

Berry Street submission: Youth Justice and Child Wellbeing Reform across Australia

Berry Street welcomes this opportunity to respond to the *Call for Submissions: Youth Justice and Child Wellbeing Reform across Australia*. For over 140 years we have worked with children, young people and families. Our services include out-of-home care (OOHC), specialist family violence services, education - including the Berry Street School and the Berry Street Education Model (BSEM), the Take Two trauma service, case management for young people with complex needs, and homelessness and youth support services.

Berry Street provides therapeutic support for young people at risk of or involved with the criminal justice system. We deliver Multisystemic Therapy (MST), an evidence-based, early intervention program that helps keep families safely together. Take Two delivers the 'Wattle Project' - an early intervention integrated response to adolescent family violence in the home – and also provides trauma-informed practice training to youth justice. In Victoria's Central Highlands, Berry Street leads a collaborative youth crime prevention project known as the Multi-Agency Support Team (MAST). Our work in youth justice prevention and early intervention focuses on addressing risk factors, strengthening protective factors, engaging communities, supporting families and advocating for systemic change.

Berry Street recognises that issues pertaining to youth justice reform are highly researched and subjected to intense media and policy attention. We believe there is scope for the Commonwealth Government to play a substantive role in addressing a range of factors impacting young people in the justice system, and their families.

1) What factors contribute to children's and young people's involvement in youth justice systems in Australia?

Entrenched social disadvantage

As reflected in research and our experience, Berry Street recognises the heightened risk for young people in OOHC becoming involved with police and the criminal justice system. These children and young people, referred to as 'crossover kids'¹, frequently come from backgrounds characterised by intergenerational poverty. Often, they have also been exposed to family violence, parental substance abuse and mental illness and many have experienced abuse and neglect. Our own research indicates

¹ Baidawi, S., & Sheehan, R. (2019). *Cross-over kids: Effective responses to children and young people in the youth justice and statutory Child Protection systems*. Australian Institute of Criminology.

that a disproportionate number of children in the child protection and OOHC system also have one or both parents involved with the criminal justice system².

Mental health, disability and trauma impacts

A considerable number of the children and young people Berry Street support in OOHC, especially residential care, are dealing with their own mental health and substance abuse challenges. The presence of disability is also substantial among this cohort; including intellectual disability, borderline intellectual disability, attention deficit hyperactivity disorder (ADHD), speech and language disorders, and other neurodevelopmental or neurological conditions. Trauma, neglect and attachment disruption can impact a child or young person's brain development, affecting decision-making, impulsivity, and executive functioning, as well as emotional, physical, and behavioural regulation. Trauma can also result in a disparity between chronological age and functional age, with some children functioning at a much younger level. Neglect has been found to increase the likelihood of young people being involved in offending behaviours³. The co-occurrence of these challenges is known to increase a young person's criminogenic risk.

Disruption, disconnection and discrimination

Another cohort often overlooked in policy and research are children and young people on the edges of the child protection and OOHC system. These young people are often in and out of these systems; living with families dealing with multiple challenges and chaos; and having less access to family support services and other early intervention supports. This is a critical point given the substantial evidence base linking early interventions and support for families in the home to the prevention of offending behaviours in young people.

These same challenges also commonly contribute to young people's exclusion from mainstream schools and increased difficulties forming positive peer relationships. When children experience disrupted attachment early in life and are disconnected from family, culture, homes, schools and communities, their desire for connection, belonging and approval can mean they are especially vulnerable to negative peer influence and exploitation, including criminal exploitation by older adults. For Aboriginal young people, the additional impacts of discrimination, intergenerational trauma and disconnection from their culture increases their risk of coming into contact with the youth justice

² Frederico, M., Jackson, A. L., & Black, C. (2010). More than Words: The Language of Relationships. La Trobe University. <https://www.berrystreet.org.au/shop/products/more-than-words-take-two-third-evaluation-report>

³ Jackson, A. L. (under review). Can we undo harms from the past? Developing a theory of change to redress consequences of serious childhood neglect (PhD draft thesis). La Trobe University.

system at an early age. The link with early-in-life intervention highlights the importance of a whole-of-government approach as outlined in submissions to the National Early Years Strategy⁴.

Criminalisation of young people

Berry Street is concerned at the criminalisation of marginalised children and young people who are often living in poverty. Poverty significantly impacts young people in residential care and leaving care programs, and families within and on the edges of child protection. Poverty contributes to criminalisation as it drives survival-driven behaviours such as theft and drug offences. This is exacerbated by inadequate income support payments, such as Youth Allowance, which make it difficult to meet basic living costs.

Poverty can also intersect with over-policing, for example in the enforcement of fines for minor transgressions by transport police, and subsequent warrants being executed when young people are unable to pay. Young people living in chaos are less likely to access legal representation and more likely to miss court dates, resulting in escalated consequences and entrenchment in the justice system.

Berry Street staff note instances of increased surveillance of young people in our OOHC and complex case management programs with police sometimes actively seeking to catch them violating bail conditions. Berry Street practitioners also report occasions when some of the Aboriginal children and young people we support - as well as those from multifaith, multicultural backgrounds – have encountered unjustified scrutiny from police based on stereotypes rather than reasonable grounds for suspicion of an offence. These observations align with Australian research findings about discriminatory policing practices.⁵

⁴ <https://www.dss.gov.au/families-and-children-programs-services/early-years-strategy>

⁵ O'Brien G (2021) Racial profiling, surveillance and over-policing: The over-incarceration of young First Nations males in Australia. *Social Sciences*. 10(2), 68.

- 2) What needs to be changed so that youth justice and related systems protect the rights and wellbeing of children and young people? What are the barriers to change, and how can these be overcome?

What needs to change:

Berry Street advocates for a trauma-informed model of youth justice that provides multi-system interventions capable of intervening early and providing ‘whole-of-family’ support.

Whole-of-family support

Berry Street recognises the critical role of families in youth development. We provide comprehensive support to families at risk, including Family Services, MST, parenting programs and practical assistance to strengthen family relationships. Research consistently shows that intensive, evidence-based supports dedicated to family preservation and positive family functioning reduce the risk of young people coming into contact with – and entrenched in – the criminal justice system. Berry Street advocates for an expansion of the Commonwealth Government's investment in this area.

Fostering ‘therapeutic webs’

Berry Street's Take Two therapeutic program is actively involved in promoting a trauma-informed model for youth justice in Victoria. Take Two provides tailored training to child protection, court staff, legal professionals and youth justice/police on the importance of fostering a ‘therapeutic web’ around young people to reduce criminogenic risk. This web consists of formal and informal supports that provide healthy, prosocial experiences that positively impact on the young person's neurobiology and stress response system, leading to improved emotional regulation and executive functioning.⁶

The significance of relationships within Aboriginal and Torres Strait Islander communities is highlighted as they play a vital role in the therapeutic web through cultural figures, ancestors, and traditions. Research demonstrates that the quality of a young person's therapeutic web is a strong predictor of their functioning, with relationships being a key factor in positive outcomes.

Take Two advises practitioners in the youth justice field to redefine relationships as safe for young people who have experienced harm within relationships. Consistent and positive relationships, along with positive self-perception, are crucial in diverting young people away from criminal activity. Key workers, armed with appropriate information and supports, can play a critical role in rehabilitating and reintegrating young people into society.

⁶ Perry, B. D., & Dobson, C. L. (2013). The Neurosequential Model of Therapeutics. In J. Ford & C. A. Courtois (Eds.), *Treating complex traumatic stress disorders in children and adolescents* (pp. 249–260). Guilford Press.

Holistic trauma-informed approach

A trauma-informed youth justice model would comprise multiple components. Professionals along the continuum from early intervention to custodial services require a comprehensive understanding of trauma and its effects on young people. Creating safe and trusting environments is essential for young people's engagement with the justice process and support services. Collaborating with young people, their families, and support networks also empowers young people in decision-making processes and promotes a sense of agency. Respecting cultural backgrounds and diversity is vital, incorporating culturally appropriate practices into the youth justice process. Trauma-informed interventions focus on building the emotional regulation skills of young people, and their workers. By implementing a trauma-informed youth justice model, all professionals supporting a young person can contribute to creating supportive, healing environments. Berry Street advocates for trauma-informed principles to be widely embedded, resourced and supported across all of Australia's youth justice systems.

Barriers and opportunities:

Addressing misconceptions

Building and sustaining a trauma-informed, multi-system approach to youth justice requires a shift in systemic culture and practice. For example, misconceptions around trauma-informed youth justice practices and policies can give rise to resistance to change. A trauma-informed youth justice model does not mean a diminished focus on public safety or lack of accountability and social boundaries for young offenders. Trauma-informed principles focus on increasing professional competence around trauma and creating physically and psychologically safe environments of care that support the developmental and relational needs of vulnerable young people.

Supporting workforces

Equipping professionals with appropriate training and workforce supports to implement trauma-informed interventions takes time. This is especially difficult to achieve in a system grappling with consistent workforce 'churn'. Berry Street practitioners attribute this dilemma to 'change fatigue' bought on by multiple youth justice inquiries and reviews as well as the traumatic stressors staff encounter in their everyday work, and service funding arrangements that limit scope for longer-term interventions with young people and their families. Berry Street consistently encounters this dilemma – short term funding undermines programs that seek to develop the relationships so critical to effective therapeutic interventions. Short-term funding also contribute to the attrition of experienced practitioners.

Professional development for carers

A service gap noted by Berry Street practitioners is the lack of professional development opportunities for carers supporting adolescents who use family violence. While Berry Street's Take Two team delivers an early intervention integrated response to adolescent family violence in the home, known as the Wattle Project⁷, there is a need for specialist family violence training supports in OOHC programs. For young people in OOHC, early contact with police often occurs as a result of emotional and behavioural regulation challenges which can lead to harmful behaviours in the home, including in OOHC. Berry Street is implementing a pilot project in our Northern region where a Specialist Family Violence Practice Leader works with OOHC programs to enhance carers' understanding of family violence risk assessment and their responses to family violence. This pilot is proving effective and highlights the need for further investment in initiatives that build carer competence in this area.

Proactive, early intervention responses

Berry Street practitioners are concerned that early opportunities to connect at-risk young people with wrap-around supports are missed when police issue cautions but do not refer young people to services. While a 'light touch' approach during this phase of contact with police is welcome, there is potential to better document these interactions to facilitate early links with prosocial and therapeutic supports. A proactive referral strategy during this window would reduce the likelihood of young people becoming entrenched in the criminal justice system.

Further, even when young people are linked to services, other barriers arise when system responses are not informed by trauma-informed principles. For instance, a trauma-informed response recognises that young peoples' resistance to engagement is to be expected and that their experience of trauma may manifest in self-soothing behaviours, speech and communication disorders, and a mistrust of adults. Nonetheless, voluntary services often prematurely close a young person's case when they deem an initial resistance to engagement as 'non-compliance', which can be reinforced by funding expectations. Conversely, trauma-informed models use engagement and regulatory strategies to help young people tolerate rather than be triggered by adult presence.

Proactive outreach support to young people, especially those in residential care, would create conditions for increase engagement and trust between young people and services. For example, a critical service gap exists in Alcohol and Other Drug (AOD) outreach support for young people in

⁷ <https://www.berrystreet.org.au/what-we-do/trauma-services/therapeutic-services-for-children-young-people-and-families/supporting-families-with-adolescents-using-family-violence>

OOHC. Enhanced AOD outreach is imperative given substance misuse is associated with increased prevalence of all types of offending.

Education engagement

High levels of educational disengagement and low educational attainment among children in OOHC is widely recognised. The reasons for this include: frequent placement changes disrupting schooling, mainstream education settings insufficiently resourced and equipped to support young people at risk, and the impact of trauma and neglect on children's executive functioning, memory, concentration, language development and behaviour. Links between early disengagement from education and youth offending is also well researched.

Berry Street advocates for increased investment in alternative pathways for young people excluded from mainstream education. The Berry Street School⁸ provides an example of a highly specialised learning environment and long-term option for students whose needs have not been met by mainstream schools or short-term programs. The school is also a lighthouse for the Berry Street Education Model (BSEM)⁹, designed for supporting students who experience trauma in their lives. Berry Street advocates strongly for the value of integrating trauma-informed principles that explicitly teach wellbeing and equip students with strategies to self-regulate, into whole-school behaviour management approaches.

Intentionally flexible programs are also crucial for re-engaging young people in education who are at risk, or involved in, the criminal justice system. The Goldfields Education model, a multi-agency partnership in Victoria's west led by Berry Street, is one such example. This program delivers a trauma-informed, modified curriculum that supports participants to complete year 10 by recognising learning outcomes and core competencies occurring through their engagement with case management and specialised services. Both the Berry Street School and Goldfields Education receive Commonwealth Government funding.

⁸ <https://berrystreetschool.vic.edu.au/>

⁹ <https://www.berrystreet.org.au/learning-and-resources/berry-street-education-model>

3) Can you identify reforms that show evidence of positive outcomes, including reductions in children's and young people's involvement in youth justice and child protection systems, either in Australia or internationally?

Two effective interventions we will highlight are the Multi-Agency Support Team (MAST) project in Victoria's Central Highlands and Multisystemic Therapy (MST).

Multi-Agency Support Team (MAST)

The MAST project, led by Berry Street since 2018 and funded by the Victorian Government, is a regional youth crime prevention initiative. MAST focuses on providing better-connected care for young people aged 10-17 years who have experienced missing person reports, warnings, cautions, disengagement from education, family violence exposure and child protective concerns. MAST is a child-centred, family-inclusive approach underpinned by a collaborative multi-agency MAST Panel and governance structure. The connection between trauma and offending is explored through a Community of Practice. The project has built a sector-wide commitment to investing in youth crime prevention by emphasising the importance of each partner's role in providing wrap-around supports to the young people referred in. Training delivered to MAST Panel partners builds theoretical knowledge and supports the practical application of trauma-informed interventions. Since its implementation, MAST has achieved an almost 50% reduction in offending by participants (Appendix 1: MAST Evaluation Summary).

MAST exemplifies an effective integrated system; it breaks down silos and promotes flexibility. Cross-sectoral communication is embedded at various levels of intervention, including case practice, team management processes and executive governance. All presentations of young people to the MAST Panel are delivered in the 'voice of the child' to honour the integrity of their stories. A significant focus of MAST is facilitating education re-engagement for 'crossover' children.

Multisystemic Therapy (MST)

Supported by a Westpac Impact Grant and Victorian Government funding, Berry Street is delivering MST in Melbourne's south-eastern suburbs, supporting 150 at-risk young people and their families over three years. MST features one of the largest bodies of evidence of successful interventions for high-risk youth.¹⁰ The program supports young people aged 10-17 years whose behaviours include offending and who are at risk of, or have recently entered, OOHC. MST is an intensive intervention

¹⁰ <https://www.mstservices.com/> and <https://www.berrystreet.org.au/what-we-do/parenting-and-family-services/multisystemic-therapy>

provided by highly trained therapists who work in the home, school and community. Therapists are on-call 24/7 to provide caregivers with the tools they need to transform the lives of troubled youth. Berry Street's MST evaluation data demonstrates positive outcomes in line with the international research. For example, at the close of treatment 87% of participants have no arrests, almost all are engaged in school or employment and a high percentage have been able to remain living at home rather than entering OOHC. (Appendices 2 & 3: case studies showing positive MST outcomes at Berry Street.)

MST's effectiveness is attributed to its comprehensive approach which extends beyond working solely with the young person and encompasses their networks. It focuses on behaviour, addressing underlying causes while promoting positive social activities, healthy peer interactions, and consistent school attendance. MST works closely with families, strengthening relationships and empowering parents and caregivers with skills and resources to independently manage challenges.

4) From your perspective, are there benefits in taking a national approach to youth justice and child wellbeing reform in Australia? If so, what are the next steps?

Berry Street urges the Commonwealth Government to adopt a national approach to youth justice reform in Australia in the following ways:

- Support a national approach to trauma-informed frameworks and guiding principles for youth justice systems, aligning with other relevant national frameworks such as *Safe and Supported, The National Framework for Protecting Australia's Children 2021-20231*, ensuring intersection with state-level youth justice strategies.
- Support an accelerated and national approach to raising the age of criminal responsibility to 14 years, underpinned by a commitment to more intensive and therapeutic approaches, including those that prioritise cultural identity, to address causes of offending and reduce community risk.
- Support a nationally consistent approach to implementing and resourcing therapeutic residential care across Australia. Therapeutic residential care enhances protective factors and combats the criminalisation of vulnerable children and young people.
- Consider national measures to strengthen the foster care system. Removing impediments to professionalising foster care, such as within taxation laws, would help facilitate recruitment and retention of foster carers. Strengthening the foster care system is crucial to reducing reliance on residential care.
- Develop a whole-of-government approach to addressing environmental factors that affect children involved in both youth justice and child protections systems, including measures to

reduce intergenerational poverty, provision of more early intervention family supports and increased income support for young people.

Berry Street believes that addressing these recommendations would contribute to effective reform of youth justice systems.

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