

QUT's Centre for Inclusive Education (C4IE) produces research on matters that affect students in school education with the aim of improving the educational experiences and outcomes of *all*, particularly those experiencing marginalisation. One of C4IE's objectives is to address knowledge gaps and positively influence attitudes by disseminating research evidence, engaging in public debate, and providing quality professional learning opportunities. C4IE makes this submission in response to the National Children's Commissioner project that investigates opportunities for reform of youth justice and related systems across Australia.

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

Aboriginal and Torres Strait Islander youth, young people in out-of-home care, those experiencing socio-economic disadvantage, and young people with disability or mental health challenges, face disproportionate representation in the youth justice system due to systemic and social inequalities. Indigenous young people aged 10-17, for example, are 17 times more likely to be under youth justice supervision compared to non-Indigenous youth. Additionally, around 47% of young people under youth justice supervision have prior involvement with child protection services (Australian Institute of Health and Welfare [AIHW], 2020). Young people with mental health challenges also have a higher likelihood of involvement in the youth justice system, with around 55% of them diagnosed with a mental health disorder (AIHW, 2020). Common to all young people who enter youth justice are poor educational outcomes.

Poor educational outcomes, including negative experiences at school, are linked to increased contact with the youth justice system (see New South Wales Department of Education and Training [NSWDET], submission 43, p. 2). However, these are not simply a product of children's social backgrounds. Multiple factors within schools, such as curriculum appropriateness, instructional pace and level, peer relationships, teacher-student interactions, classroom climates, learning environments, and school culture, significantly impact on student engagement, learning and behaviour (Graham, 2015). The use of exclusionary school discipline (informal exclusions, partial enrolment, suspensions, expulsion, enrolment cancellation) when dealing with challenging and maladaptive behaviours compounds the problem.

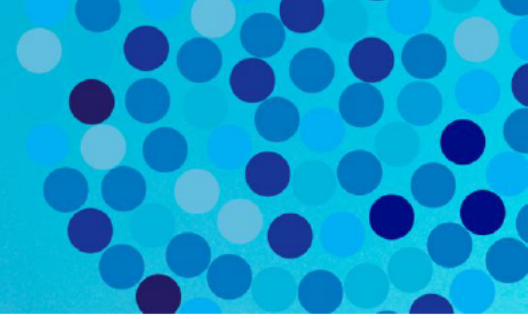
Recent research by C4IE researchers has identified increases in the use of exclusionary school discipline in Australia and has, for the first time, investigated the overrepresentation of Indigenous students, noting key anomalies that implicate the role of racial bias (Graham et al.,

2023). Current research by the same team (Graham et al., in review) using data secured through a Right to Information request has disaggregated suspension data across three priority equity groups (Indigenous, disability, in care) and then split further into eight groups:

1. Indigenous only
2. In care only
3. Disability only
4. Indigenous and disability
5. Indigenous and in care
6. Disability and in care
7. In all three groups
8. In none of these groups.

Our analyses have highlighted disability as a ‘common denominator’ in that it increases the risk of suspension more so than other factors. This is of critical importance because different response options are needed by children and young people with disability and their needs cannot be met through the responses that might be deployed when, for example, students’ in-care or Indigenous status is prioritised. While culturally appropriate and trauma-informed practice is critical for Indigenous students in out-of-home care, these will not be sufficient if that child is also hearing impaired or has a cognitive disability. This, we fear, may be a more common experience for children and young people with intersecting complexities, particularly with respect to high-incidence disabilities like Attention Deficit Hyperactivity Disorder (ADHD), which is poorly supported in schools, and Developmental Language Disorder (DLD) which has been described as “hiding in plain sight” (Tancredi, 2018). Importantly, young people with these disorders are significantly overrepresented in the youth justice system. It is critical to stem the flow into youth justice because it is extremely difficult to alter trajectories by this point in a young person’s life.

Exclusionary school discipline has significant negative consequences for students, especially those who are already at-risk, and does not improve school or community safety (Mallett, 2016; Skiba et al., 2014). Among these consequences is a much higher risk of involvement with the justice system, due to lack of supervision and association with deviant peers, while on suspension, along with poorer literacy outcomes (Hemphill et al., 2017). For this reason, exclusionary school discipline has been described in a key contributor to the “school-to-prison pipeline”. While the majority of research on this phenomenon has been conducted in the United States, there is evidence of a similar pipeline in operation here (see



Graham et al., 2020; Graham et al., 2023). Importantly, there are preventative actions that can be taken within schools to stem the flow and the youth justice system must do more to encourage and support this work.

Question 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?

Prior to the release of the Productivity Commission's Review of the National School Reform Agreement Study Report (2023), researchers from QUT's Centre for Inclusive Education (C4IE) made a [submission](#) in response to the 2022 Productivity Commission's *Interim* Report on the Review of the National School Reform Agreement. The C4IE report underscores that protecting the rights and wellbeing of children and young people starts with youth justice and education systems *working together* to proactively support students' school engagement, and mental health and wellbeing.

The National School Reform Agreement Study Report Section 5 on Student Wellbeing highlights the importance of positive student wellbeing as a desired outcome of education (Australian Government Productivity Commission, 2023). It recognises that student wellbeing serves as a pathway to enhance learning outcomes. The report advocates for evidence-based programs and approaches that are designed to promote student wellbeing, while further acknowledging the inclusion of student wellbeing as a defined outcome of the agreement. This provision aligns with the C4IE submission which earlier urged governments to prioritise the development of social-emotional competencies for all children, on par with literary and numeracy outcomes. The submission emphasised the need for national targets and called for social-emotional competencies to be given equal importance.

Another aspect noted in the National School Reform Agreement Study Report was the need for wellbeing improvements to focus on school practices and leadership, not just one-off wellbeing programs. The Report outlined the complex nature of a whole-school approach, but noted C4IE Recommendation 2.1(b)—that schools adopt Multi-Tiered Systems of Support (MTSS) “that encompass universal prevention for all students, targeted interventions to improve the social, emotional, and behavioural skills of at-risk students who need additional support, and individualised intensive supports for students experiencing ongoing mental health and learning difficulties” (National School Reform Agreement Study Report, 2023, p. 158). Barriers to change are noted in the C4IE National Reform Agreement Report submission. Of

note, where departments work as silos, there is limited tracking of students and recognition of the multitude of cracks that vulnerable students fall through. For example, many students who receive out of school suspensions are also known to child protection services and have poor academic attainment (see C4IE Submission, p. 2). Other barriers to change include public attitudes and understanding. These too could be ameliorated through greater investment in multi-disciplinary research that includes public education intervention.

Question 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?

International studies conducted in the United Kingdom and Italy have shown that increased educational attainment, linked with an increase in the school-leaving age, can effectively reduce youth crime (Brilli & Tonello, 2015; Machin et al., 2010). The New Zealand Children's Commissioner (2021), where a reduction in youth offending has been achieved, emphasises the importance of a multidisciplinary, community-based solution focused on keeping young people engaged in school. Educational reforms that identify the need to sever the school to prison pipeline have been adopted in some US states. For example, [Chicago Public Schools \(CPS\)](#) have implemented significant reform to their school discipline policy, including the [Whole School Comprehensive Safety Plan](#), which aims to approach school safety through a trauma-informed approach that is holistic and proactive. CPS has successfully reduced the use of exclusionary school discipline, while at the same time improving school safety and student achievement (Graham et al., 2023). The evidence shows that schools that apply protective approaches and minimise punitive discipline practices have the potential to improve student outcomes and decrease their engagement with the youth justice system. Systemic approaches aimed at enhancing student outcomes and mitigating risk factors include the implementation of school-wide social and emotional learning (SEL) as one dimension of a comprehensive Multi-Tiered Systems of Support (MTSS) framework that works across all three developmental domains: academics, social-emotional, and behavioural.

MTSS is a framework designed to improve students' academic achievement, social-emotional competence, and behavioural interactions. The MTSS approach combines universal provision of high-quality accessible pedagogies with reasonable adjustments and targeted support where needed (Graham et al., 2020). One approach to improving student outcomes across social, emotional, and cognitive domains is through the implementation of school-based

Social and Emotional Learning (SEL). SEL fosters essential skills in young people, such as self-awareness, self-management, social awareness, relationship skills, and responsible decision making (Collaborative for Academic, Social, and Emotional Learning [CASEL], 2023). Youth justice researchers and practitioners recognise the potential for SEL to support youth dealing with mental health concerns, trauma exposure, and difficulties with emotional regulation (Durlak, 2017; Humphrey, 2013). However, it is critical that SEL is implemented in the early years of school to provide children with the opportunity to learn and consolidate these skills *before* adolescence.

Extensive research consistently demonstrates the positive impact of SEL on students' social-emotional competencies, wellbeing, and academic performance, as well as its role as a protective measure by reducing mental health issues and behavioural challenges (Durlak et al., 2011; Sklad et al., 2012; Taylor et al., 2017; Wiglesworth et al., 2016). Furthermore, economic analysis demonstrates that investing in SEL yields significant long-term benefits, including reduced juvenile crime rates, higher lifetime earnings, and improved physical and mental health (Belfield et al., 2015). As noted by Dr. Samuel, President and CEO of the Collaborative for Academic and Social, and Emotional Learning (CASEL) in the United States:

SEL [encourages] students to learn problem-solving and self-regulation skills [and] also helps them get along with others and develop higher quality relationships with peers and educators. One of the things that is consistent [about students who have committed violence] is that they didn't have strong supportive relationships, not even with one adult in the school building (Cornwall, 2022).

SEL is effective in its capacity to promote positive peer and student-teacher relationships within schools and classrooms. Through SEL, students learn important skills to understand and regulate their emotions, communicate effectively, and show empathy towards others. These skills enable them to better manage conflicts, resolve disagreements, and make responsible decisions in their interactions with others (Durlak, 2017). Additionally, SEL helps students to develop empathy, compassion, and respect for others, enabling them to build higher quality relationships. As mentioned above, students who engage in acts of violence often lack strong, supportive relationships, including with adults in the school environment. SEL plays a critical role in addressing this gap by promoting the development of positive and supportive relationships that contribute to safe and nurturing school communities (Cornwall, 2022). Durlak (2017) highlights that when students feel a sense of belonging at school, they experience better short- and long-term outcomes, both within and beyond the classroom.

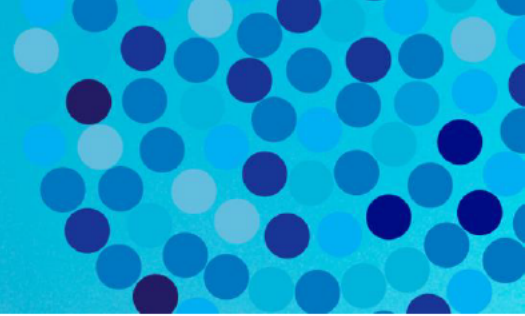
The US has taken the lead in SEL reform worldwide through the pioneering efforts of the Collaborative for Academic, Social, and Emotional Learning (CASEL). Implicit and explicit instruction is utilised to deliver evidence-based SEL through integrating SEL into curriculum learning and evidence-based programs (CASEL, 2023). CASEL's national framework establishes key components, goals, and benchmarks for systemic SEL implementation in schools. Of importance, SEL brings together educators, support staff, parents, community members, and policymakers, fostering open communication, shared goals, and a collective responsibility for young peoples' mental health and wellbeing. This collaborative approach creates an ecological system that enhances support for students and cultivates a nurturing environment to meet their diverse needs and challenges.

SEL is acknowledged in the Personal and Social Capability strand of the Australian Curriculum but because these skills are not assessed, and because literacy and numeracy is assessed using high-stakes standardised measures, there is far less emphasis on SEL in Australian schools than is necessary for positive development (Laurens et al., 2022). Considerable gains could be made by ensuring that these critical skills are taught in Australian schools using effective practices and evidence-based programs.

Question 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?

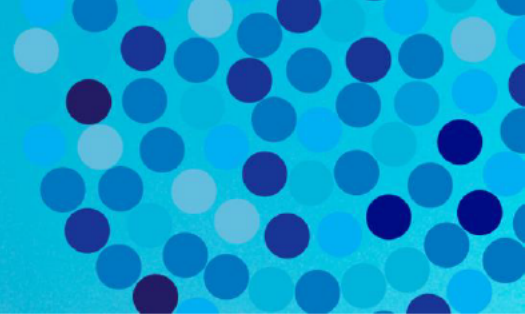
There are several benefits in taking a national approach to youth justice and child wellbeing reform in Australia. These benefits include consistency and equity, collaboration and sharing of best practice, improved accountability and monitoring, and enhanced advocacy and public awareness. Firstly, a national approach ensures consistency in policies and practices across states and territories, eliminating barriers and promoting equity. Consistency can enhance equal access to resources and supports for children and young people, regardless of societal and environmental factors. A national approach can also facilitate collaboration between communities and working groups within and across state borders. Collaboration enables the sharing of best practice, research, and data, leading to evidence-based decision-making and the development of effective strategies to improve youth justice and wellbeing outcomes.

A national approach can also enhance accountability and monitoring by establishing consistent performance indicators, reporting frameworks, and evaluation standards. These measures enable rigorous monitoring and evaluation of reform efforts, facilitating evidence-



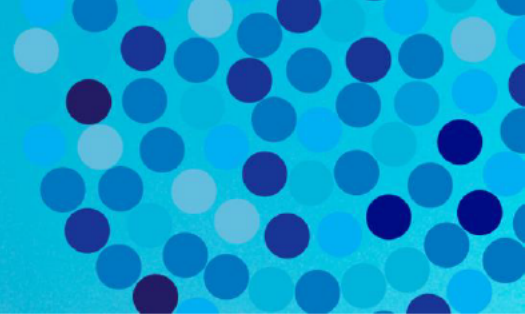
based improvements. Lastly, an integral aspect of a national approach involves advocacy efforts and public awareness. This creates a unified platform for advocacy organisations, community groups, and other stakeholders to collaborate and share their voices to drive reform efforts. Amplifying the voices of relevant and affected individuals and communities makes it possible to generate support for systemic change. This includes reducing stereotyping, challenging biases, and advocating for policies and practices that prioritise equity and fairness.

In moving towards a national approach to youth justice and child wellbeing reform in Australia, the next steps involve the introduction of a comprehensive national policy framework with a focus on prevention at the school-level. Through directing efforts towards prevention (and protective) strategies within schools, we can proactively address the root causes that contribute to youth involvement in the justice system. To do this, it is necessary to actively engage with children and young people to identify and address areas where their social, emotional, and cognitive skills may be lagging or where they encounter unresolved problems or challenges that impede their ability to meet adult expectations (Greene, 2008). Improved outcomes start with implementing collaborative and proactive solutions that support and develop the social, emotional, and cognitive competencies of children and young people.



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