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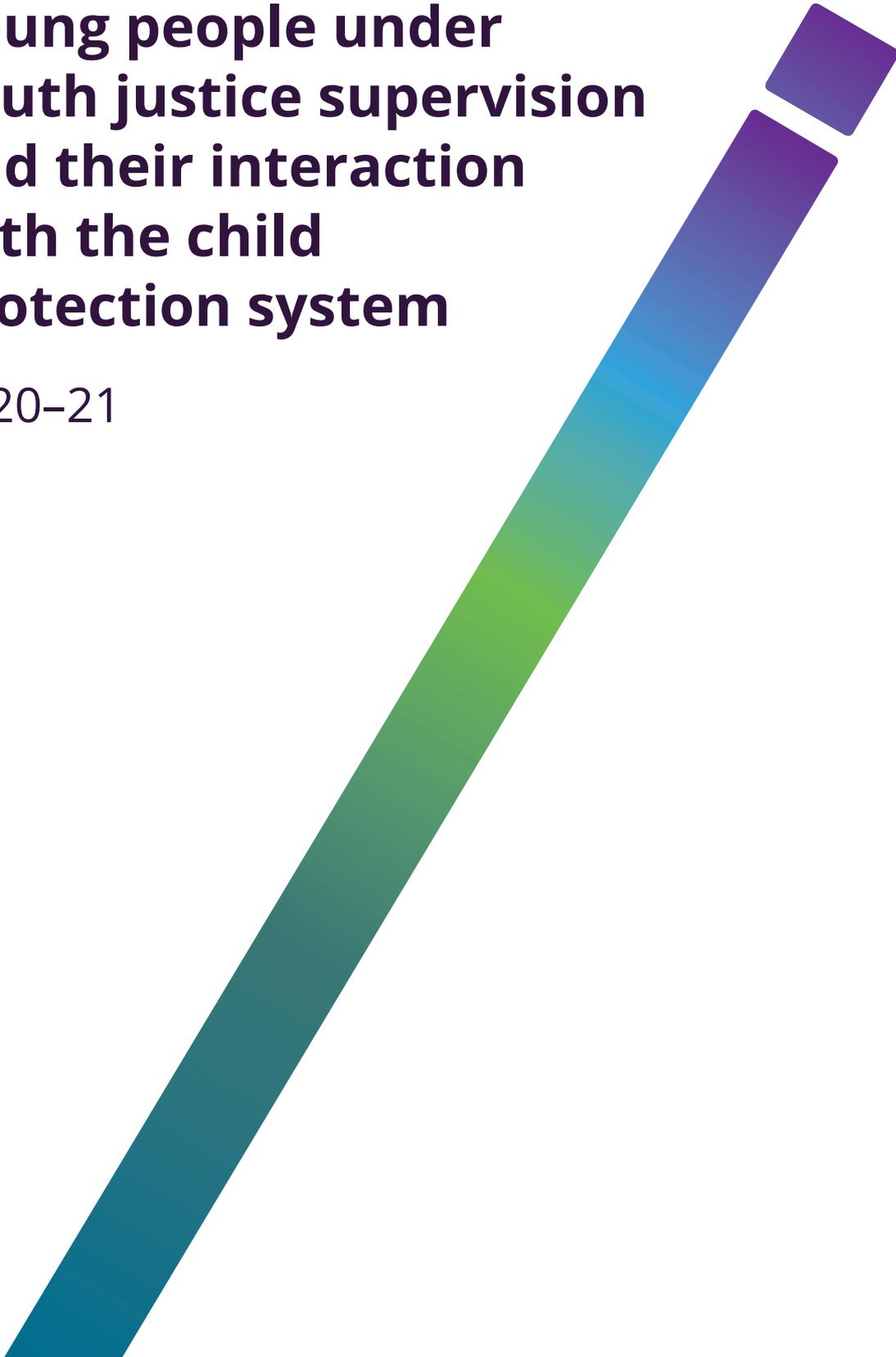
Australian Institute of
Health and Welfare

Young people under youth justice supervision and their interaction with the child protection system

2020–21

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youth justice supervision
and their interaction
with the child
protection system**

2020–21



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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. Better understanding the characteristics and pathways of children and young people under youth justice supervision who have had an interaction with the child protection system can help to support staff, case workers and policy-makers in getting the best outcomes for these people.

Using data from the child protection and youth justice supervision linked data collection, this report, the seventh in the series, presents information on young people under youth justice supervision during 2020–21 who had an interaction with the child protection system in the 5 years between 1 July 2016 and 30 June 2021.

It includes some data from the period in which COVID-19 and related social restrictions were present in Australia, specifically between March 2020 and June 2021.

Young people under youth justice supervision who had an interaction with the child protection system

This section of the report examines the characteristics of young people under youth justice supervision (community-based supervision or detention) during 2020–21 who had an interaction with the child protection system (including investigated notifications, care and protection orders or out-of-home care) in the 5 years from 1 July 2016 to 30 June 2021.

More than half of young people who had been in youth justice supervision during 2020–21 had also had an interaction with the child protection system in the last 5 years

Of the 9,275 young people under youth justice supervision during 2020–21, more than 1 in 4 (28%) had an interaction with the child protection system during 2020–21 and more than half (53%) had an interaction with it in the 5 years from 1 July 2016 to 30 June 2021.

Young people in detention (60%) during 2020–21 were more likely than those under community-based supervision (54%) to have had an interaction with the child protection system in the last 5 years.

The number of young people under youth justice supervision that had an interaction with the child protection system remained stable over the 4 years from 2017–18 to 2020–21

The proportion of young people under youth justice supervision who had an interaction with the child protection system for each 5-year period ending in 2017–18, 2018–19, 2019–20 and 2020–21 remained stable, varying between 52% and 54%.

Young females who had been under youth justice supervision were more likely than young males to have had an interaction with the child protection system

While young people under youth justice supervision were almost 4 times as likely to be male than female (7,352 compared with 1,922), young females were more likely to have had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021 (71% compared with 49% of young males).

The younger a person was when they first entered youth justice supervision, the more likely they were to have had an interaction with the child protection system

Of those aged 10 at their first youth justice supervision, just over 4 in 5 (81%) had an interaction with the child protection system at some stage in the 5-year period from 1 July 2016 to 30 June 2021. The likelihood of involvement with the child protection system 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 to have had an involvement – at 31% and 18%, respectively.

However, the actual involvement of young people under youth justice supervision with child protection in the older age groups may be higher than reported if their involvement in child protection occurred before the 5 years of child protection data included in this analysis (from 1 July 2016 to 30 June 2021).

Indigenous young people under youth justice supervision were more likely than non-Indigenous young people to have had an interaction with the child protection system

Almost 2 in 3 (64%) Indigenous young people under youth justice supervision during 2020–21 had also received child protection services in the 5 years from 1 July 2016 to 30 June 2021. This compares with just under half (46%) of non-Indigenous young people.

Young people under youth justice supervision had interacted with all components of the child protection system

This section of the report examines those young people under youth justice supervision during 2020–21 who had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021, by the type of child protection services experienced.

There are 3 main components of the child protection system:

- the assessment and investigation of notifications of possible abuse, neglect or other harm. If an investigation is required and 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 (see Section 1.2 for more detail).

Note that the proportion of young people interacting with these components may not sum to 100% as they may have interacted with multiple components of the system. Similarly, within each service, proportions may not sum to 100% as the young people may have interacted with more than one part of that service.

Almost half of young people under youth justice supervision during 2020–21 had been the subject of an investigated notification in the last 5 years

Almost half (48%) of young people under youth justice supervision during 2020–21 were the subject of investigated notifications in the 5 years from 1 July 2016 to 30 June 2021.

About one-third of young people under youth justice supervision were the subject of a substantiated notification for any type of abuse

For both types of youth justice supervision, about one-third of young people were the subject of a substantiated notification for any type of abuse – 30% of young people under community-based supervision and 36% of young people in detention.

Substantiations for emotional abuse and neglect were most common for young people under community-based supervision (41% and 39%, respectively) and in detention (39% and 41%, respectively) during 2020–21 who had been the subject of one or more substantiated notifications of abuse in the 5 years from 1 July 2016 to 30 June 2021.

Just under a quarter of young people under youth justice supervision during 2020–21 were placed on a care and protection order

Almost 1 in 4 (23%) young people under youth justice supervision during 2020–21 were placed on a care and protection order in the 5 years from 1 July 2016 to 30 June 2021.

Of those under community-based supervision who had been on a care and protection order, young people were most likely to have been on a finalised guardianship or custody order (77%) and least likely to have been on a third-party parental responsibility order (9.9%) in the 5 years from 1 July 2016 to 30 June 2021.

Similarly, of those in detention who had been on a care and protection order, young people were most likely to have been on a finalised guardianship or custody order (78%) and least likely to have been on a third-party parental responsibility order (9.2%) in the 5 years from 1 July 2016 to 30 June 2021.

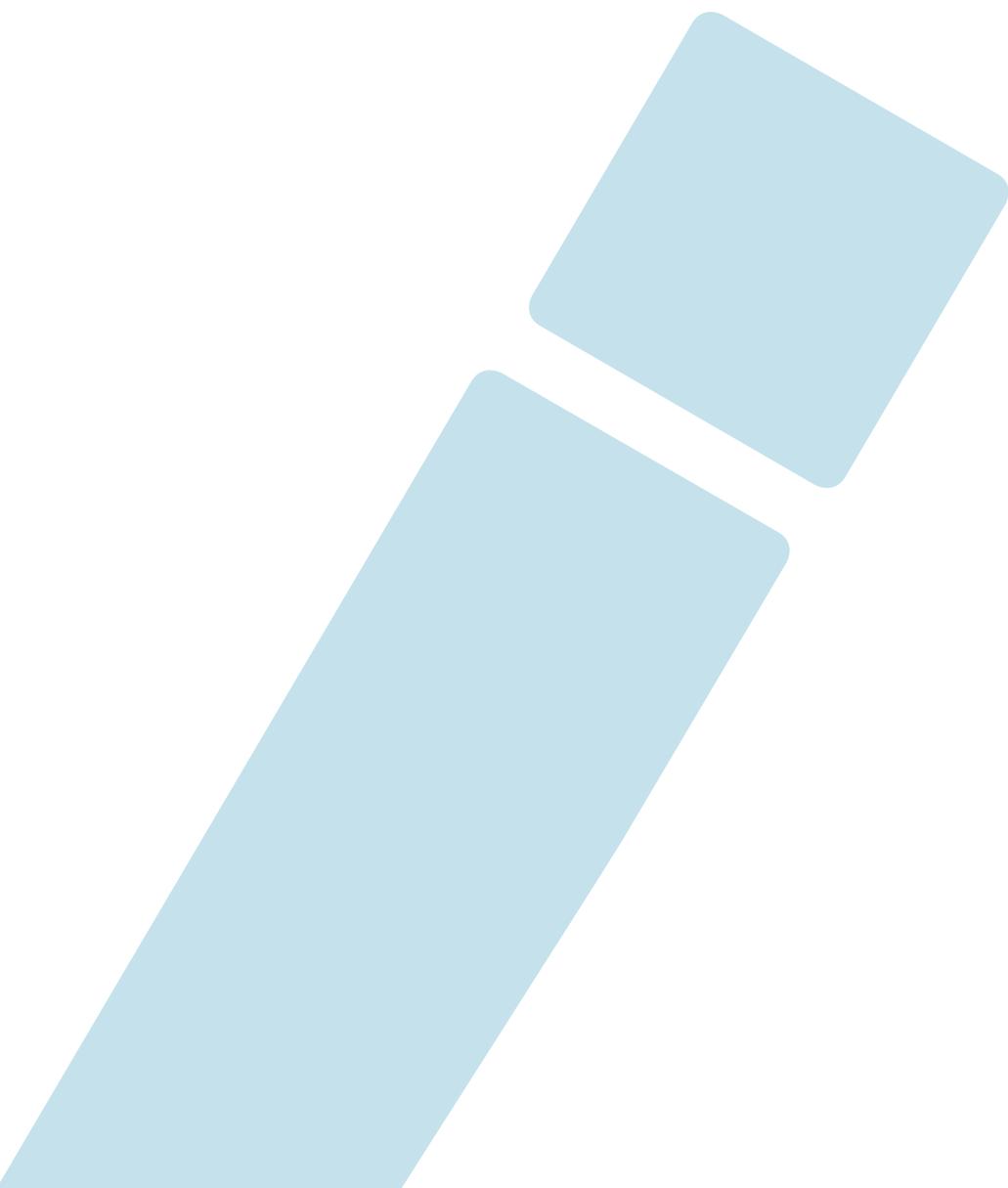
About 1 in 5 young people under community-based supervision had at least one placement in out-of-home care at some point in the last 5 years; of these, for 75%, at least one placement was in residential care

Just over 1 in 5 (21%) young people under community-based supervision during 2020–21 had been in out-of-home care in the 5 years from 1 July 2016 to 30 June 2021. Of those, almost 3 in 4 (75%) had at least one placement in residential care and two-thirds (67%) had at least one placement in foster or relative/kinship care in the 5 years from 1 July 2016 to 30 June 2021.

Just over 1 in 4 (24%) young people in detention had been in out-of-home care. Of those, almost 3 in 4 (73%) had at least one placement in residential care and 67% had at least one placement in foster or relative/kinship care in the 5 years from 1 July 2016 to 30 June 2021.

More than 2 in 5 young people under community-based supervision who had been in out-of-home care had 5 or more placements

More than 2 in 5 (45%) young people under community-based supervision who had been in out-of-home care had 5 or more placements in the 5 years from 1 July 2016 to 30 June 2021. Of those in detention who had been in out-of-home care, 47% had 5 or more placements.



1 Introduction

During 2020–21, around 9,350 young people in Australia aged 10 and over were supervised by a department responsible for youth justice – either in the community or in a youth detention centre (AIHW 2022b) – and about 178,800 children and young people aged 0–17 had an interaction with the child protection system (which may have included initial investigations of child abuse or neglect, care and protection orders and/or placement in out-of-home care) (AIHW 2022a). Some young people are involved in both the child protection and youth justice systems (AIHW 2020).

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 and Tekin 2006).

While the majority of children who are abused and neglected do not go on to offend, a large proportion of children who do offend have a history of abuse or neglect (Cashmore 2011). This is particularly so 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 and JJNSW 2017).

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

Involvement with the youth justice system can make involvement with the child protection system more likely. For example, a young person's contact with the youth justice system might lead to a child protection notification being made if abuse or neglect is suspected by, or reported to, child protection agency staff (AIFS 2020).

However, experience with different types of care may be a contributing factor to reported offending. Report 2 of the 'Crossover kids' project found that 74% of young people had not offended before being placed in out-of-home care. Over half (61%) of the young people who experienced residential care who offended committed their first offence either during or after their first residential care placement (SAC 2020).

These findings highlight how important it is to better understand the characteristics and pathways of children 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. It can also benefit families and communities by helping to inform them how they can support their young person.

Previous analysis 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). 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) – made it possible to link child protection system data to the existing data on youth justice supervision. This linkage, in turn, has enabled reporting on the relationships between child protection and youth justice supervision on a regular basis (AIHW 2015). The first such report was released in 2016, based on 2013–14 data (AIHW 2016a).

The current report, the seventh in the series, is based on the most recent year of youth justice data (2020–21) and 5 years of child protection data from 1 July 2016 to 30 June 2021. It presents information on 9,275 young people aged 10 and over who had been under youth justice supervision during 2020–21, including the 4,961 (or 53%) who had also had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021 in all states and territories (Supplementary Table S1a). The number of young people under youth justice supervision is smaller in this report than numbers published in *Youth Justice in Australia 2020–21* as some young people were found to be receiving services in multiple states.

This report presents data on the child protection services experienced by young people under youth justice supervision, including investigated notifications and substantiations, child protection orders and out-of-home care. It also presents data on the type of primary substantiated abuse, care and protection orders, out-of-home care services, and number of placements experienced by young people. Terms relating to young people under youth justice supervision and in child protection are defined in the glossary provided at the end of the report.

The report analyses 5 years of child protection data from 1 July 2016 to 30 June 2021 and therefore does not capture the full history of interaction with the child protection system 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 longer period. (See [Developing a linked data collection to report on the relationships between child protection and youth justice supervision](#) (AIHW 2015) for detailed information on the linkage method used for this report.)

1.1 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 are alleged to have committed, criminal offences. Young people enter the system when the police investigate them for allegedly committing an offence and (depending on the outcome of the investigation) charges may be laid. If the young person is found guilty, a court will then sentence them (AIHW 2022b).

A youth justice department may supervise young people 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 live in the community while being 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 a court may have **sentenced** them to a period of community-based supervision. 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 a court may have **sentenced** them to a period of detention.

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 applies to children and young people aged 10–17 at the time of the offence in all states and territories. Some young people aged 18 and over remain in the 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.

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 2020–21](#) (AIHW 2022b).

1.2 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 them with adequate care or protection (AIHW 2022a).

There are 3 main components of the child protection system:

- the assessment and investigation of **notifications** of possible abuse, neglect or other harm. Child protection departments screen these notifications; 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 2020–21](#) (AIHW 2022a).

The child protection system applies to children aged under 18 and, for some states and territories, includes unborn children (AIHW 2022a).

1.3 Aboriginal and Torres Strait Islander people

This report includes considerable information on Indigenous young people. Indigenous children continue to be over-represented in all aspects of the child protection and juvenile justice systems. Mindful of this, it is important to understand how the past shapes the lives of Indigenous Australians today: they have a long history of trauma, cultural dispossession, and forced displacement and assimilation, which affects their physical, mental and social wellbeing.

Disconnection from family and kinship systems, from Country, from spirituality and cultural practices, as well as the loss of parenting practices, are sources of trauma that can be passed from caregiver to child. Indigenous Australians' experience of child welfare policies has historically been traumatic, with the policy of forcible removal of children leading to what is now known as the Stolen Generations.

These removal policies have long-term consequences, including enduring social, physical and psychological impacts for those directly involved and their families and communities. The over-representation of Indigenous children in child protection and juvenile justice systems reflects this history of trauma and the stressors that have affected their parents, families and communities.

Using linked data, this report presents analyses of child pathways between child protection and juvenile justice systems. It highlights key factors affecting Indigenous young people's over-representation in these systems.

The AIHW is committed to working together with Indigenous Australians, communities and governments to provide better data, information and evidence to support improved outcomes for Indigenous Australians that will support children and their families through relevant services and programs.

The AIHW uses a range of approaches to govern its work program, including consulting with and involving Indigenous experts and Indigenous organisations in the analysis, reporting and dissemination of its products. This is done through advisory groups, steering committees and panels of experts.

1.4 Report structure

This report has 4 chapters and an appendix:

- Chapter 1 (this chapter) provides introductory comment and an overview of child protection and youth justice supervision, describing 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 young people under youth justice supervision 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.
- The Appendix details the linkage method and provides technical notes.

Supplementary tables referred to in this report (tables with a prefix of S) can be downloaded from <https://www.aihw.gov.au/reports/youth-justice/young-people-under-youth-justice-supervision/data>.

1.5 Understanding the data

This report presents information on young people under youth justice supervision during 2020–21 who had also been involved in the child protection system in the 5 years from 1 July 2016 to 30 June 2021 in all states and territories. Data from the child protection and youth justice supervision linked data collection 2020–21 are not comparable with youth justice and child protection data published by the AIHW in its *Youth justice in Australia* and its *Child protection Australia* annual reports.

For the current report, New South Wales provided unit record data in the CP NMDS format for the first time, so results in this report are not comparable with those in previous editions of this report. (Note, though, that these data provided by New South Wales were intended for use in this report only and not for publication or use elsewhere.) *Child protection Australia* reports have included the use of aggregate data for New South Wales.

Counts for young people in youth justice are less than those published in *Youth justice in Australia 2020–21* (AIHW 2022b) and *Child protection Australia 2020–21* (AIHW 2022a) due, in part, to young people being linked across states and territories. The linkage method does have a high rate of accuracy, but there may be a small number of false positives (where young people were identified as being the same person when they were not) and false negatives (where young people may have been falsely identified as being more than one person).

Proportions presented in this report 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.

All data presented in this report are available through the online supplementary tables: [Young people under youth justice supervision and in child protection 2020–21, Data](#).

Impact of COVID-19 on youth justice and child protection data (2020 and 2021)

In response to the COVID-19 pandemic, the 'first wave' of social restrictions was introduced in Australia in mid-March 2020, before being progressively eased in most states/territories from May 2020. A 'second wave' of social restrictions was introduced in Victoria from July 2020 and started to be progressively eased from September 2020. Other small intermittent restrictions were introduced in other jurisdictions during the 2020–21 period.

While youth justice centres and other places of custody, courts or tribunals were considered essential services (Prime Minister of Australia 2020), COVID-19 still has had a substantial impact on the operations of these services, and restrictions may have continued beyond the easing of restrictions in the general community. The impact may differ from jurisdiction to jurisdiction (Judicial College of Victoria 2020).

Measures taken as part of government responses to COVID-19 had flow-on effects for child protection processes. While this report does not highlight any impacts on the child protection data, impacts are explored in the AIHW report *Child protection in the time of COVID-19*.

This report includes data from March 2020 to June 2021, which coincides with the presence of COVID-19 in Australia. However, the direct impact of COVID-19 and related social restrictions on the number of young people in youth justice supervision and in child protection is difficult to determine due to a range of factors including:

- variability of the data
- variations in jurisdiction-based legislation, policy and practice
- small numbers of young people under supervision as well as of those who have also been in child protection.

More research is required to better understand the impact of COVID-19 and related social restrictions on youth justice supervision and child protection across Australia.

2 Young people under youth justice supervision who had an interaction with the child protection system

This chapter provides information on the characteristics of young people under youth justice supervision (community-based supervision or detention) during 2020–21 who had an interaction with the child protection system (including investigated notifications, care and protection orders or out-of-home care) in the 5 years from 1 July 2016 to 30 June 2021.

Key findings

Of the 9,275 young people under youth justice supervision during 2020–21:



Just over **1 in 2 (or 53%)** had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021. This proportion remained stable over the 4 years from 2017–18 to 2020–21 (52–54%).



Almost **2 in 3 (or 64%)** Indigenous young people had an interaction with the child protection system.



Just over **7 in 10 (or 71%)** females had an interaction with the child protection system.



3 in 4 (or 75%) of those aged 10 to 13 at their first contact with youth justice supervision had an interaction with the child protection system.

Source: Supplementary tables S1a, S4a and S5a.

2.1 Type of youth justice supervision

During 2020–21, 9,275 young people were under supervision. Of these, just over 1 in 2 (53%) had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021 (Supplementary Table S1a). More than 1 in 4 (28%) had an interaction with the child protection system during 2020–21 (Supplementary tables A1a and A1b).

During 2020–21, 8,177 young people were under community-based supervision and 4,262 were in detention; 4,389 (54%) of those under community-based supervision and 2,570 (60%) of those in detention had an interaction with the child protection system (Supplementary tables S7 and S9). (Note that the number of young people under community-based supervision and detention will not sum to the total number of young people under all supervision as some young people experienced both community-based supervision and detention during 2020–21.)

The actual involvement of young people under youth justice supervision who had an interaction with the child protection system is also likely to be higher than reported if their involvement in that system occurred before the 5 years of child protection data included in this report's analysis (1 July 2016 to 30 June 2021).

2.2 Demographics

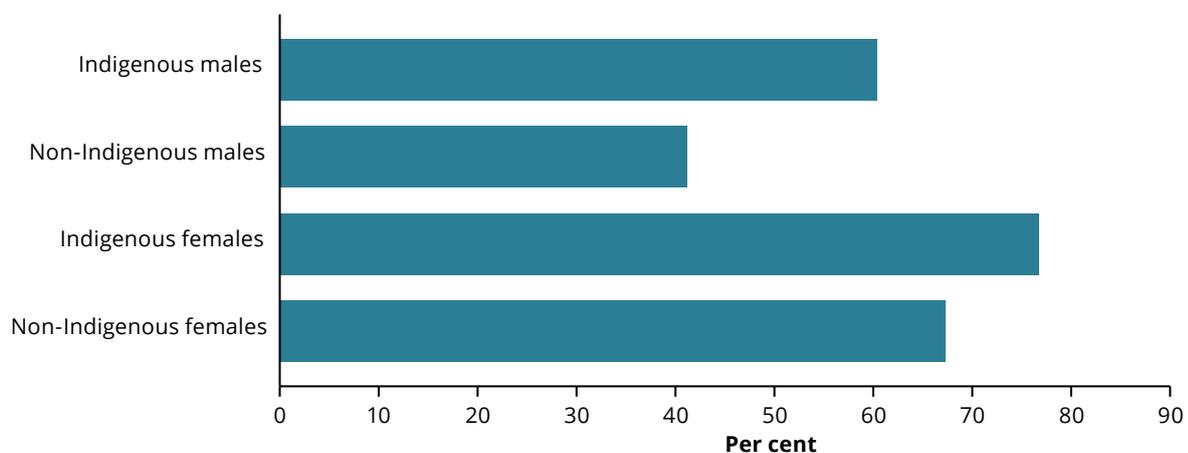
Females under youth justice supervision during 2020–21 were about 1.5 times as likely as males to have had an interaction with the child protection system during the 5-year period from 1 July 2016 to 30 June 2021 (71% compared with 49%, respectively) (Supplementary Table S1a).

Young females make up only 21% of the youth justice population. This makes them a small but very vulnerable group who are more likely to have had an interaction with the child protection system than young males (Supplementary Table S1a).

During 2020–21, 4,055 Indigenous young people and 4,975 non-Indigenous young people were under youth justice supervision. Almost 2 in 3 (64%) of these Indigenous young people had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021. Over the same 5-year period, just under half (46%) of the non-Indigenous young people under youth justice supervision had an interaction with the child protection system (Supplementary Table S1a).

During 2020–21, 3,118 young Indigenous males, 936 young Indigenous females, 4,043 young non-Indigenous males and 932 young non-Indigenous females were under youth justice supervision. Of these young people, young Indigenous females were most likely to have also had an interaction with the child protection system (77%) in the 5 years from 1 July 2016 to 30 June 2021 – followed by non-Indigenous females (67%), Indigenous males (60%) and non-Indigenous males (41%) (Figure 2.1).

Figure 2.1: Proportion of young people under youth justice supervision during 2020–21 who had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021, by Indigenous status and sex



Note: Young people under youth justice supervision during 2020–21 and young people who had an interaction with the child protection system between 1 July 2016 and 30 June 2021 were included in the analysis.

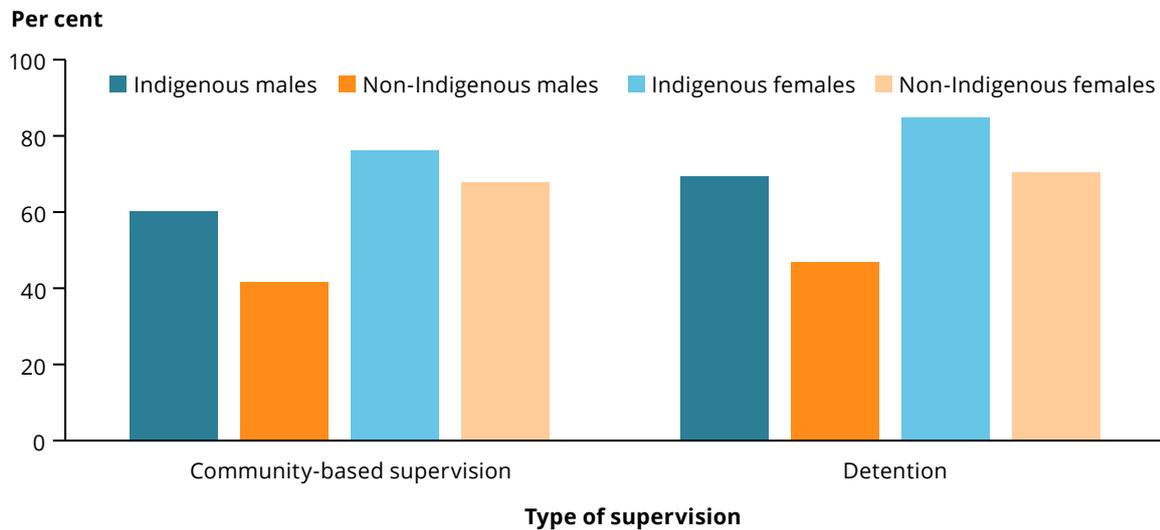
Source: Supplementary Table S1a.

The pattern was similar for young people under community-based supervision and in detention during 2020–21:

- For young people under community-based supervision, young Indigenous females were most likely to have had an interaction with the child protection system (76%) in the 5 years from 1 July 2016 to 30 June 2021 – followed by non-Indigenous females (68%), Indigenous males (60%) and non-Indigenous males (42%).

- For young people in detention, young Indigenous females were most likely to have had an interaction with the child protection system (85%) in the 5 years from 1 July 2016 to 30 June 2021 – followed by non-Indigenous females (70%), Indigenous males (69%) and non-Indigenous males (47%) (Figure 2.2).

Figure 2.2: Proportion of young people under community-based supervision and in detention during 2020–21 who had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021



Note: Young people under community-based supervision and in detention during 2020–21 and young people who had an interaction with the child protection system between 1 July 2016 and 30 June 2021 were included in the analysis.

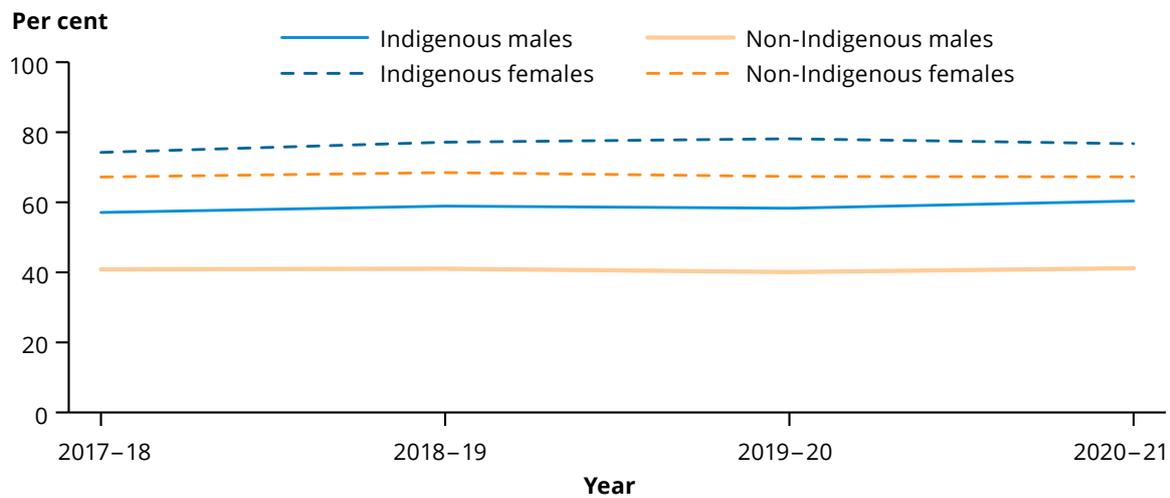
Source: Supplementary tables S7 and S9.

Trends

The proportion of young people under youth justice supervision who had an interaction with the child protection system for each of the 5-year periods ending in 2017–18, 2018–19, 2019–20 and 2020–21 remained stable, varying between 52% and 54% (Supplementary Table S4). While young males were almost 4 times as likely to have been under youth justice supervision than young females (AIHW 2022b), young females were more likely to have also had an interaction with the child protection system during the same period (70–72% for females compared with 48–49% for males) (Supplementary Table S4).

Indigenous young people were about 16 times as likely as their non-Indigenous counterparts to have been under youth justice supervision (AIHW 2022b). They were also more likely than non-Indigenous young people to have had an interaction with the child protection system across the 4 years: proportions of Indigenous young people ranged from 61–64% and of non-Indigenous young people from 46–47% (Supplementary Table S4).

Figure 2.3: Proportion of young people under youth justice supervision from 2017–18 to 2020–21 who had an interaction with the child protection system during the 5-year periods ending in 2017–18, 2018–19, 2019–20 and 2020–21



Note: Young people under youth justice supervision during 2020–21 and young people who had an interaction with the child protection system between 1 July 2013 and 30 June 2021 were included in the analysis.

Source: Supplementary Table S4.

2.3 Age at first youth justice supervision

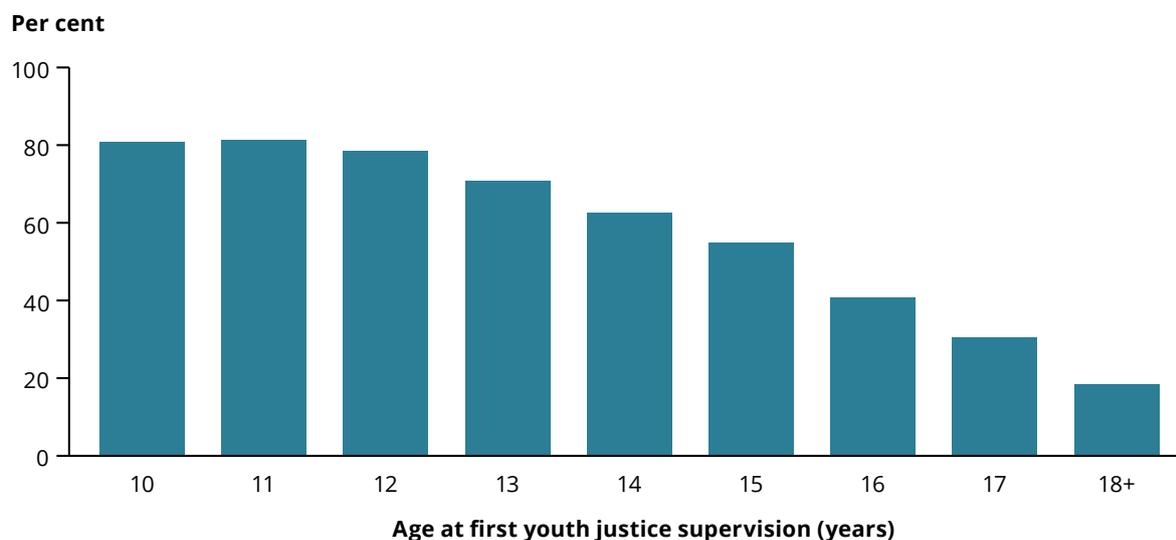
The younger that young people under youth justice supervision during 2020–21 were at their first supervision, the more likely they were to have had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021. Those who were older at their first youth justice supervision were much less likely to have had an interaction with the child protection system (this includes periods of youth justice supervision that occurred before 2020–21) (Figure 2.4).

Of those aged 10 at their first youth justice supervision, just over 4 in 5 (81%) had an interaction with the child protection system at some stage in the 5-year period. The likelihood of involvement with the child protection system 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 to have been involved with the child protection system, at 31% and 18%, respectively (Figure 2.4).

The period examined in this report for involvement in child protection is restricted to the 5 years from 1 July 2016 to 30 June 2021. The lifetime involvement of young people under youth justice supervision during 2020–21 with the child protection system will be higher than the involvement over this 5-year period. This is because some children in the older age groups will have been involved with the child protection system before the 5 years selected for this analysis (AIHW 2022a).

It follows that the observed pattern of older aged children under youth justice supervision being less likely to have been involved with the child protection system in the 5 years from 1 July 2016 to 30 June 2021 may not be repeated if the scope were expanded to lifetime involvement.

Figure 2.4: Proportion of young people under youth justice supervision during 2020–21 who had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021, by age at first youth justice supervision



Notes

1. Young people under youth justice supervision during 2020–21 and young people who had an interaction with the child protection system between 1 July 2016 and 30 June 2021 were included in the analysis.
2. 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: Supplementary Table S5a.

2.4 State and territory findings

While a substantial proportion of young people who had been under youth justice supervision had an interaction with the child protection system in each state and territory, there are differences between jurisdictions by Indigenous status and sex (Figure 2.5).

Young people under youth justice supervision during 2020–21 in the Northern Territory were the most likely to have had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021 (at 69%), followed by the Australian Capital Territory at 61% (Supplementary Table S2).

Young people under youth justice supervision in South Australia were the least likely to have had an interaction with the child protection system during the same 5-year period (at 38%), followed by Tasmania (42%). Proportions for Western Australia, New South Wales, Victoria and Queensland were 50%, 51%, 55% and 58%, respectively (Figure 2.5).

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

- the proportion of Indigenous young people who had an interaction with the child protection system ranged from 42% in South Australia to 76% in Victoria
- the proportion of non-Indigenous young people who had an interaction with the child protection system ranged from 36% in South Australia to 68% in the Northern Territory (Figure 2.5)
- females were more likely than males to have had an interaction with the child protection system in all jurisdictions (ranging from 50% in South Australia to 84% in the Northern Territory) (Supplementary Table S2).

Figure 2.5: Proportion of young people under youth justice supervision during 2020–21 who had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021, by state and territory and Indigenous status



Notes

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 jurisdiction, relating both to youth justice and to child protection, or to differences in need among the various populations.
2. Young people under youth justice supervision during 2020–21 and young people who had an interaction with the child protection system between 1 July 2016 and 30 June 2021 were included in the analysis.

Source: Supplementary Table S2.

3 Interactions with the child protection system by young people under youth justice

Key findings

Of the young people who had been under youth justice supervision during 2020–21:



Of young people who had been under community-based supervision or in detention during 2020–21:

Community-based supervision	Detention	Child protection services received in the 5 years from 1 July 2016 to 30 June 2021
47%	54%	were the subject of investigated notifications
30%	36%	were the subject of one or more substantiated notifications
23%	28%	received a care and protection order
20%	24%	had been in out-of-home care
15%	17%	had been in residential care

Source: Supplementary tables S6b, S8b, S10b, S11b, S13b, S19b and S20b.

This chapter presents data on those young people under youth justice supervision during 2020–21 who had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021, by the type of child protection services experienced. Child protection services analysed in this chapter include investigated notifications, care and protection orders, out-of-home care and the number of out-of-home care placements.

As well, the chapter presents the proportion of young people under community-based supervision and in detention during 2020–21 who were the subject of:

- a substantiated notification; it presents a breakdown for these young people by the type of primary substantiated abuse, by community supervision and detention (Section 3.3)
- care and protection orders; it presents for these young people the proportion by type of care and protection order (Section 3.4)
- out-of-home care living arrangements; it presents for these young people the type of out-of-home care living arrangements (Section 3.5).

Young people encounter the child protection system when a child protection agency is notified that the young person may be being abused or neglected. This can lead to an investigated notification, which can lead (in turn) to a substantiation if the young person is found to be being abused or neglected.

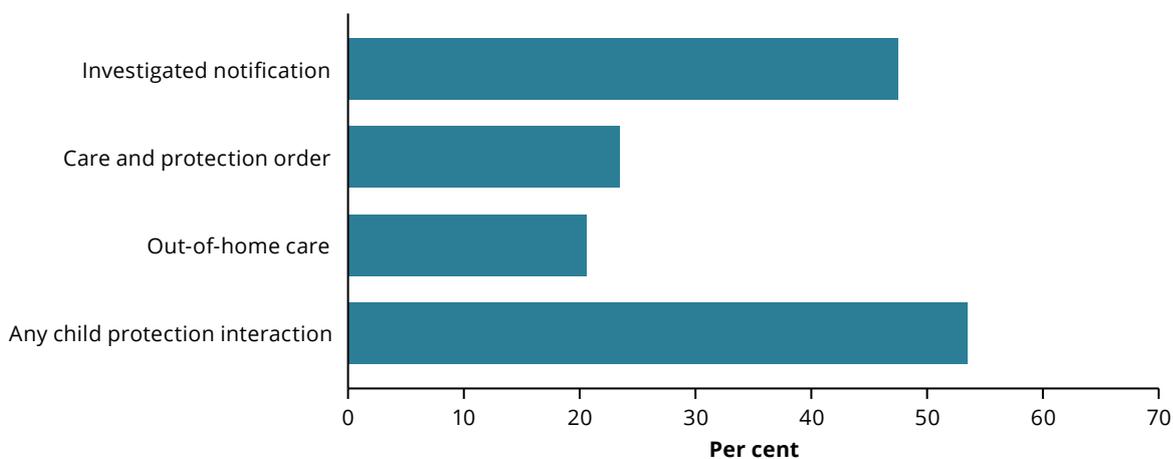
Of those young people who are the subject of a substantiation, some will go on to receive a care and protection order and may also go into out-of-home care, as these services are implemented for more severe cases of child abuse and neglect (AIHW 2022a). For more information on child protection services see *Child protection Australia 2020–21*.

3.1 Interactions with the child protection system

Of the 9,275 young people in youth justice supervision during 2020–21, 53% had an interaction with one of the 3 main components of the child protection system in the 5 years from 1 July 2016 to 30 June 2021:

- almost half (48%) were the subject of investigated notifications
- almost one-quarter (23%) had a care and protection order
- just over 1 in 5 (21%) had at least one out-of-home care placement in the 5 years from 1 July 2016 to 30 June 2021 (Figure 3.1).

Figure 3.1: Proportion of young people under youth justice supervision during 2020–21 who had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021, by type of child protection service



Notes

1. Young people under youth justice supervision during 2020–21 and young people who had an interaction with the child protection system between 1 July 2016 and 30 June 2021 were included in the analysis.
2. Out-of-home care includes all funded living arrangements that are in scope for out-of-home care, including respite care. See the Appendix for details on in scope living arrangements.

Source: Supplementary Table S6b.

While the rates of all 3 types of child protection services are relatively high in the youth justice population, the trend of services reflects the level of interaction with the child protection system.

In child protection, most young people have investigated notifications. The outcome of the investigation determines whether a child needs ongoing protection, such as through a care and protection order or by being placed in out-of-home care. A smaller number of young people will go on to receive a care and protection order or go into out-of-home care, as these services are applied to more severe cases of child abuse and neglect where it is not safe for the child to remain at home (AIHW 2022a).

Because children may receive a combination of child protection services, there can be overlaps between notifications, investigations and substantiations, care and protection orders and out-of-home care (AIHW 2022a). Some young people will have received a combination of services within the period from 1 July 2016 to 30 June 2021 and some may have received only one type of service. This also means that the total number of young people who had an interaction with the child protection system will not add up to the sum of the types of child protection services.

Indigenous status

During 2020–21, 3,118 young Indigenous males, 936 young Indigenous females, 4,043 young non-Indigenous males and 932 young non-Indigenous females were under youth justice supervision. Of these young people:

- young Indigenous females were more likely to have been the subject of an investigated notification (69%) than young Indigenous males (53%) in the 5 years from 1 July 2016 to 30 June 2021. A similar pattern was observed for non-Indigenous young people, but the rates were lower (females 61% and males 37%)
- young Indigenous females were also more likely to be on a care and protection order (36%) than young Indigenous males (26%) over the 5-year period. This was similar for non-Indigenous females (33%) and non-Indigenous males (17%)
- young Indigenous females were also more likely to be in out-of-home care (33%) over the 5-year period than young Indigenous males (22%). This pattern was the same for non-Indigenous females (31%) and males (15%) (Supplementary Table S6b).

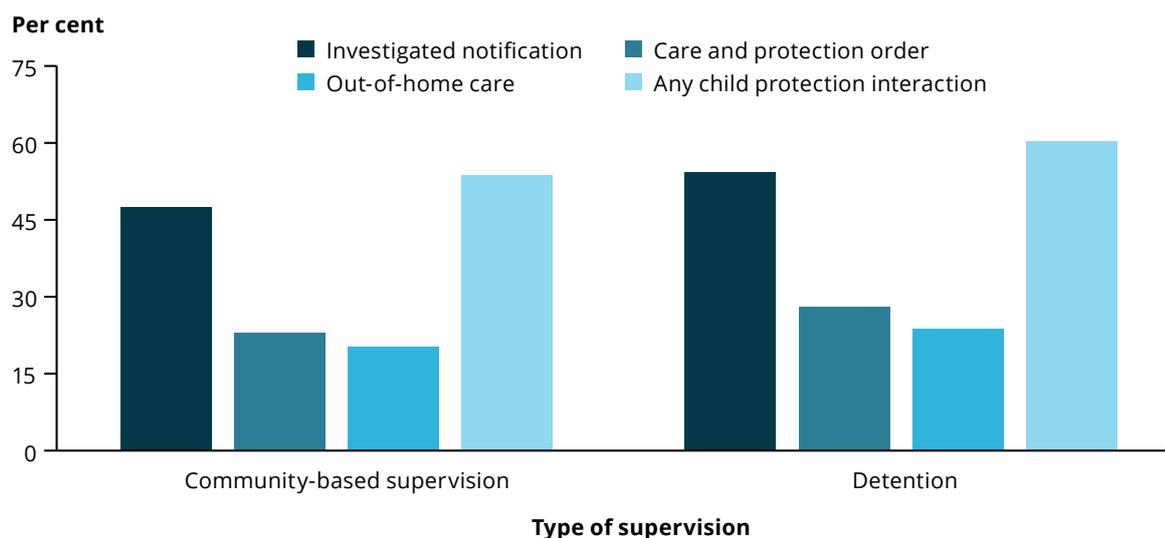
Supervision type

For those young people under community-based supervision and in detention during 2020–21:

- investigated notifications were the most common type of interaction experienced in the 5 years from 1 July 2016 to 30 June 2021 (experienced by 47% of those under community-based supervision and by 54% of those in detention)
- care and protection orders were experienced by 23% of those under community-based supervision and by 28% of those in detention in the 5 years from 1 July 2016 to 30 June 2021
- out-of-home care was experienced by 20% of those under community-based supervision and by 24% of those in detention in the 5 years from 1 July 2016 to 30 June 2021 (Figure 3.2).

While the trend was broadly similar for young people under community-based supervision and in detention, a slightly higher proportion of young people in detention were involved in each type of child protection service.

Figure 3.2: Proportion of young people under community-based supervision and in detention during 2020–21 who had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021, by type of child protection service



Source: Supplementary tables S8b and S10b.

3.2 Investigated notifications and substantiations

Notifications are reports to child protection departments alleging child abuse or neglect. Notifications may be investigated to assess whether a child is being maltreated and whether that child needs further child protection services.

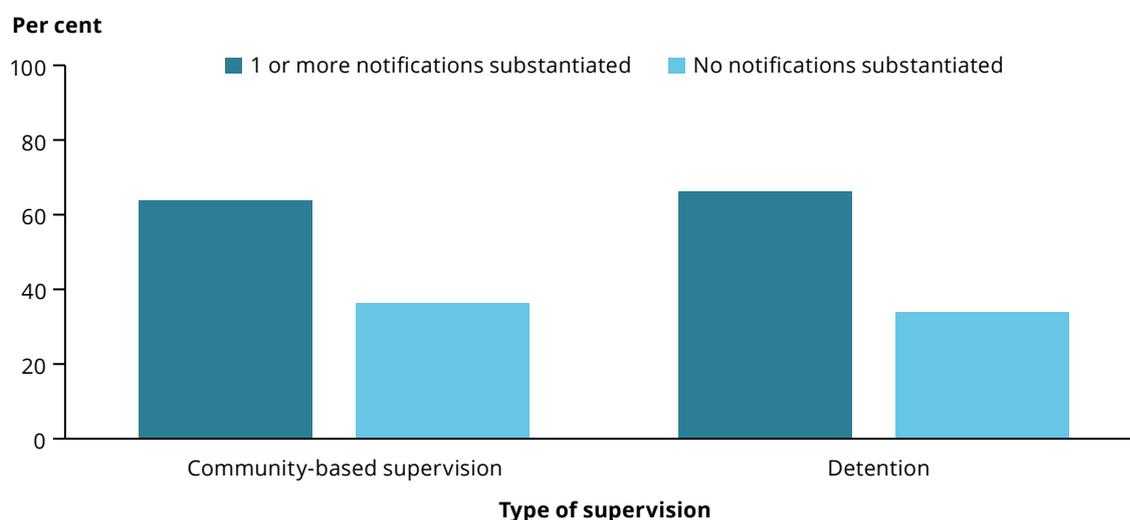
A notification is substantiated if the finalised investigation concludes that there is reasonable cause to believe that a child has been, is being, or is likely to be abused, neglected or otherwise harmed (AIHW 2022a).

Of those young people under community-based supervision and in detention during 2020–21 who had an investigated notification, about 2 in 3 (64% and 66%, respectively) were substantiated for abuse or neglect (Figure 3.3).

Almost a third (30%) of young people under community-based supervision (8,177) had one or more substantiated notifications in the 5 years from 1 July 2016 to 30 June 2021, while 17% had no substantiation. Of those who had been the subject of an investigated notification (3,879), almost 2 in 3 (64%) had one or more substantiation (Supplementary tables S11a, S11b, and 11c).

More than a third (36%) of young people in detention (4,262) had one or more substantiated notifications in the 5 years from 1 July 2016 to 30 June 2021, while 18% had no substantiation. Of those who had been the subject of an investigated notification (2,316), about 2 in 3 (66%) had one or more substantiation (Supplementary tables S13a, S13b and S13c).

Figure 3.3: Proportion of young people under community-based supervision and in detention during 2020–21 who were the subject of an investigated notification in the 5 years from 1 July 2016 to 30 June 2021, by outcome



Notes

1. Young people under youth justice supervision during 2020–21 who had an interaction with the child protection system between 1 July 2016 and 30 June 2021 were included in the analysis.
2. Denominator is all young people who were the subject of an investigated notification.

Source: Supplementary tables S11c and S13c.

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 2022a).

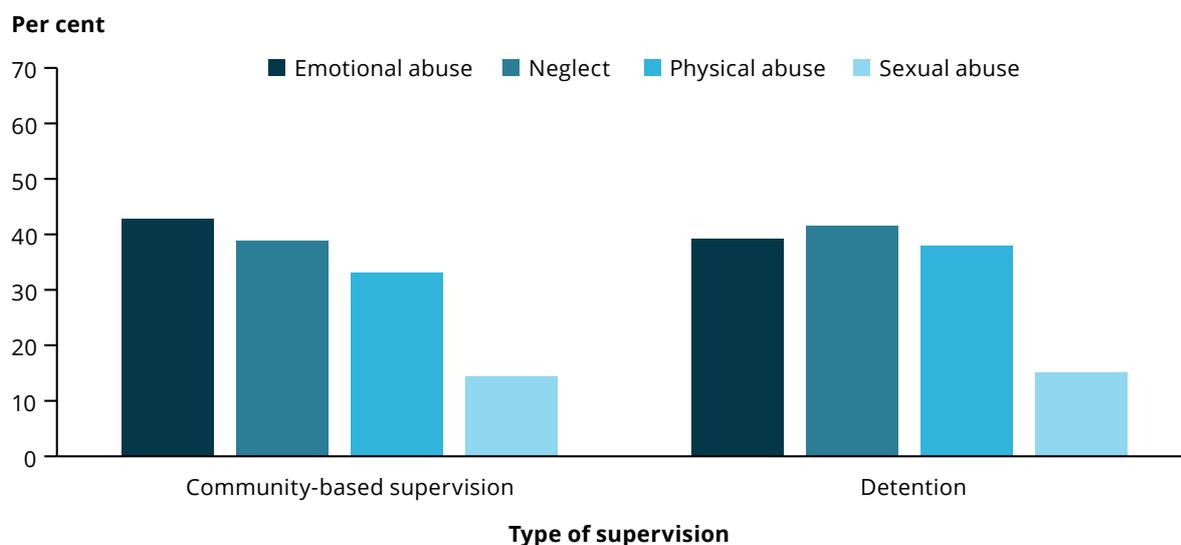
The type of substantiated abuse analysed for this report is the primary substantiated abuse only.

Of those young people who were the subject of a substantiated notification in the 5 years from 1 July 2016 to 30 June 2021, those under community-based supervision (2,473) and in detention (1,534) showed slightly different patterns in the primary abuse substantiated.

Young people who were the subject of one or more substantiated notifications who were:

- under community-based supervision were most likely to be substantiated for emotional abuse (43%), followed by neglect (39%), physical abuse (33%) and sexual abuse (14%) (Figure 3.4)
- in detention were most likely to be substantiated for neglect (41%), followed by emotional abuse (39%), physical abuse (38%) and sexual abuse (15%) (Figure 3.4).

Figure 3.4: Proportion of young people under community-based supervision and in detention during 2020–21 who were the subject of a substantiated notification in the 5 years from 1 July 2016 to 30 June 2021, by abuse type



Notes

1. Young people under youth justice supervision during 2020–21 who had an interaction with the child protection system between 1 July 2016 – 30 June 2021 were included in the analysis.
2. Abuse type is the primary substantiated abuse for a substantiated notification.
3. Denominator is all young people with 1 or more substantiated notification.

Source: tables S12c and S14c

The analysis for this report examined Indigenous status and sex for those young people under youth justice supervision during 2020–21 who were the subject of a substantiated notification in the 5 years from 1 July 2016 to 30 June 2021.

For those young people under community-based supervision and in detention:

- young Indigenous males were most likely to be substantiated for neglect (51% and 54%, respectively). This was the same for young Indigenous females under community-based supervision and in detention – young Indigenous females were most likely to be substantiated for neglect (45% and 54%, respectively).
- young non-Indigenous males were most likely to be substantiated for emotional abuse (51% and 47%, respectively). A similar pattern was observed for young non-Indigenous females who were most likely to be substantiated for emotional abuse (49% and 44%, respectively) (Supplementary tables S12c and S14c).

3.4 Care and protection orders

Care and protection orders are legal orders or arrangements that give child protection departments partial or full responsibility for a child's welfare. Children are placed on care and protection orders if they are at a serious risk of harm or there are no other care options available (AIHW 2022a).

Legal responsibility for the child can be held by parents, the child protection department or non-government agency, or a nominated carer (AIHW 2022a). For more information on care and protection orders see the Appendix. Young people may have been on more than one type of care and protection order so proportions will not sum to 100%.

About 1 in 4 (23%) young people under youth justice supervision during 2020–21 had been on a care and protection order in the 5 years from 1 July 2016 to 30 June 2021 (Supplementary Table S6b). This proportion was slightly higher for young people in detention (28%) during 2020–21 than for those under community-based supervision (23%) (Supplementary tables S8b and S10b).

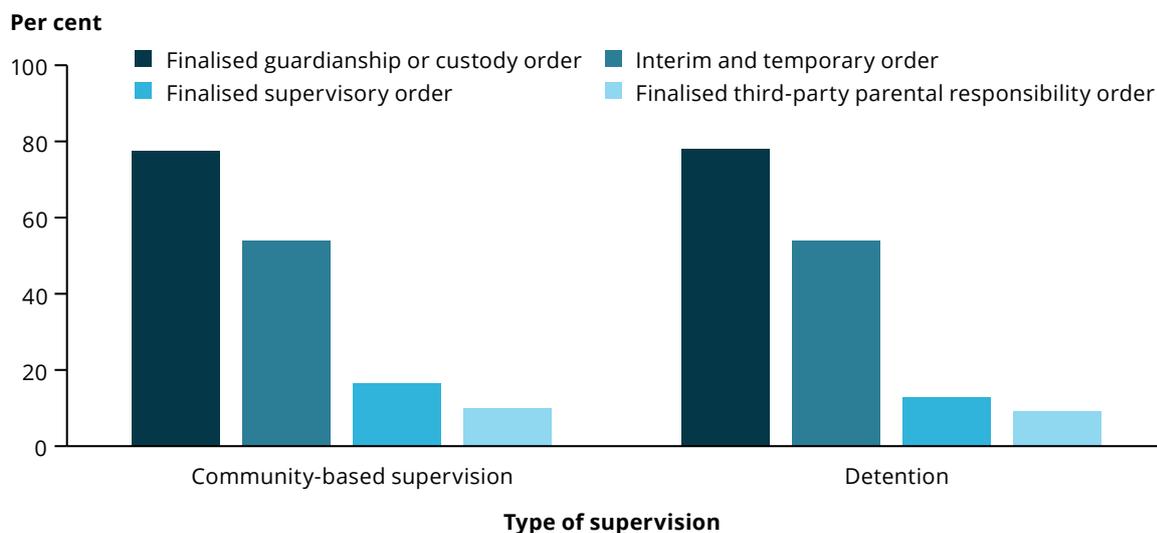
Of those under community-based supervision who had been on a care and protection order (1,882):

- more than 3 in 4 (77%) had been on a finalised guardianship or custody order
- 54% had been on an interim and temporary order
- 16% were on a finalised supervisory order
- 1 in 10 (10%) had been on a third-party parental responsibility order in the 5 years from 1 July 2016 to 30 June 2021 (Figure 3.5).

Of those in detention who had been on a care and protection order (1,191):

- almost 4 in 5 (78%) had been on a finalised guardianship or custody order
- 54% had been on an interim and temporary order
- 13% were on a finalised supervisory order
- 9.2% had been on a third-party parental responsibility order in the 5 years from 1 July 2016 to 30 June 2021 (Figure 3.5).

Figure 3.5: Proportion of young people under community-based supervision and in detention during 2020–21 who had been on a care and protection order in the 5 years from 1 July 2016 to 30 June 2021, by order type



Notes

1. Young people under youth justice supervision during 2020–21 who had an interaction with the child protection system between 1 July 2016 and 30 June 2021 were included in the analysis.
2. Denominator is all young people who had a care and protection order.

Source: Supplementary tables S15c and S16c.

3.5 Out-of-home care living arrangements

Young people are placed in out-of-home care when they have been the subject of a substantiation and need a more protective environment. 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/carers need respite (AIHW 2022a).

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 the Appendix for more information on 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 the Appendix for more information). Young people may have been in more than one type of out-of-home care so proportions will not sum to 100%.

About 1 in 5 (21%) young people under youth justice supervision during 2020–21 experienced out-of-home care in the 5 years from 1 July 2016 to 30 June 2021 (Supplementary Table S6b). This proportion was slightly higher for young people in detention (24%) during 2020–21 than for young people under community-based supervision (20%) (Supplementary tables S8b and S10b).

For young people under community-based supervision who had been placed in out-of-home care (1,655) at least once in the 5 years from 1 July 2016 to 30 June 2021:

- 3 in 4 (75%) had at least one placement in residential care
- 2 in 3 (67%) had at least one placement in foster or relative/kinship care
- 18% had a placement in only foster or relative/kinship care (Figure 3.6).

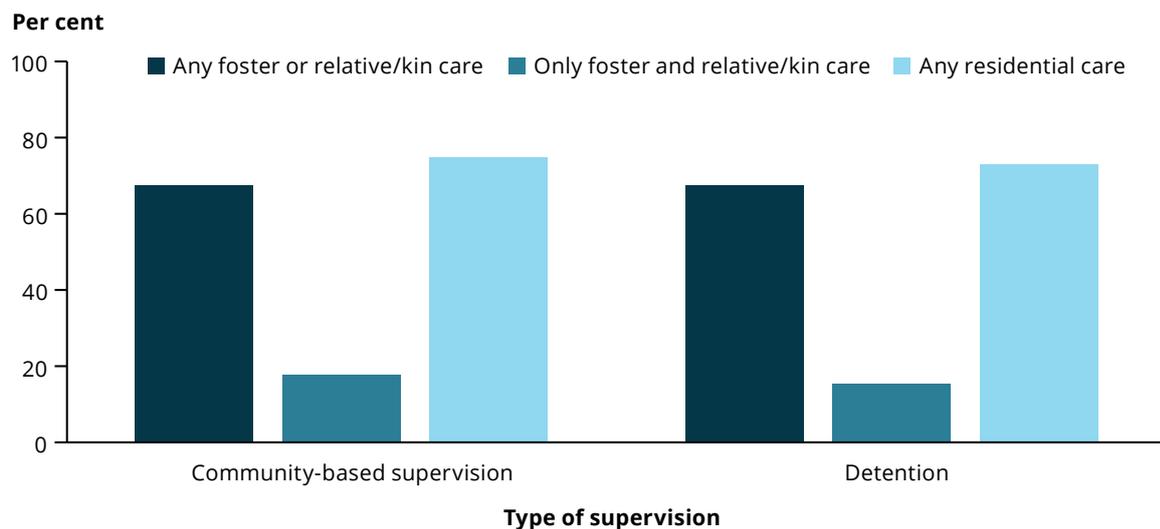
This distribution equates to 15% of young people from the entire community-based supervision population having had a placement in residential care, 14% having had a placement in foster or relative/kinship care and 3.6% having had a placement in only foster or relative/kinship care.

For young people in detention who had been placed in out-of-home care (1,016) at least once in the 5 years from 1 July 2016 to 30 June 2021:

- almost 3 in 4 (73%) had at least one placement in residential care
- 2 in 3 (67%) had at least one placement in foster or relative/kinship care
- 15% had a placement in only foster or relative/kinship care (Figure 3.6).

This distribution equates to 17% of young people from the entire detention population having had a placement in residential care, 16% having had a placement in foster or relative/kinship care and 3.6% having had a placement in only foster or relative/kinship care.

Figure 3.6: Proportion of young people under community-based supervision and in detention during 2020–21 who had been in out-of-home care in the 5 years from 1 July 2016 to 30 June 2021, by type of living arrangement



Notes

1. Young people under youth justice supervision during 2020–21 who had an interaction with the child protection system between 1 July 2016 and 30 June 2021 were included in the analysis.
2. Young people may have been under more than one out-of-home care type over the 5 years from 1 July 2016 to 30 June 2021.
3. Numerators are the number of young people by out-of-home care type experienced in the 5 years from 1 July 2016 to 30 June 2021. Denominators are the number of young people who were in out-of-home care in the same 5-year period.

Source: Supplementary tables 19c and 20c.

3.6 Out-of-home care placements and time in care

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 2022a).

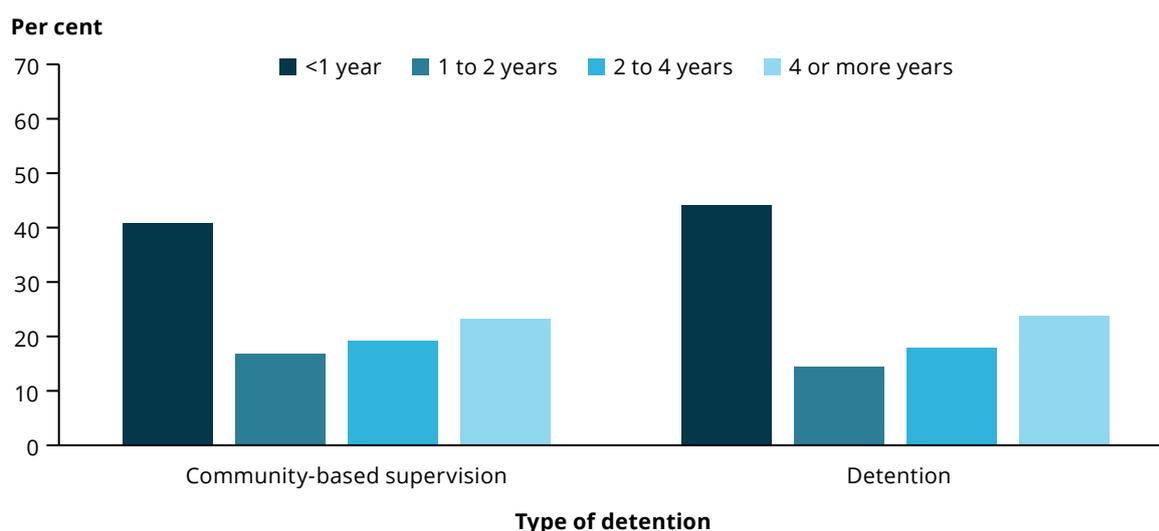
Placements are the distinct living arrangements that occur in a period of care, such as relative/kin care, foster care and residential care.

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 the Appendix for more information).

Young people under community-based supervision (1,588) and in detention (975) during 2020–21 and who had been in out-of-home care in the 5 years from 1 July 2016 to 30 June 2021 were most likely to have been in continuous care for less than 1 year:

- Of those who had been under community-based supervision and in out-of-home care, about 2 in 5 (41%) had been in continuous out-of-home care for 1 year or less, while nearly 1 in 4 (23%) had been in continuous out-of-home care for 4 or more years (Figure 3.7).
- Of those who had been in detention and in out-of-home care, more than 2 in 5 (44%) had been in continuous out-of-home care for 1 year or less, while nearly 1 in 4 (24%) had been in continuous out-of-home care for 4 or more years (Figure 3.7).

Figure 3.7: Proportion of young people under community-based supervision and in detention during 2020–21 who had been in out-of-home care in the 5 years from 1 July 2016 to 30 June 2021, by length of time in continuous out-of-home care



Note: Young people under youth justice supervision during 2020–21 who had an interaction with the child protection system between 1 July 2016 and 30 June 2021 were included in the analysis.

Source: Supplementary tables S17 and S18.

The analysis for this report examined sex and Indigenous status for young people under community-based supervision and in detention during 2020–21 who had been in out-of-home care in the 5 years from 1 July 2016 to 30 June 2021.

It found that:

- for those who had been under community-based supervision, non-Indigenous males (47%) and non-Indigenous females (42%) were most likely to have been in continuous out-of-home care for 1 year or less, while about 1 in 5 (19% and 22%, respectively) were in continuous out-of-home care for 4 or more years. More than a third of Indigenous young males (36%) and females (37%) were in continuous out-of-home care for 1 year or less and just over a quarter (26%, respectively) were in continuous out-of-home care for 4 or more years (Supplementary Table S17).

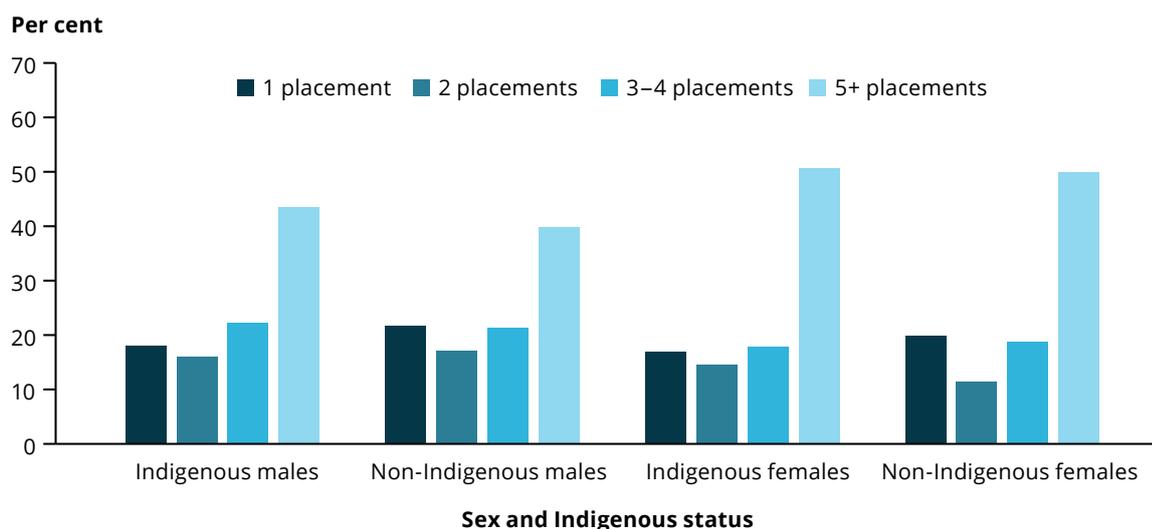
- Trends for those in detention followed a similar pattern to those for community-based supervision for both non-Indigenous and Indigenous young people. Non-Indigenous young males (54%) and non-Indigenous young females (43%) were most likely to have been in continuous out-of-home care for 1 year or less, while 17% of non-Indigenous young males and 26% of non-Indigenous young females were in continuous out-of-home care for 4 or more years. Almost 2 in 5 (39% and 38%, respectively) Indigenous young males and females had been in continuous out-of-home care for 1 year or less while 25% and 31% were in continuous out-of-home care for 4 or more years (Supplementary Table S18).

Young people under community-based supervision and in detention during 2020–21 who had also been in out-of-home care were most likely to have had 5 or more placements.

Of young people who had been under community-based supervision during 2020–21 and in out-of-home care between 1 July 2016 to 30 June 2021:

- 1 in 5 (20%) had one care placement, 36% had 2–4 or more placements and 45% had 5 or more placements
- the longer they had been in care, the more likely they were to have had more than one placement. Just under 1 in 4 (23%) had 5 or more placements when in care for 1 year or less. In contrast, about 3 in 5 (59%) had 5 or more placements when in care for 4 or more years (Supplementary Table S17)
- having 5 or more placements was most common regardless of sex or Indigenous status. About half of young Indigenous females (51%) and young non-Indigenous females (50%) had 5 or more placements. About 2 in 5 non-Indigenous young males (40%) and Indigenous young males (44%) had 5 or more placements (Figure 3.8).

Figure 3.8: Proportion of young people under community-based supervision during 2020–21 who had been in out-of-home care in the 5 years from 1 July 2016 to 30 June 2021, by number of placements, Indigenous status and sex



Notes

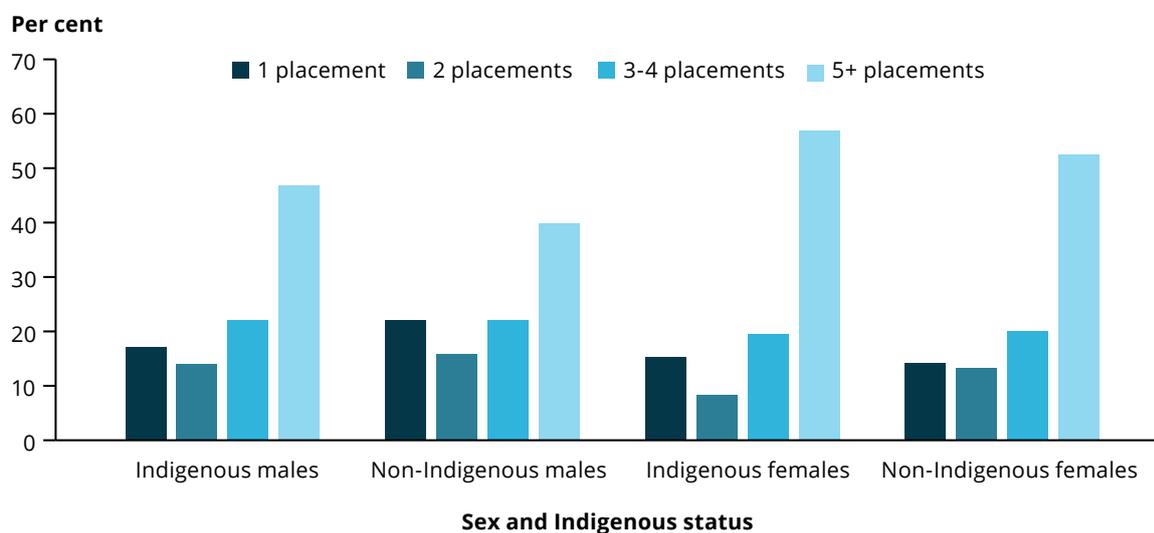
1. Young people under youth justice supervision during 2020–21 who had an interaction with the child protection system between 1 July 2016 and 30 June 2021 were included in the analysis.
2. The number of placements excludes respite care.

Source: Supplementary Table S17.

Of those young people in detention during 2020–21 who had been in out-of-home care in the 5 years from 1 July 2016 to 30 June 2021:

- nearly 1 in 5 (18%) had one care placement, 35% had 2–4 or more placements and 47% had 5 or more placements
- 28% had 5 or more placements when in care for 1 year or less, and 61% had 5 or more placements when in care for 4 or more years (Supplementary Table S18)
- similar to community-based supervision, having 5 or more placements was most common regardless of sex or Indigenous status. Indigenous young females (57%) were the most likely to have had 5 or more placements, with non-Indigenous young females (53%), Indigenous (47%) and non-Indigenous young males (40%) being less likely (Figure 3.9).

Figure 3.9: Proportion of young people in detention during 2020–21 who had been in out-of-home care in the 5 years between 1 July 2016 and 30 June 2021, by number of placements, Indigenous status and sex



Notes

1. Young people under youth justice supervision during 2020–21 who had an interaction with the child protection system between 1 July 2016 and 30 June 2021 were included in the analysis.
2. The number of placements excludes respite care.

Source: Supplementary Table S18.

4 Future reporting

This report expands on earlier AIHW reports that linked selected child protection data with the Youth Justice National Minimum Data Set (YJNMDS) (AIHW 2015, 2016a, 2016b, 2017, 2018, 2019, 2020). This report updates these findings with results based on the latest available data.

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

4.1 Data availability for states and territories

All states and territories are now participating in this series of reports; the Northern Territory first provided data for the YJ NMDS 2017–18 and New South Wales provided unit record data in the CP NMDS format from 2013–14 to 2020–21 for the purposes of linkage in this report.

4.2 Longitudinal analyses of pathways and links

This report used available data to look at the characteristics of young people under youth justice supervision during 2020–21 who were also in the child protection system in the 5 years from 1 July 2016 to 30 June 2021.

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
- the relationship between early childhood involvement with child protection and later involvement in the youth justice supervision system.

Other potential areas for development of the report include:

- analysis of the number of carers experienced by young people involved in youth justice and child protection
- regional analysis of young people involved in youth justice and child protection
- reunification with family, as well as return to child protection from reunification.

4.3 Other data collections

It is 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 National Minimum Data Set
- Alcohol and Other Drug Treatment Services National Minimum Data Set
- Specialist Homelessness Services National Minimum Data Set.

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*
- *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
- mortality data.

The AIHW is currently working with stakeholders to consider the feasibility – 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/752063>.

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
- 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 2020–21 data quality statement at <http://meteor.aihw.gov.au/content/index.phtml/itemId/757571>.

New South Wales provided CP NMDS structured data to the AIHW (as a separate process to the usual collection of CP NMDS data) to participate in this report.

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 order 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 keybased linkage is to minimise the likelihood 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. About 190 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 data sets

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 one 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; a small number of 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 investigated (including those where the investigation was in progress) were included. Records with unknown investigation start and finish dates were replaced with dates of '30 June' of the relevant collection period. Duplicate records were removed.
 - 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' were replaced with dates of '30 June' of the relevant collection period. Duplicate records were removed.
 - 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 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 0.1% of out-of-home care records had a conflicting detention record and these were removed from the analysis. Living arrangement end dates of '1 January 9999' were replaced with dates of '30 June' of the relevant collection period. Duplicate records were removed.

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 2020–21* (AIHW 2022a), and for more on youth justice, see *Youth justice in Australia 2020–21* (AIHW 2022b).

Care and protection orders

A description of the orders analysed for this report is as follows:

- Finalised guardianship or custody orders are issued when a child is in an unsafe environment and is at risk from further harm. This order type involves the transfer of legal guardianship to the relevant state or territory department or non-government agency. This order involves considerable intervention in the child's life and that of their family and is only sought as a last resort.
- Finalised third-party parental responsibility orders are issued when parents cannot provide adequate care to the child. This order is a stable and permanent legal arrangement and involves the transfer of all duties, powers and responsibilities that would normally be held by parents to a nominated person or third-party. The third-party might be a relative or an officer of the state or territory.
- Finalised supervisory orders are issued when parents require support or guidance to provide suitable care to their child. Under this type of order, parents retain legal responsibility and care for their child and are under the supervision or guidance of a child protection department. This type of order can be less disruptive than finalised guardianship or custody orders.
- Interim and temporary orders are issued to provide temporary care to a child who has been removed from an unsafe environment. This type of order usually occurs while another type of order is being sought. Under this type of order the child can either remain under their parents' legal responsibility and care or that of the relevant state or territory child protection department (AIHW 2022a).

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: care in a residential building with paid staff
- family group homes: homes provided by a department or agency
- home-based care (foster or relative/kinship care): care in the home of a carer who is reimbursed for care expenses. This type of care includes relative/ kinship care, foster care and other home-based out-of-home care
- independent living: a private board or lead tenant household, which is state funded
- other: another living arrangement, such as in a disability service, boarding school, hospital or hotel/ motel, which 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 child protection data from 2018–19 onwards. This new out-of-home care definition could not be implemented in this report.

For more information on the revised definition of out-of-home care, see *Child protection Australia 2018–19* (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 fewer 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 (fewer than 60 days) in an episode do not break the continuity of time in care.

A break in care longer than 60 days can occur due to permanency events such as reunification, adoption or third-party orders, detention or ageing 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 excluding respite care.

Measurement period

The most recent year of youth justice data (2020–21) 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.

Five years of child protection data (1 July 2016 to 30 June 2021) were selected to capture the historical experience of young people in youth justice.

Age

Age is calculated as at 1 July 2020. Data in tables with age breakdowns or selections of those aged 10–17 (including rates calculations) might be different from data published in other youth justice publications where age is selected at a different time.

Rates

The Australian Bureau of Statistics populations used to calculate rates are as at 30 June 2020, to align with the age calculation. Rates may differ from those published in other youth justice publications.

Confidentiality

Data in this report were confidentialised using 2 methods. Small numbers and numerators for population rates under 5, and any numbers that revealed additional sensitive information about a person, were suppressed. Consequential suppression was also applied so suppressed data could not be recalculated.

Comparability

This report is not comparable to earlier editions of *Young people under youth justice supervision and in child protection* due to the inclusion of New South Wales data.

Neither is the data published in this report directly comparable to *Youth justice in Australia 2020–21* data due to the linkage process that was applied to the *AIHW child protection and youth justice supervision linked data collection 2020–21*. Counts for young people in youth justice are slightly less than that published in *Youth justice in Australia 2020–21* due, in part, to young people being linked across states and territories.

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

The data published in this report are not directly comparable with data in *Child protection Australia 2020–21* for the following reasons:

- Resupplied data, where available, were used for analysis in this report. Two years of CP NMDS data are supplied each year to allow for updates to the previous year's data supply. The most recently supplied records were analysed.
- New South Wales provided CP NMDS structured unit record data for this report; however aggregate New South Wales data were provided for *Child protection Australia 2020–21*.
- Longitudinal data were used for this analysis, so young people who were in child protection during the 5-year period from 1 July 2016 to 30 June 2021 were analysed. *Child protection Australia 2020–21* reports on young people in child protection during the single year 2020–21 and as at 30 June 2021.
- The number of young people in the child protection and youth justice supervision linked data collection 2020–21 data set differs from that in 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 be a small number of false positives (where young people are identified as being the same person when they were not) and false negatives (where young people are falsely identified as being more than one person).
- The definition of out-of-home care applied in this report differs from that used elsewhere during 2020–21 for child protection data.

Additional tables

Tables A1a, A1b and A1c, included in the supplementary tables, present different selections of youth justice and child protection data.

They present 2020–21 youth justice data, together with 8 years (or all available) of CP NMDS data that was suitable for linkage. Table A1a presents the overlap of young people under youth justice supervision and child protection, broken down by year of active child protection service (Table A1b) and year of last contact with child protection (Table A1c).

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- the Aboriginal, Torres Strait Islander and Māori Advisory Group, comprising senior representatives responsible for Indigenous advice and expertise and/or services within the youth justice sector
- SNAICC – National Voice for our Children, which is a member of the Coalition of Aboriginal and Torres Strait Islander Peak Organisations.

The AIHW acknowledges Aboriginal and Torres Strait Islander people as the traditional custodians of this land. We pay our respects to Elders, past, present and emerging.

Abbreviations

AIHW	Australian Institute of Health and Welfare
CP NMDS	Child Protection National Minimum Data Set
YJ NMDS	Youth Justice National Minimum Data Set

Glossary

age: Age is calculated as at 1 July 2020. Data presented in tables on age breakdowns of those aged 10–17 (including rates calculations) may differ from data published in other youth justice publications where age is selected at a different time.

care and protection order: A legal order or arrangement that gives child protection departments some responsibility for a child's welfare. See also **finalised third-party parental responsibility order**, **finalised supervisory order** and **interim and temporary order**.

child: A young person aged 0–17. For some states and territories, the definition of a child includes unborn children.

children who had an interaction with the child protection system: Children who are the subjects of an investigation of a notification, on a care and protection order, and/or in out-of-home care. This definition is consistent with the concept "children receiving child protection services" referred to in the *Child protection Australia 2020–21* report.

community-based supervision: A legal arrangement that requires a young person to be supervised by a youth justice agency within the community. Community-based supervision may be unsentenced or sentenced. Unsentenced community-based legal orders include supervised or conditional bail and home **detention** bail. Sentenced community-based orders include probation and similar orders, suspended detention, and parole or supervised release.

detention: A legal arrangement that requires a young person to be detained in a youth justice facility. This comprises both sentenced and unsentenced detention.

detention sentence: A sentence that requires the young person to be detained in a youth justice facility.

emotional abuse: Any act by a person having the care of a child that results in the child suffering any kind of substantial emotional deprivation or trauma. Children affected by exposure to family violence are also included in this category.

family: Includes parent/guardian, sibling and other relatives/kin.

family group home: A home that a department or community-sector agency provides for children that has live-in, non-salaried carers who are reimbursed and/or subsidised for providing care.

finalised guardianship or custody order: Order involving the transfer of legal guardianship to the relevant state or territory department or non-government agency. This order involves considerable intervention in the child's life and that of their family and is sought only as a last resort. A guardianship order conveys responsibility for the welfare of the child to the guardian (for example, for the child's education, health, religion, accommodation and financial matters). It does not necessarily grant the right to the daily care and control of the child, or the right to make decisions about the daily care and control of the child, which are granted under custody orders.

A custody order is generally an order that places a child in the custody of either the state or territory department responsible for child protection, or a non-government agency. It usually involves the child protection department being responsible for the daily care and requirements of the child, while the parent retains legal guardianship. Custody alone does not bestow any responsibility for the long-term welfare of the child.

Finalised guardianship or custody orders can be a long-term order or a short-term order.

finalised investigation: A **notification** that was investigated, the investigation completed and an outcome recorded. The 'outcomes of finalised investigations' are classified into 2 categories: substantiated and not substantiated.

finalised supervisory order: An order giving the department responsible for child protection some responsibility for a child's welfare. Under this order, the department supervises and/or directs the level and type of care to be provided to the child. A child under a supervisory order is generally under the responsibility of his or her parents, and the guardianship or custody of the child is unaffected. This means finalised supervisory orders are less interventionist than **finalised guardianship or custody orders** but require the child's parent or guardian to meet specified conditions, such as medical care of the child.

finalised third-party parental responsibility order: An order transferring all duties, powers, responsibilities and authority to which parents are entitled by law to a nominated person(s) whom the court considers appropriate. The nominated person may be an individual, such as a relative, or an officer of the state or territory department responsible for child protection. Thirdparty parental responsibility may be ordered if a parent is unable to care for a child, with parental responsibility then transferred to a relative, or other nominated person.

Finalised third-party parental responsibility orders can be a long-term order or a short-term order.

foster care: A form of **out-of-home care** where the caregiver is authorised and reimbursed (or was offered but declined reimbursement) by the state/territory for the care of the child. (This category excludes relatives/kin who are reimbursed.) Degrees of reimbursement made to foster carers vary.

home-based out-of-home care: Care provided for a child who is placed in the home of a carer, who is reimbursed (or who has been offered but declined reimbursement) for the cost of care of that child. Home-based out-of-home care includes relatives/kin who are reimbursed, **foster care** and other home-based **out-of-home care**.

independent living: Accommodation where the child lives independently, such as private board or as the lead tenant in a household.

Indigenous: Children of Aboriginal and/or Torres Strait Island descent who identify, and are identified as, an Aboriginal and/or Torres Strait Islander.

Indigenous status: The status of a person who identifies as an Aboriginal and/or Torres Strait Islander and is accepted as such by the community in which they live. See also **Indigenous, non-Indigenous** and **unknown Indigenous status**.

interim and temporary order: An order covering the provision of a limited period of supervision and/or placement of a child. Parental responsibility under this order may be with the parents or with the department responsible for child protection. 'Unfinalised orders' (such as applications to the court for a **care and protection order**) are also included in this category unless another finalised order is in place. In some jurisdictions, interim and temporary orders are put into place while a finalised order is sought.

investigation: The process whereby the relevant department obtains more detailed information about a child who is the subject of a **notification**. Departmental staff assess the harm, or degree of harm, to the child, and their protective needs. An investigation includes sighting or interviewing the child where it is practical to do so.

living arrangement: The type of care in which a child on an order was living. See also **residential care, foster care, family group home, home-based out-of-home care, and family care.**

neglect: Any serious act or omission by a person having the care of a child that, within the bounds of cultural tradition, constitutes a failure to provide conditions that are essential for the healthy physical and emotional development of a child.

non-Indigenous: Describes children who have not been identified as being of Aboriginal and/or Torres Strait Islander (**Indigenous**) descent; this excludes children of **unknown Indigenous status.**

not stated: Information that was unknown or not recorded.

not substantiated: A **notification** where an **investigation** concluded that there was no reasonable cause to suspect prior, current or future abuse, neglect or harm to the child.

notification: Contact made to an authorised department by people or other bodies alleging child abuse or neglect, child maltreatment or harm to a child.

other living arrangement: A living arrangement not otherwise classified, including unknown living arrangement. For children on orders, this includes any placements made in disability services, psychiatric services, juvenile justice facilities, specialist homelessness services and overnight child care services, boarding schools, hospitals, hotels/motels and the defence forces. These living arrangements may have rostered and/or paid staff and are generally not a homelike environment.

other out-of-home care: Out-of-home care placements that are not otherwise categorised, including unknown placement types. This includes boarding schools, hospitals, hotels/motels, and the defence forces.

out-of-home care: Overnight care for children aged under 18 for which there is ongoing case management and financial payment (including where a financial payment has been offered but declined by the carer). See also **residential care, family group home, foster care, relative/kinship care, independent living** and **other out-of-home care.**

parent/guardian: A natural or substitute parent, spouse of a natural parent, adoptive parent or spouse of an adoptive parent, or any other person who has an ongoing legal responsibility for the care and protection of a child.

physical abuse: Any non-accidental physical act inflicted upon a child by a person having the care of a child.

rate: One number (the numerator) divided by another number (the denominator). The numerator is commonly the number of events in a specified time. The denominator is the population 'at risk' of the event. In YJ NMDS reporting, rates are multiplied by 10,000 to create whole numbers.

relative/kinship care: A form of **out-of-home care** where the caregiver is:

- a relative (other than parents)
- considered to be family or a close friend
- a member of the child or young person's community (in accordance with their culture)
- reimbursed by the state/territory for the care of the child (or who has been offered but declined reimbursement).

For Aboriginal and Torres Strait Islander children, a kinship carer may be another **Indigenous** person who is a member of their community, a compatible community or from the same language group.

residential care: A type of care where the placement is in a residential building whose purpose is to provide placements for children, and where there are paid staff.

respite care: A form of **out-of-home care** used to provide short-term accommodation for children and young people where the intention is for the child to return to their prior place of residence. Respite placements include:

- respite from birth family, where a child is placed in out-of-home care temporarily for reasons other than child protection (for example, the child's parents are ill or unable to care for them temporarily, or as a family support mechanism to prevent entry into full-time care, or as part of the reunification process, or as a shared care arrangement)
- respite from placement, where a child spends regular, short and agreed periods of time with a carer other than their primary carer.

sexual abuse: Any act by a person having the care of a child that exposes the child to, or involves the child in, sexual processes beyond his or her understanding, or contrary to accepted community standards.

substantiation of notification: Child protection notification made to relevant authorities during the current year that was investigated and where it was concluded that there was reasonable cause to believe that the child had been, was being, or was likely to be, abused, neglected or otherwise harmed. Substantiation does not necessarily require sufficient evidence for a successful prosecution and does not imply that treatment or case management was provided. Substantiations may also include cases where there is no suitable caregiver, such as children who have been abandoned or whose parents are deceased.

third-party parental care: Placements for children on a **third-party parental responsibility order**. See **finalised third-party parental responsibility order**.

third-party parental responsibility order: See **finalised third-party parental responsibility order**.

type of abuse or neglect: One of the 4 types, or categories, of substantiation: physical abuse, sexual abuse, emotional abuse, and neglect. Each category includes findings of actual harm or substantial risk of harm. Where more than 1 type of abuse or neglect has occurred, the substantiation is classified to the type likely to be the most severe in the short term, or to place the child most at risk in the short term; if such an assessment is not possible, the substantiation is classified to the most obvious form of abuse or neglect. See also **physical abuse, sexual abuse, emotional abuse** and **neglect**.

type of placement: The type of **out-of-home care** in which a child was living. See also **residential care, family group home, home-based out-of-home care, independent living** and **other out-of-home care**.

unknown Indigenous status: Describes children whose Indigenous status was unknown.

young person: A person, aged 10 or over, whom a youth justice agency supervises as a result of their having committed or allegedly committed an offence.

youth justice agency: The state or territory government agency or department responsible for youth justice supervision.

youth justice system: The set of processes and practices for managing children and young people who have committed, or allegedly committed, an offence.

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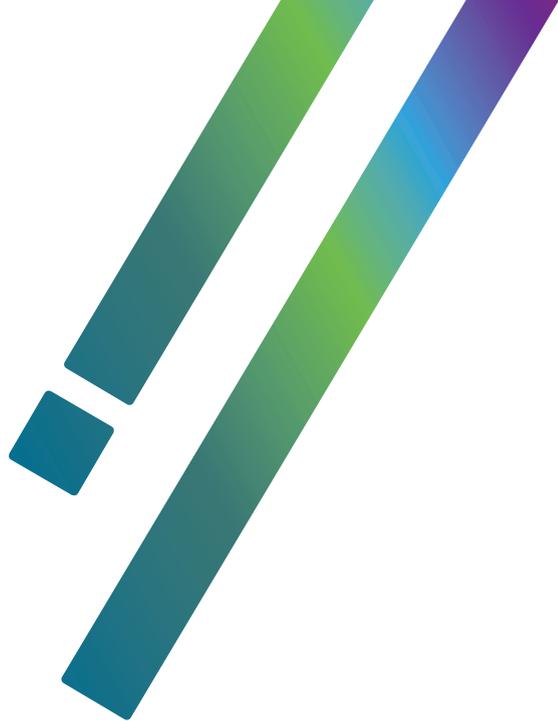
Related publications

This report can be downloaded free of charge from <http://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 <http://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 (2022) *Youth justice in Australia 2020–21*, catalogue number JUV 138, AIHW, Australian Government.
- — (2021) 'Young people returning to sentenced youth justice supervision 2019–20', *Youth Justice Series 25*, catalogue number JUV 137, AIHW, Australian Government.
- — (2021) *Youth detention population in Australia 2021*, catalogue number JUV 136, AIHW, Australian Government.
- — (2018) *Overlap between youth justice supervision and alcohol and other drug treatment services 2012–16*, catalogue number JUV 126, AIHW, Australian Government.
- — (2016) *Vulnerable young people: interactions across homelessness, youth justice and child protection: 1 July 2011 to 30 June 2015*, catalogue number HOU 279, AIHW, Canberra.



This report presents information on young people under youth justice supervision during 2020–21 who had an interaction with the child protection system in the 5 years between 1 July 2016 and 30 June 2021. More than half (53%) of young people under youth justice supervision during 2020–21 had an interaction with the child protection system in the 5-year period. Almost one-third (30%) were the subject of a substantiated notification for abuse or neglect.

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