

Executive Summary

This is a joint report of the quarterly statutory inspections of both the Brisbane Youth Detention Centre (YDC) (BYDC) and Cleveland YDC (CYDC). These inspections were conducted under the former Department of Youth Justice which was abolished on 12 November 2020 and is now part of the Department of Children, Youth Justice and Multicultural Affairs. Statutory detention centre inspections are conducted by delegated Inspectors, located within the Office of the Deputy Director-General. This report which covers both inspections, is provided to the Director-General, and contributes to improving YDC operations across both centres.

The inspection of CYDC was conducted remotely from 14-18 September 2020 via telephone, Skype and other electronic methods of consultation and data collection due to safety precautions implemented in response to the COVID-19 pandemic. Restrictions for professional visits were subsequently lifted, and Inspectors were able to visit CYDC from 28-30 September 2020 to physically observe practice and consult staff and young people in person regarding themes raised during the remote meetings.

The inspection of BYDC was delayed due to the COVID-19 recovery commencing late August and continuing throughout September 2020. Once normal operations had resumed, Inspectors conducted an on-site inspection of BYDC from 12-16 October 2020.

The focus areas under inspection this quarter were the COVID-19 pandemic response; legal rights and access; complaints process; and recreational programs and purposeful activity.

The key observations, findings, and recommendations regarding the focus areas are summarised below. Other issues raised and discussed with relevant centre managers and the Senior Executive Director, Youth Detention and Operations during and immediately following the site visits are tracked in the Issues Register at Appendix A and B of this report. The status of active recommendations from previous reports are detailed in the Recommendations Register at Appendices C and D.

Focus Area 1 – Covid-19 pandemic response

Both BYDC and CYDC continue to practice increased sanitation measures, social distancing and restrictions guided by Queensland Health (QH) advice. To date, CYDC has not recorded any cases of infection, however, BYDC experienced an outbreak amongst a small number of staff in late August 2020. No young people were infected.

An immediate QH-guided response was implemented to control the spread of COVID-19 which included a shutdown of all non-essential services, deep clean of all areas determined to be high risk, increased use of personal protective equipment, alternate staffing provided by Queensland

Corrective Services, Queensland Police Service (QPS), QH Rapid Response Unit and staff from CYDC.

All BYDC staff, including Department of Education (DoE) staff, isolated at their homes until negative COVID-19 test results were returned. All young people were isolated in their rooms and under distancing measures were allowed out for fresh air, phone calls and exercise. All young people on centre were tested and all returned a negative result to COVID-19. Health services continued as per normal throughout the duration of the YDC entry restrictions. DoE arranged the delivery of education packs for young people to continue their schoolwork during the two-week school closure.

Within the 16-day COVID-19 response operation at BYDC, all infections were traced and direct contacts quarantined. Infections linked to the cluster that appeared following this period were already in quarantine. Feedback from staff and young people regarding the response was positive with commendations around leadership, prompt testing and communication. No recommendations were made by the Inspectorate for this focus area.

Focus Area 2 – Legal rights and access

Young people have adequate access to their own legal representatives, with all young people reporting their legal representatives are on their phone lists and they can call them at any time. In addition, legal representatives will quite often visit the YDCs, which are prioritised by the visits staff.

Restrictions associated with COVID-19 brought about an increase in court video links due to in-person court appearances not currently being available for young people in YDCs. Areas for opportunity were identified in BYDC regarding internal coordination and prioritisation of court video links and associated duty lawyer access, particularly on Monday's. Monday is traditionally the busiest day due to young people being remanded in custody over the weekend (and are required to see a duty lawyer and appear in court via video link on Monday). As young people are on centre, they are participating in morning routine and attending structured day which creates difficulties in contacting the duty lawyer. Court schedules are fluid and determining an exact time for an appearance is difficult, resulting in short notice when a young person is required to appear. BYDC visit staff are then required to collect the relevant young people from their structured day or their section, however, logistical issues arise due to not to mix status and young person movements. This can delay the young persons' arrival at the video-link facilities, resulting in a rushed consultation with the duty lawyer and delays to court proceedings.

Should the current process of video-link court appearances continue, feedback from internal and external stakeholders indicate efficiencies need to be achieved in ensuring young people have adequate access to their legal representative prior to court. As such, a recommendation has been made for BYDC to consult with internal and external stakeholders to establish a collaborative response to improve coordination and prioritisation of video link court appearances and connection to duty lawyers prior to court.

The Inspectorate also examined QPS contact with young people while they are in detention, particularly instances where QPS seek to interview a young person as a suspect in an investigation. BYDC had an effective process in place consistent with policy, legislative provisions and rights of young people. Some gaps in process were identified within CYDC, however these were communicated following inspection and are currently in the process of being addressed.

Focus Area 3 – Complaints Process

The Inspectorate found there are several points of contact within both YDCs where young people can make a complaint. All YDC staff can receive complaints from young people and staff were aware of the complaints management process. Young people can also raise issues and complaints via Community Visitors from the Office of the Public Guardian (OPG) who visit BYDC each week and CYDC twice per week.

The Inspectorate consulted with the OPG who are in regular contact with relevant staff at the YDC and are mostly satisfied with the follow up on issues raised by OPG on behalf of the young people. However, they felt there were opportunities to increase awareness of how young people can raise issues and complaints, particularly within BYDC. This was consistent with feedback from several young people in BYDC who indicated an unwillingness to raise complaints directly to the centre. Differences in complaints data was also observed at CYDC and BYDC, with the latter having a lower rate of recorded complaints.

While there is a policy and a robust incident review system in place which identifies and responds to instances where complaints could have been made, some deficiencies were identified in the complaints management and record keeping process within BYDC. Although this raises potential gaps in practice and transparency, the Inspectorate was unable to conclude if this has had an adverse effect on complaint outcomes. The Inspectorate therefore recommended that a further and more detailed review of the complaints management process within BYDC be undertaken.

Finally, the Inspectorate viewed samples of correspondence sent to young people when an outcome of a complaint has been finalised. If a young person is still on centre when the complaint process is finalised, the Manager of Client Relations (usually in partnership with the young person's caseworker) will deliver the outcome verbally to the young person and provide a copy of the advice of outcome letter. If a young person has left the YDC prior to the outcome being finalised, then a copy of the letter is sent to the young person's address. While the letter was informative and professional, the sentence structure and grammar were not completed in 'Easy English'. In consideration of evidence regarding literacy levels of young people in the youth justice system, the Inspectorate recommended correspondence be reviewed and adapted to suit the literacy levels of young people in detention.

Focus Area 4 – Recreational Programs and Purposeful Activity

The Inspectorate has no recommendations regarding this focus area, however, following feedback regarding scheduling of BYDC and DoE programs, reference is made to a previous

recommendation made in June 2019 to improve the coordination of programs through cross-agency collaboration. During the inspection period, recreational and life skills programs continue to be delivered internally by YDC programs staff. COVID-19 restrictions were still in place throughout the September 2020 quarter, therefore external providers usually contracted to deliver programs were unable to access the YDCs.

The Inspectorate noted a reduction in the ability to deliver programs during the COVID-19 response period at both YDCs, however program cancellations occur frequently due to staff shortages, incident response and supervision requirements for at-risk young people and this presents a constant challenge to delivering a full schedule of programs to young people

List of recommendations

Focus Area 1 – COVID-19 pandemic response

No recommendations were made.

Focus Area 2 – Legal rights and access

Recommendation 1

BYDC consult with internal and external stakeholders to develop a collaborative response to improve the process and prioritisation of video link court appearances and connection to duty lawyers prior to court.

Focus Area 3 – Complaints Process

Recommendation 2

BYDC takes necessary action to ensure record keeping and complaints categorisation is in line with policy, and this discrepancy be monitored for the next quarter via the central monitoring and oversight process.

Recommendation 3

As part of the existing program of work by the Senior Speech Language Pathologist, a resource guide on preparing 'Easy English' correspondence for young people be developed and available for use by MCRs and other staff as required.

Focus Area 4 – Recreational Programs and Purposeful Activity

No recommendations were made.

Other Issues

Recommendation 4

Opportunities be explored for specific section supervisor training modules, with a focus on leadership and role clarity, be available online and in a self-paced format ensuring easy and consistent access, irrespective of staffing pressures or experience levels of supervisors.

Further, as an ongoing initiative, it is recommended that section supervisors be prioritised to deliver training to new inductees as a resource-effective method for establishing a shared understanding of what is taught in inductee training and consistent application of practice.