

# **MARRICKVILLE LEGAL CENTRE**

Project to develop legal training for children and young  
people in the legal system

## **COMPETENCY STANDARDS**

**AND**

## **ASSESSMENT HANDBOOK**

Project Consultant  
Department of Community and Aboriginal Education  
University of Technology, Sydney

## Common range of variables for all units

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For any of the 6 units it is assumed that a person will be working with, or for the benefit of, young people in a broadly similar context. This is summarised in the range of variables below which relates to all the units as a whole. The range of variables with each single unit refers to contexts which may be unique to that particular unit.

Young people when described in the units may refer to any of the following:

- individual young people
- small or large, formal and informal, groups of young people
- young people who are involuntarily or voluntarily with the worker
- specific target groups.

Workers providing legal support may include:

- police
- youth workers
- children's solicitors
- social workers
- home school liaison officers
- Aboriginal field officers
- Juvenile Justice Officers
- District Officers
- school counsellors
- detached family counsellors.

Working with, or for the benefit of young people, requires differences between people and target groups to be respected and taken account of, especially in relation to their:

- gender
- age (eg. 12 - 16, 15 - 19)
- Aboriginality
- race
- language, cultural and ethnic background
- physical and intellectual ability
- health status - including physical, mental and emotional health
- class and economic status/ income
- sexuality
- employment status
- access to basic needs (e.g. income, housing, personal support)

- sub culture
- religion, politics and other beliefs
- location/ geography
- primary activity (e.g. worker, student, parent)
- literacy and numeracy levels.

Legal support needs and issues of young people and relevant legislation may relate to:

- their relationship with the police
- their relationship to the juvenile justice system (courts, diversion schemes, community aid panels, detention centres)
- abuse (sexual, physical, emotional, psychological, perpetrated by others or self )
- state response to abuse (care and protection)
- discrimination (eg. racism, sexism, heterosexism, on the basis of disability, age)
- access to income support
- certification of mental illness
- failure to recognise mental illness and intellectual disability
- consent to medical treatment (when can a young person consent to their own medical treatment)
- access to housing
- school discipline and suspensions
- relationships (families, peers, partners, educators, employers etc)
- age rights (eg. when can I leave home, smoke, drink, buy condoms, have an abortion etc. )

Communication with young people and others may:

- be in any language, whether spoken, signed, or by touch
- use oral, written or visual means
- use third party translation / interpretation.

Appropriate or suitable communication refers to making judgments in the specific context or circumstances about :

- language
- depth, breadth or complexity of content
- tone
- body language (including expressions, gestures, eye contact, distance, orientation)
- physical conditions (including privacy, lighting)
- physical and sensory contact
- style and format of written, visual and verbal materials

- Cultural appropriateness
- mode and purpose of communication (e.g. conversation, information exchange, consultation, counselling).

When stated in the units, organisations may include:

- youth-specific organisations, services or programs
- government or non-government organisations
- units or branches within larger organisations
- community services/organisations which provide services to young people as one of their target groups

## Evidence guide which applies to all units

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The evidence guide is included to provide a clearer interpretation of units. While it does not describe detailed methodologies for assessment it does indicate the contexts within which an individual might be assessed and what knowledge, skills and other attributes might be considered to underpin competent performance. The evidence guide below relates to all the units as a whole. The evidence guide with each single unit describes underpinning attributes which may be specific to that particular unit.

### *Knowledge and other supporting evidence*

Evidence may be required of knowledge and understanding of:

- issues impacting on young people, as indicated in the range of variables, and their place in a social, political and economic context
- government and other policies as they impact on young people, their families and communities
- needs, rights and responsibilities of young people
- needs and rights of young people with an intellectual disability
- needs, rights and responsibilities of families, other care givers and services in relation to young people
- theories of adolescent and human development
- the effects that values, beliefs and attitudes have on all aspects of work with and for the benefit of young people
- the effects that culture, age, gender, sexuality, ability, class, race, religious and political beliefs may have on values, attitudes, perspectives and approaches to the situations of young people
- concepts of youth culture and sub-cultures
- theories of youth work practice
- care and protection law and practice
  - **Children (Care and Protection) Act, 1987**
    - meanings of "child" "child in need of care" and "abuse" ( sections 3 and 10 )
    - notification of child abuse ( section 22 )
    - temporary care arrangements ( section 14 )
    - powers of District Officers and police to remove children (sections 59,60, 61, 62A)
    - care orders ( section 72 )
    - Assessment reports (section 74 )
    - Appeals (section 81 )
    - Aboriginal placement principle ( section 87 )
    - duties of the Minister in relation to wards ( section 91 )
  - **Family Law Act, 1975**
    - Family Law jurisdiction as a source of child protection
  - **Apprehended Violence Orders**

Part 15A Crimes Act 1900  
meaning of harassment and molestation  
procedure for under 16 year olds  
Victim Care Units

- **Department of Community Services policy and practice**  
response to notifications  
substitute care placement principles  
financial payments to wards and other children in care
- **Victim's Compensation**  
Eligibility  
Time Limits  
Applications
- juvenile justice Acts and Regulations
  - **Children (Criminal Proceedings) Act, 1987**  
age of criminal responsibility (section 5 )  
principles relating to the exercise of criminal jurisdiction to children ( section 6 )  
admissibility of children's statements ( section 13 )  
recording convictions ( section 14 )  
background reports ( section 25 )  
penalties ( section 33 )  
destruction of finger prints, photographs ( section 38 )
  - **Bail Act, 1978**  
police bail and court bail  
presumption in favour of bail  
Bail Act applies to children in the same way it applies to adults  
breach of bail  
variation of bail conditions  
bail review  
Supreme Court bail
  - **Common criminal offences**  
illegal use of a motor vehicle (section 154A Crimes Act)  
assault ( section 61 Crimes Act )  
assault police ( section 58 Crimes Act )  
resist police ( Crimes Act )  
offensive language (section 4 (1) (b) Summary Offences Act, 1988 )  
possess / supply prohibited drug (Drug Misuse and Trafficking Act, 1985 )
  - **Common defences**  
did not know motor vehicle was stolen  
self defence  
police not acting in the execution of their duty  
had a reasonable excuse to use offensive language / language not offensive  
did not have actual possession of drug
  - **Criminal Records Act**  
conviction from Children's Court spent after a 3 year crime / free period
  - **Children (Detention Centre) Act, 1987 and Regulations**  
philosophy of punishment [section 4 (1) (a) ]  
misbehaviours (minor and serious)  
punishment in Juvenile Justice Centres -section 21 and 22  
Offences under the Act
- legislative rights and responsibilities relating to age
  - leaving home
  - consent (sexual intercourse)
  - consent ( medical treatment )
  - marriage
  - age discrimination



- legislation relating to families
  - guardianship
  - custody
  - access
  - child maintenance / child support
  
- policing procedures
  - use of discretion
  - cautioning
  - charging
  - Court Attendance Notices
  - summonses
  - police bail
  - questioning and gathering of witness statements
  
- Children's Court system and procedures
  - role of magistrate
  - role of solicitors and barristers
  - role of guardian ad litem
  - role of social workers / youth workers / Juvenile Justice Officers
  - opening statement, submissions, cross examinations
  - rules of evidence / evidence of children
  - Community Aid Panels
  - sentencing options
  - appeals
  - warrants
  
- consumer protection law
  - credit traps for young people
  - debt collection
  - where to get help for consumer problems
  
- legislation and programs relating to income support
  - Job Search Allowance and Unemployment Benefits
  - Special Benefit
  - Young Homeless Allowance
  - Social Security appeals
  - sources of assistance for social security problems
  
- legislation and programs relating to housing and tenancy
  - major aspects of the Residential Tenancies Act, 1987
  - role of the rental Bond Board and the Residential Tenancies Tribunal
  - housing options available to under 18 year olds, including SAAP programs
  - sources of assistance for tenancy problems
  
- legislation relating to anti-discrimination
  - grounds of discrimination
  - role of the Anti-Discrimination Board and Human Rights and Equal Opportunity Commission
  
- United Nations convention on rights of the child
  - what are rights
  - what is the UN Convention
  - application of the international standards and juvenile justice and care and protection practice in NSW
  
- a range of rights

- the right to complain
  - Official Visitors
  - Ombudsman
  - Commissioner for Community Services
- the right to confidentiality
- the right to freedom from abuse
- the right to be heard and participate in proceedings
  
- duty of care
  - negligence
  - government departments owe a duty of care
  - responsibility for negligent acts
  
- a variety of legal support and youth service agencies and the resources and programs they offer
  - youth accommodation services
  - substitute care programs including respite care, foster care and residential care
  - street work
  - Aboriginal legal services
  - Aboriginal children's services
  - community legal centres
  - interpreters
  
- of a range of other legal support workers and their roles and functions
  - District Officers
  - Juvenile Justice Officers
  - youth workers
  - home school liaison officers
  - Aboriginal workers
  - children's solicitors / duty solicitors
  - detached family counsellors

Evidence may be required of the ability to

- distinguish between facts, hypotheses, and opinions
- identify assumptions and value judgements
- present and support a judgement, position or argument
- maintain direction and purpose within the context of competing or conflicting demands.

Evidence may be required of skill in:

- judging and using the most appropriate communication medium for a particular situation
- interpersonal communication, in particular listening, clarifying, questioning, confronting, providing information, interpreting non verbal communication, demonstrating understanding
- conflict resolution and mediation.

## **LEGAL SUPPORT UNIT**

### **ASSESS LEGAL SUPPORT NEEDS OF YOUNG PEOPLE**

This unit is concerned with establishing as clearly as possible the legal needs and issues facing an individual young person - do they need care and protection; have they been charged with an offence or cautioned and what advice is needed; have their rights for basic shelter, honest service etc. been violated or threatened? The concept of legal support need is wide ranging. Research has indicated that many people who work with young people do not recognise the legal dimension of their needs. An important aspect of this unit, therefore, is the ability to identify that legal dimension whether it be a consumer rights, offence, care and protection, or service user situation.

This unit is concerned with promoting a way of working with young people that is characterised by real dialogue and recognises the need to communicate using appropriate language.

**Element***1.1 Establish contact with young person***Performance Criteria**

- 1.1.1 Young person is actively sought out upon request by authorities, family, friends or self.
- 1.1.2 Wherever possible, requests by a young person for advice and support are given time and consideration.
- 1.1.3 Identity of young person is established.
- 1.1.4 The worker's role and purpose in establishing contact is clearly explained to the young person in a way and at a pace appropriate to him or her.

**Element***1.2 Gain knowledge and understanding of young person's situation***Performance Criteria**

- 1.2.1 Information about the young person's situation which is required is identified and prioritised, and explained to the young person using language, and in a way and pace, which will help him or her understand what is sought.
- 1.2.2 Clear boundaries between worker and the young person are negotiated, taking account of young person/s' rights, their values and beliefs, legislative and statutory requirements, rights and responsibilities of young person/s' family, and the particular power dynamics characterising the worker - young person/s relationship.
- 1.2.3 Adequate opportunity is offered to the young person/s to explore and clarify issues facing them.
- 1.2.4 Clarity and rapport is established and maintained between worker and young person.
- 1.2.5 Presence of other parties is negotiated by young person and worker.
- 1.2.6 Efforts are made to create a safe environment when communicating with young person.
- 1.2.7 Young person/s' issues, needs, views and feelings are listened to actively.

- 1.2.8 Where there are communication difficulties, renewed attempts are made through appropriately modified approaches and/or responses.
- 1.2.9 The nature and scope of the legal support needs described by young person are described and analysed by the worker and checked with the young person for completeness and accuracy.
- 1.2.10 Young people's rights and choices are promoted in ways which respect their values and beliefs and are consistent with the law.
- 1.2.11 The worker's power in their relationship with young person is acknowledged, asserted where necessary, while the dangers of its misuse are recognised.
- 1.2.12 All approaches to, and communication with, young people are conducted on terms that are non threatening and acceptable to them, and are designed to encourage their own informed choice.

### **Element**

*1.3 Assess the legal dimension of the young person's situation*

### **Performance Criteria**

- 1.3.1 Conclusions drawn regarding the young person's needs are consistent with the information gathered.
- 1.3.2 Conclusions reflect consideration of the facts with due regard to the law, agency mandates, and judgements about the welfare of the young person taking account of their family, social and cultural context.
- 1.3.3 Legal support needs are identified and defined within the relevant legal framework.

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### **NOTE**

This unit's range of variables and evidence guide should be used in conjunction with the common range of variables for all units and the evidence guide which applies to all the units described at the front of the competency standards.

## Range of Variables

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Young person will be an individual young person and either voluntarily or involuntarily with the worker.

Identity of young person may relate to:

- name
- date of birth
- address
- relationship to family
- authenticity.

The boundaries between the worker and the young person which are negotiated may need to take account of:

- young people's rights
- young people's values and beliefs
- legislative and statutory requirements
- rights and responsibilities of young person's family
- power dynamics characterising the worker - young person's relationship.

Rapport and dialogue may be encouraged by:

- position
- facial expression
- body language
- and appropriate contact.

Other parties may include:

- parents, siblings and other relatives
- peers and friends
- other legal support workers.

Legal framework refers to:

- the operations of the law
- aspects of a young person's situation which relates to the law (eg. worker helps young homeless person find housing to support a bail application).

## Evidence Guide

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***For the purposes of assessment evidence may be required of knowledge and understanding of:***

- young people's networks
- where and how young people spend leisure time
- factors that may impact on a young person's sense of personal safety

***Evidence may be required of skills in:***

- listening, questioning, providing feedback
- putting a young person in need of legal support at ease

***Evidence may be required of qualities such as:***

- tolerance of a range of values and attributes
- perseverance.

## LEGAL SUPPORT UNIT

# PROVIDE ADVOCACY AND IMMEDIATE SUPPORT TO YOUNG PEOPLE IN THE LEGAL SYSTEM

### *Excerpt from research report*

Advocacy is at the core of legal support work. Advocacy is taking up the young person's case and carrying out actions which protect their rights and advance their interests. In its broadest meaning, it embraces a range of knowledge and skills and attitudes to young people and their rights.

This unit is concerned with the specific ability to reframe a young person's interests and concerns into reasonable and obtainable legal outcomes.

There were different views of advocacy amongst participants. The legal professionals, mainly solicitors, see the advocacy as representing in court - being an effective advocate in the strict legal sense. There is a broader meaning of advocacy understood by legal support workers who see it as drawing on other skills described in this chapter.

Again, getting good representation for young people is a central issue. When solicitors were critical of the the duty solicitor system, they tended to describe their positive experiences in terms of an effective advocacy role, based on developing a case by understanding the client's whole situation. Effective representation of youth is seen in legal support terms:

... I'm their solicitor exclusively. They know me and we've seen each other, they've come to my office and we've spoken - like most adults have the benefit of unless it's adults who have to see the duty solicitor. It makes them feel some importance to actually go and see a solicitor who will take the time out to make an appointment to see them before they have to go to court and they're my only client.

And it's more than that, you get a chance to develop a case, to actually understand the whole case, all the situations, all the background, where the kids coming from, why the situation arose, all those things which are really important to a kid having a chance in the system. [City WS5 Children's Solicitor]

Youth workers and others had a somewhat different perspective. They seemed to stress the 'support' rather than the 'representational' aspects of advocacy, if such a line can be drawn. Support is advocacy more in the sense of taking the part of the client and acting in their interest. Advocacy in this sense is well illustrated by a

youth worker who fought the refusal of homeless allowance, researching the young person's employment history and going finally, to the Minister:

... so I rang the employer who said, yes they had heard from Social Security but they hadn't actually given them any information because they hadn't had the records available so what has happened is that the worker at social security basically made a moral judgment that he should be at home with his mother because she'll have him and that he's not going to get this ... and so he fits in with all the guidelines.

Taree SG1:4

A former refuge worker commented on how their duties cut out the possibility of providing an advocacy role. Such workers must stay in the refuge, preventing them from accompanying kids to court, for example:

They go like lambs to the slaughter. When I was working at the refuge all I could do was make sure they had a clean shirt on and say 'good luck'.

Taree SG1: 4

A youth worker described how common it is to have to act *in loco parentis*, and how this leads to playing an advocacy role when accompanying a young person to court or a police interview:

I find that we act as a parent almost, to the kids that we have ... We act in a position where they don't have a parent who'll take them to court who'll hold their hand when they get charged, all that sort of thing - - in a youth centre where you are dealing with kids who often don't have a lot of family support ... we act as their parents, we act as an adult who can negotiate the system, understand the system and get the best out of the system for those kids ...

City WS:10

A successful experience of support is described in terms of accompanying a young offender through the legal process (interview, charging, bail application) and being there to assert the child's rights. This involved negotiation, counselling and advising skills:

I had a really good positive experience where I was able to go down to... police station and support a child through police interviews. I was able to negotiate with the police to be able to spend time with the young person prior to the interview so I was able to make sure that the young person was aware of his rights and he was able to sit through the interview and make sure that everything went according to those rights. I was able to make sure he was out on bail and what not and had somewhere to go to and was able to counsel him on the way to legal aid interviews about the issues that evolved, the underlying issues as to why his offence actually took place in the first place and provide support through legal aid interviews.

Parra SG2:2

The borderline between this kind of advocacy work and legal representation, or speaking for the client is sharply drawn in the minds of police, who oppose legal support workers being legal representatives in any sense.

While solicitors see that effective representation of youth and children has a strong support element, police seem to fear that legal support can become advocacy. The

legal support worker just quoted had tried to set up a pool of volunteer advocates. He described how police drew the line about who could be involved in legal support:

Now they [a fairly high ranking police officer] came to the meeting and what they stipulated at the meeting was the criteria to judge for the suitability of the applicant, the most important one that they stipulated to me was that that person should not be from a legal background. They should not be a solicitor. They should not be in any way associated with legal aid. They should not be in any way associated with any legal organisation in order to be suitable ... Parra SG2:3

Again, effective advocacy depends on being able to put knowledge to use in analysing the situation. Advocacy can be effective only if the support worker is sure of their grasp of the legalities.

Advocacy has an element of taking the part of the weaker party against victimisation or injustice. It is seen as an uphill battle, at least in the minds of some experienced workers, where they see institutions (courts, legal aid or welfare bureaucracies) grind down those least able to contest their arbitrary treatment of individuals.

Paradoxically, it is because police are close to the law that they can be very effective advocates for youth. A police officer described the counselling work he had done with a young offender:

... I remember having a kid referred to me who did break and enter and things like that and was really getting into a bit of strife and in talking to him discovered that he also had been assaulted against and he didn't know when the case was coming up and it had been hanging over him for the last two years ... it was more the counselling, allowing him to talk about that and then doing some pushing to actually get that on the court agenda a bit earlier than it was and at least get some dates and get some information for the family so it was basically some advocacy work and then also doing the reports to the court ...

In the Bourke workshops, there were a few statements classified as advocacy. Again, there was a theme of stepping in and taking an advocacy role as an 'independent guardian':

... a lot of the times, we can't get guardians or the parents to the police - sometimes we can't find them so we just get someone else to come in and sit in as an independent guardian - I suppose you'd say to make sure there's no threats or anything like that especially if they're interviewing young offenders and things like that ... Bourke WS:4

The key-note in police contact with Aboriginal youth is vigilance about police observing the young person's rights. This implies Aboriginal workers need to know what kind of legal situations call for advocacy, and what resources, including the Aboriginal Legal Service, are available to ensure that advocacy takes place:

I don't care whether they're black or white, if I see any kids doing the wrong thing and they were around, I'd slap them around the ears but if they've been taken to the police station or whatever I always ask them what they've been charged with or what they've been taken for and use your [ALS] field officer that you've got here. Bourke WS:18

There is the strong theme again, that police need to take a legal support orientation to their dealings with Aboriginal young people, making much more use of discretionary powers and 'talking to the parents' like they would with 'white kids':

I'm always amazed how it's happened - the police won't talk to the parents. Some say the kids in a bit of a trouble and a nice bit of talking goes on and how little of that happens with Aboriginal kids and it's a different attitude that you constantly see ... there's so much more discretion that comes into play when it's a white child and we're never arguing to take it away from white children, we're saying extend that to the Aboriginal kids because they just never get the benefit of doubts, they'd never get any kindness, they never get the discretion, they never get - oh, the child's going through a stressful period of their lives or they're in adolescence or the parents are splitting up or any of those things, those considerations ...

Bourke WS: 19

**Element**

*2.1 Clarify the nature of advocacy and support sought by the young person*

**Performance Criteria**

- 2.1.1 The young person's feelings, needs and views about advocacy and support are listened to actively.
- 2.1.2 The role and the capacity of the worker to provide advocacy and support is clearly explained to the young person.
- 2.1.3 Relevant, available information about the young person's potential need for advocacy and support is obtained from others, consistent with the young person's right to access of information and to monitor workers actions.
- 2.1.4 The advantages and disadvantages of the worker providing advocacy and support are explained in a manner, and to a depth, appropriate to the young person.
- 2.1.5 Where the worker is unsure of how to best support the young person this is clearly explained and if available, advice and support is sought from people with relevant expertise.
- 2.1.6 The young person is supported to define the goals and boundaries of the possible advocacy.
- 2.1.7 The relationship is monitored, reviewed and re-negotiated on an ongoing basis.

**Element**

*2.2 Provide information and referrals if necessary*

**Performance Criteria**

- 2.2.1 Information is provided to the young person about their rights and responsibilities in an identified legal situation, and about options and consequences facing them in a manner, style and pace appropriate to their level of understanding and personal background.
- 2.2.2 The extent to which the young person understands the information provided, and the options and consequences facing them, is assessed.
- 2.2.3 Any misunderstandings are clarified with the young person and additional information provided or presented in a different and more appropriate way, where required.

- 2.2.4 The availability, type and nature of services and resources which may address the young person's legal support needs is discussed in an appropriate manner and level and pace.
- 2.2.5 The young person is encouraged to obtain information about potentially useful services and resources for themselves and to be as self managing as possible.
- 2.2.6 Where assistance is sought and provided, it is of a level, type and manner appropriate to the young person and the nature of the issues facing them.
- 2.2.7 The young person's knowledge and understanding of information obtained and advice given is confirmed.
- 2.2.8 The young person is encouraged to access and use services and resources which are appropriate to their beliefs and preferences.
- 2.2.9 Systems are established to ensure information and referral sources within worker's organisation are up to date, comprehensive, accurate, accessible and of potential relevance to the young people using the organisation.
- 2.2.10 When the young person has received support, they are encouraged in taking further steps alone.
- 2.2.11 Problems of access to services and resources are identified, discussed with the young person and other workers when possible, and agreed action is taken to address the problems.

## **Element**

### **2.3** *Facilitate decision making and action strategies*

#### **Performance Criteria**

- 2.3.1 The young person is encouraged and supported to make their own decisions about courses of action to take.
- 2.3.2 The young person is supported to assess the feasibility of their decisions and choices after analysing the facts in the light of the relevant law, procedure and policy.
- 2.3.3 Further options are offered to the young person without imposition or pressure, taking account of the young person's objectives and any special needs (health, language, culture, disability).

- 2.3.4 Where there are judged to be risks to the young person from the choices made, these are explained in a manner which is supportive whilst outlining the risk.
- 2.3.5 The young person is encouraged and/or supported to develop strategies to act on decisions made.

**Element****2.4**     *Act as an advocate***Performance Criteria**

- 2.4.1     Where the young person wishes the worker to act as an advocate, the scope and goals of the possible role are clearly identified.
- 2.4.2     When requested and where possible, the worker provides practical and emotional support to the young person to enable them to gain confidence.
- 2.4.3     The young person's account of the relevant facts and their instructions about what they wish to be achieved or obtained is documented.
- 2.4.4     Relevant information is obtained from sources other than the young person consistent with the young person's right to access of information and to monitor workers actions.
- 2.4.5     The young person/s' interests are represented clearly, assertively and accurately to others in a manner consistent with the identified agreement between them and the worker.
- 2.4.6     All representations made on behalf of the young person are described and explained to them.
- 2.4.7     Decisions and/or actions taken on behalf of the young person are consistent with their values, needs, preferences, interests and rights and are designed to be in their best interests.

**NOTE**

This unit's range of variables and evidence guide should be used in conjunction with the common range of variables for all units and the evidence guide which applies to all the units described at the front of the competency standards.

**Range of Variables**

When provided, advocacy is:

- short term
- informal or formal
- for young people who can or cannot exercise choice in the advocacy process.

The boundaries negotiated between the worker and the young person may need to take account of:

- the young person's rights
- the young person's values and beliefs
- legal requirements
- rights and responsibilities of the young person's family
- the rights and responsibilities, values and beliefs of the worker
- power dynamics characterising the worker - young person's relationship.

Rapport and dialogue may be encouraged by:

- position
- facial expression
- body language
- and appropriate contact.

Types of immediate legal support to be provided by worker to the young person/s may be:

- in the form of advice
- provision of information
- in the form of a listening and affirmation role
- short term, or crisis counselling
- mediation (family and other)
- in the form of practical assistance.

Information and referral advice might be given about the following types of services:

- specialist agencies
- special support groups
- government or non-government services.

Information and referral advice might be given about the following types of resources:

- individuals with specialist skills, qualities, knowledge and/or expertise
- government allowances, pensions and benefits
- grants
- private finance
- equipment or other physical aids.

## **Evidence Guide**

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*For the purposes of assessment evidence may be required of knowledge and understanding of:*

- legal and organisation policies relating to advocacy, monitoring and dealing with abuse
- the advantages and disadvantages of advocacy; how the worker might empower or disempower the young person/s
- methods of short term counselling and giving the young person informed options so that they can make an informed choice
- methods of referring onto and accessing another organisation
- different forms of abuse
- indicators of different potential or actual forms of abuse
- family support and mediation
- alcohol and other drugs

*Evidence may be required of skill in:*

- interpersonal communication with young people (specifically skills such as listening, observation, leading discussions, questioning, clarifying)
- short term counselling
- identifying indicators of abuse.

*Evidence may be required of qualities such as:*

- tact
- patience
- honesty, reliability and a commitment to not divulging confidential information



## LEGAL SUPPORT UNIT

# INTERVENE IN THE INTERESTS OF A YOUNG PERSON

### *Excerpt from research report*

All legal support in its nature is intervening in some way. Advocacy, for example, is clearly a form of intervening. However, analysis of the situation will often call for decisive action on the part of a client, where strategy is decisively or even urgently enacted. 'Intervention' means -

- initiating a legal process to protect a victim
- applying pressure to make the legal apparatus respond appropriately
- resolving a difficult situation without resort to legal process
- mediating between parties in conflict

The workshops provided evidence of a high order of skill in deciding when to use legal process and when to avoid it and resolve the situation otherwise. These show that highly competent legal support work occurs at the point where decisions are made about whether the law is made to apply or not to apply to a situation.

The police who attended the workshops projected intervening as positive aspect of their work.

We have seen already that police carry on legal support work via their discretionary powers. Some police described how they performed legal support for both victims and offenders and showed how this contributed to effective law enforcement in numerous situations.

Police officers described a typical intervention in a domestic violence situation where they took out an Apprehended Violence Order on a victim's behalf. Such intervention involves counselling, advising and elements of advocacy as well as the taking of action to try and resolve the situation:

When you see a girl getting bashed at her place of work by her father with a tennis racquet and things like that, there are limits to how you can say it's all right, we'll all just down and talk about it. These kids are in danger of their lives. This girl had a broken nose. To me that is serious enough to set that adversarial train and to use the system to protect the child for a change instead of to victimise her ...  
City SG1:3

... He hit her and he hit the kids and the only way that I could communicate was through the older boy because she didn't speak much English ... Now because she

didn't know much about the law I explained through her older son ... about the Apprehended Violence Order. I took it out on her behalf because she wasn't quite sure what to do ...  
City SG1:14

This small group in the City workshop referred to numerous incidents where police have intervened supportively to protect the victim or deal supportively with a young person who has acted unlawfully. This was echoed by the other small group who highlighted the difficulty and rewards of this intervention for the parties and the officers :

Yes it was the attitude that she had to the young person, her willingness to go ahead with an apprehended violence order which is often very hard because it's a hard thing to prove and it's a hard thing to get through so a lot of police don't want to know about but she was willing to take it on and she was really supportive and I think all the networks just supported this young person. City SG1:1

The participation of police highlighted the difficulties they often face arising from the potential conflict that exists between newer perspectives on police work that incorporate a concept of legal support and traditional policing that sees enforcement in more limited adversarial terms. There are important implications here for training of police and their contacts with other legal support workers.

A District Officer used the care application process to intervene in the interests of the child and its family as he had assessed it, in a conflict turning on the paternalistic authority hospital staff were attempting to exercise over a long-hospitalised child and the fitness of the parents:

Basically, what it comes down to is this child had been kidnapped by the doctor and by the hospital and to get the child out of hospital I actually lodged a care application and had the child discharged to the parent's care. There's a lot more in it. I'm only talking about my point of view. It might seem quite different now, I don't know but that's certainly one time that I felt that the law really has assisted positively in a good outcome for a family because there are occasions where it doesn't help.  
Taree SG1:2

A Home School Liaison Officer described how they took a decisive and eventually effective course of action based on knowledge of the relevant Act, in the case of a 'truanting' child:

It was very assertive. I was playing a role of being very very authoritative, an authoritative figure because my officer who'd been working on the case had tried the non coercive methods, let's try this, let's try that, let's bring in this person, let's bring in that person and basically I realised, we could only bring in those other support groups after we got that kid and I guess broke his spirit ...

I was letting that parent know that this action, it was a last ditch stand and unless they supported and showed me that they were supporting their child back to school then I had no alternative but to pass through the paperwork straight to the legal department and that was out of my hands and the legal department would assess it and probably institute prosecution procedures against the parent under that Act.

Parra SG2:2

Also grouped under this heading as another aspect of intervention is the area of mediation. Legal support work can require a person to build communication and understanding between parties in conflict. One detached family counsellor illustrated how central mediation was to their work when she described reconciling a mother and daughter who were parties to a care application:

I feel like I'm in a funny position in this kind of meeting because I'm not like another counsellor who who is a sort of advocate for the child because the foundation for my work ... is that I'm not for anybody. I'm idealistically and ideologically for neutrality which means I don't take the part of any family member against another which is really hard of course ... where there's physical violence ...  
City SG1:12

It has already been noted that workers in contact with non-Anglo youth can often be placed in the position of cultural go-betweens:

... besides knowing your legal stuff you've got to be aware of some of the cultural issues with different nationalities. I've had incidents, being of Arabic background and dealing with maybe Arabic kids. There's more than what the law says, there's also what you're allowed to do and as a result ... maybe that is why so many people come to me about legal advice, what to do. They've got to go to Minda and their parents don't know and most of them fear the wrath of having to deal with their father than having to deal with what's behind bars and it's important to understand ... some of the issues behind it ... to be able to refer people to appropriate things  
Parra SG2:10

The youth assault case described earlier (see 'Analysis of strategy') illustrated how police can take a mediating role, possibly involving a formal caution as an alternative to arresting and charging a youth.

A few statements from the Bourke workshop show that intervention is a key area for Aboriginal workers, partly because they express it as being plagued with difficulty for them. Individual efforts to resolve 'blues' are seen to be futile, while police intervention is roundly rejected in matters that are felt to be the community's responsibility, especially care and control of children. A basic dilemma for Aboriginal people reflected in the workshop is how to achieve community control and avoid continual police intervention in their lives. One view is 'you should always use the extended family' to handle care and control situations:

No, they keep asking us to take them home, to get them home. The thing is, I'll give you an example - - picking up the kids off the street at one stage and there were a lot of volunteers and a lot of the parents got involved in that and they were taking the children home. Now when mum and dad want them home, they left them at the next best place which was Aunty's or a sister's place or something. There's always someone there so rather than just taking them home, and saying you can't leave them there, you should always use the extended family. There's always somebody there. If there's nobody there, then you've got the nuns.

Bourke WS: 6.

Using community mediation to resolve a situation is felt to be preferable to involving the police since the history of police-Aboriginal relations means that Aboriginal people have a deep distrust of them, and a deeply felt conflict about

involving them to resolve domestic violence situations, for example. Police express frustration at not understanding why they are called to intervene and then refused co-operation:

... every police officer has got his own discretion, that's one thing that you get, you're allowed to have your own discretion. If you want to take the action you can but when you've got four people screaming down the doors that you take action, you take the statements, you do the work, you say right to they want action taken, they want it taken, you have a look at the legal grounds, you have a look at the proofs, they're all there so you go and have a word to the people and half the time probably 75 per cent of the time they say I don't want to tell you nothing about it, I don't want to tell you anything about it, it's a load of bullshit . You can't get information ...

Bourke WS: 10

**Element****3.1** *Implement a framework for deciding whether to intervene***Performance Criteria**

- 3.1.1 Young people's rights and choice are promoted in ways which respect their values and beliefs, and take into account worker's rights and any relevant legislation and agency mandate.
- 3.1.2 Agreements made, decisions or actions taken or planned are designed to serve the interests of the young person and adhere to relevant legal process.
- 3.1.3 The necessary records relating to relevant legislation and individual rights and choices are accurate, legible and complete.
- 3.1.4 Where there are risks and repercussions to the young person from the choices made, these are explained in a manner which is supportive of the young person whilst outlining the risks and repercussions.
- 3.1.5 The extent to which a worker and the particular organisation in question can direct resources and assistance to a potential intervention situation is clearly explained to those involved.
- 3.1.6 Information and referral resources and mechanisms are established and made available for cases where the worker will require more assistance to deal with an intervention situation, either in an immediate or ongoing manner.

**Element****3.2** *Intervene to protect young people who are in crisis due to their experience of violence***Performance Criteria**

- 3.2.1 When attempts to prevent emotional, physical or psychological violence perpetrated against a young person have failed, relevant legal process is used to remove and protect the young person from continuing violence.
- 3.2.2 Judgements about the necessity for intervention are informed, as far as is reasonably possible, by research into the personal, family and social context of the young person's situation.
- 3.2.3 Support and opportunities to express feelings are offered to the young person.

- 3.2.4 The positive qualities and other strengths of the young person are identified and affirmed.
- 3.2.5 Young people are enabled to make informed decisions about whether, and how, to act on their experience.
- 3.2.6 In all cases where the worker and/or young person require further support this is sought without delay.
- 3.2.7 In collaboration with the young person referrals to specialist services are considered, weighing up the rights and needs of the young person and the type and quality of services available.

**Element**

3.3 *Respond to young people expressing violence towards others*

**Performance Criteria**

- 3.3.1 A variety of strategies for dealing with abusive young people are developed.
- 3.3.2 The safety of non-violent young people in the situation is prioritised.
- 3.3.3 The means to avoid violence without losing face is made available to volatile young people.
- 3.3.4 Judgements are made about when and how it is appropriate to physically restrain young people.
- 3.3.5 A variety of possible courses of action in response to violent situations are identified, analysed, and the most viable option acted on.
- 3.3.6 Strategies are put in place to maximise the safety of all in potentially violent situations.

**Element**

3.4 *Respond to young people expressing violence towards themselves*

**Performance Criteria**

- 3.4.1 The likelihood of a young person acting on suicidal thoughts or endangering themselves is assessed.
- 3.4.2 A plan of care is developed which outlines ways to prevent, and respond to, young people expressing violence against themselves.
- 3.4.3 Action to manage the situation is taken without delay to protect self, young people and colleagues who are potentially at risk.
- 3.4.4 Information about the worker's action is conveyed to the young person in a manner which is likely to promote calm and reassurance.
- 3.4.5 Any procedures used to protect the young person from endangering themselves are consistent with legal and organisational requirements and the worker's own safety.
- 3.4.6 The tension between respecting the right of the young person to privacy and self-determination and ensuring their protection and safety is identified and explained to the young person to enable them to make informed decisions and to maintain the worker's accountability to the young person.
- 3.4.7 Basic first aid assistance is administered when necessary.

## **Element**

### **3.5** *Follow up intervention situations*

#### **Performance Criteria**

- 3.5.1 The circumstances surrounding an intervention situation are reported comprehensively, accurately and in a manner consistent with agency policies and procedures.
- 3.5.2 Strategies for debriefing are identified and acted on by drawing upon the support of appropriate persons.
- 3.5.3 Debriefing procedures with all involved are offered and where accepted, implemented.
- 3.5.4 Needs of young people arising from the intervention are identified and strategies developed in response.
- 3.5.5 Opportunity is offered to all parties for review and evaluation of the process used.
- 3.5.6 Incongruities between worker strategies and organisation policies are identified and addressed.

- 3.5.7 Gaps in resources available within and outside the organisation are identified.

**Element**

- 3.6 *Minimise the likelihood of intervention situations occurring*

**Performance Criteria**

- 3.6.1 Immediate appropriate action consistent with relevant law, legal and agency policies and procedures is taken where there are any indications a young person is about to commit an offence or is likely to need care and protection.
- 3.6.6 Approaches to the young person are carried out in a manner which is likely to be perceived as non-threatening and are consistent with any legal and organisational constraints.
- 3.6.2 Possible support networks for the young person are advised of the likelihood of an intervention situation.

**NOTE**

This unit's range of variables and evidence guide should be used in conjunction with the common range of variables for all units and the evidence guide which applies to all the units described at the front of the competency standards.

**Range of Variables**

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Intervention situations may relate to:

- only those facing young people
- potential or actual interventions
- young people expressing violence towards themselves
- young people experiencing violence
- young people expressing violence towards others
- aggressive or abusive behaviour to or by young person/s
- intensive anger and despair of young person/s
- suicide
- violent conflict between young people.

Relevant legal process might include:

- police caution
- pre-court diversion
- application for Apprehended Violence Orders
- custody, access proceedings
- maintenance proceedings
- care proceedings
- criminal proceedings against a perpetrator

### **Evidence Guide**

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*For the purposes of assessment evidence may be required of knowledge and understanding of:*

- methods, limits and powers of legal intervention
- aggressive and abusive behaviour
- methods of promoting less aggressive/abusive behaviour and for helping young people express their feelings in different ways
- other support agencies and the relevant specialist resources they offer
- possible factors which contribute to the need for intervention
- conflict resolution/management
- mediation and negotiation principles and processes
- possible repercussions of inappropriate intervention of worker behaviour.

Evidence may be required of the ability to:

- maintain the appearance of a calm approach even if the worker does not feel calm
- test a number of strategies in quick succession.

## LEGAL SUPPORT UNIT

# NETWORK WITH OTHER AGENCIES AND WORKERS

### *Excerpt from research report*

Participants value skill in working with other professionals and an ability to draw in and obtain an appropriate response from other relevant agencies. This group of statements includes such functions as:

- consulting, or being advised or informed by other people about a case
- co-operating with others to effect 'total support' for a victim or offender
- referring a case, including arranging legal representation

Analysing the situation sometimes leads to consulting with other people and sources of information. The solicitors particularly emphasised this aspect of obtaining support and advice from colleagues. A children's solicitor described a very positive experience of a co-ordinated support leading to the dismissal of an assault charge against a developmentally delayed state ward:

... I wanted to find out first of all how to deal with kids like this and so there were specialist services that I consulted on that and they were really good and then she had a district officer who happened to be good and she had a counsellor and her mother also had a counsellor and we all were speaking together and that was really good to find out what would be the best way to deal with it ... So, I think it was that co-ordination of support and sharing of knowledge that made that a positive experience for me and her I hope. City SG2:7

Yet a youth worker strongly criticised agencies for passing the buck on developmentally delayed ('DD') young people and failing to provide just this kind of co-ordinated support:

I want to talk about this kid ... who's a prolific offender who's developmentally delayed and has cerebral palsy and has about 40 criminal matters, 40 different charges at the minute and I have contacted over 85 agencies over the last year - he has all sorts of behavioural problems - for someone to work with this kid and nobody will take him on and DDS have basically done nothing for this child.

I think they've tried but ... [he's in] the too hard basket and so this young person is now locked up, is now on anti depressants because he's acting out and wetting the bed. He's got conditional bail granted and we're trying to move the family out of the area where he's been offending and just been writing letter after letter to the Housing Commission to please hurry up on behalf of this family. He's only one. I've got about 4 DD kids at the minute where there are no resources ... City SG2:7

Earlier we pointed out that from the children's solicitor's perspective, collaborating and consulting with others allows them to construct a case, building up knowledge of the circumstances and assisting good representation. The contrast between city and country has also been mentioned. At worst there is no support; at best, an experienced District Officer might co-ordinate the legal process in child sexual assault cases, down to briefing the solicitor and the magistrate about the Act. (See reference to this in 'Knowledge' above).

Participants expressed a common theme of the value of working with others, collaborating in order to achieve a good outcome for the client. This is perhaps not surprising given the range of agencies that meet at the legal crossroads of domestic violence, youthful offending and child abuse.

A youth worker described how various agencies worked together to protect a young Syrian girl in a family with a history of violence:

We immediately rang [inner city] police, their domestic violence worker ... she was wonderful. She was really supportive of the young person and helped her understand that she did have ways of stopping that behaviour. I mean I don't think our role was crucial. What I think happened was that again all the community workers that were there joined together and provided the support that was necessary on a whole needs basis, not just that domestic violence order but that there was help. I mean we got into a refuge which was totally unsuitable. She needed other accommodation so there was help finding her and her sister other accommodation and getting her onto Austudy so it could be paid to her really fast, all those sorts of issues that were able to be dealt with. It was like a whole heap of people working together for these kids.

City SG2:3

Collaboration and co-ordinated effort is also valued for a related reason: workers through co-ordinated support can have achieve a sense of successfully countering the powerlessness of the victim or offender's situation, and combatting a sense of the hopelessness of their own. Without the opportunity to collaborate, there is sense of the ineffectuality of the isolated worker, whether community worker or duty solicitor.

Police often isolated by their enforcement role, acknowledge the value of such collaborative legal support, drawing in other agencies quickly and possibly using mechanisms such as the community aid panel as a means of police legal support:

The role I take is sitting on the panel and actually interviewing. There's usually three or four people ... from various backgrounds and asking the young person questions and then deciding what you might feel you might be the best sorts of things to get that young person into, trying to base it from the information they are giving you ... for some people there is also the role of following up ...

Taree WS:6

Legal support work brings opportunities for professional contact and the sense of 'working on a grander scale', as one participant put it:

There's also the old support issue even if you're on hands dealing with things day in day out and you might have a good knowledge of the legal system or legal rights, at times when you start seeing I suppose how stupid it is - you're only going to be a small dent but overall it's just a waste of time. It's good to have other people that support you in being able to work together on a whole lot of issues on a grander

scale. I mean it's important what you were saying about the whole debriefing thing and that's a really important part of the day whether you can walk out with your mind at rest or you're really carrying it right through to the next day when you're starting. Parra SG2:14

An important sub-theme that comes through the incidents reported is that of the importance of mutual support which comes as part of good collaboration. Good networking provides support and workers expressed the need to deal with stress from constantly dealing with the suffering of other people (see 'Role Awareness' below).

**Element****4.1**      *Identify and select appropriate networks***Performance Criteria**

- 4.1.1      Organisation, professional and personal networking needs are identified and prioritised.
- 4.1.2      Networks relevant to the worker's role, the organisation's priorities and its target groups are identified.
- 4.1.3      The range of existing networks are prioritised according to the worker's and organisation's most important needs.

**Element****4.2**      *Make effective use of relevant networks***Performance Criteria**

- 4.2.1      Information and other contributions appropriate to the network are identified and provided within the guiding principles and resource constraints of the worker and the organisation.
- 4.2.2      Information and other support which can be provided by the network is identified and sought.
- 4.2.3      The values, beliefs and perspectives of network participants are identified and used to inform judgements about communication within the network.
- 4.2.4      Confidentiality of young people, organisations and networks is maintained as appropriate.
- 4.2.5      Participation in networks is monitored against an on-going assessment of the benefits for the worker, organisation and young people.
- 4.2.6      Outcomes of participation in networks are reported to the worker's own organisation and other stakeholders where appropriate.

**Element****4.3**      *Contribute to co-ordination of services, programs and organisations***Performance Criteria**

- 4.3.1 Avenues of communication between services, programs and organisations are established and encouraged.
- 4.3.2 Information about organisations and their philosophies, objectives, roles and services is obtained and exchanged.
- 4.3.3 Participation in appropriate networks is encouraged.
- 4.3.4 Opportunities for collaborative action are identified and supported.
- 4.3.5 Organisations are assisted to negotiate roles, responsibilities and relationships in specific situations or in general.
- 4.3.6 Organisations are assisted to resolve conflicts.
- 4.3.7 Strategies to improve co-ordination are monitored and evaluated.
- 4.3.8 Processes and outcomes of co-ordination are analysed and reported.

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## NOTE

This unit's range of variables and evidence guide should be used in conjunction with the common range of variables for all units and the evidence guide which applies to all the units described at the front of the competency standards.

## Range of Variables

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Networks may be:

- informal
- formal.

Informal networks may include, but are not limited to:

- other legal support workers
- other types of workers, particularly those in the community services industry
- young people and youth groups
- trainers, teachers and academics
- contacts in policy and funding bodies.

Formal networks may include, but are not limited to:

- local interagency networks
- interest and support groups
- regional, specialist and peak associations
- professional/occupation associations.

The purposes of networks and networking may include but are not limited to:

- learning about the role, services and resources of other agencies
- learning about the roles and resources of other workers
- marketing and promotion of organisation and/or programs
- peer support and review
- professional development
- encouraging co-ordination among agencies and workers
- developing joint programs or activities
- policy development
- advocacy.

Avenues of communication may include:

- meetings
- telephone calls
- written communication
- once only, short term or on-going communication.

Collaborative action may include, but is not limited to:

- joint reports, activities or services
- mutual amendments to policies or procedures
- advocacy
- community education
- support by one organisation for the activities of the other.

## **Evidence Guide**

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*For the purposes of assessment evidence may be required of knowledge and understanding of:*

- the values and limitations of networks
- the dynamics of networks
- effective forms of communication with other workers and organisations

- the impact of values and attitudes of participants in determining the role and effectiveness of networks

*Evidence may be required of skill in:*

- contributing effectively to meetings, forums and other network activities
- providing information verbally or in writing
- analysing information
- establishing and maintaining relationships at individual and organisational levels
- representing the workers' organisation within networks.

## LEGAL SUPPORT UNIT

# PROVIDE LEGAL EDUCATION AND ADVICE ABOUT YOUTH ISSUES AND NEEDS

### *Excerpt from research report*

In practice, advising like other skills overlap the advocacy process, but it is useful to separate out the skill and emphasise the aspect of giving information and promoting the understanding of the young person. Advising is again 'putting knowledge to work' in activities such as:

- providing advice to a young person about their legal rights
- briefing a legal professional about a case
- facilitating a young people's learning about legal rights and processes
- interpreting the legal process to others (children, youth and families)

Legal support work involves an important aspect of advising people of their rights and the nature of legal processes. In this way advising clients - young offenders, victims, involved families - of their rights can involve a strong counselling aspect that is close to the central advocacy function of legal support already described.

Refuge workers are often placed in the front-line of advising young people on their rights and legal process. They express a need for basic knowledge of legal procedures in order to be able to 'prepare' a young person for court -

Preparation in terms of what to expect and then sometimes also I guess some of us actually go to court with someone and [help] them to understand what's just happened and what's in process of happening because the legal information, the legal language that's used at times is really ... if you're not working with it all the time ...

Taree WS:3

A District Officer, as part of intervention via a care application, emphasised the factor of informing family members of their rights as an important part of the legal solution:

. . . [there was also] the issue of informing the parents straight out of their legal rights ... laying the cards on the table and saying this is what these people are saying about you, this is what they want to happen, this is what they want me to do with your children. This is what I think, this is what the law says. What do you think, and getting honest reactions from everybody and then not making any kind of moral

judgments as it were but trying to work with the known factor information and trying to get the best outcome ... [it was that] everyone knew exactly where everyone stood in the legal sense that everyone did okay in the end.

Taree SG1:2

However, advising also extends to an **educational** role of increasing a person's understanding of themselves and their behaviour in relation to the law as it immediately affects them:

We do workshops, we do all that sort of thing, we talk to kids about now do you realize if you get caught rolling it's become a really serious offence now. There's a new push on as far as if you get caught doing this, this is what's going to happen. I mean we do that sort of thing with the kids but we're usually there when the kids hit crisis and we've got to pick up the pieces and sort of hope it's legal ...

... if we know what the situation is and we know - this child what the implications are for them then we're in a better situation to give them support even though we might actually be giving them a direct education and support in taking them to court, holding their hand virtually as a parent ... City WS:10

The standard educational role of police is well known:

... we go into all the school systems, we workshop, we work with home school liaison. We run year 8 workshops. We're concentrating on year 8 because that's come from the community side of the committees. I run workshops for year 8, year 11 and doing all the safety house groups in my area. They run the committees. I go and see every primary school at least once a year and I have different programs running through the high schools for different years. Years 10, 11 and 12 we concentrate on basically keeping them alive on the road, driver safety, drinking and driving, stuff like that. I go in and do year 9,10 and 11 legal studies. I teach them all about the law and about their rights ... Parra WS:12

This is not meant to suggest that it is only parents and young people who need educating. Some legal support workers felt that legal professionals including magistrates were in need of education and highlighted the need for system reform. It was pointed out by a District Officer that country solicitors and magistrates may have less than adequate knowledge of the relevant law in dealing with young people:

Often [the legal professionals] don't have a detailed knowledge of the Child [-rens Care and] Protection Act ... then it's up to us to try and educate the solicitors or the magistrate about what the Children's Act says. We're the ones that have to say OK see this section means such and such and you have to do this and the go from point A to Point B ... We're dealing with people who should know, who should have all those answers for us, not the other way around, but a lot of that is because we're in the country and we don't have lawyers who are well-versed in child protection matters because its not something they come up against very frequently

Taree WS: 1

Yet another facet of the informing, advising and educational aspect of legal support is that of the interpreting the law and legal procedures, and this may literally mean translation. As one Juvenile Justice Officer (formerly YOST worker) described it:

We're the buffer between the solicitor and the court. We basically - most solicitors in advising children do not introduce themselves, do not let the child know what plea they've entered, do not advise the child of their legal rights so we kind of come in behind and mop those messes up and try to make solicitors who we know are hard pressed for time but are a little more accountable ...

[Solicitor]: I think the YOST workers from my point of view ... are seen as allies by the kids, are seen as their voice in the system. It's almost like the YOST workers are there to decipher things for the kids, coming to interpret, like an interpreter for the kids because they speak their language better than most other solicitors. Plus we understand the formal language of the courts also so we kind of act as translators.

City WS:4

In effect, the worker to be placed in a kind of mediating role, standing between the client and interpreting the meaning of the court and the law - a kind of social lubricant to the grinding wheels of the juvenile justice system.

Community legal education was suggested as one step police could take in Bourke towards improving Aboriginal-police relations. The law and legal processes should be explained to the community:

I'm not blaming everything on the police but I'm just saying that people, because you're part of the law and you've got the blue uniform. It's just that I think that police role has got to be - go out and say right-o kids, at school or maybe in the community base or even with some adults and say right, this is the law, because you've got to get out there and start saying to the community this is what law's all about and so they know where their rights are and where they stand. The same with the court house - the court house people should do the same sort of thing.

Bourke WS:19

Advising is an important area then, where the legal support worker comes to take quite a significant role in helping young people and associated parties to better understand the legal process and its consequences for them.

**Element**

5.1 *Identify legal education needs of individual young people*

**Performance Criteria**

- 5.1.1 Young person is consulted first hand about perceived need for legal information and advice in a supportive and non-threatening manner.
- 5.1.2 Based on knowledge and understanding of the legal processes and institutions the young person is likely to face in a particular case, judgements are made about relevant advice and information.
- 5.1.3 Formal and informal consultations with other stakeholders are conducted to identify their views about young person's legal education needs.

**Element**

5.2. *Identify community legal education needs as they relate to young people*

**Performance Criteria**

- 5.2.1 Issues and concerns of young people in relation to community perceptions of their issues, needs, rights, roles and responsibilities are identified and recorded.
- 5.2.2 Formal and informal consultations with community members and other stakeholders are conducted to identify their perceptions in relation to young people.
- 5.2.3 Requests for information or resourcing are recorded and monitored.
- 5.2.4 Community, statewide and national media are monitored.
- 5.2.5 Changes and trends in community and stakeholder perceptions are monitored and their implications for community education are evaluated.

**Element**

5.3 *Enable young people to obtain information and advice*

**Performance Criteria**

- 5.3.1 Sufficient time and space is offered to the young person and s/he is encouraged to express his/her needs for information and assistance.
- 5.3.2 Availability, type and nature of information and resources is discussed in a manner, and at a level and pace, appropriate to the young person and in a way which respects his/her right of choices.
- 5.3.3 Where advice is sought and provided, it is of a level, type and manner appropriate to the young person and the nature of the issues facing him/her.
- 5.3.4 Where the young person needs assistance with communication, transport or escort, support is organised given the resource and time constraints.

### **Element**

#### **5.4**     *Provide legal information and advice*

### **Performance Criteria**

- 5.4.1 Opportunities to offer and disseminate information and advice are recognised and taken.
  - 5.4.2 Information given is current, relevant and accurate.
  - 5.4.3 Information is presented in a manner, and at a level and pace appropriate to the receiver.
  - 5.4.4 Presentation is suited to context and the purpose of the receiver.
  - 5.4.5 Legal advice is consistent with relevant legislation and agency policy and resource constraints and supported, as appropriate, by reasoned argument and evidence.
  - 5.4.6 The limits of expertise are recognised and appropriate referrals are made.
  - 5.4.7 Taking account of resource constraints, systems are established to ensure legal information and advice sources within the organisation are up to date, comprehensive, accurate, accessible, and of potential relevance to the young people using the organisation.
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## NOTE

This unit's range of variables and evidence guide should be used in conjunction with the common range of variables for all units and the evidence guide which applies to all the units described at the front of the competency standards.

### Range of Variables

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Legal information and advice might relate to:

- income support services
- legal aid services
- housing services
- medical services
- government or non-government services
- any other services
- people with relevant special qualities, knowledge and/or expertise
- age rights (eg. when can I leave home, smoke, drink, buy condoms, have an abortion etc. )
- their relationship with the police
- their relationship to the juvenile justice system (courts, diversion schemes, community aid panels, detention centres)
- abuse (sexual, physical, emotional, psychological, perpetrated by others or self)
- state response to abuse (care and protection and policing)
- discrimination (eg. racism, sexism, heterosexism, on the basis of disability, age)
- mental illness
- school discipline and suspensions
- employment / unemployment
- relationships (families, peers, partners, educators, employers etc)
- consumer complaints
- tenancy

Legal processes may relate to:

- police questioning
- arrest
- police search
- bail
- execution of warrants
- Children's Court proceedings- criminal and care
- Appeals
- Applications for Apprehended Violence Orders

- Criminal proceedings against a perpetrator
- Family Law proceedings
- Community Services Appeals Tribunal proceedings
- Social Security reviews / appeals
- Residential Tenancies Tribunal
- Consumer Claims Tribunal
- Complaints of discrimination
- Complaints to the Ombudsman and Commissioner for Community Services

Legal institutions may include:

- Police
- Children's Court
- Local Court
- District Court
- Supreme Court
- Family Court
- Residential Tenancy Tribunal
- Consumer Claims Tribunal
- Anti-Discrimination Board
- Human Rights and Equal Opportunity Commission
- Ombudsman
- Commissioner for Community Services
- Juvenile Justice Centres
- Legal Aid Commission

Community education strategies may include, but are not limited to:

- public speaking
- production of written, visual, audiovisual or artistic materials (e.g. posters, pamphlets, kits, plays)
- participation in community meetings
- public awareness campaigns
- information displays, events
- print and telecommunications media work (e.g. press releases, letters to the editor, interviews, articles)
- education and training workshops, seminars, conference or other forums
- peer education projects and strategies
- resourcing or supporting other community development projects, activities or organisations
- participation in policy development with community groups.

Education and resource materials may include:

- manuals
- videos
- posters
- pamphlets
- broadsheets
- radio programs/plays
- audio tapes
- visual displays.

## **Evidence Guide**

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*For the purposes of assessment evidence may be required of knowledge and understanding of:*

- a wide range of services and resources which will be useful for young people.
- formal and informal approaches to education and training
- evaluation strategies appropriate to community awareness and education programs
- the impact attitudes and values of audiences may have on the interpretation of information or education materials.

*Evidence may be required of skills in:*

- participation in meetings convened by other organisations/groups
- public speaking
- recognising and analysing information requirements
- summarising and presenting complex information in language(s) appropriate to the audience
- facilitating group processes
- writing for a range of media and purposes
- developing visual displays
- contracting or negotiating participation by other specialists or stakeholders
- explaining different perspectives
- assisting individuals and groups to examine issue from different perspectives
- designing and conducting learning activities.

## LEGAL SUPPORT UNIT

### DEVELOP LONG TERM LEGAL SUPPORT STRATEGIES

This unit is concerned with moving beyond immediate support work. It is concerned with addressing the 'causes' rather than only the 'symptoms.'

Examples are provided below:

#### **Solicitor:**

A large number of Indo-chinese young people are being referred for serious drug charges and receiving severe sentences from Magistrates

Represent client in court, liaise with other workers who work with these young people

Make appropriate representations in court

Appeal against severity of sentence

Contact other solicitors who work with young people; other workers and arrange a meeting to discuss issue and plan strategy:

- information sharing
- encourage kids to appeal and duty solicitors to advise about right to appeal
- information to young people about risks involved in selling drugs. i.e heavy sentences
- speak to magistrates

Ascertain whether any change in the number of kids being charged with supplying drugs by looking at own records; liaising with others

Look at court sentencing - any change?

Look at results of appeals - successful?

#### **Police**

High truancy rate amongst primary aged children. Identified Home School Liaison Officer.

Develop and run a Breakfast Program to feed and take these at risk children to school. Use Police Youth Club facilities. Liaise with H.S.L.O re - at risk youth, use both H.S.L.O. and police to operate program. Use community volunteers at Club

Average attendance level of children involved in program

**Element**

6.1 *Support efforts to improve the quality and effectiveness of legal services to young people*

**Performance Criteria**

- 6.1.1 Issues and concerns of young people in relation to quality and effectiveness of services are identified and recorded.
- 6.1.2 Young people's issues and concerns are explained to the organisation or worker in question.
- 6.1.3 Organisations and workers are assisted to identify options which may address those concerns.
- 6.1.4 Where required, advocacy is provided for the implementation of the most appropriate options.
- 6.1.5 Avenues of communication between young people and the organisation or worker are provided.
- 6.1.6 Progress and outcomes are recorded and reported both within the worker's own organisation and to the young people involved.
- 6.1.7 Organisations and workers are assisted to establish or develop mechanisms to ensure that the rights of young people are not contravened.

**Element**

6.2 *Encourage and support young people to develop networks with other young people*

**Performance Criteria**

- 6.2.1 Young people's issues, needs or interests in legal issues are identified and noted.
- 6.2.2 Young people are encouraged and supported to identify the commonality of their issues, needs and interests.
- 6.2.3 Possibilities for responding to those needs or interest are discussed.
- 6.2.4 Structured or unstructured opportunities for young people with similar needs or interests to meet are provided.
- 6.2.5 Young people are encouraged and supported to identify relationships between their issues/interest and social structures.

- 6.2.6 Young people are encouraged to work together to take joint action.
- 6.2.7 Groups are established related to common interests.
- 6.2.8 Groups are promoted / publicised to enable others to participate.

**Element**

6.3 *Support young people to identify and develop strategies and action plans*

**Performance Criteria**

- 6.3.1 Group processes are used to generate ideas for strategies.
- 6.3.2 Groups are assisted to evaluate and select strategies.
- 6.3.3 Groups are assisted to identify and organise into plans the actions, resources, timelines and responsibilities required to implement their strategies.

**Element**

6.4 *Support young people to identify and develop the information and skills required to take action*

**Performance Criteria**

- 6.4.1 Group processes are used to identify the information and skills required to implement their strategy.
- 6.4.2 Information and skills available within the group are identified and affirmed.
- 6.4.3 Sources of information and skills not available within the group are identified.
- 6.4.4 Structured and unstructured opportunities to obtain information and develop skills are provided or developed on an on-going basis.

**Element**

6.5 *Support young people to identify and form alliances with key stakeholders*

**Performance Criteria**

- 6.5.1 Group processes are used to identify other stakeholders interested in the issue or strategy.
- 6.5.2 The interest, resources and possible roles of stakeholders are identified.
- 6.5.3 Young people are supported in contacting, informing and negotiating alliances with stakeholders.
- 6.5.4 Young people and stakeholders are assisted to maintain appropriate contact and information flow.
- 6.5.5 Young people are encouraged to acknowledge stakeholder support.

**Element**

- 6.6 *Support young people to implement their strategies or action plans*

**Performance Criteria**

- 6.6.1 Information is provided as required to individuals and the group.
- 6.6.2 Individual and group support is provided on an on-going basis.
- 6.6.3 Group processes are used to monitor progress and adapt or further develop plans.

**Element**

- 6.7 *Assist young people to monitor and evaluate strategies*

**Performance Criteria**

- 6.7.1 Groups are supported to monitor and record progress.
- 6.7.2 Groups are assisted to identify outcomes and consequences (intended or unintended) of their actions on an on-going basis.
- 6.7.3 Both strategies and group processes are evaluated.
- 6.7.4 Reports of outcomes are provided as appropriate to stakeholders and within the organisation.

6.7.5 Achievements, including personal development and skills development, are celebrated.

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## NOTE

This unit's range of variables and evidence guide should be used in conjunction with the common range of variables for all units and the evidence guide which applies to all the units described at the front of the competency standards.

### Range of Variables

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Young people's issues or concerns about quality and effectiveness of legal services may relate to:

- access to services, information or entitlements (including cost, time/delays, physical access and 'understandable' information)
- apparent attitudes of workers or organisations to young people or their concerns, including any form of discrimination
- policies and procedures of the organisation
- interpretations of policies or procedures by workers
- contravention of young people's rights
- relevance or appropriateness of the worker's/organisation's response to young people's needs.

Options which may address concerns may include, but are not limited to:

- introduction of or amendments to policies or procedures
- staff training and development (including values clarification and examination of the impact of values and attitudes on outcomes for young people)
- strategies to improve access
- development of new services or programs within or outside the organisation.

Stakeholders may include:

- young people directly involved
- other young people (peers, friends, target groups etc)
- families and other caregivers
- members of the local community (including residents, business workers, representatives such as councillors or politicians)
- community groups (including services, interest groups, cultural groups, churches, clubs and associations)
- government at local, state and national levels, in both parliamentary, representative and bureaucratic, officer levels
- government departments, agencies and service (including human services, public utilities, police)
- political parties
- other youth and community services (including workers, management, and networks of services)

- unions
- employers and employer groups
- peak bodies and networks in youth and community services
- education and training providers
- experts in the subject, issue, situation or service

Action strategies may include:

- community education/awareness raising
- lobbying and advocacy
- development of new programs, services, opportunities or organisations
- developing the capacity of individuals, groups and communities to meet their own needs and achieve their own objectives
- non violent direct action
- participatory or action research.

Resources required by groups may include:

- information
- knowledge/skills
- equipment and materials
- facilities (e.g. buildings, transport)
- organisational structures or networks
- support
- access to decision makers.

Group processes, which may be formal or informal, might include, but are not exclusive to:

- workshop techniques (such as Web Charts, Visual Participatory Planning, Forcefield Analysis)
- brainstorming
- meetings.

Groups may include:

- all types of young people as indicated in the range of variables for all units
- formal and informal groups.

Structured opportunities to obtain information and develop skills may include:

- formal training courses (eg. workshop on lobbying skills)
- conferences and seminars
- provision of reading and/or audio-visual materials.

Unstructured opportunities to obtain information and develop skills may include:

- meetings
- discussions.



## Evidence Guide

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*For the purposes of assessment evidence may be required of knowledge and understanding of:*

- decision making structures and processes at organisation, community and societal levels
- legislation and policies relating to young people, youth issues and organisations
- youth issues as listed in the common range of variables for all units
- community and other stakeholders' attitudes to and perceptions of the issues/s under consideration
- approaches to self help and community development

*Evidence may be required of skill in:*

- research and consultation
- application of community development approaches
- co-ordination of people, processes and information
- analysis of information
- provision of support to a diverse range of people / organisations
- application of planning approaches in group settings
- communication, and in particular listening, clarifying, providing information, negotiating and explaining
- techniques for generating and evaluating ideas in group settings
- predicting possible outcomes or consequences of particular actions
- establishing and facilitating groups.