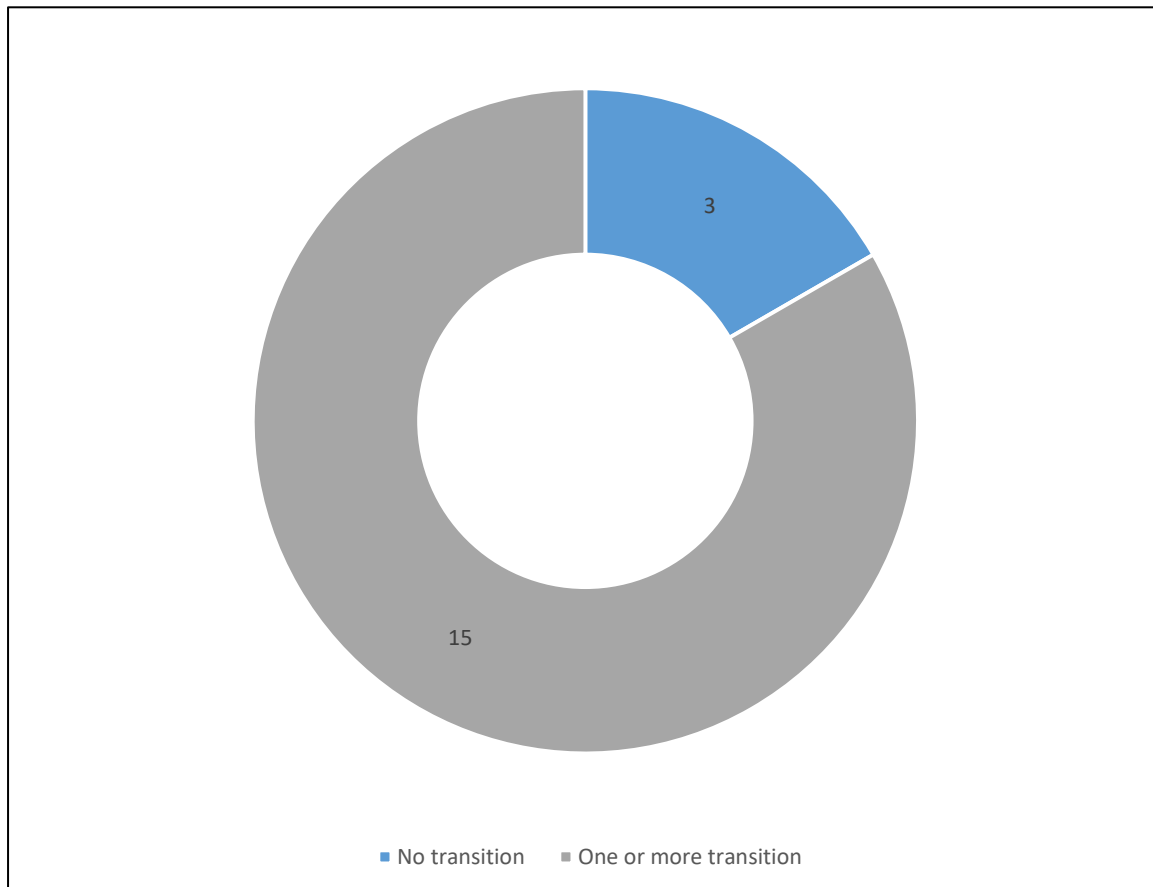
Because lawyers would have twenty cases per day, they're overworked and they haven't engaged with the young person – they've often just met on the day and the lawyer's going through the motions. JJOs can or they have learnt to speak on the same level as the young person.

Finally, one Agency Worker commented on the value of the JJ Court Intake worker role:

They explain it to young people in a way they can understand. Now there's also a juvenile justice duty person – a consistent person at court, so that really helps.

### 7.3.6 Transitions are common and stressful, especially changing workers

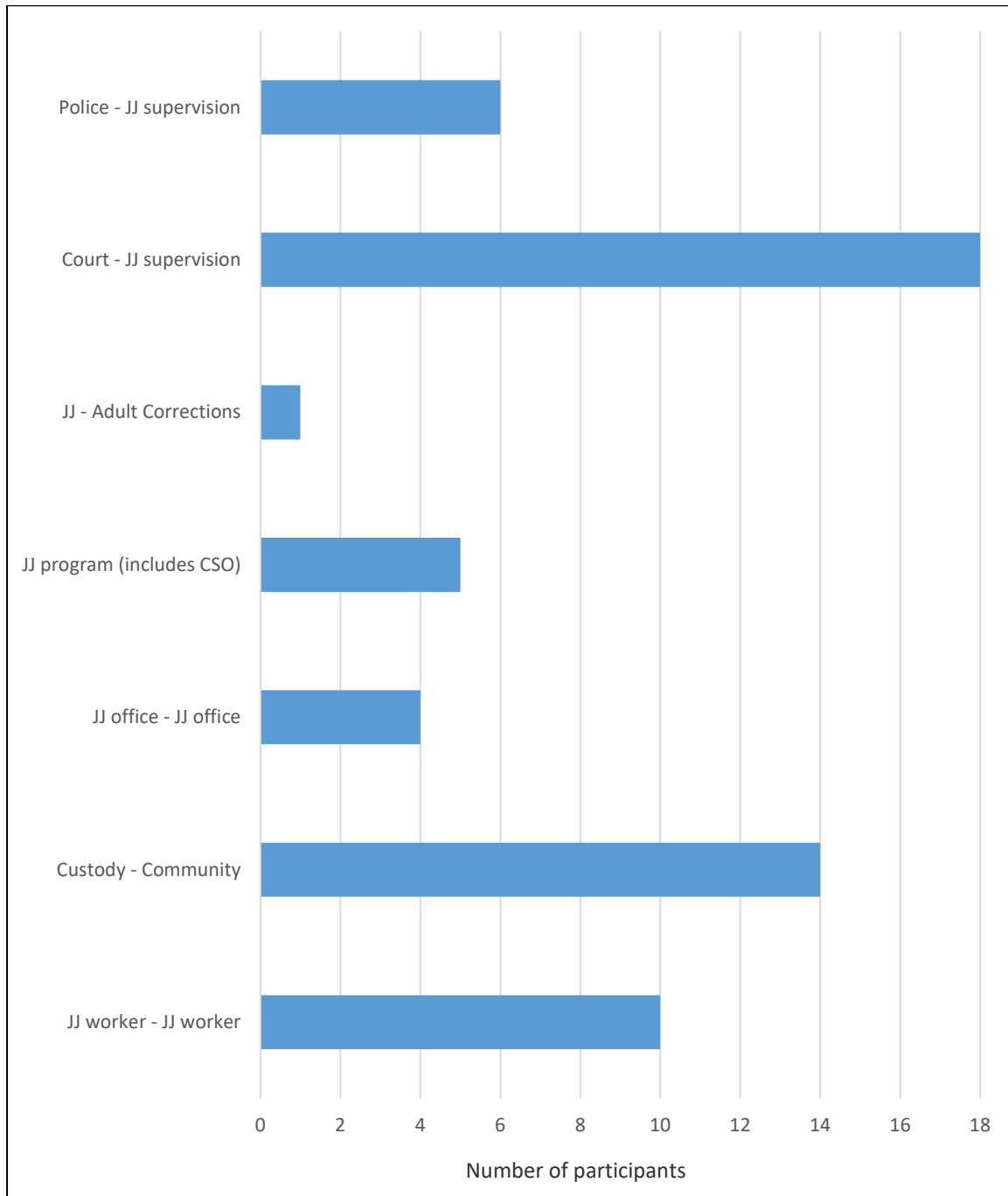
As shown in Figure 7.11, most of the young people in this study experienced some type of transition.



*Figure 7. 11: Participants who experienced a transition during their juvenile justice supervision period*

Figure 7.12 shows the types of transitions experienced by the participants. Transitions include young people moving from police custody or the court to juvenile justice supervision; from juvenile justice supervision to adult corrections supervision; between different juvenile justice programs (including community service hours); between different juvenile justice community offices; from juvenile justice custodial to community-based

supervision; and between different juvenile justice workers. Of these transitions, the young people talked a lot about and appeared to struggle with having to change workers.



*Figure 7. 12: Types of transitions experienced by participants*



Most of the young people in this study experienced a change in worker. This is significant when considered in light of the relatively short periods of time that young people are subject to juvenile justice supervision. There did not appear to be a consistent approach in managing changes in workers. The young people reported a range of different experiences that included having no prior knowledge of a change or being informed and involved in the change through hand-over meetings and discussions. Galen, for example, talked about a hand-over meeting about which he had no prior knowledge:

She brang him into the room one of the weeks that we had an appointment and we were just talking and stuff. [...] She just brang this guy and I'm like 'Friggin', who's this guy?' and stuff, and she's like 'Oh, this is your new JJ officer,' and introduced me to him and stuff. And then he just sat back and just watched, while we had our little meeting and stuff and then from then on in, like, it was just me and him then. [...] Weird [laughs] – having two JJs in the same room with me.

For Galen, the change in workers was ultimately a positive experience; he noted that he liked his second worker and found him to be 'better' than his original worker. Similarly, some other young people were also happy with their change in workers:

After that [my old JJO] gave me a call and said that she was going away for [medical reasons] and said she wouldn't be back for a while so I was going to have a new Juvenile Justice Officer and I thought 'Well I don't know this Juvenile Justice officer so it could be harder than [my old JJO], could crack down on me more so I'll definitely go and see him' and then, um, but, no [current JJ Worker] is a really nice guy, he is understanding and he's... down to earth and so, I get along with him quite well. (Sarah)

When they said I had to go see my JJ Officer. But, I was seeing some other dude before I met [current JJ Worker]. [...] And that, it was just making me, like, I dunno, that dude wasn't really helping, so then, after I met [current JJ Worker], I dunno, I just started liking it. [laughs] [...] I think [he did a report]. And then after I finished with him, I met up, like, then I had to go see [current JJ Worker]. [...] And then when I met up with her, I dunno, I just started liking her and that, when she started saying stuff to me. [laughs] [...] She's, ah, helpful. (Taina)

For some young people the change of workers was associated with a geographical move or a new court order. For example:

Because I moved into [suburb of current JJ office] side, like, I was in the middle of [suburb 2] and [suburb 1], so they chunked me on the [suburb 1] side, but then when I moved on the inner side of [suburb 2], like [suburb 2] like [nearby suburbs], do you know that area? (Mara)

I finished, like with my other workers, I got off what I got put on by the magistrate and that, and then I ended up doing another offence, and got on another bond, and then they gave me a different JJ. [...] Like, they said 'Have you been here before?' I said 'Yeah.' I said 'This is like my third time or something' and they was 'Oh yeah', and then they just go see the other JJs that was with me before, ask them, you know 'Is he a nice kid' and that, look through the papers and that, and check up, and yeah then they know everything about you then. (Babana)

Babana also talked about a previous change in JJ workers that he had requested because he was travelling 'too far' to his local JJ community office:

Babana: Yeah I wanted, I wanted to change it [to local JJ office] because it'd be closer.

Interviewer: So you understood all that when it was happening, you knew why they were moving the order over?

Babana: Yeah. Yeah, no, like I told them, like 'Can't youse move me to go see, like a juvenile justice worker somewhere else? Like closer to [current suburb] or something?' And when they said [local JJ office], I was 'Yeah sweet'. [...] Yeah, I was 'Yeah that's close'. And they showed me the street, and when I was looking at it...my street is like down here, and your street is like up here.

Interviewer: So really close.

Babana: Yeah it's about a five-minute walk. [...] Yeah they showed me in the street directory. [...] Yeah they... I went um... I went out there, had a meeting with him, and then he said 'This is the last time you're going to have to come out here', and I was like 'Yeah?' He said 'Yeah because you're getting changed to, um, [local JJ] office'. I was 'Yeah sweet,' and then he said 'Yep, nice working with you and that', I goes 'Yeah you too bro, I'll see ya, see you around'. And he's 'Yeah, might see you somewhere', he goes 'Who knows? Might even see you on the TV one day.' I was 'Yeah probably.' And then next week, come to [local JJ office], told them I was the transfer from [my old JJ office], and then that's when I met [current JJ Worker].

Interviewer: Hmmmm.

Babana: Yeah, I was thinking, when I was walking up the stairs up to [local JJ office] the first time I come, I was thinking 'I hope the workers are as good as the lad I had up there'.

Even though Babana requested the transition to a closer office and a new worker, he appeared to feel some anxiety about changing workers. Sarah also talked about her ultimately positive experience of initiating a change in worker and how she mobilised the support of her father to achieve this:

I think my dad asked for another JJ, because I told him that I didn't like my other JJ. [...] I think she was just really rude. That's what I thought, anyway, [...] Yeah. And I got changed to [Jane Doe] after, like, two or three times. [...] Well, from the start she was very outgoing, and friendly... [and]... she just basically asked me the stuff she wanted me to do, what I wanted her to do for me to help me with the stuff that I needed help with, and yeah, I come back to her, and she has everything that I've asked her for. (Hannah)

Lilo was changing workers at the time of the interview and was very upset about the situation. However, she thought that it might be possible for her to request a new worker from the manager at the JJCS office if things did not improve with her new JJ worker:

Interviewer: So what about with your new worker, why did you say it all comes 'crashing down'? What are you worried about?

Lilo: I don't know, I just, I don't feel comfortable with her.

Interviewer: So what will you do if you don't feel comfortable with her in a couple of months?

Lilo: I dunno, I'd talk to the manager or something. [...]

Interviewer: So if you don't get along with your worker you can change workers?

Lilo: I don't know, but I'd have a try if I didn't get along with her.

Lilo explained further about the difficult transition she was experiencing, noting that she had not felt properly informed of or involved in the decision:

But now that I've changed JJ Workers, um, yeah. [...] I don't know. It just happened. [laughs] [...] Yeah. She rang me up one day and she said that, um, that she won't, um, ah, she's not longer going to be my JJ worker anymore, that I'd have a new one. [...] Yeah. And I met my new JJ worker [recently] when I [went to local JJ office]. [...] It felt awkward. [...] Yeah, because, um, [my old JJ worker] knew me, but she didn't, like that lady didn't. [...] No. I think she said, um, I think that it was just, um, something about her, something about the boss or something, changing workers over or something. [...] No. [My old JJ worker] would still be in the office but yeah, she's not leaving. [...] Um, [my old JJ worker] would ask me [...] how is stuff at home and yeah, she would ask me questions and everything. [...] I felt comfortable with [my old JJ Worker]. Yeah. But then after having a worker for so long you get so like, um, comfortable with them, but then I got a new one and then it all came crashing down. [...] I don't know, it's just that I don't feel like she would understand me the way [my old JJ worker] understood me. (Lilo)

The researcher asked Lilo if there was a better way that could have happened:

She couldn't have left at all. [...] Make her, like ask her to explain why she's going. [...] Yeah. I don't know. It just...I don't know, it just got like...completely like, comfortable with her, like, comfortable like, comfortable like how I'm comfortable with my family; that's how comfortable I got with [my old JJ Worker]. (Lilo)

Other young people also expressed relatively strong positive feelings towards their existing JJ worker and negative feelings about having to change workers, typically due to leave arrangements or for reasons that they were not sure about:

Crispin: I had a different JJ for a while. I had to see a couple, like, and I had different ones weekly.

Interviewer: Different ones weekly?

Crispin: Like, I think, not all the time, but, like, I think I had one or two and then, like, I had a normal, like back to where I was, a different JJ but, like, my normal one all the time and then...I think I had [John Doe] then. [...] Oh...sometimes I had to see the Duty Officer, but that was it.

Interviewer: So how did you find out that [your previous JJ worker] was leaving?

Crispin: Oh he told me.

Interviewer: And how did you feel about that, him leaving?

Crispin: Oh...a bit gay. [...] It was a bit gay 'cause, like, he left and, like, I sort of got to know him heaps and then, like, I just had to change then.

The importance of a trusting, positive relationship with a JJ worker is evident in Crispin's comments, as well as those from other young people. Mara, for example, said about her JJ worker: 'I don't know, I loved her, I love her so much, she so hectic, she actually helped me so much in my life, like now'. Felix also talked about the mutual trust required between himself and his JJ worker:

[T]hey trust me on my words as well. You get what I mean? [...] So, so, yeah, so, they trust me in my words what I'm saying and I trust them, yeah, kind of like that.

Some young people, like Crispin in the previous example, saw a duty worker when their allocated JJ Worker was not available. Andrew, for instance, reported seeing a duty worker and not really understanding the role: 'I don't know, she was just talking to me.' He added that he was currently also not seeing his regular JJ worker and that the experience was similar:

Oh my JJ's on holidays at the moment. [...] I'm seeing [CSO worker] through the week. [...] He's just supervising me while my JJ is away. [...] Oh, he just makes sure he spends some time with me and talks to me. (Andrew)

Kiera appeared to experience particular difficulties when she was unable to reach her usual JJ worker and had to deal with a duty worker:

Keira: Oh, 'cause I want to get out of the fucking house and I need, if I can't get out anywhere, I ring [current JJ Worker], she comes, picks me up. Like, she has to ask her boss first, but, mostly her boss says, 'Yeah', because I'm ringing and asking for help. Oh, [John Doe] told me, [John Doe] goes, when I rang up, he was on the desk and he's like 'Um, we're not a taxi service', I'm like 'Listen [John Doe], just fucken' put [current JJ Worker] on, I fucken' want a lift, shut your fucken' mouth'.

Interviewer: Who's [John Doe]?

Keira: [John Doe]'s another JJ on duty and then he put [current JJ Worker] on and he was trying to tell me that they weren't going to come and pick me up,

but because I could have reoffended in the situation I guess, that's what they were thinking at so they come picked me up.

Interviewer: So was it just about reoffending or was it also about how they feel about you?

Kiera: Oh, well, feeling about me and reoffending I guess, all together.

Interviewer: So do you feel like they care about you? Or is it just about the offending?

Kiera: I don't know, whatever. I guess so, I guess they care. I don't really know.

Other young people also talked about experiences of their JJ workers being absent and having to see other people instead, with whom they generally did not like having to share personal information:

Then he went on a holiday... [...] I only had [my JJ Worker] and then he went on a holiday and then I had [a temporary JJ Worker] and then I think [my JJ Worker] [came back from holiday]. [...] Yeah, that was cool, 'cause I know 'em both pretty well. [...] When I had [the temporary JJ Worker] I just... [yawns]... just talked to him about everything and life and stuff, just like, like nothing, just talked and stuff. Um, but yeah, once [my JJ Worker] came back I asked him to try to do the thing, yeah. [...] Yeah, like, if I wanted something, but I didn't, like, at that time I didn't really want to ask him, like, I wanted to talk to [my JJ Worker] 'cause I like, know him like, well and stuff. (Daniel)

Um, I think just like – like, when she's away, I just, like if I, yeah, if um, they, I just sign in or something... and then talk to the, um, to the people that just supervise or



something, yeah. [...] They just ask you the questions that need to be asked, like 'How's life?' Oh, yeah, well 'How's life?' What you get up to, what've you been doing, you been obeying curfew, blah, blah, blah, you know? So, like, they don't – because I don't know what to say, yeah. [...] It would be weird, because, um, I opened up to one person, but then like, and then like, I have to, like, retell them how the thing is, so I don't want to do that, you know? (Felix)

In a similar vein to Felix's concern, some of the young people noted that it was easier to transition between workers when the information flow between them was quite efficient and did not require the young person to begin retelling the same information:

Luke: I dunno, I think like, I was seeing [my old JJ Worker], [who] was supposed to be my one now... which was my first one but he, he moved up to like manager or something so I got this [other JJ Worker] guy... but then I found out that he was just replacing someone else while they were like sick or somethin' so I had [my old JJ Worker] for a little while again. And um, yeah then I went back to [the other JJ Worker]... and, and yeah, like this is while I'm still supposed to be seeing [my old JJ Worker] and then [the other JJ Worker] just told me the other day, that I think he might be like, I dunno, he might be movin' ... like base, and stuff.

Interviewer: Yeah? Did you – was there like a consistent flow of what was happening? Like if you were working on something with [your old JJ Worker] did, did [the other JJ worker] then pick up the same thing and keep working on it...

Luke: Yeah, yeah.

Interviewer: ...or was it all, just did it change whenever someone else came in?

Luke: Yeah, they did like, like they picked up the same kinda... they keep fl, they kept fluent to what they were doing but um, they um, there was nothing much that they were really doing in the first place.

Oh, it was, like, kind of weird 'cause, like, it was just normal, but it was just like, I start again from where I just started. [...] Yeah, it was, like, basically like that, like, they already had my file and, like, of what he had of me... and like they just continued on from there really. (Crispin)

Well, I think they were supposed to meet and I was supposed to meet both of them together, but that didn't end up happening. They just, um... did a changeover from [my JJ Worker], and then I just started seeing – from [my old JJ Worker] – and I just started seeing [my JJ Worker]. [...] They just had to – she had to give [my JJ Worker] all my files and stuff. [...] Just like my charges and, um, my history, I suppose, and...contact details and parents' details and stuff. (Hannah)

Notably, Sarah was also happy with the way her transition to a new JJ worker had been managed, even though she had to retell some of the same information:

I don't think they did [share information about me], because when I first met [my JJ worker] he pretty much asked me all the same questions like she did. [...] Yeah. I got more respect for [my old JJO], because I felt that she didn't want to tell my story, she wanted to let me tell my story. (Sarah)

### 7.3.6.1 Audience Review

The importance of continuity and consistency for young people with workers resonated strongly with the Agency Workers. They concurred that changes in workers for the young people were a common situation:

Yeah, this would happen a lot. For some young people it's very difficult just to walk through the door and they might have had a good rapport with their previous worker that took a long time to build, so just changing workers would be really hard for them. [...] There is a lack of recognition from juvenile justice workers and the executive about how important those relationships can be for young people – for some of them, it's all they've got. When I used to work in custody, some kids would call custody workers on Christmas Day, you know, just for a chat 'What are you up to?' because they had no one else to talk to.

Yeah, it seems to be a trend in government departments; there's lots of secondments and overall low staff retention rates – they need to work on this because young people are a victim of that. At least every three to four months, someone in the care team will leave, be they youth workers, case workers, or managers; it happens at all levels. Young people are so used to having new workers every few months and this links to the issue directly of having to build up attachments or relationships with workers, it's really hard for the young people to do that when the workers keep changing.

Some young people have had two to three different case workers from Juvenile Justice NSW – you need continuity.

Several Agency Workers commented that they understood the young people would find changing workers to be stressful because of issues related to attachment and building trust and rapport with others:

Yeah, it's [...] about *trust and rapport* – the kids have lots of insecurities and *trust issues*, so it takes them a long time to *build rapport* with people and then suddenly it all changes; workers get moved around, just as the kid's feeling good, feeling comfortable and then they're let down again – this is really huge for young people.

They've built a relationship already with a worker – people float in and out of their lives; family, case workers and they have to tell their story a thousand times to people; they're over it – they like the relationship, they've *built trust* and they're comfortable with that worker. When workers leave, it's like losing a friend, *someone they can trust* and for some young people without family, it's very tough – they can feel betrayed and lonely.

Because they've lost an attachment with that worker when they leave and they have to start over again with the new worker – they have to restart working with that person and this could be a real change; the person might be very different to their original worker. Also, if they had a good JJO, then they were parent-like, so there's an *attachment issue* there.

The young people's emotional maturity is far behind their physical and social maturity and the *attachment process* is dominant in those scenarios, but it's never talked about really, despite it being critical with *rapport-building*. It takes, in my experience, at least six weeks of *trust-building* with these young people and [...] if they change workers [...] after the six weeks it can be *very stressful* for them.

They might be angry because they haven't been informed correctly about what's happening and the relationship they had with the first worker could have been a pretty good one – they might have *had trust* and now they have to start all over again. The young people who are okay with this probably didn't have the best relationship with their worker in the first place.

Some Agency Workers remarked that while worker movement and changeovers were inevitable, the stress experienced by the young person could be mitigated through better hand-over practices:

A lot of the time young people have no structure or routine in their lives and a worker or case manager can be the only constant they have. When changes are quite significant, if they're not managed properly, for example, with a winddown period and proper handover, then it can be very upsetting; they have to start all over again, explain everything again and it can be very frustrating. It shouldn't be just a quick change.

It's [...] a hard one to solve, you know, people get promotions, people go on holiday and take leave; people want a life.

Yeah, it's the way governments work if people do get a secondment or a transfer, well it's the nature of the beast, but you do need more of a changeover. If someone else came on board here, I would make a point of doing a changeover, we'd both see the young person, so they understood what's happening and why it's happening. You can't just tell them and then move the paperwork across desks.

[W]hen a young person changes regions in Juvenile Justice NSW they are required to attend the nearest office, but there could be a warmer reception process, a better way of introducing them to their new worker – possibly due to high workloads this doesn't happen, but managing these kinds of transitions should be done better – there's both an emotional and a procedural dimension to this issue.

The JJ Workers comprehended that the young people would find changing workers stressful and reflected on how these changes might be experienced by the young people:

'Cause I think sometimes, we might think it's really clear, but we're not – or it makes sense in our language moving into a different role, but what does that actually mean for them? I don't know...

I think it depends on the client too. I've found that really high-risk kids who have a lot of people involved will have more of the case conferences and those kind of handovers [...] than [...] your kid on a six-month bond for a low-level offence that moves from [suburb to suburb]. So, you might do a quick changeover on the phone and then you just start work with the young person.

Some of the JJ Workers commented that they had limited input into decisions about client-worker allocations:

Yeah, I had a file... or it happens a fair bit, every now and then, you get a file on your desk 'What's this about?' And then, the explanation is 'Oh, he's ramped up his risk, so now he's yours.' [pause] And 'All right.' [laughs] You just got to roll with it. The kid's coming in this afternoon and that's kind of... all there is to it [laughter]. You just got to pick up the ball as it's bouncing along [laughter].

I actually have arguments with management in our office – if we're going to get controversial – about actually slap-happily changing clients, due to caseloads.

Yeah, yep, that's sort of what I'm talking about.

Yeah, managers need to manage that better and I've actually said that 'You're not taking any of my clients.' [laughs] Or I'll, you know, release the lower-risk ones and I take the worker in there, so I've already done a handover beforehand, but I do that in front of the client, as though the worker doesn't know anything about them, so it's sort of like sharing information, with their consent, right then and there [...] so that, you know, it is that smoother transition. And so that they've left that relationship positively, so it's not a reflection on them as to why I'm not working

with them anymore – circumstances in the office or change of roles, something like that.

Notably, one of the Agency Workers suggested much the same hand-over approach:

A good handover would be a three-way meeting with their old juvenile justice worker and the new one and the young person so the old worker can actually introduce the new one and reassure the young person that they're a good person, that sort of thing.

The JJ Workers also understood that changing workers made it difficult for the young people to develop trust and rapport with their new worker. This led to a discussion about the role of duty workers, as follows:

'Cause if you're just hi-fiving a kid, like [when] he comes in, you get nothing out of it, like –

'Cause if you got no rapport with a kid, you're not gonna go and try to delve in and get anything out of him; you'd only really just check in, making sure 'Are you staying out of trouble? Do you need any help with anything? All right, no worries. Catch ya later, see ya.' Hi-five. So... [quiet laughter].

Well, and that's what you're doing on duty, like –

On duty, that's what I was thinking... [general agreement]... it's difficult.

Yeah. Yeah, because it – yeah. We all know, you know, the best way to get to a kid is a kid you got a good rapport with; you don't have as good a rapport with a kid who just walks in the door – he don't want to tell you nothing, or *she*.

[...]

It's just to tick a box, so that you say you've been seen fortnightly, 'cause your worker wasn't here [agreement]. Really, that's really about all it is [agreement].

It's just ticking that box.

Especially if the kid's travelled from afar and they're only [seeing you] for like five, ten minutes. It can be pretty upsetting; they get quite agitated.

Yeah, I feel slack when the kid's coming from [long distance].

[...]

And I think kids know that [...] your job is meant to be helping them and if you just come in and have a *chat*, then [...] they know that 'What's the point of that?' Like 'What are you doing for me? Why am I coming here?' [agreement]

## 7.4 Conclusion

This chapter provided an overview of the characteristics of the study participants. The six themes identified from the interviews with the JJ Clients were described, using the words of the young people as evidence. The themes are defined as follows:

1. 'Case management' is meaningless
2. Many workers, but no clear case manager
3. Assessment is being judged for the court
4. Case plans are confusing, setting goals makes more sense
5. Planning and talking can help, but action is better
6. Transitions are common and stressful, especially changing workers

The credibility of the researcher's interpretations in relation to these themes was confirmed through the extracts provided from the audience review with the JJ Workers and the Agency Workers. The next chapter consists of a discussion on how the findings relate to the



previous literature; the unique contributions, strengths and limitations of this study; and the researcher's conclusions from the study as a whole, including implications of the findings for practice, policy and research.



# Chapter 8: Discussion

## 8.1 Introduction

This final chapter presents a summary and discussion of the thematic findings generated in this study about how juvenile justice clients understand and experience case management. The aims and research questions that guided this study are reviewed and linked to the findings. It then relates these findings to the previous scholarly literature, identifying themes that are consistent with the previous literature and themes that constitute new findings of this study. The chapter then considers implications and future directions for practice, policy and research, the general contribution of this study to the field and strengths and limitations of the study. It finishes with a brief chapter summary.

## 8.2 Summary of the study and findings

This research explored directly with juvenile justice clients how they understand and experience case management. This is important, given the statutory nature of case management with children and young people in juvenile justice and the onus of responsibility on them to understand and comply with their legal obligations (Barry 2013b; Cunneen, White & Richards 2015). Clarity in case management arrangements is crucial for young people in juvenile justice to understand their role and responsibilities. This study sought to answer the central research question: How do clients of Juvenile Justice NSW understand and experience case management? To address this question, two subsidiary questions were also posed:

1. What is the nature of the case management services offered to clients of Juvenile Justice NSW?
2. Are these clients experiencing case management as the literature suggests it occurs and should occur?

Chapters 2 to 5 provided important contextual information to inform this study. Chapter 2 examined the contemporary Australian juvenile justice system as the context for case

management. It also considered the characteristics and needs of children and young people involved in this system. Chapter 3 examined the origins and evolution of contemporary case management and how it is situated within the context of Australian youth justice. The various theoretical influences and discourses that shape case management policy and practice – and therefore, the experience of case management – were also considered. Chapter 4 located case management within the so-called ‘what works’ literature and the contemporary evidence-based practice discourse related to youth justice. It identified and determined the importance of case management as the framework or context for supervision and rehabilitative interventions in juvenile justice. Chapter 5 reviewed the existing research literature to identify what is already known about youth justice clients’ understanding and experiences of case management, and how best to address this in research. The review concluded that very little is known on this subject and it is important to explore this experience directly with the juvenile justice clients themselves. This gave rise to the research questions that guided the study’s methodology, described in Chapter 6.

Chapter 7 presented the six thematic findings identified in this study. These are summarised, as follows:

*‘Case management’ is meaningless* – case management is an unfamiliar and abstract construct for the young people in this study. The term and its components are sometimes taken literally by the young people or associated with jargonistic, legalistic and managerial concepts, such as file management and report handling, monitoring and court cases. In some instances, the young people understand themselves to be the ‘case’ for management.

*Many workers, but no clear case manager* – most of the young people in this study were assigned several workers at a time. Typically, this reflects multi-agency working, but in some instances, young people have several workers just from JJ NSW. The young people did not readily identify a case manager without prompting from the researcher, unless this was included in the title of a worker’s role. The young people are nevertheless familiar with the idea of a key or main worker. They tend to equate JJ workers in the community or custody with a case manager role, but describe those respective roles differently, attributing a more operational role to the custodial workers. Some young people describe a small team

approach to case management from their workers and find this helpful, even with no clearly identifiable person 'in charge'.

*Assessment is being judged for the court* - the young people experience assessment as being done *to* and *about* them, rather than *with* or *for* them, especially through the Background Report process. Some of the young people mentioned risk and mental health assessment and appear to understand the dual role of the JJ workers in assessing both risk and need. Several young people experience the background report process in quite a personal way, especially when the assessment involves a home visit. Most of the young people said they had not seen or were not aware of the contents of their Background Report, prior to it going to court. Many feel that the Background Report is highly influential in determining their sentencing outcome. A few of the young people felt that this is somewhat predetermined by the JJ worker and the magistrate.

*Case plans are confusing, setting goals makes more sense* – the young people tend not to know about or explicitly mention a case plan or case planning. Instead, they commonly refer to 'setting goals' or making a 'to do' list and discussing this with their JJ worker as a regular part of supervision. In some instances young people are clearly involved and invested in the goals they have set; in other instances, it is evident that the goals have been set *for* them. Some of the young people prefer a more informal approach to case planning, and some are confused about what is and is not legally required as part of their case plan. In particular, a few young people query the extent to which they can legally be compelled to engage in counselling or job searching.

*Planning and talking can help, but action is better* – the young people appreciate being able to talk with their workers in a mutually open and respectful way, but especially value their practical support. In particular, the young people are positive about workers who assist with transport, food, and access to services, such as welfare support, school and employment. It is evident that the young people often interpret these actions as an indication of genuine care and commitment from their workers. Some of the young people also express a desire to spend less time talking with their JJ workers and more time engaged in shared activities. Almost all the young people appreciate the support of their workers in

helping them to prepare for court, supporting them during a court appearance, and explaining the implications of their sentencing outcomes. In some cases, the young people feel that their JJ workers are better placed to provide this support than their solicitors.

*Transitions are common and stressful, especially changing workers* – the young people experience frequent transitions across the continuum of juvenile justice, and changing workers is particularly stressful or problematic for some young people. It is evident from the descriptions provided by the young people in this study that there is no single or consistent approach among workers for managing these transitions. The young people typically experience a change in worker without much prior notice and in some cases, without any notice at all. The changes appeared to commonly occur due to staff leave arrangements or role changes. In these instances, the young people are likely to deal with a temporary ‘duty worker’ and several appeared uncomfortable with this arrangement and unclear about the purpose of this role. For some young people the change of workers was associated with a geographical move or a new court order, while a couple of the young people initiated the change by requesting a new worker. Almost all the young people experienced some level of anxiety related to changing workers, but the outcome was ultimately experienced as positive for those who liked their new worker better. However, a few of the young people described the experience of changing workers as highly distressing and difficult to adjust to.

The findings are now explicitly related to the research questions in the discussion that follows.

### **8.2.1 Juvenile Justice clients’ understanding and experiences of case management**

From the summary of the findings just provided, it is evident that the understanding and experience of case management for the juvenile justice clients in this study, is essentially abstract.

In this study, ‘case management’ refers to the arrangements made to coordinate and integrate the different components of a court order and associated case plan for a juvenile

justice client, particularly through the processes of assessment, planning, implementation and review. In general, the young people experienced these processes implicitly, rather than explicitly. However, they spoke of many aspects of their experience that clearly relate to the core case management tasks. In response to the first subsidiary research question, the nature of the case management services offered to the participants in this study is described as follows.

The young people experienced *assessment* as a process of being judged, usually for the court. They spoke about magistrates determining their 'worth' to be in the community and JJ workers deciding about whether or not they are a 'good kid'. However, the young people also generally understood that the determinations were being made 'for their own good'. In this way, they recognised the dual role of their JJ workers. The young people strongly associated assessment with their experiences of the background report process, connected to their sentencing for court. Some of the young people also talked about risk assessment and mental health assessments, but none appeared aware of any the JJ NSW structured risk and needs assessment tools (see Murphy et al. 2010).

The young people typically did not know about or mention a *case plan*, but many talked about setting goals or having a 'to do' list. Therefore, planning was experienced as a relatively informal goal setting process for most of the young people and indeed, was often a part of their regular supervision meetings. While some young people did not experience this as a collaborative process, in most cases young people indicated their involvement in setting goals. This is consistent with the person-centred values of early case management, discussed in Section 3.2.4, particularly that of enhancing a person's right to self-determination. However, as evident from the audience review, the informal goal setting process is separate to the formal case plans, about which the young people appear to have no knowledge.

In terms of *implementation*, most of the young people talked about their JJ worker or another worker making referrals or linking them with services such as Centrelink, education, employment or training. The young people were typically involved with multiple workers and agencies, and appeared to have a rudimentary understanding of their different roles. It

is clear that the participants valued a *relational* approach with their workers and that the nature and quality of the client-worker relationship played a role in their case management experience. However, the frequency of worker change-overs during their periods under juvenile justice supervision, suggests their overall experience may be a more *transactional* one. In multi-agency arrangements, the participants did not appear to experience a strong steering and rowing (coordination and implementation) divide between the roles of workers. This suggests it may be more mixed in practice or simply unclear.

Several also mentioned their JJ worker providing *direct intervention*, such as supervision, counselling, 'talking' or more practical forms of support. The young people were also clear about the monitoring and reporting role of their JJ workers. Many young people expressed a preference for practical support such as driving them to appointments or providing assistance at court. Overall, the young people's experiences of case plan implementation is reminiscent of the discussion in Section 3.2.5 of the decline of 'indirect practice' in social work and probation in the first half of the last century (see also Reynolds 1934, 1939; Robinson 1930). That is, more office-based talking and psychological 'interventions' than practical help and support.

None of the young people discussed processes related to a *case review*. Overall, the weight of their experiences emphasises assessment and planning, referral and linkage, rather than implementation and review.

Finally, the study made two important findings in relation to the integration of the court order and associated case plan for juvenile justice clients. Firstly, it is clear that the court order and its associated conditions drives much of the case plan. For example, it determines the length of supervision and thus the short or long-term nature of case plan goals. The court order also sets out specific conditions for intervention, such as counselling or community service hours. It is notable that some of the study participants were allocated multiple different workers employed by JJ NSW to fulfill these conditions. The three young people in this study required to undertake community service hours were among those with the most workers. Secondly, it is evident that the mandatory nature of specific case plan requirements are not clear. This suggests some ambiguity in the relationship between the



court order and the case plan. As discussed further in this chapter, these are points with implications for practice and policy that warrant further research. Therefore, in answer to the second subsidiary question; case management is not experienced by the clients in the way the literature suggests it ought to be.

This is also evident when the experiences of the participants in this study are compared to the principles for effective case management practice with juvenile justice clients, identified in Chapter 4. Table 8.1 provides a summary of these principles:

*Table 8. 1: Principles of effective case management with juvenile justice clients*

Principle	Description
Clarity	The role and purpose of different workers, agencies and interventions should be clear to the client and all other relevant stakeholders
Collaboration	Timely and ongoing consultation and communication with the client, family, workers, and agencies
Consistency	The client should experience consistent and seamless service delivery to improve motivation and learning and assist in the development of trusting client-worker relationships
Continuity	The client should experience the sense of single, holistic, steady, supportive relationship through continuity across assessments, supervision and interventions
Consolidation	The client should be provided opportunities to practise learning, make mistakes and use existing strengths
Commitment	The case manager should be genuinely committed to the client, the supervision process and the case plan
Compliance	The client needs to be supported to comply with the conditions of the legal mandate and the associated case plan

(Adapted from Day, Hardcastle & Birgden 2012; Holt 2000a; McNeill & Whyte 2007; Turner 2010; Turner & Trotter 2010)

The evidence of the clients' own words in Chapter 7 indicates that these principles are generally not part of the majority of their experiences.

### **8.3 Findings consistent with the existing literature**

This study generated six overarching themes to answer the general research question. Some aspects of these themes are consistent with the prior research findings reviewed in Chapters 4 and 5, as well as with the broader literature discussed in Chapters 3 and 6.

The finding that young people had no clear 'case manager' is consistent with findings from at least three studies specific to youth justice in Australia (see Armytage & Ogloff 2017b; Keys Young Pty Ltd 1997; Roy & Watchirs 2011). The researchers in these studies report that case managers are not clearly identifiable, due to blurred lines of responsibility and accountability. However, it is not clear in any of those studies whether this finding is directly attributable to the perspectives of youth justice clients or based on the researchers' own observations. A related point of this study is that some participants appeared to identify and conceptualise the case manager role differently between community and custodial settings. Similarly, findings from several studies of youth justice in Australia (e.g. Armytage & Ogloff 2017b; Roy & Watchirs 2011; White & Gooda 2017) and the European DOMICE Project (DOMICE 2012) suggest that case management is conceptualised differently in custody and community-based settings. More specifically, Moore, Saunders and McArthur (2008) found that young people in custody in the ACT do not fully understand the role of case management and tend to think it is limited to operational matters. This is congruent with the way some participants in this study view the role of key workers in youth detention centres.

A further finding of this study is that transitions are common and stressful for juvenile justice clients, especially changing workers. This theme has support in the existing Australian and international research literature, which both notes the frequency of transitions for juvenile justice clients and emphasises the importance of continuity, consistency and trusting client-worker relationships (e.g. Barry & Moodie 2008; Halsey 2006; Keys Young Pty Ltd 1997; Moore, Saunders & McArthur 2008; Roy & Watchirs 2011;

Tregeagle 2009). In particular, Halsey (2006) found in his research with young male offenders that some experienced strong emotional reactions to changing workers and difficulties developing trust with new workers. This is consistent with the experiences and feelings about changing workers reported by some of the participants in this study. The implications of these findings for practice, policy and research are discussed in Section 8.5.

## **8.4 Findings that are new**

One of the major contributions of this research is its identification of new themes which are not mentioned or considered in any depth in the prior literature. These are now each discussed in turn.

The theme that 'case management' is meaningless to juvenile justice clients is a novel finding, as other research does not appear to have directly addressed this with youth justice clients. Similar insights can be inferred from recent reviews of youth justice systems in Australia that have identified fragmented and unclear systems (e.g. Roy & Watchirs 2011; White & Gooda 2017). However, until this study, the meaninglessness of case management as a term and concept has not been reported on in research with juvenile justice clients. However, it is worth noting that the meaninglessness of case management is confirmed in one other study from the perspective of adult probationers in England and Wales (see Partridge 2004); no other research appears to have examined this directly with youth justice clients. This theme also broadly confirms the academic literature that characterises case management as an abstract and ambiguous construct (see Austin & McClelland 1996b; Gursansky, Harvey & Kennedy 2003; Gursansky, Kennedy & Camilleri 2012; Moore 2009, 2016a). Moreover, it supports the need identified by Snow and colleagues (Snow & Powell 2004, 2012; Snow & Powell 2005, 2008, 2011) to minimise the use of figurative language with young offenders (see Section 6.6.11). This has particular implications for practice, policy and research, discussed later in this chapter.

Three important points, requiring further research, were identified as part of the overarching finding that the juvenile justice clients have many workers, but no clear 'case manager'. Firstly, this study identified that most participants had multiple workers in

addition to their JJ worker (see Section 7.3.3). While other studies in youth justice have identified this as relevant to multi-agency working (e.g. Armytage & Ogloff 2017b; Roy & Watchirs 2011), this study found that it also related to the practices of the juvenile justice agency. Some participants were only involved with JJ NSW, but were assigned multiple workers, such as a supervising officer, counsellor and community service supervisor. Secondly, some of the participants reported positive experiences of collaborative, small team approaches to case management. This is consistent with findings from studies of case management models with adult offenders (see DOMICE 2012; Partridge 2004), where small team approaches have helped mitigate the impacts of staff absences and turn-over to improve the continuity and consistency of service delivery. However, the pros and cons, and clients' experiences of particular models of case management in youth justice does not appear to have had prior investigation. Similarly, in relation to the third point, no prior research attention appears to have been given – in either youth justice or adult corrections – to the importance of relevant worker job titles for identifying a case manager. As discussed in Section 8.5, this finding and that related to the assigning of multiple workers from JJ NSW to one client has already received attention at the policy and practice levels of the organisation.

This study found that the young people experienced assessment as 'being judged', usually for the court. In particular, the young people strongly associated this with their experiences of the background report assessment process, connected to their sentencing for court. This is an original finding that does not appear to have been identified in the prior research literature. Existing studies of case management in Australian youth justice have noted and discussed the use of structured risk assessment tools (see Armytage & Ogloff 2017b; Murphy et al. 2010), but have not considered this from the perspective of clients. Notably, although routinely used in JJ NSW (see Murphy et al. 2010), none of the young people in this study appeared aware of the Youth Level of Service Case Management Inventory. A few participants mentioned or alluded to risk assessment processes, but only in relation to mental health, discussions about re-offending during supervision or anger management counselling (see Section 7.3.5).

The young people in this study found case plans to be confusing and setting goals to make more sense. While this theme has some congruence with findings of other relevant studies, overall it is a new contribution to knowledge. The participants' general lack of knowledge about or understanding of a formal case plan appears supported by related findings from a few existing studies. For example, Barry and Moodie (2008) find that clients in out-of-home care in Scotland have limited knowledge of and access to their formal care plans. Findings from three Australian studies (see Halsey 2006; Tregeagle 2009; Tregeagle & Johnstone 2013) support the notion that young people prefer a less bureaucratic and more informal, 'child-friendly' approach to case planning. However, the experience of case planning from the perspective of youth justice clients does not appear to have been the subject of previous research. This study's finding that participants are confused in some instances about what the mandated and non-mandated requirements of their case plan are, is particularly important. In essence, there is a communication gap between what is formally deemed necessary for a young person to undertake and how this is actually understood by the young person. Significantly, some young people felt that their JJ workers were deliberately being ambiguous about the mandated nature of requirements of their case plan. The 'grey' areas related especially to school attendance and employment, and divulging personal information in counselling and supervision. In this sense, there appeared to be a disconnect between the requirements of the court order and the case plan. The workers themselves openly acknowledged this situation, as revealed in the audience review.

This study identified that the young people find planning and talking helpful, but prefer action in the form of practical support and outcomes from their workers. This theme broadly supports the findings from numerous existing studies about the importance of a relational approach to practice, a positive client-worker relationship, and relevant skills and attributes of workers to achieve this (e.g. Barrett 2012; Barry & Moodie 2008; Hartwell et al. 2010; Moore, Saunders & McArthur 2008; Tregeagle 2009; Tregeagle & Johnstone 2013). It also supports findings from existing studies with both young and adult offenders about the importance of the worker showing a genuine commitment to the client, the case plan and the helping process (see Barry & Moodie 2008; Burnett & McNeill 2005; Holt 2000a; Keys Young Pty Ltd 1997; McNeill, F 2006a, 2006b; Moore, Saunders & McArthur 2008; Trotter &

Evans 2012; Weaver & McNeill 2011). However, this theme makes a new contribution to knowledge through the identification of specific forms of practical support, which are important to juvenile justice clients in general and for gauging the commitment levels of their workers. These include the provision of transport, food, financial support, service advocacy and support related to court. In particular, the young people appreciated the moral and practical support of workers in relation to their court matters, assisting them to navigate through unfamiliar and often bewildering legal processes. The workers were typically from JJ NSW but could also be from community agencies. In some cases, the young people found their JJ workers to be more helpful than their solicitors in helping them to prepare for court and explaining what had occurred at court.

The implications of these findings for future practice, policy and research are considered next.

## **8.5 Implications and future directions for practice, policy and research**

A number of important implications for future practice, policy and research are evident from the findings of this study. These are now considered in relation to each of the six themes.

### ***Case management' is meaningless***

The finding that case management is meaningless for juvenile justice clients suggests there is a need to re-examine the use, and meaning of this and related terms. This is particularly important for practice with juvenile justice clients, since role clarification has been found to positively impact client outcomes (Trotter 2015; Trotter & Evans 2012). More specifically, workers should clarify their own role for the client, as well as the roles of other relevant workers, and the purpose of interventions (Trotter 2015). If 'case management' is, as the workers in this study argue, a term that is meaningful to *them* for guiding their work, then this has implications for how they understand their role. In turn, this has implications for how this role as it relates to case management is conveyed to clients. In light of the

ambiguity that surrounds understandings of case management in juvenile justice, evidenced in the literature as well the audience reviews in this study, this is an important issue for further research.

Following the logic that underpins role clarification, it would seem prudent in practice to help young people conceptualise how they might journey through – and out of – the juvenile justice system. A clearer explanation of the process of case management and the core tasks of assessment, planning, implementation and review could potentially assist. It is notable that Hannah, who provided the most comprehensive explanation of ‘case management’ in this study, had previously been involved in an intensive case management program. Similarly, Lilo provided the clearest explanation of a ‘case plan’, despite not actually having one, because someone had explained the concept to her. This suggests that at least some juvenile justice clients could benefit from efforts made to explain the case management concept to them. Moreover, some thought could be given to making the term more relevant for young people, particularly since several of the participants in this study associated it with legalistic and managerial constructs. Indeed, based on the varied and sometimes literal interpretations of case management offered by the JJ Workers in the audience review, this may also benefit their understanding. Additionally, if the purpose of case management in youth justice is to facilitate rehabilitative interventions, then it may be important that this is reflected in the language. McNeill (2006b, 2008), for example, suggests that it is more helpful in the context of desistance to talk about *change management* than case management.

A further implication and suggestion for policy is for peak bodies to play a stronger role in defining the term ‘case management’ and expected standards for its design and implementation in practice. The Australasian Youth Justice Administrators (AYJA) could, for example, provide a definition and clear conceptualisation of case management within its national standards documents and establish benchmarks for good practice. This would have flow on effects for the quality of jurisdictional reporting about case management to the Australian Institute of Health and Welfare (AIHW) and assist in the comparison and evaluation of case management across the different state and territory juvenile justice

jurisdictions. Similarly, other relevant peak bodies such as the Australian Association of Social Workers (AASW) and the Case Management Society of Australia and New Zealand (CMSA) could assist to define and establish practice standards for case management in youth justice contexts.

### *Many workers, no clear case manager*

The findings about young people not being able to identify a 'case manager' may mean that workers do not describe themselves as such. Further research is needed to understand how workers in youth justice contexts understand and communicate their role, particularly in multi-agency arrangements. This applies to JJ workers and to workers from community agencies with the same client group. The evident significance of relevant job titles to help juvenile justice clients identify a case manager, is another subject ripe for further research. Notably, this also has practice and policy implications that have already been incorporated into the operation of JJ NSW, on the basis of the preliminary findings of this study. The researcher presented the finding about the importance of job titles to the JJ NSW Executive as part of an internal report. This prompted an external review of case management, counselling and programs within the organisation that recommended the establishment of a single position, responsible for case management and casework (see McComish 2012). This has resulted in the development of a generic 'case worker' role to replace and combine the Juvenile Justice 'officer' and 'counsellor' roles. This is an important and early outcome of this study.

### *Assessment is being judged for the court*

This study found that young people experienced assessment as something that was done *to* or *about* them, rather than being *for* or *with* them. This was particularly evident in their experiences of the Background Report process, as they did not see them before going to court. The JJ workers suggested on the audience review that an internal quality assurance process now ensures that clients see their reports before going to court. However, further research could assist to determine whether the Background Report process supports or hinders engagement.



### *Case plans are confusing, setting goals makes more sense*

The confusing and generally irrelevant nature of a formal case plan for the juvenile justice clients in this study, suggests that further research is needed in this area. In particular, the effectiveness of current, more informal goal setting approaches should be included in such a study. Given the emphasis on formal case planning in juvenile justice contexts (see SCRGSP 2017c), the relevance for practice assumed, but not established in the research. This is particularly salient in light of the information that emerged from the audience review from the JJ workers about the time spent on formal electronic case plans for bureaucratic reporting processes, and informal goal setting sheets for their practice with clients. On the surface, this suggests a duplication of effort that ultimately is not beneficial to the clients, workers or organisation. Thus, the usefulness of formal case plans set up in an electronic case management system should be reviewed. In addition, the evident confusion about the relationship between the mandated requirements of the court order and those of the case plan is a critical issue, requiring further investigation. A lack of clarity in this area has significant implications for juvenile justice supervision practice, and legal order breach procedures.

### *Planning and talking can help, but action is better*

The findings related to the importance of practical support for juvenile justice clients suggests that greater attention is required on this issue in case management practice and policy. In particular, it appears from the voices of the clients in Chapter 7, as well as the comments made by the workers, that this approach is undervalued in youth justice. Further research is needed to determine the impact on this type of service delivery in contracted case management partnership arrangements. It makes sense that juvenile justice clients, like children and young people generally, are likely to respond better to supervision delivered in creative and active ways, than to talking in an office. This is consistent with the large body of educational literature that shows children and adolescents learn best through activities and play (see Bergin 2018). Moreover, the importance of workers' support for young people at court has clear implications for policy and practice in juvenile justice.

However, further research may also assist to identify a model of effective and continuous court support for juvenile justice clients, in partnership with legal representatives.

### *Transitions are common and stressful, especially changing workers*

The comments from the young people in this study suggest that handover procedures to manage worker-client transitions and office or geographical changes might help them better understand the process. It is notable that given the relatively short duration of their involvement with juvenile justice, most of the young people reported several transitions, particularly changes in workers. Many of the young people were also subject to multiple, concurrent legal orders, which may have added to this complexity. Most of the young people had also spent time in custody and it appears, from their accounts, that this was mainly unsentenced time – or time on remand. A relevant implication for research is to examine the practice of worker change-overs to determine promising or effective approaches that can assist to ensure continuity of care. This could include, for example, examining the role of the duty worker and the practice of using a small team approach for case management to combat the effects of staff turn-over and absences.

## **8.6 The strengths and limitations of this study**

Although this study has a number of important implications for practice, policy and further research, it also has some strengths and limitations that impact the findings and their application. Some of these strengths and limitations have already been acknowledged in Chapter 6.

The researcher used a novel method of enhancing the trustworthiness of this study's findings through the audience review (Patton 2002) method, described in Chapter 6. This approach not only adds rigour to this study, but provides a methodological route through some of the common ethical and practical challenges posed by conducting research directly with juvenile justice clients. As discussed in Section 6.7.5, the audience review process allowed the researcher to mitigate some of the power balances, related to member checking through follow-up interviews. Indeed, the researcher's methodology has been

adopted in a forthcoming doctoral study with juvenile justice clients (Warton, unpublished PhD).

However, there is very little written about *how* to conduct an audience review and the approach taken in this study, offers just one approach. The audience review method was combined with Braun and Clarke's (2017) six stages of reflexive thematic analysis. Notably, Braun and Clarke (2017, n.p.) urge researchers to consider 'which approaches suit your project, and actively decide on the 'version' of reflexive TA [thematic analysis] you do'. The researcher conducted the audience review after the third stage, when initial themes were generated. However, an alternative approach would be to conduct the audience review after the fifth stage, when the themes have been named and defined. Such an alternative approach may more robustly challenge a researcher's findings, though it may limit the capacity for integration of commentary from the audience review.

This study interviewed 18 young people who were community-based clients of Juvenile Justice NSW. This is a small scale exploratory study which aims to gain an in-depth understanding of juvenile justice clients' experiences of case management in the Metropolitan Region of NSW. There are no claims that it is representative of youth justice clients in other areas.

The young people were clients of Juvenile Justice NSW when they were interviewed. They were interviewed only once for reasons mentioned in Chapter 6. Follow-up interviews may have added to the credibility of the study's findings and may also have uncovered more data about their experiences of case management. However, there was sufficient data generated to answer the research question and sub-questions. Moreover, alternative measures for improving the credibility and overall trustworthiness of the study were included, such as contemporaneous member checks and iterative questioning, audience review and credibility triangulation, and a reflexive commentary with audit trail.

The one-off data collection strategy means the study has limitations in terms of time and place. For example, since the data was collected, significant structural and policy changes have occurred within Juvenile Justice NSW. Such changes can have significant implications for service delivery in juvenile justice. They also have the potential to change the

experience of case management for clients of Juvenile Justice NSW. Nevertheless, the findings of the recent major reviews of juvenile justice systems across Australia, discussed in Chapter 4, suggest that case management remains an important topic. In addition, recognising the importance of listening to young people's perspectives appears to be gaining some momentum. This suggests the findings and themes of this study are relevant for generations to come.

Overall, the design of this study works to address its exploratory purpose and associated research questions, and to produce meaningful findings and an in-depth understanding of the juvenile justice clients' experiences of case management.

## **8.7 Summary of the contributions of this study**

This study's particular strengths and contributions are many. Firstly, it explores case management in a juvenile justice context, which, despite case management's popularity in health and human service settings, is an under-examined phenomenon. Secondly, the researcher used a novel method of enhancing the trustworthiness of this study's findings through credibility triangulation via an audience review (Patton 2002). As discussed in Chapter 6, this approach enhances the credibility of the research and could be used in future studies with a similarly challenging ethical and practical context. Thirdly, this study makes a contribution to practice-driven research in social work and criminology and is grounded in an emerging philosophical perspective, described in this thesis as *reflexive critical pragmatism*. Finally, this research adds the unique perspectives of juvenile justice clients to existing 'expert' understandings of case management and juvenile justice. It thus challenges the current culture of silence (Freire 1970) in relation to client perspectives, particularly in youth justice, and helps democratise ways of knowing (Humphries 2008).

## **8.8 Conclusion**

In this final chapter a summary of the study and its main findings has been given. The findings were related explicitly to the research questions and demonstrate the success of this study in answering those questions. The themes identified from interviews with

juvenile justice clients were discussed in light of those confirming the literature, and themes emerging uniquely from this study. Their implications for practice, policy and research directions have been discussed, as have the study's strengths and limitations and the singular contribution of this research.

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# Appendices

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## *Appendix 1: Monash HREC letter of approval*



**MONASH** University

Standing Committee on Ethics in Research Involving Humans (SCERH)  
Research Office

### Human Ethics Certificate of Approval

**Date:** 16 July 2008  
**Project Number:** CF08/1720 - 2008000859  
**Project Title:** Case management in NSW Juvenile Justice: Client perspectives  
**Chief Investigator:** Assoc Prof Christopher Trotter  
**Approved:** From: 16 July 2008 to 17 July 2013

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#### Terms of approval

1. The Chief investigator is responsible for ensuring that permission letters are obtained and a copy forwarded to SCERH before any data collection can occur at the specified organisation. **Failure to provide permission letters to SCERH before data collection commences is in breach of the National Statement on Ethical Conduct in Human Research and the Australian Code for the Responsible Conduct of Research.**
2. Approval is only valid whilst you hold a position at Monash University.
3. It is the responsibility of the Chief Investigator to ensure that all investigators are aware of the terms of approval and to ensure the project is conducted as approved by SCERH.
4. You should notify SCERH immediately of any serious or unexpected adverse effects on participants or unforeseen events affecting the ethical acceptability of the project.
5. The Explanatory Statement must be on Monash University letterhead and the Monash University complaints clause must contain your project number.
6. **Amendments to the approved project:** Requires the submission of a Request for Amendment form to SCERH and must not begin without written approval from SCERH. Substantial variations may require a new application.
7. **Future correspondence:** Please quote the project number and project title above in any further correspondence.
8. **Annual reports:** Continued approval of this project is dependent on the submission of an Annual Report. This is determined by the date of your letter of approval.
9. **Final report:** A Final Report should be provided at the conclusion of the project. SCERH should be notified if the project is discontinued before the expected date of completion.
10. **Monitoring:** Projects may be subject to an audit or any other form of monitoring by SCERH at any time.
11. **Retention and storage of data:** The Chief Investigator is responsible for the storage and retention of original data pertaining to a project for a minimum period of five years.

A handwritten signature in black ink, appearing to read 'Ben Canny'.

Professor Ben Canny  
Chair, SCERH

Cc: Shelley Turner

*Appendix 2: DJJ Research Steering Committee letter of approval*



Level 24, 477 Pitt Street  
SYDNEY NSW 2000

PO Box K399  
HAYMARKET NSW 1240

Telephone: 02 9219 9400  
Facsimile: 02 9219 9500  
Email: [djj@djj.nsw.gov.au](mailto:djj@djj.nsw.gov.au)  
[www.djj.nsw.gov.au](http://www.djj.nsw.gov.au)

Doc Ref: D09/05394  
File Ref: 07/03745  
Contact Name: Claudia Vecchiato  
Telephone: 9219 9458

Ms Shelley Turner  
Area Manager  
Joint Assessment and Review Team  
NSW Department of Juvenile Justice  
7 Speed Street  
LIVERPOOL NSW 2170

Dear Ms <sup>Shelley</sup> Turner

**RE: RESEARCH PROJECT "CASE MANAGEMENT IN NSW JUVENILE JUSTICE:  
CLIENT PERSPECTIVES".**

Thank you for your application to conduct research in the NSW Department of Juvenile Justice.

The DJJ Research Steering Committee has approved your application to conduct the research project entitled "Case Management in NSW Juvenile Justice: Client Perspectives."

For your records, a signed copy of the DJJ Research Agreement is attached. Please ensure that your project meets the requirements outlined in your application and adheres to the conditions outlined in the attached Research Agreement. Any variations will need to be submitted to the DJJ Research Steering Committee for review.

You may now proceed with the implementation of your research project. Please contact Claudia Vecchiato, Research Psychologist on 9219 9458 or [claudia.vecchiato@djj.nsw.gov.au](mailto:claudia.vecchiato@djj.nsw.gov.au) for assistance with this. Congratulations and good luck with your research.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter Muir".

Peter Muir  
Director General  
3 July 2009



*Appendix 3: DJJ Research Steering Committee letter of support for amendment*



**Juvenile Justice**  
Attorney General & Justice

File #: 07/03745  
Doc: D13/10204

Human Ethics Officer  
Building 3E, Room 111  
Research Office  
Monash University VIC 3800

13<sup>th</sup> November 2013

Dear Committee Members,

**RE: CF08/1720 – 2008000859 Case management in NSW Juvenile Justice:  
Client perspectives**

Prof Chris Trotter and Ms Shelley Turner have been undertaking a research project titled "Case Management in NSW Juvenile Justice: Client Perspectives". This research has been integral to Juvenile Justice in building the evidence base for effective practice and interventions with young people.

I have discussed, with Shelley, plans to include interviews with the Non Government Organisations. Following these discussions I am agreeable to the suggested amendments.

Juvenile Justice is willing to provide support for the changes, following formal ethics approval from Monash University. The amendments will be required to undergo approval from Juvenile Justice's Research and Evaluation Steering Committee prior to the commencement of data collection.

If you have any concerns or questions, please do not hesitate to contact me on 02 9219 9515 or by email [monique.mathis@dj.j.nsw.gov.au](mailto:monique.mathis@dj.j.nsw.gov.au).

Kind Regards

Monique Mathis  
A/Manager,  
Research & Information Unit

## *Appendix 4: Monash Human Research Ethics Committee approval for amendment*



Shelley Elizabeth Turner <stur5@student.monash.edu>

---

### **MUHREC Amendment CF08/1720 - 2008000859: Case management in NSW Juvenile Justice: Client perspectives**

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**MRO Human Ethics Team** <muhrec@monash.edu>

2 December 2013 15:58

To: Christopher Trotter <christopher.trotter@monash.edu>, Shelley Turner <stur5@student.monash.edu>, Shelley Turner <shelleyturner75@hotmail.com>

PLEASE NOTE: To ensure speedy turnaround time, this correspondence is being sent by email only. MUHREC will endeavour to copy all investigators on correspondence relating to this project, but it is the responsibility of the first-named investigator to ensure that their co-investigators are aware of the content of the correspondence.

Dear Researchers

Thank you for submitting a Request for Amendment to the above named project.

This is to advise that the following amendments have been approved:

#### **Changes to Recruitment**

- Inclusion of additional group of participants (Group 3): workers from agencies that have worked in a case management partnership or relationship with Juvenile Justice NSW
- The researchers will contact agencies and ask an appropriate contact person to inform potential participants of the project. Interested agency workers will then contact the researcher to be involved in the project.

#### **Changes to Procedures**

- Group 3 participants will be asked to participate in a semi-structured, telephone interview with the researcher for no more than one hour.
- They will also be asked to complete a brief survey to collect basic demographic information about their individual characteristics and their agency, service and role.

#### **Approved documents**

- Invitation for agency workers to participate
- Explanatory Statement for Agency Workers
- Consent Form for Group 3: Agency Workers
- Phone Survey and Interview Guide for Group 3: Agency Workers
- Letter of support from Juvenile Justice NSW

Thank you for keeping the Committee informed.



*Appendix 5: Monash Human Research Ethics Committee project extension approval*

*Appendix 6: Copy of JJ Client recruitment poster*

*Appendix 7: JJ Client Brief Explanatory Statement and Expression of Interest form*

***This form should be given to the client in an unmarked envelope. It should accompany a copy of the Brief Explanatory Statement, read to clients by their Juvenile Justice Worker. The researcher's business card should also be attached to this form. Clients are requested to place completed forms back into the envelope, then into the 'Case Management Project' box located in the office.***

☐ **Box 1** · Yes, I would like to find out more about participating in this research.

-----

☐ **Box 2** · Yes, I would like the researcher, Shelley Turner, to call me to talk about what is involved.

Name (please print): \_\_\_\_\_

Phone number/s: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

-----

☐ **Box 3** · Don't call me, I'll call Shelley Turner (researcher). I have her business card.

-----

☐ **Box 4** · No thanks, I'm not interested in participating in this project. I have Shelley Turner's (researcher) business card if I change my mind.

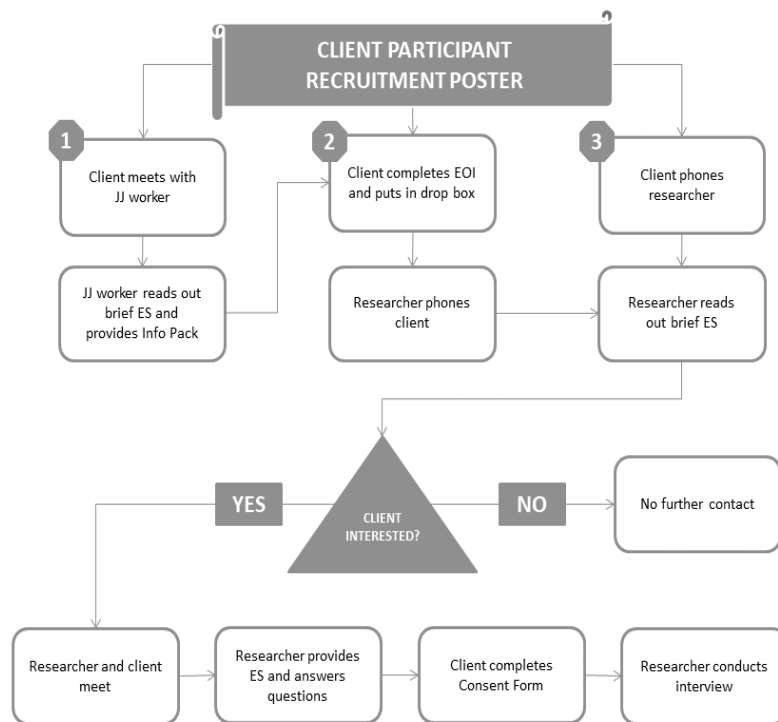
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*Appendix 8: Juvenile Justice workers' instructions*





## Appendix 9: JJ Clients participant recruitment process



*Appendix 10: JJ Clients Explanatory Statement*





*Appendix 11: JJ Clients participant consent form*



### STATEMENT OF INFORMED CONSENT\*

The aims of the study have been clearly explained to me and I understand what is wanted of me.

I know that taking part in this study is not compulsory and I am doing so of my own free will.

I know that this study has nothing to do with the success of my Juvenile Justice supervision or community order.

I know that I can stop taking part at any time during the interview and I am allowed to refuse to answer any questions.

I understand that any information I give to the researcher will be kept strictly confidential (secret) and that my name will not be used to identify me with this study.

**Name (please print):** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

*\* This consent form will remain with the Monash University researcher for their records*



## *Appendix 12: JJ Clients interview guide*

### **JJ Client Interview Guide**

**Code:** \_\_\_\_\_

**Date:** \_\_\_\_\_

#### **Questions / Topic Areas:**

1. How old are you?
2. Are you female or male?
3. What is your cultural identity?
4. What is / are your current legal order/s?
5. How long is / are your legal order/s? *(Circle answer)*

1 – 3 months	12 – 18 months
3 – 6 months	18 – 24 months (2 years)
6 – 9 months	2 + years
9 – 12 months	
6. About when does your longest legal order expire?
7. What is your most serious current offence?
8. How long have you been a client of the NSW Department of Juvenile Justice?

1 <sup>st</sup> time	Other _____
----------------------	-------------

Ask about journey / prompts:

Why do you think you are a Juvenile Justice client?

What do you think the Department of Juvenile Justice exists for?  
(What is the perceived role of DJJ?)

How many workers do you have (including JJ worker/s)?

What do they do?

(Ask about which service/agency each worker comes from and their job title/s. Ask about status / importance of workers. Who is helpful?)  
(Check for assessment / planning / direct and indirect intervention / review)

How did you find your workers?

(Did you self-refer or were you referred?)

Do your workers know about each other?

(Ask about worker communication / liaison / relationship / cooperation.)

Have you heard of 'case management' before?

What you think 'case management' is or means?

Do you have a case plan?  
(Check if more than one and which one is the most important - why?)

Who helped you make your case plan?

What do you think the purpose of a case plan is (what's the point)?  
(Is it helpful and available to the client?)

Do you have a case manager?

What do you think a case manager's job is?  
(Ask about any perceived differences between a case manager and case worker.)

What do you and your worker talk about when you see them?

Do you talk about different things with different workers or similar things?

Who decides what you talk about?

Why do some workers talk about some things and not others?

What are your main problems – have you talked about them with some or all of the workers?

Who helps you most of all the workers – why?

Would you prefer to have just one worker who helped you with everything or would you prefer to have different workers for different problems – why?

Do you raise some problems with some workers and not others why?

How do you feel about having to tell the same story to many workers?

Why do you think you have numerous workers?

Is it good to have a choice of many people to go to?

Which of your workers knows you the best, helps you the most, why?

Are there any question that you think that I should have asked, but haven't?

Are there any questions you want to ask me?

*Appendix 13: JJ Workers recruitment flyer and Explanatory Statement*







## *Appendix 14: Developing themes for audience review*

### Developing themes

#### Topic areas:

What is the nature of case management services offered to clients of JJ NSW?

What do you think clients understand about case management processes in JJ NSW?

How do you think they experience case management in juvenile justice?

How do you think clients experience case management across multiple services?

[Theme]

'Case management' was essentially meaningless

Most of the young people were involved with more than one agency and more than one worker

Majority said that they were not sure whether they had a case manager at juvenile justice or any of the other agencies

Only two of the young people actually identified a case manager – job title was 'case manager'

When provided with a brief description of the types of things that case managers do, some young people did think that their juvenile justice worker matched that description and was a case manager

Others nominated workers from different agencies or nobody at all

[Theme]

The importance relationship with the worker was important

Key was how committed they thought the worker was to *them* and the change process

How helpful they found a particular worker depended on the nature of their relationship

Young people did not appear to engage well with workers whom they perceived to be authoritarian, uncaring or disinterested, (i.e. just going through the motions), or unavailable

Young people appeared to engage well with workers whom they perceived cared about them and who believed in both what the worker and the client was doing during the supervision process

Young people were also more positive about workers who appeared to be organised and somewhat structured in their approach to working with the young person

More likely to say that they found supervision useful if they could see the purpose of the supervision sessions and didn't just see them as having to 'have a chat' or being monitored

They were probably actually even more negative about just 'having a chat' than being monitored.

[Theme]

The young people talked quite a bit about how workers managed transitions – if they were going into different roles or they're sick or things like that

Became apparent that transitions between workers were managed really differently by different workers

Seemed to be a very individual way of dealing with it, not the same way across the agency

In some cases, workers met with the young person and their new worker before the transition, and in other cases, information was exchanged between workers about the young person without the young person being present

Mixed views from the young people about their preferences in that regard; several actually didn't mind workers sharing information about them and were quite happy not to have to tell their story to another worker over and over again and they really kind of appreciated that, but some didn't like sharing information

Quite a lot of the young people didn't actually understand why their initial worker wasn't seeing them anymore or why they had to change workers

So, they really couldn't articulate what had happened to their other worker – it wasn't always a source of distress or anything, it's just they didn't really seem to understand quite what had gone on there and why they were now seeing this new person

[Theme]

Background report assessment were really significant

They came up in all the interviews as a very significant experience for young people in one way or another



The young people identified that to be a major part of a juvenile justice worker's role

Some young people felt quite judged during this process

They considered them to be very important in terms of determining their court outcome

Some young people, even felt that, you know, basically the decision was already made between the juvenile justice officer and the judge or magistrates – that it was all pre-determined based on the background report

So, they had a lot vested into these background reports

Most of them actually said they had not seen their background reports...before it went to court and didn't know, really, what was in the background report.

[Theme]

Juvenile Justice was important for 'boundary spanning'

The Juvenile Justice workers helped the young people understand the boundary between the court system and then coming into Juvenile Justice or other agencies and Juvenile Justice

Most of the young people described their experiences at courts as confusing, particularly when they were younger

All the young people were sixteen or over, but most of them had at least two years prior involvement, so a lot of them had started their Juvenile Justice contact at 13 or 14 years of age

They said that their first few court appearances; they just had really no clue what was happening; they just said 'yes' to everything; went along with things

Some reported that juvenile justice staff were instrumental in helping them understand what took place at court; how to manage ongoing legal matters; and understanding what they had to do after court

Some young people found the juvenile justice staff to be much more caring, interested and helpful than their lawyers even at court, who are really actually their advocates at court

Overall, the young people were quite negative about their experiences of the court system and their legal representation

[Theme]

Juvenile justice workers helped the young people to access community agencies; employment services, Centrelink, mental health – all these services and they really

appreciated hands-on, practical support, like helping them with job searching, particularly people who helped them write resumes and drop them off

Transport to appointments – transport came up a lot; if anyone would drive them anywhere, they were really grateful for that

Assistance making phone calls – they were quite intimidated sometimes contacting agencies, so if the worker sat there and rang somewhere; some of them talked about workers using their 'tough voice' to help them,

Buying food – these were the things that for *them* were really important and seemed to show care

[Theme]

The young people did seem to recognise that juvenile justice workers had a role in helping them, but also a role in monitoring their behaviour and the legal order

Some young people really only talked about one of those functions

So, if I asked them around what it was their workers did for a job, some of them really only said, 'Oh, my worker's there to help me' and some of them said, 'Well, my worker's there to monitor my order.'

[Theme]

Some of the young people saw their JJ workers as job seeker workers.

They also related getting into school and employment and training as a way of stopping them offending – 'keeping them busy'

There was a fair bit of 'I've got to keep busy, so I don't re-offend.'

[Theme]

Some of the young people really perceived a strong separation between JJ custodial and community services, to the extent that one young person actually argued with me and said that staff in custody are not part of Juvenile Justice

[Theme ]

Several of the young people believed they were not included in meetings, discussion or decisions about themselves, and weren't informed about the content of reports or other written material

They didn't necessarily say that was a bad thing and some of them preferred not to be involved and didn't want to take

There was real mixed views particularly about the benefits of family involvement; some had strong views that their family should be left out of it and some were happy to have family support and involvement.

[Theme]

Not many of the young people were able to provide examples of their workers meeting regularly or communicating with other agencies, but those that did see that found that really positive and supportive

They also found that to be the case if they had a positive relationship with their family – if the worker was having that relationship with their family.

[Theme]

A large number of the young people interviewed had been in custody in a juvenile justice detention centre

They almost unanimously reported that their experiences in custody were much more positive than they expected them to be, though a few of the young people had very negative experiences

Many of the young people initially did not want to or did not engage with Juvenile Justice NSW, as they perceived the agency to be an extension of the court system or similar to the police

They thought that Juvenile Justice staff were only there to monitor them and not there to offer any assistance – or that they could not offer anything useful

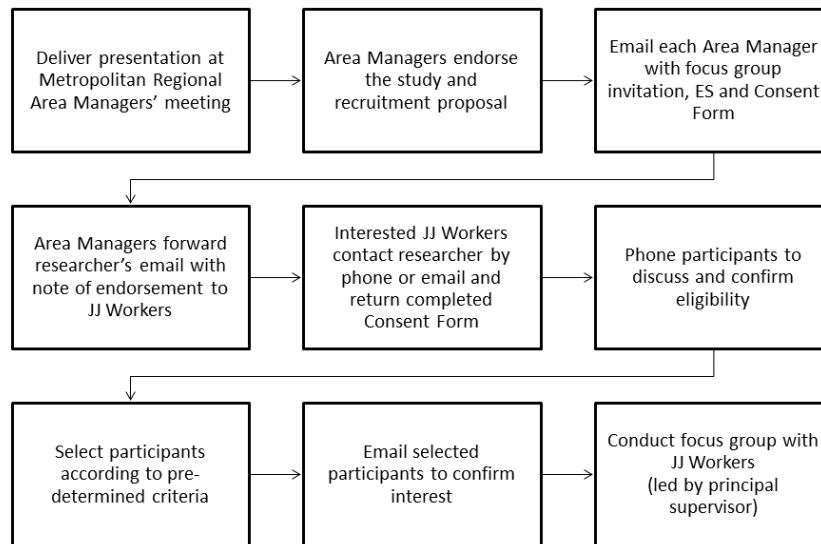
Their perspectives changed after a period of time and that they considered Juvenile Justice NSW to be more helpful and supportive than they initially thought the agency would be

[Theme]

Of the young people who reported that they had decided to or had actually ceased offending, many attributed this in a major way to getting older and developing a more mature outlook on life

They felt that with maturity, they were better able to consider the impacts of their offending behaviour on themselves and other people, particularly their family members

### *Appendix 15: JJ Workers recruitment process*



*Appendix 16: JJ Workers participant consent form*

## *Appendix 17: JJ Workers Survey*

### **JJ Workers – Survey**

Date: \_\_\_\_\_

Agency Code: \_\_\_\_\_

Participant Code: \_\_\_\_\_

#### **Questions:**

- 1. Have you ever worked in a direct case management role in Juvenile Justice NSW for at least 6 months?**

Yes ☐

No ☐

If no, the survey will end, as the worker is not in the target group for the focus group. If yes, proceed to next question:

- 2. What is your gender?**

Male ☐

Female ☐

- 3. What is your cultural identity?**

Pacific Island ☐

Australian Aboriginal ☐

Other \_\_\_\_\_

- 4. At which Juvenile Justice Community office are you employed?**

Blacktown ☐

Penrith ☐

Campbelltown ☐

Fairfield ☐

Petersham ☐

Sydney ☐

Wollongong ☐

5. **Are you currently employed in a culturally identified position?**

Yes ☐

No ☐

a) **If yes, which identified position?**

Pacific Island ☐

Australian Aboriginal ☐

Other ☐ \_\_\_\_\_

6. **How long have you worked for Juvenile Justice?**

\_\_\_\_\_

7. **What is your current job title?**

\_\_\_\_\_

Juvenile Justice Officer ☐

Juvenile Justice Counsellor ☐

8. **How long have you worked in your current role?**

\_\_\_\_\_

9. **Are you currently working in a direct case management role or was that in a previous role with JJ NSW?**

Current ☐ go to question

Previous ☐ continue to next question ()

*The following questions relate only to your position and role that involved case management with Juvenile Justice NSW.*

10. **What was the title of your position?**

\_\_\_\_\_

Juvenile Justice Officer ☐

Juvenile Justice Counsellor ☐

11. How long did you work in this role?

\_\_\_\_\_

12. Was this a culturally identified position?

Yes ☐

No ☐

a) If yes, which identified position?

Pacific Island ☐

Australian Aboriginal ☐

Other ☐ \_\_\_\_\_

13. Please briefly describe your role (e.g. main tasks, purpose, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Please briefly describe the case management work you have undertaken with Juvenile Justice NSW.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Are you familiar with the JJ case management policy and procedures?



Yes ☐

No ☐

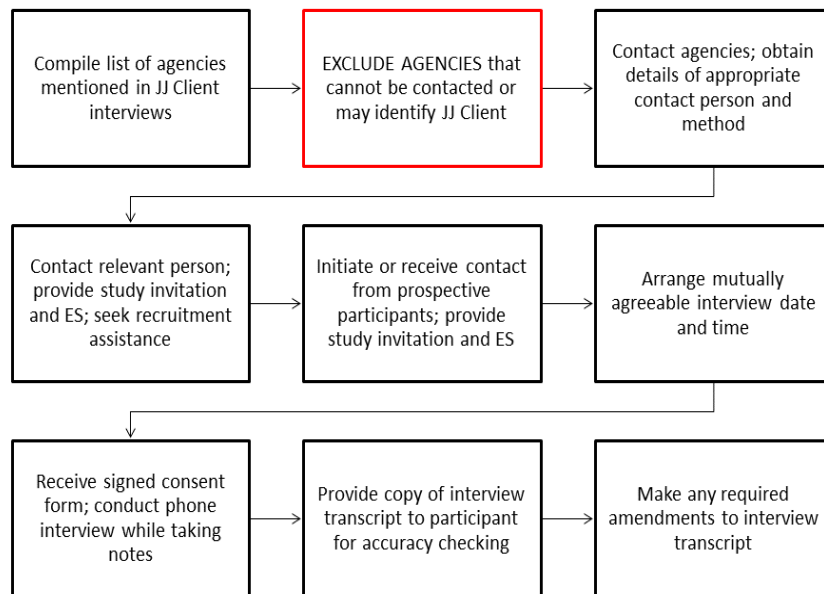
16. **Would you like to participate in a focus group to discuss client perspectives of case management in JJ?**

Yes ☐

No ☐

*Thank you for your time.*

### *Appendix 18: Agency Workers recruitment process*



*Appendix 19: Agency Workers recruitment flyer and Explanatory Statement*







*Appendix 20: Agency Workers participant consent form*

## *Appendix 21: Agency Workers survey and phone interview guide*

### **Part 1: Agency Workers Phone Survey**

Date: \_\_\_\_\_

Agency Code: \_\_\_\_\_

Participant Code: \_\_\_\_\_

#### **Questions:**

##### **1. Have you ever worked in case management with Juvenile Justice NSW?**

Yes ☐

No ☐

If no, the survey will end, as the worker is not in the target group for a telephone interview. If yes, proceed to next question:

##### **2. What is your gender?**

Male ☐

Female ☐

##### **3. What is your cultural identity?**

Pacific Island ☐

Australian Aboriginal ☐

Other \_\_\_\_\_

##### **4. Please briefly describe your agency and service (e.g. purpose, type of service/s, etc.)**

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**5. How long have you worked for your agency?**

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**6. What is your current job title?**

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**7. Are you an employee or volunteer?**

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**8. How long have you worked in your current role?**

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**9. Do you work in case management with JJ NSW in your current role or was that in a previous role?**

Current ☐ go to question 13

Previous ☐ continue to next question (10)

*The following questions relate only to your position and role that involved case management with juvenile justice NSW.*

**10. What was the title of your position?**

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**11. Were you an employee or volunteer?**

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**12. How long did you work in this role?**

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**13. Please briefly describe your role (e.g. main tasks, purpose, etc.)**

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**14. Please briefly describe the case management work you have undertaken with Juvenile Justice NSW.**

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**Part 2: Agency Workers Phone Interview**

**Date:** \_\_\_\_\_

**Agency Code:** \_\_\_\_\_

**Participant Code:** \_\_\_\_\_

**Questions / Topic Areas:**

How would you define case management?

How does it happen in Juvenile Justice NSW?

These are the themes / main points that I got from the interviews with the young people (clients) – how do these compare with your understanding and experiences of case management in Juvenile Justice NSW?

Do these themes seem accurate in your opinion – do they resonate?

Why might the young people be reporting these experiences and understanding of case management in Juvenile Justice NSW?

Please add anything else that you think is important for me to know about how young people might experience case management in Juvenile Justice NSW.

**List of other prompting questions:**

1. Using your own words, please define case management.
2. What are the main stages of case management?
3. Do you see a difference between case work and case management?
4. Do you see a difference between a case worker and case manager?
5. Thinking about your work with JJ NSW would you describe your role as a case worker or case manager? Why?
6. Thinking about your work with JJ NSW would you describe the JJ worker's role as a case worker or case manager? Why?

7. Thinking about your work with JJ NSW who do you think the young person considered to be the case manager (or the person in charge of their case) – you or the JJ worker or another worker?
8. Does your agency have a case management policy or procedure?
9. Would you describe yourself as a case manager?
10. Would you describe yourself as a case worker?
11. How would you describe the role of JJ NSW?
12. How would you describe the role of JJ workers?
13. Would you describe juvenile justice workers as case managers?
14. Would you describe juvenile justice workers as case workers?
15. When working with JJ NSW, which agency is responsible for client case management? How do you know this?
16. Do you use a case plan?
17. Do you know about a young person's JJ NSW case plan?
18. What is your understanding of a Background Report in JJ?

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