



Legislative Assembly for the ACT

STANDING COMMITTEE ON COMMUNITY
SERVICES AND SOCIAL EQUITY

One-way roads out of Quamby:
Transition options for young people
exiting juvenile detention in the ACT

AUGUST 2004

REPORT 7

Committee membership

Mr John Hargreaves MLA (Chair)

Ms Roslyn Dundas MLA (Deputy Chair)

Mrs Helen Cross MLA

Mr Greg Cornwell MLA

Secretary: Mrs Jane Nielson

Administration: Mrs Judy Moutia

Resolution of appointment

To examine matters related to municipal, family and youth services, services for older persons, housing, poverty, children at risk and multicultural and indigenous affairs.¹

¹ Legislative Assembly for the ACT, *Minutes of Proceedings, No 2, Fifth Assembly*, p 12

Terms of reference

Inquire into and report on:

1 The effectiveness of support services for families of people in custody from the ACT with particular reference to:

- availability;
- services to families while the family member in custody;
- support for partners anticipating the return of the other partner from custody, specific support for children anticipating the return of a parent and general support for the family unit anticipating the return of a family member from custody;
- services to families following the release from custody of the family member;
- co-ordination of services.

2 The availability and effectiveness of services to assist young people in the transition from Quamby into the community with particular emphasis on:

- co-ordination and co-operation between the government and non-government sectors in the provision of relevant programs; and
- co-ordination and co-operation within and between the government agencies in the provision of relevant programs.

3 Any other related matter

*Extract from the Evaluation of the Young Offender Pilot Programme - Final Report,
Department of Education, Training and Youth Affairs, August 2001*

Young offenders represent one of the most disadvantaged groups of young people in our community, with many experiencing multiple disadvantage through limited schooling, low literacy and numeracy, substance abuse problems, homelessness, family breakdown, and poor social and communication skills. These problems are compound, in that family conflict, insecure income support and poverty lead to homelessness; and, early school leaving, poor literacy and social skills are barriers to accessing training and jobs. In addition, young offenders on statutory orders are required to comply with conditions of the orders and some spend periods of time in detention, removed from their communities and support systems, however fragile these may be.

Typically, the most disadvantaged young offenders are those who have progressed furthest through the juvenile justice system and spent time in custody. Often these young people are confronted with a myriad of difficulties re-engaging with the community. The challenge for many is to break out of a deepening cycle of unmet needs, drug dependency and crime.

At the same time, the services which young offenders need are provided by different agencies and jurisdictions, with the Commonwealth responsible for income support and employment services, State/Territory governments for juvenile justice, education, health and housing, and the non-government sector providing a range of youth and welfare services.

Previous research has identified poor coordination between this plethora of service providers, which means that for many young offenders either their critical needs were not being addressed, their needs were addressed in isolation or they were *falling through the gaps*. The Prime Minister's Youth Pathways Action Plan Taskforce recently summarised the dilemma as, *Unfortunately, our inadequate responses are delivered by a fragmented service network which cannot organise effectively around young people's needs. The problems are joined up but our responses are not.*

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List of recommendations

RECOMMENDATION 1

5.6. The Committee recommends that the Government make young people exiting Quamby a priority target group for access to services across Government agencies and ensure:

- the availability of flexible and needs based funding as these young people move through different agencies; and
- that Memoranda of Understanding exist between all key agencies, including Disability, Housing and Community Services, outlining roles and responsibilities for the provision of services to young people exiting Quamby.

RECOMMENDATION 2

5.16. The Committee recommends that the Government:

- change its policy to mandate and resource ongoing and regular involvement by Family Services where children and young people who are known to them are incarcerated in Quamby; and
- establish a clear protocol for children and young people in these circumstances to continue to have a single case manager from Family Services.

RECOMMENDATION 3

5.20. The Committee recommends that the Government establish an ongoing reference group, comprising key Quamby staff and community agencies, to develop a Memorandum of Understanding regarding community agency involvement at Quamby and to provide a forum for ongoing communication.

RECOMMENDATION 4

5.31. The Committee recommends that the Government fund a non-government multi-service agency to provide individualised, ongoing, outreach, transition support for all young people exiting Quamby, utilising the Youth Offender Pilot Programme model.

RECOMMENDATION 5

5.33. The Committee recommends that the Government, as a matter of urgency, establish expanded accommodation options for young people exiting Quamby.

RECOMMENDATION 6

5.47. The Committee recommends that the Government consider the establishment of a mentoring scheme for young people remanded or committed to Quamby.

RECOMMENDATION 7

5.54. The Committee recommends that the Government establish a working group to examine the adequacy and appropriateness of the programs currently available in Quamby, having specific regard for the need to have:

- **social competence training for all detainees;**
- **pre release life skills programs; and**
- **increased opportunities for therapeutic interventions.**

RECOMMENDATION 8

5.64. The Committee recommends that the Government work with relevant government and non-government stakeholders to establish performance measures on the transition of young people from Quamby into the community, drawing on the findings of the Office of the Community Advocate's new research into young people's experiences of exit planning and post release support.

RECOMMENDATION 9

6.19. The Committee recommends that the Government:

- **build a juvenile detention facility on a new site and give it a new name;**
- **locate the new facility separately and away from any adult correctional facilities; and**

- maintain responsibility for youth justice services, including custodial services, within the Office of Children, Youth and Family Support.

RECOMMENDATION 10

6.22. The Committee recommends that the Government direct Quamby to cease using the time out room until it has been refurbished and is considered safe and appropriate by the Office of the Community Advocate and the Official Visitor.

1. Introduction

Scope of inquiry

1.1. This report deals with the *second* term of reference for the inquiry into support services for families of people in custody, namely the effectiveness and availability of transition services for young people exiting the Quamby Youth Detention Centre (Quamby).

1.2. The first term of reference, which is to examine the adequacy of support services for families of people in custody, was the subject of the Committee's report released in June 2004 – *The forgotten victims of crime: families of offenders and their silent sentence*.²

1.3. The Committee investigated a number of matters relating to young people involved in the juvenile justice system in its August 2003 report *The rights, interests and well-being of children and young people*. Key issues discussed in that report were the need for:

- improved outcomes for children and young people involved in both the care and protection and juvenile justice systems;
- an independent psychological assessment unit to be located near to the Children's Court;
- measures to improve the quality of legal representation for children and young people;
- alternative remand options to ensure that Quamby is being used as a place of last resort;
- measures to address the structural deficiencies in the buildings at Quamby and the difficulties this leads to in separating different types of detainees;
- parity in pay and conditions for Quamby staff compared with other units in juvenile justice; and
- an onsite, daily drug and alcohol counselling service at Quamby.

² This report is available at www.legassembly.act.gov.au or by phoning 6205 0127.

Conduct of inquiry

1.4. The Committee advertised the inquiry in *The Canberra Times* and *The Chronicle* in September and October 2002. In addition, letters inviting input were sent to organisations expected to have an interest in the inquiry.

1.5. A total of 11 submissions were received. A list of all the submissions received is at Appendix 1. The Committee conducted public hearings and the details of those who appeared are at Appendix 2. The Committee notes that not all of the submissions and witnesses listed in the appendices provided evidence regarding the second terms of reference.

1.6. The Committee visited Quamby in March 2003 and spoke with staff and young people detained there.

1.7. The Committee would like to thank all who participated in this inquiry. Many organisations and individuals gave generously of their time.

2. Young people in Quamby

Key characteristics of the young people in Quamby

2.1. In assessing the adequacy of services for young people leaving Quamby, it is important to have a picture of who is actually in Quamby and some sense of their lives both inside and outside of Quamby.

2.2. Quamby houses young people who are on remand and those who are serving a committal sentence. In 2002-2003 there were "257 admissions of young people remanded in custody at Quamby. There were 26 young people who served committal sentences at Quamby."³

2.3. These figures indicate that most of the young people in Quamby are there on remand and as such, are unlikely to be there for more than a few days.

...the vast majority of young people in Quamby are on remand and are detained overnight or for a few days only (55% of all admissions to Quamby will be for five day's or less). Over 2002/2003, the average length of stay for remand was 14 days for males and 7 days for females.⁴

2.4. To provide snapshot of residents in Quamby, the Committee was provided with an appropriately de-identified copy of the 'Daily Resident List' for a particular day. On this sample day there were:

- 23 residents in total
 - o 19 males and 4 females (with males and females housed in the same unit)
 - o young people aged from 13 to 18
 - o 3 aboriginal residents
 - o 1 resident requiring disability services

³ 2002-2003 *Annual Report*, ACT Department of Education, Youth and Family Services, p 60

⁴ 'Inquiry into support services for families of people in custody – October 2003' – Additional information presented by the Department of Education, Youth and Family Services at the hearing on 30/10/03

- 8 remands and 15 committals
 - o remandees and those on committals were mixed in all three units
 - o of the 8 remandees, 5 had been in Quamby for a week or longer, with the longest stay for a remandee then at 33 days
 - o of the 15 committals, 10 had been in Quamby for over 180 days (ie 6 months), with the longest stay for someone on a committal then at 443 days

2.5. Apart from purely demographic information, the Committee notes that the vast majority of young people in Quamby will have complex needs.

The lives of many of these young people are characterised by a history of abuse, drug and/or alcohol addiction, poverty, family breakdown, homelessness, discrimination and alienation.⁵

2.6. The Daily Resident List provided to the Committee provided further evidence of this with 13 residents identified as having drug/alcohol issues and all the residents classified as being at risk of self-harm and requiring 15-minute observations.

2.7. With regard to family breakdown, the Committee notes the evidence of the Office of the Community Advocate (OCA) that in the week they appeared before the Committee, about 50% of the children and young people in Quamby were “known to Family Services”.⁶

2.8. The Committee also notes that on any given day, many of the young people in Quamby will have been detained in Quamby previously. For a given day the OCA reported:

There were 19 children in Quamby and, on that day, 63 per cent had been there at least once before, and probably many more times than once before, and 31 per cent had been in exactly one year ago to the day. That does not mean that they had been there on that day and stayed there for a year: these kids had been there a year ago, had been released and then re-entered, released and re-entered. I cannot tell you how many times they had been released or

⁵ ibid

⁶ Transcript of evidence, 2/10/03, p 9

re-entered but, even if it was only once, it is still quite a concerning figure.⁷

General programs available in Quamby

2.9. All young people in Quamby participate in a case management framework. Through this framework a range of services are provided, including education programs, which are aimed at assisting the young people in their transition back into the community.⁸

2.10. Services for young people in Quamby include:

- medical and mental health services;
- drug and alcohol services;
- sport and recreation programs;
- education/vocational programs;
- work based training;
- mediation services; and
- offence specific programs.⁹

2.11. There are a number of programs aimed specifically at supporting Indigenous young people in Quamby.

Quamby utilises the resources of the local Indigenous community for a number of internal training and educational programs for both staff and residents.

... Young Indigenous residents are encouraged to become involved in relevant cultural activities, including traditional music and dance, art and story telling organised at Quamby.

Currently, eight percent of the total staff population at Quamby are Indigenous. In addition to general staff, one full-time Indigenous Support Worker has been specifically employed to provide

⁷ ibid p 10

⁸ Submission 10, ACT Government, pp 19 - 20

⁹ 'Inquiry into support services for families of people in custody – October 2003', Additional information presented by the Department of Education, Youth and Family Services at the public hearing on 30/10/03

referrals, role modelling, mentoring and encouragement to Indigenous clients.¹⁰

2.12. Key government agencies involved with providing services to young people at Quamby are: Family Services; the Disability Program; and the Child and Adolescent Mental Health Service.¹¹ The Government advised that where there are a number of agencies involved with a young person, “regular case conferences are held to clarify the roles and responsibilities of each agency and to monitor the implementation of the case plan.”¹²

2.13. While some of the services and programs are provided directly by Quamby or other government agencies, many programs are provided via partnerships with non-government organisations.

2.14. The Government identified the following key non-government partners in the delivery of services/programs to Quamby:

Salvation Army’s Oasis Drug and Alcohol Program; the Rape Crisis Team; Relationships Australia; RecLINK; Domestic Violence Crisis Service; Active Sport Australia; Marymead Intensive Support Program; Gudan Gulwan Youth Aboriginal Corporation; DIRECTIONS ACT; Freshstart (Caloola) Employment Services; Barnardos Transition Program; Canberra Community Housing for Young People; Job Placement Employment and Training; Outward Bound Australia; and the Winnunga Nimmityjah Aboriginal Health Centre.¹³

2.15. The use of these non-government providers assists in broadening the range of services/programs available to residents. The Government also noted:

The significance of using community-based services, particularly for young people in detention is to establish or maintain links within the young person’s community.¹⁴

2.16. In addition to these links, the Committee notes the value of young people in Quamby having the opportunity of developing positive relationships with adults who are not directly involved in their incarceration.

¹⁰ op cit p 17

¹¹ ibid p 18

¹² ibid p 18

¹³ ibid p 16

¹⁴ ‘Inquiry into support services for families of people in custody – October 2003’, Additional information presented by the Department of Education, Youth and Family Services at the public hearing on 30/10/03

Feedback from young people engaged with programs delivered in Quamby by community agencies (ie the drug and alcohol program delivered by WIRED (Women's Information Resources and Education on Drugs and Dependency) and Open Family highlights the importance of providing opportunities for the development of relationships with workers, where the basis of the relationship is quite different to that with custodial officers. These relationships provide young people in Quamby with experiences of positive relationship building where the young person has greater choice around their level of engagement, and where the underlying dynamics of the relationship are quite different. The nature of this basis provides for a different type of relationship to emerge; one which is more equal and facilitates the establishment of respectful relationships. These interactions also provide important experiences for young people to assist in future relationship building.¹⁵

¹⁵ Submission 9, ACTCOSS and Youth Coalition of the ACT, pp 55-56

3. Services assisting young people in the transition from Quamby to the community

3.1. This chapter discusses the services that are available for young people as they transition from Quamby back into the community.

3.2. An important consideration in assessing these services is what constitutes the “transition” phase. It could be argued that all the programs and services offered to young people while they are in Quamby, as well as specific pre-release programs, exit planning and post release support, all assist young people in their transition back into the community. The Government characterises transition programs in the following way:

Transition is understood as the way in which programs or services assist young people to live a lifestyle in the community free of offending behaviour.

Transition programs seek to address the range of problems facing young people and include providing pathways to education, employment and training, stable accommodation, financial support, linkages with family and the community, addressing drug and alcohol problems and mental health issues.

Transition programs also seek to equip the young people with the skills required to manage difficult situations that may prevent further offending behaviour or behaviour which places them at risk.¹⁶

3.3. The Committee accepts that the programs and services delivered to young people in Quamby are aimed at assisting in their transition back into the community. However for this inquiry, the Committee’s focus has been on those programs and services that specifically deal with the pre-release phase, exit planning and post-release support for young people as they exit Quamby.

Transition for young people serving a committal sentence

Pre-release programs

3.4. Under the *Children and Young People Act 1999*, young people may be granted leave from Quamby for “the purpose of education and training,

¹⁶ ‘Inquiry into support services for families of people in custody – October 2003’, Additional information presented by the Department of Education, Youth and Family Services at the public hearing on 30/10/03

employment, health, compassionate reasons, recreation or to participate in a community project/program”.¹⁷

3.5. The Committee was advised that from 1 January 2003 – 31 August 2003 there were 217 occasions of approved leave. As the following table shows, two thirds of this leave was for medical or recreational purposes.¹⁸

Table 1

Approved leave from Quamby 1 January 2003 – 31 August 2003

Nature of Leave	Occasions of Leave
Education	23
Home/personal	15
Therapeutic	15
Medical	82
Recreational	73
Ted Noffs Foundation	9
Total	217

3.6. It should also be noted that while in Quamby, residents can undertake a range of education programs through the Hindmarsh Education Centre. These programs are nationally accredited and transferable. Programs include:

- working towards a Year 10 Certificate (including vocational components such as metal and wood technology;
- horticultural activities (accredited with the CIT); and
- Road Ready (ie completing learner driver pre-requisites).¹⁹

3.7. These courses can provide a pre-release pathway for young people in Quamby in terms of continuing their education and training once they are released or employment as a direct result of new or enhanced skills acquired

¹⁷ ‘Inquiry into support services for families of people in custody – October 2003’, Additional information presented by the Department of Education, Youth and Family Services at the public hearing on 30/10/03

¹⁸ ibid

¹⁹ ibid

in Quamby. Quamby has a list of businesses that are prepared to place young people who have been in Quamby.²⁰

3.8. The Committee also notes the capacity of Quamby residents to utilise the Right Turn Program, which is for young people involved in motor vehicle theft. This program addresses offence specific behaviour at the same time as providing accredited training in automotive skills. Like the other educational opportunities noted above, this can provide a post-release pathway in further education or vocational opportunities.²¹

Exit planning

3.9. In its submission to the inquiry, the Government stated:

The overarching goal of exit planning is to ensure that there are enough community supports in place for each young person to support their re-integration into the community. Exit plans cover all relevant aspects of each resident's life, including accommodation, finances, family relationships, and educational/vocational requirements, amongst others.²²

3.10. The Government advised that case conferences are held with relevant agencies to assist in establishing these community supports for the young person.²³

3.11. The Committee notes that while exit plans are developed for "all residents leaving Quamby." Only young people serving a committal order or who have been remanded for a "significant" period participate in formalised exit planning.²⁴

²⁰ *ibid*

²¹ *ibid*

²² Submission 10, ACT Government, p 15

²³ *ibid* p 15

²⁴ 'Inquiry into support services for families of people in custody – October 2003', Additional information presented by the Department of Education, Youth and Family Services at the public hearing on 30/10/03

Accommodation options

3.12. The Committee is aware that the Youth Justice Community Unit has a partnership with Aboriginal Hostels Limited to provide supported accommodation (Isabella House) for young Indigenous offenders post release. In addition to stable accommodation, residents of Isabella House can receive intensive case management.²⁵

3.13. Winnunga Nimmityjah Aboriginal Health Service (Winnunga) also told the Committee that ACT Housing and Disability Services were funding a new indigenous female youth refuge, which could provide post release accommodation for young indigenous women leaving Quamby. This refuge will provide alternative accommodation for those young people who cannot go home as well as a preparation for going home where assistance reconnecting the family unit is an option.²⁶

Mental health support

3.14. Young people who are receiving help from CAMHS while they are in Quamby are referred to a member of the CAMHS community team when they are released.²⁷

Post release follow up

3.15. In the ACT, parole is “legislatively unavailable” for young offenders.²⁸ The Committee notes that for adult offenders, release on parole establishes a means of providing ongoing support and supervision to offenders.

3.16. The Government advised the Committee that on a lot of occasions young people leaving Quamby are placed on a follow-on community-based order. This means that they are assigned to the Youth Justice Community Unit and continue to receive case management for the period of that order.²⁹

3.17. However the Committee is not clear about what happens to young people who are not on a follow-on order. The following excerpts from information provided by the Government seem to indicate that if they are not

²⁵ Submission 10, ACT Government, pp 14&17

²⁶ Transcript of evidence, 2/10/03, pp 50-51

²⁷ Submission 10, ACT Government, p 20

²⁸ ‘Inquiry into support services for families of people in custody – October 2003’, Additional information presented by the Department of Education, Youth and Family Services at the public hearing on 30/10/03

²⁹ op cit p 15

on an order (ie have ongoing statutory involvement), they are unlikely to be receiving support.

The involvement of Quamby only spans for the duration of the young person's court order. At the completion of a committal order, there is no statutory obligation for the young person to be engaged with the service.³⁰

Support services at Quamby, the Youth Justice Community Unit and other government youth programs take place within a context of individualised case management. This allows for the physical, social and emotional needs of each young person to be addressed holistically and **ensures young people with ongoing statutory involvement** have access to a consistent and integrated approach.³¹ [emphasis added]

3.18. In relation to young indigenous people exiting Quamby, the Committee notes that the Indigenous Support Worker “provides outreach support to clients upon release, and assists with the development and maintenance of links with local Indigenous community organisations”.³²

Transition for young people in Quamby on remand

3.19. Young people who are on remand for a short period of time do not participate in a formal exit planning process. As noted in the previous chapter, just over half of all admissions to Quamby are for five days or fewer.

Those young people who are in custody for a relatively short period of time clearly have less opportunity either to participate in programs or to benefit from any longer-term counselling or support.

...The relatively high proportion of young people on remand clearly has a number of implications for service delivery. For the young people concerned, there is uncertainty about if and when they will be released and the length of time they may ultimately spend in detention. This situation of uncertainty may affect the young person's ability to plan, their motivation to participate in courses, and the opportunities they may have to access services during their detention period and may also impact upon the ability of Quamby

³⁰ op cit

³¹ Submission 10, ACT Government, p 15

³² ibid p 17

to successfully engage relevant providers, particularly when pursuing services externally.³³

3.20. The Government indicated that while there are limitations on the services that young people on remand access, Quamby does try to make certain that remandees receive a medical and psychological assessment. In addition, attempts are made to support “any existing positive relationships, including with family or community links” and establish some community links.³⁴

3.21. The Committee also notes the Government’s submission that all young people in Quamby, including those on remand, have access to the full range of educational programs. The only difference is that young people serving a committal develop a formal education plan and have access to tutoring services. The figure on the following page outlines the education processes at Quamby and was provided to the Committee by the Government.³⁵

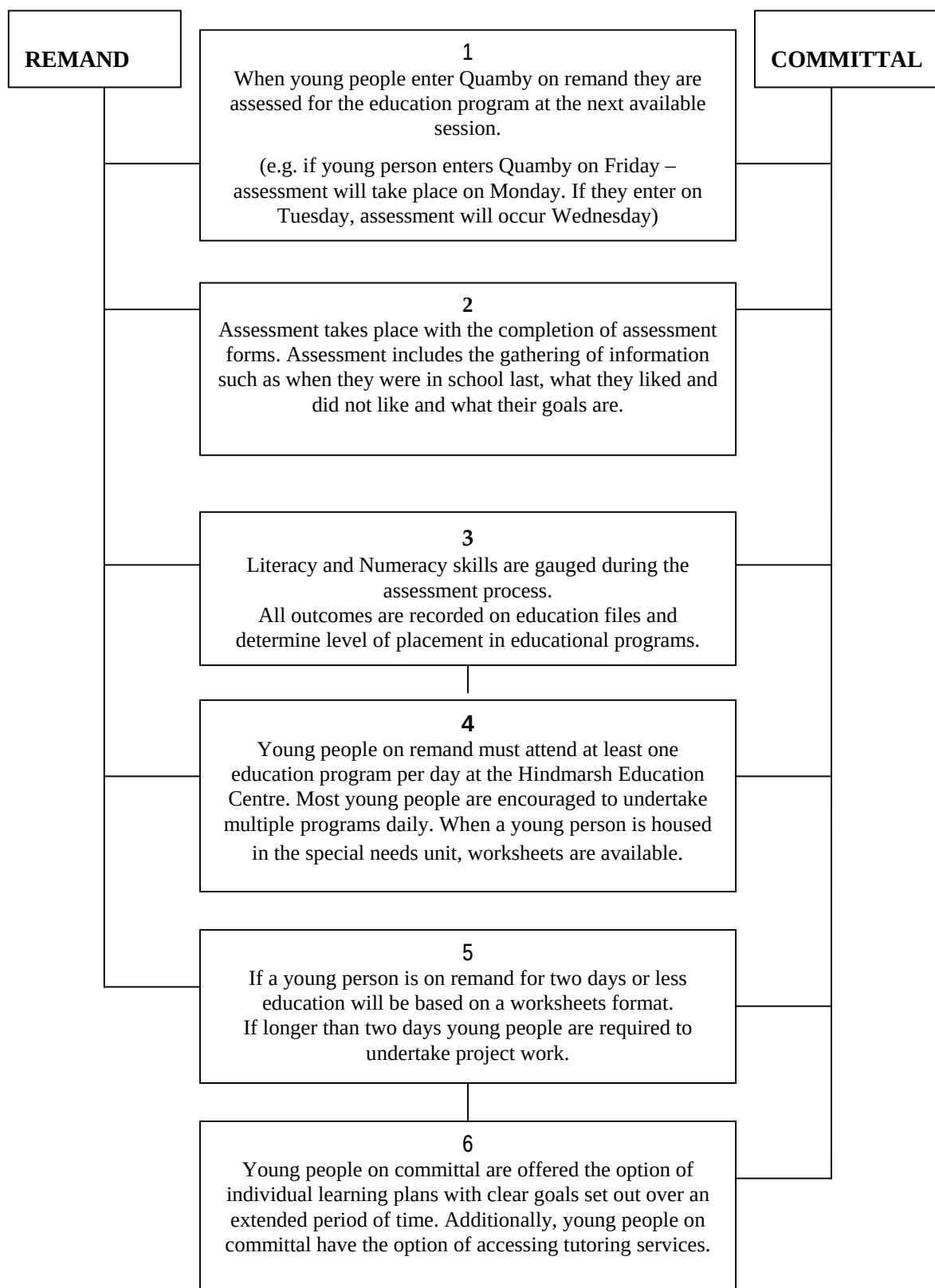
³³ ‘Inquiry into support services for families of people in custody – October 2003’ – Additional information presented by the Department of Education, Youth and Family Services at the hearing on 30/10/03

³⁴ *ibid*

³⁵ *ibid*

Figure 1

Educational Processes at Quamby Youth Detention Centre



4. Stakeholder views on the effectiveness of transition services

Young people's views

4.1. The key stakeholder in transition services is the young person themselves. The extent to which they are engaged in the exit planning process is critical to a successful transition.³⁶

...unless the young people actually have ideas to embrace, it does not matter how much you invest, how many resources you put in, how clever your program is or how insightful your ideas might be, it will not engage them and so it will be a waste of time.

... So we have to engage them, we have to get them to start thinking about what is going to make the difference in their lives, to turn their lives around.³⁷

4.2. Over the past year, the OCA has been conducting a project that is evaluating whether the exit planning process is giving young people what they themselves think they need to make a successful transition into the community.³⁸ The first stage of the project involved meeting with 20 children and young people in Quamby on a particular day. The children and young people were asked four questions.³⁹

- i. What would be the worst thing that could happen to you upon discharge?
- ii. What would be the best thing that could happen to you upon your discharge?
- iii. What would you like to do when you are released?
- iv. What supports do you think would help you avoid coming back to Quamby?

³⁶ For example see transcript of evidence, 2/10/03, p 17 and 'Accommodation Issues Facing Young People in Juvenile Detention', Youth Action Housing Options, Perth, 2002, p 16

³⁷ Transcript of evidence, 2/10/03, p 12

³⁸ *ibid* p 10

³⁹ *ibid* p 11

4.3. The answers to these questions are in many ways a sad reflection of all that has been lacking in the respondents' to date:

The overwhelming view expressed by a lot of the children and young people—and they were very insightful in recognising that they have a role to play and that they also require support to actually achieve some of these goals—was that they wanted somewhere to live, they wanted a sense of belonging, they wanted a sense of place. That was sometimes within the family unit and sometimes they accepted that their family unit was inappropriate.

...They wanted something to do during the day, they wanted income, they wanted to have their boredom alleviated, and they then said they needed support. That was something that virtually every child and young person said—they needed support to achieve this.

The comments about the support were: "Youth justice could help but they don't," "They're not there when you need them," "Youth justice could help but they're not there," "They say they'll ring you but they don't," "People make promises they don't keep" and "People need to be more available to you".⁴⁰

4.4. The second stage of the project, which had not been completed at the time evidence was taken for this inquiry, is to talk again with those children and young people who return to Quamby to ask them what happened in terms of what they were wanting from their exit plans. The third stage will be to compare their self identified needs with their formal exit plans and then what was actually provided to them post release.⁴¹

4.5. The Youth Coalition's submission also included young people's voices about their experiences. The following is what one young person said about their experience following release from Quamby on remand.

*I lost my flat when I got locked up...after getting out I ended up living at different mates homes, hopping from one place to another...did this for about 9 months...went to try and enrol myself in school...got in touch with (current youth support service) myself...I remembered being told about them when I was living in a refuge once.*⁴²

⁴⁰ Transcript of evidence, 2/10/03, p 12

⁴¹ *ibid* p 11

⁴² Submission 9, ACTCOSS and Youth Coalition of the ACT, p 47

4.6. In relation to the need for post-release supports/options, another young person said after being released from Quamby *“When you’ve got nothing...no job...you sit around doing nothing...crime is very tempting.”*⁴³

Other Stakeholder views

Office of the Community Advocate

4.7. In its submission to the inquiry, the OCA was concerned about the services for young people in transition from Quamby into the community.

The OCA has, for some time, remained concerned about the current availability and effectiveness of services to assist young people in transition from the Quamby into the Community.⁴⁴

4.8. In particular, the OCA was concerned about the lack of coordinated and consistent case management for children and young people involved in the care and protection system who end up in Quamby. In relation to these children and young people they noted:

Many children and young people cycle in and out of the Quamby Youth Detention Centre, and a stop-start or independent approach to case management does little to assist to break this cycle.⁴⁵

4.9. A 1999 study by the OCA showed that approximately 14% of children and young people appearing before the court were past or current clients of *both* Family Services and Youth Justice Services.⁴⁶ Further, these children and young people who were past or current clients of both services were more likely than those who had only been clients of Youth Justice Services to be remanded and/or committed to Quamby.⁴⁷

4.10. In oral evidence, the OCA stated its concern that Family Services does not take a pro-active enough role with young people for whom they have parental responsibility who are in Quamby.

I think that Family Services frequently does not see its role as more than that of substitute decision maker or case manager. We would say that Family Services, as the parent of this child, should visit him

⁴³ *ibid* p 61

⁴⁴ Submission 2, Office of the Community Advocate, lines 58-60

⁴⁵ *ibid* lines 90-93

⁴⁶ Submission 2, Office of the Community Advocate, Attachment B, “Statutory Involvement of ACT Youth Justice Services and ACT Family Services: 1999 Research Project”, p 1

⁴⁷ *ibid* pp 28-29

or her in Quamby, and should actively engage with the child to discuss his or her life circumstances and return to the community.⁴⁸

4.11. At the same time, the OCA noted that Youth Justice is under resourced for the work that it has to do and that it “frequently does an extraordinary job in extraordinary circumstances”.⁴⁹

Youth Coalition

4.12. Key issues raised by the Youth Coalition during this inquiry were:

- The need for a “whole-of-community” approach to enable successful transitions from Quamby into the community.⁵⁰
- The lack of mechanisms to ensure coordination between government agencies, which can result in non-government agencies having to advocate for adequate case management and exit planning on a one-to-one basis.⁵¹
- Inadequate service delivery and exit planning for young people on remand in Quamby.⁵²
- Inconsistent/adhoc approach by Quamby to community agencies providing services to residents.⁵³
- The lack of post release options – particularly accommodation.⁵⁴

4.13. The Youth Coalition also raised concerns about young people losing their ACT Housing if they are incarcerated for a long period of time.⁵⁵

It is not uncommon for young people who are remanded in Quamby for lengthy periods who rent ACT Housing to incur large rental arrears in addition to costs associated from damage caused by others in their absence.⁵⁶

4.14. The Committee asked the Director of Housing ACT about this issue and was told that she was “not aware of a case where we’ve had a situation

⁴⁸ Transcript of evidence, 2/10/03, p 9

⁴⁹ *ibid*, pp 13-14

⁵⁰ Transcript of evidence, 16/10/03, p 67

⁵¹ Submission 9, ACTCOSS and Youth Coalition of the ACT, pp 43-44

⁵² *ibid* p 47

⁵³ *ibid* pp 56 & 58

⁵⁴ *ibid* pp 61 & 63

⁵⁵ Transcript of evidence, 16/10/03, p 72

⁵⁶ *op cit* p 47

where we've had a person going into Quamby that has had a single tenancy".⁵⁷

Women's Information, Resources and Education on Drugs and Dependency

4.15. Women's Information, Resources and Education on Drugs and Dependency (WIREDDD) provided evidence to the Committee about their experiences of working with young people and staff at Quamby. WIREDDD provides drug and alcohol education programs to young people in Quamby as well as training to new workers on drug and alcohol issues. On the basis of this work some of the concerns raised with the Committee were that:

- some staff seem to have an "institutional attitude toward the young people";
- there is an attitude of "you'll be back" which can create a self fulfilling prophecy for the young people; and
- it can be difficult for non-government organisations to run programs in Quamby when there isn't a dedicated Quamby staff member supporting the program.⁵⁸

Winnunga Nimmityjah Aboriginal Health Service (Winnunga)

4.16. Winnunga has a number of concerns regarding post release services and conditions for young Aboriginals leaving Quamby. In their evidence to the Committee they noted the lack of appropriate post release accommodation options, the ongoing role of Family Services with these young people and inappropriate bail conditions and exit planning that is setting young people up to fail.⁵⁹

A lot of our kids are actually with Family Services before they enter into Quamby and are unable to go to their own home or back to a family member, so therefore they have to be placed into care of either another organisation or of a foster family. But most of the time we're getting a lot of youth refuges like Marlow and LASA and places like that. Our kids hate it; they absolutely hate it. They're just not appropriate to the way our kids are, so they're breaching bail straight away basically because they're doing a runner. So we've been trying to talk with Family Services for a while about changing some of the places where they actually send these youth.

⁵⁷ Transcript of evidence, 30/10/03, p 122

⁵⁸ Submission 5, Women's Information, Resources and Education on Drugs and Dependency

⁵⁹ See transcript of evidence, 2/10/03, pp 46-47

...They keep going in and out because Family Services make the same old case plan, therefore they're running straight away and getting locked back up again the next day for breaching their bail.⁶⁰

4.17. Winnunga's view is that there needs to be alternative forms of family support for these young people when they can not be with their own families.

...we do need another support for these kids that isn't family because a lot of these kids don't understand why they can't go back to family. They love their parents and they don't think that their parents are doing anything wrong.

...Any kid—looking through a kid's eyes—just loves their parents, their parents are their world, and they don't understand why they're being taken away to begin with and that leads into the same old cycle, leading into Family Services, then they get in trouble and they head back to Quamby. And Family Services sometimes are quite happy to put these kids in Quamby when they can't place them anywhere, and that's not fair either.⁶¹

4.18. The statement that young people are put into Quamby when Family Services cannot place them anywhere else was also made by the Executive Director of Children's, Youth and Family Services.

Sometimes children end up in situations like a Quamby or a Marlow when they probably would be better cared for somewhere else if we had enough options.⁶²

4.19. Winnunga also commented that some of the staff attitudes, including a "see you soon - you'll be back" attitude, were demoralising for the young people leaving Quamby.⁶³

⁶⁰ Transcript of evidence, 2/10/03, p 46

⁶¹ *ibid* p 50

⁶² Select Committee on Estimates 2004-05, Transcript of evidence, 28/5/04, p 948

⁶³ *op cit* p 47

5. Cooperation, coordination and effectiveness

Government agencies

5.1. In its submission to the inquiry the Government stated:

There is a need to accept that post-release support is the shared responsibility of youth justice administrators and other government departments such as health, employment, training, housing, as well as community services.⁶⁴

5.2. This need is urgent. The Committee believes that further mechanisms must be put in place to ensure young people exiting Quamby are viewed as a priority, whose welfare and ongoing support is a shared responsibility across government and the community.

5.3. While the Committee acknowledges that there are concerns about privacy and sharing information across government agencies⁶⁵ there is still much that can be done to improve coordination. For example the Turnaround program is a positive step forward in terms of interagency cooperation for at risk young people. This program aims to provide coordinated case management for young people with complex needs who would otherwise be subject to a range of interventions from government and non-government agencies. The Committee understands that Turnaround is trying to address barriers in relation to access to information but that there were still legislative issues that may need to be addressed.⁶⁶

5.4. The Committee was advised that at some stage Turnaround may develop to address the issue of post release support for young people exiting Quamby when they are not on an order.⁶⁷ However Turnaround is not necessarily the right solution for all the young people exiting Quamby.⁶⁸

⁶⁴ 'Inquiry into support services for families of people in custody – October 2003', Additional information presented by the Department of Education, Youth and Family Services at the public hearing on 30/10/03

⁶⁵ Transcript of evidence, 30/10/03, pp 123-4

⁶⁶ *ibid* pp 134-135

⁶⁷ *ibid* p 144

⁶⁸ *ibid* p 143

5.5. The Youth Coalition proposed a number of measures to address the issue of government service delivery, which the Committee believes ought to be considered, including:

- Making young people exiting detention a priority target group for access to services across all government agencies; and
- Flexible funding which is needs based and follows the client across agencies and formal Memorandum of Understandings between government agencies to ensure coordinated and timely responses.⁶⁹

Recommendation 1

5.6. The Committee recommends that the Government make young people exiting Quamby a priority target group for access to services across Government agencies and ensure:

- the availability of flexible and needs based funding as these young people move through different agencies; and
- that Memoranda of Understanding exist between all key agencies, including Disability, Housing and Community Services, outlining roles and responsibilities for the provision of services to young people exiting Quamby.

Family Services

5.7. The Committee remains concerned at the policy position of the Government to reduce the level of involvement of Family Services when a young person who is known to Family Services enters Quamby. The Government has stated that even when a young person is on a final care and protection order, Family Services will only take a primary case management role *once* the young person has been released from Quamby and that they may take a “reduced role” while they are in Quamby.⁷⁰ The Committee believes this practice is rarely likely to be in the best interests of young people who are involved in both the care and protection and juvenile justice systems.

⁶⁹ Submission 9, ACTCOSS and Youth Coalition of the ACT, pp 44-45

⁷⁰ ‘Inquiry into support services for families of people in custody – October 2003’, Additional information presented by the Department of Education, Youth and Family Services at the public hearing on 30/10/03

5.8. The Committee discussed this issue in its report *The rights, interests and well-being of children and young people*. Based on the evidence before the Committee about the best interests of the child or young person, including evidence from the OCA, the Committee recommended that a clear protocol be established that young people involved in both the care and protection system and juvenile justice have one caseworker from Family Services.⁷¹

5.9. One of the rationales for this recommendation was that in the absence of a clear directive, the Committee believed that Family Services support for these young people would be reduced during their incarceration and that this would be detrimental to their ongoing care on release from Quamby.

5.10. The belief that Family Services reduce their involvement is born out in the data regarding the level of their involvement in case conferences of young people serving a committal.⁷² According to information provided to the Committee by the Office of Children, Youth and Family Support, in the 2002-2003 financial year, Family Services did not attend 23 conferences when requested to do so by Quamby.⁷³

5.11. In the Government's Supplementary Response (presented in August 2004) to the Committee's report *The rights, interests and well-being of children and young people*, the Government changed its response from noting the Committee's recommendation (the Government's position in December 2003) to not agreeing with it, stating:

Sole case management by any one section of the Office of Children, Youth and Family Support is not supported within the new organisational structures as such processes do not take into consideration the most appropriate outcomes for children and young people. Current practice, consistent with the legislation, is determined by:

- the best interest of the child or young person,
- the views and wishes of the child or young person,
- the provision of services by staff with direct and constant contact with the child or young person, or

⁷¹ For discussion on these issues see *The rights, interests and well-being of children and young people*, Report No 3, Standing Committee on Community Services and Social Equity, August 2003, pp 83-85

⁷² Email correspondence from the Office of Children, Youth and Family Support dated 18/6/04

⁷³ These conferences relate to two young people, only one of whom had family attending their case conferences.

- staff with an established relationship with the child or young person.⁷⁴

5.12. The Committee does not accept the explanation put forward by the Government on this issue as to why there cannot be clear lines of accountability. As noted above, history has demonstrated in this area that if Family Services' involvement is not mandated then it may not happen at all. At a practical level, the Committee does not believe that Family Services can carry out its ongoing role in caring for these young people and effectively "assume" case management responsibility if it does not maintain a high level of 'parental' involvement while they are incarcerated.

5.13. If Family Services abrogates its responsibility as the protector of young people at risk and surrenders, even temporarily, those responsibilities to Youth Justice, then Family Services is applying an adult corrections mindset inappropriately within a young person's environment. It is the Committee's view that this break in continuity of care may well compromise Family Services' duty of care to children and young people at risk.

5.14. This view on the role of the Territory as parent in these situations is endorsed in research undertaken recently in the UK. In a briefing paper on how to manage appropriately children in care who are also offending, the author states:

For every parent there is a set of expectations, duties and responsibilities that they are expected to discharge, with minimum intervention from the state but with support where required.

This precept would be no different for corporate parents. It is their responsibility to promote and safeguard the welfare of the children.

Society does not accept parents failing in these responsibilities, and there should be no difference in the standards expected of corporate parents. A parent would be carefully scrutinised as to whether they were meeting these expectations, for example, by a court, if they were not aware of their child's next court appearance. Similarly a looked after child appearing unaccompanied would raise concerns if the court were told this was due to a lack of co-ordination between the different individual teams/staff who are a part of the

⁷⁴ ACT Government Supplementary Response to the Standing Committee on Community Services and Social Equity Report No 3 - *Inquiry into the rights, interests and well-being of children and young people*, tabled August 2004, p 18

corporate parent function, or if there were insufficient resources to arrange for this.⁷⁵

5.15. It is the Committee's view that natural parents have the responsibility for the continued well-being of their children and the Territory parent must accept the same responsibility.

Recommendation 2

5.16. The Committee recommends that the Government:

- **change its policy to mandate and resource ongoing and regular involvement by Family Services where children and young people who are known to them are incarcerated in Quamby; and**
- **establish a clear protocol for children and young people in these circumstances to continue to have a single case manager from Family Services.**

Government and non-government sectors

5.17. The Committee observed during the inquiry that although the Government believed that it was "working together very successfully" with the community sector,⁷⁶ members of the community sector did not necessarily share this view. A community youth worker stated:

Even though we have an established relationship with a young person prior to their incarceration, sometimes we're invited to be involved in case-planning, and sometimes we're not – sometimes we're not invited to be involved until the exit planning stage – this timing often means we're unable to locate appropriate services for the young person prior to their exit.⁷⁷

⁷⁵ 'Looked after children who offend, the Quality Protects programme and Yots', Youth Crime Briefing, June 2003, Nacro, UK, pp 2-3

⁷⁶ Transcript of evidence, 30/10/03, p 133

⁷⁷ Submission 9, ACTCOSS and Youth Coalition of the ACT, p 67

5.18. As noted earlier, WIREDD and the Youth Coalition expressed concerns about the level of coordination and cooperation between government and non-government agencies. The following extract from the Youth Coalition's submission summarises these concerns:

Reports from the community youth sector suggest that relationships between the community sector and Quamby in regard to involvement in exit planning and individual case-management, is marked by inconsistencies, lack of communication between stakeholders as well as broader programming issues.⁷⁸

5.19. To enhance the coordination between non-government agencies and Quamby, the Committee notes recommendations from the Youth Coalition and WIREDD that:

- a specific Quamby staff member be appointed to work with the non-government organisations that work with young people in Quamby; and
- processes be developed for non-government agencies to discuss issues with Quamby.⁷⁹
- guidelines be developed for connecting young people on remand with community youth service providers who can assist them on release;⁸⁰ and
- an MOU between Quamby/Youth Justice and community agencies be developed outlining roles, responsibilities and feedback mechanisms and an ongoing working group.⁸¹

Recommendation 3

5.20. The Committee recommends that the Government establish an ongoing reference group, comprising key Quamby staff and community agencies, to develop a Memorandum of Understanding regarding community agency involvement at Quamby and to provide a forum for ongoing communication.

⁷⁸ *ibid* p 67

⁷⁹ Submission 5, Women's Information, Resources and Education on Drugs and Dependency

⁸⁰ Submission 9, ACTCOSS and Youth Coalition of the ACT, p 47

⁸¹ *ibid* pp 57-58

Ongoing support

5.21. A key issue for the Committee is the extent to which young people are supported once they have left Quamby.

There appear to be few services tailored to provide centralised support and ongoing assistance to young people when they leave the youth justice system [in the ACT]. Assistance is provided to young people once they are placed on community or detention orders by the courts, but this is confined to the time the young people are on the orders.⁸²

Research suggests that removing a young person from their familiar environment and providing no aftercare when they return to their community is relatively ineffective.⁸³

5.22. The Committee is concerned that, despite a Government awareness of the need for young people to receive ongoing support when they leave Quamby, a number of young people do not receive this support.

5.23. On the one hand, the Government has stated that its key objective is to:

provide supervision, treatment and support services during detention and facilitate the continuation of this support when the young person re-enters the community regardless of the presence of a court order or not.⁸⁴

5.24. On the other hand, there seem to be no clear mechanisms for providing young people with guaranteed ongoing support if they are not on further court orders. It seems that follow up is left to the non-government sector for these young people. The Department advised the Committee:

If we are not following them up we will talk to the non-government sector. Quite often the non-government sector will follow up a young person when they are discharged if they are not on an order.⁸⁵

⁸² *Mapping ACT Government Funded Programs for Young People at Risk*, Reducing young people's involvement in crime project, ACT Chief Minister's Department, 2003, p 21

⁸³ Sallybanks, J., (2003) *What works in reducing young people's involvement in crime?*, Chief Minister's Department, ACT, p 38

⁸⁴ 'Inquiry into support services for families of people in custody – October 2003', Additional information presented by the Department of Education, Youth and Family Services at the public hearing on 30/10/03

⁸⁵ Transcript of evidence, 25/3/04, p 172

5.25. In the Committee's view, these arrangements are not satisfactory – follow up “quite often” means some young people are bound to be falling through the cracks.

5.26. The Committee is aware of the Young Offenders Pilot Programme (YOPP) conducted across the country from 1999-2001 and believes that the model used in this programme could provide an effective way of supporting young people who are transitioning from Quamby back into the community.

The model involves a support worker(s) serving as the single point of contact for young offenders, with two overlapping areas of activity, improving coordination and providing intensive support. The model assumes that results are needed to varying degrees in both these areas in order to achieve positive outcomes for young people in terms of achieving stability in their life circumstances, complying with statutory orders, and progress on pathways into employment, education and training.⁸⁶

5.27. A key aspect of the project was the use of non-government agencies and voluntary engagement by the young people. This meant that participation in the program was complementary but separate to any ongoing statutory supervision the young person might have with a juvenile justice agency. This helped the YOPP workers to build trust with the young people, as they were not viewed as being part of ‘the system’. It also enabled the YOPP workers to have a longer-term focus with their clients, which went beyond the immediate completion of statutory orders.⁸⁷

5.28. Good practice was identified, including the need for:

- early contact with the client (ie before they left detention),⁸⁸
- approaches tailored to the individual with an emphasis on outreach (ie flexibility was required on behalf of YOPP staff);⁸⁹
- a focus on client's unmet needs and achieving stability in their lives before pursuing participation in employment, education or training (for many clients participation in employment etc was an unrealistic

⁸⁶ *Evaluation of the Young Offenders Pilot Programme – Final Report*, 15 August 2001, Department of Education, Training and Youth Affairs, p 8

⁸⁷ *ibid* pp 34&50

⁸⁸ *ibid* p 33

⁸⁹ *ibid* p 35

expectation in the absence of stable accommodation, ongoing health issues as well as compliance with statutory orders);⁹⁰ and

- support to be provided for as long as the client needs it.⁹¹

5.29. In addition the evaluation identified that projects auspiced by a multi-service agency had distinct advantages in terms of their immediate access to the range of services their clients might need (eg accommodation, drug and alcohol counselling, family work).⁹²

5.30. It was further reported that unlike many services where there is a high turnover of staff, the majority of projects retained their staff. Importantly, this provided clients with a stable support person over the life of the project.⁹³

Recommendation 4

5.31. The Committee recommends that the Government fund a non-government multi-service agency to provide individualised, ongoing, outreach, transition support for all young people exiting Quamby, utilising the Youth Offender Pilot Programme model.

5.32. Taking on board research from the evaluation of the YOPP and evidence to the inquiry,⁹⁴ the Committee is very concerned about the lack of suitable accommodation options for young people leaving Quamby and believes this is an area that needs urgent attention by government.

Recommendation 5

5.33. The Committee recommends that the Government, as a matter of urgency, establish expanded accommodation options for young people exiting Quamby.

Mentoring

5.34. From its previous inquiries into the needs of children and young people, the Committee is well aware of the value of long term relationships with supportive adults for children and young people who are at risk.⁹⁵ A key

⁹⁰ ibid p 41

⁹¹ ibid pp 45&61

⁹² ibid p 63

⁹³ ibid pp 45-46

⁹⁴ See for example Submission 9, ACTCOSS and Youth Coalition of the ACT, pp 62-63

⁹⁵ See for example *"No longer just a number" Youth services provided at the Adolescent Day Unit*, Report No 5, Standing Committee on Community Services and Social Equity, March 2004, p 9

factor in many of these young people's lives is the absence of healthy, long-term relationships with adults who would ordinarily be considered the significant persons in their life.

5.35. The Committee is of the view that within Quamby, a renewed emphasis on promoting healthy and supportive relationships with adults in the young person's life is important. While in Quamby, the key adults in their lives are the Quamby staff. Research has shown "very significant differences in terms of outcomes between workers who had been trained in the skills and techniques of prosocial modelling and who were applying the model, and other workers who did not use the model."⁹⁶

5.36. The Committee is aware that Quamby staff will be receiving training on prosocial modelling. The Committee believes that equipping staff with these skills is very important and commends the Office of Children, Youth and Family Support for this initiative.

5.37. Based on the same principle (ie the need for many of these young people to have stable adult relationships) the Committee believes there is value in exploring the idea of mentoring for young people in Quamby to provide them with additional supportive relationships while they are in Quamby and after they are released.

5.38. It is concerning to the Committee that so many of the young people serving committals in Quamby have limited or no family support. In 2002-2003, 14 of the 21 young people, or two thirds of those serving a new committal that had case conferences, did not have parents who were willing or available to be involved in their case conferences.⁹⁷ The comments regarding their families include:

- "Parents 'missing'"
- "Family invited but did not attend"
- "No family contact (mum – d+a issues⁹⁸, father missing)"
- "No contact with mother (transient and alcohol issues)"
- "Father missing, Mother – alcohol and accommodation issues"

⁹⁶ http://www.cognitivecentre.com/promod_train_prog.htm, accessed June 2004

⁹⁷ Email correspondence from the Office of Children, Youth and Family Support dated 18/6/04

⁹⁸ "d+a issues" refers to drug and alcohol issues

5.39. In terms of other, non-family supports for young people in Quamby, the Committee notes that:

- for five of the young people serving a new committal in 2002-2003 *nobody* attended their case conferences other than staff from Quamby or youth justice; and
- for one of those five, despite there being no family involvement in this young person's life, the young person being a previous client of NSW Department of Community Services and other services refusing to be involved, Family Services was not involved.⁹⁹

5.40. The lack of stable and appropriate relationships with adults is concerning in itself, but also raises issues in terms of these young people's capacity to function and be supported in the community on their release. The Committee believes that mentors could be found within the community who, with appropriate training, could provide additional support and friendship. These mentors could potentially play a role in helping young people have a voice in case management processes. The Committee notes the view of the Youth Coalition that consideration should be given to young people having access to an independent advocate or friend for case management and exit planning meetings (along the lines of CREATE foundation for young people in care).¹⁰⁰

5.41. In the Government's recent research into what works in reducing young people's involvement in crime, mentoring programs are noted as being able to have a positive impact on young people.

Many youth who are involved in mentoring schemes have reported "high degrees of satisfaction with the programs". Furthermore, while involved in these programs, youth indicated that having a mentor has helped them to stay away from alcohol and drugs, avoid fights, and reduce gang involvement (Singh & White 2000).¹⁰¹

5.42. One of the YOPP projects specifically used male mentors as part of its program with good results for the young people involved.

Young people matched with a mentor have had the most positive outcomes of all the young people involved with the project,

⁹⁹ Email correspondence from the Office of Children, Youth and Family Support dated 18/6/04

¹⁰⁰ Submission 9, ACTCOSS and Youth Coalition of the ACT, p 68

¹⁰¹ Sallybanks, J., (2003) *What works in reducing young people's involvement in crime?*, Chief Minister's Department, ACT, p 31

including less social isolation, reduced offending, improved social skills and self esteem and successful engagement in employment and education.¹⁰²

5.43. In the UK, the Youth Justice Board funded a mentoring initiative to establish and evaluate mentoring programs for young offenders. While the impact on re-offending behaviour was difficult to evaluate, it was concluded that the young people's experience of participating in the program was positive.

All the young people interviewed said that mentoring had been a worthwhile and useful experience...Many young people said that their participation in the project had helped to improve their confidence and self-esteem.¹⁰³

5.44. As with the YOPP, one of the findings of the evaluation was that it was important for a mentoring scheme to be voluntary and distinct from any formal statutory interventions.

To make the relationship too formal, or for it to be seen as part of an official sanction or punishment, minimises any chance of success, as the young person may enter the relationship with the wrong attitude.¹⁰⁴

5.45. The evaluation also noted that:

- mentoring *alone* cannot address the range and complexity of issues facing many young offenders – it needs to be viewed in the context of a number of interventions.¹⁰⁵
- when mentoring commences in an institutional setting and continues when the young person has exited detention, it can become part of achieving through care for that young person.¹⁰⁶

¹⁰² *Evaluation of the Young Offenders Pilot Programme – Final Report*, 15 August 2001, Department of Education, Training and Youth Affairs, p 49

¹⁰³ 'A summary of the national evaluation of the Youth Justice Board's mentoring projects', Youth Justice Board, 2004, <http://www.youth-justice-board.gov.uk/Publications/Scripts/prodView.asp?idproduct=168&eP> accessed June 2004

¹⁰⁴ Tarling, Davison & Clarke, (2004), *The National Evaluation of the Youth Justice Board's mentoring projects*, Institute for Social Research, University of Surrey, p 52 (available at: <http://www.youth-justice-board.gov.uk/Publications/Scripts/prodView.asp?idproduct=168&eP>)

¹⁰⁵ *ibid* p 50

¹⁰⁶ *ibid* p 57

- mentoring may be more effective with younger people who have less established offending behaviours.¹⁰⁷

5.46. The Committee believes that a voluntary mentoring program, particularly for the younger detainees, could be a useful addition to the supports being offered to young people in Quamby.

Recommendation 6

5.47. The Committee recommends that the Government consider the establishment of a mentoring scheme for young people remanded or committed to Quamby.

Review of the programs in Quamby

5.48. Last year, the Government released research on what works in reducing young people's involvement in crime. The literature review in this research suggests that the current range and emphasis of programs in Quamby may not be the most effective. For example, the literature review highlights that social competence training is the most effective form of intervention for young offenders and "should form an integral part of all programs to reduce and prevent offending".¹⁰⁸

Lipsey & Wilson (1998) found in their meta-analysis of 200 studies of interventions with serious juvenile offenders that for both institutionalised and non-institutionalised youth, behavioural and interpersonal skills programs yielded approximately a 40 per cent reduction in recidivism. These programs saw the largest effects of all programs reviewed.¹⁰⁹

5.49. Although the Committee is aware that there are specific programs such as the sex offender and anger management programs which may draw on social competence training, the Committee is unaware of social competence training being offered to all detainees as part of a core program.

5.50. The Committee believes that there is also a gap in terms of a general living and social skills program. While there is a living skills program presented by the Quamby nurse this appears to have a health and hygiene

¹⁰⁷ *ibid* p 46

¹⁰⁸ Sallybanks, J., (2003) *What works in reducing young people's involvement in crime?*, Chief Minister's Department, ACT, p 17

¹⁰⁹ *ibid* p 14

focus.¹¹⁰ The Committee is concerned that this program's scope is insufficient to meet the 'life' needs of the young people in Quamby once they leave the centre.

5.51. In Western Australia (WA) the South East Metropolitan Youth Association presents a 'Life skills program' pre release for detainees in the state's youth detention centre. This four week program 'Making it on the outside' is run at the detention centre and aims to provide detainees with skills to be able to live independently. The four key areas are accommodation, budgeting and finance, life skills and jobs.¹¹¹

5.52. In its submission to the inquiry the Youth Coalition advocated for a living/social skills program as a core program for young people in Quamby to assist them in their transition into the community.¹¹² The Committee believes that a program along the lines of the WA model, which is delivered by a community organisation, would be more appropriate for the young people in Quamby than the current program.

5.53. The Committee believes that it is appropriate to review the current program structure at Quamby to ensure that there is an effective balance between types of programs and in particular, a greater emphasis on therapeutic programs. (The Committee acknowledges that therapeutic programs are likely to be more costly than some other programs including sport/recreational and arts/crafts programs, which in 2002-2003 constituted over 30 per cent of education program hours.¹¹³)

Recommendation 7

5.54. The Committee recommends that the Government establish a working group to examine the adequacy and appropriateness of the programs currently available in Quamby, having specific regard for the need to have:

- **social competence training for all detainees;**

¹¹⁰ 'Inquiry into support services for families of people in custody – October 2003', Additional information presented by the Department of Education, Youth and Family Services at the public hearing on 30/10/03

¹¹¹ Correspondence from Mr Jim McGinty MLA, Attorney General, Minister for Justice and Legal Affairs dated 11/11/02 and SEMYA brochure (www.semya.org.au)

¹¹² Submission 9, ACTCOSS and Youth Coalition of the ACT, pp 48-49

¹¹³ 'Inquiry into support services for families of people in custody – October 2003', Additional information presented by the Department of Education, Youth and Family Services at the public hearing on 30/10/03

- **pre release life skills programs; and**
- **increased opportunities for therapeutic interventions.**

Institutionalisation

5.55. One of the greatest barriers to a successful transition back into the community is the extent to which children and young people become institutionalised through their time at Quamby.

5.56. A number of factors can contribute to institutionalisation, including staff attitudes to the young people while they are there. The Committee notes the concerns expressed by the WIREDD and Winnunga that there is an institutional attitude amongst some staff.

5.57. The OCA commented on this issue and stated:

There tends to be a systems view, though, that the older the child gets and the more the child offends, the more he or she is becoming a criminal, which is a philosophical debate I suppose we could have. We would probably say that a child or a young person who offends is a child with care needs who has criminal behaviour.

When the children are young, the system is quite supportive of them but, as they get older, the response tends to be, "They are criminals. It is entrenched."¹¹⁴

5.58. In addition to a possibly institutionalised environment when they are in Quamby, the Committee notes that many of the young people in Quamby come from families that may themselves be fairly institutionalised.¹¹⁵

5.59. Committees cannot make recommendations that change hearts and minds. The Committee would however like to make the point that, if as a community we expect little of these children and young people, then we are likely to get very little from them. Perhaps more importantly, the community is unlikely to believe that it is worth putting time, effort and resources into their future.

¹¹⁴ Transcript of evidence, 2/10/03, p 13

¹¹⁵ *ibid* p 18

Measuring “success”

5.60. Throughout this inquiry the Committee has been conscious of the inherent difficulties with gauging “success” when it comes to transition arrangements. Generally, the most obvious measure is to look at recidivism rates. However a simple measure of whether or not a young person has re-offended may not be a useful or very meaningful indicator. For example, if a young person who has a record of offending every few months, is released from Quamby and does not reoffend for a year – does that represent success? Or does the fact that they have offended again at all represent failure? Should any mitigating circumstances (eg the loss of stable accommodation) be taken into account in making these judgements? How should frequency of re-offending be rated versus seriousness of the offence?

5.61. The UK mentoring project described earlier faced similar difficulties in terms of measuring outcomes. While a clear objective of the project was to reduce offending it was apparent in the evaluation that data on offending was not necessarily capturing the positive impacts on the young people either in the short term or the longer term.

Given the family backgrounds, social circumstances and personal problems experienced by many young people involved in mentoring schemes, sustaining a mentoring relationship, even for a relatively short period of time, may be regarded as a successful outcome.¹¹⁶

5.62. Perhaps a more radical approach would be to measure success, at least in part, based on the young person’s own judgement of their transition back into the community.

5.63. The Committee raises this issue because it is important to find ways of measuring what is and is not working with young people leaving Quamby. At the same time, the Committee recognises that there are no straightforward means for doing so.

Recommendation 8

5.64. The Committee recommends that the Government work with relevant government and non-government stakeholders to establish performance measures on the transition of young people from Quamby into

¹¹⁶ Tarling, Davison & Clarke, (2004), The National Evaluation of the Youth Justice Board’s mentoring projects, Institute for Social Research, University of Surrey, p 41 (available at: <http://www.youth-justice-board.gov.uk/Publications/Scripts/prodView.asp?idproduct=168&eP>)

the community, drawing on the findings of the Office of the Community Advocate's new research into young people's experiences of exit planning and post release support.

6. The Quamby upgrade

6.1. It is customary in committee inquiries to include a term of reference “any other related matter”. In this inquiry, the Committee could not help but focus its attention on the long running issue of the need for urgent upgrades of the facilities at Quamby.

6.2. The best transition programs in the world cannot and will not work if the young people are harmed and otherwise adversely affected through their incarceration in Quamby due to inadequate facilities. This harm can result from being inappropriately accommodated (eg girls and young boys sharing the same living area, remandees and sentenced young people mixing together inappropriately, inability to segregate young people with sexually offending behaviour) and direct harm to self from the lack of a safe ‘time out’ room.

6.3. These long standing issues with the infrastructure at Quamby have been the subject of numerous inquiries including a coronial inquiry in 1999 and a subsequent inquiry by the Standing Committee on Education, Community Services and Recreation, *The Government’s response to recommendations 1 and 3 of Coroner Somes’ inquest into a death at Quamby*, in 2001. Despite these inquiries, and pledges by successive Governments to take action, very little about the infrastructure at Quamby has actually changed.

6.4. The Committee accepts that the management of Quamby are doing the best they can with the limited resources and facilities they have available. The Committee also accepts the difficulties there must be in recruiting and maintaining staffing levels at Quamby given the numerous reviews that have called for urgent upgrades to the facility and the unacceptably long delays in commencing work.

6.5. In 2003-2004 Budget, the Government announced there would be a \$13.2m upgrade of Quamby. In March 2004, the Government announced a further \$6.8m for the upgrade bringing the total funds for the upgrade to \$20m. This further funding was sought because it had become clear that the original allocation was insufficient once detailed design work was undertaken and because of increased building costs, further suggestions from the OCA about improvements and the need to schedule work around having an operational facility.¹¹⁷

¹¹⁷ Transcript of evidence, 25/3/04, pp 160-161

6.6. While the Committee applauds the Government for allocating extra funds for the upgrade it is concerned that:

- these funds are unlikely to be sufficient because of the strong chance of the project being delayed and the cost of various components of the upgrade; and
- the upgrade will take too long and resident safety and well-being could be compromised.

6.7. In relation to delays in construction, the Committee notes the Government's advice regarding delays and is of the view that delays could reasonably be expected. In March 2004 the Minister stated:

As to the detail and where we are going with it, the plans are that building work will commence in October. We have to be mindful of the fact that there are views that the AAT process will be used again. It has already been used three times, twice unsuccessfully, and there is a case still pending, and that is prior to it getting to the development application phase.¹¹⁸

6.8. In May of this year, during the Select Committee on Estimates for 2004-2005, the Minister advised that there were already protests about the development.

All things going well, without appeals from the community in terms of applications that we might make, the hope is around October or November this year, but I have received a flyer protesting about the redevelopment of Quamby already, so I presume there are going to be a number. But without those, we could be moving in October.¹¹⁹

6.9. In addition to possible delays as a result of planning challenges, the Committee notes that an independent review of the preliminary sketch plans for the upgrade wasn't due to be completed until mid-June of this year.¹²⁰

6.10. If there are delays, the Committee notes that the original allocation will not be sufficient to cover increased building costs. However even in the event that there are no delays, the Committee remains concerned that the allocation may be insufficient for the work needed to improve Quamby and make it a

¹¹⁸ Transcript of evidence, 25/3/04, p 161

¹¹⁹ Select Committee on Estimates 2004-05, Transcript of evidence, 28/5/04, p 985

¹²⁰ Correspondence from the Minister for Children, Youth and Family Support dated 16/6/04

facility that supports young people to transition successfully into the community.

6.11. During Estimates hearings this year, the Office of Children, Youth and Family Support advised that the cost of the new security fence alone would be about \$3m.¹²¹ In other words, 15% of the monies allocated for the Quamby upgrade will go on the fence. This leaves \$17m for all the remaining design work and the following changes at Quamby:

- construction of a new intake and assessment unit;
- new accommodation to house 40 young people with each residential block having a separate program area and the young people being appropriately managed in relation to age, sex and remand/committal status;
- two new program units which may be used for tutoring;
- refurbishment of the time out room;
- construction of a new indoor multi-purpose recreational facility;
- improved outdoor recreational facilities; and
- the possible provision of a mothering unit.¹²²

6.12. The Committee believes that all of the above upgrades to Quamby are necessary and is concerned that \$17m may not deliver these changes. The Committee does not want to see the upgrade of Quamby compromised due to a lack of funds.

6.13. The Committee is also concerned about the length of time it will take to complete the upgrade.

If it kicks off in October it will be completed by December 2006 without any further delays. The length of time is very much about having to do the work in stages. We are faced with a couple of options: do we send everybody interstate, which is not an ideal outcome for anybody I would imagine, or do we manage the redevelopment through this staging process? My preference and that of everyone in Quamby and Youth Services is that it be done in a staged way.¹²³

¹²¹ op cit 28/5/04, p 984

¹²² Correspondence from the Minister for Children, Youth and Family Support dated 5/5/04

¹²³ Transcript of evidence, 25/3/04, p 167

6.14. In light of the time it will take to complete the upgrade of Quamby due to it remaining operational throughout the upgrade and likely delays, the Committee is of the view that a new site should be chosen for Quamby. In establishing a new juvenile detention centre the Committee believes that it would be appropriate and desirable to give the centre a new name. A new name for a new place is representative of a renewed approach to working with children and young people in detention. At a practical level, the Committee considers that there are a number of negative connotations associated with 'Quamby' that it would be useful to now try and move away from.

6.15. The Committee notes that the recent security review of Quamby undertaken by ACT Corrective Services concluded that the current site is unsuitable on security grounds and that it would be better to build a new facility at a more appropriate location. The review also said that responsibility for Quamby should be transferred to the Department of Justice and Community Safety.

6.16. While the Committee agrees that it is appropriate to build a new facility on a new site, it is strongly of the view that it is not appropriate to collocate a juvenile facility with an adult facility. The Committee would also be extremely concerned if responsibility for custodial juvenile justice was transferred to adult corrections.

6.17. Juvenile justice requires a different approach from that of adult corrections if it is to be effective. It requires an approach that recognises young people are still developing their social and moral compass and that there are opportunities inherent in this development to steer them towards positive and lawful behaviours. There are also more opportunities to deal with the underlying causes of their behaviours. With adults, custodial settings attempt large-scale re-socialisation, often through the use of punitive measures, which would be inappropriate for children and young people.

6.18. Different skill sets are required to work effectively with young people compared to adults who are incarcerated. The Committee is of the view that it is logical and desirable that those working in a juvenile custodial setting are located administratively in an area that has knowledge and expertise with children's and youth issues and whose focus is on the welfare of children and young people.

Recommendation 9

6.19. The Committee recommends that the Government:

- **build a juvenile detention facility on a new site and give it a new name;**
- **locate the new facility separately and away from any adult correctional facilities; and**
- **maintain responsibility for youth justice services, including custodial services, within the Office of Children, Youth and Family Support.**

6.20. Of particular concern to the Committee is the need to fix, urgently, the time out room in the high needs secure section of Quamby. This is a bare concrete room with no padding on the walls or floor. It is not a safe place for young people to be put in, particularly if they are distressed. Irrespective of whether or not Quamby is rebuilt on its current site or a facility is built on a new site, immediate action must be taken to fix the time out room if it is to continue to be used.

6.21. In light of the fact that it has not been fixed to date, despite well known concerns about it for many years, the Committee is calling on the Government to close it until it has been made safe.

Recommendation 10

6.22. The Committee recommends that the Government direct Quamby to cease using the time out room until it has been refurbished and is considered safe and appropriate by the Office of the Community Advocate and the Official Visitor.

John Hargreaves MLA
Chair
13 August 2004

Appendix 1 – Submissions

1. Maureen & Tom Campbell
2. Office of the Community Advocate
3. Confidential
4. Mrs Susan Cattoi
5. WIREDD
6. Australian Institute of Criminology
7. Prisoners Aid (ACT) Inc.
8. Ministerial Advisory Council on Multicultural Affairs
9. ACTCOSS & Youth Coalition of the ACT
10. ACT Government
11. Families and Friends for Drug Law Reform (ACT) Inc.

Appendix 2 – Witnesses at public hearings

2 October 2003

For the Office of the Community Advocate

Ms Heather McGregor – Community Advocate

Mr Alasdair Roy – Deputy Community Advocate

For the Women's Information, Resources and Education on Drugs and Dependency

Ms Bridie Doyle – Coordinator

Ms Paulina Hellec – Drug and Alcohol Worker

For ACTCOSS

Mr Daniel Stubbs – Director

Ms Karen Nicholson – Senior Policy Officer

For Winnunga Nimmityjah Aboriginal Health Service

Ms Julie Tongs – Director

Ms Kacey Boyd – Youth Worker

For Prisoners Aid

Mr Hugh Smith – President

Mr Bill Aldcroft – Court Assistance and Referral Service

16 October 2003

For the Youth Coalition of the ACT

Ms Meredith Hunter – Executive Officer

Ms Susan Pellegrino – Policy Officer

Mr Tim Moore – Sector Development Officer

For the Families and Friends for Drug Law Reform (ACT) Inc.

Mr Brian McConnell – President

Mr Bill Bush – Member

Mr Simon Quilty - Researcher

30 October 2003

Mr Bill Wood MLA - Minister for Disability, Housing and Community Services

For the Department of Disability, Housing and Community Services

Ms Maureen Sheehan – Director, Community Development

Ms Helen Fletcher – Director, Housing ACT

Ms Roslyn Hayes – Director, Disability ACT

Ms Sarah King – Senior Manager, Community Services

Ms Katy Gallagher MLA - Minister for Education, Youth and Family Services

For the Department of Education, Youth and Family Services

Mr Frank Duggan – Director, Youth Services

Ms Barbara Baikie – Director, Family Services

Mr Charlie Shore – Manager, Quamby

Mr Tim Keady – Chief Executive Officer, Department of Justice and Community Safety (representing the Attorney General)

For ACT Corrective Services

Mr James Ryan – Executive Director, ACT Corrective Services

Ms Victoria Bradley – Indigenous Liaison Officer, BRC

25 March 2004

Ms Katy Gallagher MLA - Minister for Education, Youth and Family Services

For the Department of Education, Youth and Family Services

Mr Frank Duggan – Director, Family Services

Mr Charlie Shore – Manager, Quamby

Ms Anne McGrath – Director, Youth Services