

ACT Government Response

to the

ACT Legislative Assembly
Standing Committee on Community Services and Social Equity
Report No 7

ONE-WAY ROADS OUT OF QUAMBY: TRANSITION
OPTIONS FOR YOUNG PEOPLE EXITING JUVENILE
DETENTION IN THE ACT

17 FEB 2005

INTRODUCTION

The Standing Committee on Community Services and Social Equity resolved in 2002 to conduct an inquiry into the support services for families of people in custody in the ACT.

The Standing Committee adopted two terms of reference for the inquiry which were to inquire into and report on:

1. The effectiveness of support service 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 members;
 - coordination of services.

2. The availability and effectiveness of services to assist young people in the transition from Quamby into the community.

The Committee produced two reports: Report No 6 *The forgotten victims of crime: Families of offenders and their silent sentence* (which was tabled on 22 June 2004), deals with the first term of reference and Report No 7 *One way roads out of Quamby: Transition options for young people exiting juvenile detention in the ACT* (which was tabled on 17 August 2004) deals with the second. This Government Response deals with the second term of reference.

A Government submission was provided to the inquiry in February 2003.

A table containing the recommendations and the Government's position is at Appendix 1.

OVERVIEW

The Committee noted that children and young people in Quamby are some of the most disadvantaged in our community, and that there is a tendency for these children and young people to cycle in and out of Quamby.

The Standing Committee concluded that there is a need to give these marginalised children and young people who generally have very complex needs and are often confronted with a myriad of difficulties in re-engaging with the community, more support. In giving this support the Committee stressed the need for more coordination and cooperation between government and agencies, and also between government and non-government agencies.

The Committee stressed the importance of the continued involvement of Family Services (now Care and Protection) with children and young people already known to them when they enter the juvenile justice system and come in contact with Quamby.

The Committee reiterated an earlier recommendation from its inquiry into the rights, interests and wellbeing of children and young people which was, where a child or young person is known to Family Services prior to entering Quamby, then Family Services must maintain responsibility for their care, management and overall welfare.

In relation to the proposed upgrade of Quamby, the Committee determined that it would be more cost-effective and appropriate to build a new juvenile detention centre on another site.

The Government is fully committed to protect the most vulnerable in our community and agrees that the children and young people in Quamby are some of our most disadvantaged citizens.

The Government, as articulated in the *ACT Young People's Plan 2004-2008* (specifically the *Blueprint for Young People 'at risk'*) and in its response to the *Territory as Parent* report, seeks significantly improved outcomes for young people who have come into contact with the youth justice system through early intervention and prevention programs, stronger transitioning and diversionary practices such as youth conferencing, and circle sentencing.

Implementation of actions identified in *Blueprint for Young People 'at risk'*, including the "Youth at Risk Skills Development Program"; development of a best practice framework for the effective involvement of young people in the development of the services provided for them; provision of better integrated support to young people subject to both care and protection and justice orders; and, development and implementation of models for alternative accommodation and support packages relevant to the needs of young people at risk; is a high priority for the Government.

The effective delivery of services and programs, which provide support to children and young people, is dependent upon improved coordination and cooperation both within Government and with the community sector. The inclusion of the Office for Children, Youth and Family Support (the Office) within the Department of Disability, Housing and Community Services and the finalisation of memoranda of understanding with the Departments of Health and Education and Training will ensure greater collaboration between service providers; as will strengthening our partnerships with the community sector.

The Government has established very effective partnerships with many community organisations to provide a diverse range of support services for residents of Quamby to assist in their transition from custody. These organisations include Gugan Gulwan Youth Aboriginal Corporation; Winnunga Nimmityjah Aboriginal Health Centre; the Salvation Army; Relationships Australia; RecLINK; and, Job Placement Employment and Training (JPET). Also, fully accredited educational and vocational programs designed to address offending behaviour and enhance educational and vocational opportunities are an integral part of the case plans for residents.

The measures set out in the Government's response to the Committee's recommendation give effect to the rights of children and young people in detention under the *Human Rights Act 2004*; specifically subsection 11 (2) which provides for the right of every child to the protection needed by the child because of being a child; section 10 providing for the humane treatment of people when deprived of liberty; and section 20 relating to the rights of children and young people in the criminal process.

The Government is committed to the development of a new juvenile justice facility to replace Quamby. Feasibility work is scheduled for completion in early 2005.

RECOMMENDATIONS OF THE INQUIRY

The Government's response to the ten recommendations is five agreed, two agreed in principle, two agreed in part, and one noted.

RECOMMENDATION 1

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.

Agreed in principle

The Government agrees that young people exiting Quamby be provided with appropriate support services to suit individual needs identified as part of a transition case plan. It is essential that there be effective identification of the true nature and complexity of needs of these young people and rigorous evaluation of the effectiveness by which the funding meets the need.

Programs such as *The Young Adults at Risk - Developing Skills (YARDS)*, which are flexible and needs based, are available to young people exiting Quamby. The current youth nursing services, which are a component of the Corrections Health program provided by ACT Community Health, currently offer a transitional care model between Quamby residents and the Junction.

The accommodation of these young people is a priority issue for Government with the proposed redevelopment of the Isabella Hostel for Aboriginal and Torres Strait Islander male youth, and the implementation of the *ACT Homelessness Strategy*.

Memoranda of Understanding between the Office for Children, Youth and Family Support, ACT Health and the Department of Education and Training are close to finalisation. The inclusion of the Office within the Department of Disability, Housing and Community Services will ensure greater collaboration on service provision.

RECOMMENDATION 2

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 care manager from Family Services.

Agreed in part

It is noted that the Standing Committee previously canvassed this issue in the inquiry into the *Rights, Interests and Well Being of Children and Young People*, (recommendation 22) which was tabled in August 2003.

In its response to that report, the Government indicated that the development of the Office for Children, Youth and Family Support (the Office) would provide an opportunity for addressing this issue, but that the allocation of a one caseworker or manager from the then Family Services did not take into consideration best practice case management which 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
- staff with an established relationship with the child or young person.

The establishment of the Office has led to a closer collaboration between Care and Protection and youth justice services. Such collaboration (extending also to other Government agencies and non-Government agencies) is essential to provide continuity, attachment and relationship building to assist the integration into society of young offenders.

The issues related to best practice case management remain the same and, as such, there are occasions where Care and Protection is not the most appropriate area to provide case management services. Primary case management should be determined on a case-by-case basis with the best interests of the child or the young person and the other factors outlined above being paramount. Where a child or young person is subject to care and protection orders staff from Care and Protection are closely involved in decisions relating to that child or young person. Recommendation 2 is, therefore, agreed in part.

RECOMMENDATION 3

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.

Agreed

An ongoing reference group can significantly assist in providing a responsive and effective continuum of care. It would be beneficial if relevant Government agencies such as Corrections Health, Mental Health, Youth Health and Alcohol and Drug services, were also involved. Clear terms of reference and lines of reporting will need to be established to ensure that there is no duplication in service delivery.

RECOMMENDATION 4

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.

Noted

While the principles underlying this recommendation are supported, existing agencies can best provide this support, given the significant number of programs already in place. Better outcomes can be achieved through improved coordination by existing service providers and through improved interagency case collaboration such as occurs with the Turnaround program. A brief review of all existing resources and support services will be undertaken as a precursor to the introduction of a more streamlined service delivery process for young people exiting Quamby. The focus of the review will be the overall performance of transition programs and services in addressing re-offending behaviour and in assisting young people exiting Quamby to reintegrate into the community. The issues identified in Recommendation 7 below will also be addressed. Outcomes will include the mapping of all available programs and services, identification of gaps (such as expanded accommodation options) and advice on strategic directions (based particularly on “what works” principles). The review, which will be completed within three months, will be undertaken by the Office in conjunction with the working group to be established in response to Recommendation 7 below.

RECOMMENDATION 5

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

Agreed in principle

The Government supports the expansion of accommodation options, recognising that expansion of these options should include adequate and responsive support infrastructure such as outreach and other transitional support for young people.

(Consequently, additional recurrent funding of \$120,000 was allocated to establish a Youth Outreach Service in June 2004).

The ACT Homelessness Committee has now commenced developing, as a matter of priority, in an appendix to *Breaking the Cycle - The ACT Homelessness Strategy*, an outline of future directions in relation to the locations, size and models of accommodation needed to respond to the needs of young homeless people. This framework will also include mechanisms to enhance the overall service system response.

Utilising a peer based research methodology, the Youth Coalition of the ACT (YCACT) engaged young people from a range of backgrounds, including those who are, or have previously experienced homelessness, to analyse the effectiveness of the current system and consider strategies to enhance its responsiveness to their needs.

RECOMMENDATION 6

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

Agreed

This recommendation is agreed subject to privacy considerations. A mentoring program for Aboriginal and Torres Strait Islander young people has been introduced.

RECOMMENDATION 7

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.

Agreed

A working group will be established to assist the Office in the review of the overall performance of transition programs and services in addressing re-offending behaviour and in assisting young people exiting Quamby to reintegrate into the community, e.g noted in the response to Recommendation 4 above. The working group will comprise representatives with appropriate expertise, particularly education, vocational education and training; mental health; youth /adolescent health; and, drug and alcohol counselling.

During 2004 there were considerable changes in the education program with further changes planned in 2005. Further training and professional opportunities will be offered to staff to ensure they are appropriately equipped to support the programs offered.

RECOMMENDATION 8

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.

Agreed

Performance measures on the transition of young people from Quamby will be determined following the review of the overall performance of transition programs and services identified in the response to Recommendations 4 and 7 above and will be established by the end of the 2004-2005 financial year. These measures will include short, medium and long-term outcomes. There will be a strong emphasis on process, output and outcome evaluation.

RECOMMENDATION 9

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 for Children, Youth and Family Support.

Agreed

The Government has agreed to build a new juvenile detention centre to replace Quamby and a new name will be allocated to this facility.

A feasibility study into siting options for the new facility is scheduled for completion early in 2005.

The Office for Children Youth and Family Support has retained responsibility for Community Youth Justice and Quamby.

RECOMMENDATION 10

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.

Agreed in part

One of the time out rooms at Quamby has ceased to be used and the second time out room will be refurbished by the end of February 2005, in consultation with the

Community Advocate and the Official Visitors. In the meantime, the second time out room must remain available for use due to operational needs to ensure the safety of residents and staff.

The Government recognises that the use of the time out room is a limitation on the rights of the child. To ensure that its use meets with the requirements of section 28 of the *Human Rights Act* 2004, which invokes the test of reasonableness and proportionality, the policies and the procedures for the use of the time out room have been amended.

Appendix 1

<p><u>RECOMMENDATION 1</u></p> <p>The Committee recommends that the Government make young people exiting Quamby a priority target group for access to services across Government agencies and ensure:</p> <ul style="list-style-type: none"> • 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. 	<p>Agreed in principle</p>
<p><u>RECOMMENDATION 2</u></p> <p>The Committee recommends that the Government:</p> <ul style="list-style-type: none"> • 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 care manager from Family Services. 	<p>Agreed in part</p>
<p><u>RECOMMENDATION 3</u></p> <p>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.</p>	<p>Agreed</p>
<p><u>RECOMMENDATION 4</u></p> <p>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.</p>	<p>Noted</p>
<p><u>RECOMMENDATION 5</u></p> <p>The Committee recommends that the Government, as a matter of urgency, establish expanded accommodation options for young people exiting Quamby.</p>	<p>Agreed in principle</p>
<p><u>RECOMMENDATION 6</u></p> <p>The Committee recommends that the Government consider the establishment of a mentoring scheme for young people remanded or committed to Quamby.</p>	<p>Agreed</p>
<p><u>RECOMMENDATION 7</u></p>	

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<p><u>RECOMMENDATION 8</u></p> <p>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.</p>	<p>Agreed</p>
<p><u>RECOMMENDATION 9</u></p> <p>The Committee recommends that the Government:</p> <ul style="list-style-type: none"> • 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 for Children, Youth and Family Support. 	<p>Agreed</p>
<p><u>RECOMMENDATION 10</u></p> <p>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.</p>	<p>Agreed in part</p>

