

2018

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**OFFICIAL VISITOR (CHILDREN AND YOUNG PEOPLE)
ANNUAL REPORT 2017–18**

**Presented by
Rachel Stephen-Smith MLA
Minister for Children, Youth and Families**

Contents

Role of the Official Visitor	3
Official Visitors for 2017 –18	3
Administrative Arrangements.....	3
Management of Complaints	4
Visits to Bimberi	4
Visits	4
Issues raised	4
General comments.....	5
Visits to Approved Residential Place of Care	5
Narrabundah House.....	5
Residential Places of Care	6
General comments.....	6
Other Official Visitor Activities.....	7
Routine meetings.....	7
Other activities.....	7

Role of the Official Visitor

On 1 September 2013, the *Official Visitor Act 2012* became operational. Two Official Visitors, appointed under the *Official Visitor Act 2012*, reported to the Minister for the *Children and Young People Act 2008* in 2017-18. One Children and Young People Official Visitors and the Aboriginal and Torres Strait Islander Official Visitor.

Section 2.3 of the *Children and Young People Act 2008* requires the Official Visitors to visit:

- a detention place;
- a place outside a detention place if a detainee is, or has been directed to work or participate in an activity at the place;
- a therapeutic protection place; and
- a place of care.

During the reporting year, the Official Visitors visited Bimberi Youth Justice Centre (Bimberi), Narrabundah House Indigenous Supported Residential Facility (Narrabundah House) and approved residential places of care.

The Aboriginal and Torres Strait Islander Official Visitor meets with all young people, not only young people who identify as Aboriginal or Torres Strait Islander.

Responsibilities under the *Children and Young People Act 2008* and the *Official Visitor Act 2012* require the Official Visitors to visit and inspect designated facilities, hear complaints / issues and where required, enquire into and report a complaint to the Minister.

An Official Visitor is required to report to the Minister on a quarterly basis. During the reporting period the Official Visitors reported to the Minister for Disability, Children and Youth (Minister), Rachel Stephen-Smith MLA. This was achieved through meetings with the Minister and the submission of written reports.

Official Visitors for 2017 –18

Ms Narelle Hargreaves OAM JP was appointed as a Children and Young People Official Visitor on 8 May 2012. Ms Hargreaves' current appointment expires on 7 October 2018.

Ms Tracey Whetnall was appointed as the Aboriginal and Torres Strait Islander Official Visitor on 1 March 2014. Ms Whetnall's current appointment expires on 7 October 2018.

Administrative Arrangements

The position of Official Visitor is administered by the Office of the ACT Public Trustee, for practical matters relating to the Official Visitors scheme. The payment of Official Visitors is determined by the Remuneration Tribunal and is managed through the Office of the ACT Public Trustee.

The Official Visitors attend an annual training day organised by the Office of the ACT Public Trustee.

Management of Complaints

The Official Visitors, through visiting Bimberi, Narrabundah House and approved residential places of care, provide support and guidance to young people and give them a chance to raise any issues to an independent and external person. The Official Visitors are highly respected and interact with the young people in a positive, supportive manner.

Official Visitors raise issues identified and where possible, resolve these issues with the Community Services Directorate. As part of the receipt and resolution of complaints, the Official Visitors undertake to promote the best interests of children and young people.

Complaints received during 2017-18 were resolved through discussion with Child and Youth Protection Services and out of home care agencies responsible for approved residential places of care or via referral to other statutory bodies such as the Children and Young People Commissioner or Public Advocate of the ACT, at the Official Visitor's discretion.

Visits to Bimberi

Bimberi is a purpose-built, youth detention centre that can accommodate up to 40 young people. Bimberi was the first youth justice facility in Australia to operate under Human Rights Legislation and continues to provide a highly regulated environment that provides safe and secure accommodation for young people between the ages of 10 and 21 years who are remanded in custody, or sentenced to a period of detention by the ACT Children's or Supreme Courts.

Bimberi facilitates rehabilitation and promotes the reintegration of children and young people into the community through a range of programs and services. Bimberi aims to provide a safe, secure, supportive, rehabilitative environment for young people in custody.

Visits

The Official Visitors visited Bimberi at least once a fortnight during the reporting period. The Official Visitors visit Bimberi on alternating weeks and therefore one Official Visitor visited Bimberi almost every week. Young people were able to phone the Official Visitor and/or request a visit at any time.

Generally, the Official Visitors visited on pre-determined days. Arriving on pre-determined days allowed the young people to know when the Official Visitor would be visiting. The Official Visitors also on occasion visited unannounced to provide an opportunity to observe operations.

During the reporting period, the Children and Young People Official Visitors and the Aboriginal and Torres Strait Islander Official Visitor visited Bimberi on 52 occasions.

Issues raised

During the reporting period there were few complaints raised with the Official Visitors by the young people at Bimberi. Complaints from the young people at Bimberi were highlighted in the Official Visitors' reports to the Minister. All complaints were settled to the

satisfaction of the young person, and the Official Visitors, following the issue being raised by an Official Visitor with Bimberi Management.

The Official Visitors raised concerns about operational lockdowns at Bimberi but have noted the decline in complaints about operational lockdowns since the commencement of new youth workers after completion of the induction training program.

General comments

The Official Visitors made positive references to the programs and services offered to the young people in Bimberi. The Official Visitors frequently commented in their reports that the young people continue to achieve pleasing results and outcomes through the Murrumbidgee Education and Training Centre. The Official Visitors also noted that they are pleased that Bimberi continues to have presentation mornings to highlight achievements of the young people.

The Official Visitors expressed concern during the reporting period about the length of time some young people were on remand before having their matter settled by the Courts. The Official Visitors understand that Court processes are at the discretion of the Court.

During the reporting period the Official Visitors have raised the need to build on the support provided to young people as they transition out of Bimberi and back into the community. The Official Visitors note that the Blueprint for Youth Justice Taskforce is considering 'throughcare' as part of the refresh of the *Blueprint for Youth Justice in the ACT 2012-22*.

The Official Visitors were pleased to support Bimberi management by providing training to new youth workers as part of the Bimberi staff induction program.

Visits to Approved Residential Place of Care

A place of care in the *Children and Young People Act 2008* is defined in Section 525, as a residential care service that complies with, and is likely to continue to comply with, the Out of Home Care Standards. Once a place of care is notified it becomes a "visitable place" as per Section 37 of the *Children and Young People Act 2008*. This gives the Official Visitors authority to visit the young people residing in the property. In line with the changes under *A Step Up for Our Kids - One Step Can Make a Lifetime of Difference, Out of Home Care Strategy 2015-2020*, Official Visitors began visiting approved residential places of care in October 2015.

Narrabundah House

Narrabundah House supports Aboriginal and Torres Strait Islander males, 15 to 18 years of age, who are on community based youth justice orders. The program provides intensive case management and support to residents with a focus on community participation and integration.

The Aboriginal and Torres Strait Islander Official Visitor visited Narrabundah House on 7 occasions. There were several occasions during the reporting period that the Official Visitor did not visit Narrabundah House as scheduled because there were no young people

residing in the residence. The Aboriginal and Torres Strait Islander Official Visitor received no complaints from the young people during her visits. No additional comments were made in her reports regarding these visits.

Residential Places of Care

During the reporting period, there were 18 approved residential places of care identified under the *Children and Young People (Residential Care) Places of Care Approval 2017 (No 1)*. Only 16 of the 18 approved residential places of care were in commission during the reporting period. The Official Visitors visited the 16 approved residential places of care on 149 occasions.

Issues raised

The Official Visitors brought to attention specific enquiries regarding four children and young people in approved residential places in their Official Visitor' reports to the Minister during the reporting period. The issues raised by the Official Visitor related to the:

- therapeutic supports in place for a child with a significant trauma history;
- therapeutic support in place for a young person with autism to assist in developing life skills;
- case planning support in place to assist a young person with getting identification, opening a bank account and accessing education; and
- therapeutic and medical supports in place for a young person with mental health issues.

The Official Visitors continue to note that young people are not always present at the residential places at the time of scheduled visits. The out of home care provider, Premier Youthworks continue to work with the Official Visitors on this issue and the Official Visitors are satisfied with the conversations they are having with the carers.

All matters were responded to by Premier Youthworks and Narrabundah House to the satisfaction of the Official Visitors.

General comments

The Official Visitors showed a particular interest in children in out of home care of a primary school age and the increased importance to ensure these children are connected to education. The Official Visitors were interested to understand how the care teams established to support children in out of home care are ensuring the educational needs of the child are considered and adapted to meet the needs of the child's best interests. Ms Hargreaves has joined one child's care team to gain a better understanding of how care teams support children in care.

During the reporting period, the Official Visitors noted in their reports that Premier Youthworks are doing positive work with young people with disabilities in out of home care.

Other Official Visitor Activities

Routine meetings

The Minister met face-to-face with the Official Visitors on two occasions during the reporting period.

During the reporting period, quarterly written reports from the Official Visitors were provided to the Minister and the Director-General, Community Services Directorate.

Throughout this reporting period, the Official Visitors attended bi-monthly meetings at the Human Rights Commission, as well as monthly meetings with the Premier Youthworks staff and staff from the Public Advocate's office.

Other activities

During 2017-18 the Official Visitors were invited and attended a number of Bimberi functions. These included "Sorry Day", NAIDOC Week events, presentation mornings, the end of term assemblies and the 2017 end of year assembly.

One event attended was the parent-teacher interviews conducted by the Murrumbidgee Education and Training Centre at Bimberi. The Official Visitors attended to meet family members and explain the roles of the Official Visitors. The Official Visitors were well received at this event and enjoyed the opportunity to meet with the families of the young people in Bimberi.

In January and February 2018, the Official Visitors supported the Children and Young People Commissioner to facilitate a survey seeking the views of children and young people in residential places of care. The survey provided an opportunity for this small group of children to share their voice.

The Official Visitors participated in the 'Official Visitor Scheme' review conducted by Ms Pam Jenkins.