

Youth Justice Group Conferencing

Information for legal representatives

What is group conferencing?

Group conferencing is a legislated response available to the Children's Court prior to sentencing, that brings the young person found guilty of offences together with significant others, including the victim or victim representative, if possible.

Based on restorative justice principles, it aims to increase the young person's understanding of the impact of their offending on the victim, their family and/or significant others and the community.

If a young person participates in the conference and agrees to an outcome plan that sets out what they will do to make amends for the harm caused, the court is required to impose a lesser sentence.

The role of the legal representative:

This fact sheet relates to the role of the young person's legal representative in the group conferencing process.

It is the responsibility of the legal representative to:

- promote the group conference to the young person as an opportunity to improve their understanding of the impact of their offending
- ensure the young person's legal rights are protected and the outcome plan is consistent with the sentencing principles of the CYFA
- meet in private with the young person to explain and discuss the outcome plan and ensure that the young person understands and agrees to the plan
- participate in the group conference discussion, and contribute to the outcome plan in a collaborative manner.

The young person's legal representative is one of the individuals who **must** attend a group conference according to the legislation.

Group conferencing aims:

The *Children Youth and Families Act 2005* states the purpose of a group conference is to facilitate a meeting between the child and other persons which has the following objectives:

- increase the young person's understanding of the impact of their offending on the victim and the community
- reduce the likelihood of the young person re-offending
- negotiate an outcome plan, agreed to by the young person, that sets out what they will do to make amends for the harm caused and what they will do to prevent further offending.

Further aims include to:

- divert the young person from a more intensive sentence and further progression into the criminal justice system
- increase victim satisfaction with the criminal justice process
- improve the young person's connection to family/significant others and the community.

Group conferencing benefits:

- encourages young people to take responsibility for their offending behaviour
- provides victims and others impacted with the opportunity to explain how they have been affected by the offending
- provides an opportunity for those most affected by the offending to be involved in the decision making process
- provides the young person with an opportunity to make amends to the victim and the community.

Group conferencing eligibility and suitability

Eligibility:

Young people appearing in the Criminal Division of the Children's Court who have:

- been found guilty of offences that do not include homicide, manslaughter or serious sex offences, and
- committed offences that warrant a sentence supervised by Youth Justice, and
- been assessed as suitable by Youth Justice, and
- consented to participate.

Suitability:

Youth Justice assesses a young person's suitability for group conferencing by considering a number of factors including:

- the young person's level of motivation to attend and participate
- the young person's level of remorse, victim awareness and empathy
- the young person's offending history, including the circumstances of the offence and acceptance of their role in the offence
- the level of support that can be provided to the young person
- safety issues or any special needs that may impact a young person's ability to participate in all aspects of the group conference.

Who participates in a group conference?

The Children, Youth and Families Act states that the following people must attend:

- the young person
- **the young person's legal representative**
- the informant or other member of the police force
- the group conferencing convenor.

The following people may choose to attend:

- the victim and/or their support persons or representatives
- members of the young person's family and/or people of significance to the young person
- professionals from the community involved with the young person
- any others who have been affected by the offending, who are permitted to attend by the group conferencing convenor.

Victim participation in a group conference

Victim participation in a group conference is voluntary, however it is important to give victims the choice to participate.

Victims that choose to participate are encouraged by the convenor to be supported at the group conference by a family member, friend, or a Community Operations and Victims Support Agency (COVSA) support person.

COVSA provides support to victims where offences involve a crime against the person. They will provide victims with additional information and support to prepare for the group conference.

Following a young person's referral to group conferencing, the convenor will contact the police informant requesting that they seek the victim's permission to provide their contact details to the convenor. If the victim agrees, the convenor will telephone the victim and explain the conference process. The convenor will also offer to refer the victim to COVSA for support throughout the group conference process.

Although it is generally preferable to have victims present at a group conference, each victim is assessed regarding their suitability to attend, and if a victim presents as a risk to themselves or others, they may be deemed by the convenor and/or COVSA as not suitable to attend.

While a group conference can be a confronting experience for all involved, attending a group conference provides the victim with an opportunity to contribute to determining what the young person might do to address the harm caused by their offending and to avoid re-offending, in a safe and supportive manner.

What happens before a group conference?

The group conferencing convenor will speak with all participants to explain the conference process and help each person prepare for the conference, including each participant's role in the conference, discussing any concerns and answering any questions.

COVSA is also available to provide support to victims throughout the group conferencing process, regardless of whether victims choose to attend the group conference or not.

If a young person is on remand or involved with Youth Justice at the time of a group conference, a Youth Justice case manager will attend the group conference with the young person.

What happens at a group conference?

The conference is facilitated by a trained convenor who ensures that all participants have the opportunity to tell their story of what happened and how the offence has affected them.

Participants are then invited to provide suggestions about how the young person may repair the harm caused by the offending, and prevent further offending.

The young person develops an outcome plan based on their ideas and suggestions provided by participants. The outcome plan must be fair, reasonable, and not more onerous than what the court would have imposed if the young person had not participated in the conference.

Examples of outcome plan activities could include apologising to the victim or others impacted by the offence, and/or participating in a program or activity to prevent further offending.

The conference can take an average time of two hours and all participants are required to stay for the whole duration of the conference.

What happens after a group conference?

The group conferencing convenor prepares a report for the court that includes information about:

- the young person's participation in the group conference
- the results of the group conference including the outcome plan
- any other matters that the court specified to be addressed in the group conference.

The young person returns to court for sentencing at a date set by the court (within four months of the deferral of sentence, or within two months if the young person is remanded in custody).

The young person completes the actions outlined in the outcome plan, with support from those who agreed to assist them.

Confidentiality:

The proceedings of a group conference are confidential. Any person who attends a group conference must not disclose any statement made at, or information provided to, the conference without permission from the court, or the consent of all parties to the group conference.

For further information about Youth Justice Group Conferencing, contact the Youth Justice Court Advice Worker, or the Youth Justice manager at your Youth Justice regional office.