



Young people under youth justice supervision and in child protection

2018-19







2018-19

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Summary

Research shows that children and young people who have been abused or neglected are at greater risk of engaging in criminal activity and of entering the youth justice system. A better understanding of the characteristics and pathways of children and young people who are both in the child protection system and under youth justice supervision can help support staff, case workers, and policy makers to get the best outcomes for these children and young people.

Using data from the linked child protection and youth justice supervision data collections, this report presents information on young people who had been under youth justice supervision during 2018–19, who had also received child protection services in the 5 years between 1 July 2014 and 30 June 2019.

Results are based on the 7 jurisdictions with data in both the youth justice and child protection national minimum data sets. New South Wales is excluded, as they do not provide standard child protection NMDS data.

More than half of young people who had been in youth justice supervision had also received child protection services in the last 5 years

Of the 7,904 young people who had been under youth justice supervision during 2018–19, 4,243 (54%) had also received a child protection service in the 5 years from 1 July 2014 to 30 June 2019. 2,213 (28%) received child protection services in 2018–19.

Over half (54%) of those in community-based supervision and around 3 in 5 (61%) of those in detention during 2018–19 had received a child protection service in the last 5-year period.

Youth justice-involved females were more likely than males to have received child protection services

While young people under youth justice supervision were almost 4 times as likely to be male than female (6,206, compared to 1,698), young females were more likely to have also received child protection services in the 5 years from 1 July 2014 to 30 June 2019.

Over 7 in 10 (71%) young females under youth justice supervision during 2018–19 had received a child protection service in the 5 years from 1 July 2014 to 30 June 2019 compared to 49% of young males.

The younger a person was when they entered youth justice, the more likely they were to have also received child protection services

Over 7 in 10 (71%) young people aged 10 to 13 at their first contact with youth justice supervision had received child protection services in the 5-year period, while just 33% of those who were 16 and above had been involved with both services.

The actual involvement of young people under youth justice supervision with child protection in the older age groups may be higher than reported where their involvement in child protection occurred before the 5 years of child protection data included in this analysis (1 July 2014 to 30 June 2019).

Young Indigenous Australians in youth justice were more likely than non-Indigenous young people to have received child protection services

Just over 3 in 5 (61%) Indigenous young people under youth justice supervision during 2018–19 had also received child protection services in the 5 years from 1 July 2014 to 30 June 2019. This compares to just under half (48%) of non-Indigenous young people.

Almost half of young people under youth justice supervision in 2018–19 had been the subject of an investigated notification in the last 5 years

Almost half (47%) of young people under youth justice supervision during 2018–19 were the subject of investigated notifications in the 5 years from 1 July 2014 to 30 June 2019.

Just under a quarter of young people under youth justice supervision in 2018–19 were placed on a care and protection order and/or were in out-of-home care in the last 5 years

Almost 1 in 4 (23%) young people were placed on a care and protection order and 22% were placed in out-of-home care in the 5 years from 1 July 2014 to 30 June 2019.

About one-third of youth justice-involved young people were the subject of a substantiated notification for abuse or neglect

For both types of youth justice supervision, about one-third of young people were the subject of a substantiated notification for abuse or neglect—28% of young people in community-based supervision and 34% of young people in detention.

Of those young people in community-based supervision during 2018–19 who had been the subject of 1 or more substantiated notifications of abuse, 53% were substantiated for emotional abuse, 38% had been substantiated for neglect, followed by physical abuse (21%) and sexual abuse (9%). Proportions do not sum to 100% as some young people had multiple substantiations for multiple types of abuse over the 5-year period from 1 July 2014 to 30 June 2019.

For those in detention who had been the subject of 1 or more substantiated notifications, almost half (49%) had been substantiated for emotional abuse, 42% had been substantiated for neglect, 23% for physical abuse and 10% for sexual abuse.

About 4 in 5 youth justice-involved young people who were out-of-home care had been in residential care

Just over 1 in 5 (22%) young people under community-based supervision in 2018–19 had been in out-of-home care. Of those in out-of-home care, 4 in 5 (80%) had been in residential care, two-thirds (66%) had been in foster or relative/kinship care and 17% had been in *only* foster or relative/kinship care placements.

Just over 1 in 4 (26%) young people in detention had been in out-of-home care. Of those, more than 4 in 5 (84%) had been in residential care, 66% had been in foster or relative/kinship care and 14% had been in *only* foster or relative/kinship care placements.

2 in 5 youth justice-involved young people who were out-of-home care had 5 or more placements

Just over 2 in 5 (41%) of those in community-based supervision and who had been in out-of-home care had 5 or more placements. Of those in detention who had been in out-of-home care, 44% had 5 or more placements.

1 Introduction

In 2018–19, around 10,800 young people in Australia were supervised by a department responsible for youth justice, either in the community or in a youth detention centre (AIHW 2020b) and about 115,700 children and young people aged 0–17 had a notification of abuse or neglect investigated by a department responsible for child protection (AIHW 2020a). Some young people are involved in both the child protection and youth justice systems (AIHW 2019).

Research shows that children and young people who have been abused or neglected are at greater risk of engaging in criminal activity and entering the youth justice system. For example, one study found that being maltreated as a child roughly doubles the probability of committing a crime (Currie & Tekin 2006).

While the majority of children who are abused and neglected do not go on to offend, a large proportion of children who offend have had a history of abuse or neglect (Cashmore 2011). This is particularly the case for young people in detention. A survey of young people in detention in New South Wales found that 64% of young women and 68% of young men had been abused or neglected, while 46% and 27%, respectively, had suffered severe abuse or neglect (JH&FMHN & JJNSW 2017).

Other research has found that those who have experienced a greater number of substantiations of reported abuse or neglect; of ongoing abuse from childhood through to adolescence; and of placement into out-of-home care, are more likely to receive a conviction (Malvaso et al. 2017).

Procedures used within the child protection and youth justice systems can also make involvement with both systems more likely. For example, contact with youth justice agencies might lead to a child protection notification being made if abuse or neglect is suspected by, or reported to, child protection agency staff (AIFS 2016).

However, this can also work the other way, Report 2 of the 'Crossover Kids' project found that 74% of young people had not offended before being placed in out-of-home care, and over half of young people who offended, committed their first offence either during or after their first residential care placement (SAC 2020).

This highlights the importance of better understanding the characteristics and pathways of children who are under youth justice supervision as well as their background and involvement in the child protection system. This information can assist support staff, case workers and policymakers to get the best outcomes for children and young people.

Previous work by the Australian Institute of Health and Welfare (AIHW) found that linking youth justice supervision and child protection data was both feasible and beneficial for policy and program delivery (AIHW 2012). With the introduction in 2012–13 of a national unit record data collection on children and young people in the child protection system—the Child Protection National Minimum Data Set (CP NMDS)—it is possible to link child protection system data to the existing data on youth justice supervision. This linkage, in turn, enables reporting on the relationships between child protection and youth justice supervision on an annual basis (AIHW 2015). The first of these annual reports was released in 2016, based on 2013–14 data (AIHW 2016a). The current report, the sixth in the series, is based on the most recent year of youth justice data (2018–19) and 5 years of child protection data from 1 July 2014 to 30 June 2019.

This report presents information on 7,904 young people who had been under youth justice supervision during 2018–19, and the 4,243, or 54% who had also been involved in the child protection system in the 5 years from 1 July 2014 and 30 June 2019 in Victoria, Queensland, Western Australia, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory (Table S1a).

Data is presented on the child protection services experienced by these youth justice-involved young people including investigated notifications and substantiations, child protection orders and out-of-home care. The report also presents data on this group's type of primary substantiated abuse, type of out-of-home care and number of placements.

The report analyses 5 years of child protection data from 1 July 2014 to 30 June 2019 and therefore does not capture the full history of child protection services for the youth justice group.

As more data become available in future years, it will be possible to better analyse the links and pathways between child protection and youth justice supervision over a number of years. Detailed information on the method used for this report can be found in *Developing a linked data collection to report on the relationships between child protection and youth justice supervision* (AIHW 2015).

1.1 What is child protection?

In Australia, state and territory departments responsible for child protection assist vulnerable children and young people who have been, or are at risk of being, abused, neglected or otherwise harmed, or whose parents are unable to provide adequate care or protection (AIHW 2020a).

There are 3 main components of the child protection system:

- The assessment and investigation of **notifications** of possible abuse, neglect or other harm: these notifications are screened by child protection departments; if necessary, the report is investigated. If the investigation finds that the child is being or is likely to be abused, neglected or otherwise harmed, the notification is recorded as **substantiated**.
- **Care and protection orders**, which are legal orders or arrangements that give child protection departments some responsibility for a child's welfare.
- The placement of children in **out-of-home care**, which is overnight care for which the department has made, or offered, a financial payment to the carer. This option is taken up when parents cannot give adequate care; when children need a more protective environment; or when other accommodation is needed during family conflict. Consistent with the principle of keeping children with their families, out-of-home care is considered an intervention of last resort.

It is possible for children and young people to be involved in each of these 3 components at the same time. For more information on child protection policies and practices in the states and territories, see *Child protection Australia 2018–19* (AIHW 2020a).

The child protection system applies to children aged under 18 and for some state and territories, this also includes unborn children (AIHW 2020a).

1.2 What is youth justice supervision?

Youth justice supervision is a component of the youth justice system. In Australia, the states and territories are responsible for dealing with young people who have committed, or who are alleged to have committed, criminal offences. Young people enter the system when they are investigated by police for allegedly committing an offence and, depending on the outcome of the investigation, charges may be laid. If the young person is found guilty, they will then be sentenced by a court (AIHW 2020b).

Young people may be supervised by a youth justice department at any stage of their pathway through the youth justice system. There are 2 main types of supervision:

- **community-based supervision**, for young people who reside in the community while they are supervised by the youth justice department. Young people may be unsentenced (before a court hearing or while awaiting the outcome of a trial or sentencing) or may have been sentenced to a period of community-based supervision by a court. Community-based supervision also includes young people who have been released from sentenced detention on parole or supervised release.
- **detention**, for young people who are detained in a youth justice centre or detention facility. As with those under community-based supervision, these young people may be unsentenced or may have been sentenced to a period of detention by a court.

Young people may be under multiple types of youth justice supervision within the same year, or at the same time, where supervision orders relate to different charges.

Young people who are in the youth justice system may also be **unsupervised** in the community (for example, on unsupervised bail). Information on these unsupervised community-based orders is not available from the data collection on youth justice supervision and is not included in this report.

The youth justice system now applies to children and young people aged 10–17 at the time of the offence in all states and territories. However, there are some young people aged 18 and above who remain in the youth justice system due to their potential vulnerability.

In Queensland, youth justice supervision previously applied to those young people who committed an offence aged 10–16. In February 2018, legislative amendments were enacted to align Queensland with all other Australian jurisdictions, subsequently increasing the age of being charged and supervised under the youth justice system to 17 years old. As a result, the 2018–19 reporting year will see an increase in young people supervised by youth justice in comparison to previous years.

In Victoria, some young people aged 18–20 may be sentenced to detention in a youth facility under the state's 'dual track' sentencing system, which is intended to prevent young people from entering the adult prison system at an early age. Children aged under 10 cannot be charged with a criminal offence in any state or territory.

For more information on youth justice supervision in Australia, see *Youth justice in Australia 2018–19* (AIHW 2020b).

1.3 Report structure

There are 4 chapters and an appendix in this report:

- Chapter 1 introduces the report, provides an overview of child protection and youth justice supervision and describes the data.
- Chapter 2 examines the demographic characteristics of young people under youth justice supervision who have also been involved in the child protection system.
- Chapter 3 examines youth justice-involved young people and their experience with selected child protection services.
- Chapter 4 summarises the limitations of the current report and outlines ways in which future reporting can be expanded and enhanced.
- Appendix details the linkage method and technical notes.

Supplementary tables referred to in this report (tables with a prefix of S or A) are available to download from https://auth.aihw.gov.au/reports/youth-justice/young-people-in-child-protection/data.

1.4 Notes

Percentages are rounded to whole numbers in text.

Rate ratios are calculated from unrounded percentages, as presented in the supplementary tables.

Figures (charts) present unrounded percentages.

2 Young people under youth justice supervision and under child protection

This chapter provides information on the characteristics of young people who were under youth justice supervision (community-based supervision or detention) during 2018–19 who received a child protection service (including investigated notifications, care and protection orders or out-of-home care) in the 5 years from 1 June 2014 to 30 July 2019.

As noted in Chapter 1, the data in this report relate to all states and territories except for New South Wales who do not provide data to the child protection NMDS.

Key findings

Of the 7,904 young people under youth justice supervision during 2018-19:



Just over **1 in 2** (54%) had also received child protection services in the 5 years from 1 July 2014 to 30 June 2019.

6 in 10 (61%) Indigenous Australians had received child protection services.





7 in 10 (71%) females had received child protection services.

7 in 10 (71%) of those aged 10 to 13 at their first contact with youth justice supervision had received child protection services.





The level of involvement in child protection services between 1 July 2014 and 30 June 2019 varied among the states and territories.

Sources: tables S1a, S2a and S4a

2.1 Youth justice supervision and experience with child protection

During 2018–19, there were 7,904 young people under supervision (excluding New South Wales). Of these, just over 1 in 2 (or, 4,243) had received a child protection service in the 5 years from 1 July 2014 to 30 June 2019 (Table S1a). Almost one-third (28%, or 2,213) had received a child protection service during 2018–19 (tables A1a and A1b).

Just over 1 in 2 (or 3,989 of 7,383) young people who had been under community-based supervision, and 3 in 5 (or 2,018 of 3,304) young people who had been in detention, had also received a child protection service (tables S6 and S8). Note that the number of young people in community-based supervision and detention will not sum to the total number of young people under all supervision as more than one-third (35%) of young people under youth justice supervision experienced both community-based supervision and detention during 2018–19 (S1a, S6 and S8).

When comparing to the general population, 1 in 33 children aged 0–17 received a child protection service in 2018–19—as reported in *Child protection Australia 2018–19* (AIHW 2020a). This highlights the level of over-representation of young people with a background of abuse and neglect in the youth justice system.

Please note that statistics from *Child protection Australia 2018–19* are not directly comparable to those presented in this report due to some differences in methodology. For more details on comparability, see the technical notes.

The actual involvement of young people under youth justice supervision with child protection is also likely to be higher than reported where their involvement in child protection occurred before the 5 years of child protection data included in the analysis (1 July 2014 to 30 June 2019).

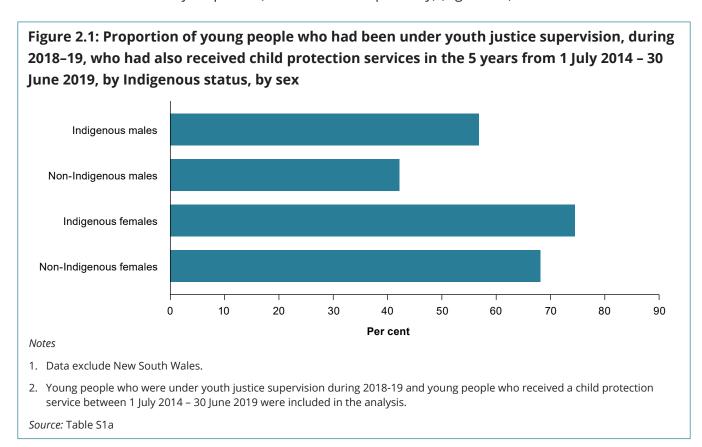
2.2 Demographics

Females under youth justice supervision in 2018–19 were 1.5 times as likely as males to have received child protection services during the 5-year period (71% compared with 49%, respectively) (Table S1a).

Young females make up only 21% of the youth justice population, making them a small but very vulnerable group who are more likely to be involved in child protection than males (Table S1a).

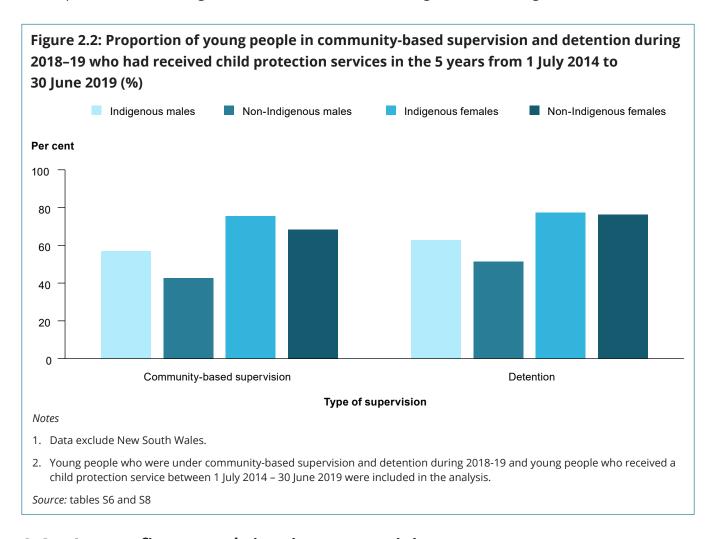
Of those under youth justice supervision, young Indigenous females were most likely to have also received child protection services (75%) in the 5 years from 1 July 2014 to 30 June 2019—followed by non-Indigenous females (68%) (Figure 2.1).

Indigenous males were more likely than non-Indigenous males to have received child protection services over the same 5 year period (57% and 42% respectively) (Figure 2.1).



The pattern was similar for young people in community-based supervision and detention during 2018–19:

- For those in community-based supervision, 75% of Indigenous females, and 68% of non-Indigenous females had received child protection services in the 5 years from 1 July 2014 to 30 June 2019, compared with 57% of Indigenous males and 43% of non-Indigenous males (Figure 2.2).
- For those young people in detention, 77% of Indigenous females and 76% of non-Indigenous females had received child protection services in the 5 years from 1 July 2014 to 30 June 2019, compared to 63% of Indigenous males and 51% of non-Indigenous males (Figure 2.2).



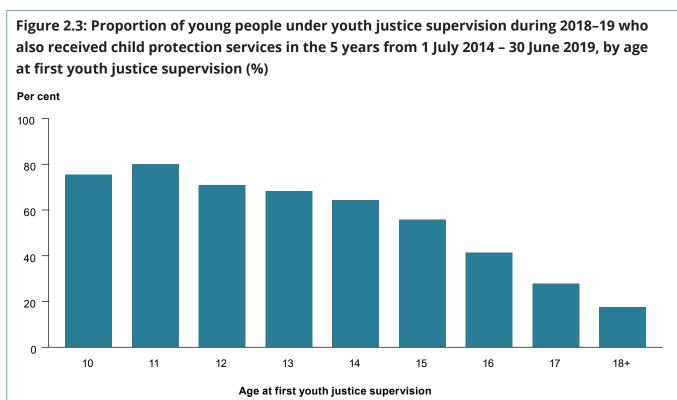
2.3 Age at first youth justice supervision

For those young people under youth justice supervision during 2018–19, the younger they were at their first youth justice supervision, the more likely they were to have also received child protection services in the 5 years from 1 July 2014 to 30 June 2019. Those who were older at their first youth justice supervision were much less likely to have received a child protection service (this includes periods of youth justice supervision which occurred before 2018–19) (Figure 2.3).

Of those aged 10 at their first youth justice supervision, just over three-quarters (76%) had also received child protection services at some stage in the 5-year period. Those aged 11 at their first youth justice supervision were the most likely to have also had child protection services (80%).

The likelihood of involvement with child protection services fell steadily as the age of a young person's first supervision rose. Those aged 17 and 18 and over at their first supervision were the least likely, at 28% and 18%, respectively (Figure 2.3).

The actual involvement of young people under youth justice supervision with child protection in the older age groups may be higher than reported where their involvement in child protection occurred before the 5 years of child protection data included in the analysis (1 July 2014 to 30 June 2019).



- Notes
- 1. Data exclude New South Wales.
- 2. Young people who were under youth justice supervision during 2018–19 and young people who received a child protection serviced 1 July 2014 30 June 2019 were included in the analysis.
- 3. The actual involvement of young people under youth justice supervision with child protection in the older age groups is likely to be higher than reported, as only 5 years of child protection data are included in the analysis.

Source: Table S4

2.4 State and Territory

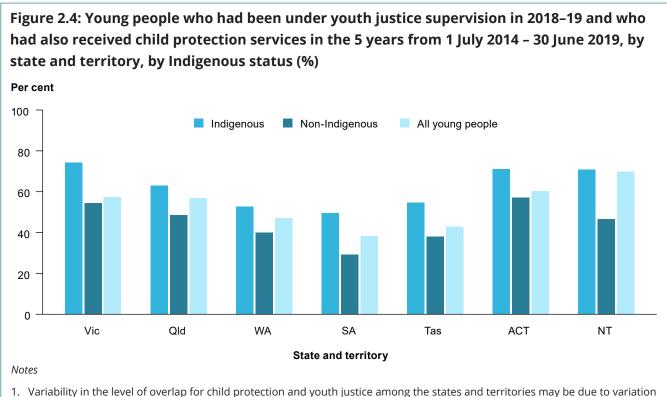
Young people who had been under youth justice supervision were highly likely to have also been involved in child protection across all jurisdictions in Australia (excluding New South Wales).

Young people under youth justice supervision during 2018–19 in the Northern Territory were the most likely to have also received a child protection service in the 5 years from 1 July 2014 to 30 June 2019 at 70%, followed by the Australian Capital Territory at 60%, Victoria and Queensland at 57% (Figure 2.4).

Young people under youth justice supervision in South Australia were the least likely to have received a child protection service during the same 5-year period at 38%. Proportions for Tasmania and Western Australia were 43% and 47% respectively (Figure 2.4).

Of those under youth justice supervision in each state and territory:

- young Indigenous Australians were more likely than their non-Indigenous counterparts to have received child protection services (ranging from 50% in South Australia to 74% in Victoria) (Figure 2.4).
- females were more likely than males to have received a child protection service (ranging from 48% in South Australia to 86% in the Northern Territory) (Table S2).



- 1. Variability in the level of overlap for child protection and youth justice among the states and territories may be due to variation in legislation, procedures, policies and practices in each state and territory, relating both to youth justice and to child protection.
- 2. Young people who were under youth justice supervision during 2018–19 and young people who received a child protection service between 1 July 2014 30 June 2019 were included in the analysis.

Source: Table S2

Differences among the states and territories in rates of, and overlaps between, child protection service use and youth justice supervision could be due to differences in policies, programs and practices, or to differences in need among the various populations.

3 Child protection services received by youth justice-involved young people

This chapter presents data on those young people under youth justice supervision during 2018–19, who received child protection services in the 5 years from 1 July 2014 to 30 June 2019. Child protection services analysed in this report include investigated notifications and substantiations, child protection orders, out-of-home-care, the types of living arrangements experienced by young people in out-of-home care and the number of placements.

Young people come into contact with the child protection system when a child protection agency is notified that they may be being abused or neglected. This can lead to an investigated notification, which can lead to a substantiation if the young person is found to be being abused or neglected.

Of those young people who are the subject of a substantiation, some will go on to receive a child protection order or to go into out-of-home care, as these interventions are implemented for more severe cases of child abuse and neglect (AIHW 2020a). For more information on child protection services see *Child protection Australia* 2018–19.

Key findings

Of young people who had been under youth justice supervision in 2018–19:

4	17%	were the subject of investigated notifications		
23%	received a care and protection order		in the 5 years from	
22%	had been in out-of-home c	are	1 July 2014 to 30 June 2019	

Of young people who had been under community-based supervision or detention in 2018–19:

community-based supervision	detention	child protection services received in the 5 years from 1 July 2014 to 30 June 2019		
48%	54%	were the subject of investigated notifications		
23%	28%	received a care and protection order		
22%	26%	had been in out-of-home care		
28%	34%	were the subject of 1 or more substantiated notifications		
15%	17%	had experienced emotional abuse		
17%	22%	had been in residential care		
4%	4%	had been in <i>only</i> foster or relative/kinship care		
8%	11%	had 5 or more out-of-home care placements		

Source: tables S5b, S6, S7b, S8, S9b, S10b, S11b, S12b, S13b, S14b, S15b, S16, S17

3.1 Child protection services received

Of the 7,904 young people in youth justice supervision during 2018–19:

- almost half (47%) were the subject of investigated notifications
- almost one quarter had a care and protection order (23%)
- just over 1 in 5 (22%) were in out of home care in the 5 years from 1 July 2014 to 30 June 2019 (Figure 3.1).

Figure 3.1: Proportion of young people who had been under supervision during 2018–19, who had also received child protection services in the 5 years from 1 July 2014 – 30 June 2019 by type of child protection service (%)

Care and protection order

Out-of-home care

Any child protection service

0 10 20 30 40 50 60 70

Notes

- 1. Data excludes New South Wales.
- 2. Young people who were under youth justice supervision during 2018-19 and young people who received a child protection service between 1 July 2014 30 June 2019 were included in the analysis.
- 3. Out-of-home care includes all funded living arrangements that are in-scope for out-of-home care, including respite care. See Appendix for details on in-scope living arrangements.

Source: Table S5b

Non-Indigenous females were the most likely to also be the subject of a care and protection order (36%) or to be in out-of-home care (35%). However, young Indigenous females were the most likely to be the subject of an investigated notification (67%) (Table S5b). The pattern was similar for those in community-based supervision and detention (tables S7b and S9b).

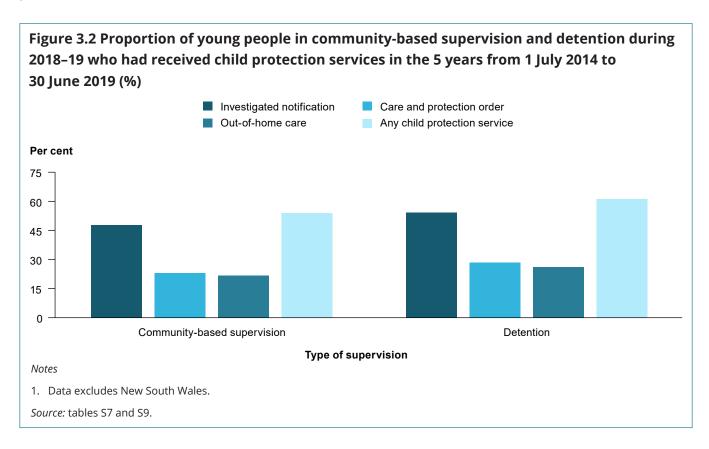
While the rates of all three types of child protection services are relatively high in the youth justice population, the trend of services reflects the level of child protection interventions received.

More young people are likely to have investigated notifications, as these notifications lead to substantiations and are the entry point to child protection. A smaller number of young people will go on to receive a child protection order or to go into out-of-home care, as these interventions are applied to more severe cases of child abuse and neglect where it is not safe for the child to remain at home.

For those young people under youth justice supervision during 2018–19:

- investigated notifications were the most common type of services experienced in the 5 years from 1 July 2014 to 30 June 2019 (experienced by 48% of those under community-based supervision and 54% of those in detention) (Figure 3.2)
- care and protection orders were experienced by 23% of those under community-based supervision and 29% of those in detention (Figure 3.2)
- out-of-home care was experienced by 22% of those under community-based supervision and 26% of those in detention (Figure 3.2).

While the trend was broadly similar for young people in community-based supervision and detention, young people in detention were slightly more likely to have been involved in each type of child protection service.



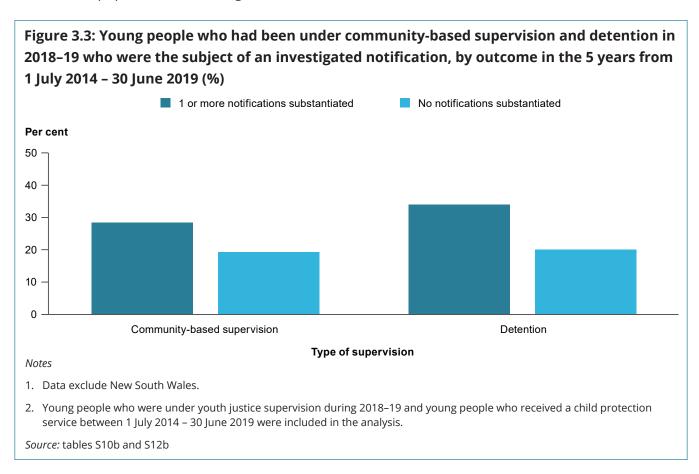
3.2 Investigated notifications and substantiations

Notifications are reports to child protection departments alleging child abuse or neglect. Notifications are investigated to assess whether a child is being maltreated and whether they need further child protection services.

A notification is substantiated if the finalised investigation concludes that there is reasonable cause to believe that a child has been, is being, or is likely to be abused, neglected or otherwise harmed (AIHW 2020a).

For those young people under youth justice supervision during 2018–19 who had an investigated notification, more than half were substantiated for abuse or neglect.

- Of those young people in community-based supervision who had been the subject of an investigated notification (3,527), around 3 in 5 (2,093 or 59%) had one or more substantiation, that is, 28% of the total 2018–19 community-based supervision population (7,383) (Figure 3.3 and tables S7a, S10a and S10b).
- Of those young people in detention who had been the subject of an investigated notification (1,793), over 3 in 5 (1,124 or 63%) had one or more substantiation. That equates to 34% of the total 2018–19 detention population (3,304) (Figure 3.3 and tables S9a, S12a and S12b).

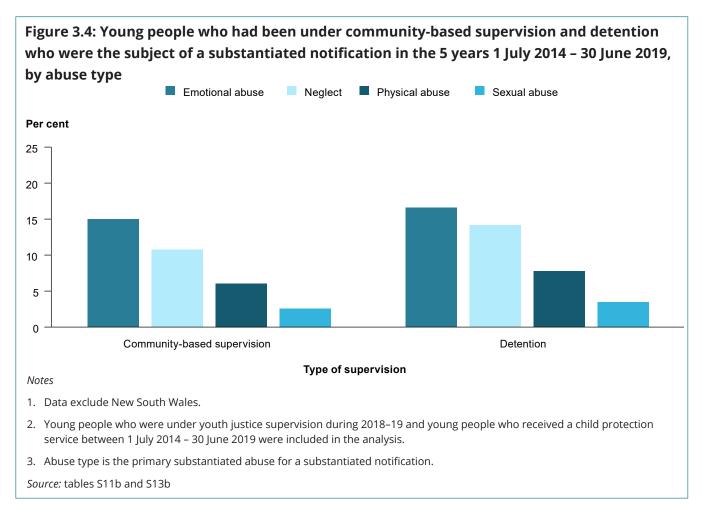


3.3 Substantiated abuse

The type of abuse or neglect reported for children who were the subject of substantiations is the type considered most likely to place the child at risk or be most severe in the short term—generally known as the 'primary' type of abuse or neglect. Other types of abuse can also be recorded as part of a substantiation (AIHW, 2020a). The type of substantiated abuse analysed for this report is the primary substantiated abuse only.

Of those young people who were the subject of a substantiated notification in the 5 years from 1 July 2014 to 30 June 2019, those in community-based supervision and detention showed similar patterns in the primary abuse substantiated.

Young people under both types of supervision were most likely to be substantiated for emotional abuse (15% and 17%, respectively), followed by neglect (11% and 14%), and least likely to be substantiated for physical abuse (6% and 8%) and sexual abuse (about 3% for both) (Figure 3.4).



When comparing Indigenous status and sex for those young people under youth justice supervision during 2018–19:

- Indigenous males were more than twice as likely to have been substantiated for neglect than their non-Indigenous counterparts. For community-based supervision this was 14% compared to 6%, respectively (Table S11b). For detention this was 18% compared to 8%, respectively (Table S13b).
- For community-based supervision, non-Indigenous males were more likely than Indigenous males to be substantiated for emotional abuse (15% compared to 10%, respectively) and equally likely to be substantiated for physical abuse (about 5%, respectively) and sexual abuse (1.5%, respectively) (Table S11b).
- For detention, non-Indigenous young males were more likely than Indigenous males to be substantiated for emotional abuse (18% compared to 12%, respectively), physical abuse (8% compared to 6%, respectively) and equally likely to be substantiated for sexual abuse (about 2%, respectively) (tables S13b).
- Young Indigenous females were more likely to have been substantiated for neglect (23% compared to 13%) and sexual abuse (11% compared to 8%) than their non-Indigenous counterparts in detention (Table S13b).
- For community-based supervision, Indigenous females were more likely than non-Indigenous females to have been substantiated for neglect (19% compared to 10%), physical (10% compared to 9%) and sexual abuse (8% compared to 5%) (Table S11b).

3.4 Out-of-home care living arrangements

Young people are placed in out-of-home care when they have been the subject of a substantiation, making it unsafe for them to remain at home. Out-of-home care can also be provided to children when their parents are unable to provide care during times of conflict or when parents/cares are in need of respite (AIHW 2020a).

Living arrangements are the type of placement that a child receives when they are in out-of-home care and can include residential care, foster or relative/kinship care and other types of care (see technical notes for more information about out-of-home care types).

For this analysis, out-of-home care is measured by selecting living arrangements that are 'in scope for out-of-home care' (see technical notes for more information).

Of those young people under youth justice supervision during 2018–19, young people in detention and community-based supervision were 6 times as likely as the overall child protection population to have had a living arrangement in residential care at least once in the 5 years from 1 July 2014 to 30 June 2019.

Of the community-based supervision-involved young people who had been placed in out-of-home care at least once in the 5 years from 1 July 2014 to 30 June 2019:

- 8 in 10 (80%) or 1,280 had been in residential care at least once over the 5-year period
- 2 in 3 (66%) or 1,054 had been in foster or relative/kinship care
- 17%, or 274 had been in only foster or relative/kinship care placements (Figure 3.5).

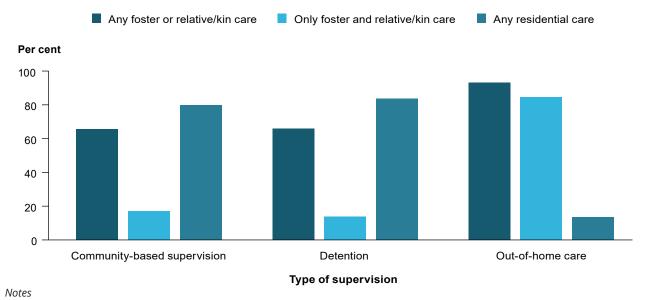
Of the detention-involved young people who had been placed in out-of-home care at least once in the 5 years from 1 July 2014 to 30 June 2019:

- Over 8 in 10 (84%) or 723 had been in residential care at least once over the 5-year period
- 2 in 3 (66%) or 569 had been in foster or relative/kinship care
- 14%, or 119 had been in only foster or relative/kinship care placements (Figure 3.5).

Of the 40,912 young people in out-of-home care in the 5 years from 1 July 2014 to 30 June 2019 including those who were not involved in youth justice:

- 85%, or 34,638 had only been in foster or relative/kinship care
- 14% or 5,530 had been in residential care at least once over the 5-year period (Figure 3.5).

Figure 3.5: Young people in community-based supervision and detention during 2018–19 who had also been in out-of-home care in the 5 years from 1 July 2014 – 30 June 2019 and all young people who had been in out-of-home care, by care type (% of those with any out-of-home care)



Data exclude New South Wales.

- 2. Young people who were under youth justice supervision during 2018-19 and young people who received a child protection service between 1 July 2014 30 June 2019 were included in the analysis.
- 3. Out-of-home care includes all funded living arrangements that are in-scope for out-of-home care, including respite care. See Appendix for details on in-scope living arrangements.
- 4. Young people may have been under more than one out-of-home care type over the 5 years from 1 July 2014 30 June 2019.
- 5. Numerators are the number of young people by out-of-home care type experienced in the 5 years 1 July 2014 30 June 2019. Denominators are the number of young people who were in out-of-home care in the same 5-year period.

Source: tables S14c, S15c and S18

3.5 Out-of-home care placements

Continuous time in out-of-home care and the number of placements are measures of stability of a young person's living situation.

The time in continuous care is the time spent in out-of-home care with no breaks longer than 60 days. Breaks in care can occur due to a young person being reunified with their family, adopted, placed in a more permanent type of care, entering detention or for other reasons (AIHW 2020a).

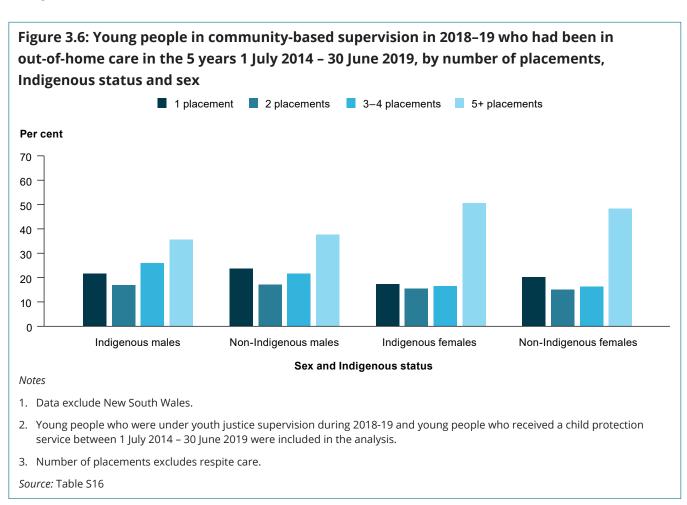
Placements are the distinct living arrangements that occur in a period of care, such as relative/kin care, foster care and residential care.

For this analysis, young people who were in living arrangements that were in scope for out-of-home care were selected and periods of respite were excluded (see technical notes for more information).

Young people under community-based supervision and detention during 2018–19 were more likely to have had 5 or more placements and to have been in out-of-home care for less than a year, than the general child protection population.

Of young people who had been in community-based supervision during 2018–19 and who had also had an active period of out-of-home care between 1 July 2014 to 30 June 2019:

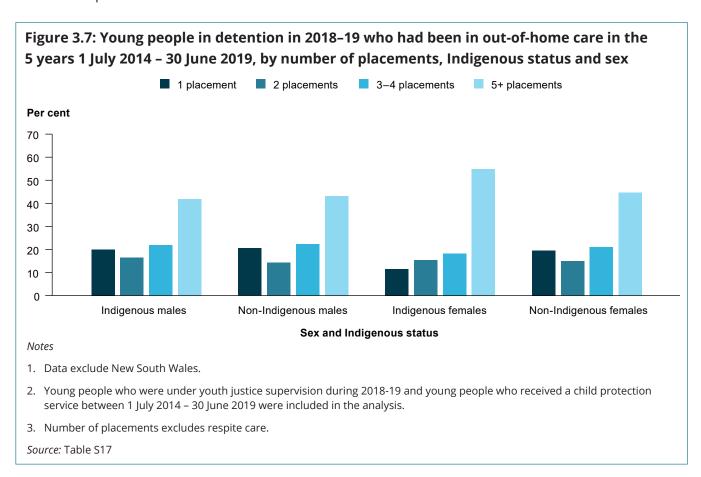
- Over 2 in 5 (43%) had been in continuous care for 1 year or less, while 21% had been in continuous care for 4 or more years (Table S16).
- Around 1 in 5 (22%) had 1 care placement, 38% had 2–4 or more placements and 41% had 5 or more placements (Table S16).
- The longer a young person had been in care the more likely they were to have had more than one placement. Just under 1 in 5 (18%) young people had 5 or more placements when in care for 1 year or less. In contrast, 59% of young people had 5 or more placements when in care for 4 or more years (Table S16).
- Overall, young people were most likely to have had 5 or more placements. About half of young Indigenous females (51%) and non-Indigenous females (48%) had 5 or more placements. Just over one-third of non-Indigenous males (38%) and Indigenous males (36%) had 5 or more placements (Figure 3.6).



Of those young people in detention during 2018–19, who had also been in of out-of-home care in the 5 years from 1 July 2014 to 30 June 2019:

• Half (50%) had been in continuous out-of-home care for 1 year or less, while 18% had been in continuous care for 4 or more years (Table S17).

- Around 1 in 5 (19%) had 1 care placement, 37% had 2–4 or more placements and 44% had 5 or more placements (Table S17).
- Just over 1 in 5 (22%) young people had 5 or more placements when in care for 1 year or less, 69% had 5 or more placements when in care for 4 or more years (Table S17).
- Similar to community-based supervision, young people were most likely to have had 5 or more placements. Indigenous females (55%) were the most likely to have had 5 or more placements, with non-Indigenous females (45%), Indigenous (42%) and non-Indigenous males (43%) being less likely (Figure 3.7).
- Young Indigenous females were the least likely to have had 1 placement (12%). Whereas non-Indigenous females (15%), Indigenous (16%) and non-Indigenous males (14%) were least likely to have 2 placements.



The general child protection population, reported in *Child protection Australia 2018–19*, had a much higher likelihood of having 1 placement (62%) and a much lower likelihood of having 5 or more placements (5%) as at 30 June 2019 (S6.11 *Child protection Australia 2018–19*). Children were also more likely to be in care for longer periods, with children being most likely to be in continuous out-of-home care for more than 5 years (S5.14 *Child protection Australia 2018–19*) (AIHW 2020a).

4 Future reporting

This report expands on earlier AIHW reports that linked selected child protection data with the Youth Justice NMDS (AIHW 2015, 2016a, 2016b, 2017, 2018, 2019). This showed that linking child protection and youth justice supervision data is both feasible and informative. This report updates these findings with results based on the 2018–19 data collections.

Results from the linked data collection will be improved in future years, as data become available for more states and territories, and as years of data accumulate. Including data from other health and welfare data collections will also be considered to supply more information on multiple service use among vulnerable children and young people.

4.1 Data availability for states and territories

Data limitations meant that analyses in this report were restricted to NMDS data for those who were in child protection or under youth justice supervision. The Northern Territory first provided data for the YJ NMDS 2017–18, leaving New South Wales as the only state that could not be included in this report.

New South Wales currently provides aggregated child protection data, rather than unit record CP NMDS data, so cannot be included in this report.

4.2 Longitudinal analyses of pathways and links

This report used available data to look at the characteristics of young people who were under youth justice supervision during 2018–19 and who were captured in the child protection system in the 5 years from 1 July 2014 and 30 June 2019.

As years of data continue to accumulate for both data collections, it will be possible to expand on the current set of analyses, by looking at:

- associations between different types of events, such as the number and length of out-of-home care
 placements and the likelihood of being placed in unsentenced detention or unsentenced community
 based supervision
- · trends in the overlap of child protection and youth justice services each year
- the relationship between early childhood involvement with child protection and later involvement in the youth justice supervision system.

Other areas of interest include looking at number of young people who were youth justice-involved and their rates of:

- permanent placements
- reunification with family, as well as return to child protection from reunification.

4.3 Other data collections

It is also possible to expand the linked child protection and youth justice supervision data collection to include information from other health and welfare data collections.

This would improve the value of the linked data collection, and yield valuable information on various issues, such as mental health conditions; acquired brain injury; alcohol and other drug problems; and homelessness.

Data collections with information on health and welfare issues that are already suitable for linkage include the:

- Disability Services NMDS
- Alcohol and Other Drug Treatment Services NMDS
- Specialist Homelessness Services NMDS
- · National Prisoner Health Data Collection.

The AIHW has already published the following linkage reports:

- Overlap between youth justice supervision and alcohol and other drug treatment services: 1 July 2012 to 30 June 2016, released in 2018.
- Vulnerable young people: interactions across homelessness, youth justice and child protection: 1 July 2011 to 30 June 2015.

There are also opportunities to better understand broader health and welfare outcomes for this population through linkage to other national data collections. Candidates for further exploration include data collections about use of hospital services (admissions and emergency department); the Medicare Benefits Schedule (for example, general practice attendances); the Pharmaceutical Benefits Scheme (for example, use of specific medication types); community mental health services; adult corrections; income support; and mortality data. The AIHW is currently working with stakeholders to consider the feasibility of, and appropriate data governance models for such work.

Appendix: Technical notes

Youth justice supervision data

Youth justice supervision data in this report are from the **Youth Justice National Minimum Data Set** (YJ NMDS). This longitudinal person-based data set contains information on the demographics of young people who are supervised by youth justice departments, by financial year, and the details of their unsentenced and sentenced supervision, both in the community and in youth justice detention centres.

It contains administrative data for all states and territories. For information on data quality, see the YJ NMDS data quality statement at http://meteor.aihw.gov.au/content/index.phtml/itemId/727401.

In this report, 'youth justice supervision' refers only to supervised community-based orders and detention orders (both unsentenced and sentenced). It does not include unsupervised orders such as unsupervised bail, or diversionary activities that are not supervised orders.

Child protection data

Child protection data in this report are from the **Child Protection National Minimum Data Set** (CP NMDS). This administrative and longitudinal person-based data set contains information on the demographics of children and young people who receive child protection services; details of the notifications received by child protection departments; and the care and protection orders and out-of-home care placements relating to these children and young people in a financial year.

It contains data for all states and territories except New South Wales. For information on data quality, see the CP NMDS 2018–19 data quality statement at http://meteor.aihw.gov.au/content/index.phtml/itemId/727110.

The scope of child protection data in this report is restricted to investigated notifications, care and protection orders and out-of-home care.

Excluded are notifications that were not investigated; care and protection orders types that were 'other' or 'not stated'; and living arrangements that are not in scope for out-of-home care.

As the legislative and policy frameworks for assessing child protection notifications vary widely between states and territories, the number of notifications and the proportion of these that are investigated are not comparable between states and territories.

Linkage method

The available data were linked using a **multi-step key-based linkage method**, which allows data collections without common person identifiers or full names to be linked. The aim of key based linkage is to minimise the likelihood both of false positives (where records that belong to different people are incorrectly identified as belonging to the same person) and of false negatives (where records that belong to the same person are incorrectly identified as belonging to different people). Using linkage keys protects the privacy of individuals, and lowers the burden on data providers, as existing data collections can be used.

This multi-step key-based linkage method uses a series of keys that vary in distinctiveness, to reduce the possibility that records belonging to different people are incorrectly recorded as belonging to the same person. At the same time, it increases the possibility that records belonging to the same person will be identified, even where components such as family name have changed. This method can be used where values are missing (such as, date of birth) and, where available, it can also use alternative information such as alias names.

To link the child protection and youth justice supervision data collections, linkage keys were formed using data items available in both collections: selected letters of name, date of birth, sex, Indigenous status and information about the suburb or town of usual residence. Complete address information was not available.

Once all the possible linkage keys were identified, the utility of each key was measured using the available child protection and youth justice supervision data. These measures were used to order the keys, and the keys were then tested to find the point at which further linkage keys added no value to the linkage. A total of 100 keys were used to link the data collections.

The resulting ordered list of linkage keys was used to link the individual state and territory data sets. The most precise key (as decided by the measures of utility) was used first, followed by the next most precise key, and so on. The final linked data set was then created by combining the records that were linked using the ordered list of keys with the records that remained unlinked. A project-specific identifier was created so that distinct people could be counted.

Analysis datasets

Once the linked data set was constructed, analysis data sets were created for any youth justice supervision, including a breakdown of detention and community-based supervision, and any child protection involvement, including a breakdown of investigated notifications, care and protection orders, and out-of-home care:

- The youth justice supervision data set was created by extracting record identifiers from both the detention file and the community-based supervision file in the youth justice supervision data set (the YJ NMDS).
 - The **detention data set** was created by extracting data from the detention file in the source youth justice supervision data set. As it is not possible to be in detention in more than 1 state or territory at the same time, conflicting records (where a detention record for a person starts or ends in 1 state or territory while another detention record for the same person is active in another state or territory) were identified and removed. Less than 0.1% of individuals had conflicting detention records and no individuals were removed as a result of this data cleaning, which indicates that the quality of the linkage was high.
 - The community-based supervision data set was created by extracting information from
 the orders file in the source youth justice supervision data set. Episodes of community based
 supervision were created by removing any portions of community based orders that were
 covered by a period of detention (as a young person cannot be in detention and supervised in the
 community at the same time).



- The child protection data set was created by extracting record identifiers from the investigated notifications, care and protection orders and out-of-home care data sets.
 - The investigated notifications data set was created by extracting information from the notifications file in the source child protection data set. All notifications that were investigated (including those where the investigation was in progress) were included. Records with unknown notification assessment, notification commenced and concluded dates were removed where an updated record with known dates was available. 1.5% of records with unknown dates remained in the data.
 - The care and protection orders data set was created by extracting information from the care and protection orders file in the source child protection data set. Order end dates of '1 January 9999' where replaced with dates of '30 June' of the relevant collection period. In cases where there were duplicate records across collections, the most recent record was kept.
 - The **out-of-home care data set** was created by extracting information from the living arrangements file in the source child protection data set. As it is not possible to be in detention and in out-of-home care at the same time, a check was run to identify and remove conflicting records (where a person has an out-of-home record that starts or ends while a detention record is active). (Detention records that ended the same day that an out-of-home care record started and out-of-home care records that started the same day that a detention record ended were not considered to conflict.) This check revealed that 1.2% of out-of-home care records had a conflicting detention record and were removed from the analysis. Living arrangement end dates of '1 January 9999' where replaced with dates of '30 June' of the relevant collection period. In cases where there were duplicate records across collections, the most recent record was kept.

For more detail on the linkage method, see *Developing a linked data collection to report on the relationships between child protection and youth justice supervision* (AIHW 2015). For more information on child protection services, see *Child protection Australia 2018–19* (AIHW 2019a), and for more on youth justice see *Youth justice in Australia 2018–19* (AIHW 2019b).

Out-of-home care

Out-of-home care in this report is measured by selecting living arrangements that are in scope for out-of-home care. These include:

- Residential care: In a residential building with paid staff.
- Family group homes: A home provided by a department or agency.
- Home-based care (foster or relative/kinship care): The home of a carer who is reimbursed for care expenses. This includes relative/kinship care, foster care and other homebased out-of-home care.
- Independent living: A private board or lead tenant household, that is state funded.
- Other: The child may have another living arrangement, such as in a disability service, boarding school, hospital or hotel/motel, that is state funded.

The definition used in this report (based on living arrangement types only) provides a valid picture of the types of care experienced by young people involved in youth justice.

However, it is acknowledged this does not meet the new national definition of out-of-home care (which identifies out-of-home care based on a combination of living arrangement and care and protection order types) implemented elsewhere for 2018–19 child protection data. This new out-of-home care definition was not able to be implemented in this report due to timing constraints; the AIHW is working to align the definition in future editions.

For more information on the revised definition of out-of-home care see the *Child protection Australia* 2018–19 report and appendixes, available on the AIHW website:

https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2018-19.

Time in care

Time in care is the sum of continuous episodes of care. A continuous episode of care is calculated by deriving the time spent on living arrangements in scope for out-of-home care, with breaks that are no longer than 60 days.

Where a child returns home for less than 60 days and then returns to the former placement or to a different placement, this absence from out-of-home care does not affect the length of time in care. Holidays or authorised absences (less than 60 days) in a placement do not break the continuity of placement.

A break in care longer than 60 days can occur due to permanency events such as reunification, adoption or third party orders, or detention or aging out. This report does not analyse reasons for breaks in care.

Number of placements

The number of placements is calculated by summing the number of distinct living arrangements in scope for out-of-home care for each young person.

Measurement period

The most recent year of youth justice data (2018–19) was selected for analysis to provide a snapshot of young people under youth justice supervision and their experience with selected services of the child protection system.

5 years of child protection data (1 July 2014 to 30 June 2019) were selected to capture the historical experience of young people in youth justice. 95% of young people who appear in the 6 available collection periods of child protection data, from 2013–14 to 2018–19 were captured in the 5-year selection.

Age

Age is calculated at 1 July 2018. Tables with age breakdowns or selections of those aged 10–17, including rates calculations, might be different to data published in other youth justice publications where age is selected at a different time.

Rates

The ABS populations used to calculate rates are as at 30 June 2018, to align with the age calculation. Rates may differ to those published in other youth justice publications.

Confidentiality

Data in this report were confidentialised using two methods. Small numbers and numerators for population rates under 5, and any numbers that revealed additional sensitive information about a person such as their Indigeneity, were suppressed. Secondary suppression was also applied so suppressed data could not be recalculated.

Data available for selected jurisdictions

The data in this report relate to all jurisdictions except for New South Wales, as this jurisdiction does not provide data to the CP NMDS. For comparative purposes, the rates of child protection and youth justice supervision for the general population mentioned in this report are restricted to the remaining 7 jurisdictions. It is expected that data for New South Wales will be available in future years; see Chapter 5 for more details.

Comparability

The single year snapshot of youth justice data and 5 years of child protection data allows the capture of 95% of young people who appear in the 6 available collection periods of child protection data from 2013–14 to 2018–19.

By keeping the selection to a single year of youth justice data and 5 years of child protection data, each forthcoming edition of the *Young people in child protection and under youth justice supervision* report will be comparable to the previous, allowing trend comparison between future editions of the report.

Young people in child protection and under youth justice supervision.

This report is not comparable to earlier editions due to the following changes in methodology:

- The measurement period selected is now a single year of youth justice data and 5 years of child protection data. This has changed from a 4-year measurement period of both data collections.
- No age restriction was applied to the youth justice or child protection populations. The age restriction had previously been those aged 10–17 over the measurement period.
- Young people with unknown Indigenous status and sex has been excluded from the analysis.
- The report no longer measures the overlap from the child protection perspective, but rather reports the characteristics of the youth justice-involved group and the child protection services they received.

Youth justice in Australia 2018–19

The data published in this report are not directly comparable to *Youth justice in Australia 2018–19* data due to the linkage process that was applied to the *AIHW child protection and youth justice supervision linked data collection 2018–19*. Counts for young people in youth justice are slightly less than that published in *Youth justice in Australia 2018–19* due, in part, to young people being linked across states and territories.

While the linkage method has a high rate of accuracy, there may also be a small number of false positives, where young people were identified as being the same person where they were not, and false negatives, where young people may have been falsely identified as being more than one person.

Child protection Australia 2018–19

The data published in this report are not directly comparable to *Child protection Australia 2018–19* for the following reasons:

- Resupplied data, where available, were used for analysis in this report. Two years of child protection NMDS data are supplied each year to allow for updates to the previous year's data supply. The most recently supplied records were analysed.
- Longitudinal data are used for this analysis, so young people who were in child protection during the 5-year period from 1 June 2014 to 30 June 2019 were analysed. *Child protection Australia 2018–19* reports on young people in child protection during the single year 2018–19, and as at 30 June 2019.
- There will be slight differences in the number of young people in the *AIHW child protection and youth justice supervision linked data collection 2018–19* dataset compared to CP NMDS data as some young people were identified as receiving services in multiple states. While the linkage method has a high rate of accuracy, there will also be a small number of false positives, where young people were identified as being the same person where they were not, and false negatives, where young people may have been falsely identified as being more than one person.
- The definition of out-of-home care applied in this report differs to the definition used elsewhere in 2018–19 child protection data.

Additional tables

The additional tables A1 and A2, included in the supplementary tables, present different selections of youth justice and child protection data.

A1 tables present 2018–19 youth justice data and 6 years, or all available CP NMDS data that was suitable for linkage, and includes presentations of the overlap of young people under youth justice supervision and child protection, broken down by year of active child protection service and year of last contact with child protection.

A2 tables present 2017–18 youth justice data 5 years of child protection data from between 1 July 2014 – 30 June 2019, and includes presentations of the overlap of young people under youth justice supervision and child protection, including state and territory breakdowns and rates.

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- the Children and Families Data Network, which consists of representatives from the state and territory departments responsible for child and family services.

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Related publications

This report can be downloaded free of charge from www.aihw.gov.au/reports-statistics/health-welfare-services/youth-justice/overview.

More information about children and young people in the child protection system in Australia is available from www.aihw.gov.au/reports-statistics/health-welfare-services/child-protection/overview.

As well as the publications listed in the references, the following AIHW publications might also be of interest:

- AIHW 2016. Vulnerable young people: interactions across homelessness, youth justice and child protection: 1 July 2011 to 30 June 2015. Cat. no. HOU 279. Canberra: AIHW.
- AIHW 2018. Youth detention population in Australia 2018. Bulletin no. 145. Cat. no. JUV 128.
 Canberra: AIHW.
- AIHW 2018. Overlap between youth justice supervision and alcohol and other drug treatment services 2012–16. Cat. no. JUV 126. Canberra: AIHW.
- AIHW 2020. Young people returning to sentenced youth justice supervision 2018–19. Youth justice series no. 24. Cat. no. JUV 133. Canberra: AIHW.



This report presents information on young people under youth justice supervision during 2018–19 who had received child protection services in the 5 years from 1 July 2014 to 30 June 2019. More than half of young people who had been in youth justice supervision had also received child protection services in the 5-year period. About one-third were the subject of a substantiated notification for abuse or neglect. Almost 1 in 4 (23%) young people were placed on a care and protection order and 22% were placed in out-of-home care in the last 5 years.

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