



Hearing the Voices of Young People in the Youth Justice System"

Methodology: How we listened

A Voices of Young People in the Youth Justice System Project Resource

Acknowledgement of Country

The Commissioner for Children and Young People acknowledges and pays respect to the palawa people of lutruwita/Tasmania as the original and ongoing custodians of this land and for the more than 40,000 years they have cared for their country and their children. The Commissioner recognises that Aboriginal people are best placed to determine and deliver services to meet the needs of their children.

Acknowledgment of young people who shared their views

The Commissioners extends a special thank you to each of the young Tasmanians who shared their views and ideas as part of this project.

Their unique insights inform the work the Commissioner does to advocate for all children and young people in Tasmania. This includes children and young people currently in contact with the youth justice system, as well as those who may be in the future. The work done together will help to make things better for children and young people who are still in contact with the youth justice system, and other children and young people in Tasmania.

Other Acknowledgements

The Commissioner also thanks the staff of the Department *for* Education, Children and Young People (and the former Department of Communities), the Department of Justice, and non-government organisations for supporting young people to participate in this project. Many thanks to our external reviewer who provided helpful feedback during the planning for this work.

Finally, I extend my deep appreciation to staff from Community Youth Justice, Ashley Youth Detention Centre (Ashley), Youthcare (Anglicare) and the Tasmania Prison Service who went above and beyond to ensure the voices of young people with experience of the youth justice system were able to be heard through this project.



Quick Facts: Hearing the Voices of Children and Young People in the Youth Justice System

What is the *Voices of Young People in the Youth Justice System Project (Voices Project)*?

We had in-depth discussions with 12 young people with recent experience of Tasmania's youth justice system to learn about what this system is like for children and young people in Tasmania.

Why did we do this project?

To empower children and young people with recent lived experience of Tasmania's youth justice system to share their views about what this system is like for children and young people.

Listening to the views of young people with lived experience of the youth justice system provides critical insights into the impact of this system on children and young people.

This report series is an opportunity for decision-makers and the community to listen, learn and act to ensure the Tasmanian youth justice system promotes, protects and upholds the rights and wellbeing of children and young people in Tasmania.

What did we talk about?

Young people's views about what contact with the youth justice system is like for children and young people in Tasmania. Major areas of focus included young people's views on what it is like for children and young people to get in trouble with the law for the first time, and their views on topics including arrest, diversion, going to court, being remanded and being in detention.

How will the information be shared?

A series of short reports will be available on the Commissioner's website.





Why did we do this project?

The *Voices Project* promotes and empowers young people with recent lived experience of the Tasmanian youth justice system to share their views about this system.¹

By working with young people to share their views about what contact with this system can be like for children and young people, the *Voices Project* provides critical insights into the youth justice system, and its impact on children and young people in Tasmania.

The *Voices Project* informs the Commissioner's systemic advocacy about the reforms needed to promote, protect, and uphold the rights and wellbeing of children and young people in Tasmania.²



What did young people say about participating in the *Voices Project*?

"[it's about] ... knowing that my voice is going to be heard. Like in other situations it probably wouldn't have been.... Obviously, there's been some bad things that have gone on in this place [Ashley] and that. Like bad things...my voice is going to be a part of it and stop all that from happening sort of thing, it makes me happy..."

(Ned, 17-year-old male)

"There needs to be more people listening like you because they take it in and as you're listening, they say something to other people so they listen. Not a lot of people sit down and listen like you. They just sit there and oh yeah, right, this and that and this, you know? They don't listen."

(James, 15-year-old male)

¹ Commissioner for Children and Young People Act 2016 (Tas) s 8(1)(e).

² See further, Commissioner for Children and Young People, Submission to Secretary, Department of Communities Tasmania, *Reforming Tasmania's Youth Justice System Discussion Paper* (21 March 2022); Commissioner for Children and Young People, Tasmania, *The Age of Criminal Responsibility in Tasmania* (Memorandum of Advice, July 2023).

Project outputs

Outputs from the *Voices Project* include a series of reports about different parts of the youth justice system. Each report represents an opportunity for the community, government, and non-government decision-makers to listen, learn and act on the views of young people with recent lived experience of the Tasmanian youth justice system.

Continuing to listen, learn, and act on the knowledge and views of those with lived experience of the youth justice system is critical to uphold the rights of children and young people, and for the Government to achieve its aim of addressing the underlying drivers of offending behaviour, reduce offending and improve community safety for all.³

What were the project aims, questions and methods?

The aims of the project, key research questions and methods are summarised in Table 1 below.

Table 1: Research Aims, Questions and Methods

Aims	Research Questions	Method
Young people with recent lived experience of the Tasmanian youth justice system freely express their views about that system. ⁴	<p>Overarching question:</p> <p>What are the views of young people with recent lived experience of the Tasmanian youth justice system, about how this system works?</p> <p>Sub-questions on the following topics:</p> <ul style="list-style-type: none"> • first contact with the youth justice system • youth justice system experiences over a longer period • factors influencing engagement with the youth justice system • arrest • diversion • court • bail • remand • detention 	In-depth, semi-structured discussions with young people with recent lived experience of the Tasmanian youth justice system.
The systemic advocacy of the Commissioner is enhanced. ⁵		
The community, Government and non-government organisations and decision-makers listen, learn and act on the views of young people with lived experience of the Tasmanian youth justice system.		
The views of young people with lived experience of the Tasmanian youth justice system positively influence the reform of this system.		

³ Department for Education, Children and Young People, Tasmanian Government, *Youth Justice Blueprint 2024 – 2034*, (Final, December 2023) p. 4.

⁴ See, *United Nations Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) art 12; see also *Commissioner for Children and Young People Act 2016* (Tas) s 3(2)(d).

⁵ See *Commissioner for Children and Young People Act 2016* (Tas) s 8(1) and s 3. See also, Commissioner for Children and Young People, Submission to Secretary, Department of Communities Tasmania, *Reforming Tasmania's Youth Justice System Discussion Paper* (21 March 2022); Commissioner for Children and Young People, Tasmania, *The Age of Criminal Responsibility in Tasmania* (Memorandum of Advice, July 2023).

How did we do this project?

Between November 2022 and February 2023, the Advocate for Young People in Detention (the Advocate, see further Box 1) facilitated in-depth semi-structured discussions with 12 young people with recent lived experience of Tasmania's youth justice system. Discussions took place with each young person separately. Some young people (n = 7) chose to have a support person in the room. Discussions occurred in custodial settings (Ashley Youth Detention Centre, and the Southern Remand Centre at Risdon Prison), and in community settings (Youthcare, and the Commissioner for Children and Young People's office). Discussions lasted between 30 and 60 minutes each.

The development of the *Voices Project* aligns with the Commissioner's internal policy for ethical project and engagement design involving children and young people. For this project, this included seeking review and advice from an external academic expert.

Box 1: The Advocate for Young People in Detention

In September 2021, the Tasmanian Government announced the planned closure of the Ashley Youth Detention Centre (Ashley). At that time, the Government agreed to provide the Commissioner with fixed-term funding for an additional resource to support her to carry out her individual advocacy function for children and young people detained under the *Youth Justice Act 1997*. The Advocate for Young People in Detention (the Advocate) began with the Office of the Commissioner for Children and Young People in February 2022. The addition of the Advocate has significantly increased children and young people's access to individual advocacy services while in detention, and helped to ensure their rights are respected and upheld.⁶

⁶ Commissioner for Children and Young People, *Annual Report 2022 – 2023* (Annual Report, November 2023) 34.

Who took part in this project?

Demographic information about the 12 young people who took part in this project is provided in Table 2. Six of the young people were aged 15 to 17 years, and 6 were aged 18 to 19 years. To protect the privacy of the young people who took part, other demographic information in Table 2 is not presented by age. Five out of 12 young people identified as Aboriginal.

Table 2: Demographic Information

Age range	Females	Males	Other genders	Aboriginal or Torres Strait Islander	Geographic distribution		Total number
					South	North	
15-19	2	10	0	5	9	3	12

How did we make sure young people knew about this project?

We informed young people about the opportunity to participate by:

- Directly contacting young people in detention during in-person visits to Ashley by the Commissioner and the Advocate
- Directly contacting young people who had been released or transferred from Ashley, and who had previously provided consent to the Commissioner or the Advocate to be contacted, and
- Working with 8 organisations (government and non-government) who engage with young people who have contact with the youth justice system.



How did we ensure that young people made an informed decision about participating in the project?

We provided young people with clear and accessible information about the project's aims, approach, and possible outcomes in several ways. This included verbal and written information provided in person and through a child-friendly information sheet (see Appendix), and via a video recorded by the Commissioner.

Young people were encouraged to talk with a trusted adult or support person about the project and to contact the Advocate if they had questions.

Active informed consent was sought directly from young people through a Consent Form (see Appendix), with opt-out consent from parents/guardians/carers. This approach empowered the young person as the primary decision maker and meant they could participate in the project, unless their parent/guardian/carer explicitly denied consent.⁷

The Advocate provided information to parents/guardians/carers via telephone. No parents/guardians/carers chose to opt a young person out of the project.

At the time of discussion, the Advocate confirmed informed consent by explaining the project and consent with each young person prior to them signing the Consent Form. This information included an explanation of their right to withdraw at any time throughout the project, and the steps taken to protect their privacy and confidentiality including the use of pseudonyms.

Ongoing consent was verbally reconfirmed at the conclusion of each discussion.

How did we support young people to participate?

To ensure that young people were supported and empowered to share their views, the Advocate worked with them in the lead up to each discussion. This included asking each young person about where they would like to have the discussion, whether they would like a support person, and how any support person would be involved. During each discussion, the Advocate checked in with young people about how they were feeling, and whether they were comfortable to continue.

⁷ For all young people under the guardianship of the State, consent was obtained from the Secretary of the then Department of Communities Tasmania.

Additional supports were provided to young people who raised an individual advocacy matter or disclosed issues of concern during discussion. Where disclosures of harm or abuse were made, the Advocate responded in accordance with relevant internal office policies and in line with her usual practice.

Each young person was provided with a \$30 gift voucher in recognition of their time and expertise.

An overview of participation supports is presented in Table 3.

Table 3: Overview of Participation Supports

Support Measure	Explanation
Brief Assessment	Before each discussion, the Advocate undertook a brief assessment with each young person to determine their preferences for the discussion including time and location, support person(s), and to arrange assistance with transport and other logistical needs.
Screening Questions	The Advocate ‘checked in’ with each young person. This focussed on whether young people had any ‘big worries or concerns’ that might affect their readiness to participate, and whether the conversation should go ahead at the current time and place.
Third Person Perspective	Young people were invited to share their views about what it is like for young people to have contact with the youth justice system in Tasmania, by using a ‘made up’ character named ‘Harley’. This approach encourages the use of a third person or ‘one step removed’ perspective to empower young people to share their views in a safe way. ⁸
Support Person	Young people were encouraged to have a support person attend their discussion with them if they wanted to. At Ashley, young people were given the choice of whether the youth worker remained inside or outside the room during the interview.
Facilitator	Discussions were facilitated by the Advocate who has substantial experience communicating with vulnerable young people, including those involved in the youth justice system and those in detention. The Advocate was known to all but one of the young people who participated in the project.
Printed Support Resources	Young people were provided with a list of support services they could access.
Sensory Aids	Fidget toys and other sensory aids were available for young people during the discussions.
Communication Aids	Young people were given the option of using non-verbal communication aids (e.g., pictures and word cards) to indicate that they needed a break, wanted to skip a topic, or to stop the interview at any point.
Continued Support	Post-discussion check-ins were held with young people to ensure they had access to adequate support where appropriate. In custodial settings, health and other relevant professionals were asked to monitor and support the young person following each discussion, as required. For young people in Ashley, the Advocate regularly checked in with young people involved in the project, with ongoing advocacy support provided as needed.

⁸ Rose, Jocelyn, ‘Protective behaviours: Safety, confidence and self-esteem’ (2004) 3 (1) *Journal of Public Mental Health* 25.

What did we talk about?

With advice from a young person with lived experience of the youth justice system in Tasmania, a Discussion Guide was developed to support a consistent approach to discussions. Major areas of focus included young people's views on what it is like for young people to get in trouble with the law for the first time, and their views on topics including arrest, diversion, going to court, being remanded and being in detention.

To empower young people and create opportunities for them to share meaningful insights and ideas, a narrative approach was used.⁹ This meant that while discussions tended to follow the same general structure, young people led the discussion by choosing the topics they wanted to discuss.

To further encourage the narrative approach, discussion prompts were scaffolded for the different topic areas. Young people were encouraged to freely share their views about topics, with prompts used to explore the 'good' and 'bad' aspects of different topics where needed. For example,

If I say "arrest" what does that mean to you?

What do you think arrest is like for young people?

What are the good things about arrest for young people?

What are bad things about arrest for young people?

Young people were also invited to undertake other activities to further explore their views about different topics areas.

How did we analyse the data?

All discussions were recorded and professionally transcribed. Transcripts were checked for accuracy by staff members. To begin analysis, transcripts were read and re-read to establish 'immersion'- a deep familiarity with the data. A content analysis was undertaken using the qualitative data analysis software package NVivo. Open coding was used to create categories, with codes grouped under higher order headings and sub-headings that were pre-determined in the analysis framework. This process was undertaken separately, by two different staff members. The first staff member conducted an initial analysis, with a second staff member undertaking a later peer-review and sense-checking of the initial analysis. Coded content was used to inform reporting across the series of outputs.

⁹ Julie Tilsen, *Narrative Approaches to Youth Work: Conversational Skills for a Critical Practice* (Routledge, 1st ed, 2018); New South Wales Government, *Youth work theories and approaches*, (Web Page), (13 February 2023) <Youth work theories and approaches (nsw.gov.au)>

Use of direct quotes in the Voices reports

Direct quotes from young people were selected for use in individual reports based on their relevance to the content themes identified in the analysis. To ensure clarity within the reports, some quotes have had extra words removed, while preserving the original meaning. In some instances where multiple quotes from one young person address the same topic, segments of text were integrated using ellipses (...). This approach was used to streamline the presentation of the information, while maintaining the integrity of the quotes to accurately represent the views of the young people quoted.

How did the Commissioner 'close the loop' with young people who participated in the project?

Recognising the importance of updating young people about how their views are being shared and heard,¹⁰ where possible, young people were provided with opportunities to provide feedback on the project by the Commissioner or the Advocate.

What are the limitations of this project?

This project empowers young people with lived experience of the Tasmanian youth justice system to share their views about the system. However, several limitations are acknowledged. The data for this project were collected from a relatively small sample of young people in contact with the youth justice system, most of whom were from southern Tasmania and had a detention experience. This means that the project may not represent the full spectrum of views that young people have of the Tasmanian youth justice system. Further, the views expressed by young people as part of the *Voices Project* may be informed by a range of experiences, including their own, and the experiences of friends and family members. While several measures were used to minimise the risks of biases common to qualitative research—including having data analysis performed independently by different staff members to enhance reliability—the possibility of bias remains.

¹⁰ Elizabeth Welty and Laura Lundy, 'A children's rights-based approach to involving children in decision making' (2013) 12(3) *Journal of Science Communication* 3.

Adverse comment process

Section 21 of the *Commissioner for Children and Young People Act 2016* (Tas) provides that the Commissioner is not to include any comment in a report that is adverse to a person unless that person has had at least 15 working days to make representations to the Commissioner before the report is finalised.

Details on the adverse comment process undertaken for each output is included in the individual reports.

Appendix A



Hi there! My name is Leanne and I'm the Commissioner for Children and Young People in Tasmania.

I'd really like to hear from children and young people about the Tasmanian Youth Justice System.

What is Leanne's job?

It is Leanne's job to listen to what children and young people have to say about things that affect their lives. The Tasmanian Government is making some big changes to how the Youth Justice System works in Tasmania. Leanne wants to make sure that the Government and other people in power hear the voices of children and young people who have experience of this system. This could include things like getting into trouble with the police, being charged with doing something wrong, going to court or being in detention.

Who can be involved?

Children and young people aged between 10 and 21 years old who have experience of the Tasmanian Youth Justice System.

How can I learn about the project?

You can read this Information Sheet, have someone read it to you or you can watch a video of Leanne explaining the project by scanning the QR Code.



What would I need to do?

You would talk about what it is like for young people to be involved with the Youth Justice System. This would be at a time and place that works for you. To make sure you are supported, you can choose to have your Worker sit with you, or nearby, during the discussion.

Who would I talk to?

You would talk to Leanne or Sam. Sam is the Advocate for Young People in Detention. They both spend lots of time talking with children and young people who have had contact with the Youth Justice System in Tasmania.

Do I need to talk about my personal experiences?

No. It is up to you what you talk about. Leanne and Sam won't ask you about your personal experiences, or the personal experiences of anyone else.

Will anyone outside the Commissioner's office know my identity?

No. You will not be identified in anything that Leanne publishes or says. Leanne may share what you say, but she will not share who said it. The only time that Leanne or Sam might have to share your identity with someone outside of the office of the Commissioner is if they are worried about your safety or the safety of



someone else. If this happens, Leanne or Sam will speak to you about it, and you will have a say in what happens next.

Are there any risks for me in taking part in this project?

Sometimes talking about things can be difficult. If Leanne or Sam asks you about something that you don't want to talk about, you don't have to. You can stop the discussion whenever you want. You can leave the room whenever you want. Leanne or Sam will make sure there is someone to support you.

Are there any benefits for me in taking part in this project?

Children and young people have told Leanne that they like sharing their views about things that they know about and that matter to them - especially when what they say could make life better for other children and young people that have similar life experiences. To thank you for your time, you will receive a \$25 voucher.

Do I have to take part in the project?

No. It is totally your choice.

Who can I talk to if I'm not sure if I want to take part in the project?

You can talk to a friend, a family member, your Worker or you can call or text Sam on 0460 041 402. Sam can answer any questions you have about the project.

What do I do if I want to take part in the project?

Let your Worker know, and they will tell us. We will be in touch to arrange a time and place for you to talk to Leanne or Sam.

Do I need to do anything before I talk to Leanne or Sam?

Before talking to you, Leanne or Sam will ask you to sign a Consent Form (it is stapled to this piece of paper). You don't need to sign it now, but it is a good idea to have a look at it now to make sure you understand it and that you are comfortable signing it. If you have any questions, talk to your Worker, or call or text Sam on 0460 041 402.

What if I have more questions about the project?

If you have questions, you can call or text Sam on 0460 041 402 or email Leanne's office at childcomm@childcomm.tas.gov.au.

What if I have a complaint about the project?

If you or your parent/carer/guardian or your Worker has any questions or concerns about the project, please call Leanne's office on (03) 6166 1366 or send an email to childcomm@childcomm.tas.gov.au.



Consent Form – Talking about Youth Justice

What is this consent form about?

Before Leanne or Sam can talk to you, they need your consent. It is important that you fully understand what you are agreeing to before you sign this form. If you have any questions, or you don't understand something, make sure you talk to someone about it. This might be your Worker, another adult, Sam or Leanne.

My Consent

I understand the Participant Information Sheet.	YES	NO
I agree to being recorded and understand that the recording will be kept confidential and will be used to check that no mistakes are made in recording what I say.	YES	NO
I agree to the Commissioner for Children and Young People publishing my quotes without identifying me.	YES	NO
I understand that I can choose what I want to talk about. I don't have to answer every question. I can stop the discussion whenever I want without having to give a reason.	YES	NO
I can decide that I don't want my quotes to be published after I have taken part in the project. I can call Leanne's office on (03) 6166 1366 or email her office at childcomm@childcomm.tas.gov.au . I understand that the sooner I do this the better as after my quotes have been published it might not be possible to remove them from the publication.	YES	NO
I understand that my identity will be kept confidential unless I say something that makes Leanne or Sam concerned about my safety or the safety of someone else.	YES	NO
I agree to take part in this project.	YES	NO

.....
Signature of Participant

.....
Participant's name

.....
Date

.....
Location of interview

Personal Information Protection statement

Personal information is collected from you for the purpose of obtaining consent to record audio and publish quotes to be used in printed or electronic Commissioner for Children and Young People publications. Personal information is managed in accordance with the Personal Information Protection Act 2004. You may access your personal information by request to the Commissioner for Children and Young People Tasmania.

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