

2020

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

STATEMENT

Bimberi Headline Indicators Report – May 2020

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**Letter to Discrimination, Disability, Health and Community Services
Commissioner Karen Toohey responding to the Commission
Initiated Review of Allegations Regarding Bimberi Youth Justice
Centre**

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

I am pleased to present the fifth Bimberi Headline Indicators Report. I am also taking the opportunity to inform the progress against the recommendations outlined in the ACT Human Rights Commission's, Commission Initiated Review of Allegations regarding Bimberi Youth Justice Centre.

This update demonstrates the ACT Government's commitment to transparency for Bimberi's operation and performance.

The Bimberi Headline Indicators Report provides data for the 2018-19 and first and second Quarter of 2019-20 financial year. It allows ongoing scrutiny of a range of indicators about the safety and care of the young people in Bimberi and provides baseline data to monitor performance against the operational indicators.

Consistent with past Bimberi Headline Indicator Reports, caution should be taken when interpreting the data as it uses unpublished data that has been extracted through a manual count and therefore has not been cleansed by an external agency, so it may not be comparable with data from youth justice centres in other jurisdictions. Further, the new data in this report is only for the six months of July to December 2020 and therefore should not be compared with the full-year data provided for previous years in the report.

Since tabling the last Bimberi Headline Indicators Report, it is evident the critical incident of 26 August 2019 had a significant impact on operations. This incident resulted in an independent investigation by Mr Peter Muir who made 27 recommendations, all of which have been agreed by the Government. A copy of the Executive Summary from Mr Muir's final report was tabled on 8 November 2019.

It is important to note that Mr Muir indicated in his report that he did not find there were any precursors that Bimberi management or staff would have responded to above the systems and actions that were already in place. He did not find any significant failing in systems of behaviour management over the young people involved in this incident.

I note the report shows that a total of two Category One incidents occurred during the first two quarters of 2019-20. One of these was the major incident on 26 August and the other was an incident in which a young person absconded during escorted leave. Both these incidents were independently investigated by Mr Muir.

The number of assaults is down from the past two years to a total of six. This trend has continued to be a 10-year low from 64 assaults in 2009-10.

Twelve segregation directions were issued during the first two quarters of 2019-20, which is up from previous years. This includes six security and safety segregation directions as a result of the major incident in August and six health segregations as young people were diagnosed with a highly contagious bacterial infection.

In addition to this, 145 operational lockdowns have occurred from July to December 2019. The increase is a clear reflection of the 26 August incident that required the centre to be locked down as part of the emergency response plan. Since that time there have also been a number of contributing factors such as the bushfires and their impact on staff availability, and an increased number of young people in custody with varying complexities.

As I have informed the Assembly previously, generally operational lockdowns occur for the minimum amount of time possible to ensure the safe operation of the centre and occur on a rotational basis. This means an individual young person will be in their cabin for half of the total lockdown period, generally in one or two-hour blocks of time.

The number of lockdowns in the Centre was a significant concern during the second half of 2019 and we are starting to see a reduction in their use during the first half of 2020.

Ongoing recruitment has led to greater numbers of available staff. There is an induction program currently underway with 17 new staff participating. Once the induction program is complete in June 2020, the need for operational lockdowns will be significantly reduced.

The number of strip searches for young people entering detention is at one per cent as staff continue to apply their risk-based assessment for the types of searches necessary. The ACT is the only state or territory within Australia that has a risk-based approach to undertaking strip searches upon induction. Whilst at times a strip search is necessary to ensure that contraband that can be a risk to safety at the Centre is found, I am pleased that the ACT maintains its commitment to Human Rights by minimising the number of young people that this practice applies to.

Bimberi has a strong focus on supporting a young person to achieve their goals to be able to turn their life around. This includes access to education, vocational training, work, rehabilitative programs and recreation. Young people are continuously supported to maintain engagement in education, build and maintain family ties and develop the living skills they need to reintegrate successfully in the community.

The Murrumbidgee Education and Training Centre continues to provide a range of education and vocational programs, including recognised certificate programs, tutoring and transitional support back into the community, through an individualised and tailored approach.

During the reporting period from July to December 2019, 100 per cent of young people residing at Bimberi engaged in educational programs. Two young people undertook modules to attain their Year 12 certificates and one young person obtained a White Card.

Bimberi continues to apply Human Rights legislation in practices at Bimberi and aims to provide a safe, secure, supportive and rehabilitative environment for young people who have come into contact with the justice system. Staff are committed to responding to the complex needs young people present with, to support their reintegration back into the community.

In April 2019, the ACT Human Rights Commission (HRC) released its Commission Initiated Review of Allegations regarding Bimberi Youth Justice Centre. The HRC report acknowledged the significant progress made over previous years, particularly in relation to staff training and skills, case management and building supportive relationships with young people. The report found no evidence of an entrenched culture of violence or disregard for the human rights of young people at Bimberi Youth Justice Centre. Indeed, most young people who were interviewed spoke highly of most staff and the HRC found that Bimberi management treated allegations seriously, reviewed all incidents and took appropriate action when misconduct was identified. This outcome was particularly pleasing as the HRC's findings are consistent with the values and standards Bimberi holds.

The HRC interviewed 39 individuals, including young people who had been at Bimberi throughout the review period, family members, youth workers, managers, health and education staff. It reviewed extensive information obtained from the Community Services Directorate and other stakeholders, conducted physical inspections of the facility, reviewed and analysed data from registers of searches, use of force, segregation and complaints, and viewed CCTV footage and reports of several incidents. Its review was significant and comprehensive.

The Government's efforts in progressing the 15 recommendations identified by the HRC continue to be embedded into practice, and I am pleased to be reporting on this today. Alongside this statement, an update provided to the HRC is being tabled in the Assembly. Since receiving the report, the following actions have been taken:

- The ACT Government committed \$907,00 capital funding over four years in the 2019-20 ACT Budget to strengthen security and CCTV at Bimberi Youth Justice Centre. The contract for this work has been signed and work is commencing.
- A full time Principal Practitioner has been appointed and commenced at Bimberi Youth Justice Centre. The primary duties of the Principal Practitioner include driving excellence in child protection and youth justice service delivery within Bimberi Youth Justice Centre (BYJC), through a range of interventions, and building BYJC's therapeutic capacity and movement towards being a more trauma-informed, trauma-responsive and culturally informed service.
- The Use of Force Training package and associated practice guidance reinforces that any use of force must be proportionate to the risk, the least restrictive to the circumstances and should be used as a last resort.
- The ACT Government committed to the development of a new Client Information System for Children, Youth and Families. The system went live for Child and Youth Protection Services, including community youth justice functionality, in October 2019. The Bimberi functionality is close to finalisation and will go live in early in the new financial year.

- Recruitment has been ongoing with the assistance of a recruitment company, to ensure contemporary advertising and recruitment practices. Two recruitment rounds occurred in 2019, with a third completed in 2020. Seventeen staff are currently participating in an induction program to be completed in June 2020.
- ACT Health has reviewed its policies related to the administration of medication and will shortly implement an Electronic Medication Monitoring system within Bimberi.

Further work will continue in response to these recommendations during the course of this year, as well as those of Mr Muir and actions arising from the ongoing WorkSafe investigation.

The ACT has a youth justice centre that is transparent, with extensive oversight and which seeks to achieve the best possible outcomes for young people and their families.

As I have said many times, and as Mr Muir highlighted in his report on the 26 August incident, the work of supporting some of our most complex young people can be very challenging. I remain committed to ensuring we have a youth justice system that is rehabilitative and provides opportunities for young people. We are fortunate to have a highly dedicated group of staff and senior leaders who work to support those young people involved with the youth justice system and I wish to acknowledge the efforts they make to supporting our young people every day.