



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

APRIL 2015

REPORT OF AN ANNOUNCED INSPECTION OF
BANKSIA HILL JUVENILE DETENTION CENTRE

97

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**Report of an Announced Inspection of
Banksia Hill Juvenile Detention Centre**

Office of the Inspector of Custodial Services
Level 5, Albert Facey House,
469 Wellington Street,
Perth WA 6000

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The Inspector's Overview

PROGRESS AT BANKSIA HILL SINCE THE 2013 RIOT, BUT STILL SOME WAY TO GO

Banksia Hill Detention Centre (Banksia Hill) is currently Western Australia's only custodial facility for young people who have been sentenced to detention or remanded in custody by the Children's Court. After performing well in the mid-2000's, Banksia Hill had become increasingly unstable during 2011 and 2012. On 20 January 2013 a serious riot erupted.

This report of an inspection in August 2014 concludes that Banksia Hill has made significant progress since the depths of 2012/2013. However, it still has some way to go before it will be totally confident, clear in its sense of direction, and meeting high performance standards.

BANKSIA HILL 1997 TO JANUARY 2013

It is important to look ahead and not to dwell on past failings. However, Banksia Hill's history is critical to understanding the key findings in this report and also the opportunities and challenges the Centre faces in the coming years.

1997–2008

Banksia Hill opened in 1997 and for the first decade of its life it was nationally regarded as a positive example of the delivery of youth custodial services. The basic design of the Centre was good but more importantly it had a strong sense of purpose and was delivering good quality services. In his first report on Banksia Hill in 2005, my predecessor Professor Richard Harding concluded that it was 'certainly one of the best performing institutions within the remit of the Department of Corrective Services.' The strengths included strong and stable management, leadership and direction, a busy and purposeful day for detainees, a positive staff culture, and respectful staff/detainee interactions.

By the time of this Office's 2008 report, performance had slipped and risks had increased. Staff morale had dropped, the regime was less purposeful, there were too many unscheduled lockdowns, and a stronger focus was required on behaviour management and community reintegration. The inspection also revealed significant security deficiencies.

2009–2010

In early 2009, the government confirmed that there would be major changes to youth custody. The Rangeview Juvenile Remand Centre was to be converted into a reintegration facility for young men aged 18–24, and Banksia Hill was to be redeveloped as the state's sole juvenile detention centre. The 'amalgamation' of Banksia Hill and Rangeview, as it became known, was scheduled for late 2011.

The amalgamation project provided some opportunities for improvement but also carried serious operational and systemic risks. Rangeview had typically housed around a third of the total juvenile population, including all female detainees and the majority of young people being held on remand. It had also housed some sentenced males and had provided a valuable alternative placement for those who were not functioning well at Banksia Hill.

The result of amalgamation was that Banksia Hill would be required to house every male and female detainee, sentenced and remand, from as young as ten years of age to over 18, and from every part of the state. Its population would increase substantially (by around 60 per cent), the detainee profile would change, and there would be no alternative or additional placement options.

Young people in detention pose a multitude of challenges and risks and no other state chooses to place all its youth in one centre. Managing major construction work inside an operating facility posed additional risks and, on top of this, Rangeview and Banksia Hill had developed two such different workforce cultures and practices that it was necessary to invest heavily in change management processes to amalgamate the staff. Clearly, the amalgamation project required the Department to have a very strong sense of direction, combined with effective risk assessment systems and rigorous and prudent planning.

2011–January 2013

Our mid-2011 inspection found that Banksia Hill was on the cusp. On the one hand, there was evidence of significant planning for amalgamation, but much of the planning was under-developed and there were a number of fragilities and emerging risks at the Centre. These included low staff morale, high levels of absenteeism, excessive unscheduled lockdowns of detainees, inconsistent and ineffective responses to detainee misbehaviour, and deteriorating staff/detainee relations.

Unfortunately, the Department appeared to be in denial about the severity of these issues. Certainly, it did not address most of them. The building expansion also took longer than expected and was creating significant risks. By mid-2012, the Centre was in a parlous state. There had been far too many serious incidents, including an extremely dangerous escape, some serious assaults, and numerous ‘roof ascents’. Staff morale and confidence plunged further, absenteeism rose higher, and staff shortages and lockdowns increased.

The situation was compounded by a lax security culture at the site, and inconsistent local and head office leadership. The Department failed to follow through on promised risk mitigation strategies, and neglected the change management processes required for the successful amalgamation of Rangeview and Banksia Hill staff.

Despite such volatility and fragility, and in the face of warnings, the Department proceeded with amalgamation in the last quarter of 2012. It was entirely predictable that the Centre would experience another serious incident, and on 20 January 2013 it did. A riot broke out and more than 60 male detainees – a third of the male population – managed to break out of their cells. Many other detainees, both male and female, damaged their cells internally.

Although the riot did not result in injuries to staff or detainees, it did cause massive physical damage, rendering most of the site inoperable, and for the following nine months, most of the male detainees were accommodated at Hakea Prison. The riot also caused immeasurable cultural and emotional damage.

2013–2014: CORPORATE AND ON-SITE OVERHAUL

The riot, a series of negative news stories, and increasing government concern about the Department’s culture and operations, triggered a major shake up. It was clear that change was coming shortly after the March 2013 election, with the appointment of a new Minister who was soon calling for a complete ‘top down and ground up’ rebuild.

My Inquiry into the riot had reached the same conclusion. In fact, it had gone further in one respect, arguing for youth justice services to be removed from the Department and

placed with a new Commissioning body akin to the Mental Health Commission, or a new government department.¹ Although the government did not go this far, they did agree that youth justice required a much stronger focus and a new sense of direction.

The former Commissioner of Corrective Services, Mr Ian Johnson, left in April 2013. His replacement, Mr James McMahon, did not take over until the end of October 2013. During this hiatus, a great deal of work was done but inevitably the Department remained in something of a ‘holding pattern’: future strategic planning and decisions regarding the Department’s restructuring had to await the new Commissioner’s appointment.

Late 2013 and 2014 saw rapid and far reaching organisational and personnel changes. The Department was restructured to establish a separate Youth Justice division, and the vast majority of the previous executive team departed. Fortunately, although the new Deputy Commissioner for Youth Justice was not appointed until after our August 2014 inspection, the Department was well served by the interim Deputy Commissioner and the Assistant Commissioner. In addition, a Youth Justice Board was appointed to advise the Commissioner.

During 2013 and early 2014, Banksia Hill itself was also in a period of change and turmoil. Physically, the site changed markedly, with additional ‘target hardening’ and fencing; there was too much turnover in the management team, and still a lack of clear direction; and the staff had needed to focus on the task of ‘re-amalgamation’ when they and the detainees returned from Hakea in late October 2013.

BANKSIA HILL IN AUGUST 2014: MOVING UP BUT FRAGILE (4/10)

The August 2014 inspection occurred less than 12 months after the Departmental restructure and ‘re-amalgamation’, and at a time when the Centre was still finding its way.

In the course of the inspection, we asked management on-site and at head office, as well as the various staff groups, where they thought the Centre now stood on a scale of 1-10, if 1 reflected the state of the Centre in late 2012/early 2013, and 10 represented a highly functioning place. The vast majority of respondents said it was at around 4/10.

A score of 4/10 does not seem good but I regarded this as a very realistic assessment. It also provided a positive building block for the future. The score acknowledged that genuine progress had been made but that there was still a considerable way to go. I was particularly pleased that staff and management were showing more enthusiasm and confidence in the future but that they were in no way complacent about the challenges that lay ahead.

Arguably the most significant change that has allowed the Centre to make progress has nothing to do with Departmental change. Rather, it is the fact that detainee numbers have declined markedly from the time of the riot when it held 207. In the first half of 2013, numbers dropped back to around 160, and they have generally been at that level since then. If numbers return to previous levels, especially while Banksia Hill’s philosophy,

i Office of the Inspector of Custodial Services (OICS), *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013).

culture and operations are still being rebuilt, it is very likely that the gains will be lost and the risks will increase.

As outlined in Chapter 2, the improvements at the Centre included:

- A relatively calm and settled atmosphere; compared with 2012, there were fewer major incidents and tension was much reduced;
- A stronger local management team;
- Improved staff numbers and some improvement in staff morale;
- Improved security and safety focus;
- A busier daily regime and fewer lockdown hours;
- Improved living conditions;
- Decent general health services; and
- Signs of improvements in the girls' unit (Yeeda).

However, progress was generally partial at best. One of the core weaknesses at the time of the riot was that the Centre lacked an operational philosophy, and therefore a sense of direction. This had still not been resolved and at the time of writing, 21 months after the riot, the Department is still in the process of drafting a youth justice philosophy, from which a Banksia Hill philosophy will evolve.

Other areas of concern, many of which reflect the absence of a clear philosophy, were the following:

- While security and safety had seen some improvement, relational security (staff/detainee relations) still needed improvement;
- Staff perceptions of their personal safety were much worse than in adult prisons;
- Strip-searching was excessive;
- Levels of personal leave and workers compensation leave had dropped but remained too high;
- The security classification system was severely under-developed;
- Although unscheduled lockdown hours had reduced, there was still room for improvement;
- While the position of girls at the Yeeda Unit had improved to a degree, they remained marginalised in a number of respects;
- Case management was only in the early stages of being reinvigorated;
- Education services need to be refocused and better resourced;
- Mental health services were very stretched and the facilities for distressed children at Banksia Hill were counter-therapeutic;
- There was insufficient focus on Aboriginal culture; and
- Programs for young men aged 18, or approaching 18, were still undeveloped.

LOOKING AHEAD: NUMBERS, NEEDS AND SERVICES

Numbers and Capacity

It is most unlikely that Banksia Hill's numbers will remain as low as they have been, especially when pending amendments to the state's 'three strikes' home burglary laws take effect. The existing three strikes laws have impacted primarily on Aboriginal youth, who are already grossly over-represented in detention, and there is no reason to believe that the tightened laws will be any different. Although it is not possible to know the exact impact on future numbers, Banksia Hill is at risk if numbers increase much above current levels, especially as there are no other detention centres.

At first sight it might appear that Banksia Hill does have spare capacity in that current numbers are well below its total capacity based on general Departmental figures. However, the Centre must handle so many different cohorts of youth that 210 is not a 'real' or realistic actual operating capacity. For example, 28 cells are set aside for females, leaving 181 for males. Furthermore, this figure of 181 includes a number of double-bunked cells and also specialist cells which should only be used for specific purposes such as crisis care or behaviour management. The number of youth falling within each cohort will never neatly match the accommodation distribution.

Furthermore, in my view, children in detention should never be double bunked unless there are very specific reasons to the contrary, such as providing family support. Forced cell sharing for children is inappropriate and risky. It is not a routine practice in any other part of Australia and should not become so here. At the time of writing, there are already around 150 males at Banksia Hill and the mainstream male units are already close to full. Essential areas such as education are also operating at capacity and are not equipped to service more.

Reducing Recidivism and Detainee Numbers

There are, of course, two ways to address the problem of numbers. One is to accept that numbers will go up and to pump more and more expensive infrastructure and resources into Banksia Hill. The other is to reduce numbers or to peg growth. Despite the current shortfalls in some services, the financial costs of incarceration are extraordinarily high: in 2013–14, it cost an average of \$817 per day or almost \$300,000 per year to keep one young person in detention in WA. The social and human costs are immense and immeasurable.

I therefore strongly welcome the Department's commitments in its new Strategic Plan, to put a stronger focus on diversion, support to offenders after release, to improve engagement with Aboriginal people, to focus on better post-release outcomes, and to be more innovative in its engagement with the non-government and private sectors. The government has also been flagging its interest in 'performance-linked' incentives and 'payment by results'.

It has recently been announced that the Wirrapanda Foundation has been allocated \$320,000 to run the Moorditj Ngoorndiak program. This pilot program will run for 12 months and will support for ten participants and their families. It will target young Aboriginal males between the ages of 12–19 years and the Department will work with the Telethon Kids Institute to evaluate the program. A performance based incentive

payment may be paid to the Wirrapanda Foundation at the completion of the 12 month program in the event the program participants do not reoffend for up to six months post-release from detention.

I strongly welcome all well-targeted initiatives to support young people, and if the Moorditj Ngoorndiak program works, then at \$32,000 per head it will be a sound investment. However, it is at best a small start: there are more than 150 children in detention, numbers are likely to rise, and young women are also in urgent need of better support programs.

Young Adults

I also strongly welcome Acacia Prison's initiative in establishing, as part of its expansion program, a Young Adult Unit (YAU) for 18 to 26 year old men. The YAU aims to provide specialised services to young men while they are in prison and also additional post-release support. Serco, the operators of Acacia, have promoted such a unit despite the fact that it carries some risks. They deserve credit for this: it is a long-overdue initiative with no equivalent at any publicly operated prisons.

The YAU is an important development in its own right and, like the Moorditj Ngoorndiak program, its correctional outcomes need to be fully evaluated. However, it is also potentially important for Banksia Hill. Currently, juveniles who turn 18 while in detention will remain at Banksia Hill unless the Children's Court is prepared to allow their transfer to an adult prison. This has been very rare, partly because of the lack of age-specific placements in the adult system hitherto. However, Banksia Hill has struggled to meet the needs of the older cohort. If the YAU does deliver on its intended services, this should allow it to be used for young men who are no longer best placed at Banksia Hill. The timing is also good: although Banksia Hill has been developing a program to expand services to its older detainees, it is facing funding limitations.

SUMMARY

In summary, there has certainly been progress at Banksia Hill since the depths of 2012/13. There has also been progress in remodelling the Department with a sharper focus on performance and reduced recidivism. The foundations have been laid for a better future for youth justice as a result. Overall, however, progress has been slower than expected, some fragilities remain, and a number of core services are still only in the early stages of being rebuilt.

If Banksia Hill is to again become 'one of the best performing institutions within the remit of the Department of Corrective Services', as it was in 2003, it will need a clear sense of direction, a good deal of nurturing, improved services, and a set of priorities, targets and outcomes.

Neil Morgan

15 April 2015

Fact Page

NAME OF FACILITY

Banksia Hill Juvenile Detention Centre

ROLE OF FACILITY

Banksia Hill is a maximum-security facility, holding male and female detainees, sentenced and unsentenced, from all regions. Detainees range in age from 10 to 18 (and beyond).

LOCATION

Located in Canning Vale, 20 kilometres south of the Perth central business district, it is the only juvenile detention centre in Western Australia.

BRIEF HISTORY

Banksia Hill opened in 1997. The centre underwent a major redevelopment from 2010 to 2012. Following this, the state's only other juvenile custodial facility, Rangeview Juvenile Remand Centre, was converted into an adult prison. From October 2012, all juvenile detainees in Western Australia were housed at Banksia Hill. In January 2013, a riot took place at Banksia Hill, resulting in extensive damage to the centre.

PREVIOUS INSPECTION

31 May–16 June 2011.

A Directed Review was undertaken following the riot in January 2013.

DESIGN CAPACITY

210

NUMBER OF PRISONERS HELD AT COMMENCEMENT OF INSPECTION

155

DESCRIPTION OF RESIDENTIAL UNITS

Unit	Description	Capacity	No. of Detainees
Harding	Male detainees – regression, arrestees, orientation	28	21
Jasper	Male detainees – remand	24	20
Karakin		24	14
Lenard	Male detainees – sentenced	24	24
Turner		24	12
Urquhart		32	22
Murchison		16	31
Ravensthorpe	Male detainees – sentenced – self-care	4	3
Serpentine		6	0
Yeeda	Female detainees – remand, sentenced, arrestees	24	8
Peel	Female detainees – sentenced – self-care	4	0
TOTAL		210	155

Chapter 1

BACKGROUND AND CONTEXT

THE HISTORY OF BANKSIA HILL

1.1 Banksia Hill Juvenile Detention Centre ('Banksia Hill') opened in 1997 to house sentenced offenders aged 10–18 years, both male and female. At that time, it had accommodation for up to 120 detainees. Young people remanded in custody were held separately at Rangeview Juvenile Remand Centre ('Rangeview').¹ Since then, Banksia Hill has undergone many changes, both in terms of its infrastructure and its role in the youth custodial system.

First Inspection: March 2005

- 1.2 The first inspection of Banksia Hill by the Office of the Inspector of Custodial Services ('the Office') took place in March 2005.² The detainee population was 85 (79 male and six female). The inspection found that the centre was performing well, with a positive atmosphere, committed staff and a focus on therapeutic and rehabilitative activities. Other positives included the good interaction and respect between staff and detainees and the strong educational program. Overall, the Inspector observed that Banksia Hill was 'certainly one of the best-performing institutions within the remit of the Department of Corrective Services'.³
- 1.3 Some identified areas for improvement included the need for better integration between the different services within the centre; more attention to security and safety in the centre; an improved complaints system for detainees; and better pre-release preparation for detainees. Given the very high proportion of Aboriginal detainees, there was a need for better reflection of Aboriginal culture throughout the centre.

Second Inspection: June 2008

- 1.4 The second inspection of Banksia Hill took place in June 2008.⁴ The centre was housing 104 male detainees. All female detainees had been removed from the centre in October 2005 and housed at Rangeview instead.
- 1.5 The findings of the second inspection were less positive. The centre had failed to make noticeable progress and some areas of good practice had slipped. Nevertheless, it was acknowledged at the time that Banksia Hill had maintained its strong pro-social environment and positive staff–detainee interactions.
- 1.6 Of concern was the level of tension between staff and management, and within the staffing group. There were factions in the staffing group and evidence of staff-on-staff bullying.
- 1.7 The Office also criticised the lack of an integrated, comprehensive through-care model in the centre. It was acknowledged that the centre was under pressure as a result of the growing detainee population and a shift in proportion of sentenced to remanded detainees.

1 Rangeview opened in March 1994.

2 OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 37 (September 2006).

3 *Ibid.*, v.

4 OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 58 (December 2008).

Third Inspection: May–June 2011

- 1.8 The third inspection took place in May and June 2011.⁵ Banksia Hill was holding 116 male detainees. At that time, the youth custodial system was preparing for a significant change. Rangeview was to be converted into an adult prison, and Banksia Hill would become the sole youth custodial facility in the state. Substantial building works were ongoing at Banksia Hill at the time of the inspection, and staff at both Rangeview and Banksia Hill were busy with preparations for the amalgamation of the two centres. The amalgamation date was scheduled for early 2012, although this was destined to be significantly delayed.
- 1.9 As the centre was in the midst of transition, the Office decided to conduct a targeted review of specific issues rather than a comprehensive review of all services. The intention was to undertake another full review in 2013 following amalgamation. The report found a noticeable improvement in the overall climate and atmosphere at the centre compared with 2008, one of the most significant improvements being that staff numbers had increased. As a result, in June 2011 Banksia Hill appeared better placed overall than in 2008. However, the situation remained fragile, with the following concerns identified:
- It was not clear that the amalgamated centre would have sufficient capacity for the detainee population.
 - Despite staff numbers having improved, there were too many lockdowns of detainees, resulting mainly from staff shortages through issues such as accrued leave and workers compensation claims. These were causing disruption, frustration and risk. Unfortunately, the Department was not adequately recording lockdowns so it was difficult to establish the full extent of the lockdown practice.
 - The quality of staff–detainee engagement was declining.
 - There appeared to be a loss of momentum in respect of the change management processes.
- 1.10 As part of this inspection, the Office undertook an audit of regression and other processes relating to detainee discipline. Key findings included:
- There were anomalies between the Juvenile Custodial Rules, the centre practices relating to confinement of a young person and the provisions of the *Young Offenders Act 1994* (WA) and the *Young Offenders Regulations 1995* (WA), including in exercise, access to reading materials, monitoring and documentation.
 - Despite most incidents being dealt with within their accommodation unit, over half were initially confined in a multi-purpose cell in Harding Unit. This implied significant overuse of confinement.
 - Inadequate documentation was kept on detainees placed on a regression regime, as to cell placements, time out of cell, placement reasons and other information to ensure duty of care, demonstrate compliance with legal requirements and contribute to continuous learning and improvement.

5 OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 76 (January 2012).

- The stated purpose of regression was to improve behaviour through a targeted and individualised regime. However, a simple pro forma regime was applied in almost every case, often with comparatively little engagement with psychologists, Aboriginal Welfare Officers or other support staff.
- Custodial officers rostered to the regression unit were routinely cross-deployed to other tasks, which caused detainees to be locked into their cells for extended periods, sometimes without full exercise entitlements, and prevented staff from giving detainees the individual attention that is intended in their regimes.

THE 2013 RIOT AND SUBSEQUENT DIRECTED REVIEW

1.11 During the second half of 2011 and 2012, the Inspector became increasingly anxious about the risks at Banksia Hill for the following reasons:

- The responses to the inspection of 2011 appeared unrealistic and out of touch;
- Incidents were escalating in frequency and seriousness, including numerous roof ascents, some of which involved standoffs or serious assaults and one that resulted in a dangerous escape in August 2012;
- Excessive lockdowns due to staff shortages were having a negative impact on the regime for detainees;
- Divisions between staff and management were clear;
- There were frequent changes in management positions on site and in head office, with particular upheaval between December 2011 and April 2012;
- The building program was well behind schedule and unrealistic timeframes were being indicated for completion and testing; and
- Banksia Hill generally was not ready for amalgamation.

1.12 Despite the Inspector raising these concerns with the Minister and the Commissioner of Corrective Services, and recommending the amalgamation be deferred, it went ahead in October 2012. Banksia Hill became the sole juvenile detention centre in Western Australia and Rangeview was converted into a prison for young adult men (now known as Wandoo Reintegration Facility).

1.13 Less than four months later, on the evening of Sunday 20 January 2013, an extremely serious incident of mass disorder erupted at Banksia Hill ('the riot'). At the time of the riot, Banksia Hill housed 185 males and 21 females. The incident started when three detainees climbed onto a roof, not an infrequent event at Banksia Hill. In total, 61 detainees escaped from their cells and roamed throughout the centre causing damage. In addition, a significant number of detainees caused damage to their cells. The worst of the damage resulted from windows being attacked from both the outside and the inside.

1.14 Given the extent of the damage to Banksia Hill and the lack of any alternative juvenile facility, the Department transferred the majority of male detainees to Hakea Prison ('Hakea') in the two weeks following the riot. Banksia Hill continued to house female detainees and male detainees under the age of 14.

BACKGROUND AND CONTEXT

- 1.15 The riot and its aftermath caused significant parliamentary, community and media attention. On 21 January 2013, the then Minister for Corrective Services Hon Murray Cowper MLA directed the Inspector of Custodial Services to undertake a review of the incident and the post-incident management of the detainees ('the Directed Review').⁶
- 1.16 Prior to the amalgamation of Banksia Hill and Rangeview, there were significant fragilities at Banksia Hill including staff shortages, excessive lockdowns of detainees in their cells, poor responses to detainee misbehaviour and an increasing disconnect between management and staff regarding amalgamation. Building delays and the difficulty of managing a detainee population alongside a construction site compounded the problems but did not cause them. There was an escalation in serious incidents, including assaults on staff, numerous roof ascents, and a violent high-risk escape involving the stealing of a contractor's vehicle.
- 1.17 Over the same time period, the Department made too many changes to the management of youth custodial services, both on site and at head office level. This led to a lack of clear leadership, a lack of continuity and increasing instability.
- 1.18 The Department placed insufficient weight on the risks at Banksia Hill and did too little to address those risks as they became increasingly evident. There was no rational explanation for how the Department could have allowed amalgamation to proceed in early October.
- 1.19 At Hakea, detainees were almost totally locked down for three weeks. This was not reasonable and was not necessary by way of risk management. Once the total lockdowns were eased, the regime that was put in place fell short of a suitable level of service to young people in detention because of shortfalls in education, programs and recreation, and because of continuing lockdowns.
- 1.20 In the aftermath of the riot, there was a strong focus on 'hardening' the facility by installing bars, grilles and fences. The Directed Review made the observation that idle, bored children will invariably become frustrated and are very likely to act out their frustrations. Bars and grilles will not stop this and it is essential that Banksia Hill returns to providing a full and active regime including rehabilitative programs and recreation.
- 1.21 The Directed Review made wide-ranging recommendations relating to strategic planning, governance structures, security, safety, decency of treatment and services for children in detention. These recommendations and the responses to them can be found in Appendix 2.

YOUNG WOMEN AND GIRLS AT BANKSIA HILL

- 1.22 One of the more significant aspects of the amalgamation was the return of young women and girls to Banksia Hill. In the aftermath of the riot, most attention focused on the boys because they made up the majority of those who participated and were impacted by the riot. However, the Office recognised the importance of examining the specific needs and challenges of girls in detention. An inspection of the girls' unit at Banksia Hill (Yeeda Unit)

6 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013).

BACKGROUND AND CONTEXT

was undertaken in April/May 2013 to assess the ‘state of play’ with respect to incarcerated girls and to promote further debate and focus (‘the Yeeda inspection’).⁷

- 1.23 The Yeeda Unit was intended to provide the opportunity for innovation and improved services and outcomes for girls. The overall conclusion of the Yeeda inspection was that there was some progress but that a good deal remained to be done.
- 1.24 The unit represents a great improvement on the facilities that were available to young female detainees at Rangeview. The inclusion of dedicated education and program facilities in particular is commendable. The inspection identified a need to broaden the range of recreation options for girls both within the unit and across the site. There was also a need to broaden the range of life skilling, employment, training and educational opportunities. The inspection recommended better integration of services provided to the girls to provide an improved interdisciplinary approach to detainee management and welfare.

FOURTH INSPECTION: AUGUST 2014

- 1.25 This report relates to the fourth inspection of Banksia Hill that took place in August 2014. The inspection was originally scheduled for March 2013 but was cancelled following the riot in January 2013 and the subsequent review conducted by the Office.
- 1.26 Instead, another inspection was scheduled for approximately 18 months after the riot. This provided an opportunity to assess Banksia Hill’s recovery from the riot and the extent to which the recommendations made in the Directed Review had been addressed. In addition, it was important to examine the various aspects of the centre’s operations that had not formed a central part of the Directed Review. This included such key areas as health services, education, case planning, programs and psychological services.

Demographics of Young People in Detention

- 1.27 The population of Banksia Hill has become extremely complex since the amalgamation. As the only juvenile detention centre in the state, Banksia Hill now holds male and female detainees, sentenced and unsentenced, from all regions. Detainees range in age from 10 to 18 (and beyond).⁸
- 1.28 Significantly, since the time of the amalgamation, and particularly since the time of the riot, the total detainee population at Banksia Hill has dropped substantially. At the time of amalgamation in October 2012, the centre was holding 183 detainees. Numbers peaked at more than 200 in early 2013 and on the night of the riot in January 2013, Banksia Hill held 206 detainees.
- 1.29 The graph below illustrates that the detainee population decreased steadily until mid-2013 and since then it has remained fairly stable between 150 and 160. At the commencement of this inspection, there were 155 detainees at Banksia Hill.

⁷ OICS, *The Management of Young Women and Girls at Banksia Hill Detention Centre*, Report No. 86 (October 2013).

⁸ Even after reaching 18 years of age, a young person will remain in youth detention unless the Department makes a successful application to the Children’s Court to move the young person to an adult prison. For further discussion of young adults at Banksia Hill see Chapter 9.

BACKGROUND AND CONTEXT

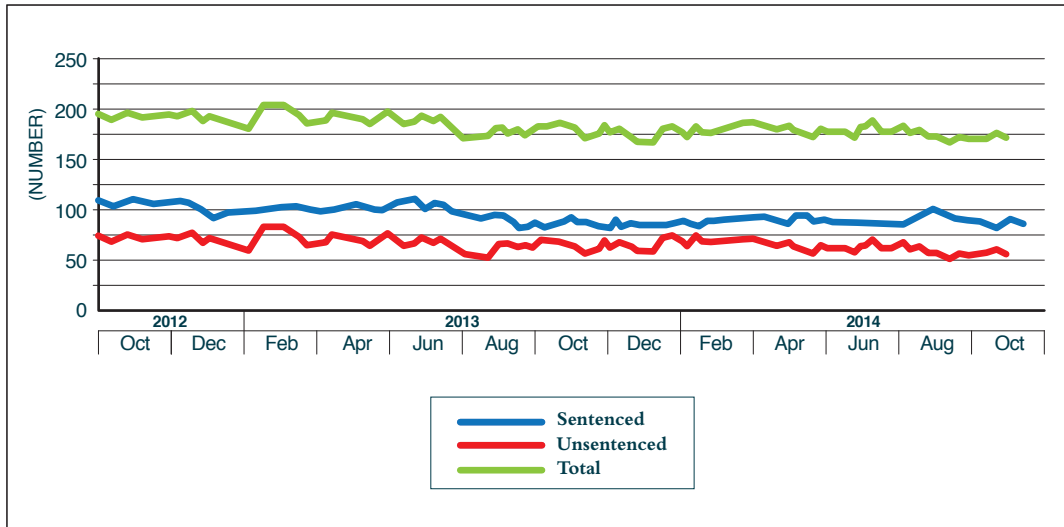


Figure 1 : Detainee population at Banksia Hill

1.30 Female detainees have always represented a small minority of the total population of young people in custody. But their numbers and proportion have also been falling since the riot. On the night of the riot in January 2013, there were 21 girls (from a total population of 206) representing 10 per cent of the total population. At the commencement of the inspection in August 2014, there were eight girls (from a total of 155) representing five per cent of the total population.

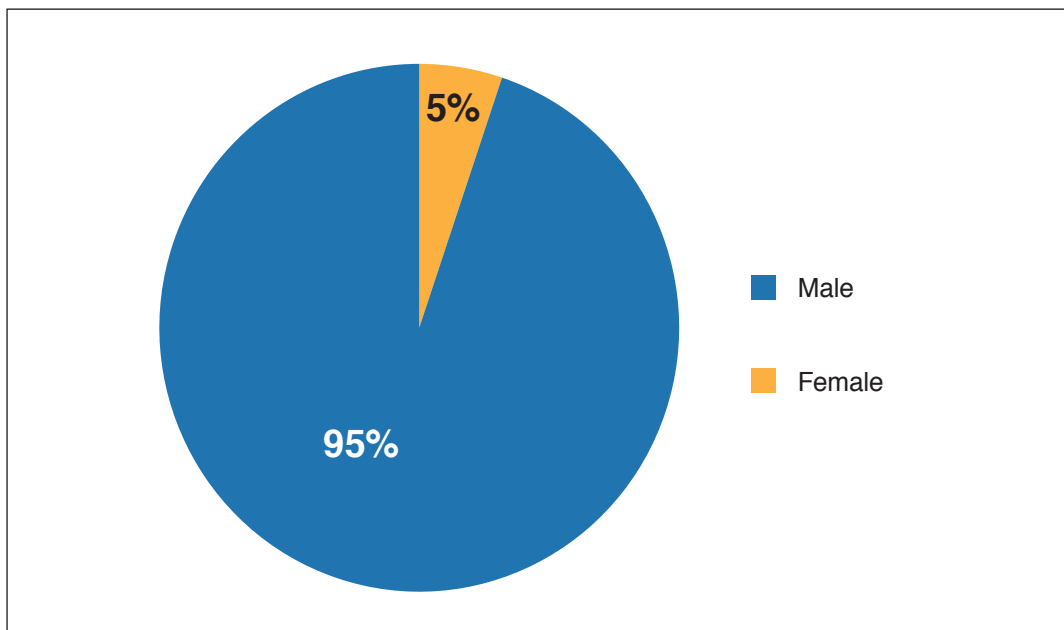


Figure 2 : Proportion of female and male detainees at Banksia Hill (11 August 2014)

1.31 The number of female detainees at Banksia Hill continued to drop after the inspection. For most of September and October 2014 there were fewer than five girls at Banksia Hill, and for some weeks there were only one or two.

BACKGROUND AND CONTEXT

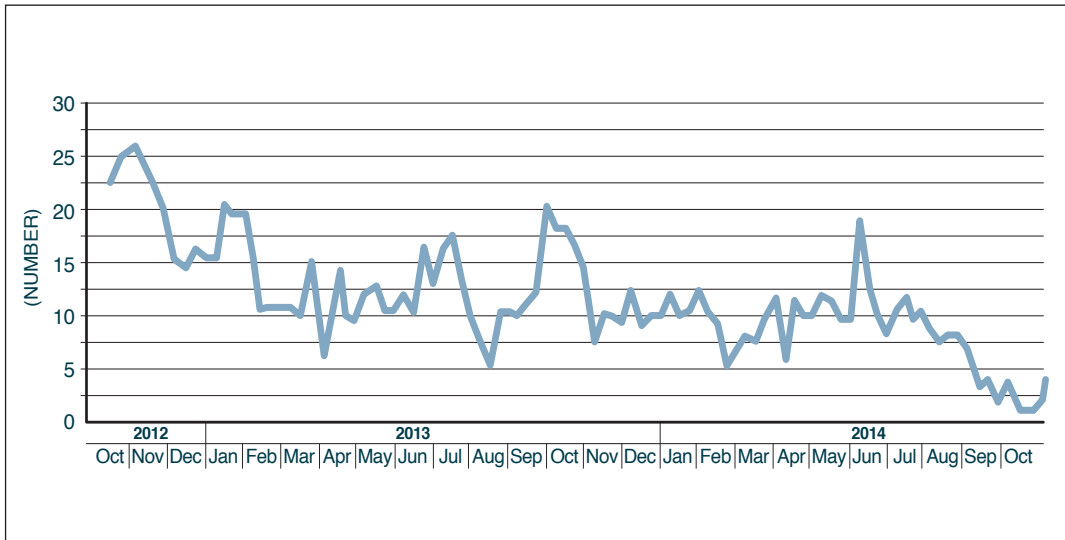


Figure 3 : Number of female detainees at Banksia Hill

1.32 Aboriginal young people continue to be over-represented at Banksia Hill, typically making up 75 per cent or more of the detainee population.

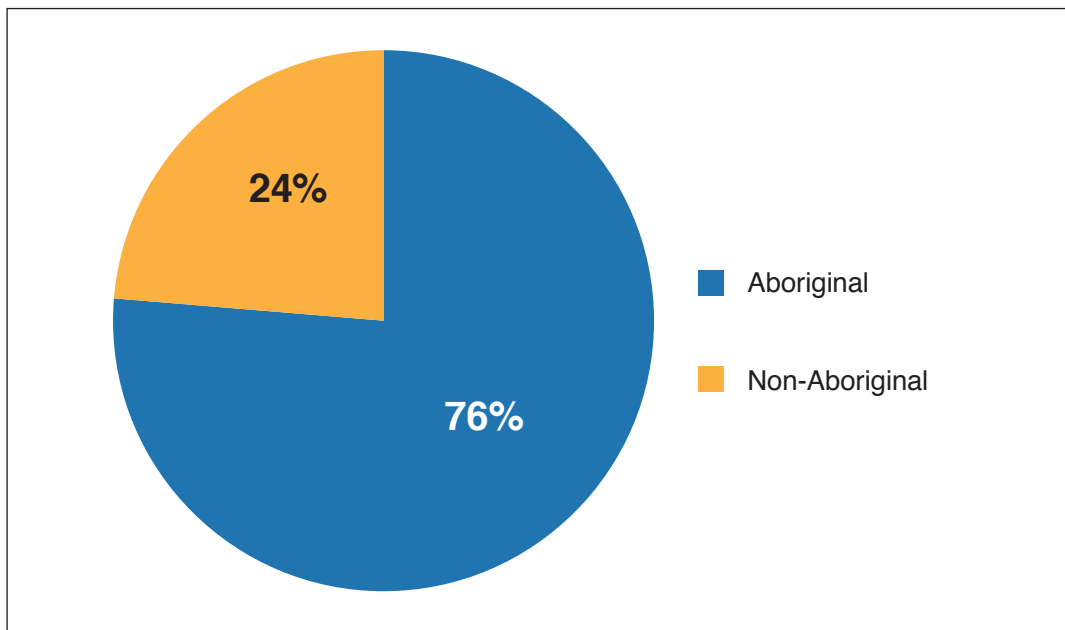


Figure 4 : Aboriginal and non-Aboriginal detainees at Banksia Hill (30 June 2014)

1.33 From a snapshot taken on 30 June 2014, more than half of detainees (57%) were from Perth. The remainder (43%) were displaced from their homes and families, in some cases by many thousands of kilometres. There were small but significant cohorts from the Goldfields-Esperance region (11%), Midwest-Gascoyne (11%), Great Southern (6%), Kimberley (6%) and Pilbara (6%). This highlights that, even within the predominantly Aboriginal population, Banksia Hill is far from culturally homogenous.

BACKGROUND AND CONTEXT

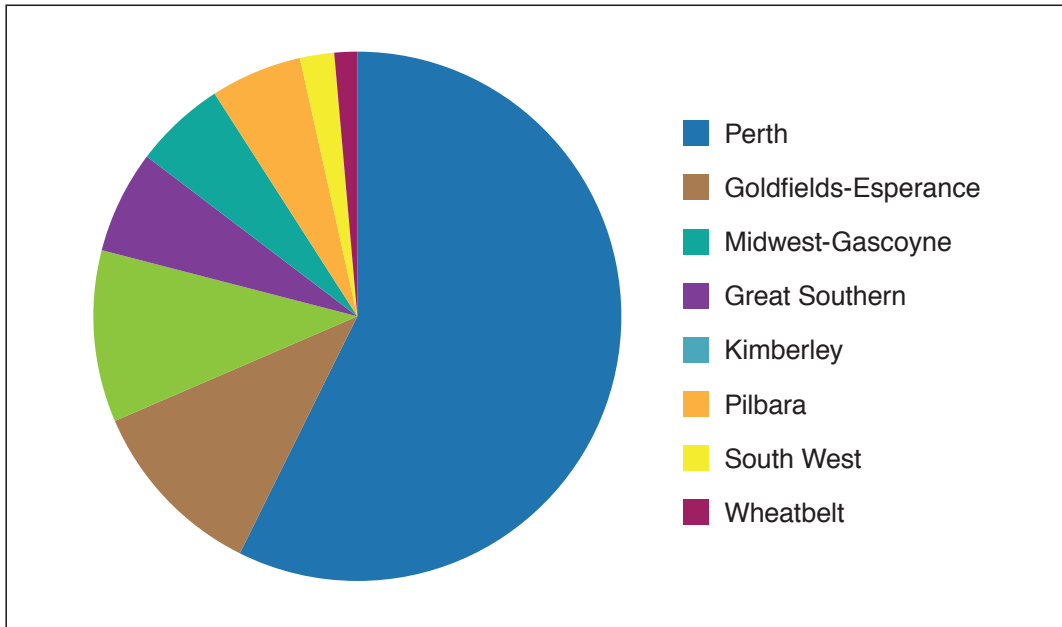


Figure 5 : Home region of detainees at Banksia Hill (30 June 2014)

1.34 The youngest detainee at Banksia Hill during the inspection was 12 years old. The most numerous age groups were the 16 and 17 year olds who made up more than half of the population at Banksia Hill. There were 22 detainees over the age of 18, including two who were 19 years old. There are vast physical, emotional and developmental differences between this range of age groups with associated challenges for detainee management.

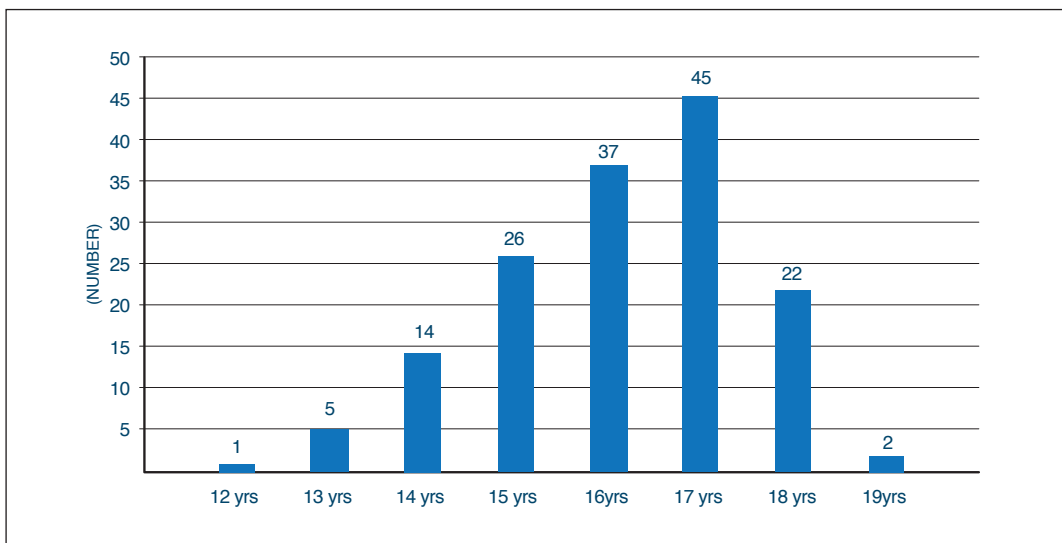


Figure 6 : Age of detainees at Banksia Hill (5 August 2014)

Capacity of Banksia Hill

- 1.35 The fact that Banksia Hill is housing significantly fewer detainees than at the time of the riot would indicate that there is spare capacity at the centre. However, calculating capacity at Banksia Hill is not straightforward.
- 1.36 In terms of gross numbers, the Department puts Banksia Hill's capacity at 260 following the opening of the Urquhart and Yeeda Units in 2012 and the installation of bunk beds in 38 single cells across the site. However, the figure of 260 is misleading. It is wrong for juvenile detainees to be required to share cells that were intended for one person in order to manage numbers. They should only be sharing a cell if it was designed for this purpose and if there are reasons for them to be sharing.
- 1.37 Discounting the double bunks, the total capacity of Banksia Hill is 222 and 36 of these beds are for females. This leaves a male capacity of 186. However, even this figure is an over-statement as it includes the 36 beds in the Harding Unit which are intended for specific purposes not as general accommodation.⁹ Therefore, even when housing only 155 detainees, the mainstream male units at Banksia Hill have limited spare capacity unless cells are doubled-up.

Inspection Methodology

- 1.38 The Banksia Hill inspection followed the standard methodology of the Office. Prior to the on-site inspection, surveys were distributed to both young people and staff. Response rates were good with 140 surveys of young people completed (85% of total population) and 100 surveys of staff completed (approximately 40% of all staff). The survey results assisted in determining the focus of the inspection and provided a source of primary evidence during the inspection. Prior to the on-site inspection, the Office convened a meeting with various community agencies and organisations that deliver services inside the prison.
- 1.39 The on-site inspection was conducted over 11 days in August 2014, and included formal and informal meetings with management, staff and young people. The inspection team consisted of 14 members, including expert advisors from the Department of Health, the Ombudsman Western Australia, the Youth Detention Inspectorate in Queensland and the Office of the Inspector of Custodial Services in New South Wales. The Office also engaged private consultants in the areas of education and custodial infrastructure.
- 1.40 The inspection was guided by the Office's *Code of Inspection Standards for Young People in Detention* ('the Inspection Standards').¹⁰ The findings and recommendations in this report are based on evidence gathered from multiple sources throughout the inspection process.
- 1.41 The Inspector delivered an exit debrief to staff at the conclusion of the inspection. All staff members were invited to the Inspector's presentation during which he outlined the preliminary findings of the inspection. A member of the inspection team also delivered an exit debrief to a representative group of young people.

9 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 45.

10 OICS, *Code of Inspection Standards for Young People in Detention* (February 2010).

Chapter 2

PROGRESS SINCE THE RIOT

OVERALL CONCLUSIONS

- 2.1 The 2014 inspection found that progress at Banksia Hill since the riot had been slower than hoped. While improvements were noted in a number of areas, the centre remained fragile. The youth custodial system had benefited from relatively low detainee numbers since mid-2013 but much of the progress made would be at risk if the population increased.
- 2.2 Organisational restructuring and key personnel changes at executive level within the Department and in the senior management team at Banksia Hill had been disruptive and contributed to the lack of action in many areas. The stability of the centre was susceptible to any further changes in senior management.
- 2.3 The most fundamental shortfall was the ongoing absence of a clear and consistent operational philosophy for the centre. The Directed Review had identified this as a critical weakness but it had not yet been rectified. In the meantime, new policies and procedures had been drafted, new staff had been recruited and significant changes to infrastructure had been made, all without the guidance of an operational philosophy. Changes to procedures and practices were certainly needed but the lack of guidance and direction from an operational philosophy had implications for the way in which staff went about their daily work and the priority given to different activities within the centre. The Office was particularly concerned that the focus on the centre as a facility for children and young people had been diluted.
- 2.4 Given the high proportion of Aboriginal young people in detention, there was not enough Aboriginal culture reflected in the physical environment of the centre or in the services and activities available to detainees. Although Banksia Hill had more Aboriginal staff than most other custodial facilities in Western Australia, the numbers were still too low. There is a need to improve recruitment of Aboriginal people to existing positions and consider new roles within the centre that may provide more opportunities for Aboriginal people.
- 2.5 Overall staff numbers had been improved by a concerted recruitment drive and there had been some improvement in staff morale. However, staff culture and morale remained a significant issue, and levels of personal leave and worker's compensation leave were still high. Important questions about the efficacy of the one-to-eight staff-detainee ratio and the appropriateness of the 12-hour shift system had not been considered by the Department.
- 2.6 Staff and management deserved credit for the fact that a relatively calm and settled atmosphere had been restored at Banksia Hill. Tension levels within the centre were noticeably lower than before the riot, although staff perceptions of safety were still much worse than in other facilities.
- 2.7 The provision of additional resources to create a security team had facilitated a greater focus on security procedures and intelligence gathering. There had also been significant expenditure on strengthening the physical infrastructure throughout the site. The Office was concerned that the majority of the security focus had been on procedural and physical elements, and more work was needed on relational security and the level of interaction between staff and detainees.

- 2.8 The Office was also concerned that, in the absence of an operational philosophy, priority had been given to security risks. Other risks, such as risks to decency or human rights, were given less consideration. This was best illustrated by the high number of strip-searches being conducted in the centre. Strip-searches are inherently humiliating and potentially distressing to traumatised young people. The Office does not accept that such frequent and routine use of strip-searching is justified by security considerations.
- 2.9 The security classification process for detainees remained severely under-developed. As a result, the security profile of the detainee population was unbalanced, with the majority of detainees classified as maximum-security and none at all classified as minimum-security. There was no established minimum-security regime, which was a missed opportunity to manage detainees in more flexible ways and provide a behaviour incentive for detainees.
- 2.10 The daily routine was generally keeping young people busy with education, programs, recreation and other activities. There was evidence that detainees were spending less time locked in their cells, although the Office retains some concerns about the accurate recording of lockdown hours. Banksia Hill needs to maintain focus on maximising out of cell hours, which may be threatened by an increase in detainee numbers or staff shortages.
- 2.11 Living conditions had been improved by the installation of air conditioning in accommodation units, but food quality was a common complaint. The laundry process meant that young people were sometimes unable to maintain a separate kit of clothing. The fact that young people were sometimes sharing underwear and may receive second-hand underwear upon arrival at the centre was unacceptable.
- 2.12 Visits facilities were entirely inadequate. Unlike most adult facilities, Banksia Hill had no visitors' centre where visitors can gather prior to a visit and receive support and assistance. The visits room itself was far too small and no attempt had been made to introduce more innovative, family-friendly practices to the visits process.
- 2.13 Case planning staff had been marginalised within the centre and the effectiveness of case management had been weakened. Reinvigorating the individual case management of detainees was a focus for Banksia Hill at the time of the inspection, but progress had been limited. There was a need to integrate custodial staff into the case management of detainees, and to increase engagement with the families of detainees.
- 2.14 Education, despite the best intentions of staff, was suffering from a lack of strategic direction. The Department had no clear objectives for education in youth detention and outcomes were not being measured. Education staff are professionally isolated from their colleagues in the corrective services system and their colleagues in the public education system. The education centre is severely under-resourced in comparison to public schools.
- 2.15 Health care was generally good, although there were some notable gaps in services such as health promotion and in particular drug and alcohol counselling. Mental health services were severely stretched and under threat because of the impending departure of the psychiatrist. For young people who are acutely mentally unwell, there are very few beds

available at Bentley Adolescent Unit, and it had become increasingly difficult to secure admission for detainees from Banksia Hill. This highlighted the need for a purpose-built crisis care facility at Banksia Hill. The observation cells in Harding Unit are not fit for this purpose.

- 2.16 Within the health centre, there was a need for multidisciplinary collaboration (including doctor, nurse, mental health nurse, paediatrician and psychiatrist) to assist in the management of complex cases. There was also a wider need, across the whole centre, for a multidisciplinary approach (including health staff, education staff, psychologists, case planning officers, Aboriginal Welfare Officers and custodial officers) to better manage young people at risk of self-harm or with behaviour management issues.
- 2.17 There was a lack of intensive, evidence-based programs to address offending behaviour at Banksia Hill. A review of programs was under way and included the need for better governance of program delivery. The Office has long argued for appropriately targeted, evidence-based programs at Banksia Hill, along with a comprehensive range of brief interventions, health education, personal development and life skills programs. There was also a need to develop comprehensive re-entry support services for young people.
- 2.18 The inspection noted some improvement in the management of young women and girls in Yeeda Unit but major concerns persist. Whilst the low number of female detainees allows personal attention, it also means that there is not a critical mass, making delivery of services problematic. Consequently, the female detainees continued to be a marginalised group within the centre and had poorer access to services than male detainees. The regular rotation of staff through the unit was a barrier to continuity and leadership, and contributed to the lack of progress.
- 2.19 There was a significant cohort of male detainees who had passed the age of 18 but would remain at Banksia Hill until the completion of their custodial sentence. This had been identified by the Department as a growing issue at Banksia Hill, and preparations were under way to implement a Young Adult Development Program. This would see detainees over 18 years old (and approaching 18 years old) housed together in Urquhart Unit and separated from younger detainees. They would receive certain additional privileges and participate in a daily regime of training, programs and activities specifically aimed at young adult men.¹¹
- 2.20 The Office strongly endorses establishing a different regime for young men at Banksia Hill to improve opportunities and outcomes. However, there is also a significant service gap in this area for young adult women, both at Banksia Hill and in the wider prison system: their needs must not be forgotten.

11 In late-2014, the success of the Young Adult Development Program came under serious threat following budget cuts.

PROGRESS AGAINST RECOMMENDATIONS

- 2.21 Progress against specific recommendations from the Directed Review and the report on the Yeeda Unit is summarised in Appendix 2. Most of the recommendations relating to emergency management have been addressed, as have most aspects of security. However, it remains very much a ‘work in progress’.
- 2.22 At the time of the inspection most people (head office managers, on-site managers and staff in most areas) assessed the centre to be at four on a scale of one–10 where one was the situation in 2012–2013. We agreed with this overall assessment for three reasons. First, it reflected the fact that there had been progress but also that progress had been slower than it should have been. Secondly, the centre was still fragile and ‘on the cusp’. It will be at significant risk if detainee numbers escalate. Thirdly, while it was only at four out of 10, there was reason to be optimistic for the future as there were positive signs of greater stability and improving morale.

Chapter 3

STRATEGIC DIRECTION

- 3.1 In order to successfully move forward from the riot, and to reinstate Banksia Hill as one of the Department's best performing facilities, staff need to have a strong sense of their purpose and objectives. Clear strategic direction and stable leadership will be a crucial element of the ongoing recovery. Both have been sorely lacking in recent years, and the 2014 inspection found that despite some progress, significant issues remained.

PERSONNEL CHANGES AND ORGANISATIONAL RESTRUCTURE

- 3.2 There was a significant upheaval at the executive level of the Department after the riot. The Commissioner left in April 2013 and a long list of senior executives followed over the next six–12 months. It took until October 2013 for a new Commissioner to be appointed and for work to start on developing a new structure for the Department.
- 3.3 The Directed Review recommended that youth justice be transitioned out of the Department of Corrective Services to a new Department or to a Commission (akin to the Mental Health Commission) to drive a more effective, efficient and targeted focus on youth justice. The government accepted that fundamental change was needed but decided to leave youth justice in the Department, and to revitalise the focus with a new structure. The new structure provides a basis for improved services and outcomes by creating two key portfolios – Adult Justice Services and Youth Justice Services – each headed by a Deputy Commissioner. This gives youth justice an appropriate level of attention and autonomy. Another important development was the establishment of a Youth Justice Board to oversee the work of the new Youth Justice Services division. The Board is made up of external representatives and is intended to enhance diversion and rehabilitation services for young people.
- 3.4 The new structure was not approved by the Department of Premier and Cabinet until December 2013 and key positions were still being filled throughout the first quarter of 2014. The Deputy Commissioner Youth Justice Services was filled on a short-term basis via expression of interest in February 2014 with a permanent appointment to follow later that year.¹²
- 3.5 The problems at head office were compounded by management upheavals and instability at Banksia Hill itself. There had been six different directors at the centre since 2011 and during the inspection none of the senior management positions had a permanent occupant.¹³
- 3.6 The leadership changes and prevailing uncertainty at head office and site level lasted for well over a year after the riot. This contributed to the fact that the Department's progress since the riot has been slower than could reasonably have been expected. Particularly in the period before the appointment of the new Commissioner, the Department, not unexpectedly, entered a holding pattern until the future became more clear. After the appointment of the new Commissioner, focus was diverted to the restructure and reform agenda, with various high-profile crises in the adult custodial system demanding attention. Some key questions about the strategic direction of Banksia Hill were not resolved, and this is most clearly manifested in the continued absence of an operational philosophy for the centre.

12 Ultimately, a different person was permanently appointed as Deputy Commissioner Youth Justice Services, commencing in November 2014.

13 See further discussion at [4.2]–[4.8].

OPERATIONAL PHILOSOPHY

- 3.7 Successful custodial facilities, like successful organisations, have a clear philosophy that:
- Sets priorities, goals and outcome targets;
 - Directly reflects the ‘client base’; and
 - Governs decisions about investment, infrastructure, operations and services.
- 3.8 The Directed Review found that, prior to the riot, Banksia Hill had ‘at least three separate expressions of an operating philosophy ... in addition to other material published by the Department setting out goals, principles and cornerstones for the youth justice system’.¹⁴ The officially endorsed philosophy was not known and was not being used by staff.¹⁵
- 3.9 The resultant lack of clarity and shared understandings led to inconsistent detainee management, power struggles, and an overall ‘us-and-them’ culture. The Directed Review found that the lack of a clear and consistent philosophy had contributed to instability and drift, and recommended the development of a new philosophy.¹⁶ This had not yet occurred.
- 3.10 A consultation process began in June 2013 to develop a new philosophy, which led to the development of an interim vision statement. The interim vision statement was endorsed by the then Commissioner’s Executive Team, subject to further refinements. The change in Commissioner and Department-wide changes to organisational structure and strategy led to the process beginning anew. At the time of the inspection, the Department was looking at various models to inform the centre’s philosophy and it was not realistically expected that a philosophy would be introduced until 2015.
- 3.11 The chronic absence of an agreed philosophy to unite staff and provide direction to the way they go about their work permeates all aspects of centre functioning. Staff were unable to articulate their purpose in the centre. Recently recruited custodial staff believed there was a balance between security and welfare in their role, but considered where they stood in this spectrum was largely dependent on their personality. The divide between pre-amalgamation Rangeview and Banksia Hill staff still existed and was reflected in different practices, which was confusing for both new custodial staff and detainees. Different workgroups such as education, psychology, and custodial staff still did not work as a cohesive team unified in purpose. There was still a minority of staff who attempted to obstruct any progress occurring, as reported in the Directed Review. As evidenced by the staff survey results, this small group of staff were a source of frustration for management and the majority of well-performing staff.
- 3.12 Despite the absence of an approved vision or philosophy there had been a complete revision of centre policies and procedures, and the implementation of a performance management system. It is important that this occurred because, as charted in the Directed Review,

14 OICS, *Banksia Hill Directed Review: Security Review Paper* (August 2013) 12.

15 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 48.

16 *Ibid.*, 46–48, 59, Recommendation 1.

STRATEGIC DIRECTION

the policy framework at Banksia Hill was previously chaotic.¹⁷ Ideally, however, all policies, procedures and practices should be driven by its operational philosophy.

- 3.13 The Department needs to develop and embed a philosophy for youth justice as a whole, and an operational philosophy for Banksia Hill itself, that are:
- In line with the *Young Offenders Act 1994* (WA);
 - Gender and culture-informed;
 - Outcome-focused;
 - Meaningful to management and staff on the ground (and developed in consultation with them);
 - In line with the Department's corporate values and youth justice objectives.

Recommendation 1

Implement a philosophy for youth justice as a whole, including an operational philosophy for Banksia Hill, and ensure that all policies, procedures and practices are consistent with that philosophy.

ABORIGINAL FOCUS

- 3.14 A key issue that should be addressed in the operational philosophy is the significant overrepresentation of Aboriginal young people at Banksia Hill. Aboriginal young people from communities right across Western Australia make up a large majority of the detainee population. In 2014, the proportion of Aboriginal young people at Banksia Hill has ranged from 68 to 78 per cent. As the only youth custodial facility in the State, many young people from regional and remote locations are held at Banksia. These young people are out-of-country – separated from their families, communities and cultures.
- 3.15 Banksia Hill has no programs, education or recreation targeted specifically at its large population of Aboriginal young people. None of Banksia Hill's key activities are designed in culturally appropriate ways and there is little on-going recognition or celebration of Aboriginal cultures. This is a critical gap in service delivery and philosophy that puts at risk any efforts made to improve rehabilitation and successful community reintegration.
- 3.16 As part of ongoing reforms to the management structure at Banksia Hill, a new senior management position was created for an Assistant Superintendent Female and Cultural Services. The inspection found that there was some confusion around the role of the Assistant Superintendent Female and Cultural Services. At that time, the position's responsibilities had only been very broadly defined in an internal expression of interest (EOI) document, and the incumbent was in effect still performing the role in line with the job description form of the previous position (Assistant Director Specialist Services). It was broadly understood by some senior managers that this position would be responsible for ensuring that the needs of female detainees and Aboriginal detainees were proactively addressed. However, the EOI for the role failed to even mention Aboriginality,

17 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 48–49.

STRATEGIC DIRECTION

and instead referred to detainees from culturally and linguistically diverse backgrounds. This left other senior managers believing that the role had no responsibility for addressing the needs of Aboriginal detainees at all.

3.17 A lack of cultural recognition and respect can feed a system where the dominance of one culture creates disadvantages and unequal outcomes for another. The Aboriginal Welfare Officers at Banksia Hill are very frustrated that the enormous value of their cultural connections, knowledge and work is undervalued. They are a marginalised group who are not invited to participate in meetings about young peoples' welfare, and have been instructed to work in ways that are clearly not culturally appropriate. Banksia Hill needs to make a concerted effort to address these issues.

3.18 The inspection noted that:

- there is no Aboriginal flag flying next to the Australian flag at Banksia Hill;
- cultural food such as kangaroo is not regularly provided to young Aboriginal detainees; and
- there were two cultural meeting places at Banksia Hill but neither was easily accessible by detainees. One of them was behind a locked gate.



Photo 1 : This cultural meeting place was behind a locked gate and was rarely accessed by detainees. By the end of the inspection, it had been demolished altogether to make way for additional vocational training facilities.

- 3.19 When these concerns were raised with members of Banksia Hill's senior management team, most were quick to admit the obvious service gap. They expressed a willingness to address it, and have made some tentative steps to explore connections with Aboriginal communities and service providers. This year's NAIDOC celebrations at Banksia Hill were far more extensive than previous years. There was a full week of activities, impressive guest speakers, traditional food and family celebrations. This demonstrates that Banksia Hill does have the potential to make positive changes in this area.

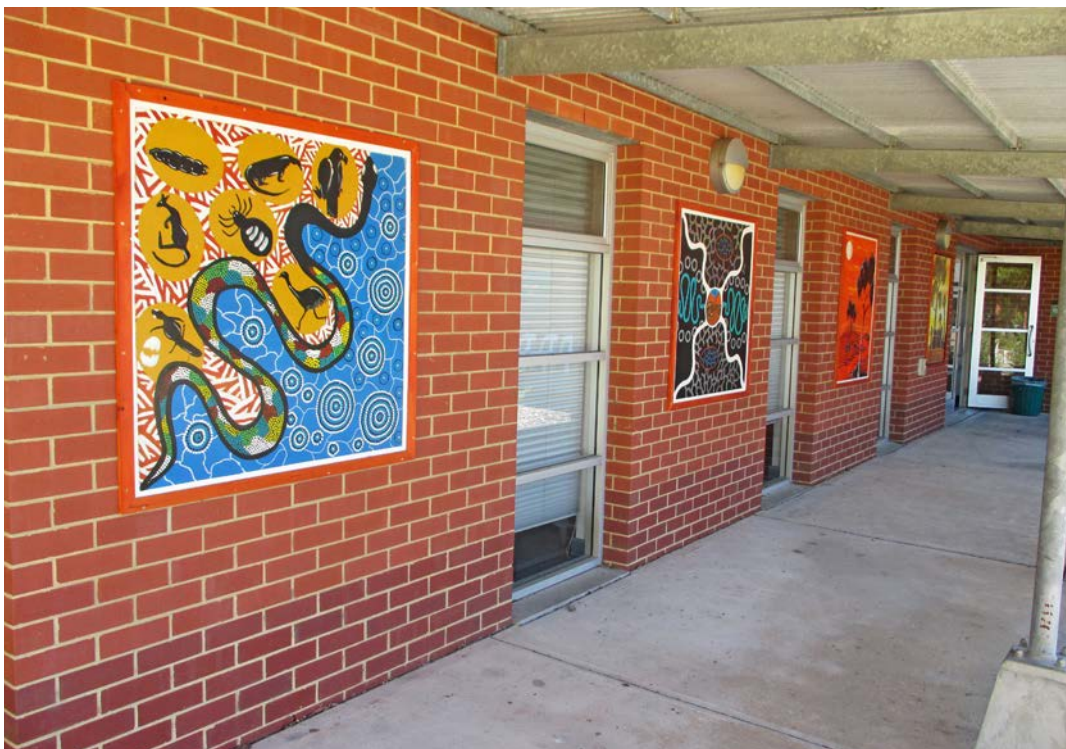


Photo 2 : These paintings near the gymnasium were one of the few visual acknowledgements of Aboriginal culture within the centre (although Aboriginal art was on display in most of the classrooms).

Aboriginal Staff

- 3.20 Departmental data from March 2014 indicates that approximately seven per cent of staff at Banksia Hill are Aboriginal. This compares favourably to the 4.7 per cent average across the entire Department. The number of Youth Custodial Officers (YCOs) also compares favourably with the proportion of Aboriginal custodial staff across the state, with 4.7 per cent of YCOs being Aboriginal compared to 2.5 per cent of prison officers.
- 3.21 With close to 80 per cent of detainees being Aboriginal, improvements to the representation of Aboriginal staff will be highly beneficial in ensuring that the centre operates in a culturally sensitive manner. Aboriginal staff believed that their knowledge of Aboriginal languages, family groups, and their ability to 'yarn' with detainees make them more adept at both counselling detainees and controlling their behaviour. This Office endorses that view.

- 3.22 It was less clear how an improvement in Aboriginal staffing numbers could be achieved. Both management and Aboriginal staff noted the difficulty in recruiting Aboriginal people for YCO positions. Fitness tests, medical tests, and report writing requirements were regarded as an insurmountable barrier for many otherwise capable applicants. This Office has previously recommended that the Department consider alternatives to current YCO recruitment methods, such as the recruitment of Aboriginal ‘aunties’ and ‘uncles’. There was general agreement that such a role was needed – distinct from current positions such as Aboriginal Welfare Officer and the Aboriginal Visitor’s Scheme. However, no progress has been made in determining what this role would look like and how it would complement rather than replace the current welfare component of a YCO’s role.
- 3.23 Given the importance of Aboriginal staffing at Banksia Hill and across the Department generally, a review of the Department’s practices in attracting, recruiting, and retaining Aboriginal staff will be released by this Office in early 2015.



Photo 3 : Despite the availability of three flagpoles, no Aboriginal flag was flown at Banksia Hill.

Chapter 4

STAFF AND ADMINISTRATION

- 4.1 The Directed Review observed that ‘[p]risons and detention centres are profoundly human environments where success and failure depend on people and relationships, not on bricks, concrete and bars’.¹⁸ There were underlying and longstanding problems with the staff culture and morale at Banksia Hill. By the time of the amalgamation, issues associated with low morale and severe shortages of staff, as well as a breakdown in the relationship between staff and senior management had resulted in detainees being locked down for significant periods of time.¹⁹ The Directed Review found that the excessive lockdowns of detainees was one of the factors which precipitated the riot.²⁰ Of all the problems identified at Banksia Hill in the wake of the riot, the issues with staff and management were clearly one of the most important to address.

SENIOR MANAGEMENT

- 4.2 The Directed Review found that well before the riot, the Department had identified the need for a new organisational structure for Banksia Hill. Given the deficiencies identified at the merged facility, the development of a new structure should have been a priority for the Department during 2012. However, at the time of the riot only one component of the new structure – the Business Manager position – had been approved and implemented. The Directed Review concluded that the proposed new structure had ‘disappeared into a bureaucratic quagmire, compounded by personalities’.²¹
- 4.3 Despite the urgency created by the riot, a revised organisational structure was not approved by the Department’s Commissioner’s Executive Team until May 2013. The new structure included the addition of two senior management positions (a Deputy Superintendent and Manager Governance), the upgrading of the Security Manager position, and the realignment of two existing positions.
- 4.4 It was significant that a previous proposal to upgrade the Manager Case Planning and Programs to an Assistant Superintendent Offender Services position appeared to have been abandoned. This position would have played a role in fostering a more multi-disciplinary approach to detainee management and breaking down the silos between different areas of the centre.
- 4.5 The table below compares the structure in place at the time of the riot with that in place 18 months later at the time of the inspection.

Management Structure in place at time of riot (January 2013)	Management Structure during inspection (August 2014)
Director Youth Custodial (L9)	Superintendent (L9)
	Deputy Superintendent (L8)
Assistant Director Operations (L7)	Assistant Superintendent Operations (L7)

18 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 77.

19 OICS, *Banksia Hill Directed Review: Management, Staffing and Amalgamation Review Paper* (August 2013) 3.

20 OICS, *Banksia Hill Directed Review: Emergency Management Review Paper* (August 2013) 14–15.

21 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 82.

STAFF AND ADMINISTRATION

Management Structure in place at time of riot (January 2013)	Management Structure during inspection (August 2014)
Assistant Superintendent Specialist (L7)	Assistant Superintendent Female and Cultural Services (L7)
Security Manager (L6)	Assistant Superintendent Security (L7)
	Manager Governance (L7)
Manager Case Planning and Programs (L7)	Manager Case Planning and Programs (L7)
Business Manager (L6)	Business Manager (L6)

- 4.6 Although the structure was more robust on paper, it was concerning that at the time of the inspection, not one of these positions was permanently filled. The management team was further weakened by the fact that none of the incumbents had been in their positions for more than 18 months.
- 4.7 In August 2013, a new Director Youth Custodial had been engaged permanently, and it was hoped that this would provide much needed long-term stability to the management team. Unfortunately this was not to be, with the individual resigning after less than nine months in the role. As a result, during the 2014 inspection Banksia Hill was onto its sixth Director since 2011. The Director's position (rebadged as Superintendent) was readvertised in August 2014, and the Department hoped to substantively fill the remaining management positions once the Superintendent's position had been finalised. The Deputy Superintendent, Assistant Superintendent Security, and Assistant Superintendent Female and Cultural Services positions were advertised for permanent filling in October 2014.²²
- 4.8 The Directed Review recommended that appointments to all management positions at Banksia Hill be finalised and that adequate head office support be provided in areas such as finance and human resources.²³ It is unfortunate that this recommendation remained as relevant to the 2014 inspection as it had been the previous year when it was originally made.

MIDDLE MANAGEMENT

Unit Managers

- 4.9 Unit managers play a pivotal role in the effective functioning of Banksia Hill. They assist in the management of detainees and are the primary supervisors of staff in the centre. At the time of the riot, many unit managers were acting in their positions. Their duties were unclear, and the selection process was poor and lacked transparency. The Directed Review therefore recommended that the unit manager role be reviewed and re-invigorated.²⁴

22 The Superintendent was permanently appointed in November 2014. Permanent appointments to the positions of Deputy Superintendent, Assistant Superintendent Security, and Assistant Superintendent Female and Cultural Services were finalised in December 2014 and January 2015.

23 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 94, Recommendation 18.

24 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 93–94, Recommendation 23.

- 4.10 While the job description form of unit managers had been reviewed in the past year, little else had changed. At the time of the inspection one-third of unit managers were acting, and some staff had been acting in positions for over three years. Unit managers reported applying for substantive positions in the past and never being made aware of the outcome. Not surprisingly, this undermined their confidence in the promotion system. The lack of consistent unit manager leadership has clearly impacted on morale and contributes to inconsistent detainee management. Staff performance management is also undermined because acting unit managers may be reluctant to discipline staff when they face the possibility of returning to the same rank in the future.
- 4.11 Unit managers are not just ‘officers’ but ‘management’, and require the tools and training to perform this function effectively. This necessary up-skilling had not occurred, with unit managers feeling burdened by both their workload and a role that was neither officer nor management. They reported feeling unable to complete their duties effectively, with little time available to perform what they considered as their key function of supporting detainees and staff. The general consensus from both unit managers and Banksia Hill management was that more support and training were required.
- 4.12 Encouragingly, Banksia Hill had been allocated \$76,000 for training from the Corrective Services Academy and was using these funds to develop a training course for unit managers. This is an important development but it was still at an early stage. Plans were also underway to advertise substantive unit manager positions by the end of September and conduct a ‘unit manager conference’ in October. Thus, although progress since the riot has been slow, there are a number of positive initiatives.

Senior Officers

- 4.13 Senior officers have a key leadership role in the centre. They are the line managers of unit managers and are largely responsible for the day-to-day operations of the centre. However, inconsistency in positions has undermined their leadership, with 6.5 out of 17 senior officer full time equivalent (FTE) positions vacant or acting. Like unit managers, senior officers reported acting in their positions for years without being made substantive.
- 4.14 Despite this, the morale of senior officers was high, owing to increased engagement by Banksia Hill management. A ‘senior officer conference’ was undertaken in July, and management planned for them to occur every quarter. The conference was described by management as a way to keep senior officers engaged, improve accountability, and provide direction.
- 4.15 All senior officers described ‘something missing’ in their current level of training but did not agree on exactly what; some sought training in the core duties of the job, while others sought management training. Banksia Hill management identified that the people management skills of senior officers were most in need of improvement. No changes to the training regime of senior officers were planned, with the additional money from the Academy used specifically on unit managers. While Banksia Hill is right to focus on the needs of unit managers, it also must ensure that current levels of management training are appropriate and accessible for senior officers given the identified deficiencies.

STAFF NUMBERS

- 4.16 Banksia Hill had an approved FTE of 246 at the time of riot, with YCOs representing 199 of this FTE. This number was consistent with the 1:8 staff to detainee ratio under which Western Australia's youth custodial service operates. In a standard living unit of 24 detainees, the 1:8 ratio requires three staff members to be present for all detainees to be unlocked from their cell. If fewer than three staff are available, only a subset of detainees are allowed out of their cell at any given time. In the lead up to the riot, staff shortages made these 'rolling lockdowns' commonplace, though accurate records of their frequency were never kept.
- 4.17 The Directed Review noted that the 1:8 staff to detainee ratio meant fewer staff supervising more detainees than other juvenile detention centres in Australia, which typically operate on a 1:3 to 1:5 ratio. Given the chronic nature of the staffing shortages at Banksia Hill, the actual efficacy of the 1:8 ratio has never been truly established.
- 4.18 Following the riot, it was recommended that an independent review of FTE staffing levels in Youth Custodial Services be performed, taking into account comparative data from other jurisdictions. This did not occur. However, the Department did conduct an internal review, and in January 2014 an increase in the YCO FTE ceiling from 199 to 253 was approved. This increase took into account:
- a review of Banksia Hill rosters;
 - a 'compensation factor' for staff absenteeism;
 - the addition of a third recovery team;
 - a gatehouse search function;
 - a senior officer security function; and
 - a unit manager night shift.
- 4.19 The Department was still in the process of recruiting YCOs and was yet to reach the revised FTE ceiling. At the time of the inspection, two recruitment schools had already occurred in 2014, with a third recruitment school scheduled for October. Management anticipated that the FTE cap would be reached by the end of the year, and staff were extremely supportive of the increased levels. The new recruits were considered to be of high quality and the recruits themselves felt supported by existing staff.
- 4.20 Staff believed the increase in staffing levels had led to a reduction in lockdowns and better staff-detainee relationships. The staff survey reflected these results, with staff shortages reported as a stressor by only 8 per cent of survey respondents. This is in stark contrast to the interviews and staff survey conducted as part of the Directed Review, where staff shortages and excessive lockdowns were identified as a chronic issue, and as a major contributing factor to the riot.

SHIFT SYSTEM

- 4.21 The 12-hour shift system that Banksia Hill operates under was subject to extensive criticism in both the 2005 Directed Review of the prison system, and the Directed Review of the January 2013 riot.²⁵ As a consequence of the 12-hour shift system, YCOs are commonly only rostered on for a few days at a time. This limits the capacity for YCOs to maintain positive and supportive relationships with detainees, increases risk to staff due to tiredness towards the end of a shift, and does not appear to reduce absenteeism.²⁶ The Directed Review recommended the 12-hour shift system be reviewed as part of an independent review of staffing in youth custodial services.
- 4.22 However, no review has occurred. The Department has stated that the 12-hour shift system will be reviewed in 2015 in time for the next round of enterprise bargaining agreement negotiations. In the meantime, Banksia Hill has made adjustments to their roster which they believe address some of the shortcomings of the 12-hour shift system. The roster includes additional staff in units and 15 additional staff working four days a week to cover training. The additional training staff are on 10-hour shifts and should eliminate Wednesday afternoon training lockdowns. Currently there are not enough staff available for these training lines to occur, but it is expected that they will commence by the end of the year. While these are positive developments they do not address the fundamental drawback of the 12-hour shift system which is the limited number of days that custodial staff can work in a week.
- 4.23 The increase in YCO FTE numbers has been important in stabilising the centre and reducing staff shortages on a day-to-day basis. However, due to the absence of a comprehensive review, fundamental questions relating to optimal staffing levels (including the appropriateness of the 1:8 staff to detainee ratio and the 12-hour shift system) remain unanswered. Given the findings of this inspection, it is necessary to restate the Office's previous recommendations to undertake an independent review of staffing levels and shift arrangements at Banksia Hill.²⁷

Recommendation 2

Undertake an independent review of the staffing model at Banksia Hill, including the staff-detainee ratio and the 12-hour shift system.

STAFF PERCEPTIONS AND CULTURE

- 4.24 Prior to the January 2013 riot there were significant problems with the morale and culture of Banksia Hill staff. This 'contagious apathy' was characterised by discipline issues, a lax security culture, and the use of lockdowns as a first resort rather than last.²⁸

25 OICS, *Directed Review of the Management of Offenders in Custody*, Report No. 30 (November 2005); OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013).

26 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 84–87.

27 *Ibid.*, 94, Recommendation 19 and 20.

28 OICS, *Banksia Hill Directed Review: Management, Staffing and Amalgamation Review Paper* (August 2013).

Contributing to these issues was chronic instability in management, the absence of a performance management system, the inept handling of the amalgamation, and an escalating pattern of serious incidents. In the unhappy and unhealthy working environment that preceded the riot, the high level of staff absenteeism was not surprising.

- 4.25 The results of a survey conducted for the Department by a cultural consultant in early 2014 indicated continued levels of negativity and dysfunction at Banksia Hill at a concerning rate. The cultural consultant's assessment provided a score on a concept known as 'cultural entropy', which represents the degree of dysfunction in an organisation. A healthy organisation has a cultural entropy score of less than ten per cent. Banksia Hill's cultural entropy score was 62 per cent. Put simply, the level of dysfunction at Banksia Hill was off the charts. The consultant concluded that six months before the inspection, there were 'crippling workplace issues and an inability to effectively deliver services'.
- 4.26 The pre-inspection staff survey, conducted in June 2014, corroborated these findings. While staff enjoyed the camaraderie of working with others, management and other staff were their largest sources of stress at work. Staff were concerned by instability, poor communication, and the lack of support and direction from management.
- 4.27 Only eight per cent of staff believed that Banksia Hill management provided good communication and support, and only five per cent of staff believed that Head Office provided good communication and support. Staff perceived that a negative culture existed at Banksia Hill, where bullying, politics, and poor staff relationships were present at all levels of the organisation.
- 4.28 Significantly, survey respondents also felt very strongly that other staff were under-performing. The most common response to the question: 'If you were in charge of Banksia Hill, what would you do to improve the way it operates?' was improving the performance management of staff and, in particular, the removal of poorly performing staff. Nearly twice as many respondents called for improvements in the performance management of staff compared to improvements in detainee behavioural consequences.
- 4.29 Staff were generally dissatisfied with their working life, but there was some improvement in job satisfaction since the riot. A little over a third of staff (34%) were satisfied with their working life in 2014, compared to just 24 per cent in 2013.
- 4.30 Perceptions of personal safety also demonstrated modest improvement, with 47 per cent of survey respondents feeling safe at work compared to 32 per cent in 2013. The proportion of staff at Banksia Hill feeling safe continues to be far lower than in adult prisons.
- 4.31 These results are concerning: whilst there has been some improvement from the despondency of 2012–2013, there is continuing fragility in the centre. However, they also indicate that there is a real appetite among staff to address poor performance and improve Banksia Hill. It is a credit to staff that they continue to come to work despite the longstanding discontent and chronic instability of recent years.

- 4.32 It is also important to record that during the inspection period itself (August 2014) there was a general consensus that culture and morale had improved in recent months. Management were making a concerted effort to improve the culture and morale of the workforce, with cultural change workshops taking place that included management and staff. Initiatives to improve Banksia Hill were discussed and developed in these workshops. It is very positive that a consultative approach has been taken as it makes it more likely that staff will ‘buy in’ to the process – something largely lacking in the original amalgamation of Banksia Hill and Rangeview. Given the fragility of the centre, it is of the utmost importance that this level of engagement and communication continues to occur.

PERFORMANCE MANAGEMENT

- 4.33 The Department’s Performance Appraisal and Development System (PADS) was rolled out at Banksia Hill from February 2014. Previously, the centre had operated without a formal performance management system. At the inspection, 44 per cent of YCOs had completed their initial review. However, staff overwhelmingly reported their PADS meeting as a meaningless exercise. Staff recounted experiences of being reviewed by a manager who they had not worked with before, or being asked to complete their own PADS. The pre-inspection staff survey corroborated these accounts, with only 21 out of 100 respondents perceiving their performance review as helpful.
- 4.34 PADS is a tool rather than a comprehensive performance management system, and its success relies on honest and effective communication between managers and staff. This has not been possible due to the lack of consistent and substantive management at Banksia Hill. Since it is also the first PADS cycle at Banksia Hill, it is too early to pass judgement on the efficacy of the system itself. However, it is concerning that the experience of PADS at Banksia Hill largely matches that in the adult prison estate.²⁹ Banksia Hill needs to be proactive in ensuring that PADS serves its purpose of providing constructive feedback on performance and identifying training needs.

UNPLANNED LEAVE

Workers’ Compensation Leave

- 4.35 Workers’ compensation leave is the right of every employee, and it is expected that employees working in a custodial environment will have an increased chance of injury compared to many other working environments in Australia. However, the Department has previously been found to compare poorly, even with other ‘high risk’ agencies in Western Australia, in terms of the level of worker’s compensation leave.³⁰

29 See for example: OICS, *Report of an Announced Inspection of Bandyup Women’s Prison*, Report No. 93 (October 2014) 13; OICS, *Report of an Announced Inspection of Roebourne Regional Prison*, Report No. 89 (February 2014) 86–87; and OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 88 (January 2014) 18.

30 RiskCover, *Department of Corrective Services worker’s compensation and injury management systems review* (February 2013).

- 4.36 Leading up to the 2013 riot, Youth Custodial Services had a particularly elevated level of workers' compensation leave. In the month prior to the riot there were 48 active workers' compensation claims (approximately one in five employees).³¹ Workers' compensation claims were characterised by a high proportion of mental stress claims and lost time injuries involving extended leave. Following the riot, high levels of workers' compensation claims continued, with Youth Custodial Services having the highest workers' compensation leave per FTE out of all custodial facilities in the state during the 2012–2013 financial year.
- 4.37 This inspection found little improvement. Youth Custodial Services continues to have the highest level of workers' compensation leave in the state (see Figure 7). Over the 2013–2014 financial year there was an average of 134.5 hours of workers' compensation leave per FTE, a slight decrease from the 145.1 hours of workers' compensation leave per FTE in 2012–2013. The number of active claims (54) remained fundamentally unchanged since before the riot.

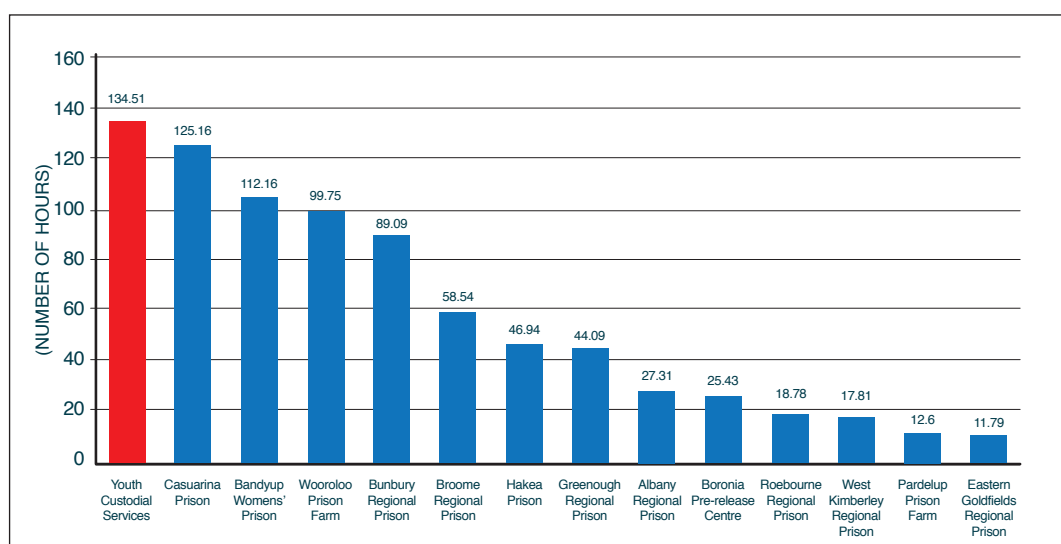


Figure 7 : Average number of hours of workers' compensation leave per FTE in Departmental facilities in 2013–2014.

- 4.38 While the number of claims remained unacceptably high, there were some signs of improvement. In 2013–2014, 47 per cent of claims resulted in time off work compared to 77 per cent of claims in 2012–2013. Given that claims lodged in 2013–2014 were far less likely to be lost-time injuries, the continued high level of workers' compensation leave hours per FTE can partly be attributed to outstanding long-term claims from 2012–2013.
- 4.39 There had also been a substantial decrease in mental stress claims in youth custodial services. Mental stress claims are the most expensive type of claim, and are associated with longer time off work than most other claim types.³² In 2012–2013 they constituted 40 per cent of all claims, coinciding with the amalgamation and a number of severe incidents at Banksia Hill including the riot itself. In 2013–2014, only eight per cent of Banksia Hill claims were due to mental stress.

31 OICS, *Banksia Hill Directed Review: Management, Staffing and Amalgamation Review Paper* (August 2013).

32 RiskCover, *Department of Corrective Services workers' compensation and injury management systems review* (February 2013).

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- 4.40 Workers' compensation leave levels remain a critical issue impacting on the effective functioning of custodial facilities statewide. Most departmental facilities (60%) increased their workers' compensation leave hours per FTE from 2012–2013 to 2013–2014.
- 4.41 With a workers' compensation insurance premium that has increased from \$11.6 million in 2010–2011 to \$25.5 million in 2013–2014, workers' compensation leave presents substantial safety and financial risks.³³ Assertive and well-resourced action is required and the Department has been seemingly unaware of the severity of the problem.³⁴

Management of Workers' Compensation Claims

- 4.42 The management of workers' compensation claims in the Department is complex and involves numerous stakeholders. The Department holds an insurance policy with RiskCover, who is responsible for the conduct of all workers' compensation claims, including liability determination, claims management, and the funding of treatment and workplace rehabilitation interventions.
- 4.43 The Department employs a team of Workers' Compensation Officers (WCOs) who act as an information conduit between the Department, RiskCover, injured employees, and managers at each facility. They are responsible for contributing to claim decisions, overseeing payment, and protecting the interests of both the Department and injured employees.³⁵
- 4.44 Injury management is largely the Department's responsibility, with RiskCover primarily providing financial support. The Department is responsible for the case management of employees, including the development of return to work programs and the provision of rehabilitation services to expedite the employee's return to pre-injury duties. The Department utilise an external workplace rehabilitation provider to case manage the rehabilitation of employees.
- 4.45 Each facility is additionally involved in the management of workers' compensation claims – contacting staff who are away, sending information to doctors and attending regular meetings at head office with representatives from the workplace rehabilitation provider and the Department's Employee Welfare section. In these meetings, cases are discussed and plans made to expedite each employee's return to work.
- 4.46 Positive developments since the riot included the 'medical boarding' of staff who are considered unfit to return to work and are made to resign, improved stakeholder collaboration, and the roll-out of injury management training for managers.³⁶ Communication in particular appeared to have improved.

33 Ibid.

34 In a 2013 report by the Western Australian Auditor General, the Department stated an aim of reducing its worker's compensation insurance premium by \$10 million by June 2013. See Office of the Auditor General, *Management of Injured Workers in the Public Sector* (May 2013).

35 RiskCover, *Department of Corrective Services workers' compensation and injury management systems review* (February 2013).

36 Three staff have been medically boarded in the past year.

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- 4.47 Head office resources remain inadequate and do not permit the intensive claim management required to reduce workers compensation leave. The team of three WCOs had around 460 claims to manage between them. The WCOs would like to visit sites to assist managers and injured workers but do not have the time to do so.³⁷ Active claim management that protects the interests of both employees and the Department is impossible with this level of under-resourcing.
- 4.48 RiskCover's February 2013 review into the Department's workers' compensation and injury management system recommended the recruitment of injury management consultants to intensively manage cases.³⁸ RiskCover noted that a heavy reliance on external workplace rehabilitation providers to manage cases establishes them as the face of injury management rather than the employer.³⁹ It also identified that there is no real monitoring of these external providers to ensure effectiveness. Most large organisations manage injury management in-house because it has been found to result in better return-to-work outcomes at a lower cost.
- 4.49 The Department is in the process of drafting a new injury management model. Instead of transitioning to an in-house injury management system via the recruitment of injury management consultants, the Department is planning to provide additional resources to an external workplace rehabilitation provider to manage cases. It is planned that employees of the external workplace rehabilitation provider will be stationed full-time at the Department's head office. This is an unusual arrangement that does not align with the recommendations of RiskCover's review and may not be the most cost-effective option.

Personal Leave

- 4.50 Personal leave (for example sick leave or carer's leave) is an important safeguard of employee welfare. It is expected that staff working in custodial environments will have higher levels of personal leave compared to other public sector agencies because of the high level of work-related stress, shift-work, working with difficult clientele, and increased exposure to assault and disease.⁴⁰ However, elevated levels of personal leave can be incredibly costly to organisations and place a considerable strain on operations and the wellbeing of staff undertaking overtime to cover shifts.⁴¹
- 4.51 Disproportionate use of personal leave by some custodial staff reportedly still occurs at Banksia Hill, though the overall level of personal leave has improved in the past year. During 2013–2014, there was an average of 82.5 hours of personal leave per FTE, compared to 93.5 hours of personal leave per FTE in 2012–2013. This is below the average of 107.3 hours across all the Department's facilities. Given that YCOs have lower personal leave entitlements than prison officers (114 hours versus 144 hours), this result is not unexpected. Personal leave in Departmental facilities continues to be

37 RiskCover, *Department of Corrective Services workers' compensation and injury management systems review* (February 2013).

38 Ibid.

39 Ibid.

40 Audit Office of New South Wales, *Performance audit report: NSW Police and Department of Corrective Services* (July 2002).

41 The Department spends approximately \$30 million per year on overtime.

higher than privately run facilities, with Acacia and Wandoo having 66.4 and 50.4 personal leave hours per FTE respectively.

- 4.52 Guidelines for YCO absence management were developed after the riot. The guidelines involve the monitoring of personal leave patterns and the referral of staff with unexplained absence patterns to management. Management regarded the processes as overly time consuming and some staff also perceived that the system was punishing them when they had to take time off work. Active management of personal leave is appropriate and will assist in moving some of the staff away from a culture where personal leave is used to facilitate overtime and is considered an entitlement to be exhausted. While time-consuming, the auditing of personal leave hours is a necessary and welcome step given the risks associated with under-staffing. Conversations regarding personal leave, however, need to be conducted in a supportive and sensitive manner.

OCCUPATIONAL HEALTH AND SAFETY

- 4.53 Given the severity of the workers' compensation leave problem, the Directed Review recommended a review of occupational health and safety (OHS) resources at both head office and Banksia Hill. This had not yet been undertaken. While providing more intensive case management of workers' compensation cases may reduce time off work, the prevention of injuries occurring is an important part of the solution that may not be receiving adequate attention.
- 4.54 At Banksia Hill, OHS meetings are held every three months, with the acting Business Manager the delegated OHS manager. The 2013 Directed Review found that there was no dedicated OHS officer at Banksia Hill, and this was still the case at the 2014 inspection. However, plans were in place to recruit a clerical officer for the purposes of OHS record keeping.

RECORD KEEPING

- 4.55 The Directed Review noted far reaching problems in the centre's record keeping practices, and recommended improving the scope, detail, accuracy and availability of records across all aspects of Youth Custodial Services.⁴² The 2014 inspection found that significant work remains to be done in this area.
- 4.56 Allowing staff to access the policies and procedures they require for their work is important, and Banksia Hill is still not doing this to an acceptable standard. A recent stocktake of key documents identified significant deficiencies in record keeping practice at the detention facility.
- 4.57 The inspection team was informed of plans to develop an intranet portal for Banksia Hill staff. This portal would make all forms, communications, minutes, rules and standing orders readily available to staff. However, it was not realistically expected to be available until March 2015.

42 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 125–126, Recommendation 27.

STAFF AND ADMINISTRATION

- 4.58 Banksia Hill's records officer had received support from head office in training staff in the use of TRIM, the Department's records management system. However, progress had been problematic, and had been particularly affected by continuing staff turnover in key areas. This Office therefore recommends that Banksia Hill management and the Department remain committed to addressing these issues.

Chapter 5

CONTROL AND SAFETY

- 5.1 The riot at Banksia Hill in January 2013 was the most significant loss of control in a Western Australian custodial facility since the Casuarina Prison riot in 1998. The Directed Review devoted considerable attention to security arrangements at the centre and the emergency response on the night in question, making 16 recommendations. This is an acute risk area and the Department has placed much emphasis on improving security and emergency planning at Banksia Hill. This chapter assesses progress against the recommendations in the Directed Review, along with the broader issue of how security-driven changes have affected the centre.

LOWERING THE ‘TEMPERATURE’

- 5.2 The operation of a prison or detention centre can be judged by considering the atmosphere or tension levels, often referred to as the ‘temperature’ of the facility. This temperature can be assessed by observing various indicators such as the demeanour of staff and detainees, the level of interaction between staff and detainees, and the amount of positive and constructive activity that is taking place within the facility. It can also be measured more scientifically with reference to detainee numbers, intelligence collected, assault levels, drug testing results, self-harm levels, contraband finds, staffing levels and out of cell hours.
- 5.3 Prior to the riot, there was little if any formal monitoring of the temperature at Banksia Hill. Following the riot, in July 2013, a weekly temperature report was introduced. The temperature report is generated by the security team, signed off by the Superintendent and submitted to the Department’s corporate executive team. At the time of the inspection, Banksia Hill’s temperature had been assessed as moderate, which is defined as ‘an increase in the number of indicators but insufficient to cause concern’. Of course, there was no comparable assessment from the time of the riot so it was not possible to directly measure any improvement based on this. However, the assessment of the inspection team was that there had been a perceptible lowering of the temperature at Banksia Hill since the time of the riot.
- 5.4 It is important to remember how bad things were at Banksia Hill at the start of 2013 in terms of safety and security. In the three years leading up to the riot, the number of serious incidents was alarming. The Directed Review outlined 53 incidents in that period (a rate of one incident every three weeks), including escapes, serious assaults and very frequent ‘roof ascents’.⁴³ Since the return to Banksia Hill in October 2013, the number and frequency of incidents has decreased. There have still been some very concerning incidents, including several assaults on staff. However, there has been a particularly marked reduction in the number of roof ascents. At the time of writing, more than one year after the return to Banksia Hill, there had been only two recorded incidents of detainees climbing onto the roof.
- 5.5 The senior management team spoke of a ‘back to basics’ approach when it came to security and safety, and said there was a need for staff to refocus on the significant part that their own conduct plays in ensuring their personal safety and that of their colleagues.

43 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 141–145.

During the inspection, Banksia Hill staff presented as more professional and certainly more optimistic than at the time of the riot. The centre generally felt calm and settled during the day, with young people engaged in education, programs, recreation and other activities. Staff agreed that the atmosphere of the centre was vastly better than 18 months previously. However, the pre-inspection staff survey revealed that perceptions of safety were markedly lower than in other facilities. At Banksia Hill, only 44 per cent of respondents stated that they felt safe or very safe at work. In contrast, the state average is almost 94 per cent.⁴⁴

- 5.6 The centre is delicately poised and fragility remains. The Office has particular concerns about how the centre would cope if detainee numbers were to increase by 40 or 50 to levels last seen at the time of the riot. Similarly, any further turnover in senior management would carry the risk of undermining progress and destabilising the centre all over again. Nevertheless, restoring a settled atmosphere at Banksia Hill is an achievement that should not be underestimated. Although progress in other areas has been slower than hoped, this is the foundation needed to launch all the other work that still needs to be done.

CUSTODIAL INFRASTRUCTURE

- 5.7 When Banksia Hill opened in 1997, it was considered state-of-the-art and set a new benchmark for the design of youth detention centres. Features included the open, campus-style layout and the single-level domestic scale of all buildings. A key element of the design philosophy was the retention of the hill which gives the centre its name. From the top of the hill it is possible to see beyond the perimeter fence to the surrounding landscape and the Darling Range in the distance. The natural flora was preserved so that the hill exists as a pocket of native bushland within the centre.



Photo 4 : The view at the top of the hill.

44 This figure is from the period 2010–2012: OICS, *Prisoner and staff perceptions of WA custodial facilities from 2010–2012* (September 2014) 16.

- 5.8 More recent additions to the site have tended to undermine the original design philosophy. Yeeda Unit and Urquhart Unit, built as part of the major redevelopment associated with the amalgamation, both feature double-storey accommodation blocks. Both were also surrounded by 4.5 metre-high fences, marking the first time that major internal fencing was introduced at Banksia Hill.



Photo 5 : The construction of the double-storey Urquhart Unit was a departure from the earlier design philosophy of domestic scale.

- 5.9 Other additions to the secure infrastructure have been made over time in response to specific issues. For example, barriers and barbed wire have been installed at various roof access points around the centre in response to the persistent problem of detainees climbing onto roofs.
- 5.10 The Office's concern is that most of these additions (small and large) to Banksia Hill's infrastructure appear to have been made without consulting stakeholders and without any input from appropriately experienced professional design consultants. There is no documentation of the planning process nor any record of decisions made. The Office has previously identified several examples where changes had weakened rather than strengthened security.⁴⁵ This includes the many identified design flaws in Urquhart Unit, which opened in October 2012.⁴⁶

45 OICS, *Banksia Hill Directed Review: Physical Infrastructure Review Paper* (August 2013) 22–25; OICS, *Security Review Paper* (August 2013) 27–30.

46 Most of these design flaws have been previously noted in OICS, *Banksia Hill Directed Review: Security Review Paper* (August 2013) 29–30.

CONTROL AND SAFETY

- 5.11 At the time of the inspection, there was a need to improve the utility of the gatehouse with respect to movement and processing of staff and visitors, and detection of contraband items. An entirely new gatehouse would have been preferable but the Department was not in a position to fund this. Instead, there was a proposal to alter the layout within the existing structure. The Office was again concerned that this project seemed to be going ahead without seeking any design expertise and without any formal documentation.
- 5.12 Following the riot, the Department's immediate response was to further strengthen the secure infrastructure of the site. Grilles were added to cell windows, unit offices were fortified with bars and the barbed wire topping the fences around Yeeda Unit and Urquhart Unit was replaced with an anti-climb drum cowling. The cell window grilles were applied across the site irrespective of security rating or risk level: from Harding Unit where the most poorly behaved and highest risk detainees are held to the self-care units where the most trusted detainees are housed.



Photo 6 : Cell window grilles on an accommodation unit.

CONTROL AND SAFETY



Photo 7 : A unit office with retrofitted fortification.



Photo 8 : The view from inside a fortified unit office.

- 5.13 New fences (also topped with cowling) were constructed around Jasper Unit and Karakin Unit which are now used to accommodate detainees on remand separately from sentenced detainees.



Photo 9 : New internal fencing at Banksia Hill.

- 5.14 Increasing compartmentalisation of the accommodation units presents its own problems. Jasper Unit and Karakin Unit now hold remandees only, Yeeda Unit holds only female detainees, and there was a proposal for Urquhart Unit to be dedicated to detainees over the age of 18.⁴⁷ This leaves only two units (Lenard and Turner) available for mainstream sentenced detainees. Dividing the centre up in this way is understandable but it reduces flexibility in placing detainees. It also leaves the centre vulnerable to fluctuations in population mix. If, for example, the centre received a rapid influx of remandees, it is possible that the remand units could become overcrowded while other units have spare capacity.
- 5.15 In summary, it is appropriate to maintain separation of different cohorts of detainees. The difficulty is in trying to do all this within the confines of Banksia Hill. This is a fundamental weakness of operating just one large juvenile detention centre rather than several smaller centres performing different roles.

47 See Chapter 9.

5.16 The visual impact on the site was significant. The centre is now less recognisable as a youth detention centre and more reminiscent of an adult prison. The increased size and congestion of the site adds to this impression. Figure 8 below illustrates how the centre has expanded to fill the available space on site, to the extent that it is now quite crowded.

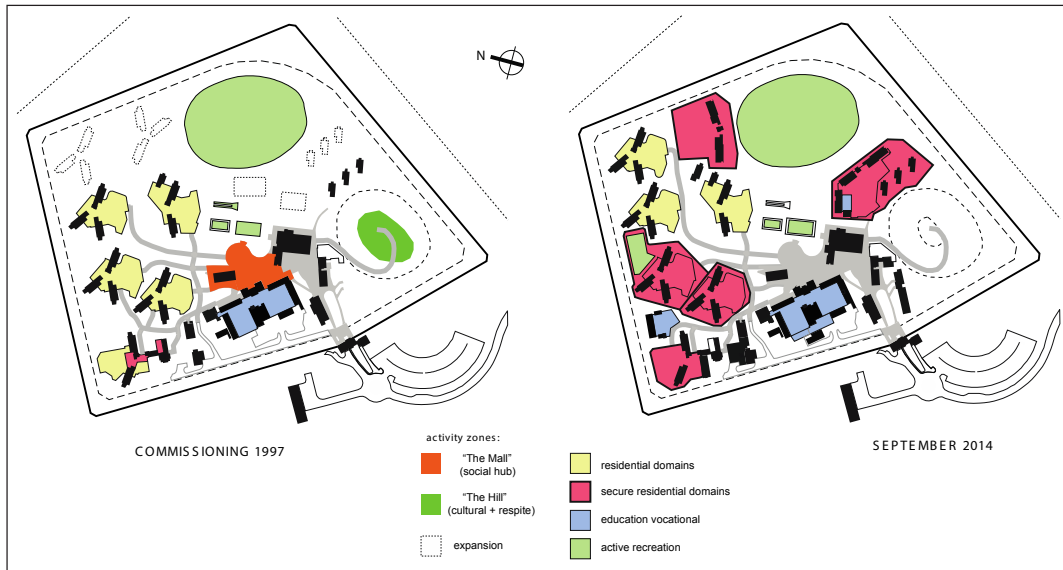


Figure 8 : Infrastructure changes at Banksia Hill 1997–2014

5.17 There is some striking art and sculpture adjacent to the administration building and in the central mall area, which sets Banksia Hill apart from most adult prisons. However, as mentioned earlier in this report, there is limited reflection of Aboriginal culture. Further into the centre, and especially around the accommodation units, there is little to indicate that this is a centre for young people and especially Aboriginal young people.

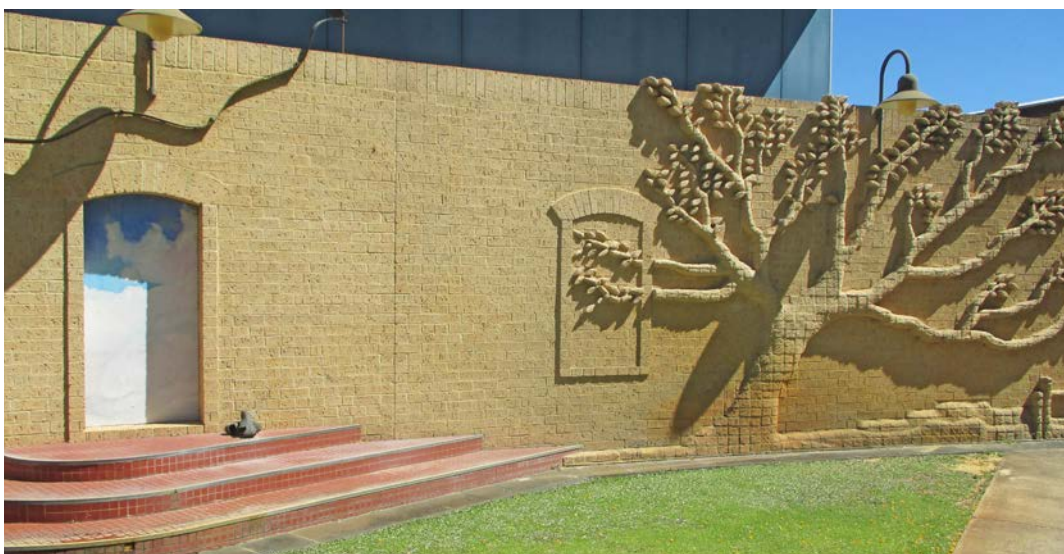


Photo 10 : This wall near the administration building features some striking art, but in the accommodation units where young people actually live, there is little to indicate that this is a centre for young people.

CONTROL AND SAFETY

- 5.18 Spaces that could have been used to facilitate a greater child focus and Aboriginal focus were under-utilised. The mall was originally intended to be a focal point for social gatherings and special events but it had been abandoned as a functional part of the centre and was now simply a space that detainees moved through on their way to other areas. Similarly, the hill was envisaged as an area that could be actively used to engage with detainees and especially to provide culturally relevant activities for Aboriginal detainees. Like the mall, however, the hill was not being used and was in fact out of bounds to staff and detainees. This fact was plainly evident in the neglect of the path leading up the hill.



Photo 11 : The central mall area features some interesting pieces of art but lacks any cover or shade, and is not used for any particular purpose within the centre.



Photo 12 : The neglected pathway leading up the hill.

- 5.19 The Office is concerned that Banksia Hill is no longer truly fit for purpose as a facility for young people. The scale of the changes has undermined the design philosophy of the centre and diminished its value as a useful custodial asset. The site is now vulnerable to further degradation should additional change be implemented without careful consideration.

BEHAVIOUR MANAGEMENT

- 5.20 During the 2011 inspection, the Office undertook a comprehensive audit of behaviour management strategies at Banksia Hill, with a focus on the use of individual management regimes and regression regimes. The audit found a number of inconsistencies in the procedural framework and flaws in record-keeping practices. Overall, the Office considered the system to be overly punitive and largely ineffective as a behaviour modification tool. The inspection report made 11 recommendations in this area. Although this was not a specific area of focus in the 2014 inspection, the Office remains concerned that the majority of these recommendations have not been addressed.
- 5.21 A behaviour management system in youth detention should focus on the immediate and long-term behaviour of young people, and assist in ensuring that they are demonstrating an appropriate standard of behaviour to attend therapeutic counselling, educational, recreational and vocational programs. It should also assist in ensuring the safety of staff and young people within the centre. Behaviour management should not be confused with behaviour development. Behaviour development should be an extension to behaviour management and support young people to develop into young adults with appropriate social skills.
- 5.22 The overarching structure and ethos of the centre's behaviour management system should have a strong focus on assisting a young person to address the risks and needs associated with their offending behaviour. The system should also recognise that adolescence is a time when young people will challenge authority and have minimal understanding of the consequences of their actions. This is not limited to adolescents in detention, but adolescents generally.
- 5.23 With this in mind, it is inevitable that many of the young people in detention will at some time demonstrate behavioural issues. These challenging behaviours can be further exacerbated because they have had minimal exposure to positive role modelling in their lives. The benefits of positive role modelling can reinforce pro-social behaviours for young people and encourage them to develop behaviours that are expected by the broader community.

Regression

- 5.24 The regression of young people to the Harding Unit is used as a behavioural management strategy to manage and settle young people who are demonstrating serious behavioural issues or require closer observation by staff. While in this unit, young people lose some privileges such as accessing the canteen or certain other activities. This structured withdrawing of privileges can be an effective tool when managing a disruptive young person's behaviour.

- 5.25 However, there is a fine balance between behaviour management and punitive treatment. The fact that the young people are separated in locked rooms for lengthy periods of time and are being denied access to structured programs that can assist with their behaviour development is concerning.
- 5.26 Young people on management regimes were not receiving enough exposure to programs designed to address their behaviour. Consequently, they were left in a room under close supervision and expected to somehow modify their own behaviour. Children and young people require more interaction and appropriate support delivered through a multidisciplinary team approach.
- 5.27 Of further concern was the fact that restricting family contact was used as a behaviour management strategy. When young people are held in Harding Unit, they are restricted to only one telephone call a day. In the majority of cases, the young person is only permitted to contact their primary care provider. This restriction meant that young people who are parents themselves are denied contact with their own children or the mother of their children. This concern was highlighted to the inspection team by one young person who had been in Harding Unit for a week and was only allowed to contact one of his care providers. The young person said that the situation was making him frustrated because he was a father and was not allowed to contact his partner or speak to his own child.
- 5.28 In summary, as found in our 2011 review of regression, the practice still appears focused on punitive tactics rather than an informed approach that rationally addresses a young person's behaviour and has an emphasis on positive outcomes. This may come back, in part, to the absence of a youth-specific operational philosophy.
- 5.29 It was beyond the scope of this inspection to undertake another specific audit of behaviour management at Banksia Hill. However, the inspection left us with a number of concerns. The situation will continue to be monitored and the Office will consider undertaking another audit within the next twelve to eighteen months.

SECURITY

Security Team

- 5.30 At the time of the riot, Banksia Hill had a Security Manager but no other security resources. The Directed Review recommended that the Department 'should resource and develop the on-site Security Team at Banksia Hill'.⁴⁸ This was seen as a crucial step in addressing many of the recommendations relating to security.
- 5.31 Positively, there had been some important progress in this area. The Security Manager position had been upgraded to Assistant Superintendent Security. In addition, a security team had been created, consisting of two Senior Officer Security positions and one Intelligence Collator. At the time of the inspection, all four positions had been filled temporarily via expressions of interest. Permanent appointments would be made following a formal recruitment process but it was not clear when this would take place.

48 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 61, Recommendation 11.

5.32 A standing order had been developed, detailing the functions and responsibilities of the security team. In the aftermath of the riot, Banksia Hill had understandably attracted more focus and support from security services at head office as efforts were made to re-establish a sound security culture in the centre. The ongoing effectiveness of security at Banksia Hill will be reliant on continued support from head office.

Balancing Physical, Procedural and Relational Security

5.33 Security in a custodial facility comprises three related elements which must be balanced:

- Physical Security – integrated physical structures and mechanical and electronic systems.
- Procedural (or Process) Security – effective systems and processes to ensure the coherent, consistent and coordinated application of measures such as controlling movements around the site, searching of people in custody and screening of visitors.
- Relational (or Dynamic) Security – a busy regime and a positive, professional engagement between staff and people in custody so that staff can understand the issues and gather good intelligence.

5.34 While getting the security balance right is important, security in the youth custodial setting is not an end in itself, but is rather the means to further outcomes expressed in a clearly articulated and understood direction. This is critical to institutional stability. It was regrettable that Banksia Hill did not yet have an operational philosophy which would inform the quest for balance in the various components of security. This mirrors the earlier situation reported in the Directed Review:

It took two years from amalgamation being known to the final CET [Commissioner's Executive Team] endorsement of the *Making a Positive Difference* philosophy. This was too long and it meant that instead of the philosophy driving the planning, key decisions regarding physical redevelopment came 12 months before the philosophy was approved.⁴⁹

5.35 In the months following the riot, the Office grew increasingly concerned that the Department's approach to improving security at Banksia Hill was unbalanced. The Security Review Paper published in conjunction with the Directed Review observed that:

The Department's response to the riot has relied heavily on greater physical infrastructure, in particular more bars and grilles. The development of effective dynamic and process elements, involving good inter-personal relationships and consistent adherence to procedures, is essential to achieving a safe and secure environment at Banksia Hill.⁵⁰

5.36 Banksia Hill management will need to be alert to the potential unintended outcomes of the increased physical security. For example, with unit offices now fortified, there is a risk that they will become bunkers to which officers may retreat. This would impede the interaction with detainees that is so critical for effective security, and would actually escalate risk.

49 Ibid., 47.

50 OICS, *Banksia Hill Directed Review: Security Review Paper* (August 2013) 5.

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- 5.37 Since the riot, the Department had also put much effort into reviewing and updating written procedures at Banksia Hill. All Youth Custodial Rules and Standing Orders had now been approved and circulated. Staff were now receiving training based on the new procedures. Of course, all this work on procedures would ideally have been preceded and guided by an operational philosophy. Instead, there is a real risk that the operational philosophy will be driven by physical and procedural security measures already in place.
- 5.38 The perception of respondents to the pre-inspection staff survey was that the centre placed a high focus on infrastructure in ensuring a safe workplace. In contrast, respondents felt that infrastructure was the least important element contributing to a safe workplace. They rated other factors such as their colleagues and their interaction with detainees much more highly. In meetings during the inspection, YCOs expressed the view that the security balance at Banksia Hill was not right; physical and procedural security were privileged but relational security had been undermined by the Department's response to the riot.
- 5.39 While relational security remains a 'work in progress', there are indications that there have been some improvements. Members of the inspection team observed many instances of admirable staff and detainee interaction, which needs to be acknowledged and encouraged. New rosters had ensured greater continuity of staff in the units allowing for improved staff and detainee relationships. There had also been several recent examples of serious incidents being averted as a result of information received by staff (both custodial and non-custodial) and reported appropriately to the security team.
- 5.40 In summary, stability in correctional facilities requires a balance between physical, procedural and relational security. That balance has improved since 2012–2013 but remains somewhat fragile.

Security Classification of Detainees

- 5.41 The Directed Review noted that the majority of detainees at Banksia Hill (85%) were classified as maximum security.⁵¹ This has almost always been the case at Banksia Hill. The Office is concerned that the system tends to overstate the risk of young people in detention and in doing so ignores opportunities to manage young people in more flexible ways and in less secure environments. The Directed Review recommended:

The Department should review its criteria and processes for making security ratings, ensure that these processes are consistently applied, and spell out in Youth Custodial Rules or elsewhere the operational and regime implications for each level of security.⁵²

- 5.42 At the time of inspection, nothing had changed: 137 of 155 detainees were classified as maximum-security (88%) and 18 were classified as medium-security (12%). None at all were classified as minimum-security. In comparison, at the time of writing, around 19 per cent of adult prisoners were rated maximum-security, 52 per cent were medium-security and 28 per cent were minimum-security.

51 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 44.

52 *Ibid.*, 60, Recommendation 4.

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- 5.43 Standing Order 6 sets out the system of supervision, assessment and classification of detainees. The Case Planning Unit is responsible for conducting security and supervision classification reviews for presentation to the Detainee Management Review Committee (DMRC) within four weeks of sentencing, and subsequently every three months.⁵³ Along with classification reviews, the DMRC is responsible for approving the placement of detainees within the hierarchical structure of the centre, and reviewing the various behaviour management regimes and special needs regimes for individual detainees.
- 5.44 The security classification processes are much less developed than in the adult custodial system and there is no particular tool or methodology prescribed. However, efforts have been made to develop a security classification tool over the last two to three years, and separate tools have been developed for sentenced male detainees and sentenced female detainees. These were considered sufficiently stable to incorporate into case planning practice by early 2014, but some of the assumptions and metrics were considered questionable and a new project was planned to further develop the tool, drawing on best practice from other jurisdictions. Unfortunately, the inspection found that the project had stalled.
- 5.45 The Directed Review noted:
- Stable and secure custodial facilities balance incentives for good behaviour with clear, consistent and confident responses to misbehaviour. Detainees should understand that behaviour has consequences, and that these can be positive not just negative.
- One of the stronger incentives in adult prisons is the ability to work toward a lower security rating, and therefore potentially to be placed at a minimum security prison. Security ratings also allow the management of individuals to be more fully informed and better targeted at risk and need.⁵⁴
- 5.46 Thus far there has been virtually no contemplation of what a minimum security regime or a specific minimum security facility might look like. These issues need to be factored into concrete Departmental planning for youth justice.

Recommendation 3

Implement an objective assessment and classification system that includes a focus on providing improved opportunities for detainees rated minimum security.

- 5.47 The DMRC comprises an Assistant Superintendent, the detainee's unit manager, the Case Planning Manager (or delegate), individuals representing education and psychology, the Security Manager and any other business representatives who may assist.⁵⁵ However, DMRC practice for male detainees departs from this. Rather than including only the detainee's unit manager, it includes all unit managers from all male units.

53 DCS, *Banksia Hill Detention Centre Standing Order 6 – Supervision, assessment and classification of detainees including female detainees* (February 2014) 7–13.

54 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 44.

55 DCS, *Banksia Hill Detention Centre Standing Order 6 – Supervision, assessment and classification of detainees including female detainees* (February 2014) 6–7.

As a result, DMRC discussions observed during the inspection were dominated by input from the multiple custodial managers, and case planning, education and psychology representatives were left in a clear minority. Furthermore, having all units present simultaneously left the agenda so full that few items were discussed at length.

- 5.48 The DMRC process for males was therefore non-compliant with Standing Orders, and the inspection team was not confident that it was providing a fully balanced review of security classifications and detainee management in general, or of behavioural management regimes in particular.
- 5.49 In contrast, the DMRC for the female detainees provided a better example of how the process should operate. It included only the relevant unit manager from Yeeda Unit and the meeting took time to properly discuss any reviews undertaken and the management needs of any female detainees. There was an appropriate balance of custodial and non-custodial inputs and all individuals were reviewed and their progress discussed. The process provided all staff involved with a clear understanding of the progress of each individual, how well their needs are being met, and how best to manage them. This was a positive and marked contrast to the DMRC for male detainees.
- 5.50 It is vital that the DMRC for male detainees is reformed to ensure that enough time can be spent on each case, and to restore the balance of custodial and non-custodial inputs. The simplest way would be to hold separate DMRC meetings for each unit, with only the relevant unit manager present.

Recommendation 4

Convene the Detainee Management Review Committee on a unit by unit basis to restore the balance in its composition and to ensure that appropriate focus is given to the management and intervention needs of individual detainees.

Security Procedures and Compliance

- 5.51 At the time of the riot, there were significant gaps in Banksia Hill's procedural security. New Youth Custodial Rules had been written but were not made available to staff until after the riot, and Standing Orders had not been updated since 2009. The Directed Review questioned staff adherence to basic security requirements.⁵⁶ The findings in relation to a litany of security problems were not flattering:

Although some involve design or construction problems, more fundamentally they reflect a poor security culture, a lack of common sense and poor governance and follow-up.⁵⁷

56 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 48–50.

57 *Ibid.*, 49.

- 5.52 The Directed Review made a recommendation to update all procedures and to ensure regular review, effective communication and training of staff.⁵⁸ It also recommended that the staff culture in relation to security should be addressed.⁵⁹
- 5.53 Positively, the 2014 inspection found that all Youth Custodial Rules and Standing Orders had been updated. The bulk of this work was carried out with a sense of urgency in the aftermath of the riot by a reform team with limited operational experience. This is understandable because this task was beyond the resources of Banksia Hill at that time. Some efforts were made to consult with Banksia Hill staff but ultimately the lack of operational input was a shortcoming of the process.
- 5.54 This had predictably resulted in some unrealistic procedural requirements. During the inspection, custodial staff suggested that some of the Standing Orders were informed by adult custodial experience rather than youth custodial experience. This issue has been recognised by centre management and Standing Orders are being amended as problems are identified.
- 5.55 Management have taken steps to complement the introduction of the new Youth Custodial Rules and Standing Orders. First, there is a recognition that education is important if staff are to understand the reasons for a procedure and appreciate the operational and human consequences of failure to follow it diligently. In this regard, there appeared to be general appreciation amongst staff that a failure to follow procedures was a factor in two recent assaults on staff.
- 5.56 Second, Banksia Hill is devoting attention to the development of unit managers to foster consistency of operational practice across the facility. Further training is being directed at unit manager leadership development in recognition of the critical role played by the unit manager in ensuring the professional conduct of staff. Notably, the job description of the unit manager has been amended to include responsibility for staff supervision.
- 5.57 Finally, the newly established position of Manager Governance had been given responsibility for compliance audits in the centre as of August 2014. By working closely with unit managers and other staff, this process will identify where the current procedures require amendment to ensure relevance to a youth custodial facility.

Physical Security Assessments

- 5.58 During the riot, a number of physical security weaknesses were uncovered, most notably the vulnerability of cell windows. The Directed Review accordingly recommended that physical security assessments should be regularly undertaken at Banksia Hill by the Department's Emergency Support Group (ESG) or other independent experts.⁶⁰

58 Ibid., 60, Recommendation 5.

59 Ibid., Recommendation 6.

60 Ibid., Recommendation 7.

- 5.59 The inspection team was advised that the ESG had checked recent physical works at Banksia Hill. In addition, the Department had developed design and testing standards to guide future departmental infrastructure design and testing. However, there was no intention to implement a regular program of physical security assessments as recommended. The Department advised that the local security team and other staff have responsibility for monitoring the integrity of secure infrastructure. In the event of a need to conduct an in-depth physical assessment, specialist advice can be sought from the Security Services Directorate.

Preventing Roof Ascents

- 5.60 The ignition point for the riot was an opportunistic roof ascent by three detainees – a problem that was all too common at Banksia Hill. A review by this Office in 2012 emphasised that while physical security deficiencies meant that roofs were vulnerable to access by detainees across much of the site, the main causes of roof ascents were boredom, unhappiness and conflict.⁶¹ The Directed Review recommended that:

The Department undertakes a comprehensive assessment of how dynamic, procedural and physical security weaknesses are contributing to the high number of roof ascents by detainees and implements appropriate remedial measures.⁶²

- 5.61 During the 2014 inspection, the Department advised that considerable progress had already been made following the Office's 2012 review. Banksia Hill's updated emergency management plan included guidelines for managing a roof ascent incident and a Standing Order had been developed to manage detainees with a history of roof ascents. An alert had been added to the TOMS database to highlight detainees with a history of roof ascents. In addition, known roof access points had been identified and modified.
- 5.62 A significant decrease in roof ascent incidents was evident, with only two recorded since the return to Banksia Hill in October 2013. Along with the aforementioned measures, staff acknowledged that the improved overall atmosphere of the centre played a large part in this. Contributing to the improved atmosphere were the lower detainee population and absence of overcrowding, reduced lockdowns and improved climate control in accommodation units.
- 5.63 Clearly, some of these factors are fragile, especially detainee numbers. Most YCOs were less than optimistic about the prospects of the current situation being sustained over the longer term.

Intelligence

- 5.64 The Directed Review recommended that:

The Department should examine ways to enhance its intelligence capacity through improvements to proactive as well as reactive information gathering/analysis.⁶³

61 OICS, *Audit of Custodial Roof Ascents* (December 2012) 3.

62 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 61, Recommendation 8.

63 *Ibid.*, Recommendation 10.

- 5.65 The provision of additional security resources, and particularly the Intelligence Collator, has been crucial in addressing this recommendation. The Assistant Superintendent Security and the security team actively encourage and educate staff (both custodial and non-custodial) about gathering information and submitting intelligence reports. Intelligence reports are submitted via J-Staff, the Department's intranet. A more recent development has been the integration of J-Staff with Intellishare, the Department's intelligence database. All intelligence reports are now automatically uploaded to Intellishare.
- 5.66 The Intelligence Collator at Banksia Hill has read and write access to Intellishare, which gives visibility of all intelligence reports submitted across the state. For the first time, Banksia Hill therefore has the capacity to collate and analyse information and produce reliable intelligence. There was evidence that this improved capacity had contributed to some serious risks being identified in a timely manner, allowing a suitably proactive response.

Use of Restraints

- 5.67 In the immediate aftermath of the riot, the Office considered that the Department's routine use of handcuffs on detainees moving within the facilities at Banksia Hill and Hakea was not compliant with legislation. Section 11D of the *Young Offenders Act 1994* (WA) states that the use of restraints is permitted only when an individual detainee is imminently presenting a risk of physical injury to himself or others, where restraints are required on medical grounds, and where detainees are being escorted outside the facility. The President of the Children's Court also expressed the view that the use of restraints required an assessment for each individual person being restrained.⁶⁴ Extraordinarily, in responding to the draft report of the Directed Review, the Department simply said: 'with respect, the Department does not agree with His Honour Judge Reynolds.'⁶⁵
- 5.68 The Directed Review made the following recommendation:
- Mechanical restraints must not be used as a routine measure to control the movement of detainees within detention centres. They should only be used following a proper assessment of the risk posed for and by the particular individual to be restrained in accordance with section 11D of the *Young Offenders Act 1994* (WA).⁶⁶
- 5.69 The overuse of mechanical restraints was prompted by the circumstances that existed following the riot. The Department advises that mechanical restraints are no longer used as a routine measure to control the movement of detainees within detention centres and are only used to manage identified risks. The relevant Youth Custodial Rule and Standing Order 18 have been reviewed and amended to reflect these new practices.

64 *The State of Western Australia v JAB* [2013] WACC 3.

65 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 100.

66 *Ibid.*, 115, Recommendation 25.

Strip-searching

- 5.70 The Office raised concerns about the practice of strip-searching at Banksia Hill as far back as 2008, stating that the ‘extensive use of routine strip-searches is a breach of human rights and dignity’.⁶⁷ During the Directed Review, attention was again drawn to this issue because of the extremely high number and frequency of strip-searches occurring at Banksia Hill and Hakea.⁶⁸ One detainee was strip-searched 62 times over a period of approximately four months, and another was strip-searched 42 times in three and a half months.⁶⁹ Again, the President of the Children’s Court expressed dismay.⁷⁰
- 5.71 The Directed Review recommended that:
- The Department should review and alter its practices relating to the strip-searching of detainees:
- (a) To cease the practice of routinely strip-searching detainees on every entry and exit to detention centres, particularly when they have been transported in a secure vehicle; and
 - (b) To ensure that strip-searches in relation to social visits are not routine but are undertaken only on reasonable suspicion of contraband, assessed on a case by case basis.⁷¹
- 5.72 In response, Banksia Hill has amended the relevant Youth Custodial Rule and Standing Order.⁷² Strip-searching of detainees when travelling between secure facilities is no longer the default position and social visit strip-searches are only undertaken where there is reasonable suspicion or cause and endorsed by management.
- 5.73 Despite this, data provided by the Department continues to show a very high number of strip-searches. In July 2014, the month before the inspection, 609 strip-searches were conducted at a time when the average population was around 150. Experts from interstate were very surprised and concerned at these figures.
- 5.74 Furthermore, no fewer than 80 per cent of these searches were routine rather than targeted searches, meaning they were prompted by procedural requirements rather than any specific suspicion that a detainee was concealing contraband items.

67 OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 58 (December 2008) 13–15.

68 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 109–111.

69 *Ibid.*, 109.

70 Transcript of Proceedings, *State of Western Australia v BAJG* (Unreported, the Children’s Court of Western Australia, KT35/12, Reynolds J, 27 March 2013) 53.

71 *Ibid.*, 115, Recommendation 26.

72 DCS, *Youth Custodial Rule 207 – Searches* (May 2014); DCS, *Banksia Hill Detention Centre Standing Order 17 – Searches* (February 2014).

Week Ending	Number of strip-searches		
	Targeted	Routine	TOTAL
3 July 2014	20	80	100
10 July 2014	9	133	142
17 July 2014	8	95	103
24 July 2014	42	101	143
31 July 2014	27	94	121

Figure 9 : Number of strip-searches conducted at Banksia Hill, July 2014

- 5.75 During the inspection, routine strip-searches upon admission to the centre were justified (and vigorously defended) by the Department on the grounds that it was necessary to determine if the young person was attempting to conceal contraband items. However, the Department seemed to have little appreciation of the risk to decency presented by strip-searches.
- 5.76 A strip-search is inherently intrusive and humiliating. This is particularly the case for a young person in the early stages of puberty who is required to undress in front of an adult stranger. The experience is likely to be especially traumatising for the many young people in detention who have been victims of sexual abuse. The Department has made efforts to minimise the indignity of the process by introducing a procedure in which the young person removes the top half of their clothing and replaces it before removing the bottom half, ensuring that they are never fully naked.
- 5.77 The Office appreciates that the risks of contraband entering the centre are very real and that there is an indisputable requirement for a robust contraband detection strategy. However, it does not necessarily follow that routine strip-searching must be a central part of this strategy. It is of real concern that strip searching rates are so high and that four out of every five are routine and not intelligence-driven.
- 5.78 Studies of unclothed searches within Australian and international prisons have criticised the practice as being ineffective in contraband and security management.⁷³ Items such as mobile telephones, cigarette lighters, weapons or other metal items, when carried externally, can be identified using metal detectors (walk-through or hand-held) or pat searches. Items carried internally, such as drugs, are unlikely to be located by strip-searches because they would usually be secreted prior to entering detention.
- 5.79 This is borne out by the low number of items found during strip-searches. From the start of 2014 until the time of writing in November 2014, Banksia Hill had conducted more than 7,300 strip-searches. These revealed only six contraband items – less than one item per 1,200 strip-searches.

Recommendation 5

Reduce the frequency of strip-searching young people in detention by using other contraband detection measures.

73 Bogdanic A, 'Strip-searching of Women in Queensland Prisons' (2007) <www.sistersinside.com.au/media/Papers/AnnaBogdanic.doc>

EMERGENCY MANAGEMENT

5.80 Following the riot, the emergency management of the incident was naturally a particular focus for the Office. The Directed Review concluded:

The response to the unfolding emergency on the night of 20 January was generally good and in some respects it was exemplary. Many individuals demonstrated courage, strength of character and good judgement. They all deserve the community's respect, admiration and gratitude. Incident management on the night was marked by intelligent and pragmatic decision making, with a strong focus on staff safety. It is a credit to all that nobody was seriously injured in such a volatile situation.⁷⁴

5.81 However, the Office also noted that 'this outcome relied heavily on good decision making by individuals rather than good preparation by the Department.'⁷⁵ A number of gaps were identified in Banksia Hill's emergency management planning, and several recommendations were made to address these.

Engagement With Fire and Emergency Services

5.82 The Directed Review found that the Department of Fire and Emergency Services (DFES) had not been consulted about the various changes to physical infrastructure and layout that had taken place at Banksia Hill. This gave rise to concerns about the accessibility of the site for fire and emergency services vehicles. DFES subsequently carried out an inspection of the Banksia Hill site and found that the 'ability for responding crews to undertake fire-fighting activities at the complex does not pose any operational concern.'⁷⁶ The Directed Review recommended more proactive engagement with DFES not just at Banksia Hill but 'at every site where new units or fences have been built or where other major construction activity has occurred'.⁷⁷

5.83 At the 2014 inspection, Banksia Hill was able to show that it had addressed this recommendation but it was beyond the scope of the inspection to determine if the same had been done at other facilities around the state. DFES had been consulted in relation to the location of new fencing at Banksia Hill and accessibility was endorsed at the design stage. DFES had also conducted on-site assessments of fire breaks and a live drill with DFES took place at Banksia Hill in December 2013.

Emergency Management Planning

5.84 The most obvious shortfall in emergency management planning identified by the Directed Review was the failure to update Banksia Hill's evacuation plan after the amalgamation. At the time of the riot, Banksia Hill's emergency management plan still stated that detainees would be evacuated to Rangeview, but this was not viable because Rangeview was no longer a youth detention centre and had been handed over to a private contractor. The Directed Review therefore recommended that 'emergency management plans at all

74 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 62.

75 OICS, *Banksia Hill Directed Review: Emergency Management Review Paper* (August 2013) 5.

76 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 55.

77 *Ibid.*, 61, Recommendation 9.

adult and juvenile facilities are regularly reviewed, fully up to date, and include viable emergency evacuation plans'.⁷⁸

- 5.85 Again, it was beyond the scope of this inspection to assess progress at other facilities. However, at Banksia Hill, the emergency management plan had undergone an update and review in mid-2013, and included plans for internal partial evacuations as well as whole of centre evacuations. Importantly, Rangeview is no longer listed as an option for evacuation. Instead, the plan states the following:

Where a whole of detention centre evacuation is required, the Head Office Incident Management Team (IMT) will determine on operational capacity which custodial establishments the detainees will be evacuated to and will advise the on-site Incident Controller.⁷⁹

- 5.86 In effect, this codifies what was done on the night of the riot. While acknowledging the practical necessity of this approach, the Office believes that any evacuation plan should at least include consideration of the options available. For example, the evacuation plan for Hakea Prison lists several potential destinations for evacuated prisoners according to their security classification.⁸⁰ The reality is that there are also very few secure options in the metropolitan area. The issue is further exacerbated because the Hakea units that were used post-riot are to be converted to accommodation for women because of intolerable overcrowding at Bandyup Women's Prison.

Emergency Management Training

- 5.87 The Directed Review identified poor awareness of the emergency management plan among staff at Banksia Hill and a significant shortfall in scenario-based training. This prompted a recommendation to:

Improve staff training in emergency management and keep clear records of the findings and recommendations arising from scenario training and reviews of critical incidents.⁸¹

- 5.88 The 2014 inspection found good progress in this area. Seventy per cent of staff had received specific training on the updated emergency management plan and training was scheduled for the remainder. Emergency scenario training was much more frequent. Ten emergency scenario exercises had been run since October 2013 and another five were scheduled before the end of 2014. A specific standing order had been developed, which sets a minimum of six emergency scenario exercises per year and requires comprehensive debriefing and exercise reporting.⁸²

78 Ibid., 76, Recommendation 12(a).

79 DCS, *Banksia Hill Detention Centre Local Emergency Management Plan 2013* (November 2013) 250.

80 DCS, *Hakea Prison Emergency Management Plan*, Version 1.3 (June 2011) 228.

81 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 76, Recommendation 12(b).

82 DCS, *Banksia Hill Detention Centre Standing Order 20a Emergency management – responsibilities and exercise management* (February 2014).

Safety and Welfare Checks

5.89 The Office was concerned that during the riot, those detainees who had remained in their cells did not receive a safety and welfare check for more than four hours. This included some detainees who were identified as at risk of self-harm, and would normally be checked every 15 minutes. The Directed Review recommended:

The Department should examine and implement improvements to its systems and processes for conducting safety and welfare checks of detainees and prisoners in the event of incidents of mass disorder.⁸³

5.90 The Banksia Hill emergency management plan now states that in the event of a major disturbance, a minimum of one YCO will remain in each of the unit offices (which have been reinforced to provide a position of retreat). These YCOs are to monitor individual detainees in cells via the cell intercom system.⁸⁴

Responding to an Emergency Incident

5.91 Although the response on the night of the riot was generally good, the Directed Review did identify some potential areas for improvement. Firstly, there was some uncertainty around incident control protocols and the roles of the Banksia Hill Superintendent and the Superintendent of the Department's Emergency Support Group (ESG).⁸⁵

5.92 The division of responsibilities is laid out in Banksia Hill's emergency management plan and the relevant standing order. The Superintendent of Banksia Hill is the designated incident controller and has overall responsibility for the facility. Control of the incident area may be handed to the officer in charge of the ESG (or other emergency service) but the Banksia Hill Superintendent maintains responsibility for all other aspects of the facility.⁸⁶

5.93 However, it is still not entirely clear what happens when an incident affects the whole site as the riot did. The inspection team heard that this issue had been discussed by Department personnel including the Superintendent of the ESG and the Superintendent of Banksia Hill. The agreement was that the ESG Superintendent would take control of the incident and the facility Superintendent would be responsible for other arising issues such as the need to perform safety and welfare checks on detainees, although clearly any action in these circumstances would require collaboration between facility staff and ESG staff. This needs to be clearly reflected in the emergency management plan and standing order.

5.94 The Directed Review noted that the scale of the riot might have been restricted if the ESG had been able to respond sooner. It was recommended that the Department should '[e]valuate the resources needed by the ESG to improve response times at weekends and evenings'.⁸⁷ This has occurred and an additional two response staff are now on duty on weekends between 7.00 am and 7.00 pm.

83 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 76, Recommendation 13.

84 DCS, *Banksia Hill Detention Centre Local Emergency Management Plan 2013* (November 2013) 22.

85 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 76, Recommendation 14(a).

86 DCS, *Banksia Hill Detention Centre Standing Order 20 Detention centre critical incident response and emergency management plan* (February 2014) 5.

87 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 76, Recommendation 14(b).

- 5.95 During the riot, police were unfamiliar with the site and found it difficult to accurately identify buildings, particularly as the available maps did not include the recent additions. The Directed Review recommended that the Department should ‘evaluate the opportunities for improved site navigation capacity during emergency situations’.⁸⁸ Maps have been updated and a DVD package of all facilities has been prepared by the Security Services Directorate and provided to Western Australia Police. However, the Department advised that schematic plans of the two new buildings at Banksia Hill had not yet been acquired from the architects.
- 5.96 This accords with the Office’s experience that the Department does not maintain up-to-date design documentation relating to its facilities. It is astonishing that the Department does not have copies of schematic plans for two of its own buildings that opened two years ago.

Recovering from an Emergency Incident

- 5.97 The Directed Review recommended that:

The Department should examine the lessons to be learned from events in the youth custodial system since 20 January 2013 with respect to recovery from emergencies. In particular, it should ensure that debriefs are organised for all staff and that longer term strategies are implemented to rebuild staff confidence and resilience.⁸⁹

- 5.98 The Banksia Hill emergency management plan has been reviewed and amended to include a requirement for immediate and formal debriefs to occur after any major incident.⁹⁰ This is also reflected in the relevant standing order.⁹¹ Furthermore, the requirement has been added to the Department’s emergency management framework. The Department has also implemented an organisation-wide policy on debriefing.⁹²
- 5.99 In summary, emergency management planning and preparation are vastly better than in 2012–2013. However, some potential risks still remain, notably in relation to options in the event of a whole of site evacuation.

88 Ibid., Recommendation 14(c).

89 Ibid., Recommendation 16.

90 DCS, *Banksia Hill Detention Centre Local Emergency Management Plan 2013* (November 2013).

91 DCS, *Banksia Hill Detention Centre Standing Order 20 Detention centre critical incident response and emergency management plan* (February 2014) 6–7.

92 DCS, *Organisational Debriefing Guidelines* (October 2012).

Chapter 6

QUALITY OF LIFE

- 6.1 Every custodial facility should provide an appropriate standard of living for the incarcerated population, especially when dealing with young people. The Office's inspection standards state that '[t]he treatment of young people and the conditions in which they are held must meet contemporary community standards of decency'.⁹³ Almost invariably, a young person's perception of the quality of life in custody will be heavily influenced by basic factors that affect their day to day experience.

RESPECTFUL AND DECENT TREATMENT

- 6.2 The level of respect and decency afforded to young people at Banksia Hill was variable, with the inspection team observing examples of both respectful and disrespectful treatment. Many staff demonstrated a keen concern for the wellbeing of the young people in their custody and treated them with decency and sensitivity.
- 6.3 However, results from the pre-inspection survey of young people showed that 77 of 140 respondents (55%) thought that detainees were bullied by officers. During interviews, many young people reiterated this concern.
- 6.4 The results of the pre-inspection staff survey were especially concerning: 51 of 100 respondents (51%) said that staff sometimes bully detainees and 11 said that staff often bully detainees.
- 6.5 A common complaint was the disproportionate response to minor incidents. Dissent and non-compliant behaviour displayed by young people (referred to in incident reports as 'not following instructions') would routinely result in officers calling for support from the recovery team. The recovery team would then escort the young person to a multi-purpose cell in Harding Unit.
- 6.6 Many young people complained about getting into trouble for being 'out of bounds', even though many 'out of bounds' areas are not clearly delineated. They also claimed that different officers apply different rules. A number of staff and managers also accepted this is an issue. Children and adolescents deserve clear and consistent boundaries so they can work towards managing their own behaviour and impulsivity with some degree of confidence. This is especially important in a custodial setting, where helping young people to learn how to better manage their own behaviour should be a key objective.
- 6.7 Both detainees and staff raised concerns about some officers swearing at or around the young people. Members of the inspection team witnessed this on more than one occasion, including one instance when officers were swearing loudly at each other while young people were locked in their cells nearby. Again, the pre-inspection staff survey is concerning, with 61 of 100 respondents (61%) stating that staff sometimes verbally abuse detainees and nine stating that staff often verbally abuse detainees. This type of behaviour is highly unprofessional, sets a very poor example to young people and is not regarded as acceptable by most staff. Some staff also used bad language as a way to build rapport and engage with detainees. However, this caused confusion for young people who said they would get into trouble from the same or other staff for using the same language.

93 OICS, *Code of Inspection Standards for Young People in Detention* (February 2010) 15.

INDUCTION AND ORIENTATION

- 6.8 The induction and orientation process is crucial to a detainee's adjustment to the custodial environment. It represents the first opportunity to set out the rights and obligations of detainees and the rules and expectations of the centre. For most young people, entering custody is a stressful time and the induction and orientation process should provide support and guidance through this period.
- 6.9 The induction and orientation process was identified as a particular weakness during the 2011 inspection.⁹⁴ The orientation process lacked structure and records indicated that many detainees had not received a formal orientation. There was an over-reliance on the fact that many detainees had been in the centre before, and very few detainees could recall being given a tour of the centre or receiving an orientation booklet.
- 6.10 This inspection found some improvement since 2011. Initial induction takes place upon arrival and is carried out by staff in the admissions centre. This consists of completing the orientation checklist on the TOMS database and providing each detainee with an orientation booklet. There is a specific booklet for boys and a specific booklet for girls. There was no current orientation DVD available.
- 6.11 Following admission, male detainees spend their first two to three days at Banksia Hill in A Wing of Harding Unit, the designated orientation wing. During that time, they go through a formal orientation process that explains the rules and behaviour expectations, and provides information about various supports and services available to detainees. A tour of key locations throughout the centre is included.
- 6.12 Although the process was reaching most detainees, there were still inconsistencies in delivery. In the pre-inspection survey of young people, 92 of 140 respondents (66%) said that they had learned about the rules of Banksia Hill from the officers. More than half also said that they had learned the rules from other detainees. Less than a quarter of respondents said they were given a book with the rules in it.
- 6.13 Using Harding A Wing as the orientation wing for male detainees is highly problematic because it means that new detainees are housed in close proximity to the most disturbed and unsettled detainees in the centre. The rest of the Harding Unit consists of observation cells for at-risk detainees; multi-purpose cells for time-out or short-term confinement; short-term accommodation for arrestees; and the regression wing where misbehaving detainees are segregated from the mainstream population. Not only does this create a potentially intimidating environment for new detainees, but it may also undermine attempts to set standards of behaviour for them.
- 6.14 There is no orientation unit for female detainees. They are received directly into Yeeda Unit and their orientation takes place there. However, there was no evidence of any formal orientation process. When asked how they learned the rules, female detainees claimed that they asked each other.

94 OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 76 (January 2012) 16–17.

DAILY ROUTINE

6.15 The Directed Review found that the regime at Banksia Hill prior to the riot was failing to keep young people busy with constructive activities and was not sufficiently focused on rehabilitation. Its first recommendation was that:

The regime at Banksia Hill should be re-engineered so as to reflect a clear and consistent philosophy ... to rehabilitate the young people and prepare them for release back into the community.

To that end, and in order to improve safety and security, there must be a stronger emphasis on the provision of a full and active regime ...⁹⁵

6.16 By the time of this inspection, the daily regime (or 'structured day') at Banksia Hill had been revised and updated.⁹⁶ Every weekday, detainees spent their time in education or programs between 9.00 am and 3.00 pm with breaks for morning tea and lunch. However, in the absence of any guiding philosophy, the objective of the structured day was unclear, with the main purpose seemingly to keep detainees occupied.

6.17 The approved structured day schedule should see detainees unlocked from their cells at 7.30 am and locked up at 7.00 pm. This means that the scheduled overnight lockdown period is 12.5 hours. However, evidence from a variety of sources, including direct observation, suggested that practice and policy do not match and that overnight lockdowns generally exceed 12.5 hours. Morning unlock times were variable, and typically took place any time between 7.30 am and 8.00 am. Evening lock up was almost invariably at 6.30 pm rather than the scheduled 7.00 pm. This meant that detainees would be spending 13 to 13.5 hours confined to their cells overnight, assuming that this was not further lengthened by unscheduled lockdowns caused by staff shortages or incidents within the centre.

LOCKDOWNS AND 'OUT OF CELL HOURS'

6.18 Unit managers at Banksia Hill are responsible for recording every unscheduled lockdown that occurs in their unit. This data is combined with scheduled lockdown times. Any time in a 24-hour period that is not covered by a scheduled or unscheduled lockdown is referred to as 'out of cell hours'. Out of cell hours are monitored daily by the Department and are a key performance measure for Banksia Hill.

6.19 The Office has long been concerned about the amount of time young people spend in their cells at Banksia Hill. In his overview of the 2011 inspection report, the Inspector said 'the reality is that children in detention are subject to being 'locked down' in their cells or units far more frequently than is the case at adult prisons'.⁹⁷ That report made a recommendation to '[r]educe the number of scheduled and unscheduled lockdowns of detainees'.⁹⁸ Unfortunately, this issue was not adequately addressed and the Department simply asserted that there was no alternative to the practice of lockdowns within existing resources.⁹⁹

95 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 59, Recommendation 1.

96 DCS, *Banksia Hill Detention Centre Structured Day* (Final Version 3).

97 OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 76 (January 2012) v.

98 *Ibid.*, 22.

99 *Ibid.*, 61.

QUALITY OF LIFE

- 6.20 The 2013 Directed Review found that regular and prolonged lockdowns at Banksia Hill had contributed to growing detainee frustration and to the riot itself.¹⁰⁰ It recommended that lockdowns should be minimised, not only to reduce risk but also to improve standards of decency and dignity.¹⁰¹ The 2014 inspection sought to assess whether lockdown hours had in fact decreased since the riot. Unfortunately it was not possible to be confident that this was the case.
- 6.21 First, and most fundamentally, records of lockdowns were only introduced in November 2013 so there is no comparative data going as far back as the riot in January 2013. There is also a lack of control over recording lockdowns and the Office is concerned that the out of cell hours reports are inaccurate. Unit managers input the records of lockdowns into the database but there were no compliance checks to ensure the data entered matched actual lockdown times.
- 6.22 The current out of cell hours reports include an automatic 12.75 hours for scheduled lockdown times. This allows for 12.25 hours overnight and another half hour each day for staff breaks. However, as discussed above, the overnight lockdown was never less than 12.5 hours and is not scheduled to be any less. Indeed, it was often as long as 13.5 hours. The inspection team was not convinced that this was captured in the reports. The Department's data do not, therefore, appear accurate.
- 6.23 Figure 10 (below) shows that overall, between November 2013 and June 2014, there was no significant improvement. April 2014, for example, was a very poor month. Fewer than half the days had an official out of cell time of 10–12 hours, and for six days that month, official out of cell hours were less than eight hours. However, lockdowns did reduce in July 2014.

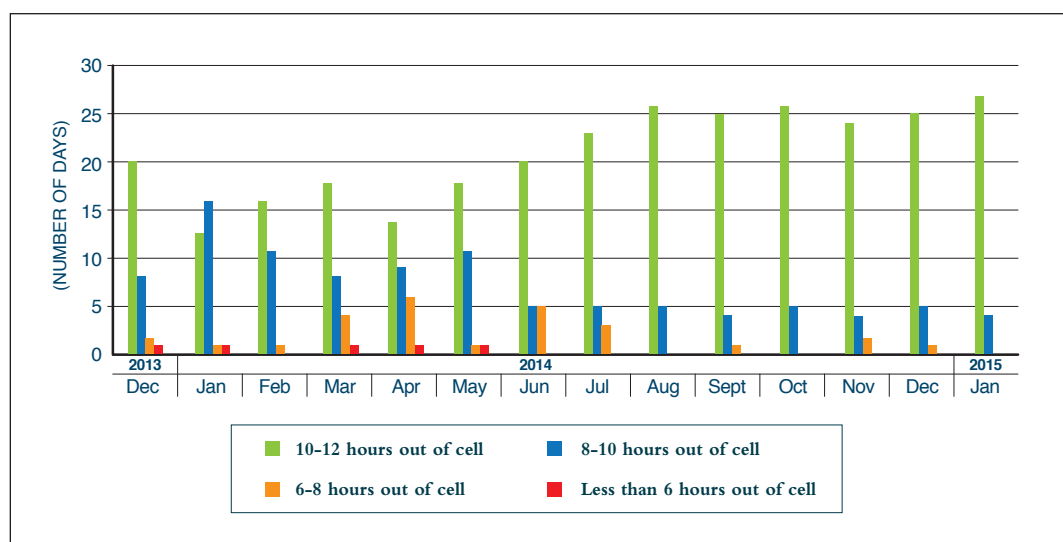


Figure 10 : Average number of hours per day spent out of cell (Department figures)¹⁰²

100 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 35–36.

101 *Ibid.*, 60.

102 These figures are likely to over-estimate the actual time out of cell: See [6.17]–[6.22].

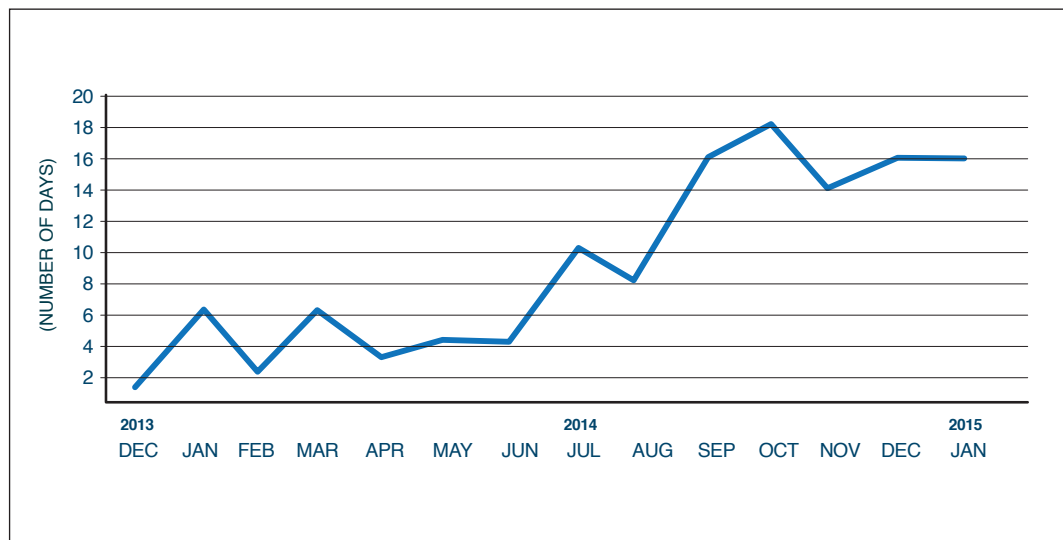


Figure 11 : Days per month when average time out of cell reached target (11 or more hours out of cell)

- 6.24 The improvement in out of cell time in July corresponds to a change in the roster arrangements of YCOs. The centre adjusted the roster to address some of the shortcomings of the 12-hour shift system. Staff were able to nominate their preferred placements on the new roster and weekend shifts were more evenly distributed. Anecdotally, this resulted in fewer staff taking unplanned personal leave and consequently fewer lockdowns because of staffing shortages.
- 6.25 In the months following the inspection in August 2014, the figures continued to improve. The number of days with 10–12 out of cell hours increased and there were never more than five days in a month when out of cell hours were less than 10. There were no days when out of cell hours were less than six. However, Figure 11 (above) shows that Banksia Hill is still not consistently meeting its performance target of 11 or more out of cell hours per day. The centre has rarely managed to achieve this target in more than half of the days each month. In any event, the Office believes that 11 hours out of cell is fundamentally not enough for young people in detention. The Department should be exploring ways to increase out of cell time, which may have implications for staff rostering (see Recommendation 2 above). In particular, a later evening lockdown should be considered as an incentive for detainees who have earned extra privileges, and as a feature of a minimum-security regime (see Recommendation 3 above).

Recommendation 6

Increase out of cell hours for young people on a consistent basis and monitor this using more accurate recording methods.

FOOD

- 6.26 During the Directed Review, the Office was particularly concerned that young people were not being given enough to eat.¹⁰³ Since then, the youth custodial system has introduced morning and afternoon tea and young people serve themselves dinner from a communal portion. As a consequence, young people at Banksia Hill no longer seem concerned about getting enough to eat.
- 6.27 However, they are still unhappy with meal quality and selection. In the pre-inspection survey of young people, 88 of 140 respondents (63%) stated that the food was bad, and 63 of 140 respondents (45%) rated it as one of three bad things about the centre. Conversely, only five respondents (4%) rated the food as good. The feedback received from young people during the inspection was consistent with the survey findings.
- 6.28 Banksia Hill has made genuine efforts to address the difficult challenge of providing an appetising and healthy menu to a hungry and growing adolescent population. In late 2013, the summer menu was assessed for compliance with the Australian Dietary Guidelines. However, not all feedback from this assessment has been incorporated into the current menu. For example, sweet bakery items and desserts are still offered almost every day.¹⁰⁴ The centre has also consulted detainees to listen to their food concerns and preferences. The Office understands that it was difficult to accommodate this feedback while maintaining a nutritious menu, but some adjustments were made.
- 6.29 Despite all efforts, food quality remains the most common complaint from young people at Banksia Hill. The Office encourages the centre to continue to consult dietary experts and the young people themselves when developing menus. It should also allow young people more opportunities to be involved in food preparation.

CLOTHING

- 6.30 The Directed Review noted that young people were concerned about lack of laundry services, and the length of time taken to launder clothing and bedding. This issue appeared to have been resolved, with a weekly wash of bedding at Hakea Prison, and access to washing machines for clothing within each unit.
- 6.31 However, different units managed the laundry differently. In some units, young people could wash their own clothes. In other units, they were not allowed to do so, but all clothes were washed together. This meant that they could not keep their own clothing separate from others during and after the laundry process. The young people were very unhappy about sharing clothes, particularly underwear, and the female detainees were especially concerned.

103 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 107.

104 DCS, *Banksia Hill Four Week Menu* (August 2014).

- 6.32 This issue has been raised by this Office in numerous reports dating back almost 10 years.¹⁰⁵ The Department has, on paper, accepted that detainees, particularly females, should be issued their own underwear and it had implemented this practice at Banksia Hill when it held only male detainees.¹⁰⁶ Current practices are unacceptable and must be changed.

Recommendation 7

Ensure that all detainees are provided with new underwear on arrival at the centre and that they are not required to share underwear.

LIVING SPACE

- 6.33 Double-bunking was not a problem at Banksia Hill at the time of the inspection because of the relatively low detainee population. However, as the only youth custodial facility in Western Australia, Banksia Hill will have no choice but to reintroduce double-bunking in the event of a population increase. As stated in Chapter 1, Banksia Hill's spare capacity is extremely limited and the need to cater for different groups meant that some parts of the centre were already full.¹⁰⁷ In effect, if male detainee numbers increase beyond 170 then double-bunking becomes necessary.¹⁰⁸

Climate Control

- 6.34 In January 2014, Banksia Hill installed split system air-conditioning into the accommodation units. Each wing of eight cells is air conditioned, and there are ventilation grilles to allow airflow into the cells from the wing corridors. However, cells are not individually air conditioned. The Office remains concerned that this system will not be effective in the hottest months of the year.
- 6.35 Climate control and airflow issues had been exacerbated in Urquhart and Yeeda Unit. The windows in cells in these units had been riveted shut, dramatically reducing the flow of fresh air into young people's cells (where they are confined for at least 12.75 hours each day). The young people in these units complained strongly about this. They spoke of the stuffiness and the enhanced sense of confinement that affected their sense of wellbeing. Centre management advised that the riveting of the windows was completed as the result of a WorkSafe Provisional Improvement Notice relating to the vulnerability of the window frames to tampering.
- 6.36 The cells in these units are now incapable of permitting any air flow through from the outside, and the only air flow now comes through a small vent in the door which leads into the unit corridor. This is potentially a health risk, and will no doubt become a significant issue during the summer months.

105 OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 29 (August 2005) 10, 50; OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008) 42–43.

106 OICS, *Report of an Announced Inspection of Banksia Hill Detention Centre*, Report No. 76 (January 2012) 19.

107 See [1.35]–[1.37].

108 In December 2014, as the detainee population approached 170, a small number of younger male detainees were moved into Yeeda Unit (the girls' unit) in order to avoid double-bunking in the male units.

PERSONAL DEVELOPMENT AND RESPONSIBILITY

- 6.37 The opportunities for detainees to develop and practice personal responsibility are very limited. Adolescence is a time when children should be learning to exercise independence and should be provided with opportunities to practice this, and young people at Banksia Hill should be able to participate in decision-making relating to matters most important to them.¹⁰⁹ At present, their experiences are strictly controlled and they have very little input into where they go, who they see, and what they do at any given time.
- 6.38 Banksia Hill currently runs a program called Team of Young Leaders. Young people can earn membership in the Team of Young Leaders through good behaviour. The name implies that the scheme incorporates a leadership development aspect but this is not the case. Rather, members of the Team of Young Leaders are just given extra privileges. This is an opportunity missed.
- 6.39 The Office's experience in inspecting juvenile custodial facilities consistently shows that young people in custody are willing to share their views with adults, when they are invited and supported to do so. Banksia Hill has made some initial attempts to consult with young people on specific issues, such as the food menu and the privileges given to the Team of Young Leaders. These initiatives should be developed further, so that all young people at Banksia Hill can participate in decision-making. This can empower them, helping them to understand that they can influence their personal circumstances. Successful participation processes already operate in some adult prisons, including Wandoo Reintegration Facility, Acacia Prison and Pardelup Prison Farm.

RECREATION AND ACTIVITIES

- 6.40 The inspection found that recreation activities had increased. The centre has reintroduced a schedule of organised, after-school sporting activities. Young people have input into which activities they would like to participate in, although it is not usually possible to swap placements after they have made their initial selection (up to a week in advance). Organised after-school activities include basketball in the gymnasium, outdoor fitness sessions, cricket and football. The weekly education schedule also includes sports classes.
- 6.41 Banksia Hill has good sporting facilities including an oval, volleyball court, cricket nets, basketball court, and gymnasium. Each unit also has their own recreation facilities, including half basketball courts, table-tennis tables and television areas. Sport and recreation was rated highly by young people. In the pre-inspection survey of detainees, 58 of 140 respondents (41%) nominated it as one of three good things about Banksia Hill, more than any other aspect of the centre.
- 6.42 The most well regarded activity by both staff and young people was the football program. Banksia Hill runs a football team that is open to young people in the sentenced units (Murchison, Urquhart, Turner and Lenard). Membership of the team requires consistent good behaviour by team members. The stated objectives of the program include helping young people with fitness, team skills, communication, social skills, self-esteem and

109 Commissioner for Children and Young People Western Australia, Issues Paper 2 (August 2009).

technical football skills. They have also been able to play a football match with a team from the community, and are looking forward to games in the future. Banksia is also considering expanding the program to enable participants to gain formal qualifications such as umpiring and coaching, which would be a very positive move.

- 6.43 A welcome addition to the program is the involvement of VSwans, the community development division of the Swan Districts Football Club. This program involves professional footballers and coaches from the Western Australian Football League attending Banksia Hill to coach the detainees.

FAMILY CONTACT AND VISITS

Young People Who Do Not Receive Visits

- 6.44 It is important to remember that many young people at Banksia Hill are from regional and remote places. They are far away from home, family and friends, and do not receive any visits. In 2013–2014 the proportion of young people who were not receiving visits ranged from 61 per cent to 45 per cent.
- 6.45 For these young people, there is not enough access to alternative visiting arrangements such as video linking or voice over internet protocol technology (Skype). The regional and remote young people we spoke to during the inspection were very keen to have access to these services. They are also keen to see the visits process become more flexible so if they are lucky enough to receive a visit from someone who has travelled a long way, they can spend more than one hour with them. Some adult prisons are far more advanced than Banksia Hill in using such technologies.

Telephones

- 6.46 Telephone calls are a vital way for young people isolated in detention to stay in contact with family and friends. In recognition of this, Banksia Hill provides free phone calls, and allows them to purchase more. Young people generally receive seven free calls each week, and can purchase five more. Those with ‘self-care’ status receive ten free calls and can purchase a further ten. Young people told us they would like more phone calls, longer phone calls, and more telephones available in units, especially in Urquhart Unit which has no telephone outside the accommodation wings.

Young People Who Do Receive Visits

- 6.47 The visits process at Banksia Hill is frequent and friendly, but the facilities are poor and improvements are needed to improve quality and accessibility.
- 6.48 Young people at Banksia Hill are able to have visits with approved visitors such as family members every day. There are 19 visits sessions available each week and the inspection team was impressed with the friendliness of the visits officers and with the way they took care of social visitors. Visitors spoken to during the inspection were generally comfortable with the visiting process and accepted the security procedures that were in place.

QUALITY OF LIFE

- 6.49 However, there is no dedicated place for visitors to gather prior to a visit, apart from the gatehouse. Most adult prisons in the metropolitan area and some in the regions have a visitors' centre outside the front gate, usually run by staff from a community service provider. This service provides valuable support and assistance to families with relatives in custody. It is regrettable that no such facility exists at Banksia Hill, where support for families is particularly important.

Recommendation 8

Provide a facility and support services for visitors at Banksia Hill.

- 6.50 The visits room itself is small and cramped, limiting the number and quality of visits that can occur. Banksia Hill recently replaced the furniture in the visits centre, and now provides kidney-shaped tables with built in bench seats for visitors, across from a built in stool for the young person. The visits room only fits eight of these tables and the benches only seat four visitors. This means that only eight detainees can have visits at any one time and they can only have visits with four people at one time. This can be restrictive for young people from large families.



Photo 13 : The visits room at Banksia Hill.

QUALITY OF LIFE

- 6.51 There is no option to have visits outdoors, even though there appears to be a suitable area available. In addition, if young people in Banksia Hill or their visitors need to be kept separate for security reasons, Banksia holds separate visits in the Harding Unit. This desolate facility is not suitable for young people or their visitors.

Recommendation 9

Increase the capacity of visits facilities at Banksia Hill.

Chapter 7

REHABILITATING YOUNG PEOPLE

- 7.1 The first recommendation from the Directed Review stated that Banksia Hill’s philosophy ‘should emphasise that the ultimate purpose is, as far as possible, to rehabilitate the young people and prepare them for release back into the community’.¹¹⁰ Rehabilitation is also a central tenet of the Department’s new motto, announced in 2014: ‘To protect, to rehabilitate and to serve’. In principle, all services and activities in youth detention should contribute in some way to the rehabilitation of young people. This chapter deals with some of the services most centrally concerned with this goal.

CASE PLANNING

Case Management

- 7.2 Individual case management has generally been accepted as a cornerstone of effective youth detention, but to date Western Australian practice has not adequately reflected this. This Office’s Inspection Standards state that:

Every young person in detention should be individually case-managed through detention to release and beyond in order to maximise the chances that the young person adopts constructive and law-abiding behaviour and does not return to detention. The process of working towards release may be different for different young people, taking into account their individual circumstances and needs.¹¹¹

- 7.3 Banksia Hill’s Standing Order 42 defines case management as ‘a process which involves an initial assessment to identify the circumstances and address the needs of detainees’¹¹² and to coordinate resources and services to:
- Empower detainees and their families to take an active role in developing achievable plans for their future;
 - Build on identified strengths to assist in developing pro-social lifestyles;
 - Support the detainee to maintain positive relationships with their family and significant others;
 - Re-establish and strengthen links with the community with respect to their cultural background; and
 - Address the detainee’s offending behaviour and provide opportunities for successful re-entry to the community.¹¹³
- 7.4 Reforms implemented prior to Banksia Hill becoming the sole detention facility emphasised that each young person’s Youth Justice Officer (YJO) was the primary case manager throughout their custodial stay.¹¹⁴ YJOs are based in the community not in the detention centre. The intent was to provide continuity in case management and improve throughcare.

110 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 59, Recommendation 1.

111 OICS, *Code of Inspection Standards for Young People in Detention* (February 2010) 57.

112 DCS, *Banksia Hill Detention Centre Standing Order 42 – Case assessment of detainees and case planning procedures* (February 2014) 1.

113 Ibid.

114 DCS, *Youth Justice Officers’ Practice and Procedures Manual – Chapter 10 – Youth Custodial Facility* (October 2013) [10.3], [10.7] 1, 6; DCS, *Banksia Hill Detention Centre Standing Order 42 – Case assessment of detainees and case planning procedures* (February 2014) 2.

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- 7.5 Central to effective case work with young people is the quality of the relationship between the case manager and the young person. The young person must feel they know and can trust their case manager and that their issues, needs and views are heard and taken seriously. The case manager needs to show an understanding of the young person's cultural expressions, values and life experiences, often quite traumatic.
- 7.6 As such, there is a very high expectation placed on regular contact between YJOs and youth in detention. Metropolitan based YJOs are expected to visit their clients every week, or at least every fortnight with phone contact made every other week.¹¹⁵ Responsibility for contact is diffused somewhat for country-based youth who are to be visited at least every fortnight by a metropolitan based YJO from a 'paired office' with their regional YJO making contact by phone or video link at least every other week.¹¹⁶
- 7.7 However, there are only 34 official visitor sessions available per week (ten on Mondays, eight each on Tuesdays, Thursdays and Fridays). These must also cover lawyers, officers from the Department for Child Protection and Family Support and various other agencies. Even with just 150 young people at Banksia Hill, the expectation that YJOs will visit at least fortnightly appears unrealistic.
- 7.8 In interviews and focus groups with young people, it was clear that some had an intensive working relationship with their YJOs, and most knew who they were and felt they were acting in their interests. However, many could not recall recent contact with their YJOs.

Custodial Staff as Case Workers

- 7.9 YJOs have a pivotal role, but so should custodial staff. In most other detention facilities in Australia, officers charged with the day to day care and management of young people in their accommodation units are assigned as 'case workers'. They are expected to develop a supportive relationship with the young person and to provide appropriate guidance. They encourage the young person's participation in programs and interventions, monitor their progress and behaviour, and address any other issues that arise. The case worker advocates on the young person's behalf in relevant forums, makes referrals to specialist areas, maintains a record of contact, and prepares reports in relation to that young person as required.
- 7.10 Such case workers are not a substitute for the primary case management role, but an invaluable extension of it. This works most effectively when staff have appropriate training and relevant information about the young person's needs, behavioural issues, rehabilitation goals and interventions, and when robust systems are in place to keep case managers informed of the young person's progress.
- 7.11 Since Banksia Hill opened in 1997, the centre has never managed to implement a robust case worker system. This is due in large part to the 12-hour shift roster, which means that YCOs do not have sustained contact with individual detainees. There is no process to ensure that each young person is interviewed by an officer on a regular basis. Units at Banksia Hill

115 DCS, *Youth Justice Officers' Practice and Procedures Manual – Chapter 10 – Youth Custodial Facility* (October 2013) 1–3.

116 Ibid.

are meant to maintain files on each detainee, but many contained no record of detainee behaviours, issues and progress. As a result, unit staff had very little information of value to share with the case planning unit.

- 7.12 By contrast, Wandoo, which accommodates young men aged 18 to 24 years, has implemented a strong case worker system in which unit staff are expected to have a documented fortnightly meeting with each assigned resident. Although actual contacts may not be quite as frequent as prescribed, case workers have provided effective support and guidance.¹¹⁷
- 7.13 Given that Banksia Hill has been in existence for 17 years and has over 250 YCOs, it is inexcusable that some kind of case worker system has not yet been implemented. Quite apart from improving the prospects of rehabilitation, dynamic security is also enhanced when custodial staff develop positive relationships with detainees.

Recommendation 10

Implement an integrated system of case management with clearly defined roles and responsibilities for custodial staff and case planning staff.

The Role of Case Planning

- 7.14 The role of case planning, according to the centre's Standing Orders, is to 'coordinate and support all throughcare plan requirements within the custodial setting'.¹¹⁸ When a young person arrives at Banksia Hill, the case planning unit receives information from the YJO, including a copy of the court report, any at-risk information, and the sentence calculation from the Sentence Information Unit. For each young person, they arrange assessments, schedule planning meetings and generate release planning advice. Sentenced detainees are allocated to Senior Case Managers who have the following tasks:
- Meeting the detainee and conducting an initial case assessment with three days of the admission.
 - Convening a Youth Admission and Review Meeting (YARM) within four weeks of the admission, and at certain other times during their stay, and making a record of the meeting outcomes in the form of a throughcare plan.
 - Convening a Family Meeting a week after the YARM as a forum for the youth and family to meet centre staff and the YJO.
 - Providing a fortnightly update to the YJO about the young person's progress on their behaviour and progress in all areas of the centre, and a detainee summary report to the YJO for incorporation into their report to the Supervised Release Review Board.
 - Initiating security and supervision classifications.¹¹⁹

117 OICS, *Report of an Announced Inspection of Wandoo Reintegration Facility*, Report No. 94 (November 2014) 14–15.

118 DCS, *Banksia Hill Detention Centre Standing Order 42 – Case assessment of detainees and case planning procedures* (February 2014) 2.

119 Ibid.

- 7.15 Some of these activities are essential to centre operations, and the case planning unit had continued to undertake them competently during the many difficult months since the riot and the placement of detainees at Hakea. In this period, detainees were confined to cells for extended periods, making access difficult for support staff such as case planners, psychologists and Aboriginal Welfare Officers. Young people had limited access to programs or recreation and custodial staff had even less knowledge of individual detainees than before.
- 7.16 Case planning also picked up other roles after the centre amalgamation without receiving any additional staff. They were expected to manage many of the liaison duties for remandees formerly managed by the liaison unit at Rangeview. They were also often required to take released detainees to the airport and to return the property of released detainees.
- 7.17 At the time of the inspection, Banksia Hill management acknowledged that the case management function had been weakened and staff morale was low. The unit had been marginalised within the centre, and its reputation had suffered. Discussions with staff and examination of case files revealed some important practices that had fallen away or never been implemented after the amalgamation:
- Initial case assessment meetings with newly sentenced detainees were not taking place.
 - Case notes or other records of contact with or relating to the detainee were not kept on file.
 - Family meetings were not being held.
 - Detainee security classifications had often not been completed.
 - Remandees had not been case managed as required (see next section).
- 7.18 Without initial case assessments being undertaken or records of contact with young people, there is little evidence that case planning staff have been maintaining close and regular contact with the young people on their case loads. This was reflected in interviews and discussions with young people who often did not know their case officer and did not remember when they last had contact. However, there were cases where detainees did know their case officer at case planning and acknowledged their help. In the six weeks leading up to the inspection, case planning staff had started using the Case Notes feature on TOMS. Some staff had already entered a number of notes about their cases, suggesting a higher level of contact and case-related activity by some than the case files revealed.
- 7.19 The failure to hold family meetings, a process that was supposed to be implemented at the time of the amalgamation, was very concerning. This was intended to be the official forum for the young person and their family to discuss their throughcare plan with centre staff and their YJO. The Office is also concerned that the family meeting as conceptualised is not a consultative or decision-making meeting so much as an opportunity to inform the youth and family of the throughcare plan that has already been determined. This prevents young people, their families and caregivers from making any real contribution, contrary to the principle of collaboration at the core of best-practice case management.

Recommendation 11

Ensure that a consultative meeting involving the young person and their responsible parent or caregiver is convened by the case planning unit within a month of every detainee's admission and regularly throughout their stay.

Remandees

- 7.20 While not solely concerned with remandees, the recent creation of a Movements Officer position as part of detainee reception was an important reform. It had taken over the more mechanical aspects of remand warrant management, court liaison and movement management from the case planning unit.
- 7.21 Few remandees have a YJO or a Prevention and Diversion Officer (PDO) from the community as their case manager. Under Youth Justice reforms it was intended that PDOs would case manage remandees in custody or the community, but they were only funded in regional areas.
- 7.22 Standing Order 42 provides that a YARM and family meeting 'can be considered' to assist in the development of a throughcare support plan and identify suitable services and programs that they can be referred to while in custody when their remand period is greater than four weeks.¹²⁰ However, this can only occur where a YJO or PDO has been allocated.
- 7.23 The Manager Case Planning had allocated all remandees to the caseloads of Senior Case Managers and expected an initial assessment of any staying more than a fortnight to determine their program needs. There was also an expectation that a YARM would be held for those staying longer, regardless of a YJO or PDO allocation. This is an essential reform, especially if detainees are provided with support, guidance, release planning and appropriate brief interventions while in custody. In some cases, this might significantly influence the young person's court and release outcomes. However, case planning staff were concerned that they will be overwhelmed by demands from these remandees, which would affect their other case planning work. While case planning should certainly assess and make appropriate program referrals, much of the day to day support and case work should be undertaken at unit level.

EDUCATION

- 7.24 In many ways, the school at Banksia Hill defies categorisation. It is not a government or non-government school as registered in Western Australia under the provisions of the *School Education Act 1999* but it caters for mainly school-aged detainees for whom education is compulsory. Legally, it does not meet the requirements of the School Curriculum and Standards Authority but it provides a curriculum for students. It performs a number of functions that are 'school like' but Banksia Hill is not bound by Department of Education policies or legislative requirements for education in the same way as a school in the community.

120 DCS, *Banksia Hill Detention Centre Standing Order 42 – Case assessment of detainees and case planning procedures* (February 2014) 5–6.

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- 7.25 For the 2014 inspection, the Office engaged an education consultant with experience in reviewing government and non-government schools, and particular knowledge of Curriculum and Re-Engagement in Education (CARE) schools. CARE schools are registered non-government schools catering for students who are disengaged or alienated from formal schooling and require an often eclectic approach to improve engagement, achievement and progress in their learning. This was considered particularly relevant to the Banksia Hill setting.

Purpose of Education at Banksia Hill

- 7.26 The inspection found that education provision at Banksia Hill was occurring without a clear strategic direction. Education staff were unable to describe a common specific purpose for their work. Some suggested that the focus should be on vocational education in order to enhance employability. However, the age range of students means that the majority would still be of compulsory school age on completing their sentence and employment would not be an option. Some teachers favoured a focus on basic literacy and numeracy given the limited education background of most detainees and the often short time that they spend in the centre. Others suggested that the acquisition of some key but undefined skills may lead to training opportunities.
- 7.27 There was limited knowledge within the centre and the Department of student participation in education, training or employment following release from detention. Anecdotal information suggests that most detainees of school age do not enrol in a school. This means there is limited data available to enable judgements to be made about the success of the education program in the ongoing lives of former detainees. Equally, there is no reference to the rehabilitative potential of education and it was unclear whether this was an expected outcome of the education process at Banksia Hill.
- 7.28 Unlike the education centres in adult prisons, the Banksia Hill school is not aligned with the Education and Vocational Training Unit (EVTU) at head office. The Principal reports to the relevant youth justice regional director rather than anybody with any particular responsibility or expertise in education.
- 7.29 This arrangement was failing to provide the necessary strategic direction and purpose for education. A direction and purpose for youth education would ensure an appropriate level of accountability to be demonstrated at the Department and 'school' level for the quality of the education programs provided, and an appropriate level of education and care for those detainees engaged in education at the centre.

Recommendation 12

Implement a strategic plan for education at Banksia Hill that includes outcome measures.

Valuing Education

- 7.30 A number of processes impact on student learning at Banksia Hill. The structure of the delivery of schooling is dictated by security considerations rather than educational considerations. While security measures are essential, they can impact negatively on the development of a positive and calm classroom learning environment.
- 7.31 The delivery of education is influenced negatively by a range of disruptive practices, programs, visits and interruptions that result in detainees being removed or distracted from their studies. Many of these activities should be realigned to before and after school times. Some of the practices are designed to separate detainees because of issues that have taken place outside of schooling. While safety is a consideration that needs to be addressed, the concept does not recognise the teaching staff's ability to manage the classroom environment. Further disruption was observed with the practice of visitors attracting the attention of students in classes and engaging in conversation and gestures through windows. Even though only a few students were involved in meeting the visitors the disruption was wholesale and extended to other classes.
- 7.32 Staff are commended on their management of what is a potentially volatile learning environment. They are, in the main, experienced and capable in managing the diverse behaviours and attitudes of students. When able to minimise disruptions from outside, teachers successfully engaged students in active learning, developed positive relationships with them, and were therefore less likely to need intervention from YCOs.

Challenges

- 7.33 The context in which Banksia Hill's teachers deliver a curriculum to students is unusual in a number of ways when compared to the situation in public schools and even in CARE schools. Schooling is usually a long term process with students engaged for up to 12 years, often in one or two learning environments. At the minimum, most students are engaged with a teacher or group of teachers over the period of a school year. In contrast, young people are likely to spend far less continuous time at Banksia Hill. Young people on remand stay for an average of about three weeks and sentenced detainees stay for an average of three months.
- 7.34 Unlike mainstream schools where students are usually grouped by age, students attending classes at Banksia Hill can range in age from 10 to 18 and beyond. While the full age range may not be evident in all classes, they are all multi-age groups.
- 7.35 Students at Banksia Hill present with a range of socio/emotional and mental health issues. Data indicates that the majority of them have a limited formal education background, particularly in secondary schooling, with low levels of literacy and numeracy and general alienation from the education system.

Curriculum

- 7.36 The education courses offered by Banksia Hill adequately cover the range of student ability levels. The certificated courses using Gaining Access to Training and Employment (GATE) and Certificates in General Education for Adults (CGEA) are consistent with the educational needs of most senior schooling students who have had a limited educational background. However, these courses are only successful if students are able to complete them while at Banksia Hill or continue studying after release. Sentence length and post release opportunities to continue education are critical determinants in gauging the success of GATE and the CGEA. Access to Schools of Isolated and Distance Education (SIDE) is provided for those students with higher academic levels to continue studies in the Western Australian Certificate of Education subjects.
- 7.37 From the start of 2014, the education centre was attempting to use the Australian Curriculum for the delivery of English and mathematics content. This was very much in the early stages of development. Staff need considerable professional learning to implement, monitor and assess achievement against standards. Schools and teachers in Western Australia have had at least three years of trialling and learning to implement the curriculum which is expected to be fully implemented across the state in 2015. Teachers at Banksia Hill are severely disadvantaged in implementing the curriculum at this stage without training and support.¹²¹
- 7.38 The structure of curriculum delivery is unlike mainstream or CARE schools. Students at Banksia Hill have to choose their areas of interest (such as art, woodwork, or computing) and these activities are then supplemented by classroom work to improve literacy and numeracy. However, while choice is an important tool in aiding engagement, student learning is not equitable because not all students are able to access the full range of available activities. For example, computing skills are mainly available to those students who selected that area as their choice.

Professional Development

- 7.39 Despite the difficult context, staff demonstrate great professionalism and integrity in developing programs for teaching and learning. However, they are doing so in professional isolation without access to information and knowledge of best practice that would support their teaching and learning programs. Staff have not had access to professional development in a number of areas and many had difficulty recalling instances apart from in-house training. Staff are also disadvantaged by limited access to online resources because of internet restrictions, the poor quality of computer infrastructure and restrictions on bringing teaching resources into the centre.
- 7.40 Most staff have developed their teaching and assessment practices independently of each other over time. Best practice would suggest that the delivery of education across the school should be collaborative and consistent between teachers to assist in monitoring and improving learning outcomes. This would involve two elements that are currently not fully developed at Banksia Hill:
- Professional development in best practice approaches to delivering consistent programs and common assessment; and

¹²¹ The Banksia Hill education centre had stopped using the Australian Curriculum by November 2014.

- Monitoring of student learning (achievement, progress and engagement) for the purposes of evaluating teaching practice.

Budget and Resources

- 7.41 Schools in Western Australia generally have one line budgets with salaries consuming approximately 70 per cent of annual recurrent expenditure. The remaining 30 per cent is allocated to the provision of resources including teaching materials, equipment, and infrastructure replacement and maintenance. The youth education budget for Banksia Hill reflects expenditure of 90 per cent on salaries leaving only 10 per cent for the provision of resources that support teaching and learning.
- 7.42 The shortfall in resourcing at Banksia Hill was evident both in human and educational terms. Teaching and learning are severely hampered by the lack of expenditure on teacher development and on the provision of resources to support teaching and learning. Many of the resources, particularly basic literacy materials, were culturally inappropriate and pitched at a much younger age group.

Recommendation 13

Upgrade teaching and learning resources with a special emphasis on culturally and developmentally appropriate materials.

- 7.43 A number of students have diagnosed and undiagnosed disabilities with a particular emphasis on mental health and developmental delay that may be symptomatic of foetal alcohol syndrome disorder. Students with recognised disabilities do not receive the same level of support for their learning as those in government or independent schools. This includes teacher training and the provision of aides to support curriculum access for the student as appropriate.

Infrastructure

- 7.44 There are three different locations for education delivery at Banksia Hill:
- The main education centre which caters for sentenced male detainees (School 1).
 - A smaller education centre that caters for male detainees on remand (School 2).
 - The education classrooms in Yeeda Unit that cater for female detainees.
- 7.45 School 2 has extremely limited outside space to allow teachers to isolate students or provide cooling off activities that may defuse situations. The transportable classrooms in School 2 have restricted classroom space which limits class size to a maximum of six students.
- 7.46 Other classrooms were of adequate size for the delivery of education to students. The maintenance of the classrooms was adequate but the staff said they were responsible for cleaning their own classrooms. While the small number of students per class would not generate high cleaning levels it would seem prudent for rooms to be regularly cleaned and serviced to maintain levels of hygiene and an appropriate environment. Staff also expressed frustration at the inability to get maintenance done on items within the classroom.

The state of rooms that contained older style wall furnace gas heating was a particular concern, with reported interference with ignition mechanisms by detainees making them unusable. The reverse cycle wall mounted split systems in other rooms seemed to provide a reasonable solution.

REHABILITATIVE PROGRAMS

- 7.47 During the 2011 inspection, young people indicated that many of the programs offered at Banksia Hill were useful, but older detainees felt that some programs were too basic and there were limited options for those who returned to detention.¹²² At that time, there had been good progress made in providing a range of brief interventions to both remandees (mainly then at Rangeview) and sentenced detainees. There were two programs (the HALO leadership program and the YMCA Bridge pre-employment program) that linked with follow-up programs in the community.
- 7.48 In 2014, only low-intensity group programs were available to young people in relation to their addictions, violent offending, family violence or other general forms of offending. It was left to the psychologists to provide therapeutic counselling to the most serious violent offenders and sex offenders.
- 7.49 There continued to be a good range of brief intervention and personal development programs, but issues had emerged regarding equitable access to these programs and possible over-servicing. Some detainees had done these repeatedly on different admissions. It was also concerning that HALO and YMCA Bridge had fallen away and apart from a handful of young people engaged in Mission Australia's DAYS program, there were no re-entry or throughcare programs that continued to engage detainees after their release into the community.
- 7.50 The youth custodial estate has never had a comprehensive contract to support the transition of young people into the community, even though this is a standard feature of adult prisons. A re-entry service provider could offer vital assistance with contacting key support agencies, securing accommodation, finding employment and training, or engaging in positive recreation.

Recommendation 14

Implement comprehensive re-entry support services for young people leaving Banksia Hill.

- 7.51 A new acting Coordinator Youth Custodial Re-entry Programs and Services had been appointed three months before the inspection at the same time as the new acting Manager Case Planning and Programs was appointed. They faced a number of pressing issues:
- A Youth Justice Services review of program delivery in the community and custodial settings had commenced, based on the risk/needs principles articulated in the 'what works' literature.
 - The three year contracts for youth justice programs were due to expire in November 2014.

122 OICS, *Report of an Announced Inspection of Banksia Hill Detention Centre*, Report No. 76 (January 2012) 58.

- Vacancies in Senior Programs Officer positions and their placement off-site, resulting in reduced program delivery in core areas.
 - A lack of governance surrounding the existing funded programs and loose processes of referral and reporting.
- 7.52 Given the limited time left before the contracts were due to expire, there was no chance that a new tender could be developed in time. In any case the programs review was still ongoing, and any new tender would need to reflect its outcomes. Questions of clinical governance and program integrity needed to be addressed, and systems for assessing, scheduling and booking programs needed to be developed. The Department therefore had no choice but to extend the existing contracts. In doing so, however, the Department was seeking to sharpen the services provided and increase the level of governance, including around referral and reporting processes.
- 7.53 The new managers had focused on negotiating adjustments to the existing brief intervention programs, health education programs and life skills programs. Examples of this included sourcing new parenting programs for boys and girls from Extra Edge, a mental health program from Red Cross, the Yellow Ribbon program for the girls from the Jade Lewis Foundation and an extended service from Centrelink for eligible remandees. Some good new programs and activities had been sourced at little or no cost to the Department, including the Right Track Program from the Public Transport Authority and regular visits from the Aboriginal Workforce Development Centre and from Police Youth Liaison Officers.
- 7.54 Unfortunately, one of the limiting factors in program provision was the lack of suitable rooms for delivery. The larger visits room which was often used in the past had been overtaken for staff training and half of the old case planning building now accommodated the security team, leaving one medium-sized program room and an office in which smaller programs were run. Stage three of the expansion of Banksia Hill was supposed to include an additional program and activity building, but that was halted indefinitely following the riot.
- 7.55 The main offender programs available at the time of the inspection were Emotional Management, Healthy Relationships and Girls Group, all run intermittently by the Department's senior programs officers. In addition, the Motivation to Change group program and related counselling was provided by Mission Australia on a regular basis. Programs managers were also exploring options for additional drug and alcohol counselling.
- 7.56 An important principle in the 'what works' literature is 'responsivity', meaning that programs should be designed and delivered in ways that are likely to engage the target group. None of the offender programs offered at Banksia Hill were designed for or delivered by Aboriginal people, much as a good effort is made by program staff to deliver the programs in a culturally sensitive way. An important new offender program that had been procured as part of the Young Adult Development Program (see Chapter 9 below)

REHABILITATING YOUNG PEOPLE

was the Violent Offender Step Up Program, a medium intensity program for higher risk older youth. This is a Canadian program adapted in Victoria for Aboriginal young people and others. It will be delivered by Banksia Hill psychologists.

Recommendation 15

Provide evidence-based treatment programs, targeted at higher levels of risk and need, and reflective of gender and cultural diversity.

Chapter 8

PHYSICAL AND MENTAL HEALTH

HEALTH CARE

8.1 Health care is a particularly important service for young people at Banksia Hill.

The Inspection Standards observe that:

Young people in custody are likely to have significantly more physical and mental health problems and are more likely to engage in lifestyle risk factors than the equivalent age cohort in the general population.¹²³

8.2 They are also more likely to have been caught up in a cycle of disadvantage and less likely to access primary care. Improving their health status is a challenge for Banksia Hill health centre staff and the wider public health system. The time in custody is an opportunity to target a high risk population for health promotion, engage them in primary care and build on gains post release.

Service

8.3 The health centre is staffed with a clinical nurse manager and two nurses each weekday (plus one administration officer). On weekends there is one nurse, and there is one nurse on night shift every night of the week. There are two general practitioners (GPs), one attending two days a week and the other attending one day a week. At other times, there is an on-call GP available for e-consultations. One of the GPs attending the centre is female and sees the young women and girls.

8.4 Previous attendance by a paediatrician had stopped, but the Department had recently appointed another paediatrician to attend one day a week. Other regular services included a dentist attending one day a week, a sexual health nurse attending one day a week and a co-morbidity nurse attending one half day a week. Mental health services are discussed separately below.

8.5 Upon arrival at Banksia Hill, young people are assessed by a nurse in the admissions area to determine if they are fit to enter the detention centre. If not, they will be sent to hospital for treatment. Young people undergo a health screen in the health centre as part of the admission process. Every young person will then receive a physical check-up from one of the GPs within one week of admission. The high turnover at Banksia Hill means that these initial physical check-ups make up a significant part of the workload for the two GPs. Young people can usually be seen by a nurse within a day of making a request but there are some concerns with the appointment process (see below).

8.6 For female detainees, there is a nursing station within the Yeeda Unit precinct. This provides a local point from which daily medications can be dispensed and minor medical issues assessed. Female detainees still visit the health centre for treatment and appointments when necessary. They are escorted through the back entrance of the health centre rather than the main entrance in order to avoid any contact with male detainees.

123 OICS, *Code of Inspection Standards for Young People in Detention* (February 2010) 38.

8.7 In the pre-inspection survey of young people, most respondents had positive views of health staff and services. An impressive 91 per cent said that health staff were ‘good’ or ‘ok’ and 81 per cent said that medical services were ‘good’ or ‘ok’ (see Figure 12). During the inspection, however, young people complained about certain health staff being abrupt and dismissive.

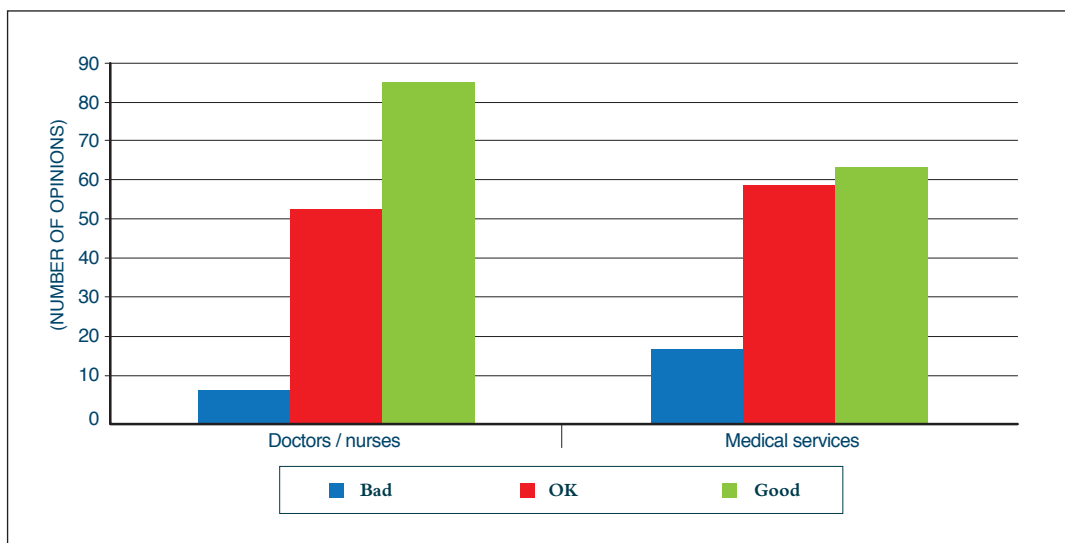


Figure 12 : Detainees’ opinion of health staff and health services at Banksia Hill

- 8.8 Health staff reported that they usually try to provide health education to individual detainees during consultations but there is no structured program of health promotion. This is a significant service gap and a missed opportunity to intervene in the lives of young people who are at high risk of developing chronic health problems.
- 8.9 One specific area that warrants greater focus at Banksia Hill is drug and alcohol counselling. Rates of alcohol and drug abuse are very high among young people in custody. This is associated with increased risk of reoffending and increased risk of developing serious mental illness and physical illness. There was one program delivered by an external provider that addressed drug and alcohol use but it was widely regarded as inadequate to address the needs of most young people at Banksia Hill. The co-morbidity nurse also provided one-on-one drug and alcohol counselling in 90-minute sessions but capacity is limited to two sessions per week. Banksia Hill needs increased emphasis on specific programs and interventions to help young people to address their drug and alcohol use.¹²⁴
- 8.10 There was some concern (and also some difference of opinion) among health centre staff regarding young people who were seen as displaying manipulative, ‘drug-seeking’ behaviour. Young people with poor coping skills have often learnt to regulate their emotions by taking medication and are likely to have maladaptive help-seeking behaviours. They may sometimes be quite distressed and assertive in their requests for more and more sedating medication. In this context, health staff and custodial staff are constantly alert to the risk of detainees secreting medication. Secreting drugs, either to take as a binge later or to trade,

124 This finding is relevant to Recommendation 15 above.

is a real problem with obvious health risks. It may also be associated with bullying or standover behaviour between detainees. These are safety and security implications that have to be taken seriously and managed.

- 8.11 However, from a medical perspective the clinical response to the issue needs to be well considered and based on clinical grounds. There is a danger of clinical decisions becoming coloured by the negative emotions that these young people prompt, with the end result being punitive and damaging rather than reflective and clinical. This can be addressed through clear treatment plans, multidisciplinary working and clinical supervision.
- 8.12 The centre should hold case conferences for complex and challenging patients involving the psychiatrist, paediatrician, mental health nurse, GP, clinical nurse manager and psychologists. The objective would be to reach shared management plans and understanding; reduce the likelihood of inconsistent management and polarisation of views; and support all involved in their interactions with the young person.

Recommendation 16

Introduce multidisciplinary case conferences to manage the health needs of complex and challenging young people.

Access

- 8.13 In order to make an appointment at the health centre, detainees are required to approach a YCO and disclose the nature of their health issue.¹²⁵ This process deprives detainees of any privacy and may deter some detainees from addressing certain health problems. This concern was previously raised by the Office in 2013 in the context of managing young women and girls in Yeeda Unit, although it is equally relevant to male detainees. In the Yeeda inspection report, the Office recommended that an alternative method of appointment booking be introduced that preserved the privacy of the detainee.¹²⁶ This recommendation was not supported by the Department and the process remained the same in 2014.¹²⁷
- 8.14 During the inspection, many young people said they would lie when booking a medical appointment because they did not want to reveal their health problems to a YCO. This undermines the ability of nurses to appropriately prioritise appointments. The Office again urges the Department to develop and introduce an appointment process that ensures and respects the privacy of detainees. The first conversation regarding the medical reasons for each appointment should be between the detainee and a member of the nursing staff.

125 In response to this report, the Department stated that detainees are not required to disclose their health issue to a YCO when requesting a health appointment. However, this was not consistent with detainees' descriptions of their experiences. Detainees said that they would lie about their health issues in an effort to preserve their privacy.

126 OICS, *The Management of Young Women and Girls at Banksia Hill Detention Centre*, Report No. 86 (October 2013) 34.

127 Ibid., 41.

Recommendation 17

Develop and introduce a process for booking medical appointments that preserves the privacy of detainees.

- 8.15 Access to the health centre was sometimes impeded by custodial staffing shortages. A YCO must be in the health centre whenever detainees are attending appointments, and for clinics to run efficiently, a second YCO is needed to escort detainees to and from the health centre. In the past, severe staffing shortages had meant that no YCOs were available to supervise the health centre and clinics had to be cancelled. Positively, at the time of the inspection, there was a YCO stationed permanently in the health centre on weekdays. A second officer tasked with escorting detainees was still sometimes redeployed to other tasks, but this was less common than previously.

MENTAL HEALTH

- 8.16 Historically, there has been a lack of services for young people with mental illness in detention in Western Australia. The Office has made several recommendations in this area, dating as far back as 2006.¹²⁸ It was a very positive development when the youth custodial system finally employed a mental health nurse in 2011.
- 8.17 The mental health nurse works full-time and a psychiatrist attends the centre for one half day per week. Together they have built a functioning mental health service in youth detention where previously none existed. But resources are severely stretched. The psychiatrist had competing priorities and was not always able to attend Banksia Hill every week as scheduled. For example, leading up to the inspection, the psychiatrist had only been able to attend once in a four week period. Leave cover had only recently been made available for the mental health nurse. Previously, the service had simply stopped whenever she went on leave. Both the psychiatrist and the mental health nurse said they would like more time to organise multidisciplinary work and liaise with other agencies to organise aftercare. Demand for mental health services at Banksia Hill would justify additional resources in both roles.
- 8.18 Staff and young people agreed that the mental health team, and in particular the full-time mental health nurse, had brought enormous benefits to Banksia Hill and the management of young people with mental health problems. It was therefore particularly concerning that the service was under immediate threat.
- 8.19 At the current level of resourcing, the mental health nurse role is not sustainable. The mental health nurse is referred all the complex cases and has to prioritise, assess and manage them singlehandedly with once a week input (at best) from the psychiatrist. The position was suffering from increasing professional isolation as a result of recent

128 OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 37 (September 2006) 39, Recommendation 11; OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008) 38, Recommendation 17; OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 58 (December 2008) 22–23.

changes to management structure. Mental health nurses are now managed by the clinical nurse manager at each site and not by a central co-morbidity manager. This arrangement means that the mental health nurse does not receive clinical supervision and support and is isolated from what was previously a system-wide co-morbidity team.

- 8.20 The situation was exacerbated by the fact that the psychiatrist was due to vacate his position in September 2014. At the time of the inspection the Department had been unable to identify a replacement. Without the input from a psychiatrist, the mental health nurse would be even more isolated and the position untenable. This would seriously compromise the care given to young people with mental health problems.

Recommendation 18

Provide additional resources for mental health services at Banksia Hill.

Management of Young People at Risk of Self-Harm

- 8.21 People in youth custody and prison have higher rates of suicide, suicide attempts and self-harm than people in the general population. In adult prisons, there is a longstanding and well established At-Risk Management System (ARMS) used to manage prisoners assessed as being at risk of self-harm. The introduction of an equivalent system at Banksia Hill was much more recent. A need had been identified in late 2012 but the intervention of the riot in January 2013 meant that full implementation was delayed until December 2013.
- 8.22 The youth custodial system had always had its own system for managing at-risk detainees, which involved increasing the frequency at which detainees were checked by custodial staff. The highest risk detainees were required to be checked by a YCO at least every 15 minutes. This system had been successful, with historically low rates of self-harm and no recorded deaths in youth custody. However, the system was heavily and unfairly dependent on the psychology team to assess and manage all risk.
- 8.23 In principle, ARMS addresses this issue by promoting shared responsibility for managing risk. This recognises that other staff within the centre (such as custodial staff, health staff, case planning staff and teachers) have a lot of contact with detainees and have much to offer to the management of at-risk detainees.
- 8.24 However, there were some problems with the implementation of ARMS at Banksia Hill. There had been resistance from some staff on the basis that ARMS was imposed from an adult custodial perspective. No manual had been developed for its use in youth custody so, for example, the level and frequency of observation checks used in youth custody were different to the adult system. Unfamiliarity with the process led to ARMS meetings lasting for hours and there was tension between the needs of at-risk detainees and the operational realities of the centre.

- 8.25 On the one hand, it was recognised that use of the observation cells in Harding Unit should be minimised as the whole environment is not therapeutic.¹²⁹ It was preferable to find ways of supporting at-risk young people safely in their normal accommodation unit with their peers and an appropriate level of observation. However, this was challenging for unit staff and staffing levels sometimes made it impossible. There was a counter-argument that at-risk young people should be housed in an observation cell where they could be monitored constantly.
- 8.26 ARMS should encourage management that promotes protective factors such as positive interaction with peers and staff, a supportive environment, contact with family, meaningful activities, and reducing boredom. This means minimising the use of observation cells as much as possible.

Recommendation 19

Implement an at-risk management system that is youth-focused and promotes protective factors.

Crisis Care Facilities

- 8.27 The use of medical observation cells is often condemned as degrading and anti-therapeutic for suicidal patients. Isolation, segregation and boredom all increase risk. For young people who are acutely mentally unwell at Banksia Hill, there are few outside options. The state's only inpatient facility for young people is Bentley Adolescent Unit. There are only 12 beds available and it had become increasingly difficult to secure admission for detainees from Banksia Hill. Western Australia has no dedicated forensic mental health services for children and young people.
- 8.28 In light of this, the crisis care facilities at Banksia Hill are wholly inadequate. There are four observation cells in Harding Unit used for managing young people at acute risk. One wall of each cell is clear glass, looking directly out on a control station where a YCO sits at a desk observing monitors of the other cells in the unit and watching the prisoners in the observation cells. The cells themselves are stark and confining, and the windows and walls bear graffiti and signs of damage.
- 8.29 The exercise yard is a bare and featureless caged area and there is no area where young people can mix together. Interaction between YCOs and young people is entirely dependent on the attitude of the individual YCOs on duty, but it is generally fairly limited and certainly not encouraged by the physical layout of the area.
- 8.30 The Harding Unit also includes multi-purpose cells for short term confinement (typically occupied by detainees who have been fighting or displaying particularly aggressive or unacceptable behaviour), and the regression wing where misbehaving detainees are segregated from the mainstream population. If there is a commotion elsewhere in the unit (not an uncommon occurrence), the young people in the observation cells can hear it and sometimes even see it.

¹²⁹ See [8.28]–[8.33].

- 8.31 Young people reported that being in the observation cells made them feel more angry and frustrated. If they disclose that they are feeling acutely distressed, they are immediately escorted to Harding Unit, strip-searched and placed in an observation cell. Some said that this made them more reluctant to tell anyone if they felt at risk of self-harm.
- 8.32 There is an urgent need to develop a crisis care unit where young people who cannot be managed in an ordinary unit can be kept safe. They should be able to have supportive social interaction with peers and staff in a calm environment which supports their recovery. They should have access to activities inside and outside, and access to support by telephone and visits from family. This should not be co-located with multi-purpose or punishment cells. Adult prisons generally enjoy far better separation.
- 8.33 The unit should also be developed so it can act as a step up and step down unit to facilitate the return to custody of young people who have recently been inpatients and intervene early to avoid the need for admission. There is a need for adequate mental health nursing time and psychiatrist input as well as access to a comprehensive multidisciplinary assessment including neuropsychological assessment of the young people. Ideally, it should have dedicated officers who have asked to work there and have appropriate training and support.

Recommendation 20

Prioritise the development of a purpose-built crisis care unit at Banksia Hill.

PSYCHOLOGICAL SERVICES

- 8.34 For much of the period since the riot, psychologists had been overwhelmingly concerned with risk management and support to young people. This had eased in recent months as the centre stabilised, but psychologists had found themselves providing open-ended supportive counselling to much of the detainee population. In the pre-inspection survey and during the inspection, psychologists were identified as one service at Banksia Hill that young people felt able to approach when they needed support.
- 8.35 While this reflects highly on the service provided by the psychologists, it also raises the question of whether ongoing provision of support is the best role for highly qualified professionals.¹³⁰ It also highlights underperformance in other areas such as the level of contact between case managers and young people, and more importantly the level of engagement between young people and YCOs.
- 8.36 There are opportunities to further develop the offender counselling provided, including implementation and review of treatment plans, and injection of new resources and training. It may also be time to consider separate services aimed at counselling and risk management on the one hand, and therapeutic counselling and programs on the other. Options for a greater multidisciplinary approach should also be considered between psychology, mental health, programs, case planning and Aboriginal welfare services. The position of Assistant Superintendent Offender Services (or more appropriately Assistant Superintendent Youth Services) should be the focal point for such reforms.

130 Psychologists at Banksia Hill are required to hold a master's degree in psychology.

8.37 Psychologists were meant to benefit from additional facilities in the cancelled stage three of the Banksia Hill redevelopment. This is sorely needed as desk space and counselling space in the existing facility are inadequate.

Chapter 9

ADDRESSING THE NEEDS OF DIFFERENT GROUPS

YOUNG WOMEN AND GIRLS

- 9.1 The Yeeda precinct of Banksia Hill began operating in September 2012 when female detainees from Rangeview were transferred in as part of the amalgamation of the two facilities. The precinct was inspected for the first time by this Office over a four day period in April/May 2013, following the Directed Review into the events of 20 January 2013. This short inspection was intended to provide a baseline finding of how the precinct was operating, and to assess how the events of 20 January and its aftermath had impacted on the custodial management of the female detainees.
- 9.2 The decision to amalgamate Rangeview and Banksia Hill detention centres gave the Department a long-overdue opportunity to devise a better way for managing young women and girls in custody. It also offered the chance to design a purpose built precinct that reflected the specific needs of girls and young women.¹³¹ In order to develop new policy and operational guidelines, working groups were established for various operational areas. The group responsible for developing the female precinct had a strong focus on gender specific management, services, and operational models for young women in custody.¹³² From this process, a new model of therapeutic community and therapeutic care was developed for what would later become the Yeeda precinct.¹³³
- 9.3 However, as discussed in this Office's report of the 2013 inspection of Yeeda, despite these early intentions, the challenges that beset the amalgamation process took their toll. Although the move to Yeeda had improved the situation for girls in many ways, it did not meet the original objectives for a new girls' precinct. The gap between aspiration and reality was attributed jointly to problems regarding staff culture, and the planning and implementation of the project itself.¹³⁴
- 9.4 Furthermore, the impact of the 20 January riot and its aftermath stalled the process of bringing Yeeda to fruition, and the 2013 inspection found that the female detainees' access to the greater facility was extremely limited. While some promising projects were under consideration, a number of challenges remained. The most significant of these was the threat posed by ongoing destabilisation in the juvenile estate itself.
- 9.5 The 2013 inspection found that the physical design of the Yeeda precinct had not been driven by the early operational vision or philosophy that was developed through the working group process. Rather, the design predated the completed work of the groups and was driven primarily by cost and functional outcomes.¹³⁵ The infrastructure of Yeeda therefore replicates existing standard wing designs, primarily designed with male prisoners or detainees in mind.

131 OICS, *The Management of Young Women and Girls at Banksia Hill Detention Centre*, Report No. 86 (October 2013) 13.

132 DCS, *Youth Custodial Services Redevelopment (Youth Detention Centre) Developing the Female Precinct – Working Group terms of reference* (March 2010) 3.

133 DCS, *Making a Positive Difference in the Lives of Young People in Youth Custodial Services: A report regarding the re-development of Youth Custodial Services in Western Australia* (April 2011) 5.

134 OICS, *The Management of Young Women and Girls at Banksia Hill Detention Centre*, Report No. 86 (October 2013) 27.

135 Design development of Stage 1 was completed on 11 November 2009 and Stage 2 on 7 April 2010, see DCS, *Project Status Report: Banksia Hill Expansion* (November 2010).

- 9.6 The infrastructure of Yeeda does, however, represent a significant improvement on what had been available to the female detainees at Rangeview. The precinct is a distinct compound within the greater perimeter of Banksia Hill. It includes two main accommodation blocks, comprising three wings of cells (A, B, and C wings) with a total capacity of 25. Three smaller units include four self-care rooms (Peel), four observation and isolation cells (Cue), staff amenities, offices, and a nursing station (Nichol).¹³⁶ The precinct also includes three classrooms and a programs room. The majority of the outside area of the compound is either landscaped or paved, however there is an area of grass which surrounds a concrete area for playing basketball. There is also a large undeveloped area which was not being used at the time of the inspection.



Photo 14 : Despite earlier plans to create an additional outdoor space for female detainees, this area of Yeeda Unit remained undeveloped.

- 9.7 The 2014 inspection of Yeeda found mixed results. While there had undoubtedly been improvement in some areas, a number of initiatives had unfortunately failed to progress. This had been affected by ongoing instability at the management levels of Banksia Hill and the lack of a clear vision, not only for the Yeeda precinct but the centre as a whole.
- 9.8 During the two week inspection in August 2014, Yeeda held six to 10 girls who ranged from 14 to 18 years of age. Only three of the girls who passed through Yeeda during this time period were not Aboriginal. Yet despite the very high proportion of Aboriginal representation, there are few relevant cultural references in the Yeeda precinct.¹³⁷

136 Because there were no female detainees in self-care during the 2014 inspection, Peel Unit was not in use.

137 The only place that Aboriginal culture and art is referenced in the unit is in the classrooms where the education staff display work done by the girls.

Management

- 9.9 In 2013, an Assistant Superintendent Specialist Services position had been created with responsibility for the young women and girls' precinct. This had created a sense of leadership, ownership and commitment to needs and services for the female detainees. However, the position also had other high demand areas of responsibility, which limited the time and resources the incumbent was able to dedicate to the role. A proposal had been put forward to change this role in order to allow more focus on the female detainees, and the Office voiced its support for this move.¹³⁸
- 9.10 By the 2014 inspection, this role had been rebadged as the Assistant Superintendent Females and Cultural Services (ASFCS) and was being acted in by a new post-holder who had begun in the role while it still held its previous title. The responsibilities of this 'new' position were poorly defined, as a formal job description had not yet been finalised. The only guidance available was a brief description that had been circulated along with an invitation for expressions of interest. In reality, the role continued as it had before, and still held responsibility for numerous other areas of operation.

Staffing

- 9.11 Prior to the amalgamation of the two juvenile facilities, there had been considerable resistance and anxiety amongst existing Banksia Hill staff about having female detainees on-site. Negative views of girls being difficult to manage, high maintenance, and the cause of management problems were common, consistent with historical attitudes towards females in custody.¹³⁹ To some staff, the girls became a symbol of everything bad about the amalgamation, and attitudes towards their presence on site were hostile from the outset.
- 9.12 In order to address this, the early planning process for Yeeda recognised that the identification of appropriate staff would be a key factor to its success. Staff at both Rangeview and Banksia Hill detention centres were surveyed in order to gauge their preferred work areas, and only those who indicated a preference for working with female detainees were considered for placement in Yeeda.
- 9.13 However, the 2013 inspection found that the proposed selective staffing of Yeeda had been adversely affected by wider staffing difficulties that were prevalent in the youth custodial estate at that time. Chronic staff shortages had resulted in excessive lockdowns, and staff routinely had to be redeployed across the centre.¹⁴⁰ Thus, even when staff selected for rostering in Yeeda had turned up to work, they were often redeployed to other areas of the prison, impacting on the precinct's ability to operate as intended.¹⁴¹
- 9.14 In 2014, staff levels across Banksia Hill had improved significantly, and lockdowns were less frequent. Staff were still being redeployed however, to cover vacancies in various locations across the facility. While the intent of selected rostering for Yeeda was operating in theory, staff were still being placed in the unit unwillingly and without notice.

138 OICS, *The Management of Young Women and Girls at Banksia Hill Detention Centre*, Report No. 86 (October 2013) 21.

139 *Ibid.*, 1–11.

140 For discussion see: OICS, *Banksia Hill Directed Review: Management, Staffing and Amalgamation Review Paper* (August 2013).

141 OICS, *The Management of Young Women and Girls at Banksia Hill Detention Centre*, Report No. 86 (October 2013) 24, 28–29.

- 9.15 One area of staffing stability for the Yeeda precinct however was the role of the senior officer. A small number of senior officers had been identified to rotate through this position, in order to provide managerial consistency. However, this was not the case for unit managers. Over the two week inspection of Yeeda, only one of the three unit managers spoken with had ever worked in Yeeda before.

‘Everything Here is About the Boys’

- 9.16 YCOs varied, with some preferring to work with the females and others being openly hostile and dismissive. Some staff stated that the girls were needy, manipulative, moody, and that they would be much easier to deal with if they behaved more like the boys. One officer even stated that he thought it would be preferable if the girls solved their issues by fighting like the boys did.
- 9.17 Unsurprisingly, such attitudes were picked up on by the girls, who observed that ‘they want us to be like the boys’ and that ‘they should just go and work with the boys’. Such attitudes amongst YCOs are inappropriate and potentially harmful, and at odds with a supposedly rehabilitative environment.

Recommendation 21

Ensure that Yeeda Unit is staffed by officers who have been chosen to work there based on sound criteria and processes.

- 9.18 Conversations with the girls revealed that they were very aware of their own marginalisation. Even though they acknowledged that the food and units at Banksia Hill were far better than those at Rangeview (for those that had been there), they still felt that everything at Banksia Hill ‘was about the boys’.
- 9.19 The girls also complained of blanket punishments in response to poor behaviour by male detainees. Earlier in 2014, a staff member had been attacked by a male detainee who had removed part of the frame from his cell window. Consequently, all units with cells of that design (including Yeeda) had their windows riveted to reinforce the frame, rendering them permanently shut. The girls were unhappy that they were no longer able to have fresh air in their cells because of something with which they had not been involved.

Opportunities Lost

- 9.20 At the 2013 inspection, a number of positive initiatives for female detainees were being planned, including the introduction of a barista course, participation in the national Stephanie Alexander Kitchen Garden Program, and the addition of a chicken pen. These initiatives were commended by this Office as an innovative approach to custodial management. However, given the volatile state of juvenile custody at that time, their success was vulnerable to instability in the juvenile estate at large. The Office therefore recommended that the Department commit to broadening the range of life skilling, employment, training and educational opportunities for the female detainees at Banksia Hill.

- 9.21 In 2014, it was evident that these projects had produced mixed results. The progress of these initiatives had suffered under a lack of stable management, as each new post-holder seemed to have a preferred vision or method for bringing each project forward. One example is the Stephanie Alexander Kitchen Garden Project, a national initiative to highlight healthy eating and food production in schools. The program involves the planning, design, and development of a garden from which the female detainees would be able to harvest and cook the resultant produce. At the 2013 inspection, an unused section of the Yeeda compound had been identified by the then Assistant Superintendent Specialist Services as a site for the gardens. However the arrival of a new Acting Superintendent saw plans for the garden being relocated to a different area, adjacent to the gymnasium. Reticulation was installed, and a concrete path laid to enable access to the garden beds that were to follow. However, the departure of that individual and the arrival of the new management staff saw that plan put to the side, despite the work that had already gone into it. At the 2014 inspection, both sites had been rejected and replaced by the addition of three pre-made raised garden beds which had been installed along a pathway.
- 9.22 Fruit tree saplings which are provided free as part of the program had been received, apparently unexpectedly. The inspection team were told that the plants had arrived prior to any garden beds being ready, so they had been planted in buckets and were being kept external to the centre. A staff member even advised that it was likely they would all die and ‘we’ll probably just have to buy new ones later’. Indeed, the only plants that had been planted in the new garden beds were some herb seedlings, which had been purchased by Yeeda’s education staff out of their own funds.
- 9.23 The 2013 inspection heard that the kitchen garden was to be supplemented by the construction of a chicken pen, adjacent to the gardens. Education staff had planned to introduce an expanded version of a program previously run at Rangeview, wherein fertilised chicken eggs were hatched in the classroom. The proposal was intended to expand the education and personal responsibility benefits of the kitchen garden program. The project was approved and equipment ordered, so education staff went ahead with the classroom side of the program. However, the equipment was delayed and eventually given up on. Meanwhile the chickens had grown so large that they could no longer be kept in the classroom, and had to be given up. This was extremely disappointing for all involved, especially the female detainees who had been told all along they would be able to keep them.
- 9.24 Similarly, a selection of books had been identified by the Casuarina library as suitable for the establishment of a resource centre for the female detainees. This was planned to go some way towards making up for the fact that they still did not have access to the centre’s main library. Shelving had been ordered and received, as had the books which were waiting in storage. However, inspection team staff were informed that the shelving unit had arrived without assembly instructions, and had yet to be security assessed. As a result, the project had been put on hold.

- 9.25 One program that had been successfully introduced and was producing real results was the barista training course. This course is operated by the Yeeda teachers from one of the precinct's classrooms, which has been fitted with a commercial coffee making machine. Of the twelve young detainees who have completed the course, two are now working in the industry. The teachers who facilitate the course told inspection team members that it was 'one of the best things we've ever done,' as the course builds real confidence, pride, and job readiness.
- 9.26 Nonetheless these failures to follow through on projects that offer such promise and positive opportunity are symptomatic of an overall lack of direction at Banksia Hill, and particularly in the Yeeda Unit. While the examples discussed here may seem trivial, they represent a pattern of broken promises that these young people are likely to have experienced in their homes and communities as well as in detention. They suggest a widespread lack of organisation and communication on site, which has a clear trickle-down effect for the detainees and staff morale.
- 9.27 The 2013 inspection report on Yeeda noted that the unit was not fulfilling its potential and made a recommendation to 'maximise the opportunities offered by the Yeeda precinct to provide an enhanced service to girls'.¹⁴² In the intervening period, opportunities had been squandered and there was still a need to refocus on the original intentions of the Yeeda precinct. The vision of a female-centred regime of activities and services had not been fully realised.

Recommendation 22

Provide a female-centred regime of activities and services for young women and girls at Banksia Hill.

Recreation

- 9.28 The layout of Yeeda's outdoor areas is dominated by multilevel paving and landscaping, with only a small section of grass surrounding a concrete area and basketball hoop. The area left available for the girls to kick footballs to each other is small, and too restricted for them to run around.
- 9.29 During the 2013 inspection, the female detainees were not permitted to access the oval or main library, and had only been able to access the gymnasium two months after they first arrived. Disappointingly, this meant that recreation activities available to the girls had been significantly reduced since their move from Rangeview.¹⁴³ Furthermore, the inspection team observed a distinct lack of structured activity available. The recommendation was therefore made that the Department improve the recreation options for female detainees, including regular and structured access to the main oval and library.¹⁴⁴ The Department supported this recommendation, and stated that it had identified an area in the Yeeda precinct to be turfed for recreational purposes.¹⁴⁵

142 OICS, *The Management of Young Women and Girls at Banksia Hill Detention Centre*, Report No. 86 (October 2013) 40, Recommendation 8.

143 At Rangeview the girls had access to a sports oval, basketball courts, in-ground trampolines, and a gymnasium.

144 OICS, *The Management of Young Women and Girls at Banksia Hill Detention Centre*, Report No. 86 (October 2013) 37.

145 *Ibid.*, 42.

- 9.30 In 2014, the inspection found that while there had been some very real improvements in the access to physical recreation activities for the female detainees, there had also been some setbacks. The female detainees had access to two forms of recreation – unstructured and structured recreation. Unstructured sessions take place each afternoon for an hour, during which time the girls have access to the gymnasium and fitness room. During these sessions the girls were observed shooting basketball hoops in small groups, or using fitness equipment in an ad hoc manner.
- 9.31 Structured recreation takes place during designated twice weekly sessions on the oval, as part of each class’s weekly education timetable. During this time the classes are accompanied by their teachers, the recreation officers, and a number of escorting officers. Male classes were observed to take part in structured activities such as soft-ball or football, which were played in arranged teams and umpired.
- 9.32 However, during these sessions the girls take part in two programs, both of which are delivered by the Jade Lewis and Friends Foundation. While one of the courses is based around athletics, fitness, and physical wellbeing (Step Up), the second (Yellow Ribbon) is delivered in the classroom, is life-skills based, and does not involve physical activity. This means that the female detainees have lost half of their weekly access to the oval. Moreover, if a girl does not wish to take part in the program, no other recreation activities were made available and she was locked in her cell.¹⁴⁶ This is unfair and inappropriate.
- 9.33 The inspection team was informed that the Yellow Ribbon program had been approved at high levels, without any consultation with local management, case planning and programs, or education. This meant that in order for the program to be included in the female detainees’ structured day, something else had to be dropped. As a result, the female detainees lost both of their regular sessions of structured recreation to programs. While the addition of these programs provides the detainees with beneficial experience and exposure to positive ideas, it is disappointing that they come at the loss of other opportunities – in this case, the structured physical activity offered by the centre’s recreation officers.
- 9.34 A further reason for this may be related to the low numbers of female detainees. The inspection team were told that because of their numbers (typically between six and 10), finding structured activities that they all enjoyed was challenging. This affected their ability to play team sports, such as those that are routinely available to the boys. As a result, the activities they end up doing are often unstructured and ad hoc.
- 9.35 Furthermore, during the boys’ afternoon recreation sessions, the girls have had their hour in the gym, and are typically back in their wings cleaning up for the day. Given the placement of the wings overlooking the oval, it is impossible for them to not see the large scale and well organised games of football which take place at this time. This led one girl to comment that ‘the oval looks way more fun when the boys have it.’

146 At the time of the inspection at least three detainees had chosen to opt out of the program.

- 9.36 A welcome means of both addressing this issue and permitting some positive, structured interaction between male and female detainees, has come by way of organised basketball games between Yeeda and Murchison Units.¹⁴⁷ The introduction of this initiative offers the female detainees their only real opportunity to play organised sports with full teams. During the inspection however, the inspection team heard that these games were irregular, ad hoc, and essentially dependent on the willingness of the staff in Murchison Unit on the day.

Intra-facility Visits

- 9.37 As has been referred to earlier, prior to the amalgamation there was considerable anxiety amongst staff about having female detainees back at Banksia Hill. Upon their arrival, there was a significant focus on keeping the male and female detainees apart at all costs.
- 9.38 The 2013 inspection found no regular, managed interaction between the two groups at all. Feedback from the female detainees was that many had male relatives in the centre who they would like to have visits with. However, no such visits were occurring or seemed even to be under management consideration. This Office therefore recommended that the Department introduce inter- and intra-prison visits for detainees at Banksia Hill and their family members.¹⁴⁸
- 9.39 In 2014, intra-prison visits between family members at Banksia Hill were occurring. Prior to the visit taking place, the family relationship is verified, assessed, and vetted, in order to determine that both parties are willing and the family relationship is genuine. The visits are informal and relaxed, taking place in the outdoor area at Yeeda rather than the more formal visits centre. This addition is a positive development and this Office supports Youth Justice Services in continuing them, as well as any plans to expand the availability of appropriately structured and risk assessed mixed activities.

Programs

- 9.40 The 2013 inspection found that the number of programs available for female detainees had increased markedly compared to what had previously been available at Rangeview. The programs covered areas such as job readiness, and health and lifestyle choices. By 2014 this list had grown further, with another increase in program delivery. New managers in the case planning and programs area had identified that a number of the programs previously only available to the males were in fact also suitable for females. The only stumbling block was that it had simply never been done before.
- 9.41 They had further identified a number of issues with the processes involved in program delivery. Detainees were not being consulted about whether programs were of relevance to them, being repeatedly placed in the same programs, and not being advised of what programs they were attending prior to their arrival in the class. These factors were causing frustration amongst the detainees, who were far more likely to misbehave if they had no

147 Murchison Unit is a privileged male unit reserved for those detainees who have proven to be sufficiently well behaved.

148 OICS, *The Management of Young Women and Girls at Banksia Hill Detention Centre*, Report No. 86 (October 2013) 39, Recommendation 7.

interest in the subject or had done it before. Furthermore, a number of the programs being delivered had been found to lack structure and measured outcomes.¹⁴⁹

- 9.42 In order to address these issues a number of new processes were being introduced to ensure more methodical program delivery. A referral process was being introduced whereby the female detainees would be interviewed regarding program relevance, and service providers were being asked to submit lesson plans with identified and measured outcomes. This is a positive step and addresses the lack of oversight of program delivery and content that had been the finding of previous inspections. In spite of these improvements, there is still a lack of evidence-based programs available, for female detainees in particular.
- 9.43 Scheduling issues were found to impact on the ability of service providers to deliver programs to the female detainees. Case planning had trialled a ‘Girl’s Week’ wherein all program delivery had been to the female detainees, and were considering making this a regular occurrence.¹⁵⁰

YOUNG ADULT MEN

- 9.44 Recently, the numbers of young men over the age of 18 at Banksia Hill have been increasing.¹⁵¹ At the time of the inspection, 24 of the 152 detainees (16%) were aged 18 or above. Housing young adults in a juvenile facility is challenging, particularly as some of the young men from this cohort were involved in the 2013 riot and other incidents such as roof ascents and assaults on staff. But perhaps more alarming is the fact that these adults are housed with younger, and sometimes more vulnerable detainees.
- 9.45 Young adults are not automatically transferred to an adult prison when they turn 18. The only way for a young adult to carry out their juvenile sentence at an adult prison is to submit a transfer application to the President of the Children’s Court of Western Australia. The application process is expensive and resource intensive and not always successful which, in itself, acts as a deterrent to apply. The inspection team heard that many of the young men wanted to transfer to adult prison where they are offered more freedom, with some claiming to have offended while at Banksia Hill as an attempt to secure a transfer.
- 9.46 If a detainee over the age of 18 commits an offence while at Banksia Hill and is found guilty, they must serve any new custodial sentence in an adult prison. There have been instances in the past where young men have been transferred to prison to serve their adult sentence, and afterwards returned to Banksia Hill to serve the remainder of their juvenile sentence. This makes no sense and is disruptive and confusing for the detainees. The legislation for managing these adults needs to be revisited with more appropriate options explored.

149 This was also the finding of the 2013 inspection of Yeeda. See: OICS, *The Management of Young Women and Girls at Banksia Hill Detention Centre*, Report No. 86 (October 2013) 32.

150 This would require negotiation with education however, as it would take the female detainees out of their regular classes for that week. One way to address this issue could be to deliver programs during school holiday breaks when the girls in particular have little in the way of structured activities available to them.

151 Young adults over the age of 18 can still be housed at Banksia Hill if they were sentenced as a juvenile.

The Young Adult Development Program

- 9.47 During this inspection, and in past inspections of Banksia Hill, this office heard young men expressing a desire to access traineeships, apprenticeships, short courses, certificate courses, work experience and work-ready programs that may assist them to secure employment on release.¹⁵² They also felt that some programs were too basic and directed more towards younger children. The young men also underlined that they felt they were continually treated as children by staff and there was no recognition of their adult status. They said they lacked any opportunity to exercise self-responsibility, to cook their own food and to have their own belongings.
- 9.48 To address these needs, the Department advised that they had begun planning for a Young Adult Development Program. The program would see young men approaching 18 years of age housed together, reducing the risk Banksia Hill currently faces when housing adults with children.
- 9.49 As part of the planning for the program, the Department conducted an offender needs analysis of detainees over the age of 17 years, which assessed criminogenic needs, educational and vocational skills, substance use and offence profiles. Resulting from the analysis, the Department identified a suite of programs suitable for young adults. A more suitable structured day was also designed consisting of vocational education, personal development, social visits and recreation. The idea of later lockdowns on weekends was also being explored. This Office was informed of plans to introduce parenting courses, job ready courses and other re-entry programs to help with job readiness upon release.
- 9.50 This Office commends the Department for the initiatives included in the plan, which has real potential to make a difference to the lives of these young men. It was also positive to see that, despite public criticism by the union, the staff at Banksia Hill informally expressed interest in participating in the program. The Minister for Corrective Services had announced publicly his commitment to developing the program but at the time of writing this report, it was still unclear if and when the Young Adult Development Program would commence.
- 9.51 While there will continue to be a need to provide appropriately targeted programs for young adults who remain at Banksia Hill, this Office has long argued for a more intelligent and targeted approach to tackling the issues of young people being held in adult prisons. The Wandoo Reintegration Facility for young men has been severely under-utilised since it opened in 2012, and to date the state's other prisons have done little to address the specific needs of young adult men or women.¹⁵³ As this report was being finalised, Acacia Prison opened a new unit which will provide a more targeted program for young men.

152 OICS, *Report of an Announced Inspection of Banksia Hill Detention Centre*, Report No. 76 (January 2012) and OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 133.

153 OICS, *Report of an Announced Inspection of Wandoo Reintegration Facility*, Report No. 94 (November 2014).

9.52 The Acacia initiative is welcome in three ways. First, it will provide a place for a large number of young people who are sentenced as adults. Secondly, it should allow a better flow of prisoners to Wandoo. Thirdly, it should allow the Department to make more appropriate and robust applications for the transfer to adult prisons of young men whose needs can be better met by the Acacia program. However, this will also require the Department to ensure that the juvenile and adult parts of its system are well-coordinated. The Office has addressed the need for specific services for young adults in custody and made recommendations in several recent reports.¹⁵⁴

154 OICS, *Recidivism rates and the impact of treatment programs* (September 2014) 11–16, Recommendation 1 and 2; OICS, *Report of an Announced Inspection of Wandoo Reintegration Facility*, Report No. 94 (November 2014).

Chapter 10

LEGAL SERVICES AND COMPLAINTS

- 10.1 The Australasian Juvenile Justice Administrators Juvenile Justice Standards are published jointly by the youth justice administrators across Australia and New Zealand and outline an agreed minimum standard for practice that youth justice service agencies aspire to meet.¹⁵⁵ The standards take into account both international human rights standards, and jurisdictional legislation. Relevantly, they provide for the delivery of services that are procedurally fair and acknowledge the rights and responsibilities of all involved, including though facilitating access to legal representation and advocacy and ensuring that feedback, review and complaint procedures are in place.¹⁵⁶
- 10.2 Queensland's *Youth Justice Act 1992* (YJA) provides that young people in detention have the right to help in gaining access to a lawyer (YJA s 275) and the right to complain about matters affecting them (YJA s 277). Western Australia's *Young Offenders Act 1994* ('the YOA') lacks any similarly prescribed 'rights' for those in detention.¹⁵⁷ The *Young Offenders Regulations 1995* (WA) are also silent, and it is left to subsidiary legislation such as the Youth Custodial Rules and the Standing Orders to determine in practice.

ACCESS TO LEGAL ADVICE AND REPRESENTATION

- 10.3 The first inspection of Rangeview, undertaken in June 2004, stressed the importance of assistance to detainees in accessing legal advice and representation, given their age, vulnerability and levels of education.¹⁵⁸ A further inspection of Rangeview in October 2007 noted that detainees had concerns about accessing adequate time with their legal representatives and the lack of private interview space in the centre.¹⁵⁹ The final inspection of Rangeview in June 2010 noted that none of the legal services had 'much of an on-site presence' at Rangeview, and recommended that the Department, 'in consultation with legal service providers, explore ... improvements in the provision of legal services to young people in custody.'¹⁶⁰
- 10.4 Earlier inspections of Banksia Hill have not highlighted issues about access to legal advice and representation but this did feature in the Office's review of the riot at Banksia Hill on 20 January 2013.¹⁶¹ Submissions received referred to difficulties experienced by legal practitioners gaining access to their client detainees both at Banksia Hill before 20 January 2013 and especially at Hakea Juvenile Facility where most were housed after that date. Competing demands on the official visits facility at Hakea and difficulties associated with moving young people within the prison in a way that prevented any contact with adult prisoners caused considerable restrictions and delays.

155 Australasian Juvenile Justice Administrators, *Juvenile Justice Standards* (2009).

156 *Ibid.*, [1.5] and [1.8], 5.

157 This is in contrast to the *WA Prisons Act 1981*, which provides at section 62 that 'a legal practitioner may for the purposes of pending court proceedings interview a prisoner who is his client at a reasonable hour, or as otherwise authorised by the Superintendent ...'

158 OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 29 (August 2005) 35, Recommendation 10.

159 OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008) 33.

160 OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 69 (October 2010) vi & 17, Recommendation 2.

161 OICS, *Directed Review Into An Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013).

- 10.5 The problems identified in earlier inspections by this Office and in the aftermath of the riot about access to legal advice have largely dissipated. The detainee survey conducted prior to the inspection indicated just over half (74 of 133 respondents) were able to contact their lawyer when they needed to. A smaller number (21) were not able to do so and a middle-sized group (42) had not tried.
- 10.6 Discussions during the inspection with remandees revealed that most were aware of basic information about their charges, their court dates and how to access their lawyer if required. This information had been given to them by multiple parties including their lawyers, family and welfare officers. The majority also said that they were well treated by the Serco officers during transport to and from the court and while at the court custody centre. In addition, they felt that they were given ample opportunity to speak to their lawyer at the court and believed they were listened to.
- 10.7 The official visits centre at Banksia Hill commissioned in 2012 in readiness for the amalgamation has three interview rooms for official visitors, and two rooms with family conference and video court facilities, which can sometimes be used for official visits. It boasts a reception and a waiting room for the young people. But it has often proven too small to meet demand.
- 10.8 This was highlighted by the submission from the Aboriginal Legal Service of Western Australia (ALSWA) who act on behalf of the majority of detainees at Banksia Hill and presently has two standard booking times on Tuesday and Thursday mornings during which they see 10–15 clients. Lawyers also need to take instructions from detainees at various times, sometimes urgently, but commonly, the lawyer requesting the booking has been informed that the interview rooms are fully booked and an appointment the following day cannot be accommodated.¹⁶²
- 10.9 The inspection team was informed by senior management that a review of the management of official visits and bookings was being carried out. Funding had been obtained for another staff member in the visits area and it was hoped to establish a dedicated position for the booking and management of visits.
- 10.10 Youth Custodial Rule 501 (Visits) provides a list of official visitors (which includes legal practitioners) and other persons authorised to enter a detention centre and Standing Order 12 makes provision for the booking and management of official visits. But there is nothing compelling staff to facilitate a legal visit when required. To ensure that the rights and interests of detainees are protected every effort should be made to accommodate requests for official visits by legal practitioners, even at short notice.

Recommendation 23

Ensure that legal practitioners are able to interview their clients in relation to court proceedings at any reasonable hour, either at Banksia Hill or by use of technologies such as Skype.

162 Aboriginal Legal Service of Western Australia, letter (4 September 2014).

COMPLAINT MECHANISMS

- 10.11 The first inspection of Banksia Hill occurred in March 2005 and identified a need for an upgrade of the complaints process available within the centre.¹⁶³ These concerns were repeated during the 2007 inspection of Banksia Hill which found a need to more adequately record, track and monitor complaints (whether lodged verbally or through the existing formal written process) and their resolution in an accountable manner. It was recommended that, beyond the formalised complaints process, the Department establish ‘a robust and safe way for detainees to have a direct voice in complaints and concerns regarding their management in the juvenile custodial centres. This should include a tracking and feedback mechanism to advise detainees of the progress and outcomes of their complaints’.¹⁶⁴
- 10.12 Youth Custodial Rule 203 and Standing Order 21 govern the process by which young people in detention may make complaints about matters affecting them during their time in custody. The principles contained therein establish a detainee right to make a request, complaint or allegation on any matter in relation to their management and care to the Superintendent (or delegate), and for it to be dealt with in an appropriate, timely and courteous manner. Any decisions are appealable at the next level, and records must be kept. It also provides that the detainee is to be informed of alternative ways of making a complaint.¹⁶⁵
- 10.13 A standard ‘Detainee complaint/request form’ is available in units for use by detainees. These are meant to be recorded in the unit occurrence book and placed on the detainee’s unit file, but inspectors saw no evidence of this. Personal requests and minor issues are dealt with by the unit manager, but the matter may be passed to managers in other areas or to the Superintendent. Some of the detainees spoken to in focus groups and other forums during the inspection said they had completed a complaint form but it was not dealt with and they had heard nothing back.
- 10.14 At unit level, there appeared to be only limited opportunity for detainees to pursue issues with staff, given typically late unlocks, after-school lockdowns every afternoon, and competing demands to access the phone, family visits and recreation. In practice, wing staff are wholly devoted to detainee supervision and unit managers must try to respond to detainee issues along with their many other duties.
- 10.15 By contrast, adult facilities generally have a wing officer available to deal with prisoner issues throughout the day, and prisoners usually have more times at which contact with that officer is possible. Nevertheless, some prisons, notably Bunbury Regional Prison and Eastern Goldfields Regional Prison, have implemented a ‘request parade’ every morning in every unit at a certain time.¹⁶⁶ Some of the issues raised are resolved directly, others in the course of the day.

163 OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 37 (September 2006) 34, Recommendation 9.

164 OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 58 (December 2008) 16–17, Recommendation 4.

165 DCS, *Banksia Hill Detention Centre Standing Order 21 – Detainee requests, complaints and allegations* (February 2014) [2.5].

166 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (January 2012) 19–20.

- 10.16 Something similar to the ‘request parade’ at Banksia Hill could act as a circuit breaker to ensure that young people’s needs and issues are heard and properly resolved by staff. In the case of matters raised by way of complaint that cannot be appropriately resolved at unit level, the detainee could be assisted in making their complaint and forwarding it to the Superintendent, ACCESS or other agency.

Recommendation 24

Make an officer available in each unit for a specified period each morning to accept requests from detainees and to assist any detainees who wish to make a complaint.

- 10.17 The Superintendent also receives complaints directly from detainees through the yellow envelope system and indirectly through visitors from the Aboriginal Visitors Scheme who attend the centre two or three times per week, or through other staff in contact with youth such as the Aboriginal Welfare Officers and Psychologists. While not examined during the present inspection, earlier visits indicated that Superintendents made an appropriate record of such complaints, made an early acknowledgement of receipt of the request or letter and resolved the matter in a timely way.
- 10.18 Centre management also has a role in responding as required to complaints made to other internal agents such as ACCESS¹⁶⁷ or the Commissioner, or to external agents such as Independent Visitors, the Ombudsman, Health and Disability Services Complaints Office (HADSCO), or the Minister. The inspection did not review the processes involved in making such responses, or the quality or timeliness of such responses. Some of these external complaints are handled within the Department by ACCESS within the Operational Support division.
- 10.19 Remarkably, the ACCESS phone service was only made available to young people in detention from December 2012. The following table shows a summary of the type of complaints from youth detainees handled by ACCESS in financial years 2012–2013 and 2013–2014 from information provided by ACCESS. Eleven of these complaints were originally made by the Ombudsman and referred to ACCESS for a Departmental response. Note in the subsequent table that fifteen of these complaints were resolved by way of the matter being explained to the young person with five others noted as having been included for recording purposes only.

Complaint Categories	2012-13	2013-14	Total
Catering	1	1	2
Meal Availability	-	1	1
Range	1		1
Communication	6	1	7
Non Privileged Mail	2	-	2
Privileged Mail	4	-	4

¹⁶⁷ ACCESS is the Administration of Complaints, Compliments and Suggestions branch of DCS. It accepts complaints by phone or in writing from prisoners, detainees, their families or other community members.

LEGAL SERVICES AND COMPLAINTS

Complaint Categories	2012-13	2013-14	Total
Telephone	-	1	1
Facilities	3	1	4
Building	3	-	3
Cells	-	1	1
Gratuities and Private Cash	1	-	1
Canteen Spends	1	-	1
Health	1	-	1
Access Internal	1	-	1
Offender Incidents & Charges	-	1	1
Loss of Privileges	-	1	1
Property	1	-	1
Access to Property	1	-	1
Reportable Incident – Staff	1	2	3
Personal Behaviour	1	2	3
Total	14	6	20

Figure 13 : Youth detainee complaints handled by ACCESS by financial year

Row Labels	For Recording Purposes Only	Resolved – Explanation of situation	Total
Catering		2	2
Communication	4	3	7
Facilities		4	4
Gratuities and Private Cash		1	1
Health		1	1
Offender Incidents & Charges		1	1
Property		1	1
Reportable Incident – Staff	1	2	3
Grand Total	5	15	20

Figure 14 : Resolution outcomes of complaints from youth in detention handled by ACCESS

10.20 The ability of detainees to contact ACCESS either by phone or yellow envelope is laudable, but these low numbers of complaints during periods of considerable disruption, when a single Independent Visitor report typically generated as many complaints as ACCESS fielded in two years is very concerning. HADSCO received only three complaints from detainees between 1 July 2008 and 3 September 2014.¹⁶⁸

168 Health and Disability Services Complaints Office, letter dated 5 September 2014.

- 10.21 Young people encountered during the inspection told us that they had not heard of or did not understand the role of ACCESS. Some expressed dissatisfaction about the conduct of YCS staff, including allegations of the use of excessive force, being ‘coded’ for no valid reason and the use of group punishment. According to these detainees the allegations were not taken any further at the time because of their lack of confidence in the internal complaints system.
- 10.22 While most detainees we spoke to were aware of the confidential yellow envelopes and blue mail boxes they said they did not understand what they were for. Some who did understand their purpose commented that they suspected the envelopes were not being sent out of the detention centre. This however, was contradicted by gate records which indicated that in the period from January to September 2014 approximately 93 such envelopes were posted to lawyers or nominated complaints authorities.
- 10.23 At the time of the inspection, and indeed since the initial failed amalgamation of Banksia Hill and Rangeview in October 2012, there was no effective system of detainee orientation in which detainees were informed of their rights to complain, how they may do so and what they can expect if they make a complaint. In particular, detainees need to know that complaints will be treated seriously, sensitively, safely and will be resolved in a timely manner. There was a lack of posters or brochures available in the centre that advertise and explain complaint services for detainees.
- 10.24 The Department has recently produced three versions of an orientation booklet: short versions for remand males and female detainees, and a longer version for sentenced males. The shorter versions contain extremely limited information on ‘mail to lawyers and complaints’ using the yellow envelopes and blue boxes, while the longer version explains why one might want to make a complaint, and assures: ‘your complaint will be taken seriously and you won’t get into trouble for making a truthful complaint’. It also assures that mail in yellow envelopes is confidential and will not be opened or read by a staff member.

Recommendation 25

Ensure that information about the complaints process is advertised on posters and brochures throughout the centre, and included in the orientation process and orientation booklets.

Appendix 1

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
1. Implement a philosophy for youth justice as a whole, including an operational philosophy for Banksia Hill, and ensure that all policies, procedures and practices are consistent with that philosophy.	<p data-bbox="735 495 1284 528">Supported – Existing Departmental Initiative</p> <p data-bbox="735 539 863 573">Response:</p> <p data-bbox="735 577 1350 790">OICS noted that there is an absence of an operational philosophy for youth justice informing the delivery of service for Banksia Hill. It proposes a philosophy for youth justice as a whole and an operational philosophy for Banksia Hill that is aligned to the Young Offenders Act 1994.</p> <p data-bbox="735 801 1326 1055">The Department's Strategic Plan provides an overarching framework within which to develop an operational philosophy for youth justice in WA. Eight platforms have been developed. The platform of Operational Focus will see the development and implementation of an operational model at Banksia Hill.</p> <p data-bbox="735 1066 1321 1211">The development of a philosophy for Youth Justice is being overseen by the Youth Justice Board. This philosophy will provide a framework within which Banksia Hill operates.</p> <p data-bbox="735 1223 1142 1256">Department's Nominated Action:</p> <ul data-bbox="735 1261 1318 1440" style="list-style-type: none"><li data-bbox="735 1261 1294 1328">• Complete the development of a philosophy for Youth Justice Services.<li data-bbox="735 1339 1318 1440">• Ensure that the philosophy is implemented and that all Youth Custodial policies, procedures and practices are consistent with that philosophy.

Recommendation	Acceptance Level/Response/Nominated Action
<p>2. Undertake an independent review of the staffing model at Banksia Hill, including the staff-detainee ratio and the 12-hour shift system.</p>	<p>Supported</p> <p>Response: OICS has suggested that the staffing levels and the 12 hour shift arrangements limit the capacity of Custodial Officers to maintain positive and supportive relationships with young people.</p> <p>The Department agrees that a sharper focus is needed on how staff interact and case manage young people at Banksia Hill. The current shift arrangement is only one component of developing the operational model, a deliverable within the Department's 2015–18 Strategic Plan.</p> <p>Shift arrangements are interlinked to the Enterprise Bargaining Agreement which is due to expire in 2017. It would be appropriate to renew staffing arrangements in the context of a youth justice philosophy and operating model at the appropriate time.</p> <p>Department's Nominated Action: Review staffing arrangements following the completion of a youth justice philosophy and operating model.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>3. Implement an objective assessment and classification system that includes a focus on providing improved opportunities for detainees rated minimum-security.</p>	<p>Supported – Existing Departmental Initiative</p> <p>Response: The majority of detainees at Banksia Hill are rated as maximum security. OICS observes that the security classification process for juveniles is less developed compared to adults and that there is no tool or methodology prescribed for the classification of sentenced male and female detainees.</p> <p>The Department has introduced a new security and classification tool, which is based on similar principles of security and classification within the Adult system. Banksia Hill is focused on providing improved opportunities for young people and has implemented systems for a minimum security regime, as outlined in Standing Order 6: Supervision, assessment and classification of young people including young women.</p> <p>Department's Nominated Action: Continue implementation of the new assessment and classification tool and evaluate effectiveness in 2 years.</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
<p>4. Convene the Detainee Management Review Committee on a unit by unit basis to restore the balance in its composition and to ensure that appropriate focus is given to the management and intervention needs of individual detainees.</p>	<p>Not Supported</p> <p>Response: OICS observed that the Detainee Management Review Committee (DMRC) practices depart from the requirements of Standing Order 6 as all relevant managers and business representatives are present for discussions on unit management. Discussions tend to be dominated by input from multiple custodial managers. The DMRC currently meets twice a week at Banksia Hill and requires the attendance of Senior Management, Unit Managers, and specialist staff from health, education and psychological services. The Department believes that the existing arrangements are effective with an appropriate focus given to the management and intervention needs of all young people. Further, the implementation of individualised case management of detainees and the preparation of detention management reports means that the needs of each detainee are considered and managed appropriately.</p> <p>Department's Nominated Action: Amend Standing Order 6 to reflect the adequacy of current meeting practises.</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
<p>5. Reduce the frequency of strip-searching young people in detention by using other contraband detection measures.</p>	<p>Supported</p> <p>Response: OICS noted a large number of strip-searches of young people were still being conducted and cited that 80% were routine rather than targeted. Previous recommendations have been made to reduce the frequency of routine strip searching of young people, stating it needs to be intelligence-driven and based on risk.</p> <p>The Department supports this recommendation. Banksia Hill is currently in a state of transformation. The imperative of treating young people with decency is being balanced against ensuring the safety and security of detainees and staff living and working at the Centre.</p> <p>A new security team is being established at Banksia Hill. This team will provide a security model driven by intelligence and risk.</p> <p>Department's Nominated Action:</p> <ul style="list-style-type: none"> • Ensure the searching of young people is conducted on an intelligence or risk basis. • Investigate alternative measures to prevent and detect contraband entering Banksia Hill.
<p>6. Increase out of cell hours for young people on a consistent basis and monitor this using more accurate recording methods.</p>	<p>Supported – Existing Departmental Initiative</p> <p>Response: OICS notes that whilst there have been improvements in the out of cell hours at Banksia Hill, they are concerned about the accuracy of lock-down record keeping and the adequacy of compliance checks to ensure the data entered is accurate.</p> <p>Since the inspection, there have been improvements in both the out of cell hours for young people and the recording methods of out of cell hours at Banksia Hill. A TOMS module was developed specifically to record out of cell hours. This module is completed in accordance with Banksia Hill Detention Centre Standing Order 25: Unscheduled Lockdowns.</p> <p>Department's Nominated Action: Continue the practice of recording out of cell hours in TOMS.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>7. Ensure that all detainees are provided with new underwear on arrival at the centre and that they are not required to share underwear.</p>	<p>Supported – Existing Departmental Initiative</p> <p>Response: OICS note that different units manage the laundry differently. In some units, young people wash their own clothes whilst in others, they are not allowed to do so and all clothes are washed together. Consequently, some clothes are shared.</p> <p>The Department supports the recommendation that young people are all provided with new underwear upon arrival and can report that this is the standard practice at Banksia Hill. The labelling of underwear is also standard practice, although ensuring that this occurs at all times may need to be examined.</p> <p>Young people can use unit washing machines to wash their own underwear and socks. The only exception to this is detainees on a management regime within the Harding Unit.</p> <p>Department's Nominated Action:</p> <ul style="list-style-type: none"> • Maintain the current practice of all young people being issued with new underwear upon arrival. • Improve implementation of the current practice to ensure all underwear is labelled with young people's details.

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
8. Provide a facility and support services for visitors at Banksia Hill.	<p>Not Supported</p> <p>Response:</p> <p>OICS noted that there is no dedicated place for visitors to gather prior to a visit, aside from within the gatehouse.</p> <p>The inspection also found that the visit process at Banksia Hill included frequent visit sessions, run by friendly staff. OICS was complimentary of the way social visitors were cared for.</p> <p>The Department does not support the need for a separate facility and support services at this juncture. The Department is satisfied that the existing arrangements are currently adequate considering the cost of developing a new visitor's facility, the limited space at Banksia Hill and the generally low median length of stay.</p> <p>Department's Nominated Action:</p> <p>No action required.</p>
9. Increase the capacity of visits facilities at Banksia Hill.	<p>Not Supported</p> <p>Response:</p> <p>OICS note that the visit facilities at Banksia Hill are small which limits the number of visits that can occur in one session.</p> <p>The Department has recently refurbished the visit centre at Banksia Hill and is confident that it meets current and projected demand. There is also an area outside the glass doors of the visit centre where tables have been placed for additional visits.</p> <p>To date, Banksia Hill has not experienced a volume of visit requests which exceeds the current capacity.</p> <p>Department's Nominated Action:</p> <p>No action required.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>10. Implement an integrated system of case management with clearly defined roles and responsibilities for custodial staff and case planning staff.</p>	<p>Supported – Existing Departmental Initiative</p> <p>Response: OICS has stated that Banksia Hill has been unsuccessful in implementing a robust case management system.</p> <p>Since the inspection, Banksia Hill has a new Manager Case Planning and Programs who has implemented changes to promote an integrated system. The introduction of a "daily docket" reporting system has increased Custodial Officers interaction with young people, requiring information about a young person's progress to be sent through to the unit management office on a regular basis. This information is collated and added to a young person's case management file and assists with both case planning and addressing the young person's needs.</p> <p>Reflected as a deliverable within the Department's 2015–18 Strategic Plan, the Banksia Hill Detention Centre transformation includes the implementation of a throughcare case management model.</p> <p>Department's Nominated Action: Continue with the development of the integrated case management system with clearly defined roles and responsibilities for custodial staff and case planning staff.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>11. Ensure that a consultative meeting involving the young person and their responsible parent or caregiver is convened by the case planning unit within a month of every detainee's admission and regularly throughout their stay.</p>	<p>Supported</p> <p>Response: OICS note that the family meeting is the official forum for young people and their families to discuss their throughcare plan with centre staff and a Youth Justice Officer. However, these meetings do not provide an opportunity for the young person or family to have any contribution to the plan.</p> <p>An integrated case management system is being introduced to Banksia Hill. The implementation of this system will include family meetings with engagement from both the young person and their family.</p> <p>Department's Nominated Action: Require that family meetings actively involve young people and their responsible parent or caregiver in discussion and decision making.</p>
<p>12. Implement a strategic plan for education at Banksia Hill that includes outcome measures.</p>	<p>Noted</p> <p>Response: OICS state that education provision at Banksia Hill is occurring without a clear strategic direction or purpose. The Department agrees that there is scope for improving the provision of education at Banksia Hill Detention Centre.</p> <p>As part of the Banksia Hill Detention Centre transformation, the Department is working with the Youth Justice Board to consider the recommendations of the Review of the Education Provision at Banksia Hill Detention Centre undertaken on behalf of the Office of the Inspector of Custodial Services in August 2014.</p> <p>The Department will work collaboratively with the Department of Education to identify ways in which partnerships can be developed to modernise learning outcomes at Banksia Hill.</p> <p>Department's Nominated Action: Work with the Youth Justice Board to consider the recommendations of the Review of the Education Provision at Banksia Hill Detention Centre.</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
13. Upgrade teaching and learning resources with a special emphasis on culturally and developmentally appropriate materials.	<p>Noted</p> <p>Response:</p> <p>OICS believe that there is a shortfall in resourcing education provision at Banksia Hill. The Department agrees that there is scope for improving the provision of education at Banksia Hill Detention Centre.</p> <p>As part of the Banksia Hill Detention Centre transformation, the Department is working with the Youth Justice Board to consider the recommendations of the Review of the Education Provision at Banksia Hill Detention Centre undertaken on behalf of the Office of the Inspector of Custodial Services in August 2014.</p> <p>The Department will work collaboratively with the Department of Education to identify ways in which partnerships can be developed to modernise learning outcomes at Banksia Hill with a special emphasis on culturally and developmentally appropriate materials.</p> <p>Department's Nominated Action:</p> <p>Work with the Youth Justice Board to consider the recommendations of the Review of the Education Provision at Banksia Hill Detention Centre.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>14. Implement comprehensive re-entry support services for young people leaving Banksia Hill.</p>	<p>Supported</p> <p>Response: OICS observe that there are no re-entry or throughcare programs to engage young people after their release into the community, which is a standard feature in adult prisons. When a young person is released from detention, their care is transitioned to a responsible adult in the community.</p> <p>The Department is committed to providing a throughcare model for Youth Justice that will offer holistic and integrated case management of a young person whilst in custody and then continued out-reach when released into the community.</p> <p>In August 2014, the Minister for Corrective Services announced the establishment of a Youth Justice Innovation Fund. The Youth Justice Board has been allocated \$2 million to fund innovative, community based programs that address some of the multiple and complex factors associated with high youth reoffending rates.</p> <p>Further, the Department's Youth Justice Division has established a new branch dedicated to Diversion and Rehabilitation. This branch will be developing program evaluation tools and models of service delivery to meet the individual needs of young people. The Department has committed to pilot and implement new programs of youth diversion from the justice system, including life skills and mentoring programs.</p> <p>Department's Nominated Action: As part of the focus on Youth Justice ensure the throughcare model adequately addresses the re-integration needs of all young people leaving Banksia Hill.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>15. Provide evidence-based treatment programs, targeted at higher levels of risk and need, and reflective of gender and cultural diversity.</p>	<p>Supported – Existing Departmental Initiative</p> <p>Response: OICS has noted that an important principle in the 'what works' literature is responsiveness, meaning that programs should be designed and delivered in ways that are likely to engage the target group.</p> <p>The Department has completed a review of treatment programs for young people and is working with the Youth Justice Board to identify the most appropriate risk/needs assessment tool for use in the young offender population. Understanding the risk factors and specific needs of young offenders is critical to guiding program planning by indicating what areas may be the best targets for intervention in order to reduce the likelihood of reoffending.</p> <p>The Youth Justice Board is also progressing the development of a monitoring and evaluation framework for youth justice programs. This framework incorporates a comprehensive approach to monitoring, evaluation, and research services that will enable the provision of timely and accurate evidence to DCS regarding: general recidivism trends among distinct cohorts; the impact of specific programs on individual cohorts; and how well programs are operating.</p> <p>The Department has commissioned a pilot cognitive behavioural group program targeted at young people aged 17 years and above who present with aggressive and/or violent behaviour. This is a 10 week evidence based intensive program that may include post-treatment follow-up, after the young person has been released.</p> <p>A Young Adult Development Program has also commenced for young male adults approaching, or who have reached, 18 years of age while detained at Banksia Hill. It will provide a new approach to working with young men focussing on positive life skills and vocational training.</p> <p>Department's Nominated Action: Ensure that treatment programs implemented consider the risk, needs and responsiveness of young offenders and are reflective of gender and cultural diversity.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>16. Introduce multidisciplinary case conferences to manage the health needs of complex and challenging young people.</p>	<p>Supported – Existing Departmental Initiative</p> <p>Response: OICS noted some concern among Health Centre staff that some young people displayed ‘manipulative’ drug-seeking behaviour as a way of regulating their emotions and coping skills. OICS suggests the use of multi-disciplinary case conferences for complex and challenging young people.</p> <p>Banksia Hill already utilises a multidisciplinary team approach as required when dealing with complex and challenging young people. This has proven to be an effective and efficient way of managing young people's health needs and will be linked to the integrated case management approach being implemented.</p> <p>Department's Nominated Action: No action required, as a multidisciplinary team approach is already in operation at Banksia Hill.</p>
<p>17. Develop and introduce a process for booking medical appointments that preserves the privacy of detainees.</p>	<p>Not Supported</p> <p>Response: OICS notes that a previous recommendation to introduce an alternative medical booking process to preserve the privacy of detainees was not supported. OICS believes that medical privacy continues to be problematic.</p> <p>The Department respects the privacy of young people in relation to their health needs. Young people are not required to disclose their health concerns to Youth Custodial Officers when requesting an appointment.</p> <p>In implementing a process for a young person to make the appointment themselves, consideration needs to be given to:</p> <ul style="list-style-type: none"> • the maturity of the young person • literacy issues • the risk that a young person may not consider a specific condition to be serious or urgent. <p>Banksia Hill already has numerous avenues available to young people to arrange an appointment with the medical centre while maintaining privacy.</p> <p>Department's Nominated Action: No action required. Existing initiatives support the privacy of detainees.</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
18. Provide additional resources for mental health services at Banksia Hill.	<p data-bbox="738 495 1013 526">Supported In Principle</p> <p data-bbox="738 539 863 571">Response:</p> <p data-bbox="738 577 1324 752">OICS believes that the current mental health nurse role is not sustainable because the nurse is referred all complex cases and has to prioritise, assess and manage them with limited psychiatrist input. Additional mental health services are proposed.</p> <p data-bbox="738 766 1329 943">The Department can report that a child psychiatrist has been recruited and is due to commence work in early March 2015. In the interim, a replacement psychiatrist has been contracted for the period the position was vacant.</p> <p data-bbox="738 956 1334 1171">The Department has initiated a new work program to identify ways of giving effect to deliverables in the draft Mental Health Plan. This work includes demand modelling, infrastructure requirements and costing the provision of in-prison mental health services for young people.</p> <p data-bbox="738 1184 1339 1288">The Department continues to liaise with the Mental Health Commission and the Department of Health to ensure appropriate mental health services.</p> <p data-bbox="738 1301 1142 1332">Department's Nominated Action:</p> <p data-bbox="738 1339 1350 1478">Continue to work with the Mental Health Commission and the Department of Health to identify ways of improving the delivery of in-prison mental health services for young people.</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
<p>19. Implement an at-risk management system that is youth-focused and promotes protective factors.</p>	<p>Supported</p> <p>Response: OICS understands that there had been problems with the implementation of the At-Risk Management System (ARMS) at Banksia Hill. There was some resistance because the system was not sufficiently youth focused.</p> <p>ARMS is a well-established tool used to manage prisoners assessed as being at risk of self-harm. The decision to implement this system into the youth environment promotes a shared responsibility for managing risk. Initial issues that emerged during introduction have since been resolved.</p> <p>ARMS has been reshaped to provide a youth-focus, with unique levels in the frequency of observations. Standing Order 19a: At-Risk Detainees provides direction on how this system operates within the youth custodial setting taking into account the frequency of observations and protective factors.</p> <p>Since the inspection, the process has been further refined and the level of engagement across the whole site has significantly improved. At present 83% of Youth Custodial staff have received training in the use of ARMS.</p> <p>Department's Nominated Action: No further action as a youth-focused at-risk management system has been implemented.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>20. Prioritise the development of a purpose-built crisis care unit at Banksia Hill.</p>	<p>Supported In Principle</p> <p>Response: OICS noted that the use of the medical observation cells located in the Harding Unit is degrading and not therapeutic for suicidal patients. OICS state there is a need to develop a crisis care unit at Banksia Hill where young people who cannot be managed in a mainstream unit can be kept safe and that this should not be in the Harding Unit.</p> <p>The introduction of the At-Risk Management System (ARMS) within Banksia Hill has promoted a shared responsibility for managing young people's individual risk and the use of protective behaviours. This tool essentially minimises the use of observation cells, instead supporting the young person with an appropriate level of supervision within their mainstream accommodation unit. It is only those young people deemed at high risk of self-harm that are placed within the existing observation cells within the Harding Unit.</p> <p>The Department is investigating options for sub-acute mental health placements at Banksia Hill in the form of a step up and step down unit. The unit would include therapeutic features where possible.</p> <p>Department's Nominated Action: Continue to investigate options for the placement of at-risk young people within a therapeutic environment at Banksia Hill.</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
<p>21. Ensure that Yeeda Unit is staffed by officers who have been chosen to work there based on sound criteria and processes.</p>	<p>Supported – Existing Departmental Initiative.</p> <p>Response: OICS observed that whilst a small number of Senior Officers had been identified to rotate through Yeeda to provide managerial consistency this was not the case for unit managers or Youth Custodial Officers. OICS has concluded that only those staff who have indicated a preference for working with female detainees should be considered for placement in Yeeda. The Yeeda Unit is staffed by officers who have nominated their desire to work with young women. At present, almost half of the custodial staff at Banksia Hill have completed "Working with Female Offenders" training that has been modified to include a youth focus. This enables a degree of flexibility in the deployment of staff in the need to cover absences.</p> <p>Department's Nominated Action: No further action required.</p>
<p>22. Provide a female-centred regime of activities and services for young women and girls at Banksia Hill.</p>	<p>Supported – Existing Departmental Initiative.</p> <p>Response: OICS observed that female detainees appear to be marginalised, and stated that there is still a need to refocus on the original intentions of the Yeeda precinct.</p> <p>The Department acknowledges that activities and services for females can be problematic noting that the proportion of females to males at Banksia Hill is small (about 5% of the total population) and noting the short length of female stay.</p> <p>The Department maintains an integrated regime of programs and activities that addresses the needs of both females and males. Banksia Hill operates an integrated regime of recreation activities for both genders and believes that this regime is having positive results.</p> <p>Department's Nominated Action: Maintain the current operational model that promotes an integrated gender mix that meets the needs of both young women and men.</p>

Recommendation	Acceptance Level/Response/Nominated Action
<p>23. Ensure that legal practitioners are able to interview their clients in relation to court proceedings at any reasonable hour, either at Banksia Hill or by use of technologies such as Skype.</p>	<p>Supported – Existing Departmental Initiative</p> <p>Response:</p> <p>OICS note that the official visits centre at Banksia Hill was commissioned in 2012 and appears to be too small for demand. The Department notes that the young people spoken to by OICS during the inspection felt they had received ample opportunity to speak with their lawyer at the court.</p> <p>Banksia Hill facilitates requests for urgent meetings between lawyers and their clients regularly, including weekends and outside normal business hours.</p> <p>The Department has commenced a new program of work to expand the use of audio visual technologies to facilitate communication which will also increase access to legal representation.</p> <p>Department's Nominated Action:</p> <p>Ensure the audio visual technologies to be implemented at Banksia Hill are able to adequately support the demand for social and official e-visits.</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
24. Make an officer available in each unit for a specified period each morning to accept requests from detainees and to assist any detainees who wish to make a complaint.	<p>Not Supported</p> <p>Response:</p> <p>OICS note that there appeared to be only limited opportunity for detainees to pursue issues with staff and suggests that the introduction of a daily request parade would provide a "circuit breaker" to ensuring young people's needs and issues are heard and resolved by staff.</p> <p>The Department notes that there are several mechanisms that young people are encouraged to utilise for resolving issues. Youth Custodial Officers are extremely proactive in responding to and resolving young people's issues at the local level. When issues require escalation, Unit Managers and Senior Officers are able to assist.</p> <p>ACCESS, the Department's dedicated service responsible for handling all complaints, compliments and suggestions, is also available for young people to use to assist in resolving issues. Further, posters and brochures promoting ACCESS are distributed at Banksia Hill and displayed for young people. The Banksia Hill orientation booklet also includes information pertaining to the complaints process.</p> <p>Department's Nominated Action:</p> <p>No action required – opportunities for detainees to pursue issues already exist.</p>

THE DEPARTMENT'S RESPONSES TO THE 2014 RECOMMENDATIONS

Recommendation	Acceptance Level/Response/Nominated Action
<p>25. Ensure that information about the complaints process is advertised on posters and brochures throughout the centre, and included in the orientation process and orientation booklets.</p>	<p>Supported – Existing Departmental Initiative</p> <p>Response: OICS report that youth encountered during the inspection were either unaware or did not understand the role of ACCESS or the confidential yellow envelopes. ACCESS is the Department's dedicated service responsible for handling all complaints, compliments and suggestions. Since December 2012, when this service was made available to young people, numerous workshops have been run at Banksia Hill by ACCESS staff to explain the complaints process, the most recent occurring in February 2015. Feedback from ACCESS staff indicates that this service is utilised when required by young people and their families.</p> <p>Posters and brochures promoting ACCESS have been distributed to Banksia Hill and are on display for young people. Additionally, the Banksia Hill orientation booklet has been updated and does include information pertaining to complaints process.</p> <p>Department's Nominated Action: No action required – young people are advised of ACCESS and other mechanisms for lodging complaints.</p>

Appendix 2

SCORECARD ASSESSMENT OF PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 85, <i>Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
1.	The regime at Banksia Hill should be re-engineered so as to reflect a clear and consistent philosophy that accords with legislative requirements relating to juvenile detention. This philosophy should emphasise that the ultimate purpose is, as far as possible, to rehabilitate the young people and prepare them for release back into the community. To that end, and in order to improve safety and security, there must be a stronger emphasis on the provision of a full and active regime and positive rehabilitative programs, including: <ul style="list-style-type: none"> • education; • skills training; • recreation and sport; and • counselling and offender programs. 		•			
2.	The conditions of detention at Banksia Hill should be enhanced so as to meet improved standards of decency and dignity, including: <ul style="list-style-type: none"> • minimisation of lockdown arrangements; • cessation as far as possible of double-bunking (other than necessary buddy-cell arrangements); • effective climate control measures, particularly in summer; • improved dietary standards; and attention to standards of bedding and clothing.			•		
3.	The balance between physical, procedural and dynamic security should be re-calibrated in ways that are consistent with the above objectives and the Department should develop and promulgate a statement as to how these matters should be balanced.		•			
4.	The Department should review its criteria and processes for making security ratings, ensure that these processes are consistently applied, and spell out in Youth Custodial Rules or elsewhere the operational and regime implications for each level of security.	•				

SCORECARD ASSESSMENT OF PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 85, <i>Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
5.	The Department must ensure that the Youth Custodial Rules and Standing Orders relating to Banksia Hill are brought fully up to date. It should also institute processes for ensuring that they are regularly reviewed, remain relevant to changing circumstances and effectively communicated with staff with the provision of appropriate training.			•		
6.	The staff culture in relation to dynamic and procedural security should be addressed as a matter of urgency, with a particular emphasis on training needs and ongoing reinforcement. Where appropriate, the Department should be prepared to invoke disciplinary provisions if individual staff members fail to comply with requirements.			•		
7.	Physical security assessments should be regularly undertaken at Banksia Hill by the Department's Emergency Support Group or other independent experts. The testing should reflect practical risk not just the physical strength of a structure. Where weaknesses are identified, appropriate remedial measures should be taken in a timely way and in a manner consistent with detention centre philosophies. All decisions and actions should be clearly recorded.		•			
8.	It is recommended that the Department undertakes a comprehensive assessment of how dynamic, procedural and physical security weaknesses are contributing to the high number of roof ascents by detainees and implements appropriate remedial measures.		•			

SCORECARD ASSESSMENT OF PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 85, <i>Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
9.	The Department should ensure that it engages proactively with the Department of Fire and Emergency Services with respect to fire fighting capability at every site where new units or fences have been built or where other major construction activity has occurred.			• ¹⁶⁹		
10.	The Department should examine ways to enhance its intelligence capacity through improvements to proactive as well as reactive information gathering/analysis.			•		
11.	The Department should resource and develop the on-site Security Team at Banksia Hill. Subject to ensuring that juvenile detention facilities are not equated with adult prisons, enhanced central security expertise should also be provided.			•		
12.	In order to improve emergency management preparedness the Department should: (a) ensure that emergency management plans at all adult and juvenile facilities are regularly reviewed, fully up to date, and include viable emergency evacuation plans; and (b) Improve staff training in emergency management and keep clear records of the findings and recommendations arising from scenario training and reviews of critical incidents.			• ¹⁷⁰		
13.	The Department should examine and implement improvements to its systems and processes for conducting safety and welfare checks of detainees and prisoners in the event of incidents of mass disorder such as that which occurred at Banksia Hill on 20 January 2013.			•		

169 This was a whole-of-Department recommendation. This assessment reflects progress at Banksia Hill only. It was beyond the scope of this inspection to assess progress at other sites.

170 Ibid.

SCORECARD ASSESSMENT OF PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 85, <i>Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
14.	In order to improve its emergency management responses the Department should: (a) Further develop its protocols regarding the roles of the on-site Superintendent and the Emergency Support Group (ESG) Superintendent, especially in situations involving a whole-of-site incident; (b) Evaluate the resources needed by the ESG to improve response times at weekends and evenings; and (c) In consultation with WA Police, evaluate the opportunities for improved site navigation capacity during emergency situations.			•		
15.	Staff generally, and the Primary Response Team (PRT) in particular, should be provided with better training for responding to unfolding incidents and de-escalation techniques. This should occur in the context of more general training in dynamic and procedural security (see Recommendation 6). The PRT should not be equipped with weapons such as batons, pepper spray and Tasers.			•		
16.	The Department should examine the lessons to be learned from events in the youth custodial system since 20 January 2013 with respect to recovery from emergencies. In particular, it should ensure that debriefs are organised for all staff and that longer term strategies are implemented to rebuild staff confidence and resilience.			•		
17.	The senior management structure of the Department should be reviewed with a focus on improving correctional outcomes, efficiencies and service delivery. This process will require external direction and needs to be commenced urgently. Depending on the results of this review, a revised structure can then be implemented soon after the appointment of a new Commissioner and in consultation with that person.			•		

SCORECARD ASSESSMENT OF PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 85, <i>Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
18.	(a) Appointments to all management positions at Banksia Hill should be finalised; and (a) Adequate head office support must be provided in areas such as finance and human resources.		•			
19.	There should be an independent review of FTE staffing levels in Youth Custodial Services, taking into account comparative data about the numbers and deployment of staffing in other Australian juvenile detention facilities and prevailing standards. This needs to be undertaken as a matter of urgency.		•			
20.	The above review should examine the drawbacks and benefits of the 12-hour shift system currently pursued in the juvenile detention system and alternative models.		•			
21.	The above review should investigate the present arrangements for and use of personal leave and the causes for and impact of workers' compensation claims in the Youth Custodial area.		•			
22.	The Department should ensure that structured formal performance reviews are regularly conducted with staff in order to identify areas for improvement and areas of achievement.			•		
23.	It is recommended that the Department review the adequacy of its policies, procedures and resources in the following areas: (i) case planning; (ii) occupational health and safety; (iii) the roles and training of unit managers; and (iv) the employment of more Aboriginal people, including as mentors for young people.		•			

SCORECARD ASSESSMENT OF PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 85, <i>Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
24.	The Department should ensure that: (a) The number of scheduled and unscheduled lockdowns of detainees is substantially reduced and that accurate records are kept of the reasons for any lockdowns and their duration; (b) Detainee participation in education, rehabilitative and recreational programs is substantially increased in keeping with the Department's standards for the management of youth custodial facilities; and (c) Accurate records are kept with respect to each and every detainee of all of these matters.		•			
25.	Mechanical restraints must not be used as a routine measure to control the movement of detainees within detention centres. They should only be used following a proper assessment of the risk posed for and by the particular individual to be restrained in accordance with section 11D of the <i>Young Offenders Act 1994</i> .			•		
26.	The Department should review and alter its practices relating to the strip-searching of detainees: (a) To cease the practice of routinely strip-searching detainees on every entry and exit to detention centres, particularly when they have been transported in a secure vehicle; and (b) To ensure that strip-searches in relation to social visits are not routine but are undertaken only on reasonable suspicion of contraband, assessed on a case by case basis.		•			
27.	The Department must improve the scope, detail, accuracy and availability of records across all aspects of Youth Custodial Services.		•			

SCORECARD ASSESSMENT OF PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 85, <i>Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
28.	It is recommended that the government conduct a high level review of expenditure on youth justice services across all agencies with a view to: (i) gaining a more complete understanding of the full range and cost of services; (ii) appraising the balance between the budgets for custodial services, prevention and diversion schemes, and community based supervision; and (iii) assessing future options.					
29.	It is recommended that the government: (a) Develop plans and processes to transition youth justice services out of the Department of Corrective Services to an agency whose sole focus is youth justice; and (b) To that end, establish either a Youth Justice Commission (modelled on the Youth Justice Board of England and Wales and the WA Mental Health Commission) or a stand-alone Youth Justice Department.					These recommendations were directed at government. Some of the recommendations were reflected in spirit in the government's response. A number of others will remain under government consideration in the longer term. The Office maintains open communication with government regarding youth justice services.
30.	It is recommended that the government sets clear service and performance requirements for Youth Custodial Services and ensures that these requirements are subject to external monitoring, assessment and reporting. These service and performance requirements should cover all relevant areas, including security and safety, detainees' access to employment, education programs and recreation, lockdowns, and staffing levels, absenteeism and management.					
31.	It is recommended that government consider whether there are benefits in outsourcing some aspects of youth custodial operations, such as gatehouse security, allowing existing staff to be deployed to other areas.					

SCORECARD ASSESSMENT OF PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 85, <i>Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
32.	Subject to its evaluation of performance by the Department of Corrective Services and to decisions regarding investment in new detention facilities, it is recommended that government consider whether a contestability model for Youth Custodial Services delivery will lead to improved outcomes.					
33.	It is recommended that government develop a master plan regarding the best use of existing adult and juvenile custodial facilities. The key outcomes of this should include: (a) Provision of a wider range of options for youth, in order to allow for the better separation of different cohorts of detainees and to provide improved services to target issues of age, gender, legal status, the needs of Aboriginal youth and youth from regional areas, and specific problems such as mental health; (b) Improvements to the conditions and services provided to adult female prisoners; and (c) Better targeting of the needs of adult prisoners in areas such as mental health/mental impairment.					
34.	It is recommended that the Department, drawing on experience with the Wandoo Reintegration Facility, develops new initiatives and injects the necessary resources into developing a sharper focus on the needs of young adult men and women held at prisons other than Wandoo.		•			
35.	Reforms and initiatives undertaken with respect to youth justice services should be underpinned by a focus on the needs of Aboriginal youth across the state, including innovative forms of engagement with Aboriginal organisations and service providers.		•			

SCORECARD ASSESSMENT OF PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 86, <i>The Management of Young Women and Girls at Banksia Hill Detention Centre.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
1.	That Government examine alternative options for sentencing young girls to custody, such as safe and secure houses, or community based accommodation.		•			
2.	That the Department of Corrective Services develop new initiatives for the mixing of appropriately assessed girls and young adult women in custody to allow improved service delivery and correctional outcomes.		•			
3.	That the Department of Corrective Services broaden the range of life skilling, employment, training and educational opportunities for the female detainees at Banksia Hill.		•			
4.	That the Department of Corrective Services introduced a means of booking medical appointments which both preserves the privacy of the female detainees and enhances their life skills.		•			
5.	That the Department of Corrective Services enhance and evaluate an integrated approach to service delivery and detainee management.		•			
6.	That the Department of Corrective Services improve the recreation options for the female detainees at Banksia Hill including regular and structured access to the main oval and library.			•		
7.	That the Department of Corrective Services introduce inter- and intra-prison visits for detainees at Banksia Hill and their family members.			•		
8.	The Department of Corrective Services build upon the positive beginnings achieved by Yeeda and must now: (i) Maximise the opportunities offered by the Yeeda Precinct to provide an enhanced service to girls, having regard to the diversity of the population it accommodates; and (ii) Evaluate 'what works' for this cohort of girls in custody.		•			

Appendix 3

THE INSPECTION TEAM

Neil Morgan	Inspector of Custodial Services
Andrew Harvey	Deputy Inspector
Kieran Artelaris	Inspections & Research Officer
Michelle Higgins	Inspections & Research Officer
Cliff Holdom	Inspections & Research Officer
Stephanie McFarlane	Inspections & Research Officer
Kyle Heritage	Senior Audit & Research Officer
Joseph Wallam	Community Liaison Officer
John Paget	Inspector of Custodial Services, New South Wales
Graham Morrison	Principal Inspector, Youth Detention Inspectorate, Department of Justice and Attorney-General, Queensland
Darryl Goodman	Principal Legal & Investigating Officer, Ombudsman Western Australia
Sophie Davison	Forensic Psychiatrist, Department of Health
Lin Kilpatrick	Justice Master Planning & Design
Lindsay Usher	Education Consultant

Appendix 4

KEY DATES

Formal notification of announced inspection	10 April 2014
Pre-inspection community consultation	27 May 2014
Start of on-site phase	10 August 2014
Completion of on-site phase	22 August 2014
Inspection exit debrief	27 August 2014
Draft Report sent to the Department of Corrective Services	3 February 2015
Draft report returned by the Department of Corrective Services	5 March 2015
Declaration of Prepared Report	15 April 2015

*Inspection of prisons, court custody centres, prescribed lock-ups,
juvenile detention centres and review of custodial services in Western Australia.*



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

www.oics.wa.gov.au

Level 5, Albert Facey House, 469 Wellington Street, Perth, Western Australia, Australia 6000
Telephone: +61 8 6551 4200 Facsimile: +61 8 6551 4216