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

**Government Response to the Inspector of Correctional
Services Healthy Centre review into Bimberi**

**Presented by
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Introduction

The ACT Government welcomes the Inspector of Correctional Services (the Inspector) first review of a detention place: *Report of a Review of a Detention Place, Healthy Centre Review of Bimberi Youth Justice Centre 2020* (the Report), provided to the Speaker of the ACT Legislative Assembly on 22 June 2021.

The *Inspector of Correctional Services Act 2017* (the IoCS Act) establishes the independent statutory authority and systematic review framework to facilitate a preventative regime to oversee correctional centres, including youth detention places, in the ACT. Section 18(1)(a) of the IoCS Act provides the Inspector “must examine and review at least once every 2 years each place declared to be a (i) correctional centre under the *Corrections Management Act 2007*, section 24; and (ii) a detention place under the *Children and Young People Act 2008*, section 142”. This requirement ensures the systematic and preventative approach to oversee correctional centres and services, allowing the Inspector to conduct proactive reviews to identify the strengths and areas for improvement for correctional centres in the ACT.

In May 2018, the ACT Government announced the appointment of Mr Neil McAllister to the role of Inspector. The Inspector’s powers relating to the *Children and Young People Act 2008* (CYP Act) and the associated oversight of the Bimberi Youth Justice Centre (Bimberi) came into effect in December 2019. As part of this oversight the Inspector developed the *ACT Standards for Youth Detention Places*, a framework by which the Inspector, through a ‘whole-of-centre’ review could examine whether Bimberi and its service met the ‘Healthy Centre’ test. The test is based on four principles:

- Safety - young detainees, particularly the most vulnerable, are held safely and staff and visitors feel and are safe.
- Respect - all persons are treated with respect for their human dignity.
- Purposeful activity - young detainees are engaged in activity likely to benefit them.
- Rehabilitation and preparation for release - young detainees are supported to connect with their family and the community; supported to rehabilitate; and prepared for release back into the community.

In April 2020, the Inspector commenced the process for the first review of a detention place under the CYP Act. This review was a proactive, ‘whole-of-centre’ review of Bimberi, measured against the *ACT Standards for Youth Detention Places*. The methodology for the Healthy Centre Review included interviews with young people, a staff survey, consultation with oversight agencies, data and information gathering from Community Services Directorate (CSD), Education Directorate and Justice Health Services, community consultation and a five-day onsite inspection by the seven-person review team between 11 and 15 October 2020.

The Report was tabled in the ACT Legislative Assembly on 22 June 2021. Overall Bimberi measured well against the ‘Healthy Centre’ test, with the Inspector noting most of the young people they interviewed felt physically and emotionally safe in Bimberi; young people in Bimberi are provided with an individualised approach to their care; young people are engaged in programs of education, learning and skill development to meet their individual needs; the health services provided to young people are appropriate; and young people are encouraged to maintain or re-establish positive relationships with family, friends and community agencies while in Bimberi. The Inspector’s acknowledgement of the hard work and dedication of ACT Government staff working in Bimberi to ensure the safe care and custody of young people is appreciated.

The Report makes 27 recommendations. In summary these relate to:

- security classifications and alerts (recommendation 1 and 2);
- behaviour management (recommendation 3, 4, 5, 6 and 7);
- improving outcomes for young people through collaboration (recommendation 10, 11, 17 and 25);
- the operational use of lockdowns and separation (recommendation 8, 20);
- camera positioning to improve young people's privacy (recommendation 9);
- consultative mechanisms for young people (recommendation 12);
- services and supports for Aboriginal and Torres Strait Islander young people (recommendation 13 and 14);
- services and supports for young people with disabilities (recommendations 4 and 16)
- education (21 and 22);
- health services (recommendation 15, 18, 19);
- throughcare and maintaining family connections (recommendation 23, 24 and 26); and
- therapeutic outcomes from programs and services (recommendation 27).

The ACT Government has carefully considered the 27 recommendations and has:

- Agreed to 21 recommendations (specifically: 2-5, 7-8, 10-14, 16-18, 20-25 and 27);
- Agreed in principle to five recommendations (specifically: 6, 9, 15, 19 and 26); and
- Not agreed recommendation 1.

The Report also made 93 findings which are welcomed by the ACT Government but have not been formally responded to. The Report findings will be considered by the ACT Government over the next two years, in CSD's ongoing commitment to system improvement and practice enhancement and in preparation for the second Healthy Centre Review.

Many of the recommendations made in the Report had already been identified in previous reviews of Bimberi and by CSD and actions were in progress at the time of the Health Centre Review or have commenced since. Four of the agreed recommendations (recommendation 2, 13, 17 and 24) are considered complete. A table summarising the ACT Government Response, including proposed actions for those recommendation that are agreed or agreed in principle can be found at [Annexure A](#). As requested by the Inspector, the ACT Government will provide an update to the Inspector regarding the implementation of agreed recommendations every six months after the tabling the Government response to the Healthy Centre Review.

Government Response

Overview of the ACT youth justice system

Generally, the term 'youth justice system' refers to formal services and institutions for children and young people who have engaged in crime and who come into contact with police. The youth justice system encompasses any interactions that may follow offending, including the police, custody, the Court, legal services, and youth detention.

In the ACT, the definition of the 'youth justice system' also captures a broader support system, ranging from primary health professionals and schoolteachers who identify young people at risk of offending, to mediators working in restorative justice and service providers responding to the consequences of trauma. It also includes children, young people and their families.

While Bimberi is only one part of the youth justice system, the Centre plays a critical role in providing a safe, secure, rehabilitative environment for young people in custody in the ACT. The Government is committed to ensuring that young people in Bimberi feel safe, valued, respected, supported and hopeful about their future. The Centre supports vulnerable young people to grow and develop, preparing them to successfully participate in the social and economic life of our community.

Bimberi commenced operations in December 2008 and is the ACT's only youth detention place, replacing the decommissioned Quamby Youth Detention Centre. Named after the ACT's tallest peak, Mount Bimberi, Bimberi acknowledges the challenges faced by young people in custody and the need to rise above to reach their full potential. As the only youth detention place in the ACT, Bimberi accommodates young people, aged 10 to 21 years, who have been remanded in custody or sentenced to a period of detention by the ACT Childrens Court or Supreme Court.

CSD operates Bimberi in accordance with the criminal matters chapters (chapters four to nine) of the CYP Act and ensures the Centre is responsive to the principles of the Act, in particular the youth justice principles outlined in section 94. The CYP Act youth justice principles, alongside human rights interests and jurisprudence, must be taken into account when considering criminal matters related to children and young people. These include:

- If a child or young person does something that is contrary to law, he or she should be encouraged to accept responsibility for the behaviour and be held accountable.
- A child or young person should be dealt with in a way that acknowledges his or her needs and will provide the opportunity to develop in socially responsible ways.
- A child or young person should be consulted about and be given the opportunity to take part in making, decisions that affect the child or young person, to the maximum extent possible taking into consideration their age, maturity and developmental capacity.
- Decisions about an Aboriginal and Torres Strait Islander child or young person should be made in a way that involves their community, if practicable and appropriate.
- If a child or young person is charged with an offence, he or she should have prompt access to legal assistance, and any legal proceeding relating to the offence should begin as soon as possible.
- A child or young person may only be detained in custody for an offence (whether on arrest, on remand or under sentence) as a last resort and for the minimum time necessary.
- Children, young people and other young offenders should be dealt with in the criminal law system in a way consistent with their age, maturity and developmental capacity and have at least the same rights and protection before the law as would adults in similar circumstances; on and after conviction, it is a high priority to give a young offender the opportunity to re-enter the community.

It is a high priority that intervention with young people who offend must promote their rehabilitation and must be balanced with the rights of any victim of the young person's offence and the interests of the community.

To assist young people to understand their rights and responsibilities at Bimberi, The *Charter of Rights for Young People in Bimberi* (the Charter of Rights) was developed as a guide to assist young people in understanding how they can expect to be treated and how they are expected to treat others while at Bimberi.

The Charter of Rights was developed in consultation with young people and the ACT Human Rights Commission and outlines, in a way young people can understand, the ACT Government's commitment to ensuring their time in Bimberri is safe, respectful, purposeful and rehabilitative. Young people at Bimberri have the right to:

- Be treated equally with respect and dignity by staff
- Be kept safe while at Bimberri
- Be given a copy of Bimberri rules and information about their rights and responsibilities when they arrive, in a way they can understand
- Have a say about things that affect them, including decisions about their rehabilitation
- Remain connected to the outside world
- Receive proper healthcare
- Access education and programs
- Get help to see a lawyer and to talk to them privately
- Have good living conditions
- Practise their religion and/or express their culture
- Make a complaint
- Get help to successfully return to the community

Further information about the Charter of Rights is available at:

https://www.communityservices.act.gov.au/youth/young_workers/young-people-employment-checklist/bimberri/charter-of-rights-for-young-people-in-bimberri

Conceptualising the Healthy Centre Review with other reviews of Bimberri

The ACT Government continues to work determinedly, both internally and with external partners, to ensure young people in the ACT youth justice system are safe, strong and connected. This vision seeks to: keep young people safe from harm; build their resilience; strengthen their connections with their families; and encourage their participation in the wider community. Young people who are safe, strong and connected are more likely to reach their full potential and less likely to engage in offending behaviour.

Over the last decade, Bimberri has been the subject of multiple reviews, resulting in many recommendations on improvements to uphold the best interests of young people who are engaged with the ACT youth justice system. The Healthy Centre Review, is the first 'whole of centre' review of Bimberri, proactively undertaken in response to legislative requirements, rather than retrospectively carried out following a major event or incident. It is also the first review undertaken against a specifically designed framework, the *ACT Standards for Youth Detention Places*, that requires routine inspection and review of Bimberri every two years.

Recommendations made by the Inspector in the Report have been considered in collaboration with recommendations made in previous reviews including the:

- *Independent review of the incident at Bimberri Youth Justice Centre on 26 August 2019* (2019 Muir Review).
- Findings made by WorkSafe ACT following the 26 August 2019 incident at Bimberri.
- *Independent review of a young person absconding from medial leave 25 August 2019* (Abscond from leave review 2019).
- Human Rights Commission's *Commission Initiated Review of Allegations regarding Bimberri Youth Justice Centre* (2019).

These reviews similarly made recommendations in relation to security classifications, behaviour management, timeouts, separation, information sharing and collaboration between services, therapeutic programming and throughcare.

Significant work has been undertaken by CSD in addressing recommendations made in these reviews, this work has included:

- bi-annual recruitment processes for new youth workers.
- the creation of four new positions to support Bimberi in the areas of trauma informed care and practice, intelligence and classification, training and health and safety.
- the commencement of ten youth workers in a Certificate IV in Youth Worker accreditation.
- physical infrastructure upgrades including improvements to the Centre's facilities area, upgrades to staff duty points, upgrades to internal fencing, upgrades to residential units and grounds maintenance.
- upgrades to Bimberi's closed-circuit security system network.
- upgraded Personal Protective Equipment (PPE) for staff to utilise when responding to incidents.
- Engagement of a Work Health and Safety (WHS) consultant to support Bimberi in reviewing and enhancing Bimberi's WHS systems.

In its response, the Government has considered the recommendations made in the Inspector's Report collectively with recommendations from each existing review and has designed its response in a way that contributes to continuous improvement and best practice, and aligns with obligations against the CYP Act and other relevant legislation.

Response to recommendations

The ACT Government has carefully considered the Report's 27 recommendations and has, agreed to 19 recommendations, agreed in principle to seven recommendations and not agreed to one recommendation. A table outlining the ACT Government's response to each of the 27 recommendations is included at the end of this document.

Security classifications and alerts

The Report has recommended Bimberi remove security classifications from the CYP Act and instead manage all young people individually and rely on the alerts system. While it is acknowledged Bimberi is a small centre and the only youth detention place in the ACT there are inherent risks in removing the classifications system.

A classification is an assessment tool that objectively measures a young person's risk to the safety of self, other young people and staff, through the consideration of a range of static and dynamic risk factors. The purpose of the classification system is to keep the young person, other young people and staff safe and promote rational, consistent, and equitable decision making for the young person.

The 2019 Muir Review noted the classification system utilised by Bimberi is sound, however concerns were raised about how the system was being applied in Bimberi, and how it was integrated with the behaviour management system. In response to the Muir Review, Bimberi created an Intelligence and Classifications Officer position to ensure decision makers had all available information and intelligence when making decisions in Bimberi that affect a young person and that the classifications system was implemented as intended and with purpose.

It is acknowledged Bimberi is a unique setting and incomparable to youth detention places in larger jurisdictions. However, removal of the classifications system would increase the possibility of young people being managed inconsistent with their known risks and decisions being made without rational, consistency and equality.

While the ACT Government does not agree to the removal of classifications from the CYP Act or its use within Bimberi, a review of the existing classifications system will be undertaken to ensure it continues to meet the needs of young people and the Centre and remains consistent with best practice in youth justice.

Following the onsite component of the Healthy Centre Review, CSD implemented a new client management system in Bimberi; the Children and Youth Record Information System (CYRIS) in November 2020. CYRIS clearly articulates the health, safety and security risks and vulnerabilities relating to young people and includes a free text box that allows the operator to articulate in detail a young person's risks. The review of the classifications system will consider how best to utilise intelligence information to ensure the alerts system is embedded within the classifications system and reflective of the individual needs and risks of young people.

Behaviour Management

The Report makes several recommendations in relation to practices and processes under the Bimberi behaviour management framework, including the enhancement of existing tools and processes to ensure the framework is trauma informed, responsive to the needs of young people and reflective of available information about young people and expertise within the service system.

Bimberi has a comprehensive behaviour management framework that directs the provision of a safe environment for young people to undertake social and emotional development, and promote prosocial behaviours, while still responding to negative and challenging behaviour. The behaviour management framework relies on both young people and staff understanding the centres expectations as well as their rights and responsibilities.

The emphasis of this behaviour management framework is to implement proactive or preventative strategies to promote positive and prosocial behaviour by young people and responsive strategies to respond to negative or challenging behaviour by young people. Challenging behaviour should be considered in context of young person individuality, their overall functioning and in consideration of their trauma history.

The 2019 Peter Muir review identified areas for improvement with Bimberi's behaviour management system to ensure it was being properly integrated and to support staff, given concerns about the highly complex need of young people in Bimberi and the inherent complexities of the system.

A comprehensive review of the behaviour management framework is underway and will be completed by June 2022. This review is exploring the key theoretical frameworks that underpin youth justice practice and behavioural management in custodial settings, exploring better practice in terms of trauma informed behaviour management systems and supports that are culturally responsive and supportive for Aboriginal and Torres Strait Islander young people. This review is exploring current practice trends in other jurisdictions across Australia and New Zealand, and how they compare to the ACT.

The review of the behaviour management framework will consider recommendations three to seven of the Report, ensuring the behaviour management system at Bimberi is therapeutic, responsive to

the developmental needs of young people and is cohesive with the supports and services provided to them.

Improving outcomes for young people through collaboration

Information sharing is pivotal in ensuring the delivery of safe and responsive services to young people in Bimberi. Bimberi works closely with colleagues and partners from Child and Youth Protection Services (CYPS), Education Directorate, Justice Health Services, ACT Courts and Tribunals, legal services, non-government service providers and community agencies to ensure the needs of young people in Bimberi are met.

During 2020, work was undertaken to develop and implement service agreements and memorandums of understanding with several key partners working with Bimberi including Justice Health Services and ACT Corrective Services. Work will be undertaken in 2021-22 to develop and implement agreements with the Education Directorate and ACT Policing. These agreements will outline the roles and responsibilities of each organisation in supporting the needs of young people in Bimberi and the information sharing responsibilities and limitations of each agency, as directed by legislation and policy.

To further enhance collaborative practice and information sharing, the Client Services Meeting Terms of Reference will also be reviewed. The Client Services meeting is a multidisciplinary meeting consisting of representatives from Bimberi, CYPS, Education, Forensic Mental Health Services and Justice Health Services. The meeting is an information sharing and decision-making mechanism which can assist in guiding the case management service response. There is also a focus on transition planning which enables CYPS staff and other relevant stakeholders the opportunity to work in collaboration in this context. Young people are reviewed at the Client Services Meeting within a week of being admitted to Bimberi and then at least on a four-weekly basis, or more frequently if issues of concern arise or transition planning requires.

The Report raised concerns about the Audio-Visual Link process at Bimberi, in particular with respect to young people having access to appropriate legal advice and support before, during and after their court proceedings. Court attendance from Bimberi via AVL is a practice that has been used by Bimberi and the ACT Courts for several years, however, use of AVL has increased substantially in the past 18 months due to the COVID-19 pandemic, with the majority of young people now appearing in court via AVL from Bimberi.

There are benefits to the use of AVL and this technology has allowed court services to continue throughout the current health pandemic. Most significantly attending Court via AVL allows young people to stay onsite at Bimberi and does not require them to be escorted to Court and spend a large proportion of their day in court cells awaiting their appearance and if not bailed, awaiting their return to Bimberi. By remaining at Bimberi, young people who are not bailed are able to participate in their court appearance and then return to the daily education and programs occurring within the Centre.

The ACT Government agrees current processes around supporting young people attending court via AVL can be improved. In responding to recommendation 25 of this Report, the CSD will seek the support of legal service providers in the Act, the ACT Courts and Tribunals and the Public Advocate in developing a joint framework for supporting young people through the court process.

The operational use of lockdowns and separation

The use of lockdowns has been previously raised by oversight agencies and in other external reviews of Bimberi. Operational lockdowns are a response mechanism utilised by Bimberi to ensure the

safety of young people and staff, and the security of the Centre. The Report recognised that the use of lockdowns for the safety and security of Bimberi was legitimate however recommended options to avoid centre-wide lockdowns and mitigation strategies to reduce the impact of lockdowns on young people be considered.

CSD has increased staffing capacity for Bimberi to ensure operational lockdowns (lockdowns utilised when Bimberi is short staffed, or the capacity of the Centre is reached) are a rare occurrence and are only used to ensure Bimberi has the capacity for an emergency response should it be required. There were 10 operational lockdowns in 2020-21, compared to 277 in the previous year (2019-20).

Bimberi also uses lockdowns to secure the centre when staff are required to respond to an emergency incident. The use of emergency response lockdowns is being considered as part of the review of Bimberi's Emergency Operation Procedures being currently undertaken in response to recommendations from the 2019 Muir Review and finding from WorkSafe. The use of lockdowns in response to incident management will be considered as part of this review. This review is anticipated to be completed by June 2022.

The use of separation has also been previously raised by oversight agencies and in external reviews of Bimberi. Separation, as it is referred to in the Report, refers to the decision by Bimberi Management to accommodate a young person in a unit by themselves, under section 166 of the CYP Act. The Report noted the Inspector believed separation under section 166 was being managed appropriately by Bimberi, however recommended a policy be developed to support the use of separation.

To ensure the best interests of young people, Bimberi may accommodate a young person by themselves in a unit in accordance with section 166. In these circumstances the young person's minimum living conditions are not impacted and they continue to have access to education, programs, services and opportunities to mix with other young people within the Centre are considered daily.

There are several external agencies that form the oversight and regulatory framework established for youth detention places in the ACT. This includes the Official Visitors, Public Advocate, ACT Human Rights Commission, and the ACT Ombudsman. The Public Advocate visits Bimberi at least monthly to review Bimberi's registers, including the operational lockdown register and critical incidents register and to meet with all young people. The Official Visitors visit the Centre at least monthly to meet with all young people and hear their complaints.

In addition to this strong oversight and regulatory framework the Government continues to demonstrate a culture of transparency and compliance by providing a bi-yearly report, the *Bimberi Headline Indicators Report* to the ACT Legislative Assembly which reports on operational data including operational lockdowns.

All Bimberi policies and procedures are notified under the CYP Act and are publicly available on the ACT Legislation Register. In line with this, Bimberi will develop a policy under section 166 of the CYP Act in response to Recommendation 8 of the Report.

Camera positioning to improve young people's privacy

The closed-circuit security system at Bimberi plays an important role in assisting to keep young people, staff and visitors safe. The closed-circuit security system provides a monitoring system, in addition to staff, and can capture video footage for review when responding to incidents and complaints.

The Human Rights Commission's *Commission Initiated Review of Allegations regarding Bimberi Youth Justice Centre* (2019) recommended changes to ensure comprehensive camera coverage of Bimberi, while ensuring the privacy of young people is protected. In response, the ACT Government allocated \$907,000 capital funding in the 2019-20 ACT Budget to strengthen security and closed-circuit camera facilities at Bimberi. In 2020, over 100 additional cameras were installed across Bimberi in response to this recommendation.

The camera in the Coree Unit shower room has not been removed, rather repositioned to address the intent of recommendation nine of the Report. The Coree Unit is Bimberi's induction unit and is where young people are admitted and inducted into Bimberi. The room is used as a bathroom for young people during the induction process and, when the decision is made to strip search a young person, it is done so in this room. Removing the camera within this space would render this space as non-operable, as the camera is required to provide adequate protection to the young person and staff who are supporting the young person through the induction process.

To meet the intent of the recommendation, the camera in the Coree Unit shower room has been repositioned within the room to an angle that monitors staff undertaking the strip search of a young person, while protecting the privacy of the young person being searched. Adjustments will also be made to the cubicle in the room to raise it slightly, to further ensure privacy of young people. It is anticipated this work will be complete by March 2022.

Consultative mechanisms for young people

The *Charter of Rights for young people in Bimberi* acknowledges the importance of young people having a say about things which affect them, including decisions about their rehabilitation and their right to make a complaint. Bimberi has a range of internal and external consultation and complaint mechanisms to ensure every young person has a voice. The Report found while Bimberi has a range of consultative mechanisms through which young people are engaged, these consultative mechanisms need to be formalised so young people feel listened to and heard.

As much as possible young people are encouraged to speak with their supervising Youth Worker, Team Leader and/or Unit Manager to address their concerns. Young people may also choose to speak to a member of the leadership team and are encouraged to participate in weekly feedback sessions with their Unit Manager and weekly unit meetings. To enhance the internal consultative mechanisms and in response to recommendation 12, the Bimberi Management team will consult with young people to understand how they wish to be consulted with and formalise internal consultation mechanisms to meet their needs.

In addition to internal mechanisms, young people have access to a range of external oversight agencies as part of the oversight and regulatory framework established for youth detention places in the ACT. This includes the Official Visitors, Public Advocate, ACT Human Rights Commission, and the ACT Ombudsman. Young people can contact oversight agencies, free of charge, from their personal phone accounts. These are non-recorded calls to ensure young people can make complaints privately. These mechanisms are imbedded and well utilised by young people in Bimberi.

Services and supports for Aboriginal and Torres Strait Islander young people

The Report acknowledges Bimberi provides an individualised approach to young people in detention and this individualised approach is a 'key strength' in service delivery. While recognising this individualised approach the Report also made recommendations to improve services and supports for key groups of young people, notably Aboriginal and Torres Strait Islander young people.

The *Blueprint for Youth Justice in the ACT 2012-22* continues to drive initiatives to address the disproportionate representation and of Aboriginal and Torres Strait Islander young people in all stages of the youth justice system, with a view to improving long term outcomes.

The ACT Government has funded the establishment of the Warrumbul Court; a Circle Sentencing Court for young people, which commenced in December 2019. This is vital to ensuring young Aboriginal and Torres Strait Islander people who come before the Court receive culturally appropriate support to address offending behaviour.

The ACT Government has also funded the Functional Family Therapy Youth Justice (FFT-YJ) pilot program delivered by OzChild. FFT-YJ is a pilot program focused on diverting young people from entering or re-entering the youth justice system, by working closely with the young person and their family. FFT uses assessment and early intervention to address risk and protective factors within and outside the family that impact the young person and their behaviours. The program is able to support Aboriginal and Torres Strait Islander families and is another way the ACT Government is working with community partners to address the disproportionate representation of Aboriginal and Torres Strait Islander young people in all stages of the youth justice system in the ACT.

Bimberi has well established links with the CYPs Cultural Services team and Aboriginal and Torres Strait Islander services within the community. Bimberi also employs a designated Aboriginal and Torres Strait Islander Family Engagement Officer who supports the engagement between families and young people and promotes an Aboriginal and Torres Strait Islander perspective into the daily functions and management of the centre. At the time of the onsite inspection of the Healthy Centre Review the Family Engagement Officer position was vacant. The Family Engagement Officer position has since been filled and the officer is undertaking the day-to-day functions of this role, including arranging cultural activities for Reconciliation Day and NAIDOC week. These activities included workshops, a smoking ceremony, cultural presentations, art activities and a community lunch.

To support ongoing efforts to embed culturally responsive services for young people in Bimberi, a cultural competency framework specifically for Bimberi will be developed when resources are identified. As a first step, training options to increase cultural competency amongst staff are being investigated and will become part of the Bimberi youth worker induction program and rolled out to existing staff.

Services and supports for young people with disabilities

The Report made recommendations to improve services and supports for young people with disabilities. As outlined in the *ACT Disability Justice Strategy*, ACT Government is committed to improving services and outcomes for people with disabilities involved with the justice system, including young people in Bimberi.

The Bimberi Allied Health Program pilot operated between June 2020 to January 2021 and trialled the effectiveness of therapeutic supports provided by a Speech-Language Pathologist, Clinical Psychologist, and an Occupational Therapist. The Allied Health Pilot provided universal screening for all young people admitted to Bimberi and when required followed up with further assessment and diagnosis.

The Allied Health Pilot also provided other services including the development of resources for staff and young people, training and consultation for staff and care team members, a therapeutic group program and advice in the development of policies and procedures.

The Allied Health Pilot demonstrated there is a high prevalence of disability-related need within the Bimberi population, and the neurodiversity and disability is the norm rather than the exception for young people in custody.

The ongoing funding for allied health services, including a dedicated psychologist in Bimberi, will be subject to future consideration as part of the whole of government budget process. As a first step in improving services and supports for young people with disabilities, training options to improve disability awareness are being discussed with the Office for Disability. Disability awareness training will be incorporated into the Bimberi youth worker induction program and rolled out to existing staff.

Education

The ACT Government's Future of Education strategy highlights the Education Directorate's focus on ensuring the systems that support learning promote equity of opportunity and excellent outcomes for all learners.

Murrumbidgee School (Murrumbidgee) provides high quality, academically rigorous and trauma informed learning for young people detained in Bimberi from ages 10-21 years. Murrumbidgee School staff co-construct Individualised Learning Plans (ILP) with students who may be on short- or long-term remand (i.e., waiting to attend court) or have been given a committal (i.e., sentenced to reside at Bimberi for a period). Many students have physical, emotional and/or intellectual complexities with significant 'gaps' in their learning resulting in poor literacy and numeracy skills. Units of study include general education of literacy and mathematics embedded into project-based learning, with art, woodwork, music, cooking, and horticulture adapted to year levels and competencies which can provide pathways to vocational pursuits with a focus on transitional support back into the community.

Ensuring young people in the justice system have access to educational services is a responsibility the ACT Education Directorate takes seriously. The Education Directorate believe in an equitable education system that supports all students to thrive regardless of economic, social, and cultural factors. The Directorate welcomes the recommendations from the Healthy Centre Review of Bimberi Youth Justice Centre that affect the principles of inclusion, aligned with the ACT Future of Education Strategy.

Health services

Justice Health Services as part of Canberra Health Services provides comprehensive primary and mental health services to young people in custody at Bimberi. Young people in custody can access the full range of health services offered by Canberra Health Services.

All young people entering custody undergo comprehensive health screening within 24 hours of arrival. A physical health screening is conducted by a Custodial Health Primary Health nurse while a mental health screening is conducted by a Custodial Mental Health clinician. This screening aims to identify existing health needs early and facilitate the smooth transition of care and treatment from community health care providers.

Custodial Health Primary Health nursing staff are on site 7 days a week from 0800-1630 offering both a booked clinic and a walk-in clinic 7 days a week. They also provide medication rounds and clinics at set times during the day within the various accommodation areas. In addition to nurse-led clinics, GP clinics are facilitated once a week, as well as on an as needs basis. At other times, or after hours an on-call GP service is available.

Specialist health services provided by Justice Health Services include population health, alcohol and other drug services, dentistry, optometry, and mental health.

Custodial Health Population Health operates with a team of nursing staff. The Population Health Nurses provide a range of specialist care and services for the young people including but not limited to vaccinations, Hepatitis C treatment, sexual health screening and treatment, and management of chronic or complex illnesses.

Custodial Health Alcohol and Other Drug services are responsible for alcohol and drug assessments of young people in custody and for managing the Opioid Maintenance Treatment Program (OMTP). They also provide guidance and support for withdrawal management, contribute to care plans, and deliver up to date education to young persons on topics specific to substance misuse and treatment options.

Dental and optometry services are offered on site at Bimberi on an as needed basis and provide all routine dental and optometry services that could be expected from community providers.

Mental Health services at Bimberi are provided by Custodial Mental Health and include a 7-day crisis assessment and intervention service for young people at risk of self-harm and suicide, and child psychiatry services for young people presenting with significant mental health concerns during their time at Bimberi. A mental health clinic is facilitated on site weekly with a senior mental health clinician providing clinical management, intervention, and discharge planning, while a child psychiatry clinic is held one day per fortnight. A mental health nurse-led clinic is also provided as needed to support young people prescribed psychotropic medications with psychoeducation and metabolic monitoring.

Where a health service is unable to be provided on site, Justice Health Services facilitates referral to appropriate inpatient or outpatient services at The Canberra Hospital.

Throughcare and maintaining family connections

The ACT Government is committed to the development of a youth justice throughcare program that provides an integrated and collaborative approach to rehabilitation of young people in Bimberi and their reintegration back into the community.

The Reports recommends urgent action be taken to implement a systemic program of throughcare at Bimberi. The development of a systemic program of throughcare at Bimberi was a recommendation of the 2019 Human Rights Commission's *Commission Initiated Review of Allegations regarding Bimberi Youth Justice Centre*. In response to this recommendation the ACT Government agreed to develop a throughcare model for young people in Bimberi.

An important element of throughcare is young people's connections to family and community. The Report recognised Bimberi encourages positive relationships and connections between young people, their families, friends, and community. In addition to support provided by the Family Engagement Officer and a young person's CYPs case manager to maintain, re-establish and foster family and community connections, young people have access to face-to-face visits, phone calls and mail.

Work is ongoing on the establishment of a safe and reliable service to allow young people to have access to approved family and community contacts via video call technology. It is expected work in this space will also improve contact opportunities between young people and their professional contacts, such as their legal providers. The Report recommended Bimberi remove phone calls from the incentives scheme. This recommendation is agreed, and this work has been completed.

Therapeutic outcomes from programs and services

The Report notes young people in Bimberi are engaged in programs of education, learning and skill development to meet their individual needs and notes the individual approach to their care. The small population of Bimberi provides for the opportunity to respond to the individual skills, interests and needs of the young people and provide a program that is responsive to these individual needs.

Bimberi is a small centre, generally with less than 20 young people in residence at any one time. As a centre that also caters for the needs of young people from ages 10 – 21 years, both sentenced and remanded, the needs and interests of a cohort can be quite varied. With a high number of young people on short periods of remand and being unable to predict how long Court proceedings may take to be finalised or for a young person to be granted bail, it can be difficult to provide group based and/or manualised intervention programs that go over several weeks and require the progression of skills and knowledge in a set manner.

When developing programming for young people in the centre, three domains are considered - THRILL, CHILL and UPSKILL. The combination of these domains aims to ensure young people can participate in activities that will keep them engaged, regulated, and learn skills that will assist them in the future.

The aim of THRILL activities is to provide young people with a sense of adrenaline within a safe environment. Examples of THRILL programs may include BMX racing, Bubble soccer or Spray Painting. The aim of CHILL programs allows for 'down time' activities, to assist young people to rest and regulate. CHILL activities may include programs such as yoga, swimming, movies, or art. The UPSKILL programs are focused on assisting young people to develop new skills or build on ones they may already have. Examples of UPSKILL programs may include cooking, barista, horticulture, or sessions with community services, such as Legal Aid, Winnunga Nimmityjah or Ted Noffs.

Conclusion

As the first review of its kind by the Inspector the Report provides a benchmark for Bimberi against the *ACT Standards for Youth Detention Places* - safety, respect, purposeful activity and rehabilitation and preparedness for release. The recommendations from the Report will be considered alongside collaboration with other reviews undertaken of Bimberi in recent years and will assist in continuing to improve services delivered to young people in the ACT youth justice system. The ACT Government acknowledges the effective independent oversight provided by the Inspector in supporting the ACT in delivering an accountable and transparent youth justice system that ensure young people feel safe, valued, respected, supported, and hopeful about their future. Updates on progress against agreed recommendations will be provided every six months to the Inspector.

Recommendation	Government Response
<p>Recommendation 1</p> <p>That the ACT Government remove sections 163 and 190 from the <i>Children and Young People Act 2008</i>, which relates to security classifications.</p>	<p>Not agreed</p> <p>This recommendation is contrary to recommendations made by the Muir Review and WorkSafe ACT in response to the August 2019 critical incident. In response to the critical incident Bimberi developed a full-time Intelligence and Classifications Officer position to ensure the Bimberi Classification System is implemented as intended.</p> <p>Bimberi will review the Classifications System, including timeframes and dynamic risk factors, to ensure it remains consistent with best practice in youth justice but is opposed to removing classifications from the <i>Children and Young People Act 2008</i>.</p>
<p>Recommendation 2</p> <p>That Bimberi Youth Justice Centre review the alerts system with a view to identify the risks relating to young detainees more specifically.</p>	<p>Agreed and completed</p> <p>A new electronic client information system, CYRIS was implemented at Bimberi in November 2020. CYRIS clearly articulates the health, safety and security risks and vulnerabilities relating to young people and includes a free text box that allows the operator to articulate in detail a young person's risks.</p>
<p>Recommendation 3</p> <p>That Bimberi Youth Justice Centre ensure that the weekly goals for young detainees in the incentive scheme have a therapeutic focus by drawing on case plans and other relevant information.</p>	<p>Agreed</p> <p>Bimberi is undertaking a review of the Behaviour Management Framework, this recommendation will be considered as part of the Behaviour Management Framework review.</p>

<p>Recommendation 4</p> <p>That Bimberi Youth Justice Centre implement developmentally and disability responsive methods for providing young detainees with feedback on how they are progressing with their weekly incentives.</p>	<p>Agreed</p> <p>Bimberi is undertaking a review of the Behaviour Management Framework, this recommendation will be considered as part of the Behaviour Management Framework review.</p> <p>In addition, Bimberi will continue to work with the Office for Disability in developing and improving responses to young people with a disability, including the implementation of the ‘Washington’ Screening Tool and formalisation of policies and processes for reasonable adjustments. Work to date has included converting documents to ‘easy English’ and staff training.</p>
<p>Recommendation 5</p> <p>That Bimberi Youth Justice Centre conduct a review of Behaviour Management Plans and Special Management Directions to ensure the process for preparing them takes account of all relevant information and expertise, and the documents are appropriate for the target audience.</p>	<p>Agreed</p> <p>Bimberi is undertaking a review of the Behaviour Management Framework, this recommendation will be considered as part of the Behaviour Management Framework review.</p>
<p>Recommendation 6</p> <p>That the ACT Government amend the <i>Children and Young People Act 2008</i> to provide a legislative basis and appropriate safeguards for the use of time out when it occurs in a locked room.</p>	<p>Agreed in principle</p> <p>Government will make amendments to the CYP Act to provide safeguards for the use of time outs. This will occur when a relevant CYP Amendment Bill is next developed.</p> <p>Bimberi is undertaking a review of the Behaviour Management Framework, policies, and procedures. The use of time out will be considered as part of the Behaviour Management Framework review. Bimberi’s Policies and Procedures are Notifiable Instruments and are publicly available on the ACT Legislation Register.</p>

<p>Recommendation 7</p> <p>That Bimberi Youth Justice Centre include in Behaviour Management Plans individualised strategies for ensuring that time out has a therapeutic focus.</p>	<p>Agreed</p> <p>Bimberi is undertaking a review of the Behaviour Management Framework, this recommendation will be considered as part of the Behaviour Management Framework review.</p>
<p>Recommendation 8</p> <p>That the Community Services Directorate notify a policy under section 166 of the <i>Children and Young People Act 2008</i> that clarifies when a young detainee can be placed under separation by being accommodated in a unit by themselves and provides appropriate safeguards for its use.</p>	<p>Agreed</p> <p>Bimberi will develop a policy under section 166 of the <i>Children and Young People Act 2008</i>, that outlines the considerations when making the decision to accommodate a young person separately from other young people in Bimberi.</p>
<p>Recommendation 9</p> <p>That Bimberi Youth Justice Centre urgently remove the CCTV camera in the shower and change room in the Coree Unit.</p>	<p>Agreed in principle</p> <p>Government recognises the intent of this recommendation is to increase privacy for young people. Whilst the recommendation is unable to be agreed, Government agrees in principle with achieving this intent.</p> <p>To achieve the intent the camera has been repositioned within the room to an angle that monitors staff undertaking a search of a young person, while protecting the privacy of the young person being searched.</p> <p>The camera has not been removed from this space, as it is required to provide adequate protection to staff who are supporting the young person through the induction process. Adjustments will also be made to the cubicle in the room to raise it slightly, to further ensure privacy of young people.</p> <p>The purpose of the camera is to monitor the staff member undertaking the strip-search. By repositioning the camera, the privacy of young people is protected, while ensuring appropriate safeguards are in place for young people and staff.</p>

<p>Recommendation 10</p> <p>That Bimberi Youth Justice Centre and Murrumbidgee School develop and implement a plan for enhancing cooperation and appropriate information sharing between Bimberi Youth Justice Centre staff and Murrumbidgee School.</p>	<p>Agreed</p> <p>Bimberi and the Murrumbidgee School are working on the development of a 'Shared Protocols and Procedures' guide.</p> <p>A Memorandum of Understanding between Bimberi and Murrumbidgee School will also be developed in 2021, including an information sharing policy.</p>
<p>Recommendation 11</p> <p>That the Community Services Directorate review and evaluate the effectiveness of the Client Services Meetings in providing appropriate outcomes for the care and management of young people.</p>	<p>Agreed</p> <p>The Bimberi Programs and Services Manager is considering how to enhance the effectiveness of the Client Services Meeting. An updated Terms of Reference will be developed with members of the Client Services Meeting.</p>
<p>Recommendation 12</p> <p>That Bimberi Youth Justice Centre develop a formal consultative mechanism with young detainees that enables their views and concerns to be heard and for feedback to be provided to them.</p>	<p>Agreed</p> <p>There are existing processes in place for young people in Bimberi to share their views and concerns and to receive feedback, such as unit meetings and the complaints process.</p> <p>The Bimberi management team will consult with young people about the effectiveness of existing mechanisms, how young people would like to share their views and concerns and formalise internal consultation mechanisms to meet young people's needs.</p>
<p>Recommendation 13</p> <p>That Bimberi Youth Justice Centre arrange for the spiritual centre and the fire pit to be used for regular yarning circles to connect Aboriginal and Torres Strait Islander young detainees with their community and culture.</p>	<p>Agreed and completed</p> <p>The spiritual centre and fire pit are utilised by young people and community visitors. Bimberi will continue to ensure young people and community know that they can request to utilise the spiritual centre and fire pit for its intended purpose.</p>

<p>Recommendation 14</p> <p>That the Community Services Directorate develop an Aboriginal and Torres Strait Islander Cultural Competency Framework specifically for Bimberi Youth Justice Centre that ensures that all aspects of Bimberi Youth Justice Centre’s services are culturally competent and safe, including through appropriate staff training.</p>	<p>Agreed</p> <p>Training options to increase cultural competency are being investigated and will become part of the Bimberi youth worker induction program from the first induction program in 2022.</p> <p>A Cultural Competency Framework for Bimberi will be included on Children, Youth and Families’ future work plan and will be developed when appropriate resources are identified and available.</p>
<p>Recommendation 15</p> <p>That the Community Services Directorate provide ongoing funding for allied health services in Bimberi Youth Justice Centre.</p>	<p>Agree in principle</p> <p>An allied health pilot was trialled in Bimberi between June 2020 and January 2021. The ongoing funding for allied health services in Bimberi will be subject to future consideration as part of the whole of government budget process.</p>
<p>Recommendation 16</p> <p>That Bimberi Youth Justice Centre incorporate mandatory basic training in disability awareness in the youth justice environment for all staff, with refresher training at appropriate intervals.</p>	<p>Agreed</p> <p>Training options to improve disability awareness are being discussed with Office for Disability and will become part of the Bimberi youth worker induction program by the first induction program in 2022.</p>
<p>Recommendation 17</p> <p>That Bimberi Youth Justice Centre consult with Justice Health Services to find a workable solution for Justice Health staff office space that does not compromise patient confidentiality.</p>	<p>Agreed and completed</p> <p>Building modifications were made to the office space in building seven (client services) in late 2020, providing Justice Health Services with a private office space.</p>
<p>Recommendation 18</p> <p>That Justice Health Services commission an independent review of the health education model at Bimberi Youth Justice Centre with a view to identifying gaps and developing an evidence-based comprehensive health education program.</p>	<p>Agreed</p> <p>The ACT government supports this recommendation. This recommendation will be led by Canberra Health Services.</p>

<p>Recommendation 19</p> <p>That Bimberi Youth Justice Centre provide a dedicated psychologist function to enhance the capacity of Client Services to provide psychological support and programs to young detainees.</p>	<p>Agreed in principle</p> <p>The funding of a dedicated psychologist in Bimberi will be subject to future consideration as part of the whole of government budget process.</p>
<p>Recommendation 20</p> <p>That Bimberi Youth Justice Centre provide an options paper for discussion at the Bimberi Oversight Group on ways to avoid centre-wide operational lockdowns in response to incidents, and strategies to mitigate the impact of those lockdowns on young detainees if unavoidable.</p>	<p>Agreed</p> <p>A review of Bimberi’s Emergency Operating Procedures is underway in response to recommendations made in the Muir Review and by WorkSafe ACT in response to the August 2019 critical incident. It is expected that this review will be complete by June 2022. The use of lockdowns in response to incidents will be considered as part of the review of Bimberi’s Emergency Operating Procedures.</p>
<p>Recommendation 21</p> <p>That the Education and Community Services Directorates establish an appropriate restricted internet platform to support the education of young detainees, with a plan for implementation developed within 6 months of the tabling of the government response to this report.</p>	<p>Agreed</p> <p>The Education Directorate is working with Shared Services ICT to develop a safe and secure learning platform, commonly called a ‘Sandbox’. Sandbox will allow classroom teachers to plan and deliver digital content that can be deployed securely to students in their classrooms, whilst ensuring no communication with external parties. Sandbox will empower learners to engage with their learning subject and expand their knowledge and understanding of general ICT skills, noting this can be a barrier for young people upon exiting Bimberi.</p> <p>The Murrumbidgee School Board have endorsed this project and the Education Directorate continue to work closely with Shared Services ICT and Bimberi Youth Justice Centre Management to actualise the final stages of the project.</p>

<p>Recommendation 22</p> <p>That the Education Directorate make formal arrangements around Year 10 and Year 12 certification for young detainees completing their education through Murrumbidgee School.</p>	<p>Agreed</p> <p>The Education Directorate ensures that practices are in place that prioritise and support the engagement of every student in their learning.</p> <p>Murrumbidgee School staff actively provide students with education packs to support their learning outcomes and all students have an Individual Learning Plan (ILP) that details the scaffolding and support requirements to remain engaged in their education.</p> <p>Murrumbidgee School staff also work closely with young detainees in year 10, 11 & 12 wishing to obtain Year 10 or 12 certification. The means of certification is based on the circumstances of the individual student, however, can include working with the home school.</p> <p>Options relating to possible accreditation pathways are currently being reviewed by the Education Directorate.</p>
<p>Recommendation 23</p> <p>That Bimberi Youth Justice Centre introduce video call technology for social visits.</p>	<p>Agreed</p> <p>Bimberi is working with the Community Services Directorate’s Chief Information Officer to improve video call technology in Bimberi.</p>
<p>Recommendation 24</p> <p>That Bimberi Youth Justice Centre remove phone calls from the incentive scheme to ensure that contact with family is not apportioned according to behaviour. This should not result in a reduction to the current maximum number of calls young detainees can make, that is, 19 phone calls per week.</p>	<p>Agreed and completed</p> <p>Bimberi’s policies and processes have been updated to remove phone calls from the incentives scheme. All young people are now allocated 20 phone calls per week.</p>

<p>Recommendation 25</p> <p>That Bimberi Youth Justice Centre develop a framework in conjunction with legal service providers in the ACT, ACT court staff and relevant oversight entities about how to support young detainees before, during and after court appearances by audio-visual link.</p>	<p>Agreed</p> <p>CSD will seek the support of legal service providers in the ACT, the ACT Courts and Tribunals and the Public Advocate in developing a joint framework for supporting young people through the court process.</p>
<p>Recommendation 26</p> <p>That the Community Services Directorate take urgent action to implement recommendation 14 in the ACT Human Rights Commission’s 2019 Commission Initiated Review of Allegations Regarding Bimberi Youth Justice Centre about implementing a systemic program of throughcare at Bimberi. This should be developed jointly with ACT Health and the Education Directorate.</p>	<p>Agreed in principle</p> <p>Throughcare is part of the Parliamentary Agreement of the 10th Legislative Assembly. Implementation of a throughcare program at Bimberi will be subject to future consideration as part of the whole of government budget process.</p>
<p>Recommendation 27</p> <p>That the Community Services Directorate review the programs and services available in Bimberi Youth Justice Centre to identify the current therapeutic outcomes for young detainees and the gaps that need to be addressed.</p>	<p>Agreed</p> <p>The Bimberi Principal Practitioner and Programs and Services Manager have commenced this work – <i>Thrill, Chill and Upskill</i>.</p> <p>The Principal Practitioner is leading the work on strengthening the therapeutic services and programs available to young people.</p>