

Chapter 12: Education

A Quality Youth Justice System Meets Young People's Education Needs

Relevant Terms of Reference

- Programs for education and training, health and well being and rehabilitation
- Throughcare and aftercare services provided to detainees and CYJ clients

Relevant Human Rights Standards

- Protection of Family and Children (HR Act s.11, CROC arts 3, 19)
- Right to Education (POJ r.13, 38 and 39, CROC arts 28, 29, ICESCR art 13)
- Vocational Training and Work (POJ r.43-46, 67)

12.1 Introduction

- 12.1.1 Evidence shows a correlation between poor education outcomes and involvement in the youth justice system. It also shows that education programs within detention centres have great potential to help young people change their lives. Further, human rights standards require that young people have access to education and vocational programs while in detention. For these reasons the Commission has examined the interaction between education services and the ACT youth justice system.
- 12.1.2 This chapter begins with a brief discussion of the importance of school engagement in preventing young people's involvement in the youth justice system; it then examines the provision of education programs at Bimberi; and discusses issues of throughcare, and the importance of maintaining young people's engagement in education, vocational training or employment after release from Bimberi. The chapter concludes with a discussion of specific issues relating to vocational training programs, and living skills programs.

Human rights standards relating to education

- 12.1.3 The right to education is enshrined in the International Covenant on Economic, Social and Cultural Rights. A joint research project between the Australian National University and the Department of Justice and Community Safety, funded by an Australian Research Council linkage grant, recommended the inclusion of specific economic, social and cultural rights, including education and health care, in the ACT *Human Rights Act 2004* (the HR Act). The ACT Government is currently considering this recommendation.
- 12.1.4 Nonetheless, young people held in detention have further, specific rights to rehabilitation, health and education. Young people in detention should receive equal opportunities to those outside of detention. However, in some cases, the rights may be broader than this minimum entitlement. In particular, the Commission considers that detention should be viewed as an opportunity to provide intensive support to a group of young people who have previously been failed by the system. As former MLA Kerry Tucker stated in the preface to the 2001 Legislative Assembly Committee Report examining the Government's response to the Soames inquest into the death of a young person in Quamby:

*'The stories of the young people in detention in Quamby are a reflection of serious social failure. It is clearly established that supportive intervention and prevention strategies need to be given a high priority to address these failures. These young people who come into contact with youth justice services are clearly at high risk of being continually socially isolated unless such strategies are carefully implemented.'*¹

¹ ACT Legislative Assembly Standing Committee on Justice and Community Safety, 'Report examining the Government's response to the Soames inquest' (2001).

- 12.1.5 Consistent with this, international human rights standards for young people also emphasise the importance of rehabilitation and reintegration into the community. Under Articles 28 and 29 of the United Nations *Convention on the Rights of the Child* (CROC), primary education must be available and free to all, and governments should develop different forms of secondary education, including vocational education, which must be available and accessible to every young person. Education should be directed to:
- The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
 - The development of respect for the child's parents, his or her own cultural identity, language and values, the national values of the country in which the child is living, the country from which he or she may originate, and civilizations different from his or her own;
 - The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; and
 - The development of respect for the natural environment.
- 12.1.6 Rules 13, 38 and 39 of the United Nations *Rules for the Protection of Juveniles Deprived of their Liberty* (POJ) further elaborate on these rights. The POJ requires that young people deprived of liberty should not be denied the economic, social or cultural rights to which they would otherwise be entitled. It further requires that every juvenile of compulsory school age has the right to appropriate education designed to prepare him or her for return to society. Wherever possible, education should be provided outside the detention facility in community schools and, in any case, by qualified teachers through programs integrated with the education system so that, after release, juveniles may continue their education without difficulty. Young people who are illiterate or have cognitive or learning difficulties should have the right to special education. Particular attention should also be given to young people with particular cultural or ethnic needs.
- 12.1.7 Under Rule 40 of the POJ, any certificates awarded to young people while in detention should not indicate in any way that the young person was institutionalised. Rule 41 requires that young people have access to an adequately stocked library.² Principle 28 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (BOP) requires that a detained or imprisoned person shall have the right to obtain, within the limits of available resources if from public sources, reasonable quantities of educational, cultural and informational material, subject to reasonable conditions to ensure security and good order in the place of detention or imprisonment.

Relationship between education and the youth justice system

- 12.1.8 There is a well established connection between poor education outcomes and involvement in the youth justice system. During a study conducted in 2007-2008 with 12 young people in the former Quamby Youth Detention Centre (Quamby), all young people in the group:
- '...reported having poor experiences at school prior to incarceration at Quamby and all but one stopped going to school at a young age... most young people had left school before they turned 14, with three having disengaged during their primary school years.'*³
- 12.1.9 Evidence shows that the factors contributing to poor education outcomes can also adversely affect a child's behaviour and, at the same time, early behavioural problems can lead to poor education outcomes and school disengagement.⁴ Therefore for many young people, disengagement from school is a significant risk factor for detention.⁵ This dynamic means that young people in detention have significant education needs. An education expert involved with the youth justice system provided the Commission with a profile of the group of young people they worked with in the years before 2008:
- 'Young people entering the youth justice system are among the most disadvantaged young people in our community. A significant number have special education needs or have an intellectual disability. Many have experienced significant trauma through exposure to domestic violence and some have had personal experiences of abuse and neglect from a very early age. A significant proportion of these young people have both physical and mental health problems with associated substance abuse issues. Almost without exception this group of young people has struggled with education and often due to behaviour problems have been unable to make satisfactory relationships with their peers and teachers. By the time they enter the youth justice system and detention their literacy and numeracy skills are well below their age level and they have a strong perception of themselves as failed learners.'*

² See also Rule 40 of the SMR, and Article 17(c) of CROC.

³ Institute for Child Protection Studies, *Lost in Transition* (2008) 113.

⁴ Antonis Katsiyannis, Joseph B Ryan, Dalun Zhang, Anastasia Spann, 'Juvenile delinquency and recidivism: the impact of academic achievement', (2008) *Reading & Writing Quarterly* 24: 177-196.

⁵ Peter E. Leone, Michael Krezmien, Loretta Mason, and Sheri M. Meisel, 'Organizing and Delivering Empirically Based Literacy Instruction to Incarcerated Youth' (2005) *Exceptionality*, 13(2), 89-102.

- 12.1.10 Evidence shows that a high proportion of young people in the youth justice system lack basic skills in reading and writing, and many have diagnosed learning disabilities.⁶ One study found that young people in detention read at about the Year 4 level, and function four years behind their peers of the same age.⁷ However, it is important not to assume all young people in detention have experienced poor educational outcomes; a very small minority of young people in detention do perform at or above the level of their age peers.
- 12.1.11 Research indicates that successful education programs improve life outcomes for individual students, and reduce future community expenditure in the youth justice system. *'The implementation of sound academic interventions, particularly in reading, can effectively reduce rates of both delinquency and recidivism'*.⁸ Therefore, the delivery of education services for young people at risk or in the youth justice system should be a priority for the ACT Government.

12.2 Education and early intervention

- 12.2.1 Evidence shows that *'sustained involvement in the education system is a key factor in reducing the risk of entry into the juvenile justice system'*.⁹ More precisely, engagement with school has been shown to reduce antisocial behaviour and protect young people from a range of negative risk factors that may exist in other areas of their life.¹⁰ Therefore, helping children and young people to engage with education can improve their life outcomes and reduce rates of detention.
- 12.2.2 During this Review, the Commission received numerous reports of:
- Children and young people failing to attend school, with no response or intervention;
 - Schools suspending young people with complex needs, with the consequence that young people are left to roam around unsupervised, 'getting into trouble'; and
 - A lack of appropriate early intervention services to respond to children's disengagement from school.
- 12.2.3 While it is difficult to measure the dimensions of these problems, it seems clear that the ACT community needs to put greater effort towards identifying school disengagement at an early stage, and implementing strategies by which Government and non-government organisations can work with families to reconnect young people with education. The literature demonstrates that early intervention and prevention programs can increase a child's resilience and prevent offending behaviour by addressing the 'risk factors' in their life, and strengthening the 'protective factors'. In a recent discussion paper about diversion, the ACT Government recognised *'the need for early identification of young people at risk of disconnection from education and the implementation of intensive support strategies to assist young people to maintain connection with education and training'*.¹¹ The Commission will examine future development of ACT Government policies and programs to ensure there is ongoing attention to these issues.

Identifying children who are at risk of disengaging from school

- 12.2.4 Research has established that certain early signs in a child's life can indicate a risk of future school disengagement and involvement in the criminal justice system. Primary schools and high schools are places where these signs can be identified, and children and families can be connected with early, supportive referrals to appropriate intervention services.¹²
- 12.2.5 However, some participants in the Review told the Commission that indications of risk are not being identified early enough, and we are losing opportunities to maintain children's engagement in education.
- 12.2.6 There are two aspects to school disengagement. Some families gradually withdraw from participation in school, for a variety of reasons, including parental homelessness, drug use or mental illness. Other families are supportive of their children's attendance at school, but the child is regularly removed from class or suspended due to behavioural issues. Sometimes these experiences are interrelated within the one family.
- 12.2.7 Schools should be supported to identify and record children's non-attendance, poor achievement or disruptive behaviour, to make effective referrals when they identify signs of risk, and to connect children with effective intervention. There are services available in this context (including Schools as Communities, and Youth Workers in Schools). However, some families

6 Katsiyannis, above n 4, 189.

7 Ibid.

8 Katsiyannis, above n 4.

9 Noetic Solutions, *A Strategic Review of the NSW Juvenile Justice System* (2010), para 298.

10 ICPS, above n 3, 112.

11 ACT Government Department of Disability Housing and Community Services, 'Discussion Paper: Towards a Diversionary Framework for the ACT' (2011), 48.

12 R Gilligan, 'The importance of schools and teachers in child welfare' (1998) 3 *Child & Family Social Work* 1.

and workers have reported that young people did not receive a response, or that they fell through the gaps between services.¹³

Collaboration to support children's re-engagement in school

- 12.2.8 According to some participants in the Review, schools are successfully identifying children at risk, but the problem lies in the response provided to these children. Greater collaboration among education and treatment professionals is fundamental to appropriate education services for young people at risk of involvement in the youth justice system.¹⁴ Some parents told the Review it would have helped their child to keep out of trouble if they had assistance with transport to school, and if their child was engaged in activities after school. They felt a transport program could also provide mentorship, and pro-social adults could talk with children during the car ride.
- 12.2.9 Suspensions and expulsions are shown to increase the likelihood of school disengagement, and involvement in the youth justice system.¹⁵ In NSW there are 22 suspension centres designed to support children and young people who are suspended for periods of more than five days. Suspension centre programs are intended to assist students placed on long suspension to return to school. They focus on addressing the causes of poor behaviour, conflict resolution, self esteem building, literacy and homework support.¹⁶ The Commission is aware of the Achievement Centres that are available to some high school students in the ACT who are not engaging in education, and we encourage the Education and Training Directorate (ETD) to provide similar support to children in primary school.

Recommendation 12.1: The Education and Training Directorate provide increased support for children and young people to remain engaged with education during periods of suspension from school.

- 12.2.10 For young people under Community Youth Justice (CYJ) supervision, CYJ should focus on assisting the young person to engage with education or training as a priority. As mentioned above, the research clearly indicates the positive impact of education on rehabilitation. Young people and their families also report they are less likely to 'get into trouble' if they are engaged in positive activities that interest them. The Commission recommends CYJ staff be provided with resources, time and professional guidance to focus on young people's engagement in education, training or employment. For a further discussion of these issues see Chapter 7 (prevention and diversion).

12.3 Education programs for young people at Bimberi

- 12.3.1 Research indicates that the education program at Bimberi has significant potential to improve life outcomes for young people, and to reduce future expenditure in the criminal justice system. Mathur and Schoenfield found that:
- 'Within the broad spectrum of services provided by juvenile justice systems, the education of [young people in detention] has perhaps the greatest long-term influence.'*¹⁷
- 12.3.2 Further, Mazzotti and Higgins found that:
- 'The manner in which school staff and educators structure the learning and social atmosphere can facilitate the rehabilitation of the student. Through the provision of a stable, secure, and welcoming support system, school personnel and educators provide important elements for the life successes of students.'*¹⁸
- 12.3.3 However, to be successful education programs must be well designed and operated. Further, the environment of the detention centre can present barriers to young people's enjoyment and success in education.
- 12.3.4 The literature shows that Bimberi is not alone in experiencing challenges in implementing effective education and vocational programs. Many other detention centres in other jurisdictions experience similar difficulties, where the school is not integrated within the management of the centre.

13 ICPS, above n 3, 126-127.

14 S Meisel, K Henderson, M Cohen, and P Leone, 'Collaborate to educate: Special education in juvenile correctional facilities' (1998) in *Building Collaboration Between Education and Treatment for At-risk and Delinquent Youth* (pp. 59-72).

15 Marsha Weissman et al, 'The Right to Education in the Juvenile and Criminal Justice Systems in the United States Submission to Vernor Muñoz Special Rapporteur on the Right to Education Human Rights Council United Nations' (2008).

16 NSW Department of Education and Training, 'Long Suspension and expulsion summary 2008' (2008).

17 Sarup R Mathur and Naomi Schoenfield, 'Effective instructional practices in juvenile justice facilities', (2010) 36 *Behavioural Disorders* 1, 20-27.

18 Valerie Mazzotti and Kyle Higgins, 'Public Schools and the Juvenile Justice System: Facilitating Relationships', (2006) 41 *Intervention in school and clinic*, 5, 299.

12.3.5 Houchins et al asked a sample of 78 teachers in youth detention centres in the United States what they perceived to be the barriers and facilitators to providing young people in detention with a quality education. Their responses were grouped into nine themes:

- Personnel concerns (lack of necessary administrative support, lack of support staff in the classroom, too much paperwork);
- Academic issues (inappropriate curriculum for the young people, students with different levels allocated to the same classroom);
- Student concerns (poor motivation, lack of treatment/support services);
- Behaviour and discipline;
- Materials and supplies (funding restrictions, and difficulty purchasing);
- Desire to have parental involvement;
- Lack of funding;
- Communication with detention centre management and lack of teacher involvement in decisions; and
- Need for better facilities.

12.3.6 These themes were very similar to the information provided to the Review by young people, families and teachers at Bimberi.

Current education programs at Bimberi

12.3.7 The Murrumbidgee Education and Training Centre (METC) is a school-related institution established under the *Education Act 2004*. It operates within Bimberi during normal school hours and across the school term. METC is governed by ETD and a Board that comprises ETD executives, Community Services Directorate (CSD) executives, community workers, and one student representative. Administratively METC is separate from other ACT Government schools, and is located within the Student Wellbeing and Behaviour Support unit of ETD.

12.3.8 The current staff team at METC comprises:

- One executive teacher with day-to-day supervisory responsibility for the program. This position is currently being upgraded to a Deputy Principal position;
- Two full-time teachers (Literacy, Numeracy, Studies of Society and Environment, Information Communications Technology);
- One full-time teacher (Art);
- One 0.6 FTE teacher (Woodwork);
- One 0.6 FTE teacher (Metalwork);
- One 0.6 FTE teacher (Music); and
- One 0.4 FTE teacher (variety of introductory trade programs).¹⁹

12.3.9 Other Government and non-government organisations are engaged by both ETD and CSD to provide short courses for young people at Bimberi in specialist subjects, during school holidays, or when a sudden increase in numbers of young people in detention requires additional teaching resources.

12.3.10 The curriculum for high school age students currently includes Mathematics, English, SOSE, ICT, Art, Music, Horticulture and Woodwork. Class sizes are generally six young people in education classrooms, six young people in the art room, and four young people in the wood and metal workshops. Term Reports are written; students receive the original and a copy is sent to their parent/carer. Further copies are held by METC and Bimberi case managers as supporting documentation of their work and effort while at METC.

12.3.11 METC has achieved some positive outcomes with young people, and during the Review young people at Bimberi generally spoke positively of the school. For example one parent told the Commission: *'I've got nothing but praise for Bimberi school'*. Young people at Bimberi also spoke highly about the school and felt that some of the teachers had played an important part in their lives. For many, the achievements that they had made while in detention were ones that they had previously believed unattainable and were greatly appreciated.

¹⁹ ACT Government submission.

Promising practice: Young people and parents generally spoke positively of the Murrumbidgee Education and Training Centre.

- 12.3.12 However, despite indications of positive outcomes for some young people, there are some fundamental challenges that undermine the educational outcomes for young people at Bimberi.

Good practice in education programs in youth detention centres

- 12.3.13 The literature provides us with a good indication of ‘what works’ in education programs based in youth detention centres. For example, in the United States, there is a list of key components of effective education programs in youth detention centres.²⁰ In England and Wales, the independent agency responsible for inspection of prisons has developed criteria for assessing the education services provided to young people in detention centres, based on international and UK human rights standards.²¹
- 12.3.14 The Review examined the current provision of education services in Bimberi using a combination of these standards:
- Professionalism, leadership and advocacy;
 - Integrated, multidisciplinary framework for service delivery;
 - Competency based curriculum options;
 - Early, appropriate, and coordinated assessments and planning;
 - Students are allocated to courses at an appropriate level to meet their assessed needs and their aspirations and interests;
 - A range of effective and age-appropriate offending-behaviour and other interventions is available to promote social integration and personal development;
 - Students attend the activities to which they are allocated and that are set out as objectives in their training plan;
 - Students engage actively in, contribute to and enjoy the activities they are involved in;
 - Adequate IT and library resources to support young people’s education;
 - Pro-social skills curriculum;
 - Community and business involvement;
 - Ongoing support and professional development for teaching staff; and
 - Sufficient fiscal resources.

Professionalism, leadership and advocacy

- 12.3.15 Meisel et al state:
- ‘Skillful administrative leadership is essential to maintain a focus on the needs of educational and treatment programs as a priority within correctional facilities, to encourage collaborative structures, to provide ongoing support for staff, and to build links with parent and community groups. Leadership also is critical to advocate for social policies that support correctional education programs as public sentiment increasingly grows unsympathetic to funding educational and treatment services for youthful offenders. Communicating the importance of correctional education programs to the general public, elected officials, legislators, and the media is fast becoming an essential professional skill.’²²*
- 12.3.16 The teachers at METC are situated in a difficult organisational structure, as they are employed by ETD, and METC is administered by ETD, but their operational environment is controlled by Bimberi management and CSD. The Commission supports the existing model by which education services in Bimberi are provided by ETD (and health services are provided by ACT Health), and believes that the independence and transparency provided by this structure are important. However, staff at METC are caught between two Directorates, budgets and cultures. If not well managed, this could impact poorly on education outcomes for young people.
- 12.3.17 The Commission identified several problems with the management structure during the Review. METC is not fully integrated within Bimberi, and there are several areas in which communication could improve.
- *Poor induction.* Not all staff at METC reported receiving a formal site induction or training when they began working at Bimberi;
 - *Lack of shared planning.* For example, before 2011 teachers were not involved in Bimberi case management meetings;

²⁰ Meisel, above n 14.

²¹ Her Majesty’s Inspectorate of Prisons, *Criteria for assessing the treatment and conditions for children and young people held in prison custody* (2009).

²² Meisel, above n 14.

- *Lack of input into decision-making about METC.* For example, the decision to remove youth workers from the classrooms in late 2010 was made by Bimberi management with insufficient consultation and preparation with METC staff (this issue is discussed further below);
- *Lack of input into decision-making about individual young people.* For example, when making classification decisions, Bimberi management do not consult with teachers to seek information about young people's behaviour during school hours. Further, teachers are not consulted or informed before Bimberi management make a decision that will interfere with a young person's schooling (such as placing a young person in lock down or segregation); and
- *Limited communication.* This year communication has reportedly begun to improve, and the senior teacher at METC attends the new morning briefings with Bimberi staff. However, there could be further improvement in the way METC and Bimberi staff convey information when the young people move between the units and the school at the beginning and end of the school day.

Promising practice: METC teachers have become involved in Bimberi case management meetings in 2011.

- 12.3.18 Also, it appears that historically Bimberi management have demonstrated little professional respect towards METC staff.
- *Making decisions about risk.* Young people have very restricted access to online education resources. While it is appropriate to have some restriction on internet access in a detention centre, it appears that security processes are inefficient and unnecessarily impact on young people's education opportunities. METC teachers are not permitted to use their professional judgement to determine which websites are suitable for use by students in class. Rather, teachers are required to submit a list of educational websites for signoff by Bimberi management. This process was agreed by CSD and ETD early in the operation of Bimberi, however based on feedback from teachers, there may be benefit in reviewing the process. See Chapter 14 (conditions of detention) for a discussion of the wider issue of internet access outside the classroom.
 - *Managing risk in the classroom.* As mentioned above, the decision to remove youth workers from the classrooms in late 2010 was made by Bimberi management with insufficient consultation with METC staff. Further, Bimberi management sometimes deny certain young people access to school due to 'security risk', without consultation with the teachers. Some teachers reported they had no concern with the behaviour of these particular young people in the classroom, and disagreed with the decision to exclude them.
 - *Determining programs and resources.* For example, young people are placed in classes according to young people's unit of residence, and their demographic characteristics. The teachers are not able to arrange class groups according to the educational needs and capacity of the students, such as grouping young people according to their reading level, or similar musical skills together. Further, security concerns have restricted young people's access to particular classes, such as woodwork and metal work.
 - *Difficulty gaining approval for teaching material/equipment to enter the Centre.* CSD informed the Commission that an agreement between CSD and ETD requires equipment to be provided to METC within two days of the request. However, there are reports of this timeframe not being met in some circumstances. Some teachers reported frustration with the process for bringing educational materials into Bimberi. They claimed the requirements for gaining security approval for classroom materials, tools, films and internet access are lengthy and complex, and that the reasons provided by Bimberi management for refusing requests are sometimes unreasonable and unnecessary.
- 12.3.19 The 'youth workers in classrooms' issue, which received significant media attention in late 2010, seems to demonstrate these problems of poor communication and professional respect. Bimberi management proposed to withdraw youth workers from classrooms. The Commission heard differing reports about the adequacy of consultation with teachers and youth workers before the decision was made. It seems clear that there was inadequate preparation before the decision was implemented; teachers and youth workers told the Review there was no lead-in time, and no written procedures to guide them during the change.
- 12.3.20 Following the decision to remove youth workers, some teachers publicly expressed concern about safety in classrooms. Other teachers have told the Review they were willing to make the change, but were frustrated by the lack of consultation and the immediate implementation of the decision. Youth workers also had mixed views: some youth workers told the Review that they would prefer the option to be involved in the classroom when needed, and that they enjoy the opportunity to help young people with their reading skills; other youth workers said they were relieved to have an opportunity for a break during their long 12-hour shift.

- 12.3.21 The Commission understands that staff shortages have a significant impact on youth workers and young people, and agrees that Bimberi management needed to find ways to address the problem. However, this decision does not seem to have been well managed. METC was not seen as an equal partner, and there was limited trust and commitment from METC staff because of the way the decision was made. As a result of the removal of youth workers from classrooms, teachers have decreased resources and increased responsibility.

Recommendation 12.2: The Education and Training Directorate and the Community Services Directorate work together to provide alternative support and resources to young people in the Murrumbidgee Education and Training Centre following the removal of youth workers from the classrooms, perhaps through teaching assistants or additional qualified teachers.

- 12.3.22 See below for further discussion about education resources at Bimberi.
- 12.3.23 These problems of communication and professional respect may stem in part from the fact that there is no onsite principal or deputy principal with authority equivalent to Bimberi senior management. Officially CSD and ETD are partners in the management of METC; they have equal participation on the school board, and on the Strategic Reference Group, and have negotiated formal policies to govern the school. However, in practice, each day Bimberi staff make decisions which affect the teachers and young people who attend METC, and any conversations conducted onsite between Bimberi management and METC occur with a power imbalance. An onsite principal or deputy principal could increase support for the staff at METC and assist communication with Bimberi management.

Recommendation 12.3: The Education and Training Directorate and the Community Services Directorate give direction and support to Murrumbidgee Education and Training Centre staff and Bimberi staff to:

- clarify their daily operational relationship and interactions, with the aim of improving education outcomes for young people
- negotiate mechanisms to exchange appropriate information about young people, centre operations and school operations, at the beginning and end of the school day.

Recommendation 12.4: The Community Services Directorate give direction and support to Bimberi management to ensure they consult with Murrumbidgee Education and Training Centre staff before making decisions that impact on a young person's access to education.

Recommendation 12.5: The Education and Training Directorate employ an onsite principal equivalent to the level and authority of Bimberi management.

Recommendation 12.6: The Education and Training Directorate communicate with the Community Services Directorate about any operational decisions that detrimentally impact on young people's education at Bimberi.

Integrated, multidisciplinary framework for service delivery

- 12.3.24 Collaboration among education and treatment professionals is fundamental to providing effective education programs at Bimberi.²³ The school at Bimberi needs to be connected with the youth workers, case managers and health professionals who also work with the young people at Bimberi. Many participants in the Review identified a need for collaborative case management: for all services at Bimberi to work together to meet the needs of young people. Individual learning plans should be meaningfully integrated with Bimberi case management plans. For further discussion of this issue see Chapter 8 (case management).

Competency based curriculum options

- 12.3.25 Leone et al state:
*'The overall purpose of correctional education is to engage [young people] in positive educational experiences and prepare them for successful re-entry to their schools and communities.'*²⁴

²³ Meisel, above n 14.

²⁴ Leone, above n 5, 90.

- 12.3.26 Bimberi needs to provide a range of curriculum options to meet the diverse needs of young people in detention. This includes literacy and numeracy, vocational training, physical education, living skills, and social and emotional learning.
- 12.3.27 Some participants expressed the view that one type of education is more important than others; for example, that it is more important for young people to learn to read, or to prepare for work, or to learn to interact with other people. However, in the Commission's view, different types of education programs can be integrated, and teachers will adopt a particular focus according to the needs and wishes of individual young people. Some teachers described how young people could learn emotional awareness or social skills while they were in a literacy or music class with other students. To teach effectively in Bimberi, teachers create a climate in the classroom that promotes positive teacher–student relationships, positive peer relationships, a personal sense of self, and an ability to manage emotions.²⁵
- 12.3.28 The curriculum at Bimberi needs to be modular and achievable. This has proven to help young people build confidence, and help METC manage the difficult fact that many young people are in Bimberi for very short periods, and often it is not known how long they will be in detention until their next court appearance. Also, the METC curriculum needs to be transferable, and able to monitor and report systematic progress. The curriculum should be benchmarked to appropriate standards.²⁶ Achievements should be accredited in a way that enables this progress to be recognised when re-entering the mainstream education system or moving into the vocational training system. METC should maintain a record of achievement for each young person, to facilitate their continuation of courses when they leave Bimberi.
- 12.3.29 Currently there are some restrictions that prevent young people accessing curriculum options that meet their needs:
- There are limited opportunities in Bimberi for young people who have already completed Year 10. The only way that a young person can complete Year 12 at Bimberi is by distance education through Karabar High School in Queanbeyan, which is part of the NSW education system. While this difficulty does not affect a large group of young people, the Commission believes that ETD should explore options by which the ACT education system can meet the needs of these young people, perhaps on a model similar to the Canberra College Cares program;
 - Access to vocational programs involving tools is sometimes denied by Bimberi management due to security reasons; and
 - At Quamby young people were permitted to apply for day leave to attend school in the community. This was helpful for young people who wanted to maintain existing relationships with a school, and for young people preparing for release. There have been no episodes of day release for education or training purposes at Bimberi. Reportedly, one young person was granted leave for childcare training, although they were released from detention prior to the training occurring. There should be a process by which young people or teachers can apply for day release to a community based school if the young person meets appropriate criteria.

Recommendation 12.7: The Education and Training Directorate explore options by which the ACT education system can meet the needs of young people wishing to complete Year 12 qualifications while in Bimberi, instead of referring them to the NSW education system.

Recommendation 12.8: The Community Services Directorate assertively implement the provision in the *Children and Young People Act 2008* which allows for the conditional day release of young people in Bimberi for purposes of education, training or employment.

Recommendation 12.9: The Education and Training Directorate assist young people to submit applications for day release for education purposes, when it is in the best interests of that young person.

- 12.3.30 If a young person completes a Year 10 Certificate or other qualification while in Bimberi, their accreditation certificate names METC as the education institution in which they completed their studies. Human rights standards require that if a young person achieves an educational qualification while in detention, their accreditation certificate should not disclose the name of the detention centre. ETD has clearly considered this requirement in naming the school 'METC' and removing any reference to Bimberi from the title. However, the Commission is concerned that as community awareness of Bimberi increases, METC may become commonly identifiable as the school within the ACT detention centre. In these circumstances, to protect young people from stigma or discrimination, it may be preferable for METC to establish a connection with a local primary school and high school to allow certificates to be printed with the name of a community based education institution.

²⁵ Mathur, above n 17, 21.

²⁶ Leone, above n 5, 92.

Early, appropriate, and coordinated assessments and planning

- 12.3.31 When a young person arrives at Bimberi there should be a comprehensive assessment and planning process to identify their education history, skills, interests, and learning support needs. The process should be coordinated, and be used to inform the goals for the young person's education, and the preparation for classes. Some of the areas requiring assessment are: current reading level and writing level, numeracy, behavioural issues, learning disability, and intellectual disability.
- 12.3.32 Currently the teachers do perform some testing in the classroom to assess the skills and interests of the students. Students are also provided with an individual learning plan (ILP) to plan their education while in Bimberi. However, there are significant challenges in planning for young people's education in Bimberi:
- Education programs in detention centres are impacted by variable lengths of detention, and high mobility rates.²⁷ The average length of stay for young people on remand in Australia is 11 days.²⁸ This level of mobility among many young people at Bimberi makes it difficult for teachers to develop relationships and to plan for their education. This highlights the need for small, modular curriculum options for young people on remand;
 - The difficulty of short periods of remand is complicated by the fact that some young people later re-enter Bimberi, sometimes several times. The mobility of some young people in detention is a challenge for METC and the wider school system in the ACT. Young people moving between schools in the community, or between schools and Bimberi, have a disrupted education. There need to be clear procedures and guidelines for exchange of information during the transition to and from Bimberi;²⁹ and
 - Teachers report they often do not know much about their students' backgrounds.
- 12.3.33 There are several ways to improve education assessments and planning at Bimberi:
- *Improved agency coordination.* There should be more coordination between Bimberi case management, CYJ case management, Care and Protection Services, and METC. For further discussion of these issues see Chapter 8 (case management).
 - *Induction case conference.* Before a new student is placed in a class, they could be inducted through a case conferencing model in which the young person, executive teacher, teachers and youth workers discuss the young person's education history, skills and interests. Although a similar conference occurs in the ILP process, this may not occur until three weeks after a young person arrives at Bimberi;
 - *Transfer of information from previous schools.* METC teachers need to quickly make contact with young people's previous schools to obtain their relevant education records. This is a core component of effective education programs in youth detention centres.³⁰ Obviously ETD should assist METC with this process. Ultimately, engaging staff from the schools from which young people are coming (and hopefully returning) would also be helpful in ensuring a continuity of care and enable METC to understand and meet each student's broad needs; and
 - *Involvement of parents.* Some teachers and youth workers have expressed interest in speaking with young people's parents, to gain a better understanding of the young person's background, needs and interests. Communication with and involvement of parents is another core component of effective education programs in youth detention centres.³¹ Bimberi and METC should develop accessible opportunities for parents to be involved in the development of their young person's ILP, when this is in the best interests of the young person. For example, they could schedule ILP meetings to coincide with family visiting times, or involve parents in meetings via speakerphone.³² We have been informed that METC invited parents to a parent/teacher evening in 2010, but that no parents or carers attended. Given the difficulty accessing transport to Bimberi, perhaps more flexible options might be considered in future, including meetings at different times of the day or more accessible locations.

Recommendation 12.10: The Community Services Directorate, in consultation with the Murrumbidgee Education and Training Centre and Bimberi management, develop and implement flexible and accessible methods to facilitate parental involvement in young people's education.

27 Ibid.

28 Kelly Richards, 'Trends and issues in crime and criminal justice, no.416' (2011) Australian Institution of Criminology.

29 Regine M Foley and Jing Gao, Correctional Education Programs Serving Incarcerated Juveniles: A Status Report, (2002) *JCE* 53(4).

30 Leone, above n 5, 92.

31 Ibid.

32 Meisel, above n 14.

Students are allocated to courses at an appropriate level to meet their assessed needs and their aspirations and interests

- 12.3.34 Currently young people are not allocated to class groups or subject areas based on their educational need. Rather, class composition has historically been based on security decisions made by Bimberi management, with limited information sharing about the reasons for decisions. Issues of mixing are discussed further in Chapter 14 (conditions of detention). The restrictions on class composition have a detrimental impact on education outcomes for young people. Young people are less likely to enjoy or benefit from a class if they are in a group with students at a different reading level. Clearly some risk assessment is needed to ensure safety of young people and staff, however, the Commission believes there should be more flexibility for METC to determine class composition. Extra resources may be required to allow smaller class sizes that take into account both security issues and educational need.

Recommendation 12.11: The Education and Training Directorate and the Community Services Directorate facilitate greater flexibility for the Murrumbidgee Education and Training Centre to determine class composition. Extra resources may be required to allow smaller class sizes that take into account both classification issues and educational need.

- 12.3.35 Some young people told the Review they were unable to be involved in courses they were interested in. Some of the new subject areas young people nominated were childcare, youth work, mechanics and hairdressing. Other young people said they were forced to participate in programs they did not have interest in. Some young people in Bimberi are aged over 17 years and therefore not legally obliged to participate in education, and there should be a range of vocational options available for them. These issues are further discussed further below, in the section on vocational training and employment.

A range of effective and age-appropriate offending-behaviour and other interventions is available to promote social integration and personal development

- 12.3.36 The Commission has identified a range of therapeutic and education programs that are not currently being provided at Bimberi, but that would assist young people's rehabilitation:
- *Therapeutic services to help young people address their offending behaviour.* This is a significant need, and is discussed further in the Chapter 8 (case management);
 - *Programs to support the cultural needs of Aboriginal and Torres Strait Islander students.* A teacher suggested the Indigenous Education Section staff in ETD could assist METC staff with appropriate curriculum content that will support cultural learning for Aboriginal and Torres Strait Islander young people. The Commission urges CSD to employ an Indigenous liaison officer at Bimberi as soon as possible;
 - *Wider education needs of young people in the youth justice system.* Young people in Bimberi need improved access to information about a range of issues that may affect their lives, including:
 - legal education;
 - sexual health education;
 - drug and alcohol education;
 - anger management groups;
 - human rights education; and
 - swimming or lifesaving lessons.
- 12.3.37 CSD informed the Commission that there have been programs in sexual health education, drug and alcohol education and swimming at Bimberi. However, they were unable to provide the dates of these programs, the duration, or the numbers of young people who participated. The Commission has seen no documentation to indicate an integrated and consistent approach to programming, or an assessment process that ensures that young people are able to access programs to meet their individual needs.
- 12.3.38 Government or non-government organisations could be invited to provide young people with short-course workshops on these subject areas. Workshops could be structured to take place during the school day, providing additional teaching resources, which would allow smaller class sizes for literacy and numeracy tutoring. Alternatively, workshops could take place on weekends, or in the evening before the young people are locked in their rooms at 7.30pm.

Recommendation 12.12: The Education and Training Directorate consider how the Indigenous Education Section in the Directorate could assist Murrumbidgee Education and Training Centre staff with appropriate curriculum content that will support cultural learning for Aboriginal and Torres Strait Islander young people.

Recommendation 12.13: The Community Services Directorate consider the best means to engage government or community service providers to facilitate programs in legal education, sexual health education, drug and alcohol education, anger management groups, human rights education, swimming or lifesaving lessons, and other subject areas relevant to young people in Bimberi.

Students attend the activities to which they are allocated and that are set out as objectives in their training plan

- 12.3.39 As described above, young people in Bimberi have a right to education, and evidence shows that education can assist in a young person's rehabilitation. However, despite this clear standard and strong evidence, education programs at Bimberi have been interrupted by security concerns and staff shortages. For several months during 2010 young people were placed in lockdown during the middle of the day to allow staff to have a lunch break during their 12-hour shift. This interrupted the school day.
- 12.3.40 In the past Bimberi management have refused to allow certain young people access to vocational programs, apparently because these classes involve access to tools. However, the criteria for risk assessments in this context is not clear. There should be objective criteria on which a young person and their teacher can apply to access vocational classes, and clear process of decision-making, with an explanation of the reasons for decisions, and a clear statement for the young person of what they need to do to gain access to the class.
- 12.3.41 Young people are sometimes excluded from school by Bimberi management for behavioural reasons. Young people on segregation or in lockdown are not permitted to attend school. The Commission has concerns about the practice of segregation and lockdown (or 'time out') at Bimberi, which are discussed in more detail in Chapter 14 (conditions of detention). Such decisions should be based on a formal risk assessment, should not continue indefinitely, and should be reviewed by an independent person.
- 12.3.42 The Australian Education Union told the Review that:
'The breaks in the education program as a result of lockdowns undermine the capacity of teachers to maintain the interpersonal rapport and continuity in their programs. The practice of withdrawing the right to education results in the classroom environment being destabilised and generates safety and security issues for all concerned.'
- 12.3.43 Young people have a perception that, when they are denied access to school, it is punishment for past behaviour. Bimberi management insist that segregation and school exclusion decisions are based on risk management considerations. However, in the absence of clear criteria for segregation, behaviour management and school exclusion, Bimberi management remain open to criticism that such decisions are imposed as punishment.
- 12.3.44 If a young person is not permitted to attend school, they should still receive access to education. It is not clear whether this is happening adequately. Young people on segregation told the Review that, for long periods while in segregation, they did not receive education. Youth workers said young people in segregation do receive 'a bunch of papers', but that it would be more effective for teachers to visit the young people. Teachers report difficulty accessing young people when they are kept in their unit or in segregation. They say they endeavour to provide schoolwork to these young people, and they can sometimes visit them to assist them with their work, but this is not always possible due to security restrictions imposed by Bimberi management, and resource levels at METC.
- 12.3.45 Recommendations regarding more transparent decision-making in relation to segregation directions and disciplinary matters are discussed in Chapter 14 (conditions of detention).

Recommendation 12.14: The Education and Training Directorate inform the Public Advocate and Official Visitor if a young person is denied permission to attend school for two consecutive days in a row, to ensure transparency of segregation or behaviour management decisions that impact on young people's right to education.

Recommendation 12.15: The Education and Training Directorate and the Community Services Directorate ensure young people receive equal access to education while in segregation.

Students engage actively in, contribute to and enjoy the activities they are involved in

- 12.3.46 Mathur and Schoenfield state that:
‘Young people need the opportunity to find their own reasons for becoming literate—reasons that go beyond reading for factual knowledge or to conform to immediate academic requirements and that have functional value and meaning.’³³
- 12.3.47 Due to the fact that young people in Bimberi have had a variable (often not very good) experience of education during their lives, it is challenging to reengage them in school, and the success of some teachers and youth workers in establishing positive relationships with young people is noteworthy. Teachers at Bimberi have described their role as ‘relational’, and say it often takes time for young people to develop trust and become comfortable in the classroom. As discussed above, some young people in detention have skill deficits, behavioural problems or disabilities. Some young people in detention also report feeling afraid of being involved in the education program, or of not wanting to ‘feel dumb’.³⁴
- 12.3.48 For these reasons METC needs to provide a supportive environment, and teachers need to give students affirmation and recognition for achievements. From our experience visiting METC and speaking with current and former staff, the Commission is confident that this takes place.
- 12.3.49 Some young people participating in the Review said they would like to participate in decisions made about the school, the courses available, and about their own education. Currently young people are consulted in the development of their ILP, and a student representative is appointed to the METC Board.

Adequate IT and library resources to support young people’s education

- 12.3.50 Bimberi has a library with a range of written material displayed on shelves, located near to the classrooms and teachers’ staff room. However, young people do not have sufficient access to information technology to facilitate their education. In particular, Bimberi management tightly restricts the use of the internet in school classes. Access to the internet at METC is not equivalent to the access available to students at ACT Government schools in the community. As discussed above, the Commission is concerned that security processes are inefficient and possibly too restrictive of young people’s education outcomes, and suggests that ETD and CSD management negotiate a more suitable protocol for internet access. See Chapter 14 (conditions of detention) for a further discussion of the wider issue of young people’s access to the internet outside the classroom.

Pro-social skills curriculum

- 12.3.51 Many young people in detention have significant problems with anger management, relationship skills, impulse control and other social skills. Young people should receive training to help them develop understanding and skills that support positive behaviour. A program of social and emotional learning should be a core component of the education program at Bimberi, and it should be implemented jointly by teachers, health professionals and youth workers.
- 12.3.52 The Commission is confident that the teachers at METC endeavour to integrate this learning into their curriculum and daily class plans. However, such efforts could be more structured and effective if Bimberi provided individualised therapeutic services to assist young people’s rehabilitation. This issue is discussed above, and in Chapter 8 (case management).

Community and business involvement

- 12.3.53 A range of community and government organisations have provided short-term education and recreation programs in Bimberi. However, there are still significant gaps in the education program. As discussed above, there are several subject areas in which external Government and non-government organisations might visit Bimberi to provide sessional education programs, particularly in relation to: legal education, sexual health education, drug and alcohol education, anger management groups, human rights education, swimming or lifesaving lessons, and cultural learning for Aboriginal and Torres Strait Islander young people. There is also potential to engage employer organisations to provide vocational training and establish employment pathways for young people when they leave Bimberi. This is discussed further in section 12.5 (vocational training and employment).
- 12.3.54 The Review is aware that shortages of youth workers and limited resources for teaching staff mean that there is only limited opportunity for one-on-one tutoring with young people in Bimberi. Further discussion of education resources is below. However, there is potential for trained and supported volunteers with appropriate skills to assist young people in Bimberi with literacy skills.

33 Mathur, above n 17, 22.

34 ICPS, above n 3.

Ongoing support and professional development for teaching staff

- 12.3.55 Although METC is an ACT Government school, the teachers are isolated from ETD and from their colleagues in other schools, and they are in a special environment where they require additional support.
- There has been a high turnover of staff at METC since the opening in September 2008. Reportedly 14 teachers began working at Bimberi, and have now left. ETD find it difficult to employ staff for METC, and participants have suggested this is because teachers in the community are not aware of METC, or that there is a perception of a safety risk.
 - As mentioned above, the principal of METC is located offsite. A principal or deputy principal onsite would provide support to the teachers, and assist them in communicating with Bimberi management.
 - Due to the location and size of METC, teachers do not have the same convenient access to professional development opportunities as exists in larger schools in the community. The teachers do not have a free line in the weekly timetable, therefore it is difficult for them to access professional supervision or support during the work day. Some teachers reported reluctance to attend training courses, as they felt their absence would place a burden on their colleagues. The Commission recommends that ETD consult with METC staff about the supports that can be provided to assist them in their work. At Quamby the teachers established links and partnerships for professional development with Erindale College and Kaleen High School. Perhaps a similar model would be useful at METC.
- 12.3.56 ETD must pay close attention to the professional and personal well being of teachers at METC, and continually identify methods for supporting them in their work. For further discussion of staff support see Chapter 5 (staffing).

Recommendation 12.16: The Education and Training Directorate consult with Murrumbidgee Education and Training Centre staff about the supports that can be provided to assist them in their work.


Recommendation 12.17: The Education and Training Directorate develop professional linkages between Murrumbidgee Education and Training Centre staff and other schools in the community. The Education and Training Directorate develop strategies to promote METC as a place to work among teachers in the ACT.

Sufficient fiscal resources

- 12.3.57 As discussed above, education programs can have a transformative impact on young people in detention, reducing recidivism and improving their life outcomes. Therefore ACT Government should ensure METC has sufficient resources to operate effectively, both for the well being of the young people and teachers, and for the potential long-term cost savings in the criminal justice system. However, despite the strong imperative to provide adequate resources, teachers reported that METC is not adequately funded to provide intensive individualised education for young people.
- Unlike in other schools teachers do not have a free line in the weekly timetable, therefore they do not have many breaks during the school day, or the ability to have some time to themselves and refresh between classes;
 - Teachers told us it is difficult to provide a positive learning experience when there are six young people in the class, all with varied levels of reading ability. Young people would benefit from more opportunities to do intensive individualised work with a teacher;
 - It seems that METC cannot guarantee individualised education support for young people excluded from school on segregation; and
 - Teachers also spoke of 'too much paperwork', and lack of administrative support.
- 12.3.58 While teachers readily acknowledge they have fewer commitments than their colleagues in community based schools (such as marking and playground supervision), nonetheless their students have more significant behavioural difficulties and educational needs than exist in other class groups, and their work is intensely demanding. Further, when youth workers were removed from classrooms in late 2010, teachers took on increased responsibility as they had less support for behaviour management in the classroom. This increase in demand on teachers should be acknowledged and compensated.

Recommendation 12.18: The Education and Training Directorate and the Community Services Directorate negotiate funding for additional teaching resources, to ensure the well being of Murrumbidgee Education and Training Centre staff, and improved education outcomes for young people at Bimberi.

- 12.3.59 Increased teaching resources will allow for smaller class sizes, more intensive literacy and numeracy work, and individualised education for young people on segregation. As mentioned above, a high proportion of young people in detention have a



learning or intellectual disability or impairment.³⁵ When in a community based school these young people are eligible for special education services and learning support. While in Bimberi they should be eligible for the same (or greater) access to individualised learning support. ETD should ensure that young people in Bimberi are receiving the entitlements they are eligible for under existing departmental criteria for special education funding.

Recommendation 12.19: The Education and Training Directorate ensure that young people in Bimberi are receiving the full level of service they are entitled to under existing departmental criteria for special education services.

12.3.60 A further resource consideration is the length of the school year at METC. A core component of effective education programs in youth detention centres is year-round operation.³⁶ At Quamby in 2004 the education program was made available 48 weeks per year. Staff received the same holiday entitlements, and had a staggered schedule of breaks across the year. The extended year allowed the school to maximise opportunities to improve young people's education outcomes.

Recommendation 12.20: The Education and Training Directorate reinstitute the extended school year (48 weeks) that previously existed at Quamby, or alternatively develop a planned and coordinated summer school program which provides young people access to quality education and training programs throughout the year.

12.4 Education and throughcare

12.4.1 Leone et al state:

*'When [young people] return to their communities without essential literacy, vocational skills, and social skills, they face significant disadvantages including heightened risk for continued delinquency, unemployment, poverty, arrest, and incarceration.'*³⁷

12.4.2 Despite the challenges involved in engaging young people in education programs at METC, as described above, many young people do have positive school experiences and achieve good outcomes while at Bimberi. Unfortunately young people face a further set of challenges when they leave detention, and it is difficult to maintain their engagement in education as they transition to the community.

12.4.3 There is very good reason for the ACT Government to put significant effort towards improving young people's transition to education and training opportunities on release from Bimberi. Educational achievement is a significant deterrent to recidivism.³⁸ Conversely *'[r]ates of recidivism are highly correlated with low levels of academic performance.'*³⁹ Therefore investment in throughcare in education not only improves life outcomes for young people, it is likely to bring about long-term savings in expenditure in the criminal justice system.

12.4.4 Many participants in the Review described the difficulties young people experience when they transition from Bimberi into the community. There is a need for increased planning and support for transition generally, to connect young people with housing, health care, mental health care, drug and alcohol counselling, and education, training or supported employment. These issues are further discussed in Chapter 8 (case management).

12.4.5 Young people need intensive support to establish contact with a new education program in the first place, and to maintain engagement when things become difficult. One young person and several parents said the organisations who had promised to support them were not there when they were needed most. Additionally, the school or education provider needs support to ensure they are ready for the young person's entry. The Australian Education Union told the Review: *'The receiving schools are inadequately funded to manage appropriate transitional programs and the students are left to their own devices in a 'sink or swim' environment. While the schools do their best through Student Welfare officers and Counsellors there is no resourcing to provide close guidance, mentoring and transitional support for the students through a case-management model. This is a safety and security issue for the recently arrived student, the teachers in the receiving schools and the other students. It could be managed more effectively if the teachers at METC, who have developed a professional relationship with*

35 Leone, above n 5.

36 Leone, above n 5, 92.

37 Leone, above n 5, 100.

38 Leone, above n 5.

39 Katsiyannis, above n 4.

the student, were allocated time to attend the receiving schools as transition coaches for both the students and the staff at the receiving schools.'

- 12.4.6 Connections should be made with the young person's new education provider before release. As mentioned above, at Quamby young people could apply for day release to attend school in the community, however, Bimberi management have refused to allow this due to security reasons. If young people were permitted to apply for such an arrangement, they could visit their new education provider and develop relationships before the difficult period of transition.
- 12.4.7 Planning should begin months before the young person is released. On transition out of Bimberi, METC completes a form explaining the young person's status and provides it to the new education provider. Bimberi ILPs are designed for use only in METC. Despite this, the Commission suggests that when a young person leaves Bimberi their ILP and other relevant documents reporting their progress should travel with them to assist their new education provider to identify and meet their needs.
- 12.4.8 Schools not only need to be prepared, they need to be willing to receive young people leaving Bimberi. Young people and their families report perceptions of negative attitudes from the school community. Some young people returning to their old school feel judged by their teachers and the other students, and young people entering new schools still find it difficult to have a fresh start.⁴⁰ The Commission would be extremely concerned if ACT schools were reluctant to take on 'difficult' students and failed to provide full support to young people exiting Bimberi. Depending on the circumstance, such experiences may form the basis for a complaint under the *Human Rights Commission Act 2005* or the *Discrimination Act 1991*. Young people and their families or support workers are very welcome to contact the Commission to discuss their experiences and the options available to them.
- 12.4.9 It is important to note that many young people leaving Bimberi do not go on to a mainstream school in the community. Some of them are more comfortable with alternative education programs, vocational training, or supported employment. However, there are problems also with transition to non-school based education programs. For example, workers in the community reported they do not receive young people's Access 10 records and had difficulty facilitating a place for them to continue their course. Other workers reported a shortage of placements in alternative education programs.
- 12.4.10 One practical consideration is the time of year during which a young person exits Bimberi. In 2007-2008 the Institute for Child Protection Studies spoke with 12 young people at Quamby about their engagement with school after their release from detention. Young people reported that it was more difficult to re-engage with school when they exited Bimberi during the school holidays; they said they needed something to do straight away.⁴¹ METC and Bimberi case management should anticipate this and connect young people with a support service that can assist the young person across the holiday period to the start of the education program.
- 12.4.11 The recent review of the NSW juvenile justice system recommended that '*NSW DET establish a service for children and young people exiting community orders or custody to enrol them in education and training opportunities*':⁴² Given the small size of the ACT community, such a role could be performed by the Student Support section of ETD.

Recommendation 12.21: ACT Government provide increased resources to the Education and Training Directorate to offer more coordinated and individualised support for young people to continue their educational opportunities when they leave Bimberi.

- 12.4.12 For young people who leave Bimberi under CYJ supervision, CYJ should focus on assisting the young person to engage with education or training as a priority. As mentioned above, the research clearly indicates the positive impact of education on rehabilitation. Young people and their families also report they are less likely to 'get into trouble' if they are engaged in positive activities that interest them.

12.5 Vocational training and employment programs at Bimberi

Human rights standards relating to vocational training and employment programs

- 12.5.1 Rule 42 of the United Nations *Standard Minimum Rules for the Treatment of Prisoners* (SMR) requires that every young person have the right to receive vocational training in occupations likely to prepare him or her for future employment. Generally

⁴⁰ ICPS, above n 3, 123-124.

⁴¹ Ibid, 122.

⁴² Noetic Solutions, above n 9, para 418.

speaking, young people should be able to choose the type of work they wish to perform. Vocational programs are suited to individual needs, interests and market-place opportunities, provide positive learning experiences, and systematically assess and improve the numeracy levels, literacy levels and the work-place knowledge, experience and qualifications of young people.

12.5.2 The SMR also provides rules relevant to paid work:

- Rule 67 requires that any labour be viewed as an educational tool;
- Rule 44 requires that all relevant standards in relation to young workers should apply to young people in detention;
- Rule 43 requires that young people choose the work they would like perform;⁴³
- Rule 45 requires that, wherever possible, young people should be provided with the opportunity to undertake remunerated labour. The type of work should be to provide training to the benefit of the young person on release. Work offered in the Centre should mirror similar work in the community; and
- Rule 46 requires that a young person should have the right to equitable remuneration for such work. The interests of the young person should not be superseded by any desire for the Centre to make a profit. Some of the earnings should normally be set aside for release, with the remainder used by the young person whilst in detention.⁴⁴

Importance of pathways for vocational training and employment

12.5.3 For three reasons it is important that Bimberi offer a range of vocational training options in addition to the literacy, numeracy, music, art, SOSE and ICT classes that are currently available.

12.5.4 First, a wide range of options will assist Bimberi to meet the needs of individual young people. There is increasing awareness that some young people are more interested in and suited to work-oriented programs than traditional education classes, and vocational training programs are becoming more widespread in all schools. Some young people at Bimberi are aged 17 to 18 years, and it is possible that they may stay at Bimberi until age 21. Young people in this group are above the age for compulsory school attendance; therefore it is essential to have vocational and work options available to them.

12.5.5 Second, research shows employment is correlated with rehabilitation, and that accessing meaningful work is a key element in keeping young adults out of the criminal justice system.⁴⁵

*'[T]wo major life transitions, forming a long-term relationship and finding employment, are the major factors that influence whether an older adolescent is likely to progress to adult criminality. Clearly these are developmentally-specific tasks that are likely to require specialist interventions. It has also been suggested that these transitions are best facilitated in community, rather than custodial, settings.'*⁴⁶

12.5.6 Assisting young people in Bimberi to engage with a vocational training program or work placement, and assisting them to develop skills, confidence and positive relationships in this setting, may improve their long-term outcomes. In the past young people at Quamby had the opportunity to learn new work based skills and to connect with an employer, and some of them spoke about the positive impact it had on their lives:

*'You get some good support in here from... education staff... All the people down there, the variety of things down there. They help you with your schoolwork... You learn all different strategies... like doing metal work, woodwork, art, horticulture and stuff... When I first came in I had a thing for wood... And twelve months in this time my woodwork teacher said I should like follow things through with my woodwork cos I was good at it... I wanted to become a cabinet maker... So he helped me find an apprenticeship and got me work experience [while in]... My woodworker got someone to come in and do an interview and then I was on work experience for three months... and then he offered me an apprenticeship... My boss is a good bloke... They've taken the time from my work experience and put it on my apprenticeship.'*⁴⁷

12.5.7 Finally, human rights standards require that youth detention centres assist young people with the transition to community based education and employment programs after release, through education plans, and day leave programs that allow young people to visit their new training provider or employer and build relationships before leaving detention.⁴⁸ Bimberi should focus on building education, vocational training and employment pathways for young people. Bimberi can deliver high quality programs and interventions aimed at increasing the employment chances of young people on release.

43 See also Rule 71 of the SMR.

44 See also Article 32 of CROC.

45 Kieran McEvoy, 'Enhancing Employability in prison and beyond: A Literature Review' (2008) Queen's University Belfast for NIACRO Northern Ireland Association for the Care and Resettlement of Offenders

46 A Day, K Howells, and D Rickwood, *The Victorian Juvenile Justice Rehabilitation Review* (2003) Department of Human Services, Victorian Government.

47 ICPS, above n 3.

48 Article 79, United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

Current provision of vocational programs in Bimberi

- 12.5.8 METC provides vocational education and training in the areas of woodwork, metal work, horticulture and introductory trade programs. Vocational education is supplemented by short course certificated trade programs in construction and hospitality.
- 12.5.9 According to the ACT Government submission to the Review (Government Submission), in 2010 the following vocational programs were available to some young people at Bimberi:
- Woodwork, metal work (METC);
 - 'Bricks and Blocks' bricklaying program (Australian Brick and Block Training Foundation);
 - Horticulture / gardening program (CIT);
 - Barista skills (Bimberi); and
 - 'White Card' training (National Occupational Health and Safety Construction Industry).
- 12.5.10 So far in 2011 some young people have participated in:
- Vocational Options Programs (CIT); and
 - Certificate II in Construction Pathways (Construction Industry Training and Employment Association).
- 12.5.11 A Strategic Reference Group (SRG) comprising senior officers and executives from CSD, ETD and CIT oversees the selection of educational and vocational programs at Bimberi. The ACT Government says building vocational skills is a priority at Bimberi during 2011:
- 'METC will continue to develop partnerships with agencies that deliver vocational training to students... For those students who have achieved their Year 10 certificate via Access 10, METC will work with Registered Training Organisations or the CIT to develop vocational pathways such as apprenticeships or traineeships. These vocational pathways will allow students to begin their training in METC and move onto work experience in the community (if assessed as suitable) during their transition from Bimberi to the community.'*⁴⁹

A way forward

- 12.5.12 Despite the potential for vocational training and employment pathways to assist young people's rehabilitation, young people in Bimberi face barriers to engaging in these pathways.

Recommendation 12.22: The Education and Training Directorate and the Community Services Directorate continue to focus on the following areas to ensure young people have full opportunity to access vocational opportunities while they are in Bimberi:

- Provide a range of flexible options to meet individual needs
- Evaluation of programs
- Integrate vocational training and employment programs with other rehabilitative programs
- Integrate vocational and employment pathways into Bimberi operations
- Pre-release planning
- Day release for training or employment
- Post release support
- Partnerships with training providers and employers in the community
- Attitudinal barriers and discrimination in the community.

Provide a range of flexible options to meet individual needs

- 12.5.13 Evidence shows that an individualised approach is needed to help young people connect with vocational training and employment pathways. The research suggests that delivering a flexible, individualised response to the needs of participants is a major factor in the success of projects.⁵⁰
- 12.5.14 When talking with the Commission, some young people spoke positively of the barista course, bricklaying and construction. Young people and their parents provided the Commission with some suggestions for additional courses, including cooking and hairdressing. The Commission expects that the SRG will consult with young people to learn their interests and obtain feedback when identifying potential new programs.

⁴⁹ ACT Government submission.

⁵⁰ McEvoy, above n 45.

- 12.5.15 The Commission has spoken with several young people who said they were forced to participate in classes they were not interested in. Some teachers also said it would be preferable for young people to be able to elect the classes or programs they attend, to ensure their interest and to avoid disruptive behaviour. Engaging young people in education programs can be challenging, especially when the young person has not had a positive experience of education in the past. The wider the range of opportunities available, the more likely reluctant young people will identify a program they are willing to engage in.

Evaluation of programs

- 12.5.16 The Commission is aware of a range of vocational programs occurring at Bimberi, but it is not clear which ones are ongoing. It appears some programs have been discontinued, or were intended as a one-off activity for a brief period of time (such as over the school holidays). Some of the past vocational programs seem to be the product of the commitment and enthusiasm of one or two staff members. It also appears that some programs are initiated by METC, and some by Bimberi management.
- 12.5.17 The range of vocational options is likely to change over time, and there needs to be flexibility to meet young people's needs. However, there should be clear criteria for deciding which vocational programs will be offered. Programs should be chosen on the basis of evidence of effectiveness. During operation the vocational programs provided at Bimberi should be evaluated to assess their suitability and effectiveness in that context, and the evaluation outcomes should determine which programs continue.

Integrate vocational training and employment programs with other rehabilitative programs

- 12.5.18 According to CSD and ETD young people at Bimberi each have a Case Management Plan, an ILP, and a Pathways Plan. In theory these planning processes should be thorough and integrated, and provide a comprehensive assessment of young people's needs, both in the education context and more widely in terms of their health and well being.
- 12.5.19 Young people in Bimberi have complex needs. Vocational programs or work placements alone are unlikely to help them transition successfully to the community. Many young people require individualised supports and interventions to address disability or mental health needs, or to develop the communication and inter-personal skills that assist people to participate in a classroom or workplace.

*'Given the wide range of other social and personal problems offenders face, employment interventions alone are unlikely to succeed. Properly integrated programmes are required which address personal development, accommodation and substance misuse needs as well as training and employment issues.'*⁵¹

Integrate vocational and employment pathways into Bimberi operations

- 12.5.20 For vocational programs to withstand the pressures of other competing priorities in Bimberi, they must be 'mainstreamed' into the Centre:
- 'Young people's access to education and training... is often impeded by a range of problems including the primacy of security and management concerns, ... and the difficulties of devising programmes for short term [remandees].'*⁵²
- 12.5.21 The Government Submission acknowledges there are 'challenges' to be addressed in the areas of:
- *'Day-to-day communication between Bimberi staff and METC';*
 - *'Provision of timely information about student participation in programs';*
 - *'Provision of materials for lessons';*
 - *'Consistent understanding of supervision arrangements';* and
 - *'Coordination of vocational education for students between Bimberi and METC including the clarification of the role Bimberi plays in the provision of education and training programs.'*⁵³
- 12.5.22 A range of sources indicated to the Commission that education and vocational programs are not yet viewed as a fundamental part of Bimberi. 'Security concerns' have been upheld as a reason to:
- Prevent or delay material and equipment being obtained for vocational programs, making it difficult for teachers to plan classes (for example, nails are not able to be used in woodwork classes);
 - Prevent the metal work room being used for considerable time; and

51 Ibid.

52 P Noonan, *Equity in Education and Training in Correctional Services Institutions* (2003).

53 ACT Government submission.

- Exclude particular young people from vocational programs in which they may have access to tools, without clear criteria or stated reasons for such decisions.

12.5.23 Risk management is a basic component of any school environment, particularly a school within a detention centre. However, the Commission is concerned that security has become the primary focus of Bimberi, without properly taking into account young people's rights and best interests. The Commission encourages METC and Bimberi management to continue to work to resolve the 'challenges' acknowledged above, and place education and vocational programming at the centre of Bimberi operations.

Pre release planning

12.5.24 The goal of vocational programs in Bimberi should be to connect young people with training or employment opportunities once they leave detention. Therefore pre-release planning must be a fundamental part of vocational programs in Bimberi, and the earlier it begins, the better.

12.5.25 Young people need assistance to manage their transition back to the community. Depending on their circumstances this may include:

- Arranging a placement in a school, alternative education program, or training program;
- Receiving their accreditation from education or vocational programs in Bimberi (ensuring young people have the documents, and are informed what they can do with them);
- Preparing for job-seeking;
- Preparing for work;
- Organising transport to education/training/employment; and
- Helping young people clarify their court ordered or supervisory obligations and manage their schedule.

12.5.26 The ACT Government is confident that adequate pre-rerelease support is provided at Bimberi:

*'...through the case management meetings a transition process is developed and includes actions to support the young person's Pathways Plan (that is, education/training/employment goals) and transition from custody back into education, vocational learning, employment or a combination of these.'*⁵⁴

12.5.27 However, it acknowledges two areas of 'challenges', namely clarifying which agency is the lead case manager for individual students transitioning from Bimberi; and ensuring that education staff are involved in case management and decisions are made in a timely manner. The Commission encourages Bimberi management and METC to continue to improve communication and planning processes, to ensure young people are prepared for release into the community. There are a range of workers at Bimberi who may be suitable to work with particular young people to prepare them for release, including teachers, case managers and youth workers. The Commission has heard many staff speak passionately about their interest in doing this type of work with young people, and suggests that planning processes take this into account.

Day release for training or employment

12.5.28 It is essential that a training or employment place be organised and confirmed before a young person leaves Bimberi. It is also highly preferable that young people have the opportunity to visit their new placement, build relationships, and develop confidence before they are released. Young people provided with opportunities to participate in employment on day release from detention centres said it assisted their eventual transition to the community when they were released. During research conducted by Keys Young in NSW, young people stated:

'Work release is a good idea because it forces someone into the situation of learning. It gives kids the chance to participate and do a job and just start to learn.'

*'Work release gives you the chance to ease your way back into society. Instead of getting out and coming out against a brick wall. It's a bit like having a big brother watching over you, making sure you are all right. Without it, I reckon I'd have gone back in.'*⁵⁵

12.5.29 Day release for training or employment is consistent with SMR Rule 28.1: '*Conditional release from an institution shall be used by the appropriate authority to the greatest possible extent and shall be granted at the earliest possible time.*'

12.5.30 The *Children and Young People Act 2008* (CYP Act) provides for young people to apply for a local leave permit to be absent from Bimberi for education, training or employment purposes.⁵⁶ Bimberi has established policies and procedures that allow

⁵⁴ ACT Government submission.

⁵⁵ Keys Young *Juvenile Justice: Services and Transition Arrangements* (1997) *National Youth Affairs Research Scheme*.

⁵⁶ Section 241 *Children and Young People Act 2008*.

for young people to be absent from Bimberi for employment as part of a transition plan for the young person's transition to the community; or for the young person to attend education or training programs that form part of their case management plan.⁵⁷ The ACT Government stated in the Government Submission that '*[w]ith day release it becomes possible to seamlessly transition some young people into education, training and employment pathways.*' Accordingly there is official support for day release to be available when appropriate, and mechanisms exist to facilitate it. However, so far there have been no episodes of day release for education, training, or employment purposes. CSD informed the Commission that 110 episodes have been granted for young people in Bimberi since November 2008. The leave was granted for health appointments, hospital leave, dental appointments, life skills trips for grocery shopping, sport and recreation activities, and home visits. CSD report that one young person was granted leave for childcare training, although they were released from detention prior to the training occurring. The Commission encourages greater use of s.241 of the CYP Act, and asks that METC and Bimberi management ensure that young people eligible for local leave for education or employment do in fact receive leave. Experts suggest that: '*Greater use of these leave provisions will facilitate contact with support agencies and individuals, help reintegration post incarceration and reduce the likelihood of offending in the period post-detention.*'⁵⁸

Promising practice: The CYP Act encourages the use of conditional day release to help young people prepare for the transition to education, vocational training or employment placements in the community.

Post release support

- 12.5.31 Many young people in Bimberi face challenges that make it difficult for them to live independently, let alone to maintain involvement in training or employment. Such challenges can include lack of skills or confidence, disability or mental health diagnoses, limited support from family, limited access to transport, unstable housing, poor living skills, or drug use.
- 12.5.32 Once young people leave Bimberi they need ongoing support: '*Even the best work programs delivered in prison may not result in prisoners finding and maintaining employment if this is not linked to, and supported by, good aftercare provision.*'⁵⁹
- 12.5.33 The ACT Government submission acknowledges some 'challenges' in this area:
- '*Ensuring that students who have gained competencies, white cards or vocational certificates leave with employment/training opportunities arranged and are supported by agencies in these opportunities.*'
 - '*Monitoring the progress and pathways of all students who have left Bimberi.*'
- 12.5.34 The Commission welcomes, in principle, the efforts to develop relationships with Registered Training Organisations (RTOs) in the community, as there is potential for young people to attend RTOs in the community on day leave, and then maintain their involvement with the same program when they are released from Bimberi. However, with a sub-contracting arrangement there are risks of communication problems, and METC, Bimberi management and the RTOs need to have documented and clear responsibilities and obligations.
- 12.5.35 The Commission asks ETD and CSD to continue to work to ensure young people receive adequate follow up and support after release. For example, according to the Government Submission, '*the trainers keep track of the vocational competencies that students achieve.*' However, the RTO may not be the agency best placed to ensure young people understand what they can do with their accreditation, or to support them to pursue further opportunities.

Partnerships with training providers and employers in the community

- 12.5.36 Evidence shows effective partnerships are needed in programs designed to help young people connect with vocational training and employment pathways.⁶⁰ Such partnerships, in addition to those with RTOs in the community, might also extend to employers. The literature suggests it may be ineffective to provide short-term interventions for young offenders to improve their employability but to not actually provide long-term employment.⁶¹ According to McEvoy, '*properly targeted interventions to the local job market and/or employer involvement in programmes are core to the potential success of any programme.*'⁶²

57 Bimberi Youth Justice Centre, 'Local and Interstate Leave Policies and Procedures' (2008).

58 NSW Juvenile Justice Advisory Council 'Briefing Paper – Outings and Leave' (2005).

59 McEvoy, above n 45.

60 Ibid.

61 Australian Institute of Criminology, *What works in reducing young people's involvement in crime? Review of current literature on youth crime prevention* (2002).

62 McEvoy, above n 45.

Attitudinal barriers and discrimination in the community

- 12.5.37 Finally, unfavourable attitudes or discrimination treatment by potential employers are also barriers that may affect young people's ability to pursue vocational training or employment pathways:
*'Australians who have a criminal record often face significant barriers to full participation in the Australian community. Trying to find a job is one of the areas of greatest difficulty for former offenders.'*⁶³
- 12.5.38 The *Discrimination Act 1991* prohibits discrimination on the basis of criminal record.⁶⁴ A young person may suffer this kind of discrimination if, because they have a criminal record, they are refused a job, dismissed from employment, denied training opportunities, denied promotion, subjected to less favourable working conditions or terms of employment, or harassed in the workplace.⁶⁵
- 12.5.39 The *Spent Convictions Act 2000* allows people to have their criminal records amended, and in some cases expunged if they have no further convictions within a certain period of time. Depending on the offence for which they are convicted, a young person's conviction will become 'spent' five years after they complete their sentence. Once this occurs potential training providers and employers are not entitled to take a spent conviction into account in assessing the young person's character.⁶⁶
- 12.5.40 Young people in Bimberi or under CYJ supervision should be informed of their rights in relation to employment and discrimination; and where to go for assistance if they have questions or concerns in future. They should also receive individual advice about their 'criminal record', including whether they are prohibited from working in particular positions, and which convictions or charges will be made known to potential employers if they complete a police check.

12.6 Independent living skills programs at Bimberi

- 12.6.1 According to the Youth Coalition of the ACT (YCACT):
*'Independent living skills are personal skills considered necessary for an individual to function on a day-to-day basis. The key word is 'skills' – inculcated resources. Living skills training encompass a range of models, methods and toolkits that aim to encourage self-sufficiency through assorted experimental and didactic programming delivered at various times throughout a young person's transition into independence. These skills are a range of attributes that help a young person to maintain aspects of independent living. These living skills are often the taken-for-granted skills of those that have acquired them over a prolonged period of stable and reliable learning that begins from a very young age and continues into adulthood.'*⁶⁷
- 12.6.2 YCACT found that living skills programs generally included reference to any number of the following 12 domains:
- Cooking;
 - Cleaning;
 - Budgeting and money matters;
 - Health (including alcohol and other drugs and mental health);
 - Sexual health;
 - Personal hygiene;
 - Social development (friends, family and relationships);
 - Personal development (ie counselling);
 - Education and employment;
 - Tenancy and accommodation (obtaining and maintaining accommodation);
 - Accessing and using Government and non-government services; and
 - Parenting skills and support.⁶⁸
- 12.6.3 For the purposes of this Report, we will group these in relation to domestic skills (cooking, cleaning, budgeting); personal skills (personal development, hygiene); relationship skills (social development, parenting); and help-seeking (including accessing and using Government and non-government services). We examine issues related to education and employment in Chapter 12, tenancy and accommodation in Chapter 11 and health and sexual health in Chapter 13.

63 Australian Human Rights Commission, 'Discrimination in Employment on the Basis of Criminal Record Discussion Paper' (2004).

64 Section 7(1)(o), *Discrimination Act 1991*.

65 Australian Human Rights Commission, above n 63.

66 *Spent Convictions Act 2000*.

67 Youth Coalition of the ACT, 'Living skills and youth supported accommodation assistance scheme consultation project paper' (2009).

68 *Ibid.*

Domestic skills

- 12.6.4 Domestic skills generally relate to cooking, serving and eating communal meals, cleaning, washing, maintaining households (including doing minor repair work, budgeting etc).
- 12.6.5 It would appear that there are no comprehensive or consistent living skills programs at Bimberi that focus on helping young people to develop their domestic skills. However, the Commission is aware that young people are required to keep their units neat and tidy, wash their own clothes and make the occasional meal in their unit and, through an incentive scheme, are encouraged to take on domestic tasks throughout the Centre.
- 12.6.6 CSD informed the Commission that:
‘Two programs were run in 2010 under the Bimberi Youth Justice Lifeskills Program. The Centre received funding under the ACT Health Promotions Grants program and developed a lifeskills program to assist young people transitioning from custody back into the community with a broad range of practical skills necessary to maintain a healthy lifestyle. Nutrition Australia supported the program through the provision of training resources and program design in relation to aspects of domestic cooking. Two staff underwent certification as workplace trainers to deliver the program. These staff also provided the Barist[a] and cafe training courses. Complementary living skills programs were provided by Woden/ Belconnen and Northside Community Services including budgeting and accessing community services.’
- 12.6.7 However, it is unclear over what period this program operated, how many young people were involved, or for how many hours they were involved in the program.
- 12.6.8 The Commission is encouraged that planning is underway for opening the transitions unit where young people will have more opportunities to cook for themselves and to maintain the unit as if it were their own home. Also, one of the catering team has been employed to develop a living skills program and has worked with a growing number of young people to cook the weekly barbecue and the occasional meal and to serve coffee after completing a barista course.
- 12.6.9 However, the Commission is concerned that more systematic domestic skills planning does not occur at the Centre, recognising that young people often spend considerable parts of their adolescence inside. METC teachers told us that they would like to include food science classes in the curriculum and make use of the kitchen that is available onsite. They reported, however, that due to risk classifications, most young people at the Centre were not able to participate in such studies. They felt that this was unfortunate as such classes not only helped young people develop their cooking skills, but also their numeracy (ie measurements) and literacy (ie following recipes).
- 12.6.10 Staff at the Centre did not believe that young people were given ample opportunities to develop other types of domestic skills, particularly related to budgeting and shopping. In fact, most could think of only two times where young people on long-term committals were given the opportunity to put together a weekly menu, a shopping list, a budget and to then to leave the Centre to shop for these items. They believed that this was a significant limitation and that young people often returned to the community with little confidence in their ability to live independently, and only a limited number of skills that could help them survive.

Personal development and presentation skills

- 12.6.11 Personal development generally includes skills related to managing one’s own emotions, one’s anger and in dealing with past and current difficulties. As noted in Chapter 9 (programming), young people entering the youth justice system often do so with a series of difficulties related to past experiences of trauma and abuse, of grief and loss and of ongoing dislocation and disconnection. Programs that support young people to deal with these issues as well as those more criminogenic in nature (such as attitudes towards offending, thinking errors, managing risks) should be promoted within correctional facilities.
- 12.6.12 At Bimberi, personal development is primarily considered within the CHART program, which is conducted one-on-one and in relation to young people’s offending. Although the benefits of this program are well documented, the Commission believes that a broader suite of supports to assist young people to deal with these major stressors is warranted throughcare.

- 12.6.13 Presentation skills generally are those related to the way that one presents oneself to the world: grooming and personal hygiene and confidence and assertiveness. Young people at Bimberi voiced a keen interest in relation to these issues, often asking Commission staff to advocate for better grooming and hygiene products, and may therefore be keen to participate in programs that relate to these topics.
- 12.6.14 At Bimberi, a number of programs are being developed to help girls in this area: a beauty program will soon be implemented focusing on the use of cosmetics, nail care and overall presentation. The Commission recognises that all young people exiting the Centre may benefit from such programs as well as informal conversations about hygiene and appearance, and encourages staff at the Centre to integrate these discussions into day-to-day interactions. A program like that developed by the Chutzpah Factory to help young women develop presentation skills and then take them out to the community may be of benefit at Bimberi.

Relationship skills

- 12.6.15 Interpersonal relationship skills have been shown to be limited for young people who have prolonged engagement with the youth justice system, and this often causes, leads to or exacerbates criminal engagement and poor psychosocial outcomes. Seeking out and forming positive relationships, dealing with conflicts, managing anger, resolving relationship issues and reconciling broken friendships are all key developmental tasks that are not always developed or practised during periods of incarceration.
- 12.6.16 At Bimberi (like at other custodial facilities) young people adapt to the confining and controlling environment within which they live and relate to others. Although they develop skills to form and manage relationships inside, it is evident that these skills are often not transferable to the outside world where the types of people with whom they relate and the ways that they relate are vastly different. In fact, a number of participants shared that young people often found it difficult, even in Bimberi, to make and forge relationships with newcomers or outsiders. This was evident in interactions observed by staff from the Commission between external CSD staff and guests and young people at social gatherings and the weekly Centre barbeque.
- 12.6.17 As such, it is vital to provide young people with opportunities to develop these skills and to form intimate and ongoing relationships with positive people as throughcare. Youth practitioners suggest that young people need to be given opportunities to transition back into the community, where they can practice these skills incrementally and where they can reflect on their progress with a trusted and affirming mentor. As such, the Commission would encourage (as it has in other parts of this Report) increased community involvement at the Centre: with additional participation of community organisations, of sports teams, of local businesses and of vocational opportunities where young people can interact in less institutional and more natural ways. The benefits of giving young people opportunities to have ongoing participation in education and employment as well as other normalising activities, such as involvement in sporting teams and volunteer work, are also asserted.
- 12.6.18 Relationships with family and positive peers are often most vital for young people, but are often restricted or weakened through the process of incarceration. Providing young people with supports to understand, reconcile and strengthen relationships with positive people in their existing support networks is important. As recommended elsewhere, the Commission strongly encourages the Youth Justice system to further its assistance to families with throughcare, providing mediation and restoration programs to enable this growth to occur.
- 12.6.19 One area that was identified by a number of community stakeholders related to helping young people develop their parenting skills. Although there are no young women at the Centre who are currently expecting or who have children of their own, the Commission heard of a number of young women and men who became parents shortly after exiting detention. This mirrored the findings of the Lost in Transition report, which highlighted the number of young men, in particular, who had children and who wanted to be the best parents that they could be.⁶⁹ Providing programs not dissimilar to those offered to young people in mainstream high schools that look at parenting, pregnancy and families may be of benefit to young people at the Centre.

69 ICPS, above n 3.

Help-seeking

- 12.6.20 In the *Lost in Transition* report, the Institute of Child Protection Studies showed that young people were not good at seeking support from friends, family or other formal or informal support networks prior to, during or after their incarceration. In fact, the Institute highlighted the fact that many young people felt that the process of incarceration was de-skilling: that they were less likely to ask for help after being detained than before.
- 12.6.21 This finding is consistent with work being completed by the University of Canberra and advice provided by a number of stakeholders in this Review: young people need help to create formal support networks and to develop the interpersonal skills required to access these in times of need.
- 12.6.22 Unfortunately, young people's inability to seek support has not been recognised in the provision of services to them. Young people are required to identify and seek support from external services while at Bimberi if they are to be offered, and young people are often required to approach services post-release to enact case plans and to raise issues and seek out assistance when confronted with challenges. These expectations are often unrealistic and, in our view, may set young people up to fail. Developing and providing skills-based programs and opportunities that help young people create new help-seeking strategies (and reworking current arrangements that also encourage support providers to more actively create support pathways) seem vital if progress is to be made.

Principles related to how living skills programs are implemented

Consideration and application of strategies that recognise and account for the different living conditions and personal histories of individual young people

- 12.6.23 As noted elsewhere in this Report, there are limited mechanisms for the personal histories of individual young people to be used to shape the nature of supports provided to individuals or groups at the Centre. Alongside the YLS/CMI tool, Bimberi should develop a framework for better understanding young people's needs (particularly young people's felt needs) and for feeding this into program development processes.

Consideration of varied learning styles including hands-on and one-on-one training

- 12.6.24 Currently, most living skills activities are ad hoc and provided in small groups based on placement rather than on need. The Bimberi care teams (as discussed in Chapter 8) should identify what types of programs are needed by individual young people and consider the most appropriate mode for providing them. The Commission would commend opportunities where young people could develop their skills not only inside Bimberi but outside its walls. This would require additional day leave provisions, which might be facilitated by community partners in collaboration with Bimberi care team staff.

Recognition of the context of what is realistic and what is available to young people

- 12.6.25 One of the key criticisms of many living skill programs is that they have expectations that are unrealistic for the client group: expecting young people living below the poverty line to budget effectively is unhelpful, as is expecting that young people are going to be able to manage their own alcohol or other drug issues when placed in a family or friendship circle where drug use is prevalent. As such, programs need to include flexibility and provide young people with strategies to deal with these factors (how to seek further financial assistance, to find alternative places to live or new ways to manage relationships, so that the pressures of using don't become too great).

Recognition of the vulnerability faced by individual young people in admitting they need assistance in capacity building

- 12.6.26 As noted above, acknowledging problems and seeking assistance can be a confronting experience for many young people and is a key weakness in systems that rely too heavily on them identifying and asking for help. As such, the youth justice system needs to allow young people opportunities to explore their needs and issues in a comfortable environment with workers who they trust and respect. The Commission is encouraged by the development of care teams and the appointment of key workers at Bimberi and hopes that this will help resolve these concerns.

Recognition of the need to mirror learning in and out of correctional settings

- 12.6.27 To those principles identified by the Youth Coalition, the Commission would add a principle that recognises that skills developed during periods of incarceration need to be practised and reinforced on return to the community. This principle is driven by research that suggests that young people often find it difficult to transfer skills that were developed in an often controlled and alien environment to environments that are less restrictive and require greater levels of self direction and motivation.

Recommendation 12.23: The Community Services Directorate, in partnership with internal and external providers, develop a living skills program that addresses the needs of young people in Bimberi in relation to the Youth Coalition of the ACT's 12 Living Skills Domains and reflects best practice principles, and for this to be implemented through formal and informal supports.

Recommendation 12.24: The Community Services Directorate provide increased resourcing so that the existing 0.5 FTE living skills position can be made full-time.