

Executive Summary

This is a joint report of quarterly statutory inspections of the Brisbane, Cleveland, and West Moreton Youth Detention Centres (BYDC, CYDC, and WMYDC) undertaken in March 2022.

Statutory detention centre inspections are conducted by delegated Inspectors, located within Learning and Development, Department of Children, Youth Justice, and Multicultural Affairs (DCYJMA). This report aims to contribute to improving youth detention centre operations across all centres.

The focus areas for inspection in this quarter were reporting of harm, behaviour management (use of force, restraints, and separations), management of youth detention centres, and transition and reintegration. The key observations, findings, and recommendations in relation to the focus areas are summarised below. These observations were discussed with relevant Executive Directors (ED) at the conclusion of the inspections and with the Senior Executive Director (SED), Youth Detention Operations and Reform (YDOR) during a post-inspection briefing.

Other issues raised during and immediately following the site visits are monitored in an Issues Register and will continue to be examined during future inspections. The status of active recommendations from previous Inspectorate reports are detailed in a Recommendations Register which is reviewed during the December inspection each year and published online. A copy of the Recommendations Register can be obtained by making a request through the Office of the Assistant Chief Operating Officer ACOO_YJSWS@cyjma.qld.gov.au.

Focus Area 1 – Reporting of harm

The department is committed to promoting and protecting the safety, wellbeing, and rights of young people in youth detention. Harm that has occurred to a young person in youth detention is defined as any detrimental effect of a significant nature on the young person's physical, psychological, or emotional wellbeing.

The Inspectorate found the process for completing harm reports in relation to incidents was well understood across the three youth detention centres however, there were inconsistencies across the centres in recording and assessing of potential harm. The current policy provides no clear thresholds or criteria for what constitutes harm, or tools for supporting assessments, and relies on decisions being made through professional judgement.

Issues identified by the Inspectors in relation to harm assessments included:

- harm assessments being based on an institutionalised response, utilising thresholds that are higher than community expectations,
- inconsistencies in informing parents, guardians, Child Safety, and Youth Justice Service Centre case managers,
- the lack of acknowledgement of cultural harm, and
- the impact of cumulative harm not being considered and/or recorded.

Focus Area 2 – Behaviour management (use of force, restraints, and separations)

Behaviour management of young people is an integral element of the detention centre preventing harm to young people, staff and/or visitors. The use of disciplinary procedures, force and separation are minimised through effective preventative strategies, alternative approaches to discipline and behaviour development. Accordingly, force, separation, and restraints must only be used as a last resort and when they are absolutely necessary.

All centres had well-defined processes for monitoring the use of force, restraints, and separations with rigorous quality assurance mechanisms in place to review incidents and address any issues with non-compliance to legislation, policy, and procedure.

One of the primary areas for improvement identified by staff conducting incident reviews was the need to ensure operational staff are completing high quality incident and occurrence reports that provide sufficient information and a clear rationale for decision making processes. This is particularly pertinent when physical intervention techniques, separations, or restraints are utilised in response to an incident.

Differences were identified between YDCs in the overall use of separation and the time young people spend in separation when an incident occurs however, the need to de-escalate potential risks rather than using separation and ceasing separations in a timely manner were identified as the main priority areas across all three YDCs.

In determining how to manage a violent or potentially violent incident and the degree of physical force necessary, operational staff utilise a dynamic risk assessment framework to assess and respond to incidents in the most appropriate way. It was noted by the Inspectors that use of physical force continues to be utilised in the majority of incidents.

Mechanical restraints in a youth detention centre must only be used when absolutely necessary and utilised in the safest way possible for the young person. Across the three detention centres, there were noticeable differences in the use of restraints. Discrepancies were also observed between centres in relation to the types of incidents where restraints were utilised.

Focus Area 3 – Management of youth detention centres

The key objective of the management of the centre is focused on the appropriate balance between the security and management of the centre, the safe custody, and physical and emotional wellbeing of the young people in detention. The centre's day to day operations and policies afford procedural fairness to young people and acknowledge the rights and responsibilities of staff, visitors, and young people within the centre.

The Inspectors acknowledge local contextual issues (including centre size, the characteristics of young people, and staffing) impact how the three centres differently uphold the key principles of youth detention. CYDC appear to operate with a greater focus on safety and security, WMYDC is more relational in their approach, utilising restorative practices at every available opportunity, and BYDC utilises a combination of both WMYDC and CYDC.

An important long-term issue impacting on management of youth detention centres is staffing. Recruitment, retention, and staff absenteeism continues to be experienced across each centre to varying degrees and is a priority area for youth detention centres and the Youth Detention Reform Action Group (YDRAG) action plan.

Specific to young people is the admissions, not to mix (NTM), suicide risk (SR), and Special Interest Young People (SIYP) processes. Admissions processes were inconsistent across the three centres, with information not routinely captured or recorded. There was also inconsistency in how section admissions were completed across the centres. Not to mix issues are significantly impacting the movements of young people across all three centres. There is no current policy specific to NTM issues, and the process tends to be managed primarily by each centre's intel officer.

Young people subject to previous SR and/or SIYP plans are automatically placed on observations or plans upon re-admission, without a thorough assessment occurring on re-admission to determine whether the risk/s remains. The Inspectorate suggests a more robust assessment occurs on re-admission to determine whether the risks are still viable upon each admission to ensure young people are not disadvantaged based on potentially outdated assessment information.

Focus Area 4 – Transition and reintegration

The department is committed to providing young people in youth detention access to a range of programs and supports that assist to address their offending behaviours and successful reintegration back into the community. Positive family, peer, and community relationships are critical to a young person's successful transition.

All centres demonstrated some evidence of transition/reintegration planning for some young people however, it was inconsistent in its application. Feedback from all centres in relation to transition/reintegration was that more needs to be done to support all young people, regardless of status, to learn independent living skills. There was also an acknowledgment by staff that young people transitioning to communities outside of the immediate catchment of each of the detention centres was a challenge.

Of particular concern to the Inspectors was the limited involvement of families, significant others, and community agencies in a young person's transition/reintegration. The Inspectorate notes the importance of collaborative transition planning, particularly with remote communities who have

higher volumes of their young people being placed in custody. Positive reintegration plans were provided to the Inspectorate for several sentenced young people however, the transition component of the plans once they left detention was limited.

Information sharing with YJSC case managers is not routinely occurring, with minimal evidence in ICMS case notes or case review documents. As previously highlighted by the Inspectorate in the December 2021 report, the capacity for YDC caseworkers to proactively engage with YJSCs is restricted due to their focus on operational rather than professional functions. The review of the caseworker role, recommended in December 2021, may support in improving these functions, as well as the development of a more integrated information system with the introduction of Unify. In the interim, it is recommended the department review the components of DCOIS to determine what information should be incorporated into Unify to improve information sharing.

The Inspectorate is also aware that communication is a shared responsibility, and equally, there is limited evidence to suggest YJSC case managers are engaging with the YDC or their young people while in custody. While this is clearly outlined in both detention and service centre policies, it is identified as an ongoing challenge and an area for continued improvement.

T2S is not being offered in any of the YDCs, despite this being a commitment made by the department as part of the 2016 YDC review. Given this program is aimed to support young people transitioning to vocational training post release, there is the need to explore the gap this leaves and how young people can be better supported in their vocational pursuits upon their release.

Other observations and issues

The Inspectorate raises issues on-site during the inspection, directly with staff throughout the inspections, with the Executive Directors at the exit interviews, and with the Senior Executive Director, Youth Detention and Operations and Reform as required. Issues are monitored through the Issues Register, which outline the response action taken by centre management and/or Youth Detention and Operations and Reform. Issues and observations during the March 2022 Inspection include:

Sexualised behaviour of YP at CYDC

While onsite at CYDC, the Inspectors were advised by a number of staff about the impact of sexualised threats by young people towards other young people, staff, and their families. This behaviour is of concern and is unacceptable in any setting, is criminal behaviour, and has the potential to cause harm to both employees and other young people. While this behaviour was more pronounced at CYDC, it is recommended all YDCs explore program options to address the escalation in these behaviours and consider the development of a behaviour management strategy specific to these incident types.

List of Recommendations

Focus Area 1 – Reporting of Harm

Recommendation 1:

The reporting of harm policy is updated to support practice changes with a particular focus on:

- ensuring parents/guardians are informed of harm and records are maintained evidencing all communication and engagement
- the potential impact of cultural harm when completing harm assessments
- developing suitable implementation processes e.g., template, training, communication, to ensure cumulative harm is being considered and captured, and to create congruency in policy application across the centres

Focus Area 2 – Behaviour Management (Use of Force, Restraints and Separations)

Recommendation 2

Review the existing incident report training package provided to staff to improve the quality of reporting, increase accountability, and ensure consistency of practice across all detention centres.

Focus Area 3 – Management of Youth Detention Centres

Recommendation 3

To complement and inform YDRAG's activities a project is undertaken to capture information from YDC staff who resigned in the last six months and continue for an additional six months (12-month data in total) to understand more about departure and retention issues, to inform future recruitment, retention, and professional development strategies.

Focus Area 4 – Transition and Reintegration

Recommendation 4

To maximise the opportunity the Unify system provides, it is recommended there is a review of the components of DCOIS to determine what information should be incorporated into Unify.

Recommendation 5

Family members or significant others, including relevant community organisations, are engaged in young people's transition/reintegration case planning, and where this has been unable to occur, the reasons why are clearly recorded in ICMS.

Other Issues and Observations

Recommendation 6

YDCs explore options to address the increase and impact of sexualised incidents and consider the development of a behaviour management strategy specific to these incident types.