

# Framework to reduce criminalisation of young people

The *Framework to reduce criminalisation of young people in residential care* (the framework) draws on a number of recent Victorian reviews and reports on the experiences of children and young people in the Out of Home Care and Youth Justice systems. A key finding from these reviews is that children and young people in residential care are more likely than other children and young people to have contact with police and the criminal justice system. The framework has been signed by the Department of Health and Human Services, the Centre for Excellence in Child and Family Welfare, the Department of Justice and Community Safety, the Victorian Aboriginal Child Care Agency and Victoria Police. To read the framework in full go to: <https://providers.dhhs.vic.gov.au/framework-reduce-criminalisation-young-people-residential-care>

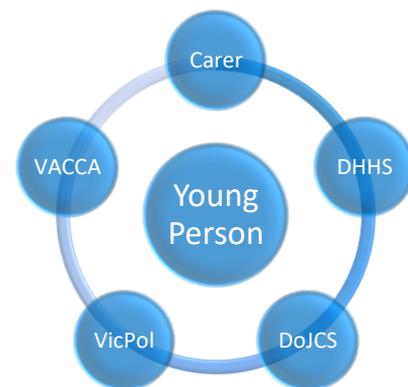
## Guide to the framework

The framework outlines expectations of how police, residential care providers, the Department of Health and Human Services and other agencies should work together to limit the exposure of children and young people in residential care to the youth justice system.

## The Guiding Principles

The Guiding Principles of the framework reinforce trauma-informed responses and care, connection to culture and a positive behaviour approach. These will inform local practices and procedures to support young people in residential care.

- Principle 1** The safety and wellbeing of all young people and staff must be prioritised.
- Principle 2** Understanding the underlying causes of a young person's behaviour is critical to promote healing from trauma, and to effect positive behaviour change.
- Principle 3** Workforce training, support and resources must recognise the impact of trauma on a young person's behaviour and provide a proactive approach to managing risk and responding to incidents.
- Principle 4** For Aboriginal young people, strengthening connection to culture and community is a key consideration in providing services, in addition to providing a healing and sensitive trauma-informed approach to care.
- Principle 5** A joint-agency commitment is necessary to divert young people in residential care from unnecessary contact with the criminal justice system.
- Principle 6** Young people in residential care must be empowered to be heard and raise their concerns, including reporting an incident or abuse.
- Principle 7** A young person in residential care has the same rights and liberties as young people in the community. Human rights must be upheld and resources must be provided to help seek support or legal advice.
- Principle 8** Criminal charges will not be pursued if there is a viable alternative. Discretion will be exercised when police intervention is required.



## Stages of responding to behaviours of concern

The Framework provides a decision-making guide for responding to incidents in residential care. It aims to reduce unnecessary police involvement in matters that would normally be dealt with by parents in a traditional home environment. A **police response should be the last resort to a non-crisis situation** and must only ever be considered after other de-escalation strategies have been attempted without success. It is also based on the principle that **criminal charges should only be pursued by police where alternative approaches are not appropriate**.

Responding to behaviours of concern does not occur only at the point the behaviour manifests. It is something residential care staff and police can proactively prepare for either to prevent it from occurring or to reduce its severity. It is essential that residential care workers are guided by a continuum of responses to the young person's behaviours. This continuum must always begin with anticipation, planning and proactive prevention.

The framework provides four stages for response:



### Proactive Prevention:

Supporting and managing the behaviour of young people can be complex. A range of tailored and planned supports is needed to keep young people safe and to effect positive behaviour change.

Positive behaviour support assumes that all behaviour happens for a reason. Each behaviour serves a purpose (or function) for the young person. **All young people in residential care must have a behaviour support plan** that anticipates how the young person might respond and specifies a range of strategies to be used in supporting the young person's behaviour. This includes proactive strategies to build on their strengths and increase their life skills.

For Aboriginal young people, behaviour support plans should align with the young person's cultural plan and must consider Aboriginal decision making principles. Aboriginal people should be involved in developing their behaviour support plan. Considerations should be given to consulting with an Aboriginal Community Controlled Organisation as part of developing the plan.

### De-escalation:

The aim of de-escalation strategies is to reduce harm. Behaviour often escalates through stages prior to crisis, providing an opportunity to intervene early. Some de-escalation strategies include:

- Responding to early signs of the behaviour (identifying warning signs or triggers of behaviour and intervening early)
- Redirection (for example, distracting the young person by offering another activity)
- Talking to the young person to find out what the problem is – this includes hearing and responding while remaining calm
- Considering what the young person's behaviour is trying to communicate, then responding accordingly to meet the need
- Providing praise and encouragement when it is clear they are trying to calm themselves.

### Intervention- consideration for police involvement:

If the residential care worker has progressed through initial stages of prevention and de-escalation strategies, and a young person's behaviour continues to place themselves or others at serious risk of harm, it might be necessary to escalate to an intervention such as the need for police involvement. However such an intervention must never be used to punish, degrade, intimidate, coerce or used to exert personal power or control. Police involvement must focus on harm minimisation. An indicator of whether a police response is appropriate is when the behaviour will most likely lead to immediate and substantial risk of harm to the young person or others.

If police involvement is required, residential care workers must provide information to the attending police officer relevant to:

- The nature and extent of the incident (for example, severity, injury/damage caused, triggers, timeline)
- The individual (for example, history of behaviour, mental health including trauma, physical health, disability)
- The victim(s) (for example, their relationship to the individual, harm caused, their wishes)
- The worker's approaches to deescalate or respond to the behaviour
- Strategies for engagement or addressing behaviours of concern that have proved effective in the past
- The nature of police assistance sought.

This information must be considered before phoning police to ensure that information is conveyed in a way that is comprehensive and concise. The key consideration for police officers will be to ensure the physical safety of all those present and to determine whether a criminal offence has been committed.

### Repair and Reflection:

After an incident of challenging behaviour, particularly where the young person's behaviour escalated and a police response was required, it is important to make efforts to repair the relationship between the residential care workers, local police and young person.

## Do I have the following information before calling police?

**This information must be considered before contacting police to ensure that information is conveyed in a way that is comprehensive and concise.**

The nature and extent of the incident (for example, severity, injury/damage caused, triggers, timeline).

The individual (for example, history of behaviour, mental health including trauma, physical health, disability).

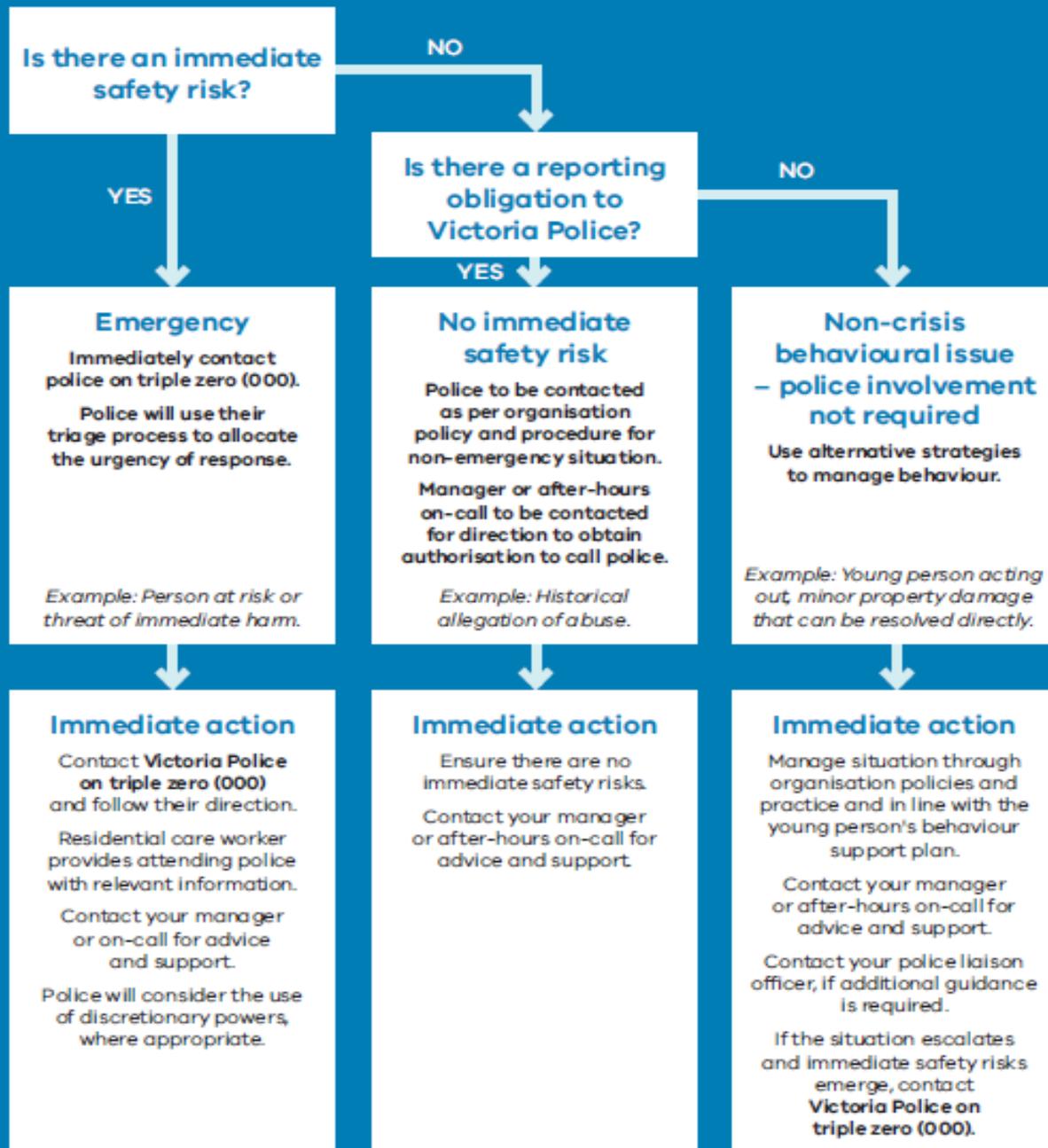
The victim(s) (for example, their relationship to the individual, harm caused, their wishes).

The worker's approaches to deescalate or respond to the behaviour.

Strategies for engagement or addressing behaviours of concern that have proved effective in the past.

The nature of police assistance sought.

## When do I contact police? Flowchart for residential care workers



**Post-event action:**

- Complete reporting requirements (as appropriate) in line with organisation processes.
- Review the young person's behaviour support plan and other relevant plans for the residential care home.
- All events should provide an opportunity to work with young people on restorative practices and alternative response strategies.
- All calls to police must be reviewed and a de-brief conducted with relevant parties (Victoria Police as appropriate) to identify opportunities to strengthen future responses.
- Where there is an impact on the child or young person, complete Critical Incident Management System (CIMS) processes.