

2011

**ACT Government Submission
to the
Children and Young People Commissioner's Inquiry into
the Youth Justice System in the ACT and the
Human Rights Commissioner's Audit into Conditions
of Detention at the Bimberi Youth Justice Centre**

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Introduction

***Because the protection of human rights is by nature a permanent and endless process, there is always room for improvement.*¹**

Children and young people who come into contact with the youth justice system are some of the most vulnerable people in our community. Often they present with multiple indicators of disadvantage including abuse and neglect histories, mental health problems, substance abuse issues, family violence and poor engagement in education.

The ACT youth justice system has undergone significant transition over the past 3 years signified by the implementation of the *Children and Young People Act 2008* and the commissioning of the Bimberi Youth Justice Centre (Bimberi) in 2008 within a human rights compliant framework.

Bimberi was designed and constructed to provide a safe and secure environment to assist children and young people to return to the community with enhanced skills and personal development and to be better able to live a non-offending lifestyle. Within a secure perimeter, the centre is based on a school campus model with separate residential, civic and community zones to reflect the broader community and to provide a normalised environment.

There are some unique challenges in operating Bimberi:

- providing a safe and secure environment that maximises the rehabilitative approaches for young people;
- managing both remand and sentenced young people within a single centre;
- managing both male and female young people within a single centre;
- managing the diverse range of risks and needs of young people in custody including educational attainment, disability support, mental health issues;
- establishing effective transition and exit planning for young people, particularly for those on short periods of remand;
- managing the significant variation in resident numbers on a day to day basis; and
- ensuring the provision of culturally appropriate services for Aboriginal and Torres Strait Islander young people.

¹ http://www.unicef.org/crc/index_using.html.

Bimberi is one part of the ACT youth justice system. This wider system includes community-based orders and youth diversionary programs and initiatives that seek to address young people's offending behaviour, to provide positive pathways and to support their rehabilitation. Some challenges for the system as a whole include:

- as a small jurisdiction the ACT has the same breadth of needs among young people as a larger jurisdiction but has more limited ability to provide a full suite of services and program options;
- the large number of short term remand admissions to Bimberi results in early contact for young people with a detention environment, which research has shown can lead to future adverse outcomes;
- decision-making by police and the courts in diverting young people from custody can have a significant impact on individual outcomes for young people.

There is some evidence of a changing system. This includes an increasing use of cautioning and referral by police to diversionary programs; more young people being referred to restorative justice and circle sentencing; and a reduction in restrictive and intrusive practices such as strip searches at Bimberi.

While there is a wide range of program and policy responses for young people at risk, the ACT Government acknowledges that, as a system in transition, there is a lack of system wide coordination. Currently the system is not sufficiently meeting the needs of high risk young people who are in regular contact with youth justice, nor is it providing effective diversion for those young people who are at the periphery in terms of their risk taking behaviours.

To date, current effort has not been effectively drawn into a defined whole of government framework to support diversionary approaches at all points in the youth justice system – primary, secondary and tertiary. For this reason the ACT Government has initiated a *Discussion Paper – Towards a Diversionary Framework* for the ACT. This paper will lead towards the development of a whole of system approach to minimising young people's progression through the youth justice system and to divert them to more appropriate supports.

In line with the recommendations of the Hawke Review, *Governing the City State*, the ACT Government will strengthen partnerships across the justice, health, education and community services sectors in the best interests of young people engaged in the justice system.

The ACT Government has not been marking time since the commencement of the Bimberi review process. Rather, efforts have been made to provide immediate improvements in service delivery and to lay the foundation for further work

resulting from the outcomes of the Human Rights Commission's reviews. As outlined in the submission, areas for future focus include:

- applying throughcare principles in the youth justice system with a focus on improved continuity, common assessment and complex case management for young people;
- reducing the number of young people on short term remand in Bimberi for breaches of parole conditions or the terms of existing orders;
- improving responses to at risk young people across government and community sectors;
- improving outcomes for Aboriginal and Torres Strait Islander young people in the youth justice system through enhancing culturally appropriate service delivery;
- improving after hours and outreach services to support young people to be sustained within the community.

The ACT Government is committed to reducing the number of young people in contact with the youth justice system and, for at risk young people, ensuring that they are able to maximise their potential and become valued members of the community.

Terms of Reference

On 8 December 2010, the ACT Legislative Assembly passed a resolution about the youth justice system:

That this Assembly:

(1) notes:

(a) the incidents of violence and security breaches at Bimberi Youth Detention Centre;

(b) the staff shortages and high turnover of staff;

(c) high levels of staff dissatisfaction; and

(d) generally poor outcomes for children and young people in contact with the youth justice system;

(2) expresses its concern for the safety and security of residents and staff at Bimberi Youth Detention Centre;

(3) calls on the Minister to direct the Children and Young People's Commissioner to undertake an inquiry into the youth justice system in the ACT, including Bimberi Youth Justice Centre and Community Youth Justice, and report to the Assembly by 30 June 2011. The inquiry is to report on:

(a) staff levels, training and retention;

- (b) security;*
- (c) the use of segregation and restraints on detainees;*
- (d) programs for education and training, health and wellbeing and rehabilitation;*
- (e) early intervention services;*
- (f) the effectiveness of diversionary strategies and the ongoing monitoring of recidivism particularly for detainees held in remand;*
- (g) throughcare and aftercare services provided to detainees and Community Youth Justice clients; and*
- (h) any other matter; and*

(4) calls on the Minister to direct the Human Rights Commissioner to undertake a comprehensive human rights audit into conditions of detention in Bimberi Youth Justice Centre and report to the Assembly by 30 June 2011.

On 7 January 2011, the Attorney General under section 17 of the *Human Rights Commission Act 2005* requested the Human Rights and Discrimination Commissioner and the Commissioner for Children and Young People ('the Commissioners') to conduct the Bimberi Reviews. The Attorney General proposed that a single report or single set of recommendations is made available for his presentation to the Legislative Assembly by 30 June 2011.

Developments since the establishment of the Bimberi Reviews

We are fully supporting the Bimberi Reviews ...

The ACT Government is fully supporting the work of the Human Rights Commissioners in undertaking the Bimberi Reviews. This support has included the provision of all relevant information to the Human Rights Commission, including this Submission, and the necessary resources to undertake a comprehensive review process. ACT Government employees, including current and former staff of Bimberi and the Quamby Youth Detention Centre (Quamby), have been encouraged to actively participate in the review process. Current and former clients of the youth justice system have also been supported to meet with and provide information to the Human Rights Commission's Bimberi Review Team.

The ACT Government has implemented a range of initiatives to support improvements in the ACT youth justice system pending finalisation of the Bimberi Reviews.

We have a range of initiatives and new supports ...

a) A Diversionary Framework for the ACT

In February 2011 the Minister for Children and Young People released a Discussion Paper, *Towards a Diversionary Framework for the ACT*.² The paper acknowledges that recent statistics show that fewer young people who have come into contact with police have been kept out of the formal youth justice system and this cannot be fully explained by trends in juvenile crime. The Discussion Paper is seeking stakeholder and community comment on the development of a stronger, whole of government approach to embedding diversionary principles and practices in actions and decisions that impact on young people who are involved in the criminal justice system. It is seeking feedback on strategies to divert young people away from the criminal justice system (particularly in relation to young people on remand or detention); those programs and practices that are working well and where services can be improved at all points in the youth justice system – primary, secondary and tertiary. Some of the key issues raised in the Discussion Paper are highlighted in Part 2 of this submission.

The Department of Disability Housing and Community Services (DHCS) has engaged Noetic Solutions Pty Limited to undertake a community consultation process on the Discussion Paper. Noetic previously undertook significant work for NSW Juvenile Justice in 2009-10. A Ministerial Roundtable was hosted by the Minister for Children and Young People on 8 April 2011 as part of the consultation process. The final report on the consultation process is currently expected in late April 2011.

b) New youth justice alcohol and other drug referral pathway

Commencing in April 2011 a six month trial will be conducted where all youth justice alcohol and other drug treatment referrals will go through the Court Alcohol Drug Alcohol Service (CADAS). CADAS will undertake all alcohol and drug assessments and determine which treatment agency is best to provide a service for the young person. This trial has been developed in partnership between DHCS, ACT Health, the Gugun Gulwan Aboriginal Corporation and the Ted Noffs Foundation.

c) New Intensive Intervention Service for young people

A new Intensive Intervention Service is being tendered under the Youth and Family and Support Program managed by DHCS. The new service will take direct referrals from youth justice and care and protection services and provide highly skilled and intensive assistance to refer high risk children and young people and their families, such as those young people who have multiple short-term remands. In terms of young adults (18-25 years) receiving support by funded services, the primary target is those individuals leaving statutory services (Bimberi, the Alexander Maconochie Centre, and out-of-home care) and youth homelessness services, with the intention

² The Discussion Paper is available at www.dhcs.act.gov.au.

that they achieve sustainable independence as adults and, where needed, are engaged with the adult services system.

d) Bimberi Change Management Strategy

A Change Management Strategy at Bimberi was instigated in November 2010 to improve support for young people detained at Bimberi, as well as enhancing the professionalism of staff and the smooth functioning of the centre. In consultation with staff and employee organisations, the Change Management Strategy is focused on ensuring that:

- there are clear internal communication strategies;
- there is a learning culture through work-based learning opportunities;
- young people are the focus of all work;
- case plans and case management processes are client-centred;
- operational standards balance staff and client safety with providing a therapeutic environment for detainees;
- there are strong relationships with agencies and community partners;
- there are opportunities for collaboration between management and detainees;
- there is increased support to Bimberi staff; and
- new operational standards and processes are formalized, and embedded through policy and procedure.

A Change Management Group has been established to support the implementation of the strategy. The group is chaired by the Executive Director, Office for Children, Youth and Family Support, and also includes:

- Executive Director, Policy and Organisational Services;
- Director, Youth Directorate;
- Senior Manager, Bimberi
- Operations Manager, Bimberi
- Programs Manager, Bimberi
- Two Bimberi staff representatives at Team Leader and Youth Detention Officer (YDO) levels.

On 7 December 2010, Mr Daniel O’Neil, Director of Youth Services at Richmond Fellowship, was engaged by DHCS to assist with the change management process. Mr O’Neil’s role includes providing an expert assessment of the quality of services provided at Bimberi and identifying opportunities for improvement. Mr O’Neil has focussed on establishing a culture of clear and respectful communication between Bimberi staff and the young people at Bimberi.

e) Support for young people at Bimberi

A range of measures have been introduced to improve day to day support and service delivery for young people at Bimberi. This includes a review and implementation of a revised telephone and visitation process; an extension of access by detainees to mental health team services and the implementation of 'key worker' roles for all youth workers at Bimberi.

A dental health and wellbeing program has been implemented in collaboration with ACT Health. The program will provide a direct appointment system to ACT Dental Health Services in Civic and will be coordinated by the Bimberi Health Nurse. Young people at Bimberi will also be able to access emergency appointments via the triage service at ACT Dental Health Services.

The classification processes for young people has also been revised to enhance holistic risk assessments within a multi-disciplinary framework to facilitate greater participation in skills programs by young people.

A range of new education and training opportunities have been introduced for young people at Bimberi, including the establishment of a Certificate II in Construction through the Construction Industry Training Education Authority that will lead to an opportunity for suitable participants to gain work experience/apprenticeships in the ACT construction industry.

f) Staffing at Bimberi

DHCS has an active recruitment strategy to secure appropriately skilled staff at Bimberi. Recruitment rounds have been recently undertaken for YDOs in January, February and March 2011.

As of early April 2011, all YDO positions at Bimberi are filled by permanent staff with an additional seven permanent YDOs available for rostering as part of the 'over-recruit' pool. An 'over-recruit' strategy will continue to be implemented because at any one time not all staff may be available for rostered duties for reasons such as training and all forms of paid leave (annual leave, sick leave, worker's compensation).

A new Senior Manager commenced work at Bimberi on 31 January 2011,. The new manager has a wealth of experience having held the position of Assistant Manager (Programs) at the Frank Baxter Juvenile Centre NSW since 2002. He has been employed in various roles within that centre for 23 years and has acted as the Manager of other centres in NSW.

DHCS has also recently established an Assistant Manager position at Bimberi to support practice and operational management at the centre. The position will be advertised nationally in April 2011.

The Director responsible for the Youth Directorate is now also based at Bimberi to strengthen connections between the Department and operational staff at Bimberi.

g) Training and professional development for Bimberi staff

An audit of staff qualifications and learning needs has been undertaken to inform future professional development opportunities for Bimberi staff. Educational pathways in youth work have been established for all operational staff in partnership with the Canberra Institute of Technology (CIT) at the Certificate IV, Diploma and Advanced Diploma levels.

The Bimberi Induction Program has been redeveloped and all staff undergoing the induction program will be enrolled in Certificate IV in Youth Work at CIT. Additional specialist training has been introduced to support improved engagement with young people at Bimberi. This includes Therapeutic Crisis Intervention training.

All individual staff members have been re-issued with all policies and procedures in hard copy.

h) Risk and Compliance Framework Gap Analysis

Mr Joseph Donataggio, a Queensland-based risk management expert from Your Enterprise Solutions Pty Ltd, has been engaged to undertake a Risk and Compliance Framework Gap Analysis at Bimberi. Mr Donataggio will conduct a site visit at Bimberi between 18-21 April 2011 and report on his initial findings by 29 April 2011. An interim compliance audit process has been undertaken internally.

i) Management of critical incidents

DHCS urgently initiated two separate reviews into a critical incident at Bimberi on 5 February 2011. The incident occurred when two young people broke out of their cabins and assaulted an MSS Officer working in a residential unit at Bimberi.

The reviews were conducted by two experienced external consultants with extensive and relevant experience and expertise in juvenile justice custodial settings. Mr Terry Keating was tasked with investigating the operational circumstances surrounding the incident. Mr Charles Tomas was contracted to review the security systems and the infrastructure aspects of the incident. The Department has provided copies of the two reviews to the Commissioners.

As a result of the findings of these two reviews DHCS commissioned a further independent investigation to determine whether disciplinary action is required against any staff member on duty. Actions have already been taken in response to many of the recommendations, with responses to other recommendations such as changes to the physical infrastructure to be implemented over time.

A range of additional capital works will be undertaken to improve the security at Bimberi as recommended by the security review including re-enforcements to the security of cabins and the installation of new television units. In addition, improvements will also be made to restrict the ability of residents to access the centre's roof, as well as measures to rabbit-proof the site and enhance fencing abutting the planned residential developments in the neighbouring suburb of Kenny.

DHCS will separately report to the Commissioners on the implementation status of the recommended actions.

Part 1 The ACT Government's response to young people in the youth justice system

1.1 A profile of young people in the ACT youth justice system

a) Young people in the ACT

The estimated resident population of young people in the ACT aged 10 (the age of criminal responsibility) to 17 years is 34,870. Of these 2.4% are Aboriginal and Torres Strait Islander young people. Just under 50% of young people in the ACT are female (of whom 2% are Aboriginal and Torres Strait Islander) and just over 50% are male (of whom 2.5% are Aboriginal and Torres Strait Islander).³

b) Young people and risk

Engaging in anti-social behaviour of some form is not uncommon for young people during adolescence and the majority of young people who do so will not become serious and prolific offenders. Although crime is perpetuated by juveniles, there is general acceptance that most young people will 'grow out' of offending and adopt law-abiding lifestyles as they mature.⁴

Research has identified the key issues of offending by young people ...

The characteristics and factors for children and young people who are at risk of offending are well established by research. Most commonly, these young people are vulnerable and have a range of complex problems and needs that may include a disadvantaged background and family dysfunction; abuse and neglect; intellectual disability; current drug or alcohol problems and mental health issues. Frequently, these young people experience homelessness and are disconnected from formal education.

c) Young people in the ACT youth justice system

In line with other Australian jurisdictions, the ACT youth justice system is responsible for attending to young people who have committed or allegedly committed an offence while considered at law to be a juvenile.⁵ The ACT youth justice system is collectively the set of institutions, legislation, policies, services and programs established to support young people who come into contact with the law. A detailed discussion on the ACT youth justice system is provided in Part 2.

³ Australian Institute of Health and Welfare, Juvenile Justice Series No. 6, *Juvenile Justice in Australia 2008-09 Interim Report* Main Tables, December 2010, Table 5.2.

⁴ While there is continued debate on the concept of an 'age-crime curve', the relationship between age and crime is one of the most generally accepted tenets of criminology and has been found to hold independently of other variables.

⁵ In all Australian jurisdictions except Queensland, a juvenile is defined as a person aged between 10-17 years (inclusive). In Queensland a juvenile is defined as a person aged between 10-16 years (inclusive). Children under 10 years of age cannot be held legally responsible for their actions in any jurisdiction. In the ACT there is some capacity to supervise older people (18-21 years) whose matters have been dealt with as though they were young people.

Characteristically, most young people in the ACT have an adolescence where they reside at home with parents and siblings and have supportive and nurturing relationships; where they go to school and experience educational attainment; where they have positive peer relations and where they successfully transition expected developmental stages with some usual risk-taking behaviour.

The majority of young people in the ACT do not have any contact with police and the youth justice system. In 2009-10 the ACT had the lowest number of offenders (1% or 2,900) of the Australian offender population aged 10 years and over and was the only jurisdiction to record a significant decrease in the number of offenders from 2008-09. The ACT also had the lowest offender rate with 933 offenders per 100,000 population aged 10 years and over and reported decreases in both the number of male and female offenders from 2008-09.⁶

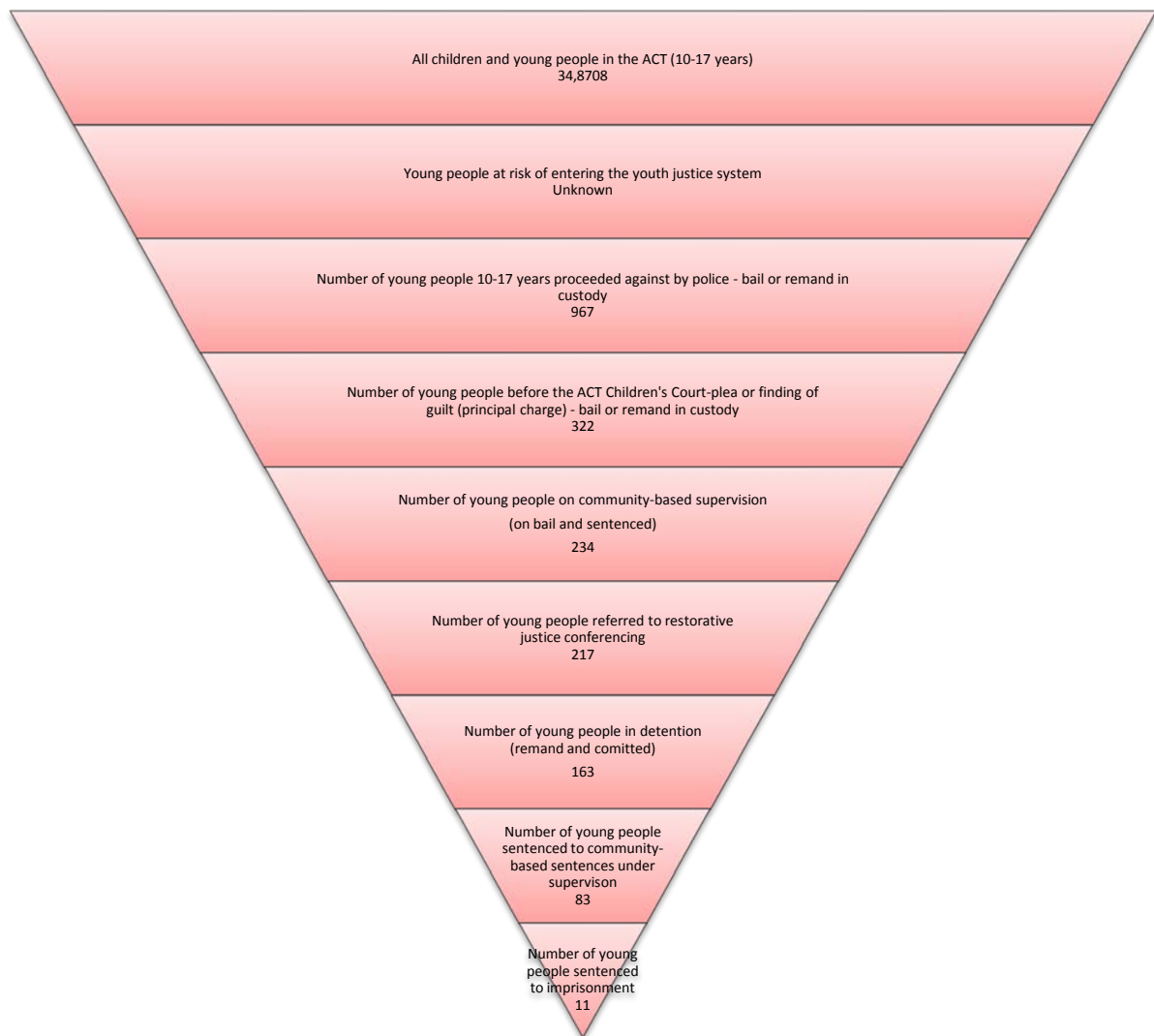
There are, however, a small proportion of young people in the ACT who come into contact with the police and youth justice system as a result of offending behaviour or alleged offending behaviour. Of those young people who do come into contact with police, the majority are proceeded against by police only once. In 2009-10 only about 20% of offenders were proceeded against by police more than once.⁷

Figure 1 provides a schema to contextualise the number of young people involved in the ACT youth justice system with reference to all ACT children and young people aged 10-17 years.

⁶ ABS 2011 4519.0 Recorded Crime – Offenders 2009-10.

⁷ ABS 2011 4519.0 Recorded Crime – Offenders 2009-10. Proceeded against refers to police initiating legal action against an offender.

Figure 1 Contextualising the number of young offenders in the ACT – annual data⁸



⁸ Data sources include: Australian Institute of Health and Welfare, Juvenile Justice Series No. 6, *Juvenile Justice in Australia 2008-09* Interim Report Main Tables, December 2010; Australian Bureau of Statistics, Recorded Crime – Offenders 2008-09, 4519.0; Department of Justice and Community Safety, Criminal Justice Profiles published quarterly, 2009-10; Department of Justice and Community Safety, Annual Report 2009-10; Department of Disability, Housing and Community Services, unpublished data 2009-10.

Profile

The following table provides information on young people in contact with the ACT youth justice system using published data.⁹

Table 1 Young people in contact with the ACT youth justice system 2008-09

	Total number	Aboriginal and Torres Strait Islander	Non-Aboriginal and Torres Strait Islander	Number average day	Aboriginal and Torres Strait Islander	Non-Aboriginal and Torres Strait Islander
Young people under youth justice supervision (all types) 2008-09	269 (55 female; 214 male)	47 (7 female; 40 male)	222 (48 female; 174 male)	122 (19 female; 103 male)	27 (3 female; 24 male)	95 (16 female; 79 male)
Rate (per 1,000 population)	6.7 (2.8 female; 10.5males)	49.7 (15.7 female; 79.2 males) Rate ratio = 8.7	5.7 (2.5 females; 8.8 males)	3 (1 female; 5 males)	30 (47.7 males) Rate ratio = 12.5	2.4 (0.8 female; 4.0 males)
Young people under community-based supervision 2008-09	234 (44 female; 190 male)	41 (5 female; 36 male)	193 (39 female; 154 male)	109 (17 female; 93 male)	21 (2 female; 19 male)	88 (15 female; 74 male)
Rate (per 1,000 population)	5.7 (2.2 female; 9.1 male)	42.4 (13 female; 68 male) Rate ratio = 8.8	4.8 (1.9 female; 7.6 male)	2.6 (female 0.8; male 4.4)	21.4 (35.4 male) Rate ratio = 9.8	2.18 (0.75 female; 3.6 male)
Young people in detention 2008-09	163 (34 female; 129 male)	34 (5 female; 29 male)	129 (29 female; 100 male)	15 (female 3; male 12)	7 (1 female; 5 male)	8 (1 female; 7 male)
Rate (per 1,000 population)	4.5 (1.9 female; 7 male)	37 (61 male) Rate ratio = 9.9	3.7 (1.7 female; 5.8 male).	0.4 (0.65 male)	7.6 (11.2 male) Rate ratio = 34.5	0.22 (0.22 female; 0.4 male)

⁹ Sourced from Australian Institute of Health and Welfare, Juvenile Justice Series No. 6, *Juvenile Justice in Australia 2008-09* Interim Report Main Tables, December 2010 and *Juvenile Justice in Australia 2008-09*, April 2011. Information is provided in terms of yearly numbers and numbers on an average day. The number of young people under supervision in the year is calculated by counting each distinct young person under supervision during the financial year. Each young person is counted only once, even if they entered and exited supervision multiple times during the year. The average day is calculated by summing the number of days each young person spends under supervision during the year and dividing this by the total number of days in the financial year (note: totals may not sum due to rounding). The rate is the number of young people aged 10-17 years per 1,000 of population. The rate ratio shows the level of over-representation of Aboriginal and Torres Strait Islander young people and is calculated by dividing the Aboriginal and Torres Strait Islander rate by the non-Aboriginal and Torres Strait Islander rate.

In addition:

- Of the 163 young people in detention in 2008-09, 161 young people (98.8%) were unsentenced on remand and 9 young people (5.5%) were sentenced (a small number of young people were both sentenced and unsentenced).
- Of the 14 young people in detention on an average day, 11 young people (73%) were unsentenced (on remand); 6 were non-Aboriginal and Torres Strait Islander young people and 5 were Aboriginal and Torres Strait Islander young people; 4 young people were sentenced (2 non-Aboriginal and Torres Strait Islander young people and 2 Aboriginal and Torres Strait Islander young people).
- The average length of time spent in unsentenced detention during 2008-09 was 25 days. For Aboriginal and Torres Strait Islander young people the average was 54 days; for non-Aboriginal and Torres Strait Islander young people the average was 18 days.
- 68% of supervision orders were less than 1 month in duration.

National comparison

We understand the problem ...

The ACT youth justice system is compared to youth justice systems in other Australian jurisdictions annually through the Australian Institute of Health and Welfare. The following key messages can be drawn from the statistics.¹⁰

and in the ACT context it has both challenges and prospects ...

1. More young people in detention:
 - The rate of young people in detention in the ACT has risen each year from 3.56 in 2005-06 to 4.53 in 2008-09. This is the highest rate nationally. This rate indicates that a young person aged 10-17 years in 2008-09 was around 1.3 times as likely to be in detention during the year as a young person aged 10-17 years in 2005-06.

This observation is reflected across Australia. The national rate of young people in detention (excluding WA and NT) in 2008-09 was 2.10; an increase from 1.73 in 2005-06. This indicates that young person aged 10-17 years in 2008-09 was around 1.2 times as likely to be in a detention during the year as a young person aged 10-17 years in 2005-06.

¹⁰ Australian Institute of Health and Welfare, Juvenile Justice Series No. 6, *Juvenile Justice in Australia 2008-09*, April 2011. National data is also provided through the Report on Government Services and the Australian Institute of Crime.

2. More young people in detention are on remand:

- The number of unsentenced (remand) young people in detention has increased from 55% of the total population of young people in detention on an average day in 2005-06, to 73% in 2008-09. The increase in the unsentenced population occurred for both Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander young people.

Again, this observation is reflected nationally. In 2005-06 just under one-half of the national average daily detention population was unsentenced but by 2008-09, unsentenced young people in detention outnumbered those who were sentenced (excluding WA and NT). The increase in the unsentenced population occurred for both Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander young people.

3. More young people are under community-based supervision:

- The ACT has the second highest rate nationally of young people aged 10-17 years on community-based orders. In 2008-09 the rate was 5.74 compared to the national average of 4.34 (excluding WA and NT).

4. Aboriginal and Torres Strait Islander young people in the ACT are over-represented in both community supervision and detention:

- Although only about 2.4% of young Canberrans are Aboriginal and Torres Strait Islander, almost 18% of those under community-based supervision in 2008-09 are Aboriginal and Torres Strait Islander young people. The over-representation is particularly prominent in detention, where approximately 20% of those in detention are Aboriginal and Torres Strait Islander young people. Of those young people who were unsentenced in detention during 2008-09, 64% were Aboriginal and Torres Strait Islander young people.

Over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system is a challenge in all Australian jurisdictions. Nationally, in 2008-09 although Aboriginal and Torres Strait Islander young people made up only about 5% of all young people, 31% of young people under supervision were Aboriginal and Torres Strait Islander young people (excluding WA and NT). Nationally, this over-representation is particularly prominent in detention where 37% of the young people in detention during the year and 54% of those who were

unsentenced in detention were Aboriginal and Torres Strait Islander young people (excluding WA and NT). On the whole across Australia in 2008-09 an Aboriginal and Torres Strait Islander young person aged 10-17 years was 9 times as likely as a non-Aboriginal and Torres Strait Islander young person of the same age to be under supervision; nearly 9 times as likely to be under community-based supervision, and nearly 10 times as likely to be in detention as a non-Aboriginal and Torres Strait Islander young person.

1.2 The factors that guide the ACT Government's response to young people in the youth justice system

The way in which the ACT Government responds to young offenders through the youth justice system is shaped by number of factors that can be grouped as (a) legislation and obligations, (b) policy and (c) practice principles.

a) Legislation and obligations

Our obligations are understood and our policy intent is clear and legislated ...

The United Nation's Convention on the Rights of the Child (CRC)

Australia is a signatory to and has ratified the CRC which guides the policy response. Set in the context of the main umbrella rights, Articles 37 and 40 are the most specific in relation to youth justice.¹¹ The guidelines and rules for implementing the CRC in the area of youth justice have been determined by the United Nations General Assembly and are set out in the:

- Tokyo Rules (1985) - standard minimum rules for non-custodial measures;
- Riyadh Guidelines (1990) - prevention of juvenile delinquency;
- Beijing Rules (1990) - standard minimum rules for administration in juvenile justice (supplemented by the Vienna Guidelines 1997 for action on the administration of juvenile justice);
- JDL (1990) - rules for protection of juveniles deprived of their liberty.

Overall, these guidelines and rules represent the elements necessary to ensure a humane and equitable environment for young detainees that:

- ensures the best interests of the child are a primary consideration in all decisions and actions;
- takes account of the vulnerability of the child;
- promotes the child's sense of dignity and worth;
- respects the right of the child to be heard;
- reinforces the child's respect for the rights and freedoms of others; and

¹¹ Equality and recognition of the vulnerability of children are the fundamental principles underlying the CRC. These principles are enshrined in Articles 2 and 25 (2) of the Universal Declaration of Human Rights.

- promotes their full development so the young person can ultimately assume their responsibilities within the community.

The ACT Human Rights Act 2004 (HRA)

Section 11(2) of the HRA provides for the protection of the family and children. In applying

s 11(2) the rights set out in the CRC must be considered. Any limitations on the enjoyment of rights must be prescribed by law and be reasonable and proportionate to achieve a legitimate aim (s 28).

Sections 18, 19, 20 and 22 of the HRA have particular relevance to youth justice and prescribe that:

- Anyone who is awaiting trial must not be detained in custody as a general rule. No one may be arbitrarily arrested or detained.
- Anyone deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person. There is a positive obligation to protect and fulfil all rights of detainees including an emphasis on rehabilitation and reintegration.
- An accused child or young person must be segregated from a convicted child or young person, except in exceptional circumstances.
- A child must be brought to trial as quickly as possible.
- An accused/convicted child or young person must be treated in a way that is appropriate for a person of the child or young person's age who has not been accused/convicted.

*The
Human
Rights Act
2004
directs the
ACT youth
justice
system ...*

The HRA has underpinned recent changes in the ACT youth justice system. It has influenced decisions in building the new youth justice centre and in the development of new human rights compliant legislation, policies, procedures and services in the youth justice system. These changes are discussed in further detail in Parts 2 & 3.

The Children and Young People Act 2008 (CYP Act)

The CYP Act incorporates the children's rights articulated in the CRC to decisions made regarding children about the provision of services to children. Sections 8, 9, and 10 set out the principles that must be considered by all decision-makers under the Act, with the key principle being the best interests of the child or young person.

as does the
Children and
Young
People ACT
2008 ...

In setting out how young people will be dealt with in the youth justice system, the CYP Act intends that young people will be treated differently to adults. Section 94 establishes the youth justice principles that must be taken into account in deciding what is in the best interests of a child or young person. The focus is on having the child or young person accept responsibility for the offence and be held accountable, while providing maximum opportunity for them to re-enter the community and to develop in socially responsible ways. Detention, whether on arrest, remand or under sentence, is intended to be a last resort. The effect of the CYP Act on the youth justice system is discussed in further detail in Parts 2 & 3.

Other significant legislation governing the ACT Government's response to young people at risk includes:

- *Bail Act 1992* (Bail Act) - governs decisions in relation to the grant of bail to children and young people in relation to an offence, including the conditions on which bail may be granted to children;
- *Court Procedures Act 2004* (Courts Procedures Act) - recognises the importance of court procedures in the ACT system of justice and facilitates cooperation between ACT courts in the common goals of improved access and better court procedures. The Act requires the rule-making committee and court to have regard to youth justice principles;
- *Crimes (Restorative Justice) Act 2005* (Restorative Justice Act) - provides a process of restorative justice for victims, offenders and the community;
- *Crimes (Sentencing) Act 2005* (Sentencing Act) - contains provisions for the sentencing of young people. A range of custodial and non-custodial sentences are available to the courts;
- *Crimes (Sentence Administration) Act 2005* (Sentence Administration Act) - establishes the framework for sentence administration for young offenders;
- *Crimes Act 1900* (Crimes Act), the *Criminal Code 2002* and other legislation - provides a consolidated statute of criminal law;
- *Domestic Violence Orders and Protection Act 2008* - provides the mechanisms to protect young people from domestic violence and personal violence;
- *Education Act 2004* (Education Act) - provides that every child has a right to receive high quality education and that children and young people participate in education until they are 17 years old or complete Year 12, with the opportunity to participate in training or employment after Year 10.
- *Mental Health (Treatment and Care) Act 1994* (Mental Health Act) - provides for the treatment, care, control, rehabilitation and protection of young people who are mentally ill.

b) Policy

The Canberra Plan and Canberra Social Plan

The Canberra Plan was originally launched by the ACT Government in 2004 with the aim to guide the growth and development of Canberra for this generation and beyond. The objective of the 'Fair and Safe Community' theme is to ensure that all Canberrans enjoy the benefits of living in a community that is safe, socially inclusive and respectful of human rights; are able to fully participate in community life; and that the most vulnerable in our community are respected and supported.¹²

Concurrently, *Building Our Community - The Canberra Social Plan* articulates the Government's social platform with the vision that Canberra is a place where all people reach their potential, make a contribution and share the benefits of the community.

ACT Young People's Plan 2009-14 and ACT Children's Plan 2010-14

In 2009 the Minister for Children and Young People launched the *ACT Young People's Plan 2009-2014* as the ACT Government's commitment to young Canberrans.¹³ The Plan provides an integrated policy framework with a specific focus on vulnerable young people who are at risk of not realising their potential to achieve positive life outcomes. The Plan is based on the themes of participation, access, transitions and support.

In June 2010 the Minister launched the *ACT Children's Plan 2010-2014* as the ACT Government's commitment that children and young people reach their potential, make a contribution, and share the benefits of the community. The Plan aims to make Canberra a great and safe place for children, and to ensure their needs are a priority for government and community.

Aboriginal and Torres Strait Islander Justice Agreement 2010-2013

In 2008, ACTCOSS and the Aboriginal Justice Centre released the *Circles of Support* report that explored reasons for the over-representation of Aboriginal and Torres Strait Islander people in the ACT justice system. A number of factors were identified including:

- discriminatory conduct and differential treatment by justice agencies and service-providers;
- unaddressed trauma associated with past sexual assault;
- issues around cultural identity;
- housing and homelessness;

¹² *The Canberra Plan: Towards Our Second Century* was released in August 2008 and builds on the original Canberra Plan, identifying changes that have occurred over the four years and updating the Plan to ensure that the vision, as well as the strategic themes, key objectives and future directions remain current as Canberra's centenary approaches.

¹³ The *ACT Children's Plan 2010-2014* and the *ACT Young People's Plan 2009-2014* (as well as its two supporting documents *Developing the young people's plan 2009-2014* and *Delivering the young people's plan 2009-2014*) are available at www.dhcs.act.gov.au.

- lack of support for Indigenous detainees;
- ignorance of criminal law and legal rights;
- need for more coordinated service delivery and service systems which reinforce each other; and
- lack of appropriate service provision by mainstream organisations.

In 2010, the ACT Attorney General released the whole of government *Aboriginal and Torres Strait Islander Justice Agreement 2010-2013* that seeks to reduce the over-representation of Aboriginal and Torres Strait Islander people in the ACT justice system as both victims and offenders, in addition to other objectives. The Agreement was signed by the Indigenous Elected Body Chair. The Agreement contains an action plan with a number of general recommendations relevant to improving youth justice. Action items 67, 68 and 69 are specific to Bimberi.¹⁴

National Youth Justice Policy

State and Territory governments across Australia have primary responsibility for the provision of youth justice services. With common overall intent, each jurisdiction is guided by its own legislation, policies and practices. National coordination of the strategic direction for juvenile justice policy takes place through the Australasian Juvenile Justice Administrators (AJJA).¹⁵ Areas of current AJJA national youth justice policy focus include:

- the increasing number of young people on remand and the increasing length of young people's stay on remand;
- implementation of the new national standards for juvenile justice in Australia;¹⁶
- development of a national performance indicator framework for juvenile justice services;
- a research project by the Australian Institute of Criminology around nationally comparative measures for recidivism;
- a national bail research project by the Australian Institute of Criminology.

Royal Commission of Inquiry into Aboriginal Deaths in Custody (RCIADIC) 1991

The Royal Commission's recommendations outline the standards for the health, welfare, safety and treatment of Aboriginal and Torres Strait Islander people in custody that emphasise the importance of maintaining and enhancing contact with

¹⁴ The Agreement is available at www.justice.act.gov.au.

¹⁵ AJJA is a Standing Committee of the Community and Disability Services Ministers' Advisory Council and the Community and Disability Services Ministers' Conference. AJJA membership comprises a minimum of one senior executive officer from each of the Australian State and Territory Departments and New Zealand who are responsible for the delivery of juvenile justice services.

¹⁶ Endorsed in 2008, the standards are intended to assist jurisdictions to maintain their obligations to international conventions and their respective legislation while providing significant opportunity for cross-jurisdiction service development. Queensland has developed a Quality Assessment Framework to assist in applying consistent measurement processes against juvenile justice standards.

family and community. Specific recommendations are made for children and young people.

c) Practice principles

The ACT Government's response to young people in the youth justice system is directed by the five 'What Works' better practice principles and an additional principle using a strengths-based approach. The 'What Works' principles are:

*We use
'What
Works' as
better
practice ...*

- **Risk** - a young person's risk of reoffending is associated with a number of criminogenic risk factors. These include both static risk factors (such as the age of first offence or gender that are not amenable to change) and dynamic risk factors (such as educational engagement or drug and alcohol use that are amenable to change). Both static and dynamic risk factors are important to assess, as they are collectively predictive of the probability of reoffending. Recommended interventions and the intensiveness of services delivered to young offenders need to be proportionate to the assessed level of criminogenic risk. Young people with low to moderate risks and needs will not benefit from intensive interventions. Young people with higher criminogenic risk should have longer, more intensive treatment, and treatment within a statutory framework is appropriate.¹⁷
- **Need** - dynamic risks are also referred to as criminogenic 'needs'. For young people with a medium to high risk of reoffending, criminogenic needs are the main target of youth justice intervention. Typical criminogenic needs include antisocial values and attitudes, poor educational engagement, drug and alcohol use, accommodation issues and lack of positive leisure or recreational activities.
- **Responsivity** - relates to how to best effect change in a young offender's criminogenic needs. There are both general responsivity factors (therapeutic approaches such as cognitive behavioural therapy and social learning approaches), and specific responsivity factors (individual characteristics and preferences of a young person such as gender, cultural identity, age, maturity and preferred learning style). In addition, how motivated or open a young person is to making positive changes is also an important individual responsivity factor.
- **Program integrity** - an evidence-based, detailed program content that is delivered by suitably trained staff and involves ongoing quality assurance and evaluation. Reflection of the risk, needs and responsivity principles in

¹⁷ Day, A., Howells, K. and Rickwood, D., (2004) 'Current Trends in the Rehabilitation of Juvenile Offenders'. Australian Institute of Criminology, Trends and Issues in Crime and Criminal Justice, Number 284.

program integrity means that individuals receive interventions appropriate to their assessed criminogenic risk, needs and responsivity considerations.

- **Discretion** - relates to professionals making decisions on the basis of other characteristics and situations not covered by the preceding principles. The principle provides scope for professional judgement to be built into any rehabilitation system, rather than relying on the rigid administration of static principles.

We also work from a strengths-based approach ...

Working from a strengths-based approach with young people who have offended is also a principle of effective practice. This involves identifying, supporting, and if necessary, strengthening, the positive factors in a young person's life. Positive factors may include things a young person is good at or enjoys doing, for example, sport, relationships or activities that are considered positive and protective for the young person (for example, a good relationship between a young person and a positive role model, or engagement in part-time employment). Effective intervention with young offenders needs to identify and strengthen these factors in a young person's life while simultaneously addressing their criminogenic needs. Best practice in youth justice, and particularly in youth detention, also involves assisting children and young people to develop constructive problem solving and conflict resolution skills.

A number of additional principles have been identified as effective for working with Aboriginal and Torres Strait Islander young people who have offended. These are:

- maximum access to and utilisation of alcohol and substance abuse programs;
- avoidance of incarceration wherever possible;
- emphasis on prevention and early intervention;
- provision of culturally relevant programs;
- a high level of participation by the Aboriginal and Torres Strait Islander community in formulating and implementing responses to Aboriginal and Torres Strait Islander youth crime.¹⁸

Aspects of the ACT youth justice system that demonstrate the What Works principles, strengths-based approach and principles for working with Aboriginal and Torres Strait Islander young offenders, as well those areas where there is currently consideration of future better practice, are discussed in detail in Part 2.

¹⁸ Noetic Solutions Pty Ltd., (2010) Review of Effective Practice in Juvenile Justice.

1.3 ACT Government roles and responsibilities in relation to the youth justice system

We have different roles to play ...

The ACT Government's response to young people in the youth justice system involves a number of agencies each with different roles and responsibilities.

Department of Disability Housing and Community Services (DHCS)

DHCS has lead responsibility for the ACT Government's response to vulnerable and at risk youth, including youth justice policy and youth justice targeted services.

Youth justice policy and services are delivered across five main areas within the Youth Directorate:

- **Youth Justice Policy** - is responsible for the development of youth justice policy and procedures, data collection and reporting, maintenance of the youth justice victims register and the development of interagency agreements with key youth justice stakeholders.
- **Community Youth Justice (CYJ)** - is responsible for the supervision of children and young people placed on a court order by the ACT Children's Court or the ACT Supreme Court as well the preparation of court reports about young people as required. A specialist court officer attends all court matters relating to a child or young person to provide reports on current youth justice clients and advice on the custodial and community-based services available to children and young people.
- **Turnaround Program** - provides services to young people aged between 12-18 years who have high and complex needs to assist them to establish social connectedness and positive life pathways.
- **ACT Youth Connection Program** - is an outreach-based case management and support service for children and young people aged between 11-17 years.
- **Bimberi Youth Justice Centre (Bimberi)** - provides 24 hour safe and secure custody to male and female children and young people aged 10-21 years who are either remanded in custody for allegedly committing an offence or serving a custodial sentence for an offence committed while under the age of 18 years.

The Department works with a number of ACT Government and community-based stakeholders in delivering services to and supporting young people at risk and within the youth justice system. These relationships are detailed in Parts 2 & 3.

Department of Justice and Community Safety (JACS)

The following areas within Department of Justice and Community Safety have responsibilities within the youth justice system:

- **Justice Policy** - the Legislation and Policy Branch of the Department is responsible for government criminal law policy and policies around crime reduction. It hosts the Crime Prevention and Community Safety Forum, the current focus of which is the development of a property crime reduction strategy. As the peak age for committing property crime offences is 15-19 years, and the ACT has the highest proportion of young people aged 15-19 years than any other Australian jurisdiction, young people are a particular focus of the ACT Property Crime Reduction Strategy. The branch also has policy responsibility for the Restorative Justice Unit (mentioned below) and the Galambany Circle Sentencing Court.
- **ACT Human Rights Commission** - is an independent agency established by the *Human Rights Commission Act 2004*. The Commission provides a fair and accessible process for dealing with complaints about discrimination, health services, disability services, services for older people, community services and services for children and young people. In addition, the Commission promotes service improvement in government, and raises human rights awareness within the community.

The ACT Children and Young People Commissioner is an independent statutory office created under the Act. The Commissioner has a number of roles including visiting young people in Bimberi; consulting with children and young people; resolving complaints and concerns about services for children and young people; and providing advice to government and community organisations about how to improve their services for children and young people.

- **ACT Office of the Public Advocate** - is an independent statutory office that promotes the interests, rights and dignity of members of the community. The office provides advocacy, advice, information and services for individuals, their families and those who work for them. The office can investigate and take action when people are exploited, neglected, abused or in need of guardianship.

- **ACT Policing** - has a key frontline role as police are usually a young person's first connection with the ACT youth justice system. Police have a major role in achieving the aims of diversionary programs.
- **Restorative Justice Unit (RJU)** - works under the *Crimes (Restorative Justice) Act 2004* to provide:
 - victims of crime with an opportunity to talk about how the offence has affected them and others close to them;
 - young offenders with an opportunity to accept responsibility for their actions;
 - victims, offenders and supporters an opportunity to discuss the harm and what needs to be done to repair that harm; and
 - young offenders with an opportunity to repair the harm done by the offence.

In the ACT restorative justice conferencing is a voluntary process that is available to young people at any stage of the youth justice system (at caution, charge or post sentence) if the young person was aged 10-17 years at the time the offence was committed.

In 2010 the circle sentencing court was expanded to include Aboriginal and Torres Strait Islander people. The circle sentencing court provides a culturally relevant sentencing option in the ACT Magistrate's and Children's Court jurisdictions. An Aboriginal or Torres Strait Islander young person who has pleaded guilty to an offence may be referred to the circle sentencing court for an assessment to have their matter heard in a circle court. The administration for the circle court and the coordinator position sit within the RJU.

- **ACT Corrective Services** - under an arrangement with DHCS the ACT Corrective Services' Court Transport Unit (CTU) provides a transportation and escort service between Bimberi and ACT courts for young people remanded in custody or sentenced at the centre. The CTU's custodial services at the courts also extend to appearances in court of young people in custody. In respect to young people arrested and placed in custody by ACT Policing, the CTU transports young people to Bimberi as soon as practicable after arrest.
- The **Victims of Crime Commissioner** - is a statutory position established by the *Victims of Crime Act 1994*. The Commissioner is an independent statutory officer responsible for managing Victim Support ACT which

provides a one-stop shop for victims of crime. The Commissioner has a range of functions in connection with the administration of justice. Essentially, these functions are aimed at enabling the Commissioner to advocate for the interest of victims; ensuring that all victims are made aware of services available and that those services are provided efficiently and effectively; promoting and resolving concerns raised by victims in regard to the governing principles and interests of victims; ensuring the needs of victims, especially in respect of information, are met by the criminal justice system; and ensuring that awareness of the interests of victims of crime are promoted both within the general community and within Government.

- **ACT Children's Court** - is a specialised court within the ACT judicial system that deals with matters involving children and young people. The ACT Children's Court is part of the ACT Magistrate's Court.

Department of Education and Training (DET)

The Department of Education and Training has the following responsibilities within the youth justice system:

- The **ACT Youth Commitment** - through the National Partnership on Youth Attainment and Transitions, the ACT has agreed to meet a range of targets to improve participation, lift qualifications and support successful transitions. The National Partnership is a joint commitment with the Australian Government to work collaboratively to increase the educational engagement, attainment and successful transitions of young people in the ACT.

Under the National Partnership, the ACT is developing an *ACT Youth Commitment* that will ensure that the needs of each young person are at the heart of agency activities. If a student moves from school to further education and training or work, he/she will continue to be accounted for, cared for and supported. The *ACT Youth Commitment* will require all agencies that serve young people to the age of 17 to commit to seek to ensure that no young person is lost from education, training or employment. The Youth Commitment establishes a shared responsibility among: Public Schools, Private/Non Government Schools, Canberra Institute of Technology, Registered Training Organisations, community organisations, employers, parents and related Government (Commonwealth and ACT) and non-government agencies.

The Youth Commitment is underpinned by the ACT Education Act (importantly the amendments to the mandatory participation age) and the

range of policies, services, activities and programs operating to support children and young people.

- The **Murrumbidgee Education and Training Centre (METC)** - is DET School Related Institution located within Bimberi. METC provides a diverse range of education and vocation programs for young people remanded and committed to custody. Students participate in a number of integrated programs including numeracy and literacy, an arts and music program, vocational education and training in the areas of wood and metalwork and introductory trade programs. Vocational education is supplemented by short course certificated trade programs in construction and hospitality. 2011 is METC's third year of operation. The role and function of METC is further detailed in Parts 2 & 3.

ACT Health

ACT Health has the following responsibilities within the youth justice system:

- Delivery of the *ACT Children's and Young People's Justice Health Services Plan 2008-2012*. The underpinning principles of the Plan include an emphasis on the provision of the health service within a human rights context. Programs and initiatives being delivered under the Plan are discussed further in Part 2.
- Provision of general and mental health services to young people in the ACT community including young people on community-based supervision.
- Funding a range of external providers to provide services to young people in both detention and community-based supervision. These services include alcohol and other drug assessment; case management and support services; medical services; residential programs; group and program assessment; and therapy services. These programs are discussed in more detail in Part 2.
- Under s 97 of the CYP Act, **Justice Health** provides a number of general health and mental health services at Bimberi. These are discussed in Part 3.

In addition, community sector agencies have a vital role in the provision of supports and services to young people in the youth justice system. A range of programs and services are delivered by community sector agencies that are funded by the ACT Government and the Australian Government. These programs and services are discussed further in Parts 2 & 3.

Part 2 The ACT Youth Justice System

Juvenile justice systems [in all jurisdictions] aim to promote community safety and reduce youth offending by assisting young people to address their offending behaviour and take responsibility for the effect their behaviour has on victims and the wider community.¹⁹

This part provides detail on the current ACT youth justice system and addresses TOR 3e, 3f, and 3g.

2.1 The evolution of the ACT youth justice system

*We have
an
evolving
youth
justice
system ...
Bimberi is
part of
that
system ...*

In May 2005 the ACT Human Rights and Discrimination Commissioner undertook an audit into Quamby and made 52 recommendations. The audit expedited a process of transition within the ACT youth justice system. Figure 2 summarises the key elements of this change. This transition is ongoing with a focus on the development of a youth justice service continuum across all stages from early intervention to pre- and post release.

The ACT Government along with its various partners and stakeholders is committed to ensuring that the ACT youth justice system is as effective as it can be in achieving the best outcomes for all children and young people. This commitment is evidenced by the work that is currently underway across the ACT youth justice system to improve the quality of services provided to children, young people and their families and also to continue to implement better practice services and programs.

The current inquiry and review by the Human Rights Commission is timely within this overall context.

¹⁹ Productivity Commission, *Report on Government Services 2011*, Steering Committee for the Review of Government Service Provision, Melbourne, Australian Government 2011.

Figure 2 Recent transitions within the ACT youth justice system



2.2 The current ACT youth justice system

We continue to make progress. We are committed to best practice ...

The ACT youth justice system works within the overall principle that the community has a right to be protected from crime. However, the youth justice system acknowledges the complex array of inter-related factors that may be associated with a young person's offending. Within a human rights framework and applying the best interests principle, the objectives of the ACT youth justice system are:

1. To prevent young people from entering the youth justice system and to divert those young people who do come into contact with the youth justice system at all opportunities.
2. To support the holistic development and wellbeing of young people in the youth justice system to keep them safe and to maximise their opportunities to achieve positive life outcomes.
3. To promote young people's rehabilitation and reduce recidivism.
4. To facilitate effective throughcare and transitioning to assist a young person's reintegration into the community.

We have collaborative relationships ...

Central to achieving the objectives is the building and strengthening of collaborative relationships across the range of government and non-government agencies involved in supporting young people, as well as with the family and other natural supports who are involved in a young person's life and with their community. It is also important that young people are involved in decision-making that affects their lives at all opportunities taking into consideration their age, maturity and developmental capacity.

Prevention and Diversion

While the terms prevention and diversion are sometimes used interchangeably, prevention is generally understood as any process that stops young people from entering the youth justice system. Prevention is also often synonymous with early intervention. Diversion is generally understood as any process that impedes a young person from continuing in the youth justice system. It is also described as "removal from criminal justice processing and, frequently, redirection to community support services".

Prevention and diversion are both established features of the ACT Government's response to children and young people at risk of entering the ACT youth justice system and young people within the ACT youth justice system.

a) Prevention

We have a focus on prevention ...

A range of prevention services and programs are provided by both government and community agencies to support children and young people and their families. The services and programs are targeted across age groups and are designed to meet criteria encompassing complex needs including drug and alcohol issues, disconnection from education and training, mental health issues, accommodation support, and family and cultural supports. The services and programs can be generally categorised as primary, secondary or tertiary programs, although it should be recognised that some programs overlap as well as providing referral options for diversion. A detailed description of a range of programs that support young people in the ACT is provided in the Discussion Paper, *Towards a Diversionary Framework in the ACT*.

Primary prevention

Research proves that primary prevention is one of the most cost effective ways of responding to children and young people at risk and preventing their entry into the youth justice system. The universal approach aims to prevent offending before it occurs. Examples of early intervention include parenting and family support programs, programs involving recreational and pro-social activities for young people, universal health services and youth centres for young people.

and early intervention ...

The ACT Government has strongly invested in early intervention and prevention approaches where the anticipated long-term benefits include a reduction in the number of young people offending and entering the justice system. Research highlights that the early identification and engagement of boys aged 8-12 years, who are at risk of future offending, is crucial to achieving long-term success in reducing youth offending and diverting young people from the justice system. A range of services and programs are targeted at this age group, however it is acknowledged that more may need to be done. Examples of primary prevention programs include:

- The Police and Community Youth Club (PCYC) provides a number of programs to assist young people who may be at risk of lapsing into, or continuing, criminal activity. Examples include the Chain Gang Bike Repair program run in conjunction with mensLink, the Dr Grind mentoring program, and the Graffiti Art program. PCYC programs offer a safe environment to allow young people to develop social skills such as self-discipline and understand behavioural expectations within the community.
- ACT Policing, in partnership with Northside Community Services, delivers a school holiday program designed to engage and strengthen Aboriginal and

Torres Strait Islander families to prevent crime. ACT Policing also partners with the community in delivering a range of programs and seminars addressing issues such as truancy, anger management, cyber and other bullying, drugs and alcohol misuse, family conflict and harmony.

- The Child and Family Centres at Tuggeranong, West Belconnen and Gungahlin have a specific focus on children aged 0 to 8 years and provide a broad range of services to children, parents and families.
- The Integrated Family Support Project has influenced how the community sector and government work together to support families and prevent them from entering the statutory child protection system.
- Parentlink is a primary prevention, community education program that provides parenting information, support and assistance to parents within the ACT and region.
- The Schools as Communities program aims to create strong and effective relationships between families, schools and the community to enhance the social, emotional and developmental outcomes for children and young people - particularly those at risk.

Research also highlights the need for early intervention programs to prevent Aboriginal and Torres Strait Islander young people having initial contact with the justice system. Targeted initiatives for Aboriginal and Torres Strait Islander young people include:

- The Gugan Gulwan Aboriginal Corporation offers a number of primary prevention programs for Aboriginal and Torres Strait Islander young people and their families, including the Young Men's and Young Women's Groups, the Young Mum's Group, and School Holiday Program.
- Winnunga Nimmityjah Aboriginal Health Services offers parenting programs to Aboriginal and Torres Strait Islander families that include behavioural management skills for parents to minimise at risk behaviours of young people.
- The Solid Young Fellas program, developed by the Gungahlin Child and Family Centre for young Aboriginal and Torres Strait Islander men, is an example of a successful early intervention program. It is designed for young Aboriginal and Torres Strait Islander men to learn about their culture, the

importance of good health and wellbeing, maintain connectedness to school, family and community, and build confidence so that they may achieve their set goals. The success of the program is reflected in its key partnerships, including with the AFP, strong community support and participation of young men in the program.

Disengagement with education is a significant factor in young people becoming involved in crime. The DET delivers a wide range of supports and programs for those young people at risk of disengaging or who have disengaged from education:

- In partnership with Anglicare, DET offers the Youth Education Support Program (YEP) as an alternative education program incorporating personal and social skills in addition to learning skills leading to the awarding of the Year 10 and/or Year 12 Certificates (note: YEP will transfer to DET from DHCS on 30 June 2011).
- Regional Youth Network Boards are being established in each of the four ACT School Network regions to bring a greater level of understanding, cooperation and coordination across all providers and agencies working to support young people disengaging from education and training or at risk of disengaging. The *Re-engaging Youth Network Boards* will develop a strategy and action plan that is aligned to the ACT Youth Commitment activity and identify and communicate current pathways for the re-engagement of young people and future pathway opportunities and coordinate activity between schools and the community and youth sectors.
- Through an individualised program the Connect10 Program will support Year 9 and 10 students who struggle to be in mainstream schools to re-engage with education and support students to transition to future schooling, training or work. 60 students attended Connect10 programs in 2010.
- The Achievement Centre programs are designed for students in Years 7 and 8 in ACT government schools, who will benefit from a flexible, personalised program that will assist with successful re-engagement with learning and their mainstream school program. 50 students attended Achievement Centres in 2010.
- Behaviour Support Partners work in School Networks and in selected schools to build school, teacher and system capacity to support learning outcomes for students with challenging behaviours. This is a new program in 2011.

- The Family Support Team comprises social workers who liaise with Behaviour Support Partners and Senior Counsellors to support students and their families with high and complex needs. This is a new program in 2011.
- The Suspension Support Team is a pilot project in West Belconnen aimed at engaging young people, families and schools in developing strategies to reduce the risk of suspensions. 34 families were supported in 2010.

At the CIT:

- Connecting young people with CIT as an alternative educational institution, the Youth at Risk Developing Skills (YARDS) is a transitional program providing an opportunity for young people to bridge learning gaps while providing support into vocational pathways.
- The Access 10 program at CIT provides an alternative pathway for a Year 10 qualification.

Secondary prevention

We have a range of secondary prevention programs ...

These services and programs are targeted at young people who are considered to be at increased risk of involvement in crime. A range of secondary programs exist in the ACT, many of which are collaborative partnerships with and between government agencies and community agencies. Some specific examples include:

- ACT Policing's Crime Prevention Youth Liaison Team (YLT) facilitates the 'Engage Project' that aims to identify young people who have become disengaged from society and have committed or are at risk of committing a criminal offence. A strong partnership is facilitated with external agencies including schools, youth centres and youth related programs as well as agencies that provide services/programs that address the needs of these young people.
- As part of a focus on vocational skills enhancement, the YLT is also currently working closely with the DET and other vocational training organisations on a school based training/ apprenticeship program (called PACE IT). The pilot PACE IT Program in 2010 had 6 out of 7 participants complete the course and achieved certificates in Business Studies and Community Services along with attaining OHS cards and participation in work experience.

delivered in partnership with community agencies ...

- Under the National Partnership on Youth Attainment and Transitions the Australian Government has designed and tendered the Youth Connections program. The ACT provider is Anglicare and the program provides an additional safety net for youth at risk through the provision of tailored case management and support to help young people to re-connect with education or training and build resilience, skills and attributes that promote positive choices and wellbeing.
- The Ted Noffs Foundation provides support through its community outreach program for young people experiencing alcohol and other drug issues in the community and, in addition, provides up to three months residential support and rehabilitation for young people experiencing withdrawal from alcohol or other drugs.
- Community-wide programs such as Navigate run by the YWCA and FACES run CatholicCare, are designed to improve communication and reconnect young people with their families and caregivers. These programs target young people between the ages of 10-21 years.
- The Intensive Treatment and Support Services (ITAS) is delivered by Disability ACT in coordination with Mental Health ACT to provide a range of service responses to young people who are 17 years or older and who have diagnosis of a dual disability, high and complex needs and are at risk of criminally offending or re-offending. ITAS service delivery emphasises the principles of responsibility, inclusion and participation.
- A number of secondary prevention programs are delivered to young people experiencing mental health issues, including:
 - the Messengers program targets young people with depression and anxiety who are at risk of early school leaving;
 - Belconnen Community Services delivers the Bungee youth resilience program that promotes good mental health in young people with individual short term support for the young person and their family;
 - Headspace ACT provides support, information and assistance for young people who are experiencing emotional or mental health issues and/or a substance use issues.
- A wide range of crisis, short-term and transitional accommodation services and programs operate for young people who are at risk of homelessness. These range from communal style accommodation such as the Lowana Boarding House, to stairwell accommodation and transition properties

provided by Housing ACT for young people who are able to live independently.

- DHCS has developed a new framework for the Youth and Family Support Program and is currently tendering services. New programs will provide strengthened support for children and young people to prevent their escalation into statutory services. The new programs will focus on working with young people, their families and siblings to achieve long term sustainable change and prevent inter- and intra-generational transference of problems.

Targeted secondary prevention programs for Aboriginal and Torres Strait Islander young people include:

- Programs provided by the Gugan Gulwan Aboriginal Corporation such as the Young Men's Mentoring Group , the 'Reconnect' program and support and crisis intervention on issues ranging from education, unemployment, accommodation, cultural and cross-generational problems.
- Gugan Gulwan also offers a Drug and Alcohol program for Aboriginal and Torres Strait Islander young people aged 12-25 years with drug and alcohol issues that assists with appointments, rehabilitation, detoxification and, where appropriate, support during court proceedings.
- Aboriginal and Torres Strait Islander Services (ATSIS) within DHCS works in partnership with stakeholders towards addressing the over-representation of Aboriginal and Torres Strait Islander children and young people in the statutory care and protection and community youth justice systems. ATSIS provides advice on policy and practice issues relating to services for Aboriginal and Torres Strait Islander children, young people and families.

The following specific programs are provided within the Youth Directorate in DHCS:

- The Youth Connection Program aims to engage and maintain young people aged 11-17 years in educational pathways by addressing educational issues and linking young people with support agencies. The program also provides support to families in this process. In addition to educational issues, other issues may also be addressed such as drug and alcohol use, mental health issues, family conflict, bullying, literacy and numeracy, abuse and neglect (note: Youth Connection is also a tertiary prevention program).

- The Turnaround Program provides for the development of a coordinated case plan for eligible young people with intensive support needs. The program uses ‘wraparound’ service principles to ensure that services are individualised, young person centred, collaborative, culturally appropriate, coordinated and community-based. A team comprising people with whom the young person already has relationships, as well as relevant professionals, is developed to provide the young person with timely and effective intervention and support to assist them gain the necessary education, work readiness skills, resources and community connections to successfully develop into capable adults. Referrals to the Turnaround Program are open to a wide range of government and non-government service delivery agencies and include schools, police, care and protection services, youth services, SAAP services and related outreach workers, youth justice, health services, out of home care services, indigenous community organisations, and Centrelink social workers (note: Turnaround is also a tertiary prevention program).

DHCS has also recently commenced a therapeutic foster care program that seeks to provide a targeted response to children and young people in care to assist them to recover from past trauma. The “On Track-ACT Foster Care Program” has been established and is run by Barnardos ACT in partnership with the Australian Childhood Foundation. The aim of the program is to create a therapeutic environment for children and young people who have experienced abuse and trauma in their lives within which they can recover from the bio-psycho-social-cultural effects of their experiences. The model aims to provide children and young people with a holistic, dependable, predictable living environment, which can be used to challenge the negative, direct and secondary aspects of their abusive experience. Seven children and young people are currently being managed by the program.

DHCS is also furthering work to develop a framework to improve the success of transitions to independent living for young people in out of home care. This includes young people who are in care of the Chief Executive and are in Bimberi. The aim is to assist in reducing the levels of youth homelessness, isolation and unemployment and improve the access and uptake of training and educational opportunities, leading to improved levels of employment, independence and successful transition to adulthood for young people leaving care. Consultation and collaboration with key government and non-government stakeholders is essential and the focus of the framework will be improving pre-planning for exiting out of home care, improving supports and coordination for young people transitioning from care and developing an after care support model.

Tertiary prevention

These programs are targeted at young people who have already become involved in crime. A range of tertiary programs currently operate in the ACT. Specific examples include:

We have targeted tertiary programs ...

- i. Circle sentencing - a young person may be referred to the Galambany Circle Sentencing Court.
- Community-based orders - a range of sentencing options are available to the ACT courts other than detention. Some sentencing options do not require a young person to continue engagement with the youth justice system while others do. Good behaviour orders are the primary mechanism for those young people who require ongoing supervision by CYJ. A variety of conditions can be associated with good behaviour orders.
- A number of accommodation and support programs assist young people:
 - DHCS provides short to medium term crisis accommodation and culturally appropriate support for young Aboriginal and Torres Strait Islander men aged 12-18 years at Narrabundah House. The service works with residents to build their social and independent living skills and to link them to suitable support services in areas such as health, education, training, employment and recreation.
 - 24 hour short term crisis accommodation for young people is provided by Anglicare (at Wallaballoo Refuge in Narrabundah); the Canberra Youth Refuge and the Salvation Army's Oasis Youth Residential Service.
 - The Richmond Fellowship provides accommodation at Marlow Cottage for up to four weeks that is accessed by clients on bail awaiting re-appearance in court, plus medium to long term residential care in other locations for males and females aged 12-17 years with inappropriate sexual behaviour. On referral from DHCS, Richmond Fellowship's Outreach House provides medium to long term accommodation for young people 11-18 years, coupled with a Living Skills Program designed to reduce the risk of re-offending. Young men are taught life skills for independent living.

A number of programs are targeted at young people who are exiting detention:

- Galilee runs the LIFT program for disadvantaged and 'at risk' young people. The program provides living skills for young people through peer education, pre-vocational training and personal development. The LIFT project aims to

build independence and provide community opportunities for accommodation, employment and education.

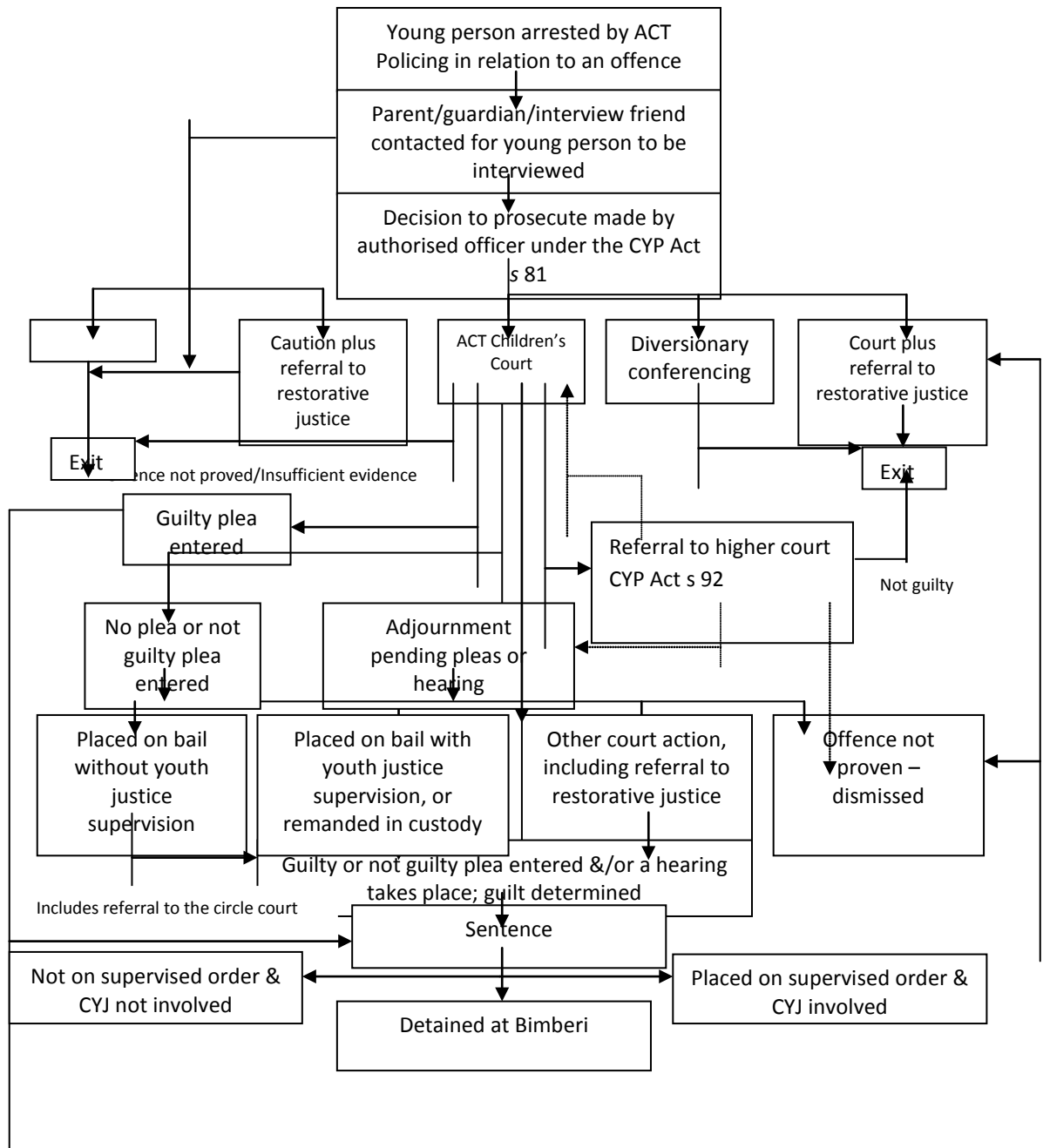
- The Aboriginal Justice Centre (AJC) provides and coordinates a variety of criminal justice programs, preventative programs and support programs for Aboriginal and Torres Strait Islander young people in the ACT youth justice system. The 'Front Up' program, a joint effort of the AJC and ACT Policing, is achieving success in individually supporting young people who have breached their bail conditions, particularly in regards to 'reside as directed' conditions. The AJC will contact the young person, encourage them to front up to court, accompany them to court and obtain the relevant papers from the Director of Public Prosecutions (DPP).

b) Diversion

Figure 3 depicts the pathways that a young person may take through the youth justice system. A young person will take a different pathway depending on the diversionary strategies that are available to and utilised by decision-makers (noting also the consideration of a young person's individual characteristics).

Diversionary options and strategies are possible at each of the three generally-recognised stages of the youth justice system.

Figure 3 A young person's possible pathways through the ACT youth justice system



*Diversion
is a key
feature ...*

Stage 1 – Contact with police, investigation and charging

As in other jurisdictions, the first contact a young person has with the youth justice system is when they are in contact with police. A criminal incident occurs that is reported to police or detected by authorities. If deemed a crime, the incident and victim (if applicable) are recorded. Investigation takes place and a suspect is identified and may be subsequently proceeded against.

Depending on the type of offence committed, police will either initiate a court or non-court action. At this stage ACT Policing may:

- i. divert the young person away from the matter proceeding to court;
- ii. decide to charge the young person.

Diversion is used for minor offences and is based on criteria that consider a range of factors, including the young person's offending history, maturity and mental capacity, and parental input. The following options for diversion are available at this stage:

- i. no action (but all actions are recorded);
- ii. verbal warning;
- iii. informal and formal caution (with or without referral to restorative justice);
- iv. issue of penalty or infringement notice - for example, police have the discretion to issue a Simple Cannabis Offence Notice (SCON) as a diversionary option. Young people who qualify for the program have the opportunity of being referred to a variety of educational and treatment options. The program is a partnership between ACT Policing, ACT Health and non-government agencies adhering to the principles of the National Drug Strategy;
- v. referral to drug and alcohol programs, for example:
 - the ACT Early Intervention Pilot Project - is a joint ACT Policing and ACT Health initiative where young people under the age of 18 years who are detected by police to be in possession of alcohol and/or intoxicated from alcohol may be referred by police to ACT Health's Alcohol and Drug program for an information and education session. At the time of the incident an attempt is made by the police to contact parents/guardians of the young person to disclose what has occurred, ensure the safety and welfare of the young person and provide information about the option of participating in the information and education session as opposed to other possible action being taken;

- the Police Early Intervention and Diversion Program (PED) - enables minor drug offenders who have been apprehended for possession of a small amount of illicit drugs or illicit possession of a pharmaceutical drug for personal use to be referred to drug education counselling and treatment services as an alternative to the criminal justice system;
- vi. referral to restorative justice conferencing;
- vii. referral to an intensified primary prevention program.

A significant amount of crime, particularly anti-social behaviour is dealt with by police in an informal manner (for example, minor damage to property, graffiti, offensive behaviours, or minor violence or intimidation of peer group, minor traffic offences). While an offence may have technically occurred, the best interest principles of the CYP Act are applied and in consultation with parents, teachers, carers and team leaders, many youth offenders are spoken to by police often in an attempt to support parenting skills and family cohesion.

If the matter is to proceed to court, the police may decide to proceed by summons. A summons is sent to the young person through the mail requiring them to appear before court on a specified date. If police consider charging the young person immediately with the offence, the young person is placed under arrest and detained while formal consideration is made in relation to the charge. If the young person is charged, the police decide whether to release the young person on bail or to remand in custody to appear before a court as soon as possible. A young person who is remanded in custody may be placed at Bimberi prior to being brought before the court.

Once a young person is charged, the Bail Act has three specific provisions for the police and courts in relation to the release or remand of a young person:

1. to grant bail without conditions (other than an undertaking to appear);
2. to grant bail subject to conditions; or
3. to refuse bail, in which case the young person is produced before the ACT Magistrates Court (ACT Children's Court) in custody.²⁰

At any stage during proceedings, s 74D of the Court Procedures Act allows the court to order and consider a report by the Chief Executive DHCS that provides information on the young person's family and social context. This allows the court

²⁰ The decision to grant bail to children is governed by s 23 of the Bail Act, the youth justice principles in s 94 of the CYP Act, and, if the decision is being made by a court, the contents of any report under s 74D of the Court Procedures Act. In addition, the primary consideration must be the best interests of the child.

to take the most appropriate action to address the young person's circumstances during proceedings. Similarly, police may be asked to provide advice into program options, treatment options and sentencing considerations for the court.

Stage 2 – Court action

Young offenders may be proceeded against in the criminal courts. Cases can be withdrawn at any point. A young person may indicate a plea of guilty or not guilty and/or a case may be dismissed. A trial may be held resulting in a finding of guilt or innocence. If found guilty, the court decides how next to proceed. A range of options are available to the court including:

- imprisonment served by full-time detention;
- suspension of sentence of imprisonment;
- good behaviour order;
- fine order;
- driver licence disqualification order;
- reparation order;
- non-association order;
- place restriction order;
- deferred sentence order;
- accommodation order;
- education and training order;
- supervision condition;
- no action.²¹

In deciding a sentence, the court may be informed by a pre-sentence report prepared by DHCS.²²

Throughout this stage, the court may decide options regarding bail (with or without conditions) or remand as it applies to the young person. The following diversionary options are available:

- i. the young person can be referred for assessment by the Mental Health Tribunal regarding fitness to plea;
- ii. the pre-sentence report may present information to the court about a young person's criminogenic risk and if their assessed level of risk is low, the pre-sentence report recommends that the young person is not placed on an order supported by youth justice;

²¹ When sentencing an offender the court must consider the wide range of matters set out in s 33 the Crimes Sentencing Act. Chapter 8A makes special provision for the sentencing of young people and the court must also consider the young offender's culpability having regard to their maturity, their state of development and their past and present family circumstances.

²² The Crimes Sentencing Act requires that pre-sentence reports for young people are prepared by the Chief Executive DHCS. In most cases a report is discretionary, but a report must be ordered when the court is considering periodic detention or a good behaviour order involving community work or a rehabilitation program.

- iii. matters can be dismissed due to care and protection considerations;
- iv. some options such as fines and reparation do not involve further contact with the youth justice system unless the young person fails to comply;
- v. the court may decide to defer sentencing and place the young person on a deferred sentence order that gives the young person the opportunity to address their criminal behaviour prior to sentencing;
- vi. young people can be diverted from custody through a placement on an order supervised by CYJ;
- vii. the young person can be referred to restorative justice conferencing:
 - the DPP can refer cases to restorative justice prior to a formal plea being entered in court;
 - the ACT Children’s Court can refer a case before a matter is finalised;
 - DHCS can refer matters once a young person has been sentenced and is serving that sentence.
- viii. Drug and alcohol assessment and treatment – the Court and Drug Assessment Service (CADAS) provides a pre-sentencing treatment option for young people charged with alcohol and other drug related offences. The program is designed as an immediate, short-term intervention when a client first appears before the court. The program goals are to reduce recidivism during the bail period and to engage the client in treatment.²³
- ix. Aboriginal and Torres Strait Islander young people may be referred to the Galambany Circle Sentencing Court, which has the same sentencing powers as the ACT Magistrate’s Court and the ACT Children’s Court. Participants at the Circle may recommend any sentence they see fit, including a period of incarceration. Where the young person consents to the sentence recommended by the Circle, the Court Magistrate remands the offender for sentence in the ACT Magistrate’s Court. Where the young person does not consent, the charges are referred back to the ACT Magistrate’s Court to be dealt with. Sentencing focuses on imposing an appropriate sentence that considers a healing process, moving on from the offence, and helping the young person address a range of issues that include education, health, housing, rehabilitation and unemployment.

²³ The CADAS clinician is located at the court and provides an immediate alcohol and other drug assessment and recommends an appropriate treatment plan. If the young person is released on bail to comply with the treatment plan, the CADAS clinician monitors attendance and reports all outcomes to the court. Non-compliance does not necessarily result in a penalty, but is taken into account by the Magistrate at sentencing.

Stage 3 – Managing offenders

Offenders may be sentenced to a custodial or a community-based order. A young person who is placed on a supervised community-based order has their order administered by CYJ. A young person may be subject to youth justice case management (see discussion below). This mandate finishes with the completion of the sentence or court ordered supervision. Once an offender's sentence is completed, responsibility for continued support by necessity shifts to other government or community agencies, such as drug and alcohol services. If a young person is sentenced to imprisonment, the young person will serve their sentence at Bimberi.

Effectiveness of current prevention and diversion strategies

*We are
achieving
diversion
...*

It is difficult to draw any strong conclusions on the overall effectiveness of the ACT's prevention and diversion strategies or trends over time due to the availability and comparability of data. However, there are indications on how the ACT is performing in preventing and diverting young people at different points of the youth justice system.

• ACT Policing

ACT Policing report on a range of measures related to police diversionary activity with young people. In 2008-09:

- 32 young people were referred to, and completed, diversionary programs;
- 34 young people were referred to drug diversion programs; and
- 33 young people were referred to community support agencies.²⁴

*however
there is
more to
be done ...*

In 2009-10, 76 young people were referred to diversionary programs (against a target of 55) and 43 young people were subject to drug diversion, a 51% increase compared to 2008-09.²⁵

Unpublished ACT Policing data indicates that in 2009-10, 58% of young people (under 18 years) were diverted by way of caution, referral to restorative justice conference, summons, simple cannabis offence notice or drug diversion. This compares to 65% in 2008-09.²⁶ This outcome for the ACT compares well with similar outcomes in NSW. Table 3 shows that comparable data for NSW in 2007-08 indicates a similar proportion of young people diverted.

²⁴ Australian Federal Police Annual Report 2008-09.

²⁵ Unpublished ACT Policing data as reported in the Discussion Paper, *Towards a Diversionary Framework in the ACT*.

²⁶ *ibid*.

Table 3 Outcomes of NSW Police contact with recorded juvenile persons of interest

Warning	Caution	Youth Justice Conference	Other (for example, infringement notice)	Court	Missing/unknown
30%	17%	3%	19%	26%	6%

Source: Noetic Solutions Pty Ltd (2010), Strategic Review of the NSW Juvenile Justice System, Figure 3, adapted from BOCSAR data file 2008. NB: total may not sum to 100 due to rounding.

- **Restorative justice conferencing**

183 referrals were made to restorative justice conferencing in 2009-10. The referrals involved 217 young offenders who committed 395 offences against 308 victims. The majority of referred offences were against property (77%) and persons (18%). Of the 183 referrals, ACT Policing referred 57 young people (an increase of 12 from 2008-09); the ACT Children’s Court referred 117 young people (an increase of 53 from 2008-09); the DPP referred 8 young people (a decrease of 10% from 2008-09) and DHCS referred one young person (a decrease of 3 from 2008-09).²⁷

Despite a lower number of overall referrals than 2008-09 (in which there were 213 referrals), the RJU conducted a higher number of conferences (145) compared to the previous year (133) due to higher participation rates. These 145 conferences involved 163 young offenders and 178 victims.

An important measure of restorative justice is whether offenders comply with the agreement arising out of the conference in order to repair the harm done to their victims. 86% of the agreements due for completion in 2009-10 were complied with. The level of compliance with agreements at 31 March 2011 is 91% and the satisfaction rate across victims and offenders (combined result based on survey after conference) is 95%. The nature of tasks completed under these agreements include compensation paid to victims, donations to charities, hours worked to benefit victims or the community and hours completed at counselling or programs.

- **Circle sentencing**

The referral of Aboriginal and Torres Strait Islander young people commenced in 2009-10. In that period 8 young people were referred to the circle court. From this period to date, 2 young people have been referred to the circle court.

- **National comparisons**

There is significant work yet to occur on the development of a national framework by which to compare each jurisdiction’s performance in diverting young people from the youth justice system. The 2010 Report on Government Services states that “comparable and extensive national data are not yet available to illustrate the

²⁷ ACT Department of Justice and Community Safety, Annual Report 2009-10

nature or level of diversion undertaken by Australian jurisdictions.”²⁸ Based on a shared set of government objectives, a performance indicator framework for juvenile justice services was first included in the 2009 Report on Government Services. This framework is being developed in stages under the auspice of AJJA. Two diversionary indicators are proposed:

1. the number of pre-sentence reports completed; and
2. outcomes from group conferencing (known as restorative justice conferencing in the ACT).

Data on the number of pre-sentence reports completed was published for the first time in the 2009. This data indicated that 97.7% of all court requests for pre-sentence reports were completed nationally. In 2009-10 the ACT had a 100% completion rate for pre-sentence (and other court requested) reports.²⁹

Despite these indicators, it is apparent that when compared with other Australian jurisdictions, the ACT is performing relatively poorly across two key youth justice measures: (i) the rate of young people in detention, and (ii) rate of young people on remand.

There has been an increase in the number of young people detained at Bimberi over recent years. While the situation has been exacerbated by an increase in sentenced young people in 2010, the majority of young people detained at Bimberi are either refused bail or subject to a remand order. As shown in Figure 4, there were 384 remand episodes at Bimberi for 170 young people in 2009-10. This data includes young people who were refused bail by police. The largest proportion of these remand episodes were 1 to 2 days in length (47%) (Figure 5).

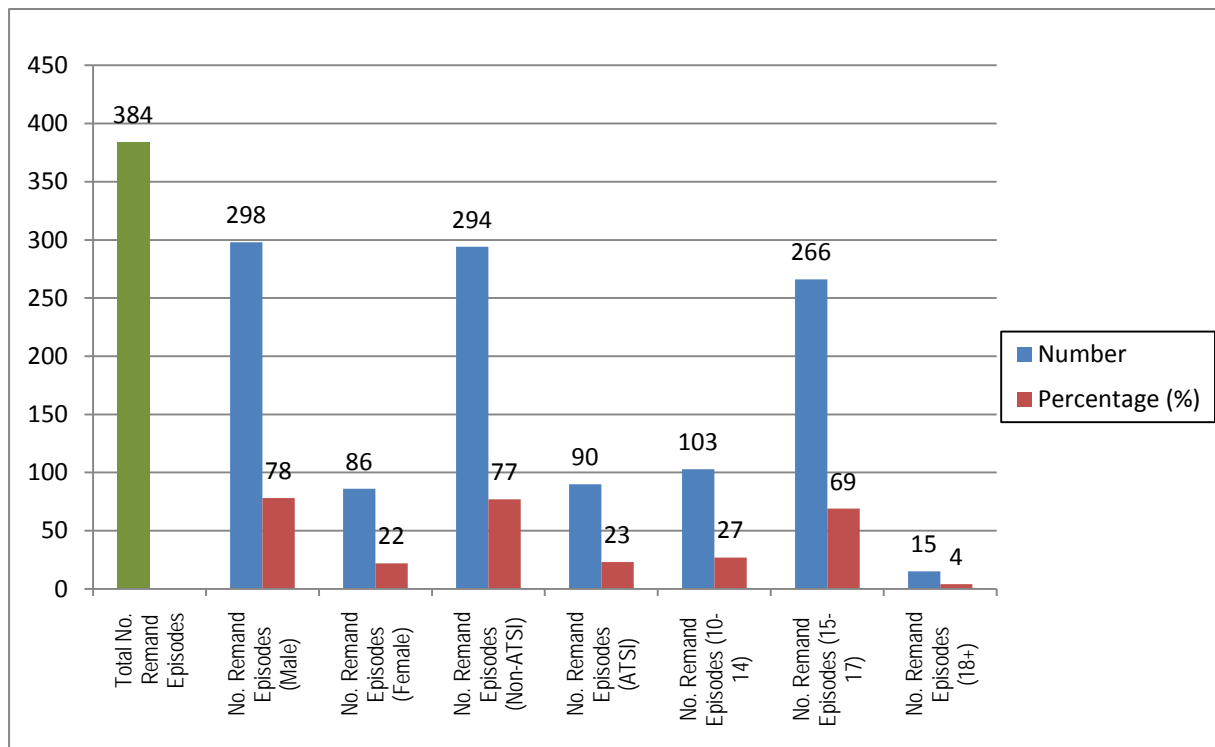
Of the 170 young people remanded in Bimberi, 80 young people had only one remand episode (Figure 6). The reasons for the increase in remand in the ACT are not known, however, a number of inter-related factors appear to be contributing to the increase including:

- an increase in the number of young people entering custody due to arrest and refusal of police bail and young people who have appeared before a court but are remanded for short period until suitable accommodation is available;
- an increase in the average length of remand;
- limited support services for young people in the ACT to assist them to obtain and maintain bail.

²⁸ SCRGSP (Steering Committee for the Review of Government Service Provision) 2010, Report on Government Services 2010, Productivity Commission, Canberra.

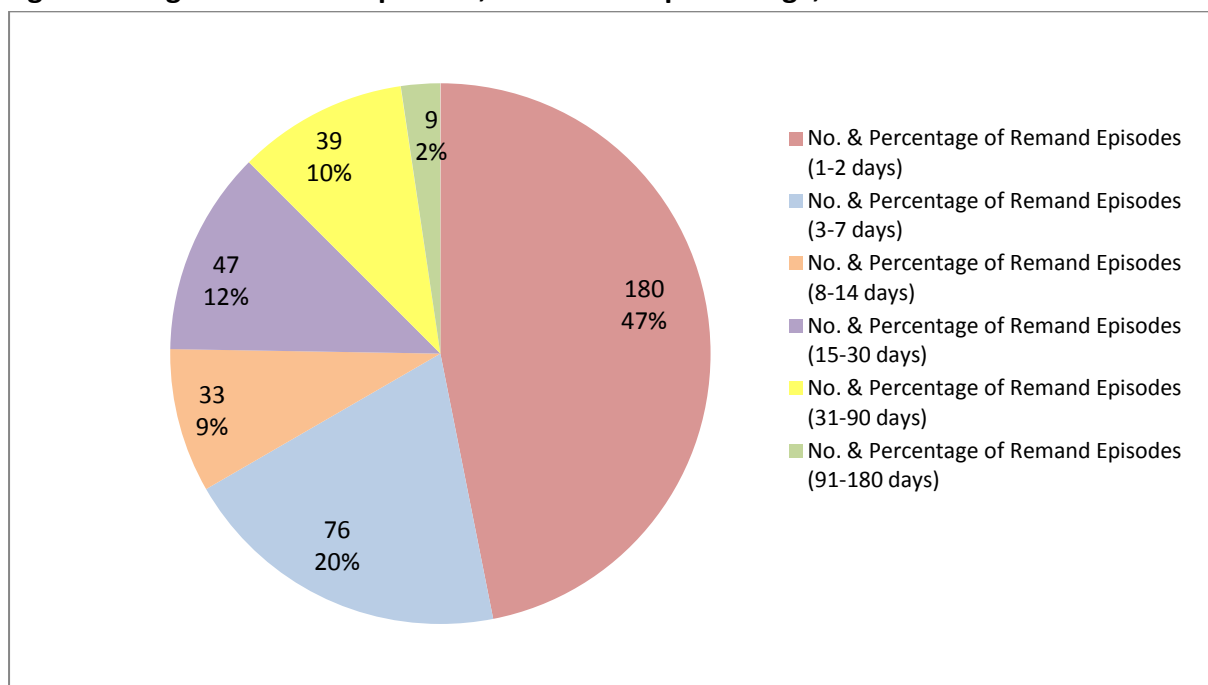
²⁹ Unpublished ACT data.

Figure 4 Number and percentage of remand episodes, demographics, Bimberi 2009-10



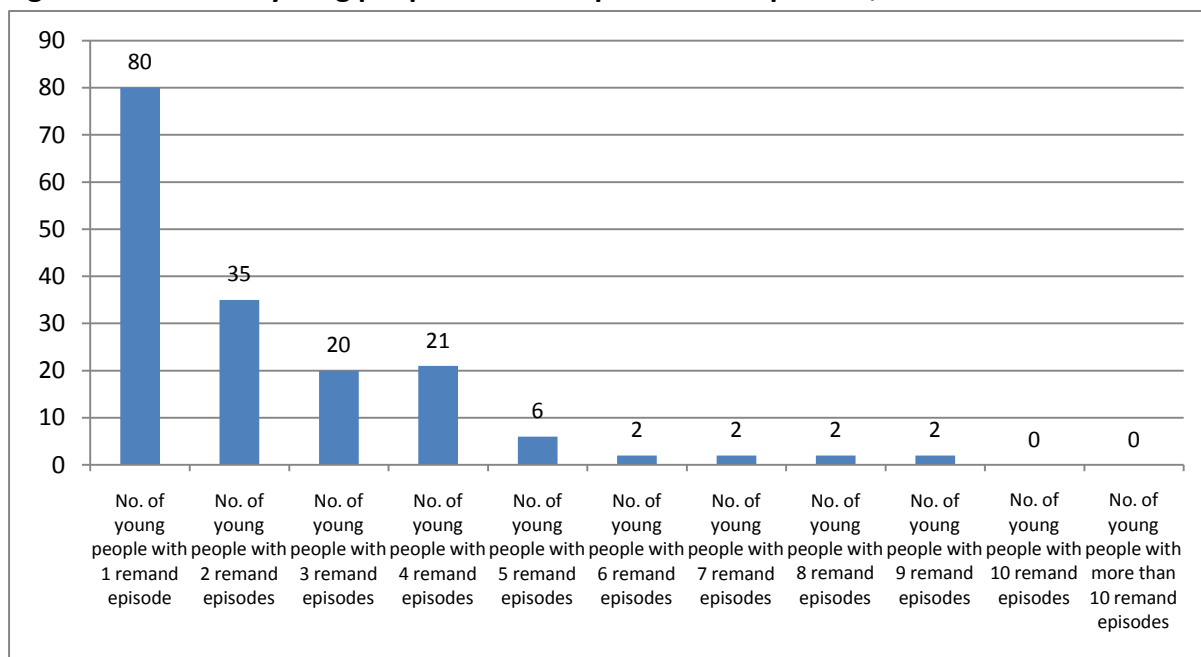
NB: Young people aged 18+ at the time of their initial offence are regarded as adults in the criminal justice system. Some youth justice clients continue to be involved in the juvenile justice system beyond their 18th birthday because their offences occurred prior to that anniversary. Source: Unpublished DHCS data, 2009-10.

Figure 5 Length of remand episodes, number and percentage, Bimberi 2009-10



NB. There were no remand episodes between 180-365 days or greater than 365 days in the 2009-10 period. Source: Unpublished DHCS data.

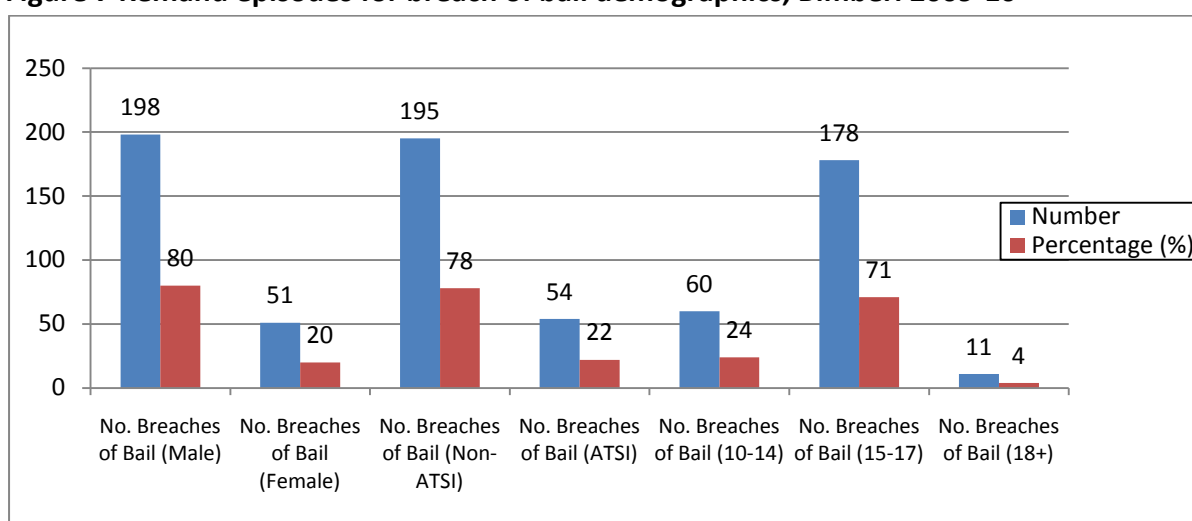
Figure 6 Number of young people with multiple remand episodes, Bimberi 2009-10



Source: Unpublished DHCS data.

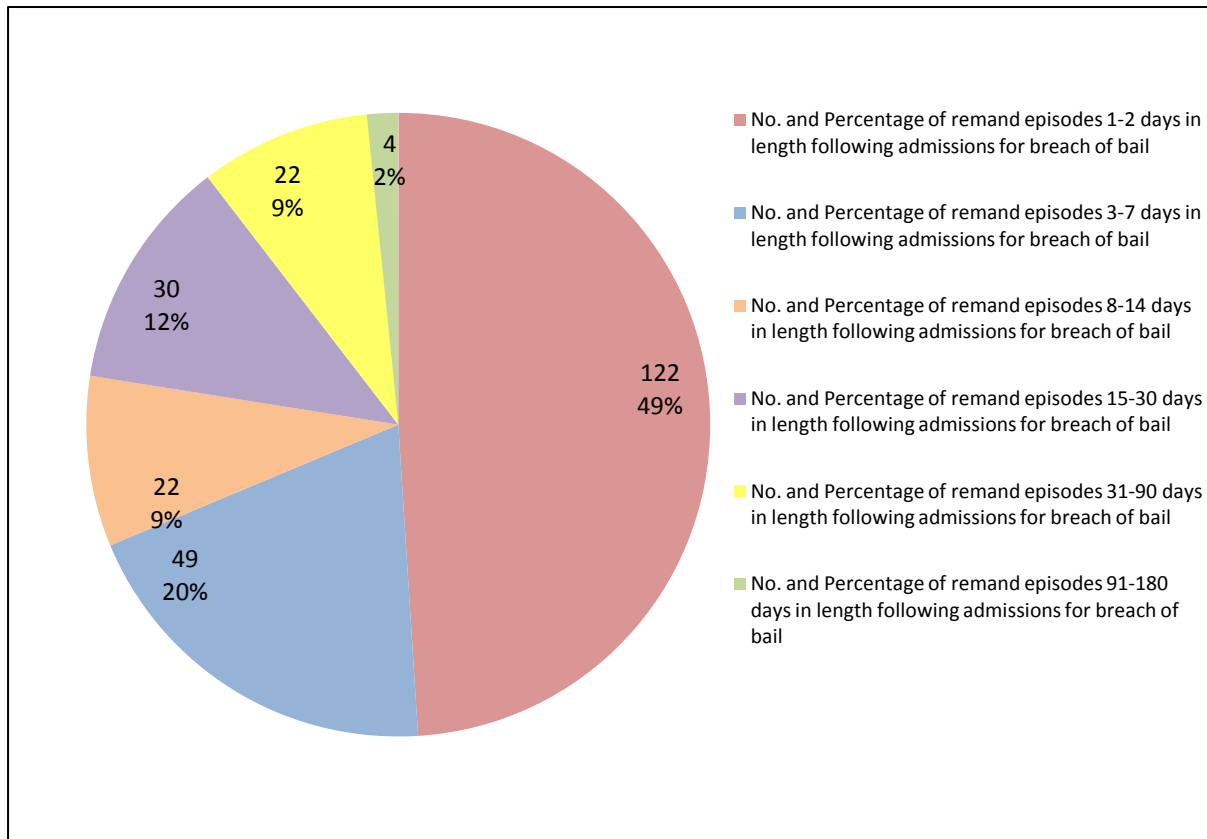
Breach of bail is the primary reason for the admission of young people to Bimberi. In 2009-10, 83 of the 170 young people remanded at Bimberi were admitted for breach of bail (Figure 7). This involved 249 remand episodes. The majority of the episodes were experienced by male, non-Aboriginal and Torres Strait Islander young people and 15-17 years. Almost half of the remand episodes following alleged breach of bail were 1 to 2 days in length (49%) with a further 20% being 3 to 7 days (Figure 8). The majority of these remand admissions to Bimberi occurred outside of business hours.

Figure 7 Remand episodes for breach of bail demographics, Bimberi 2009-10



NB: Young people aged 18+ at the time of an offence are regarded as adults in the criminal justice system. Some youth justice clients continue to be involved in the juvenile justice system beyond their 18th birthday because their offences occurred prior to that anniversary. Source: Unpublished DHCS Data, 2009-10.

Figure 8 Remand episode length following breach of bail, Bimberi 2009-10



NB. There were no remand episodes following admissions for breach of bail between 180-365 days or greater than 365 days in the 2009-10 period. Source: Unpublished DHCS data.

DHCS is leading work on examining the effectiveness of current diversionary policies and services in the ACT youth justice system. A key challenge in the Discussion Paper, *Towards a Diversionary Framework for the ACT*, is to determine those programs and practices that are working well, those that could be improved or discontinued and possible new strategies that could be established to increase the number of young people being diverted from the formal justice system. In particular, the paper explores some of the legislative issues related to bail and remand and proposes some options for consideration including the establishment of afterhours bail supervision, support programs and supervised accommodation as an alternative to remand and opportunities to simplify bail conditions.

Importantly, the Discussion Paper is looking at the opportunities for new thinking in the development of the ACT youth justice continuum. The paper takes a broad definition of diversion and supports the development of diversionary strategies at the front (early intervention), middle and end points (through pre-and post-release strategies) of the youth justice continuum. The paper highlights a number of different service models that have been successfully implemented in other jurisdictions.

The response to the Discussion Paper will inform the development of a diversionary policy that will be shared across the youth justice continuum. This is expected to be considered by Government by the end of 2011. Consultation on the Discussion Paper is currently underway and will be finalised in late April 2011. A copy of the report from the consultation will be provided to the Commissioners to inform the Bimberi Reviews.

c) Holistic development, rehabilitation and recidivism

Within DHCS both CYJ and Bimberi employ a case management approach to assess and respond to a young person's risks and needs. This approach is based on a whole of agency child-centred case management framework. Where a young person has been sentenced or a pre-sentence report has been ordered, this assessment and case planning includes consideration of criminogenic risks and needs.

We employ a case management approach ... Case management involves a holistic assessment of a young person's broad needs and strengths to develop and implement an individual plan. Importantly, it aims to establish one case-management plan that all agencies (government and non-government) work from; the 'case conference' is used as the central tool to coordinate, plan and review the work undertaken; and each child or young person, their family and significant people are engaged in the case planning and decision-making process. A diagram of the case management elements is provided at [Attachment A](#).

Based on the 'what works' and strengths-based approaches, youth justice case managers conduct assessments through interviews with the young person and other relevant people, and gathering information regarding the young person's social, educational and criminal history and current circumstances. Risk assessment is used to identify a young person's level of criminogenic risk and to develop appropriate responses. For example, for a young offender with low level risk, information can be presented in a pre-sentence report to court to divert the young person to case management and support provided by community agencies rather than supervision by CYJ. Also, for a young person under CYJ supervision whose risk assessment has improved while under supervision (to the point where they are considered to be a low risk), CYJ may work with the young person to develop strategies to reduce their contact with the formal justice system. This may involve for example, replacing face-to-face supervision with telephone contact or increasing the length of time between supervision appointments.

For young offenders assessed as medium and high risk, intervention and support within a statutory context is considered appropriate to address dynamic risk factors.

For example, CYJ may implement the CHART program (see below) with the young person, seek to re-engage a young person with education or employment and/or refer a young person for drug and alcohol assessment and treatment.

Risk assessment

We use a risk management tool ... Research shows that case workers who do not use a structured assessment tool tend to over-estimate the degree of risk of a young person's recidivism. Risk assessment tools are used to identify risks associated with re-offending and guide subsequent management of risk, assist in the identification of criminogenic needs to guide intervention plans and enhance the rehabilitation of young offenders. A risk assessment tool is also used to identify lower risk young offenders to enable diversion.

A significant practice change occurred in youth justice practice in the ACT in 2009-2010 with the implementation of the Youth Level of Service/Case Management Inventory (YLS/CMI).³⁰ The YLS/CMI is an evidence-based risk assessment tool designed to measure a range of static and dynamic factors known to be related to recidivism which also includes psychosocial factors such as prior and current offences/dispositions, family circumstances/parenting, education/employment, peer relations, substance abuse, leisure/recreation, personality/behaviour and attitude/orientation. The results of the YLS/CMI provide a rating (low, moderate, high) for each of the eight criminogenic needs which, in conjunction with the young person's strengths, other needs, any special considerations, provides an overall estimation of the young person's likelihood of re-offending.

The risk assessment information is used to assist youth justice case managers in referring young people with low to medium risk of re-offending to enable diversion; to develop case management plans; and to target identified risk/needs and engage the young person's identified strengths. Other needs and special considerations, such as culturally specific services, are also addressed in the case management plan in accordance with the responsivity principle.

CHART

We target criminogenic needs and The Changing Habits and Reaching Targets (CHART) program has been used by DHCS since 2008 as a tool to directly target the criminogenic needs of young people, especially those young people who require moderate and high intervention to reduce their risk of reoffending. CHART is a structured individual

³⁰ A review of empirically based risk/needs assessment tools for youth justice concluded that the YLS/CMI and an Australian adaption of it used in New South Wales, the Youth Level of Service/Case Management Inventory Australian Adaption (YLS/CMI-AA), reflect state of the art risk/needs assessment. See Thompson, C. and Stewart, A., 2006 'Review of Empirically Based Risk/Needs Assessment Tools for Youth Justice: Amended Report for Public Release'. Griffith University, Australia.

risks ...

intervention program that incorporates the restorative justice principles of respect, accountability and empowerment. It employs a skills-oriented, cognitive behavioural focus and utilises active, participatory methods to assist young people to understand beliefs that are supportive of offending behaviour, to re-examine their motives and to re-evaluate the potential consequences of their actions, as well as to develop the skills to find new directions.³¹

While CHART has been in use for two years, it is yet to be fully embedded in practice. There is an ongoing focus to:

- finalise the CHART policy and procedure;
- enhance quality assurance processes to ensure the program is correctly targeting intervention, to monitor program integrity and to address program drift; and
- enhance data collation to assist future program evaluation.

While the case management approach makes explicit the systematic processes of induction, assessment, planning and facilitation of intervention options and services to meet the diverse individual needs of the young person, it also emphasises the need for collaborative and continuous practice across agencies and services engaged with the young person.

Case management at Bimberi

Case management has a key role in the support of young people at Bimberi. A case management team provides case planning, service coordination and transition planning to strengthen a young person's competency and level of autonomy via a range supports, practices and programs that address a young person's skills, self-esteem, connectedness to community, relationships, needs, level of risk, strengths and resilience. In addition to CHART, the range of programs offered include health promotion, physical and mental health interventions, drug and alcohol programs, sexual health programs and a range of educational and vocational training opportunities.

As a result of their complex nature, many of the young people at Bimberi have engaged with one or more community-based services. Case managers seek to work in a partnership with all relevant stakeholders to promote interventions for the young person. Case management at Bimberi is discussed further in Part 3.

³¹ Cognitive Behavioural Therapy (CBT) is a relatively short term, focussed approach to the treatment of many types of emotional, behavioural and psychiatric problems. The application of CBT varies according to the problem being assessed, but it is essentially a collaborative and individual program that helps individuals to identify unhelpful thoughts and behaviours and learn or relearn healthier skills and habits.

Effectiveness of strategies to reduce recidivism

Similar to measuring the effectiveness of diversionary strategies, there is lack of effective and comparable data on recidivism in the ACT or trends over time. The following strategic indicators are reported annually by DHCS:

Table 4 Strategic indicator – recidivism rates for young people

	2006-07	2007-08	2008-09	2009-10
Recidivism rates for sentenced young people in custody	9%	37%	0	27%
Recidivism rates for young people on community based orders	30%	28%	33%	33%

We have some targeted outcomes ...

Case studies also indicate how the ACT is performing. For example, the DHCS Youth Connection Program has recently established a practice direction in supporting young people who are exiting custody in their transition into mainstream schooling. Youth Connection staff work collaboratively with Bimberi staff, CYJ case managers and DET staff. This new practice direction has resulted in a significant increase in the number of Aboriginal and Torres Strait Islander young people being supported by the Youth Connection Program, from 5% of clients in 2007-2008 to 32% in the current financial year.

but there is still more to be done ...

The ACT Government acknowledges that there is still more to be done in addressing rehabilitation and reducing recidivism. Within the development of the ACT youth justice service continuum, increased attention is being paid to the development of collaborative, cooperative and coordinated efforts between stakeholders based on:

- approaches that view the young person as an individual, part of a family, a neighbourhood and community that may in turn be influenced to reduce the risk for youth;
- a comprehensive individualised assessment to identify the full range of individual and family service needs;
- a coordinated service plan based on identifying needs that are addressed by programs best suited to the task;
- institutionalised interagency linkages that ensure service referrals in actual service delivery;
- routine follow up to ensure that service referrals result in service delivery

and that program structures are functioning correctly.

Some action is already underway:

- In late 2010, CYJ, ACT Health, the Gugun Gulwan Aboriginal Corporation and the Ted Noffs Foundation began working on the development of a common pathway and procedures for assessment for young people in the youth justice system with drug and alcohol needs. The aim is to:
 - agree on interventions and programs for all clients of the youth justice services to be offered by Ted Noffs, the Alcohol and Drug Program, Gugun Galwan Aboriginal Corporation and Winnunga Nimmityjah Aboriginal Health Service;
 - establish policy/protocol for jointly reviewing alcohol and drug interventions and programs offered annually and identify gaps and emerging issues;
 - agree on the types of written client information that can be shared;
 - agree on opportunities for joint work.

A six month trial will commence in April 2011, with all youth justice alcohol and other drug treatment referrals to go through CADAS. CADAS will undertake all alcohol and drug assessments and determine which treatment agency is best to provide a service for the young person.

- An Intensive Intervention Service is currently being tendered under the DHCS new Youth and Family Services Program. The new service will take direct referrals from youth justice and care and protection services and provide highly skilled and intensive assistance to refer high risk children and young people and their families, such as those young people who have multiple short-term remands. In terms of young adults (18-25 years) receiving support by funded services, the primary target is those leaving statutory services (Bimberi, Alexander Maconochie Centre, and out-of-home care) and youth homelessness services with the intention that they achieve sustainable independence as adults and, where needed, are engaged with the adult services system.

As discussed in Part 1, work on the establishment of an indicator for recidivism is also being pursued nationally through AJJA.

d) Throughcare and reintegration

'Throughcare' is generally understood to refer to the support provided to a young person from the time they enter the youth justice system to the time they exit it. It encompasses the support provided in both formal and community-based settings

and is used to emphasise the importance of continuity across a young person's 'corrections journey'. Historically, the term has been separated into 'throughcare' and 'aftercare', with the latter term used to describe the support that young people receive in the community following the completion of a court order or a detention sentence.

Providing throughcare support can be complex ... A young person's experience in the youth justice system is often complex and raises a question of where throughcare commences, changes and ceases. The complexity opens a range of policy questions about where a young person may access support. A young person's journey can also be cyclical rather than linear and different sentence options can be combined.

A detention sentence provides an opportunity for intervention however, the extent to which a young person's complex issues can be addressed within the detention environment and a sentence period is limited. Any progress made in detention can be quickly lost if adequate support is not provided post-release. Adequate support post-release is essential to increase the likelihood that rehabilitative gains made in detention will be translated to community living. Research shows that engagement with support is associated with lower rates of re-imprisonment and higher levels of post-release employment.

Reintegration is a best practice objective with young offenders. Successful reintegration in community life requires that youth justice and human service agencies cooperate and coordinate their activities prior to release, during transitions and after release. To be effective, services for offenders must be integrated across agencies and be consistent between custodial and community settings and over time.

Government and non-government stakeholders agree that transition points present both an opportunity for intervention and a risk that people will fall through the gaps. Many offenders have pre-existing relationships with services and it is important to maintain these relationships where possible to ensure continuity through the sentence period and post-release to ease transition back into the community. In particular, the first three months post-release is a high risk period when comprehensive and coordinated support is of particular importance. Service providers are clear that a strengths-based approach that builds self-worth, practical skills and community connections is a key to success.

Families also play a central role in re-integration. Maintaining a young offender's family connection, where appropriate, during a period of detention is an important factor. Many families also need additional support.

Within the ACT youth justice system, the objectives of throughcare are to:

- reduce the risks of young offenders returning to the corrections system through a coordinated and collaborative approach; and
- foster effective integration of young offenders in the community through strategic partnerships across government and non-government agencies.

Throughcare services and supports in the ACT youth justice system are provided in both statutory and community settings for both planned and unplanned transitions.

For unplanned court appearances and where CYJ or Bimberi has been working with a young person prior to such appearances, the youth justice court officer is present in court and provides information to assist the court's decision making. Information provided to the court would typically include accommodation options and other services available to support a young person in the community. This process is particularly useful in terms of transitioning where a young person has been brought before the court for fresh charges or following allegations of a breach of a community-based order. The information gathered for the court officer, and any other information provided to the court, forms part of the immediate continuity of support provided by youth justice for the young person.

*planning
for
transition
is a key
objective
...*

Central to the case management framework is the planning for key transitions in a young person's pathway through the youth justice system. This includes transition out of custody, and completion of a community-based order. Typically, consideration of transition commences early in the interaction with a young person and builds progressively towards the transition point. There can be multiple transition points in a young person's case plan.

An important element in planning for a young person's transition is the timely identification and engagement of services to support a young person after a particular transition. For example, for a young person leaving custody who requires supported accommodation, identification and engagement of services and people who will be supporting the young person's accommodation some months prior to their exit from custody is important.

While acknowledging that there are some differences arising from whether a young person is in custody or in the community, case management practices, tools, record-keeping information sharing is common across CYJ and Bimberi. However, it is the case that currently the CYJ case manager does not remain as the primary case manager if a young person is, or is expected to be, in custody or remand for over three months. While CJY may remain involved in case conferencing for example, the primary case management is transferred to a case manager at Bimberi.

We are improving what we currently do ...

Action to improve transition outcomes for young people is underway. DHCS is progressing work on the development of a single case management model across community youth justice, Bimberi and associated programs such as Turnaround. A single case management system with clear roles and responsibilities acknowledges that case management is a tool that needs to adapt to the circumstances that a young person finds themselves in. For example, an admission to Bimberi should result in building on, adapting and modifying an existing case plan. Identifying a lead case manager will be central to this model. A single case management model will provide consistency and stability for vulnerable young people if they need to move through the different systems, increase efficiencies in service delivery and better outcomes for young people as their “story” will need to be told fewer times. Appropriate supports will also be put in place more quickly with improved coordination of services.

A key consideration in the single case management plan is information sharing. A successful model has recently been implemented in care and protection services and will be expanded to include youth justice. The model, based on the establishment of the Child Protection Case Conferencing Unit, uses a strengths-based approach to ensure interagency collaboration and family resources are used to promote the best interests of children and young people. The Unit enhances casework practice by bringing together key agencies and individuals involved in a child’s life in the form of a case conference based on a Declared Care Team with information sharing provisions governed by the CYP Act. The team utilises an independent chairperson to ensure the focus remains on the child or young person while developing a comprehensive interagency plan.

Throughcare services at Bimberi

The reintegration of young people is a primary focus of the programs and services model at Bimberi. Throughcare should start on the first day of notification to detention. Under the case management framework, the programs and services model aims to integrate the aspects of residential and throughcare services using four building blocks:

1. a commitment to continuity of care in design and operation;
2. cognitive-behavioural approaches involving family and community supports that support continuity of care;
3. staffing, personnel practices and training are a critical ingredient to the successful implementation of continuity of care;
4. overarching case management identifies the programmatic aspects of implementation.

A particular focus at Bimberi is the young person's participation in educational and vocational learning. Young people attend educational programming on a daily basis that mirrors the cycle of a normal school year. The educational programming is coordinated and delivered on site through METC.

In line with the ACT Youth Commitment and the METC curriculum, there have been a number of significant improvements in the transitioning and support of young people leaving Bimberi. These include:

- assessment of academic needs;
- development of Individual Learning Plans (ILP), to guide the daily educational and vocational program for each young person while they are at METC;
- development of Pathway Plans that set out the student's short, medium and long term education and vocational goals;
- establishing both the ILP and Pathway Plan as a subset of the young person's case management plan;
- METC staff are encouraged to actively participate in the student's case management and case conference meetings;
- through the case management meetings a transition process is developed and includes actions to support the young person's Pathways Plan (that is, education/training/employment goals) and transition from custody back into education, vocational learning, employment or a combination of these.

In recognition of the importance of effective programming, DHCS established a Strategic Reference Group (SRG) comprising senior officers and executives from DHCS, DET and CIT. The focus of the SRG has been to oversee the development and provision of effective educational and vocational learning opportunities for young people in Bimberi. During 2010, there were a number of key developments in the range of programs offered at Bimberi including:

- White Card Training;
- Brick Laying ('Brick and Block' program) run in conjunction with the Construction Industry Training Education Authority;
- Barista skills; and
- Living Skills Programs.

The development of partnerships and processes with schools and agencies that will support a young person's transition back into school, training or employment is critical. A number of focussed initiatives on a young person's transition are being progressed in 2011:

- Continue to build partnerships with agencies that can provide vocational training options for young people at Bimberi. For students who have achieved their Year 10 certificate, METC will work with Registered Training Organisations or the CIT to develop vocational pathways such as apprenticeships or traineeships. These vocational pathways will allow students to begin their training at METC and move onto work experience in the community during their transition.
- A fulltime Education Indigenous Liaison Officer will be recruited to support Aboriginal and Torres Strait Islander young people move from Bimberi to schooling, training or employment. METC will continue to work with case managers at Bimberi so that the student's pathway plan informs the young person case management plan, particularly the transition component.
- METC will work with Bimberi, DHCS and community agencies to develop an outreach program that will allow students coming out of Bimberi to develop or consolidate the skills necessary for success in mainstream schools. METC will also explore if this program could be helpful in working with young people at risk of coming into Bimberi.

As an illustration of a practical application of responding to the individual and transition needs of young people in Bimberi, DHCS developed and implemented a semi-independent living program. This program was established in a residential unit and allowed young people to develop skills such as planning and preparing meals, budgeting, hygiene and time management. To date, a small number of young people have participated in this program. This program was a tailored response to meet individual needs of some young people in Bimberi. Suitable young people can be further identified depending on need and the operational requirements of the centre.

Further discussion of the Bimberi program and services model is provided in Part 3.

A number of ACT Government programs are specifically targeted at young people who are exiting detention. These include:

- The Transitional Support for Young People Exiting Detention program provides transitional accommodation and support for young people. The program consists of up to 5 properties coordinated by Barnardos and Lowana.

- The Youth Stairwell program is an innovative program that allocates a stairwell of flats at Kanagra Court to Barnardos and Lowana to provide supported transitional accommodation to young people. In building a specific community of support, the stairwell model aims to reduce the chance of conflict and neighbourhood disputes arising by allowing for more informed allocations than is possible for general public housing allocation.
- The Youth Housing Program is a recent Housing ACT initiative that has been established to assist young people to sustain long term tenancies and to engage with education, employment and the community. The program specifically targets young people aged 16-25 years who are transitioning from the youth justice system, care and protection services or homelessness services. Housing ACT employs two youth housing managers and a team leader to directly engage with young people. These staff work with people from their initial contact with Housing ACT, through the application and allocation process and on to tenancy management. The youth housing managers also ensure that there is a range of integrated and coordinated support services in place. They continue to work effectively and collaboratively with a large range of community support and government agencies to achieve improved housing and well-being outcomes for the young people.

Effectiveness throughcare services and reintegration

Similar to measuring the effectiveness of diversion and recidivism, there is a lack of comparable data on the effectiveness of throughcare services in the ACT and/or analysis on the effective reintegration of young people in the community.

In 2006 DHCS commissioned the Institute of Child Protection Studies to undertake research on the transition planning for young people at Quamby. The project was undertaken during 2007-08 using a qualitative research methodology involving interviews with a number of young people at Quamby, families, staff and non-government service providers. The draft *Lost in Transition Report* highlighted a mixed picture about youth justice services in the ACT. The draft report noted the importance of acknowledging the voice of young detainees and the need for positive relationships between young people and youth detention staff. It also outlined a number of key themes and issues about how the youth justice system could move forward to best assist young offenders and their families, including:

- appropriate interventions being required to address the risks and needs of young people before they enter the youth justice system;

- all parts of the system orientating their assistance towards meeting the goals of rehabilitation and reintegration;
- greater involvement of the community sector in the transition of young detainees back into the community;
- the need for closer working relationships with families of young detainees, including stronger supports; and
- the development of a seamless case management process, including the use of case plans that expand beyond youth justice involvement.

These themes are consistent with the programs and practices described above.

In 2010 the Chief Minister's Department and JACS, in consultation with the community sector, undertook a joint project to contemplate the service delivery and governance models that can be established to ensure the continuity of throughcare for adult offenders. This work acknowledges the need to consider transitions across a broader spectrum incorporating the youth justice system, in particular prevention and early intervention. Work will continue in 2011.

Part 3 Bimberi Youth Justice Centre

Bimberi is the name of the highest peak in the ACT region. Symbolically it represents the challenges young people will need to confront to achieve great heights.



We have built a human rights complaint facility ... The Bimberi Youth Justice Centre is a youth detention facility. It operates within the legislative framework of the CYP Act to provide safe custody and to facilitate the rehabilitation of children and young people and their reintegration into the community.

This part provides an overview of the operations at Bimberi within the context of the human rights audit on the conditions of detention at the centre. This section also addresses TOR 3a, 3b, 3c, 3d.

3.1 A human rights compliant youth justice centre

a) The establishment of Bimberi

The ACT's previous youth detention centre, Quamby, was established in 1986 as a 26-bed facility. It was subsequently expanded through the use of demountable buildings in 2006 to a 39-bed facility.

The 2005 audit by the ACT Human Rights and Discrimination Commissioner made 52 recommendations in relation to Quamby. The main issues raised in the audit were:

- remission decisions were not being dealt with by an independent body;

- a lack of discretion around approving visitors and the lack of privacy for young people when making or receiving telephone calls;
- difficulties in facilitating maintenance of family relationships;
- information on rules, rights and obligations;
- access to lawyers and the media;
- the lack of a separate admission unit;
- the inappropriate mixing of detainees on the basis of age, gender and status (remand or under sentence);
- segregation of detainees for disciplinary purposes;
- the absence of disallowable rules governing the facility's operations that are compatible with the HRA;
- the lack of a specific legislative basis for the behaviour management system;
- the use of routine strip searches;
- the use of the seclusion room without policies and procedures in place;
- searches of detainees' correspondence;
- the use of video surveillance in certain circumstances;
- the lack of enough appropriate recreational facilities;
- the lack of an electronic database for record keeping;
- a complaints process that does not safeguard detainees' rights to be heard before sanctions are applied for a disciplinary matter and lack of adequate consultation and information about the outcome of other complaints;
- the need to invest in the training and recruitment of staff.

The Commissioner's report highlighted the limitations of Quamby and supported the

ACT Government's decision to build a new youth detention centre. In the 2005-06 Budget the ACT Government committed \$40m over three years, including \$32m for the construction of a new detention facility for young offenders by 2008.³²

The 2005 audit was important in informing key aspects of the design, build and operation of the new facility and work was commissioned by DHCS in partnership with the Human Rights Commission to ensure that the new facility was human rights compliant. The recommendations from the RCIADIC were also given detailed consideration.³³

³² \$4m was allocated to undertake remedial works at Quamby. An additional \$2.7m was allocated in the 2007-08 ACT Budget for additional road construction and for expenses associated with commissioning of the centre, testing and staff training.

³³ Assessment of the physical design involved consideration of the design brief, the architect's final sketch plans and discussion with the architects. Assessment of the operating procedures required close consideration of the exposure draft of the Children and Young People Bill 2008 as well as the current and proposed Standing Orders and policies and procedures. Programs and staff training were assessed through discussions with detention centre staff and management.

Bimberi was opened on 3 September 2008 by the ACT Chief Minister and the Minister for Children and Young People as the first youth custodial facility in Australia to be designed, built and operated under human rights legislation.³⁴ All children and young people were transferred from Quamby to Bimberi by the end of December 2008. Bimberi has been fully operational since that time.

b) Human rights considerations at Bimberi

In the three years preceding the opening of Bimberi the ACT Government addressed a total of 197 human rights standards with regard to children and young people in detention. These standards have been achieved through:

... and we operate in a human rights context

1. enactment of new legislation;
2. the design and build of Bimberi;
3. new notified policies and procedures, declarations and delegations; and
4. the implementation of a human resource strategy and staff training.

In implementing these standards, the ACT Government has achieved major change in its response to young people in detention, particularly in the key areas of:

We have challenges and learnings in the operation of Bimberi ...

- separation;
- community connectedness;
- responding to young people with high needs;
- responding to the particular needs of Aboriginal and Torres Strait Islander young people;
- mixing and socialising;
- assessment;
- the range of facilities;
- facilitating family contact;
- education and training;
- opportunities for spirituality;
- recreation and leisure;
- the relationship between staff and young people; and
- programs and services.

However, the ACT Government also recognises that providing best practice in the care of young people in detention requires continuous improvement. A number of challenges and learnings have been recognised in the operation of Bimberi over the last two years. These can be summarised under the following broad headings:

³⁴ The Notifiable Instrument was signed by the Minister for Children and Young People revoking the declaration of Quamby Youth Detention Centre as a detention place under the Children and Young People Act 2008. On 13 April 2009 Quamby was transferred from DHCS to the Department of Territory and Municipal Services.

Care and control balance

Detention is a critical and essential element of a justice system and maintaining community safety. Bimberi operates within a human rights framework with a strong emphasis on providing opportunities for rehabilitation, personal development and improved life outcomes for high risk and vulnerable young people, but it is also acknowledged that many of the children and young people who enter Bimberi have either been committed for serious offences, or remanded in custody for alleged offending. The offences committed or allegedly committed by young people are at the higher end of the severity scale and include property and motor vehicle offences, assaults and acts of personal violence including sexual offences. Young people have also been involved in acts resulting in death. Added to this are the range of risk-taking behaviours that are developmentally normative for adolescents.

We need to balance care and control ...

The ongoing challenge at Bimberi is to balance 'care' and 'control'; where 'care' relates to providing a supportive, pro-social and responsive environment where young people can feel valued and safe and have a sense of self worth, and 'control' relates to an environment that is safe and secure, promotes good order and minimises the risk of physical, emotional or psychological harm to young people, staff and visitors. A caring environment enables the positive engagement of young people to address their individual and rehabilitative needs and a controlled environment can be achieved through the use of routine, structure, the application of risk management strategies including restrictions of access and movement, the use of behaviour management and incentives and the issuing of consequences. The balance needs to be achieved across the individual, group and whole of centre population domains.

Providing a safe and secure environment is the foundation for all service delivery activity within the centre as it provides a sound basis for the development of trusting and respectful relationships between staff and young people.

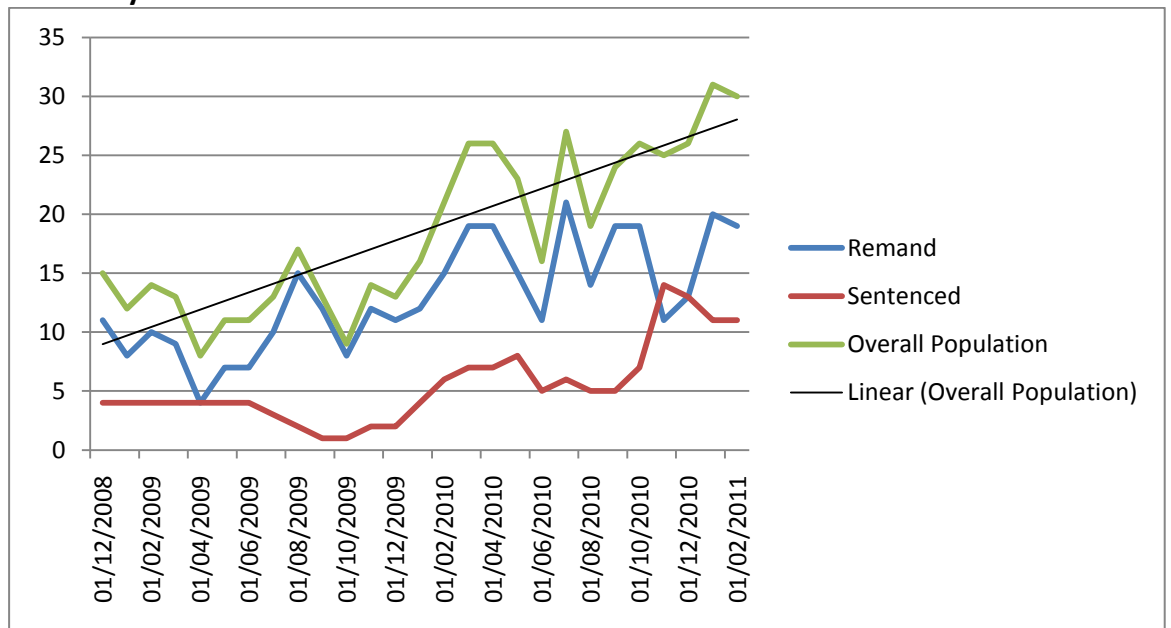
Population size and cohort mix

The population size and cohort mix in Bimberi at any one time impacts on its operations. Throughout 2009, the population at Bimberi remained low, fluctuating between 8 to 17 children and young people for most of the time. However, as shown in Figure 9, from about February 2010 the centre experienced a significant increase in both the sentenced population (which forms the base population at Bimberi) and the number of children and young people on remand. The upward trend has continued.

We experienced challenges when the numbers of young people in the centre grew ...

With the sudden increase in the population and cohort mix the centre is challenged both in its ability to comply with the separation requirements and its ability to mobilise additional staff to expand supervision, service and program capacity to respond to the demand. A number of actions have been taken to respond to the increase in the total population and the number of young people on remand since early 2010 including by operationalising the fourth residential unit. However, all of the responses depend on staffing capacity and capability which, as discussed below, remains a challenge in a small jurisdiction.

Figure 9 Population and mix of sentenced and remand at Bimberi December 2008 - February 2011



NB. Numbers counted for the first day of each month. Source: DHCS unpublished data.

Separation

A fundamental human rights principle applied in a youth justice setting is the separation of different population groups, including separation based on gender, age, remand and sentenced status. Further separation may be required to address high risk, vulnerable children and young people, victims and perpetrators and requirements from the court or police to separate co-offenders to prevent collusion. The design of Bimberi achieves separation objectives by having separate rooms; separated wings in residential buildings with central staff points that allow both observation and management; and the capacity to open up and close down areas to accommodate changes in population.

Following early discussions with the Human Rights Commission there was agreement that while the mixing of different cohorts of young detainees in residential units, programs and activities is a *prima facie* breach of human rights standards, it was conceded that Bimberi would comply with human rights standards if this process is conducted to best meet the needs of individuals.

Nevertheless, compliance with separation requirements remains a challenge, especially with the increase in population and cohort mix as the centre's ability to effectively utilise the available facilities is heavily reliant upon its operational staffing capacity. Each separated individual or group of children and young people needs to be separately managed with direct staff supervision.

Furthermore, there are circumstances where keeping young people together is important, including providing opportunities for appropriate socialisation, cultural and family support, and to facilitate equitable access by all young people to education and other activities within the centre.

The RCIADIC has identified the importance of providing, where appropriate, opportunities for shared residential arrangements for Aboriginal and Torres Strait Islander young people to support each other. It is also not an uncommon experience in the ACT to have a single or small cohort of female young people in detention. Clearly, in such cases it is not in the young person's best interests to be isolated from other young people in detention.

Reliance on staffing

*Our staff
are central
to our
service
delivery ...*

Maintaining a high quality and skilled work force for a youth detention facility in a small jurisdiction is a particular challenge. Bimberi does not have the capacity to draw from or mobilise staffing from a larger existing pool to respond to peaks in the centre's population or to immediately address staff shortages due to unplanned leave. The nature of the employment, particularly working within a custodial environment, challenging client group and a requirement to work shift arrangements, further reduces the number of potential candidates for youth detention work. Additionally, there is a delay of approximately three months between any successful recruitment action and commencement of duties as new staff undergo mandatory checks and training.

Daily operations at Bimberi are heavily reliant on staffing. On any given day the range of activities for children and young people and the centre can include visits from family and legal advisors, appointments (for example, health appointments and case management/ case conferences); programs including educational and vocational training, cultural programs, recreation, personal development, drug and alcohol programs and escorts (both internal movements to and from visits, programs and appointments, and external movements such as court appearances and health appointments in the community).

As the population of children and young people at the centre increases, the reliance on staff to cover the various demands is acute. The pressure is exacerbated when dealing with both planned and unplanned staff leave. Although there were occasions of staff turnover at Bimberi in 2010, the primary experience was not one of chronic staff shortages; rather the available staff could not meet the high population of young people. Further exacerbating the situation was the inability to rapidly respond to increasing population numbers as it takes a number of months to recruit and train additional staff.

In managing the increase in population and cohort mix over that last 12 months, staff at the centre have made every effort to minimise the effect of operational pressures on the daily routine for young people, their access to programs and services, recreational activities and contact with family and community. The range of management decisions and actions have included:

- changes to the structure of daily routines and daily planning;
- utilisation of a limited number of operational 'lockdowns' as a last resort to facilitate safe management of the centre. All occasions of lockdown aim to minimise the number of young people involved and the shortest period of time;
- using senior management staff for the supervision of appointments, visits and to facilitate staff meal breaks;
- cancelling a limited number of visits, programs and appointments. As with lockdowns, every effort is made to minimise the number of disruptions or cancellations;
- increasing the number of recruitment rounds;
- staffing above funded base levels including a number of temporary positions to open and operate all residential units on an ongoing basis;
- utilising casual staff;
- augmenting daytime staffing through the engagement of MSS Security personnel to support night shift operations;
- prioritising operational responses over discretionary training and other staff development activities.

Management decisions are made maintaining the safe operation of the centre taking into consideration duty of care and safety of young people and staff relative to other more discretionary services and responses. For example, with limited staff coverage, young people may be required to remain in their rooms as staff respond to a critical incident.

Bimberi is currently fully staffed, with additional YDOs recruited above establishment (see discussion below).

Managing both remand and sentenced young people within a single centre

A number of pressures are experienced in managing both a remand and sentenced population, including:

- the short-term nature of remand restricts the ability to provide effective rehabilitative programming, especially in respect to addressing criminogenic risks and needs, to a young person who may be at the centre for only a few days;
- a high volume of young people on short-term remand creates an unstable and, at times, disruptive environment for staff, program and service providers and settled young people.

Managing both male and female young people within a single centre

Unlike other jurisdictions that have separate facilities for male and female young people in detention, the ACT has only one facility. The number of female young people in detention often represents a small proportion of the overall population. The needs of female young people are often different to those of young males. Ensuring that the needs of young women are met and there is equitable access to facilities can be challenging given their small numbers.

Management of high risk, high need groups

Unlike other jurisdictions that may have separate facilities to enable the separation of young people who are high risk, the ACT has only a single facility for all young people. The management of high risk, high needs individuals or groups requires separate accommodation, staffing and operational response. The effective management of these individuals or groups becomes more difficult under circumstances of high population numbers and/or staffing pressures.

Case planning, transition and exit planning

The rehabilitation and reintegration of children and young people into the community is a primary focus at Bimberi. However, practical challenges associated with the effective assessment, planning, intervention and transitioning of young people from Bimberi includes the number of young people on remand and the often short timeframe of episodes in custody. The *ACT Youth Commitment* asks that all agencies that serve young people to the age of 17 years commit to seek to ensure that no young person is lost from education, training or employment. A key component of the *ACT Youth Commitment* is the opportunity for the application of generic pathways plans for all young people across the ACT. Pathways planning is an important part of case and transition planning.

We rely on

One of the significant learnings from the current operation of Bimberi is the ability

*other
service
providers
to support
outcomes
for young
people ...*

to share information between case managers, health practitioners and other service providers, family and oversight authorities. More work needs to be done on enabling the sharing of information between individuals and services involved in supporting a child or young person to maximise the outcomes for that child or young person. As outlined in Part 2, DHCS is starting to address this issue by implementing new arrangements based on the establishment of care teams across client groups in youth justice.

Importance of stakeholders

The successful rehabilitation and development of young people in detention relies on the staff and resource contribution of a number of key government and non-government agencies. These agencies provide a range of programs and supports to meet the needs of children and young people at the centre.

The maintenance and delivery of effective programming requires a stable population of young people. Changes in population (too many/ too few; high numbers of young people on remand or low numbers of sentenced young people; unstable and changing mix) poses risks to the ability to run a range of different classes and programs.

Increases in the centre population and cohort mix experienced since early 2010 have also placed additional pressure on the delivery of programs. In relation to the provision of the education at METC, the increase in population and associated increase in class group numbers created additional challenges including the ability to provide sufficient classes to all young people. Similarly to the capacity and capability issues for YDOs, there is a limited ability to quickly mobilise additional teaching staff. Also similar to YDOs the pressure is acute when providing relief teaching for days when teaching staff are absent. Relief teachers require the appropriate skills and experience to teach in the youth detention environment. Additional resourcing such as the establishment of a full-time Sport and Recreation Officer and funding for a part-time tutor to support Aboriginal and Torres Strait Islander young people has been implemented by Bimberi to support daily programming. DET has developed a flexible response model that can be activated within two weeks to provide further training for increased numbers of students.

3.2 A profile of current operations

a) Numbers of young people at Bimberi

We had a large growth in numbers in 2010 ...

In determining the capacity of the new centre, early planning considered that the youth custody population in years to come (that is, the number of young people in custody at any one time) would be a function of:

- i. the number of young people in the ACT and their rate of offending;
- ii. the way police deal with young offenders that result in increases or decreases in the proportion of alleged offenders that are sent to the courts;
- iii. the options available to the courts and the attitudes of the judiciary towards the use of custody for young offenders;
- iv. the time young people spend in custody through court processes that result in longer or shorter remand periods and the lengths of sentences handed down by the courts.

Analysis indicated that the total number of young people in the ACT in the age group 10-18 years was likely to fall steadily by around 0.6% per annum over the 25 year period to 2032, although within this population the growth rates for Aboriginal and Torres Strait Islander youth were expected to be higher than the non-Aboriginal and Torres Strait Islander youth population. At the same time, offending patterns were not likely to change significantly in the future.

Taking these growth projections into account, planning for Bimberi focused on the human rights obligations to stream and separate remandees and sentenced young people; young people under 18 years and adults; males and females; newly admitted young people and other vulnerable groups (for example, young people with a disability; with mental health issues and the very young). The design of Bimberi needed to be able to cater for the possibility that each of these groups could, at least in theory, peak at the same time, while the 40-bed capacity centre was expected to meet the ACT's requirements for the projected life of the centre (20-25 years).

15 young people transferred from Quamby to Bimberi in December 2008. Over the period to February 2010, while there were some short periods of increase in population, Bimberi experienced a relatively low population (both remand and sentenced). As shown in Figure 9 from early 2010, there has been a sharp increase in the overall population at Bimberi, especially the number of young people on remand.

b) Operating budget

An operational budget of approximately \$5.8m was transferred from Quamby to Bimberi on opening.

*the ACT
Government
provided
additional
budget
support ...*

In 2009-10 DHCS worked with the Department of Treasury to develop a 'zero base' operating budget for Bimberi using an analysis of centre utilisation and expenditure over the first 12 months of operation. The budget did not provide an amount to fully fund the fourth residential unit as the number of young people in the centre to date had not demonstrated an ongoing requirement for the regular use of all residential buildings. The funded staffing levels at Bimberi would be adequate until the population approached or exceeded 20 young people, requiring the utilisation of the additional residential unit.

To respond to the sustained increase in population above 20 young people experienced from early 2010, the 2010-11 ACT Budget provided an additional \$1.704m pa to support operations at Bimberi, including an additional unit manager position, the upgrade of 2 team leader positions and funding to cover casual staffing. Bimberi has a current operating budget of \$7.6m per annum.

c) Design

*The design
of Bimberi
supports
best
practice
service
delivery ...*

Best practice and innovation are central in the design of Bimberi.³⁵ In summary the design aim is to:

- i. provide a safe and secure environment and assist children and young people to return to the community stronger and better able to live a non-offending lifestyle. This would be achieved through a holistic, coordinated and integrated case management approach focused on the individual needs, strengths and positive engagement of the child/ young person, their family and appropriate supports;
- ii. ensure that children and young people are minimally institutionalised and, wherever possible, the routines and practices in secure care appropriately reflect those of the community. This would be achieved by enhancing connections to the community through for example, the provision of space for services and programs that children and young people would be able to access on their return to the community; the provision of space that allowed for the maintenance of family

³⁵ Development of the initial functional brief involved extensive consultation with key stakeholders, including children and young people in detention, youth justice staff, managers, policymakers and administrators both locally and nationally. An innovative approach saw the establishment of a 'circle of friends' comprising youth justice professionals from around Australia, academics and experts in the field of futuring, youth crime and rehabilitation.

relationships; the design of recreation facilities that can be shared with the community.

The design incorporates five themes:

1. **flexibility** - to allow the separation of population groups as required under the HRA, while not causing isolation; the ability to adapt to changes in centre population, operations, legislation and policy; to allow for future expansion.
2. **normalisation** - to maintain a balance between legitimate security needs and the child or young person's need for a reasonable quality of life.
3. **privacy** - to provide both controlled and semi-controlled social interaction; to allow for personal and private space; to provide a sense of connection with the wider community.
4. **security** - sufficient to provide necessary protection for children, young people, staff, visitors and the community but at the same time maintain a balance with the degree of intrusiveness of any security systems on the residents.
5. **sustainability** - to demonstrate better practice energy conservation standards and principles.

Within a secure perimeter, Bimberi has an open environment and looks like a regular public facility. Three distinct zones are created reflecting arrangements in the broader community:

1. the residential zone contains the living areas for residents;
2. the local community ('town square') zone contains shared support facilities such as education, health, mental health and case management;
3. the civic zone, contains facilities where the young people interacts with the broader community such as the Visitor Centre and gymnasium.

A summary of the key features, objectives and outcomes of the design of Bimberi is at [Attachment B](#).

We have
high
quality
staff ...

d) Youth detention staff³⁶

Youth detention staff have an integral role in providing the safe care and custody of children and young people at Bimberi, assisting them to successfully complete their orders and to engage in social, therapeutic, criminogenic, educational and recreational programs to support rehabilitation and reintegration into the community on release. The current organisational structure at Bimberi is at Attachment C.

Staff at Quamby transferred to Bimberi on its opening in December 2008. This included youth detention officers/ youth workers, team leaders, unit managers, case management staff, administrative staff, facilities staff (grounds staff, cooks) and management. Table 5 provides the staffing profile at the opening of Bimberi.

In addition to permanent staff, Bimberi has a number of casual staff to undertake youth detention officer roles and to cover planned and unplanned leave.³⁷ DHCS maintains a contract with Drake Australia Pty Ltd for the provision and management of casual staff at Bimberi.

There were staff shortages experienced at Bimberi during 2010 that created a range of operational challenges. This included periods of operational lockdowns and also necessitated the engagement of additional staff through MSS Security to assist with night shifts. Turnover of permanent operational staff at Bimberi was 4% in 2008-09; 10% in 2009-10 and 9% in 2010-11 (to date). Additional staffing positions were created with the new base budget from July 2010. Bimberi currently has 56 FTE funded positions employed by DHCS (Table 5). As at April 2011 all permanent positions at Bimberi are fully recruited.

³⁶ DET and ACT Health staff numbers at Bimberi are provided under separate sections.

³⁷ With 56 permanent positions Bimberi has a significant leave liability of over 220 weeks per annum.

Table 5 Staffing profile December 2008 and current – Youth Detention Staff

Position	Classification	2008	2010 (establishment)
Centre Manager	SOG A	1	1
Operational Staff			
Operations Manager	SOG C	1	1
Unit Managers	ASO6	3	4
Team Leaders	ASO5	7	10
Youth Detention Officers	ASO3/4	28	26
Program and Case Management Staff			
Program and Services Manager	SPOC	1	1
Case Managers	ASO6	2	2
Aboriginal and Torres Strait Islander Case Manager/Liaison Officer	ASO5	1	1
Sport and Recreation Officer	ASO5	1	1
Business Manager	ASO6	1	1
Admin Support	ASO4	1	1
Admin Support	ASO3	1	1
Facilities and Services Manager	ASO5	1	1
Grounds/Maintenance Officer	ASO4	1	1
Grounds/Maintenance Officer	GSO8	1	1
Grounds/Maintenance Officer	GSO5	1	1
Cook	GSO7	1	1
Cook	GSO6	1	1
Total		54	56

Source: DHCS data.

e) Recruitment

We have an active recruitment strategy ...

The ACT Government is committed to having highly qualified and skilled staff providing support and services to young people in detention.

The 2005 Human Rights Commission review highlighted the need to recruit and retain high quality and skilled staff, to ensure gender parity and commensurate pay and to establish appropriate induction and ongoing training and development. From 2006 the Department developed a focused strategy on strengthening the recruitment, selection and retention of youth detention staff. The strategy has four elements that have been progressively introduced.

1. Reclassification of positions

In consultation with staff and employee organisations, the duty statements and selection criteria for youth detention officer positions have been redefined and broad-banded. A number of positions including the Centre Manager, Unit Manager, and Team Leader positions have been upgraded. In recognition of the over-representation and high proportion of Aboriginal and Torres Strait Islander young people in detention, the Aboriginal and Torres Strait Islander Youth Liaison Officer position was upgraded to an ASO5 and, later, to an ASO6 position that now forms part of the centre's Case Management Team.

2. Introduction of a pre-employment profiling and structured interview tool

In selecting youth detention staff, DHCS has a focus on attracting people who have a real interest in working in the best interests of young people, in providing safe and secure care, and working towards the common goal of rehabilitation and transition of young people to the community.

DHCS seeks to attract men and women who have previously worked with young people and who have relevant or transferrable experience in areas such as manual trades, sports, education, recreation or health. The ability to relate to young people from different ethnic and cultural backgrounds is also important. The qualities and characteristics that are looked for in prospective staff are those of:

- modelling positive behaviour;
- being attentive and observant;
- working effectively under pressure;
- thinking calmly and clearly;
- having strong communication (including writing) skills;
- using initiative;
- being dependable and reliable;
- being able to accept responsibility and follow directions;
- working as part of a team.

Since early 2006 DHCS has engaged the Australian Institute of Forensic Psychology (AIFP) to deliver pre-employment profiling and training of staff.³⁸ The AIFP system helps to provide objective, reliable information that supports the selection of high quality staff by measuring a wide variety of job-related personality traits across the following broad categories:

- the ability to learn and retain new information;
- level of skill in working effectively with others;
- attitudes and values that are consistent with successful performance in this role;
- freedom from psychological disturbance that would impair performance;
- honesty and integrity.

3. A structured selection process

An eight-stage structured selection process is undertaken for permanent staff comprising:

- initial written application;
- AIFP psychological screening;
- structured interview using the AIFP tool and assessment against the selection criteria;
- a referee report;
- induction training;
- on the job training and assessment prior to appointment (approximately 1 month);
- pre-appointment checks, including criminal history and health checks;
- appointment with a 3 month probationary period.

The selection of casual staff follows the same process for permanent staff including the structured interview using the AIFP tool, except that casual staff are asked an abridged set of questions against the selection criteria.

4. Induction training

See discussion below.

³⁸ The system was introduced following consultation with staff and the Community and Public Sector Union. The AIFP was recommended as the most suitable organisation to provide psychological screening services for youth worker applicants because of its specialisation in providing these services for correctional and youth justice organisations across Australia.

5. Bi-annual recruitment process

Since 2008, DHCS has committed to a minimum of bi-annual recruitment action to meet the ongoing staffing needs at Bimberi.

In 2010 in response to an increased demand on operations, a continuous 'rolling' recruitment and induction was implemented and recruitment processes were undertaken in April, August, September and November. The strategy was expanded to include the creation of additional positions above the centre's funded staffing establishment. As a result of the November 2010 recruitment, eight youth detention officers and one team leader commenced operational duties in December 2010.

In 2011 recruitment rounds have been undertaken in January, February and March. From the January 2011 recruitment, seven new YDOs commenced operations from 15 March 2011; from the February 2011 recruitment, five new YDOs were operational from 28 March 2011; and from the March 2011 recruitment six new youth detention workers commenced operations on 4 April 2011. A further three new team leaders have been recruited and commenced their induction on 4 April 2011.

As a result of the most recent recruitment activity in March 2011, there is an over-recruitment of 7 extra YDOs available for rostering at Bimberi. The 'over-recruit' strategy will continue to be important because at any one time not all staff will be available for rostered duties for reasons such as training and all forms of paid leave (annual, sick, worker's compensation). In addition, recruitment to three positions (Assistant Manager, Sport and Recreation Officer and Aboriginal and Torres Strait Islander Liaison Officer) is currently being finalised.

f) Training

*Our staff
are
trained
and
supported
...*

There is a significant focus on the induction and ongoing training of youth detention staff at Bimberi.

All new staff at Bimberi undertake a 6 week induction training course that covers a broad range of skills and knowledge required to perform the function of a YDO in a youth justice centre. This training is coordinated by the DHCS Learning and Community Education team and modules are delivered by both DHCS internal and external expert trainers. The induction training articulates recognition of prior learning towards a Certificate IV in Youth Work (Juvenile Justice). Topics covered during induction include:

- 21 x policy and procedures, including safety and security;
- senior first aid;

- youth mental health first aid;
- Applied Suicide Intervention Skills Training (ASIST);
- workshop based on the Therapeutic Crisis Intervention model;
- Aboriginal and Torres Strait Islander cultural awareness;
- mandatory reporting of child abuse and neglect;
- mindfulness when caring for young people;
- core strength training;
- child centered practice;
- staff supervision framework;
- case management;
- working with children and young people with a cognitive impairment;
- emergency management;
- daily procedures at Bimberi;
- infection prevention and control (conducted by ACT Health);
- medical assistance for young people at Bimberi (conducted by the Bimberi Nurse);
- breathing apparatus and fire hydrant training;
- DHCS orientation;
- ACT Government advocacy agencies;
- CIT – Certificate IV in Youth Work;
- responding to critical situations, de-escalation and use of force; and
- on the floor practical experience (supernumerary placement).

Following induction, all staff are encouraged and supported to undertake further studies. A number of study options are sponsored by the DHCS including at Certificate IV, diploma, undergraduate and post graduate levels. Ongoing staff development has included studies in social work, psychology, social welfare and leadership.

As of April 2011, 26 existing staff were enrolled in the Certificate IV in Youth Work and are expected to graduate in June 2011. A further seven new inductees involved in the April induction program have also enrolled. A further 15 staff will undertake the Diploma in Youth Work commencing in April 2011 and are expected to graduate in December 2011. Further intakes for the Certificate IV in Youth Work are scheduled for June 2011.

g) Policies and procedures

The CYP Act sets out the basic human rights for young people held in detention. In particular, it ensures that the entitlements for young people are equivalent to or exceed the standard entitlements for adult prisoners. Innovations in the Act include

Our policies and procedures are robust ...

the capacity to provide services for the children of young parents in detention and the capacity to hold young people in the detention centre to the age of 21 where appropriate, thereby protecting them from the potentially negative outcomes of involvement in the adult prison system.

The management of the centre to ensure the safe care and custody of children and young people is provided by the CYP Act and conventions, evidence based practice, through research and consultation with children, young people, staff, other jurisdictions, academics and key stakeholders. The following policies and procedures commenced on 9 September 2008:

- admission and classification;
- property;
- Aboriginal and Torres Strait Islander young detainees;
- visits, phone calls, correspondence;
- health and wellbeing;
- minimum living conditions;
- local and interstate leave;
- records and reporting;
- transfers;
- treatment of convicted and non-convicted young detainees;
- provision of information, review of decisions and complaints;
- behaviour management;
- discipline;
- reporting and investigation;
- safety and security;
- search and seizure;
- segregation;
- use of force;
- police interviews;
- death in custody.³⁹

Visiting conditions, prohibited things and prohibited areas at Bimberi were also declared and commenced on 9 September 2008. In February 2009 an escorts policy and procedure commenced to guide practice in relation to transporting and escorting children and young people in custody.

A resident's handbook was developed in 2009. The handbook, which is accessible to all children and young people when they are admitted to Bimberi, outlines

³⁹ All policies and procedures are notifiable instruments.

information about arriving at Bimberi, being at Bimberi day to day, visiting and communicating, case planning and support.

h) Restrictive & intrusive practice

With the introduction of the CYP Act and associated policies and procedures, DHCS reviewed both policy and practice with respect to the range of restrictive practices at Bimberi. The key areas were searches, segregation including the use of the safe room, and incidents including use of force.

Searches

Practices around searches have improved significantly with the introduction of the CYP Act and the searches policy and procedure. In particular, a higher threshold has been introduced to protect young people around the intrusive requirement for searches. Improvements have included the removal of routine searches of young people and the requirement for staff to believe on reasonable grounds that a search is prudent to ensure security, good order or the detection of a prohibited item. The introduction of delegated authority for the approval of searches has also improved decision-making around the necessity of a search and the type of search to be conducted. Staff are required to record the use of any searches on the search register.

The most significant improvement has been in the use of highly intrusive strip searches, which are no longer routinely conducted as was previously the case at Quamby. Rather, staff are required to have reasonable grounds to conduct a strip search on a young person and be confident that a less intrusive search would not be successful in detecting a prohibited item.

Analysis of the number of strip searches conducted between Quamby and Bimberi highlights a considerable reduction in the utilisation of the practice of strip searches (Table 6). During the last six months of operation at Quamby, 858 strip searches were conducted. In the first six months of operation at Bimberi, only 95 strip searches were conducted, an 89% reduction (Table 7). This trend has continued despite significant increases in the youth detention population. It is also noteworthy, that while the provision is available for the undertaking of 'body searches' that require the internal examination of a young person, no body searches have ever been authorised at Bimberi.

Table 6 Strip searches at Quamby (July 2008 to December 2008)

Quamby							
Date	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Total
No. strip searches	121	155	182	130	165	105	858

Table 7 Strip searches at Bimberi (January 2009 to June 2010)

Bimberi							
Date	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Total
No. strip searches	19	25	24	10	14	3	95
Bimberi							
Date	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Total
No. strip searches	6	4	3	3	5	23	44
Bimberi							
Date	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Total
No. strip searches	12	18	31	22	31	41	155

Segregation

Segregation is a highly restrictive power that can limit a young person's access within Bimberi, their contact with other young people and even require their separate confinement. The CYP Act introduced a number of important safeguards for young people around the decision-making, use and review of segregation. There is a high threshold governing the use of segregation and a requirement for oversight and reporting on its use. All occasions of segregation must be reported to the young person, their parent or guardian and the ACT Public Advocate. Segregation directions also require regular re-assessment and involve in the input of an appropriate professional regarding the need for segregation and the impact on the young person.

Segregation directions are used as a last resort and every effort is made to find alternative options that do not involve the isolation of a child or young person.

There are four types of segregation direction that may be used at Bimberi:

- i. health;
- ii. safety and security;
- iii. protective custody; and
- iv. safe room.

Segregation directions have only been used on a small number of occasions (Table 8). Most notably the lack of use of the safe room has demonstrated the use of alternative interventions and management of young people with highly risky or challenging behaviours. In managing young people who are subject to a segregation direction, staff ensure that minimum living conditions are not affected,

in particular food, telephone, mail, visitation, clothing, health and hygiene, education and programming and access to cultural and spiritual observance. In addition, every attempt is made to ensure the child or young person continues to have access to as many opportunities within the centre as possible.

Table 8 Segregation directions at Bimberi August 2009 to February 2011

	Type of segregation direction			
	Safe room	Safety & security	Health & wellbeing	Protective custody
Number	1	7	1	0

Incidents

A reportable incident is an incident affecting the safety of a young person or incident affecting the security and good order of the centre. The *Children and Young People (Records and Reporting) Policy and Procedures 2008* requires the completion of an incident report for all Category 1 and Category 2 incidents. A report of monthly incidents by category is provided to the Minister for Children and Young People. The number of category 1 and 2 incidents for the period 1 January 2009 to end February 2011 is provided in Table 9.

Category 1	Category 2
<ul style="list-style-type: none"> • Death in Custody • Attempted Suicide • Serious Health Complaint • Serious Injury • Escape or Attempted Escape • Serious Assault • Major Breach to Institution Security • Direction for a Body Search 	<ul style="list-style-type: none"> • Assault • Threats against Youth Detention Officers or any Other Person • Use of Force • Contagious Disease • Minor Breach of Security • Significant Disturbance to the Good Order of a Detention Place • Incidents Involving Contraband (including weapons, tools of escape, and illicit drugs) • Motor Vehicle Accident • Incident Involving Visitor/s to the Institution • Possession of a Prohibited Thing at a Detention Place by a Youth Detention Officer or Staff Member • Any other event which in the opinion of the Manager should be reported

Table 9 Number of reportable incidents at Bimberi, including use of force

	1 January 2009 - 30 June 2009	1 July 2009 – 30 June 2010	June 2010 – end February 2011
Category 1	1	0	5
Category 2	50	170	139
Total	51	170	144
Use of Force	20	99	93

NB. Since April 2010 the reporting of use of force has included uses of mechanical restraints during escort (see discussion below).

Factors that influence the number of incidents that occur include:

- the total number of young people in Bimberi;
- the mix of young people in Bimberi (such as a high number of young people on short term remand who are usually unsettled and going through an adjustment period);
- the needs and characteristics of individual young people and the inter-relationships of young people.

The *Children and Young People (Use of Force) Policy and Procedure 2008* stipulates that restrictive strategies such as the use of force are always an option of last resort after all other interventions and strategies have been employed to de-escalate and manage a situation. The policy and procedure outlines the important provision of:

- the circumstances and by whom force may be used;
- the kinds of force that may be used;
- the use of restraints.

All use of force is reportable under s 227 of the CYP Act.

A new training package was developed for staff on the use of force. Prior to 2008 'Use of Force or Protective Tactics' training was provided by either ACT Corrective Services or the Australian Federal Police. With the implementation of the new CYP Act, DHCS sought agreement from the NSW Department of Juvenile Justice to utilise and modify its training package. NSW also offered the assistance of a Training Manager to deliver the new training.

A new de-escalation training manual entitled 'Respond to Critical Situations' commenced in 2008 and is currently being used at Bimberi. Staff undertake four days of structured training in responding to challenging behaviours, critical situations and the use of force (including the use of restraints) and post incident management. The training has a strong emphasis on the importance of de-escalation and resolving conflict and negotiation rather than using force. Staff are trained in the approved approaches, skills and techniques to be used when dealing

with critical situations and the removal of techniques that may cause injury to young people including strikes, lock and pressure point holds.

The development of the use of force training has significantly improved the way in which staff approach situations. When they are required to use force as a last resort, staff are able to do so in a safe and appropriate way that aims to considerably reduce the likelihood of injury to a young people or themselves. Following all occasions in which force is used, young people are given the opportunity to be assessed by a health professional.

The use of mechanical restraints (for example flexicuffs) as a means to assist in the control and management of incidents has also changed significantly. The purpose of mechanical restraint is to support staff in the management of high risk incidents in which the likelihood of injury to young people and staff is high. In practice the application of mechanical restraints promotes a more rapid resolution to the incident. Once the young person is controlled, the focus for staff can be on assisting the young person to de-escalate. Mechanical restraints are used when necessary and staff are required to record all use of mechanical restraints.

The use of plastic 'flexicuffs' as an alternative to metal handcuffs has been introduced at Bimberi. The action of physically restraining a young person has an inherent risk of injury, particularly through prolonged struggle and resistance when a young person is highly escalated or agitated. The application of flexicuffs provides staff with the capacity to significantly decrease the level of prolonged physical contact with the young person. The flexicuffs once applied, provide a control of the young person mechanically rather than physically.

Mechanical restraints are also used for the controlled and safe movement of young people, both within Bimberi or during external escorts. In using mechanical restraints for escorts, young people have been assessed as posing high risk of flight, disruption or non-compliance and or to engage in behaviour harmful to themselves or others.

In April 2010 the Human Rights Commissioner identified an issue with respect to the centre's use of mechanical restraints for the purpose of escorts. It was identified that the power to use mechanical restraints for escorts is derived from the use of force powers of the CYP Act and as such required recording in accordance with the established policy and procedure. Since the identification of this issue, Bimberi has updated its practice and all occasions of the use of mechanical restraints for the purpose of escorts are reported as uses of force.

It should be noted, however, that in many of these instances, young people willingly acceded to the application of flexicuffs for the purpose of escorting from or within the centre. In these instances there is a 'technical' use of force only.

Our
security
approach
supports
best
practice
service
delivery ...

i) Security

Bimberi is a low to medium security centre, with high security areas contained within it. The security approach at Bimberi seeks to maintain a balance between the degree of intrusiveness on young people, the degree of containment, the level of safety for the staff working in the facility and safety of the community. The security approach is based on:

- **primary use of dynamic security** - this is a recognition that staff are the key element to successful and effective management and rehabilitation of young people in custody. This is achieved through active engagement, support, supervision and management of residents within the centre. The centre operates with a preference for direct supervision of residents rather than the use of electronic surveillance.
- **a secure perimeter and appropriate restricted zones** - staff and management have confidence that the perimeter and zoning deter escape and minimise the introduction of contraband, detect any unauthorised movements within the zones and create delays for any attempted breaches. This confidence assists in creating an internal environment that can be normalised, less institutional and allows opportunities for more freedom of movement and activity.
- **integration and complementing with the built environment (design)** - the physical environment provides and promotes normal and meaningful opportunities for interaction between staff and young people. It creates opportunities for positive interaction and engagement of young people in education, recreation, social and therapeutic programs. Improved circulation pathways maximise the opportunities for freedom of movement and social interaction. The built environment also minimises risk factors associated with the site such as escape, furtive spaces, access to restricted areas/zones.
- **security technology** - is used to strengthen and support operations through ensuring suitable monitoring, effective deterrence and detection, and, if necessary delay to breaches of security. Electronic security records also ensure accountability of operations.⁴⁰

⁴⁰ The security approach at Bimberi was influenced by the better practice principles outlined in "A Human Rights Approach to Prison Management" by Andrew Coyle, International Centre for Prison Studies 2002 and the 'Healthy Detainee' principles as

The overall objectives of security for the centre are to contain young people in accordance with the orders of the courts (that is, to prevent escapes) and to ensure the safety of all young people, staff and visitors to the centre. This includes the ability to:

- alert incidents and emergency situations;
- monitor residents who are at risk of harm to themselves or others;
- provide surveillance in ways that are not overly intrusive;
- restrict the introduction and flow of contraband into the centre;
- prevent illegal or unauthorised entry;
- minimise the extent of damage;
- protect staff, residents and visitors;
- support the operations and delivery of programs.

j) Programs and services

*We deliver
quality
programs to
achieve
better
outcomes
for young
people ...*

The design and construction of Bimberi, as well as the principles and framework established by the CYP Act, support a new approach to program and service delivery that:

- is based on a therapeutic approach;
- is client-centred and family-focused;
- is developmentally and age appropriate;
- strengthens young people's connection to community and culture;
- strives to provide a normalised environment reflecting 'what is in the community';
- offers education and vocational training and programs;
- provides coordinated case management approach;
- builds positive and stable relationships;
- offers continuity of service delivery (throughcare).

Young people at Bimberi are actively encouraged to engage in a broad range of programs and services that will assist them to meet their health and mental health, rehabilitative, recreational, cultural, educational, vocational and developmental needs.

In providing effective programs and services to young people, Bimberi relies heavily on the involvement of other ACT Government agencies, in particular ACT Health, DET and CIT. Bimberi also actively engages with community service providers such as the Gugan Gulwan Aboriginal Corporation; Winnunga Nimmityjah Aboriginal

they apply to both young people and staff in which the weakest young person feels safe; all young people are treated with respect and as individuals; young people are purposefully occupied and are expected to improve themselves; and young people can strengthen links with their families, friends and/or support structures and prepare themselves for release.

Health Services; and the PCYC. The range of community-based programs and services provided at Bimberi in 2010 and 2011 are listed in [Attachment D](#).

Health services

The promotion of the holistic health and wellbeing of children and young people in detention is vital to their rehabilitation and reintegration into the community. Justice Health (formally known as the Corrections Health Program) directly provides a number of general and mental health services at Bimberi:

- general health services including medical services, general nursing services dental services, immunization, individual counseling, health promotion, pharmaceutical services, pathology services, imaging services, specialist allied health services, drug and alcohol services; and
- mental health services including clinical management, psychological assessment, individual counseling, mental health interventions.

Culturally appropriate health, drug and alcohol services, case management and therapy services are provided through agencies funded by ACT Health, including Winnunga Nimmityjah Aboriginal Health Service, the Gugan Gulwan Aboriginal Corporation and Ted Noffs.

Justice Health staff at Bimberi are located in the Client Services Building and operate from a dedicated health clinic. Services are provided within Bimberi with any emergencies treated in accordance with clinical need, either by an on-call medical officer or at Calvary or The Canberra Hospital. The primary care team includes Registered Nurses and Medical Officers who undertake most of the clinical services. A detailed description of health services is provided at [Attachment E](#).

Educational and vocational training

It is recognised that young people's achievement in the areas of education and vocational training are critical to their successful rehabilitation and life outcomes.

The daily programming of METC is based on the school calendar. Classes are offered every weekday between 9:20am and 3:00pm during school terms. A detailed description of METC including staffing profile, school program, the role of education in transition planning and a discussion on the opportunities and challenges within the Bimberi environment is provided at [Attachment F](#).

3.3 A young person's experience at Bimberi

a) Profile of young people

Tables 10-12 provide gender and age information of children and young people at Bimberi since 2008.

Table 10 Children and young people at Bimberi by gender, December 2008-2010

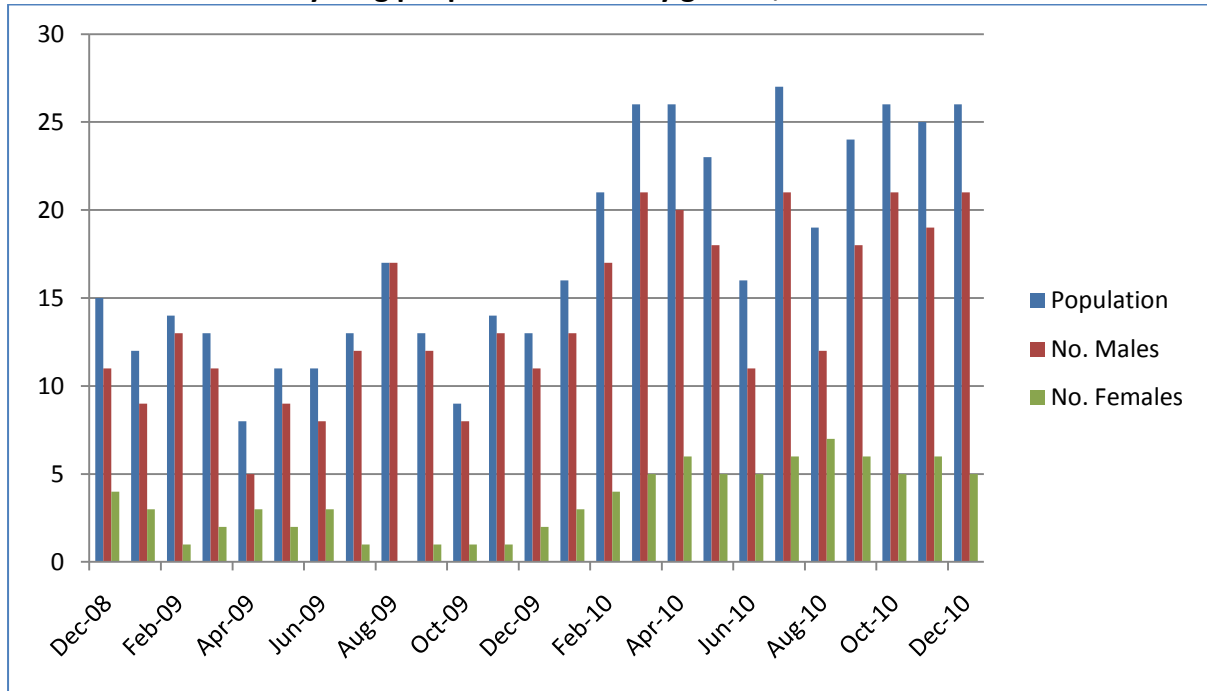


Table 11 Age breakdown of male population at Bimberi, December 2008-2010

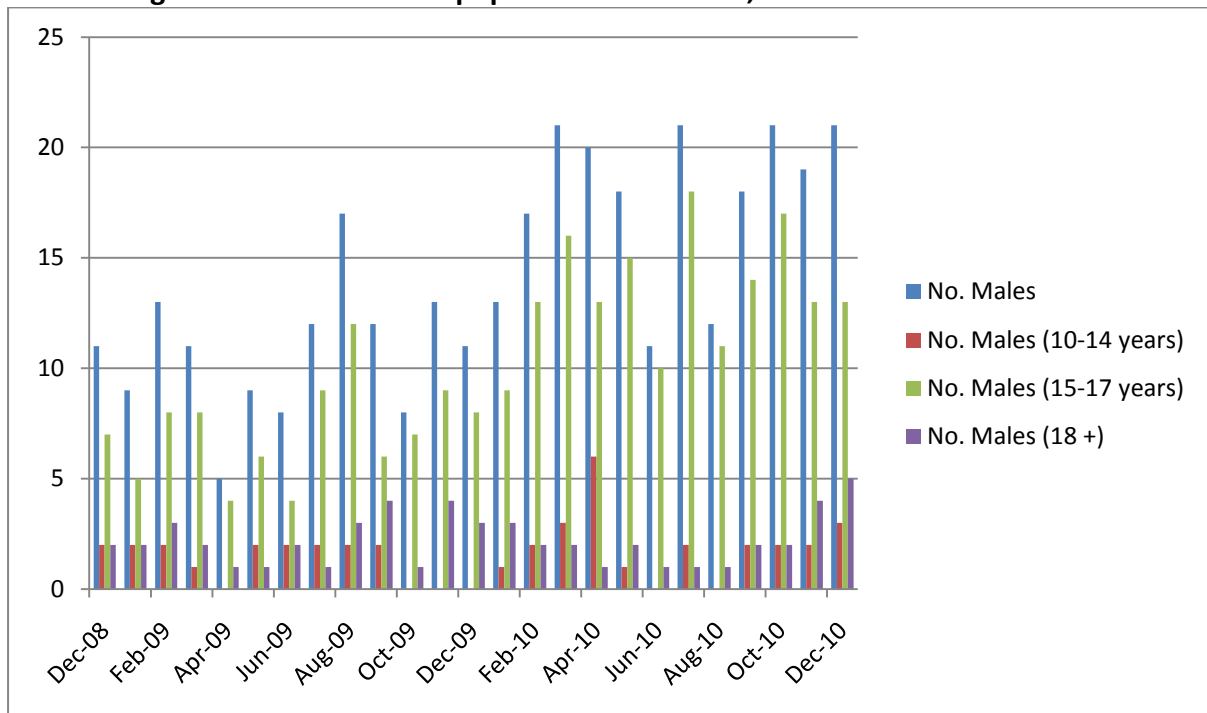
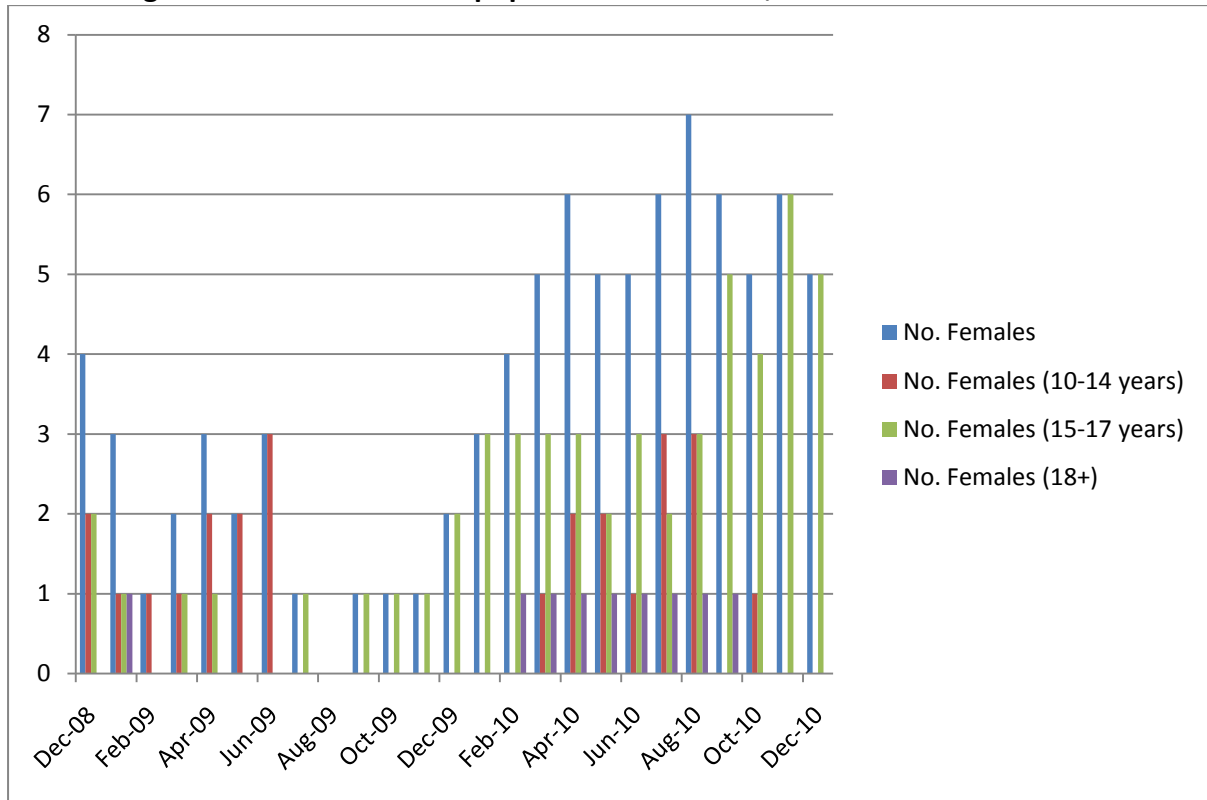


Table 12 Age breakdown of female population at Bimberi, December 2008-2010



b) Admission

Our admission processes recognise the experience for young people ...

A young person arrives at Bimberi through the separate Admissions Unit where they are received, accepted and prepared for a period of time in custody, either for remand or committal. Admission is usually a significant event for a child or young person and, as a consequence, the process of admission is the culmination of a series of traumatic experiences. Children and young people who are being admitted to custody are often vulnerable and are likely to be under severe stress and experiencing a range of emotions, including confusion, anxiety and agitation. This stress, anxiety and confusion is often increased for those who are entering detention for the first time. Children and young people may also be affected by drugs or alcohol upon admission to custody and/or exhibiting challenging, volatile or self-harming behaviours. The stress, anxiety, confusion or difficult behaviours are likely to extend beyond their admission to custody.

The emphasis during admission is on familiarization, stabilization and assessment. The process has the following main elements:

- Confirmation of appropriate documentation and storing of personal property.
- An initial induction assessment.
- Physical and mental health assessments and treatment of immediate needs.

- Information is provided with an explanation of individual rights, what to expect while in custody, information on their placement and expectations of acceptable behaviour while in detention.
- Information and notifications are provided to parents/carers/legal guardians regarding the child or young person's detention and necessary information regarding the operations of the centre such as visits, telephone contact, the ACT Children's Court and the complaints processes.

A large proportion of young people admitted to Bimberi only remain in the centre for short periods, often overnight or for a couple of days. The separate admissions unit allows these young people to be managed separately without having to mix with the broader centre population.

A young person will generally remain accommodated in the Admissions Unit for a short period (2-3 days) whilst the necessary assessments are undertaken and the young person can be classified. The purpose of classification is to identify the young person's status (remand or sentenced), their level of risk (low, medium, high), and any risk alerts that might include health and mental health, disability, risk of harm to self or others, risk to security. A young person's individual needs are identified. From this a decision is made about the young person's placement in a residential unit and with whom, the level of required observation, and any immediate needs to be addressed, special management/behavioural requirements and any restrictions to be placed on the young person.

c) Residential arrangements

Young people at Bimberi are accommodated in small, residential units based on their age, gender and status (remand and sentenced). Within each residential unit, young people have their own room with shared communal lounge/kitchen/ dining areas. Each unit provides a range of spaces for young people to socialise together in smaller groups or to have their own space. Each residential building has a central staff point that allows both observation and management of the separate residential units. Each residential unit contains two high needs rooms. This enables young people presenting with particular needs to remain within their residential unit rather than being managed in a separate behaviour unit.

d) Structured day

Central to a young person's experience at Bimberi is a structured day that reflects as closely as possible accepted standards in the broader community. Young people leave their units (residence) in the morning and spend the day at programs (school or vocational training). Morning tea, lunch, afternoon tea are all held within the

town square rather than in individual units. The 'day' also includes recreational and physical activities. As far as possible, disruptions to a young person's education and programming are minimised by structuring visits after school hours.

e) Behaviour management and discipline

We use pro-active and preventative behaviour management ...

Behaviour management strategies are implemented with young people to promote pro-social attitudes and behaviours. There are pro-active and preventative/reactive strategies. Pro-active strategies include positive reinforcement or feedback, incentives and rewards aimed at increasing particular behaviours that include compliance with requests, polite and respectful interaction, and appropriate problem solving. Reactive strategies are generally focused on decreasing specific negative or anti-social attitudes and behaviour such as abusive, threatening, non-cooperative, disrespectful and harmful actions. The range of strategies employed can include cautions or warnings, loss of privileges, discipline and the imposing of restrictions and in some instances may require the application of force.

Bimberi staff are trained in all aspects of managing challenging behaviours and the use of proactive and reactive strategies.

For young people who present with persistent problematic or challenging behaviour, a key strategy is the development of a Behaviour Management Plan. The plan provides a consistent approach to the management and change of identified behaviours. Behaviour Management Plans are created through the active involvement of the young person, operational staff, the young person's case manager, health professionals and, at times, their family. The management plan provides a consistent approach for all staff including operations, case management, health and education in the management of the young person's behavior.

f) Case Management

We use case management to guide our response ...

A young person's successful rehabilitation and reintegration into the community requires an integrated and collaborative response in delivering effective treatment programs.

Each young person will meet a case manager on admission. For those young people who are in Bimberi for only a short time, the case manager will assist them to prepare for court, develop a court report and as far as possible ensure that arrangements are in place for the young person's release, for example, suitable accommodation and a level of support whether this be from family or community-based support.

The case management of overnight and short term remands is a particular challenge for Bimberi. Case planning will focus on triaging immediate needs and where a guilty plea has been entered or a finding of guilt made, to focus on beginning the work necessary to protect the young person against future offending. This will include issues such as accommodation, family relationships, commencement of CHART-based interventions, referral to alcohol and other drug programs and engaging with community-based services that will assist the young person reintegrate into the community. Where the young person is within the age of compulsory school attendance, or expresses a desire to return to formal education, case managers will work with DET staff to develop a plan for the young person to resume their schooling or establish a connection with a school. For those young people beyond compulsory school age, the plan will focus on vocational education with a strong emphasis on using this as a vehicle to improve literacy and numeracy skills where appropriate. Bimberi staff will work with the young person and CIT staff to develop an integrated program to meet identified goals/needs.

The ACT Government recognises that ideally, these young people would be diverted from custody and appropriately supported within the community. The current Discussion Paper, *Towards a Diversionary Framework in the ACT*, is canvassing more appropriate responses for these young people other than detention.

For those young people remanded or sentenced to longer periods of detention, the objective of case management is to coordinate and integrate the intervention response to the needs of each young person. This involves identifying the young person's individual needs and strengths and positively engaging with the child/young person, their family and appropriate supports. Each child or young person is actively engaged in the development of an individualised plan that focuses strongly on their developmental, educational and emotional needs. The case management plan focuses not only on the young person's period in detention, but also on their reintegration and transition planning.

Each young person's case manager has an important role in supporting and advocating for them while they are at Bimberi. This can involve offering support and assistance in problem solving, facilitating contact with family and community, behavior management, interaction with other young people, relationships with youth detention staff and management (intermediary role), sharing information with other services and supports and assisting with complaints and concerns.

g) Recreation

Under a strengths based approach, children and young people at Bimberi are actively encouraged to have positive use of leisure time. Participation in sports and

indoor and outdoor recreation activities promotes better health and wellbeing and provide a sense of achievement. Team sports and group activities encourage the development of social skills. The YDOs, recreation officers and other program and health staff develop and implement activities, engaging community organisations in the process, to ensure that activities will provide links to similar community activities upon release.

h) Complaints and oversight

We work positively with oversight agencies ...

Children and young people and their families can raise concerns regarding their treatment or care while at Bimberi through a number of mechanisms. There are a range of internal complaints processes both within Bimberi, and through the DHCS Consumer Advocacy and Quality Service.

In addition to Bimberi or DHCS complaints processes, there are a number of statutory bodies that provide support, advocacy and complaint arrangements for children and young people in Bimberi and their families. The primary oversight bodies are:

- the Official Visitor;
- ACT Public Advocate;
- the Children and Young People Commissioner.⁴¹

To support young people's access to support, advocacy and compliant mechanisms, the contact details for these services are provided to all young people in Bimberi and are common numbers on their telephone accounts. Young people are able to utilise the telephone system regularly in order to seek support around concerns.

Official Visitor

The Official Visitor is a statutory position under the *Children and Young People Act 2008* and reports directly to the Minister for Children and Young People. The Official Visitor routinely visits Bimberi once per fortnight, however additional visits occur from time to time, especially when following up a particular issue or case. Young people are also able to ring the Official Visitor at any time.

The Official Visitor visits Bimberi to:

- meet with the residents and take up any issues that they raise in relation to their conditions, care and treatment within the centre;
- inspect the centre and raise any concerns;

⁴¹ These are the primary arrangements for children and young people. Additional mechanisms include the ACT Human Rights & Discrimination Commissioner and the ACT Ombudsman's Office. If a complaint is better referred to a more suitable agency, the child or young person is given appropriate support to make a referral.

- take complaints from families and carers of children and young people residing within the centre or from any member of the public concerned about a child or young person in the centre; and
- raise any concern which affects the wellbeing of children and young people in the centre.

As part of the receipt and resolution of complaints, the Official Visitor seeks to promote the best interests of the children and young people, and if appropriate can refer issues to other statutory bodies such as the Children and Young People Commissioner or ACT Public Advocate.

The Official Visitor visited Bimberi on 29 occasions in 2009-10.

ACT Public Advocate

The ACT Public Advocate is an independent statutory office that promotes the interests, rights and dignity of children and young people. The Public Advocate's office provides advocacy, advice, information and services for young people and their families. Young people can contact or access the ACT Public Advocate at any time regarding concerns or complaints.

The Public Advocate's office visits Bimberi regularly and meets with young people. The office monitors the treatment and care provided to young people at Bimberi and ensures any concerns raised are appropriately addressed. In addition, the ACT Public Advocate meets with the DHCS Director of Youth Directorate and Bimberi management bi-monthly to discuss issues and to collaborate on areas that impact on young people. The Public Advocate's office when visiting the centre also inspects the facility and conducts an inspection of the relevant Registers.

The Public Advocate's office had 56 contact visits at Bimberi with 31 individual young people in 2009-10.⁴²

ACT Children and Young People Commissioner

The ACT Children and Young People Commissioner has regular contact with the young people at Bimberi regarding consultation on youth issues. Young people and their families can also make contact with the Commissioner's Office regarding concerns or complaints regarding their treatment or care in Bimberi. The Commissioner has responsibility for monitoring the operations of the centre and attends Bimberi periodically to inspect the facility and the relevant registers.

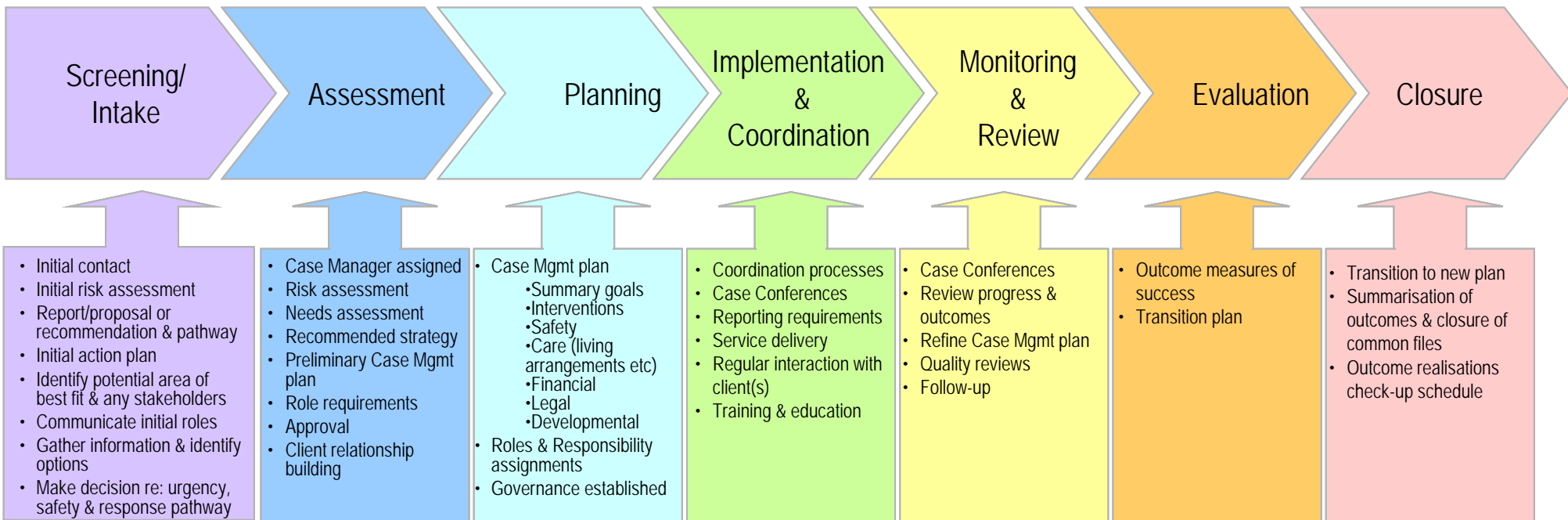
⁴² Public Advocate of the ACT Annual Report 2009-10, p.29.

The range of issues raised with the oversight agencies can vary considerably, as the following list demonstrates:

- Concerns regarding the application or issuing of consequences under behaviour management and discipline policies and procedures (e.g. loss of privileges).
- Issues relating to telephone calls and visits.
- Issues regarding clothing, haircuts, access to programs, for example woodwork programs).
- Staffing levels and lockdowns.
- Access to external health and dental services.
- Issues relating to young people's experience with other agencies, for example court attendance, court cells and police.
- Complaints about treatment from other young people and staff.
- Lack of new DVDs and X-Box games.
- Medication.
- Quality of food.
- Use of mechanical restraints (that is, handcuffs).



Case Management Methods



Key Common Tools / Actions for all Case Teams:

Initial Assessment leading to decision to proceed

Risk Assessment

Case Management Plan

Governance Process

Case Conferences

Sharing of information/data

Outcome realisation check-up

Collaboration Protocols

Collaboration process & tools

Handover process

Documentation closure

Key Features of the Design of Bimberi

1. Design philosophies

Group	Philosophy
<i>All</i>	To assist children and young people to break the cycle of re-offending, to realise their individual potential and to integrate with the community by strengthening their capacity to make choices, and to take responsibility for those choices, within a secure and supportive environment.
<i>Remand</i>	<p>In a climate of mutual respect, provide opportunities for successful community reintegration for children and young people who have been remanded by ensuring:</p> <ul style="list-style-type: none"> • a safe, secure and healthy environment; • provision of goal oriented programs (educational, vocational and personal development) where possible and appropriate; • professional and positive relationships with children and young people; • the acknowledgment and value of diversity and individuality; • children and young people on remand are presumed to be innocent until found guilty in court; and • every effort is made to ensure that there is continuity of family and community relationships and that education, employment and housing are not detrimentally affected by the child or young person being held in remand.
<i>Girls and Young Women</i>	Girls and young women in detention will be given the opportunity to maximise their potential by enhancing their opportunities to be fully engaged in health, education, vocational, recreation and rehabilitation programs and activities. It is important that females are not marginalised because of their small numbers. Equity in access to programming, recreation and facilities is a priority for this group.
<i>Boys and Young Men</i>	There are growing numbers of young offenders in the 10-14 years age group and an increasing number are

<i>Aboriginal and Torres Strait Islander Children and Young People</i>	<p>responsible for violent and other serious crimes. Boys and young men in this age group have a range of different needs, in particular developmental needs, and need to be separated from the older peer group. It is important that boys and young men aged 10-14 years are not marginalised because of their small numbers. Education input is a priority for this group.</p> <p>Young men in the 15-18 years age group represent the largest population group in detention. This age group has high risks and needs and generally lacks positive role models. They are greatly influenced by their peer groups who may also be detained with them. Education, training and recreation are important for this group.</p> <p>Aboriginal and Torres Strait Islander children and young people in detention will be given the opportunity to maximise their potential and to maintain and enhance their cultural identity through the active participation of Aboriginal and Torres Strait Islander Elders, family and community.</p>
<i>Children and Young People with Drug and/or Alcohol Problems</i>	<p>All children and young people with drug and/or alcohol problems will be given treatment to assist them to overcome their addictive or abusive behaviours in order to live a health life that is free from the constraints and dangers related to addiction.</p>
<i>Children and Young People from Culturally Diverse Backgrounds</i>	<p>Children and young people from culturally diverse backgrounds will be assisted to engage in case planning to maximise their potential for rehabilitation and will be supported to maintain their cultural links and to recognise culturally significant practices and dates.</p>
<i>Children and Young People with a Disability</i>	<p>Children and young people in detention who have a disability will be given the opportunity to maximise their potential through the provision of disability sensitive design and accessibility to a range of choices in service and program delivery.</p>

2. Objectives

To:

- Provide a safe and secure environment that maximises opportunities for the rehabilitation and reintegration of children and young people and to promote a sense of normality in their lives.
- Deliver high quality care and services to children and young people through continuity of care.
- Treat children and young people in a way which respects them, their individual circumstances and culture, and strengthens their capacity for making decisions and taking responsibility.
- Provide children and young people with support and develop their capacity to break the cycle of re-offending.
- Provide young people with training, education and skills to maximise their potential to fully participate in a positive way in the community on their release.
- Develop a professional organisational culture that fosters a positive environment.
- Encourage and maintain family and community involvement in the Centre.
- Balance the needs of children and young people and the community's right to a safe and secure environment.

3. Outcomes

- The provision of secure, humane and safe accommodation for sentenced and remanded children and young people.
- Improved prospects for the rehabilitation of sentenced children and young people through the provision of a wide range of criminogenic and life skills programs.
- Improved transparency in the management of children and young people in detention.
- Greater accessibility to, and interaction with, family and other supports to assist in the rehabilitation of children and young people.
- Cost effective and value for money accommodation and management of children and young people who are on remand or who are sentenced.
- Improvements in the health and well-being of children and young people in detention through the application of integrated health management services directed at their general and preventative health needs.
- Reduction in drug and alcohol addictions and use.
- Improvements in mental health, minimising self harm and risk of suicide, promoting a healthy lifestyle and addressing the particular health and well-being of children and young people with special needs.

- Reductions in the risk of children and young people contracting infectious diseases such as HIV and Hepatitis C.
- Reductions in offending behaviour through the application of a broad range of therapeutic, criminogenic and behaviour management programs.
- Greater and more focused involvement in children and young people's health and well-being, and rehabilitation and the application of effective case management and turnaround strategies.
- Improvements in children and young people's educational participation and achievements and employment potential, recreational and social activities through opportunities that are similar to those afforded to children and young people in the community.
- Greater involvement of the local and wider community and families in rehabilitation programs.
- A healthy, positive operational culture.
- Sustainable design, construction and operation, which meet best practice guidelines in terms of water sensitive urban, design, energy efficiency and waste management.

4. Physical environment

Components outside the secure perimeter

(i) Staff/visitor car parking

There is capacity for 85 vehicles with separated staff and visitor car parking. The design takes into consideration the likely timing of parking requirements, such as ensuring surplus parking is available for staff shift changeover periods, plus parking for visitors and service providers.

Components inside the secure perimeter

(i) Bulk store

The Bulk Store is an airlocked space that provides a depot for the receipt, processing, storage and dispatching of food and materials and equipment. The Bulk Store has two access points - one on the outside of the perimeter fence to receive deliveries, and one inside the perimeter fence.

(ii) Entrance and reception area

The main entrance to Bimberi is through the administration building and reception area. The entrance and exit for children and young people being transported to and from the centre, by either the police or the courts, is through the sally port adjacent to the admission area.



(iii) Main administration area

The main administration area is located in the administration building and provides for staff safety, staff meetings, staff training, good staff support and supervision, areas to meet, time away from the children and young people, contact between staff and other visiting services and professionals and adequate equipment and working areas. Within the main administration area, the administration functions are separated from the operational area.

(iv) Operational area

The operational area is the main control point for Bimberi and is located within the administration building. It is separate from the administration area. It contains an office area, the response equipment room, the communications room and the control room which is a secure, airlocked area with no access from the secure area of the centre. The Manager's Office is within easy access to the control room.

(v) Visiting area

All visitors to Bimberi enter through the reception area. A visiting area is located adjacent to the main administration area. The area is designed to be conducive to positive contact between the child/ young person and their family and is staffed with its own duty station. Visits can be conducted inside or outside. Contact visits allow families to freely interact. Secure visiting spaces are provided for non-contact visits. A separate area is provided where children and young people can be searched if necessary prior to returning to the residential cottages. The centre caters for contact and non-contact visits, has an open area with tables arranged in

café style, a children’s play area, an outdoor area with seating and play equipment, private meeting rooms for consultations with legal representatives or for other private meetings. Importantly, the visits centre has been designed to be a friendly and welcoming place and provides a barbeque which can be used by families to celebrate special occasions with residents.



(vi) Admissions Unit

The admissions area is located next to the reception and contains an intake room, search area, room for the receipt and storage of property, holding rooms and a safe room. The area is located near the Health Centre to allow easy access for general, medical and/or mental health assessments and treatment for children and young people on and after admission.

The admissions area seeks to provide a calm environment as admission can be a traumatic process for children and young people. The area is designed to allow children and young people to become accustomed to and comfortable with the new environment. The area enables the complete physical and visual separation of female and males and includes culturally appropriate design elements and furnishings.

(vii) Residential cottages

Bimberi has 6 residential cottages each containing 6 beds. One of the cottages can accommodate mothers and babies and two of the cottages cater for high needs children and young people. Individual rooms in the cottages are designed to minimise the potential for detainees without direct staff supervision to self-harm.

The cottages are able to be reconfigured internally to achieve a separation of population cohorts. A footprint for two additional 6 bed Cottages is accommodated on the site to allow for future expansion.

(viii) High needs residential cottages

Two of the cottages cater for high needs children and young people. These may include children and young people who are engaging in behaviour risky to themselves, others and the physical assets of the facility, and for those classified as requiring high observation and management. The high needs cottages provide a safe environment for children and young people undergoing acute episodes to be managed and stabilized out of the mainstream environment.

(ix) Kitchen and dining areas

The kitchen prepares and provides meals for all residents and staff in the centre. It is also designed and fitted out to meet the requirements of a Certificate II Training Facility.

(x) Education and vocational training centre (MTEC)

In a normalised environment, MTEC is located away from the residential cottages but close to indoor and outdoor recreational facilities. It contains a separate administration area, two teaching multipurpose classrooms to accommodate up to 6 children/ young people. The centre also contains a library/ resource centre, music rooms and multi-purpose workshops for a number of arts, crafts and vocational activities. An outdoor education area is provided for horticulture/agriculture activities.

(xi) Health centre

The health centre is located next to the admissions area and is equipped for assessment, treatment, consultation and clinical support to meet the primary health needs of the children and young people at Bimberi by a variety of health professionals, including doctors, nurses and specialists. The centre contains an office space, waiting area, two multipurpose soundproof clinic/treatment rooms for constant observation.

(xii) Sacred and cultural spaces

At Bimberi children and young people have the opportunity to maximise their potential to positively change their lives, through enhancing their health and wellbeing including spiritual wellbeing, personal growth and inter-connectedness with nature, family and the community. The centre incorporates a Chaplain's Office, a number of culturally appropriate spaces, outdoor and indoor areas for meetings and ceremonies and quiet or reflective areas.



(xiii) Recreation

Social living spaces for unstructured recreational activities (such as TV areas) are provided within the residential cottages. Indoor and outdoor recreation areas are located adjacent to MTEC. The indoor recreation areas incorporate a gymnasium with a full sized basketball/netball/volleyball and badminton court, an indoor heated swimming. The outdoor recreation area incorporates a sportsground to accommodate rugby, soccer, hockey and rugby league, a multi-purpose outdoor hard court for tennis, basketball, netball and handball, a covered/shaded outdoor meeting area and general amphitheatre style space, outdoor recreation area - outdoor meeting area, external grassed recreation areas and running trail with fitness stations. An outdoor playing court was established for the female residential unit thus overcoming the often common experience of older boys dominating sport and recreation facilities.



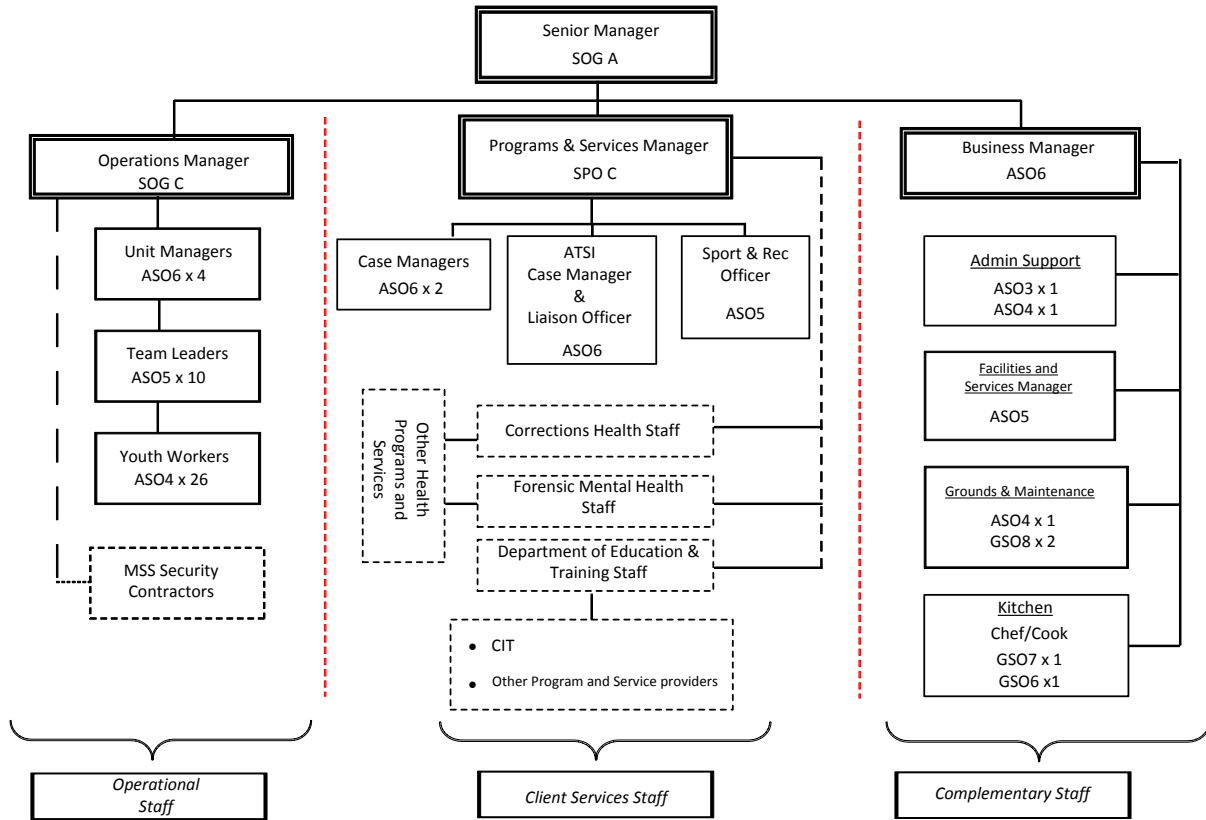
(xiv) Security

The secure perimeter fence protects the privacy of residents and allows staff and residents to see the horizon and have views outwards, lessening the feeling of isolation from place and community.

(xv) Utilities

The utilities building contains the major plant and equipment for the safe and secure functioning of the centre.

Bimberi Youth Justice Centre Organisation Chart



Vocational and Education Programs at Bimberi**2010 Programs**

Organisation	Training Provided	Duration
Department of Education and Training	Alternative education program providing numeracy and literacy, woodwork, metalwork, art and music.	Ongoing during school terms
Canberra Institute of Technology program delivered by Department of Education and Training (METC staff)	Learning Options (an accredited sub Year 10 program)	Ongoing during school terms
Canberra Institute of Technology program delivered by Department of Education and Training (METC staff)	Access 10 (an accredited Year 10 equivalent program)	Ongoing during school terms
Program managed by DET and training provided through Karabah High School, Queanbeyan, NSW	Year 11 and 12 (through distance education)	Ongoing during school terms
Department of Disability, Housing and Community Services	Indigenous Tutoring Program	Ongoing during school terms
Gugan Gulwan Youth Aboriginal Corporation	Arts Healing Program	Three school terms in 2010
Australian Brick and Block Training Foundation	`Bricks and Blocks' bricklaying Program	September/October school holiday period & Christmas school holiday period
Police Citizens Youth Club	H2O Canoe Building Program	Christmas school holiday period
	`Shove it' Skateboarding Program	Christmas school holiday period

Organisation	Training Provided	Duration
Warehouse Circus	Circus Skills	Christmas school holiday period
Raiders Football Clinic	Football	Christmas school holiday period
Warehouse Circus	Unicycling	Christmas school holiday period
Canberra Institute of Technology	Horticulture/Gardening Program	Ongoing
Australian Children's Music Foundation	Music program	Ongoing during school terms
Provided in conjunction with the Brick and Block program by the Australian Brick and Block Training Foundation and Construction Industry Training and Employment Association	White Card Training	Semester 2
Parasol	First Aid Training	December 2010
Bimberi Youth Justice Centre	Barista Skills	Ongoing
Australian Children's Music Foundation in conjunction with Bimberi Youth Justice Centre	RAP music program	Christmas school holiday period
Bimberi Youth Justice Centre	Arts and crafts – stencilling	Christmas school holiday period

2011 Programs

Organisation	Training Provided	Duration
Department of Education and Training	Alternative education program providing numeracy and literacy, woodwork, metalwork art and music	Ongoing during school terms
Canberra Institute of Technology program delivered by Department of Education and Training (METC staff)	Learning Options (an accredited sub Year 10 program)	Ongoing during school terms
Canberra Institute of Technology program delivered by Department of Education and Training (METC staff)	Access 10 (an accredited Year 10 equivalent program)	Ongoing during school terms
Karabah High School, Queanbeyan, NSW	Year 11 and 12 (through distance education)	Ongoing during school terms
Canberra Institute of Technology	"Vocational Options" Programs	3 or 6 weeks (for 2 days a week)
Construction Industry Training and Employment Association	Certificate II in Construction Pathways (Equivalent to first six months of an apprenticeship in construction)	8 weeks
Royal Life Saving Society	Bronze Medallion Training	1 day

ACT Health services provided at the Bimberi Youth Justice Centre

Justice Health

Justice Health, formally known as the Corrections Health Program, has been providing services at the Bimberi Youth Justice Centre since it opened in December 2008. The model of care to deliver health services at Bimberi has remained essentially unchanged since the opening of the centre, although a change has recently been implemented to allow clients to self-refer to Justice Health. The Justice Health Doctor is appointed under s 97 of the *Children and Young People Act 2008*.

Justice Health operates from a dedicated health clinic. Services are provided within Bimberi with any emergencies treated in accordance with clinical need, either by an on-call medical officer or at Calvary or The Canberra Hospital.

The primary care team includes Registered Nurses (RN), and Medical Officers (MO) who undertake clinical services at the centre. When the centre initially opened a nurse was on site for 8 hours a day. This was reduced following difficulties in accessing clients within Bimberi and, after negotiations between Justice Health and Bimberi Management, the service level was reduced to an RN in attendance for between 2 and 4 hours per day, with the RN travelling from the Alexander Maconochie Centre daily to attend Bimberi. A nurse was recruited in January 2011 and is currently providing greater continuity of care with a focus on youth health issues for young people at the centre. MOs provide clinical services at the centre on a monthly rotation.

Monthly Rotation of Medical Officers

Week	MO
1	Aboriginal Health (male MO)
2	Female MO
3	Male MO
4	Female MO
(5)	(Male MO)

Pharmacy services are provided through the pharmacy at The Canberra Hospital.

Sexual health services and testing for bloodborne viruses and sexually transmitted infections are available from Justice Health. Treatment of sexually transmitted

infections is co-ordinated through the Canberra Sexual Health Service. Specialist Sexual Health Physicians attend on a needs basis.

Aboriginal and Torres Strait Islander health services are provided in a holistic way to encompass mental, physical, cultural and spiritual health. A designated Aboriginal and Torres Strait Islander health clinic is held monthly and services are closely co-ordinated through the Winnunga Nimmityjah Aboriginal Health Service.

Justice Health recognises the gender specific needs that are unique to young women and a female medical officer provides these services twice monthly.

Dental services are provided by the ACTHealth Dental Health Program with young people seen at the Civic Dental Clinic. The services include oral health promotion, diagnostic services, periodontics, endodontic, oral surgery, general restorative services, prosthetic services and external specialist referral when required.

Alcohol and drug services are offered to prevent the uptake of use, treat those young people with substance misuse issues and reduce drug related harm to individuals.

Public health and health promotion services are in place to combat the spread of blood borne viruses and sexually transmitted infections as well as monitor public health at Bimberi. These initiatives include disease surveillance, investigating infectious disease outbreaks, nutritional advice, immunisation and hepatitis C information and education.

In 2010-2011 114 clients have been seen by Justice Health (to February 2011) with 1,046 occasions of service being provided.

Mental Health ACT

Mental health services have been provided at Bimberi since it opened in December 2008. Services are provided by ACT Forensic Mental Health Services through the Bimberi Youth Justice Centre Mental Health Service (Bimberi MHS).

The Bimberi MHS is staffed by a full-time psychologist (five days per week), a part-time intern psychologist (3 days per week), a part-time social worker (four days per week) and a consultant psychiatrist (visits once a week). These clinicians and doctor provide mental health treatment and care to young people at Bimberi. The services include:

- psychiatric reviews and medication;
- an Induction Assessment of all young people on their arrival at Bimberi (screening for any mental health issues or illness);
- clinical management services;
- psychological therapy when indicated;
- counselling or other time limited interventions where indicated;
- advice to Bimberi staff regarding appropriate levels of observation for young people;
- advice to Bimberi staff regarding mental health issues.

The Bimberi MHS has been providing the above services within the Bimberi Youth Justice Centre since it opened.

All active clients of Bimberi MHS are referred following release from Bimberi to the Child and Adolescent Mental Health Service (CAMHS).

Alcohol and Drug Services – ACT Health

Alcohol and Drug Services, through the Court Alcohol and Drug Assessment Services (CADAS), has recently begun offering alcohol and drug (AOD) assessments at Bimberi as part of a six month pilot program. All young people will now be assessed by CADAS before they are referred on to an AOD service such as that offered by Ted Noffs, DIRECTIONS ACT, the Winnunga Nimmityjah Aboriginal Health Service, Gugan Galwan or the Alcohol and Drug Services counselling team.

Alcohol and Drug Services have also recently commenced offering counselling services at Bimberi. This is a key change in service provision as historically the services have not been provided to young people under the age of 18 years. The change is in recognition of the often complex problems experienced by young people at Bimberi and the role of the Alcohol and Drug Service as the tertiary provider of AOD services in the ACT.

Community services funded by ACT Health

A range of external providers also provide services to young people at Bimberi as well as other youth justice clients. These services include:

- alcohol and other drug assessment, case management and support services and medical services for Aboriginal and Torres Strait Islander young people in Bimberi by Winnunga Nimmityjah Aboriginal Health Services;
- weekly groups and program assessment provided by the Ted Noffs Foundation;
- fortnightly art therapy and regular case management for Aboriginal and Torres Strait Islander young people in Bimberi by Gugan Gulwan Youth Aboriginal Corporation;
- the Junction Youth Health Service provided by Anglicare.

Murrumbidgee Education and Training Centre

METC provides a diverse range of education and vocation programs for young people remanded and committed to custody in the ACT. Students participate in a number of programs at the centre that are integrated in nature and include numeracy and literacy, an arts and music program and vocational education and training in the areas of wood and metalwork and introductory trade programs. Vocational education is also supplemented by short course certificated trade programs in construction and hospitality.

All the residents at Bimberi have the opportunity to participate in the program provided at the. METC is educationally dynamic and staff at the centre work collaboratively across all education programs to ensure a fully integrated curriculum.

METC is a school and as such is firmly embedded in an educational paradigm. Central to this paradigm is that education is transformative. Through education young people can transform their lives to become productive and responsible members of society. At the heart of METC's approach is the goal of individualising and normalising a young person's educational experience.

The opportunity for young people to experience a normal education and training experience also builds hope for the future. It is important that students continue to access and participate in a normal as possible school experience while at Bimberi.

Key aspects to maintaining this school experience is the teachers and trainers ability to operate from an educational paradigm and access the resources associated with the broader educational community, for example, the latest approaches to education and training skill development and school age vocational learning.

METC operates within Bimberi so cooperation and collaboration between the two agencies is critical in achieving positive outcomes for students. The partnership is guided by a Local Operational Procedure developed between DET and DHCS. While METC is governed by DET polices and guidelines, METC staff will follow the directions of Bimberi staff and polices in regards to safety, security, OHS and operational management of students.

Profiles

1. Current staffing profile:

- One executive teacher with day to day supervisory responsibility for the program. This position is currently being upgraded to a Deputy Principal position.
- One teacher FTE (Literacy, Numeracy, Studies of Society and Environment, Information Communications Technology).
- One teacher FTE (Literacy, Numeracy, Studies of Society and Environment, Information Communications Technology - temporary position until end 2011).
- One full-time teacher (Art).
- One x 60% teacher FTE (Woodwork - temporary position until end 2011).
- One x 60% teacher FTE (Metalwork - temporary position until end 2011).
- One x 60% teacher (Music).
- One x 40% CIT teacher (variety of introductory trade programs).
- One x 100% Aboriginal and Torres Strait Islander Liaison Officer (currently being recruited).

2. Student profile (counted on DET census day Wednesday 23 February 2011)

Total students:	24
Total male students:	21
Total female students:	3
Total Aboriginal & Torres Strait Islander students:	13

3. Student participation data 2010:

Total students:	78
Total male students:	60
Total female students:	18
Total Aboriginal & Torres Strait Islander students:	24
Average number of students per day:	21
Lowest number of students per day:	13
Highest number of students per day:	31

The number of students attending METC fluctuates week to week. The following data reflects the fluctuations that have occurred over the 2010 year.

- The number of male students attending METC on any particular day ranged between 94.4% to 57.1% of the total student cohort.
- The number of Aboriginal and Torres Strait Islander students attending METC on any particular day ranged between 54.5% to 29.2% of the total student cohort.
- The number of sentenced students attending METC on any particular day ranged between 53.8% to 13.6% of the total student cohort.

Operational drivers

1. Legislation

- *Education Act 2004* - METC is a school-related institution established under s 20 (3) of the Act. The METC school board is established and guided by sections 41, 42, 43 & 48 of the Act. The board is formally constituted by a disallowable instrument under s 43 of the Act.
- *Children and Young People Act 2008* - the student composition of classes and security protocols that teachers follow are guided by the Act.

2. Strategic directions

- Everyone Matters: ACT Department of Education and Training Strategic Plan 2010-2013;
- Excellence in Disability Education in ACT Public Schools: Strategic Plan 2010-2013;
- Aboriginal and Torres Strait Islander Education Matters: Strategic Plan 2010-2013;
- The National Partnership on Youth Attainment and Transitions and particularly the ACT Youth Commitment;

3. Local operating procedures

- Agreement between ACT Department of Disability, Housing and Community Services in relation to the Murrumbidgee Education and Training Centre at the Bimberi Youth Justice Centre.
- Bimberi Local Operating Procedures with specific reference to Local Operating Procedure 11: Operational Supervision of Programming.

3. Guidelines

- Every Chance to Learn: A Curriculum Framework for ACT Schools – Preschool to Year 10 and the Australian Curriculum k-10: A bridging document for ACT schools.
- Murrumbidgee Education and Training Centre: School Direction and Program Overview document (2010).
- Murrumbidgee Education and Training Centre: Education and Training Priorities 2011.
- Murrumbidgee Education and Training Centre Behaviour Management Guideline.
- Quality Teaching in ACT Schools: A Classroom Practice Guide (2008) and Quality Teaching in ACT Schools: An Assessment Practice Guide (2008)

Curriculum

The METC 2011 curriculum for students up to Year 10 is underpinned by the ACT's curriculum framework document *Every Chance to Learn*. Students who wish to access the curriculum to achieve a Year 12 Certificate can do this through the NSW Higher School Certificate as a distance education course or through the ACT College system (subject to day release opportunities being made available). Teacher pedagogy is supported through the Quality Teaching in ACT schools model and associated documents *An assessment practice guide* and *A classroom practice guide*. Quality Teaching has been in operation within METC (previously Hindmarsh Education Centre - HEC) for the past two years and there has been active development of teacher pedagogy using the Quality Teaching model through regular teacher professional learning sessions and through the use of targeted self-reflection, teacher observation and 'critical friend' analysis of lessons based on the Dimensions and Elements of the Quality teaching model. The work METC has undertaken on Quality Teaching informs assessment and evaluation of the pedagogy and curriculum within the school.

The Quality Teaching model makes explicit the three dimensions of pedagogy that have been linked to improved student outcomes:

1. Pedagogy that is fundamentally based on promoting high levels of **intellectual quality**.
2. Pedagogy that is soundly based on promoting a **quality learning environment**.
3. Pedagogy that develops and makes explicit to students the **significance** of their work.

The METC curriculum requires the development of options that can best meet the needs of students:

- For Primary School aged students a number of integrated inquiry based units have been adopted from Gordon Primary School in conjunction with METC devised units of work. METC also has specific literacy and numeracy curricula purchased from NSW. METC runs parallel streams that cater for literacy and numeracy as well as explicit social skilling.
- Currently, for the High School years units of study are offered in Mathematics, English, SOSE, ICT, Art, Music, Horticulture and Woodwork. Whilst maintaining and working within issues of student privacy the centre has the capacity to continue with work provided by the home school or with METC devised work of a similar nature. A METC school report issued at the end of each term can be used to inform the school of work completed whilst at METC.
- High school aged students can also participate in Access 10 curriculum which provides a Year 10 Certificate under the auspices of the Canberra Institute of Technology (CIT). Some students with significant literacy and numeracy issues can work through Certificate I and II in Learning Options, which is a precursor to Access 10. Work completed within these courses is periodically audited by the CIT. There is an METC representative on the Program Review Group (CIT) for the Access 10 course. There is also a CIT representative on our METC school Board.
- For students in attendance at ACT Colleges METC provides a similar service of continuing with their college education so that students are able to achieve accreditation towards their Yr 12 Certification. METC students are also able to access the NSW HSC through Distance Education at Karabar High School in Queanbeyan. METC teachers coordinate and support the students in their work if they enrol in the

NSW HSC and work is submitted for assessment as per the guidelines and requirements of this program.

- Vocational competencies are offered within metalwork and woodwork and these can exist independently, as part of a High School education package as well as constituting part of the Access 10 course. The school is developing relationships with Registered Training Organisations (RTOs) which have resulted in Caloola providing a wood and metal trainer in METC and other RTO's providing training courses (eg. National Occupational Health and Safety Construction Industry 'White Card' training). The trainers keep track of the vocational competencies that students achieve. It is expected in 2011 that these relationships will grow so that a greater variety of vocational learning opportunities occur.

The Education and Training Priorities for 2011 are:

- **Enhancing a Quality School Program** - METC will provide evidence based programs to improve student literacy and numeracy skills. These programs will be complemented by improvements in the assessment and monitoring of student's literacy and numeracy skills. To support the evidenced base programs and assessment processes teachers will undergo professional learning in these areas as well as receiving feedback about their teaching based on the Quality Teaching model. METC will develop partnership with agencies to support the focus on quality (for example University of Canberra). An important focus in 2011 at METC is re-engaging students in learning through the use of art and music. As well as providing an avenue for safely and positively expressing feelings, these classes provide an experience of the classroom which is less threatening than what they might have experienced in the past. A major project for 2011 will be a public art exhibition where sales will go to a charity chosen by the students.
- **Teaching Values** - METC will work with students to increase their understanding and expression of values, in particular the value of 'giving'. The teaching of values through explicit classes and through actions is an important element to the social emotional programming at the school. The development of literacy, numeracy and vocational skills is a critical element to breaking offending cycles and to support positive personal outcomes for students. However, by themselves these skills they are not sufficient. The focus on values is about addressing the beliefs students have about themselves and how they relate to others and the community. Developing

pro-social values will help young people break offending cycles when they leave Bimberi.

- **Building Vocational Skills** - METC will continue to develop partnerships with agencies that deliver vocational training to students. These partnerships will also provide flexible training options (for example 3 week beauty courses) that will allow METC to provide programming when student numbers increase suddenly. For those students who have achieved their Year 10 certificate via Access10, METC will work with Registered Training Organisations or the CIT to develop vocational pathways such as apprenticeships or traineeships. These vocational pathways will allow students to begin their training in METC and move onto work experience in the community (if assessed as suitable) during their transition from Bimberi to the community.
- **Developing Successful Transitions** - METC will work with Bimberi to develop partnerships and processes with schools and agencies that will support a student's transition plan into school, training or employment. As part of this focus on transitions METC will create a fulltime Indigenous Liaison Officer to support Aboriginal and Torres Strait Islander students' transition from Bimberi to schooling, training or employment. METC will work with case managers in Bimberi so that the student's pathway plan informs the young person case management plan particularly the transition component. Pathway planning is an important component of transitions as it helps build a sense of direction in a student's life and gives the student a voice in the planning process.
- **Building Outreach Support** - METC will work with Bimberi, DHCS and community agencies to develop an outreach program that will allow students coming out of Bimberi to develop or consolidate skills necessary for success in mainstream schools. METC will also explore if this program could be helpful in working with young people at risk of coming into Bimberi.

School Reports

Term Reports are written for every subject - Art, Music, Wood and Metalwork, English, Mathematics, SOSE and ICT. Students are given the original and a copy is sent to their parent/carer. Further copies are held within METC, Bimberi Case Management, as supporting documentation of their work and effort whilst at METC. Students are encouraged to discuss the comments made by their teachers and these discussions and subsequent formal teacher reflections also form part of the assessment and evaluation process of METC programs.

Invitations are sent out to parents and carers of students to attend a Parent/Teacher evening to discuss student progress within METC. No parental or carer attendance at these evenings occurred in 2010.

Transition

METC staff contribute to the case management process in Bimberi which includes transition planning. METC staff work collaboratively with Bimberi Case Management staff and DET Student Service staff to determine the needs of residents in relation to transition from the centre. Transition planning commences as soon as young people enters the centre and aims to support reintegration back into mainstream schooling, further vocational education, training or employment.

METC and DET staff work with OCYFS program case managers to support school placement of their clients leaving Bimberi. OCYFS programs include Turnaround, Community Youth Justice and Youth Connections. Network Behaviour Support Partners (DET) work with schools and the student's OCYFS program case manager to facilitate the development of plans that will support the engagement of the young person in their school. The Student Wellbeing and Behaviour Support Unit within the Department provides resources to schools to support the implementation of these plans.

Students transitioning from Bimberi may transition to school education, training or employment or a combination of these pathways. DET provides a range of supports to young people who leave Bimberi to attend an ACT Public School:

- Disability Education Programs - these supports range from individualised support in mainstream classes through to special units in mainstream schools to special schools for those students with a disability.
- Alternative Education Programs - these programs include the Achievement Centres for students in Years 7 and 8 (which support students to improve their literacy, numeracy and social skills) and Connect10 programs for Year 9 and 10 students (which support students as they work towards education, training and employment goals).
- Behaviour Support Partners - these staff work with schools to develop individualised approaches to support a student at school.
- School Counsellors - are psychologists who can work with students to address issues of wellbeing or assess learning difficulties. Counsellors

also work with parents and can help them connect with community supports.

- Pastoral Care Co-ordinators and Youth Support Workers - these staff work in high schools to promote a positive school environment and provide programs for students who have issues that prevent them engaging in learning.
- Career advisors - young people can explore and access vocational learning pathways through career advisors who are in each high school and college.

The ACT Youth Commitment also provides an opportunity to co-ordinate education, training and employment opportunities for all young people but in particular those young people who are not engaged or are difficult to engage. The Re-engaging Youth Leadership Group that operates under the umbrella of the ACT Youth Commitment will co-ordinate and assist to create a comprehensive range of flexible learning pathways for those young people.

The ACT Youth Commitment provides a unique opportunity to monitor the transition of young people (ages 15-17 years) through schooling and onto further education, training and employment. With day release it becomes possible to seamlessly transition some young people into education, training and employment pathways.

Transition challenges:

- Ensuring that students who have gained competencies, white cards or vocational certificates leave with employment/training opportunities arranged and are supported by agencies in these opportunities.
- Monitoring the progress and pathways of all students who have left Bimberi.
- Clarifying which agency is the lead case manager for individual students transitioning from Bimberi.
- Ensuring that education staff are involved in the case management and decision are made in a timely manner. This will allow schools to plan for a successful transition.

Individual Learning Plans

Within 2-3 weeks of attending METC, a student's basic academic skills are assessed and an Individual Learning Plan is developed. The Individual Learning Plan guides the day to day learning of students and should support the student to achieve their

longer term education and training goals. As part of the Youth Commitment, Pathways Plans are also being developed with the student. The Pathways Plan is a Territory-wide approach to help young people reflect on and plan for where they would like to head in regards to education, training and personal goals.

As part of the vocational learning program at METC, DET has identified Registered Training Organisations who have provided training in construction and hospitality to students at METC. This training takes the form of intensive day, week or several week long training that allows students to achieve 'White Cards' or certificates and are tailored to individual student and industry need.

Governance

The work of Bimberi and METC is supported by the Bimberi Strategic Reference Group which is chaired by DHCS and which DET and CIT are members of. The focus of the reference group is to:

- develop and foster partnerships and inter-agency collaboration for the management and provision of educational and vocational training delivered at Bimberi;
- provide policy and legislation input into the Bimberi educational and vocational training programs (monitor and advise in relation to specific client groups ie. clients with intellectual disabilities);
- ensure that existing programs and associated evaluations respond to Government directions and reflect best practice;
- identify scope for professional development.

Opportunities within the Bimberi environment

- Partnerships with external agencies - for example the centre is working with the University of Canberra in the provision of best practice teaching practices in literacy and numeracy.
- Embedding information technologies such as *connected Learning communities* (cLc) and the deployment of e-readers and e-writers in literacy development and extension.
- Introduction of culture classes for Aboriginal and Torres Strait Islander students.
- Should day release become an option for students at METC, a number of opportunities become available. These could involve students accessing a variety of Australian School Based Apprenticeships (ASBA), CIT courses, and their local school or community based flexible learning centres.

Challenges within the Bimberi environment

The provision of a school program within a secured environment in Bimberi is complex as there are numerous factors that creates specific challenges and tensions for METC. Students bring diverse personal factors when they come into Bimberi. These factors include emotional regulation difficulties, learning needs (for example, some students have a mild intellectual disability, have significant learning gaps, require extension work or may wish to complete a Year 12 Certificate) and histories of failure at school which often involve a strong sense of shame.

Within Bimberi students, are classified into groups to ensure safety and for compliance with human rights requirements. There are requirements to keep male and females, remand and sentenced and older and younger students in separate classes. This can be further complicated if the student is a sexual offender or has a security rating that prevents them from using tools. The fluctuating number of students adds another factor that contributes to the complexity. Together these factors provide a significant challenge when designing a program and timetabling students to classes each day.

Other challenges in teaching in a secure environment include:

- Day-to-day communication between Bimberi staff and METC depends on the provision of timely information about student participation in programs, the provision of materials for lessons and the consistent understanding of supervision arrangements.
- Co-ordination of vocational education for students between Bimberi and METC including the clarification of the role Bimberi plays in the provision of education and training programs.
- The design and delivery of comprehensive education and training programs is challenging when student participation is often for short periods of time or when protocols require the separation of certain students.
- Staffing in METC is challenging as a consequence of fluctuating student numbers, the need for specialised teachers and trainers, and the need for teachers and trainers to have the skills to operate within a secured environment.
- While there are occasional tensions between the education paradigm and working in a secure environment, staff understand that safety and security is critical to their ability to teach students. There is significant congruence of vision between METC and Bimberi in supporting students to develop literacy, numeracy and vocational skills. Underpinning this vision is a common drive to reduce recidivism and help young people participate in mainstream society.

Acronyms

AJC	Aboriginal Justice Centre
ATSIS	Aboriginal and Torres Strait Islander Services
CADAS	Court and Drug Assessment Service
CBT	Cognitive Behavioural Therapy
CHART	Changing Habits and Reaching Targets
CIT	Canberra Institute of Technology
CPSU	Community and Public Sector Union
CRC	The United Nation's Convention on the Rights of the Child
CTU	Court Transport Unit
CYJ	Community Youth Justice
DET	Department of Education and Training
DHCS	Department of Disability, Housing and Community Services
DPP	Director of Public Prosecutions
HRA	ACT Human Rights Act 2004
JACS	Department of Justice and Community Safety
PCYC	Police Citizen's Youth Club
RCIADIC	Royal Commission of Inquiry into Aboriginal Deaths in Custody
RJG	Restorative Justice Unit
SRG	Strategic Reference Group
YDO	Youth Detention Officers
YLS/CMI	Youth Level of Service/Case Management Inventory