

# Chapter 4: Vision

## *A Quality Youth Justice System Is Aligned Under A Clear And Shared Vision*

### Relevant Human Rights Standards

- Special Rights of the Child, particularly to act at all times in Best Interests (HRA s.8, s.11, CROC)
- Government should increase awareness that the care of detained juveniles and preparation for their return to society is a social service of great importance (POJ R8)
- Organisation and management should facilitate communications between different categories of staff to enhance cooperation between the various services engaged in the care of juveniles, as well as between staff and the administration (POJ R84)

## 4.1 Introduction

4.1.1 This Chapter considers youth justice in the ACT at a systemic level. In it, the Commission focuses on how a whole-of-government and whole-of-community approach can be adopted to determine the vision and purpose of different levels within the youth justice system. The recommendations focus on how the ACT Government can better design its systems and process, and better align its leadership to the achievement of that vision.

## 4.2 The importance of a clear and shared vision

4.2.1 Since Professor Mark Moore<sup>1</sup> published his seminal work, *Creating Public Value: Strategic Management in Government*, in 1995, a body of evidence and practice has developed regarding what constitutes high performance in the delivery of public services.

4.2.2 Broadly, Moore identified the conditions necessary for public sector organisations to be high performing, particularly in relation to implementing change. He asserts that, regardless of how much individuals or organisations desire to bring about change, this change only happens if there is:

- Legitimacy and support (authorisation) from those affected;
- Public value which is recognised by those implementing the change; and
- The necessary operational capacity to implement the change.<sup>2</sup>

4.2.3 In terms of public value, the literature expanding on Moore's model demonstrates that high performing government organisations:

- Above all, ensure a vision of public value is central to their organisation;
- Understand that engaging both internal and external stakeholders to define the public value is critical; and
- Link their strategy to a vision of public value by establishing a clear chain of causality between inputs, processes, outputs and outcomes.<sup>3</sup>

1 Mark Moore is Professor of Public Policy at the John F Kennedy School of Government, Harvard University.

2 Winkworth, G., and White, M., *Report to the ACT Human Rights Commission on Structures and Organisational Arrangements to Support Reform in ACT Youth Justice* (2011) 49 at Appendix B.

3 Parston, G., and Goodman, J., *High-Performance Government Organisations: Principles for Creating Public Value*. Accenture (2008) 5.

- 4.2.4 Moore asserts that the foundations for public initiatives lie in their 'mandate for action'.<sup>4</sup> The level of mandate enjoyed by a government organisation is determined by the authorising environment. Strong authorising environments have high levels of legitimacy and support evidenced by such things as: 'a formal mandate through legislation, endorsement through public enquiries, policy documents, memoranda of understanding, and information sharing protocols'.<sup>5</sup> Most notably to this Review, authorisation requires the vision to be endorsed by internal and external stakeholders. To this end, Moore's model: '*...focuses on the ways in which leaders of public organisations can engage communities in supporting and legitimising their work.*'<sup>6</sup>
- 4.2.5 Drawing on Moore's model, in this Chapter we assess the ACT Government's vision for the youth justice system in relation to the strength of its perceived public value and level of authorisation. To inform this process, during the Review the Commission contracted two consultants to interview 16 identified executives across the Community Services Directorate (CSD), including the Director-General and Deputy Director-General, a number of former and current executives with responsibility for the Office for Children, Youth and Family Support (OCYFS), and two other people with responsibilities associated with the Bimberi Youth Justice Centre (Bimberi) and the current Review. Participants in this process were provided a draft of the consultants' report for comment prior to it being finalised. The consultants' final report to the Commission is annexed to this Report at Appendix B and is referred to as the Winkworth and White Report.

### 4.3 The current vision for youth justice in the ACT

- 4.3.1 There is little doubt that the Bimberi facility represents a significant improvement on the Quamby Youth Detention Centre (Quamby), including from a human rights perspective. Interviews with participants from across CSD, including executives and former management, clearly demonstrated that they had a commitment to making Bimberi a best-practice model for human rights compliant youth detention, and a facility where positive outcomes and rehabilitation could be achieved for young people.
- 4.3.2 Additionally, executives interviewed during the Review were found to be personally and professionally aligned to the values of the youth justice system. Most have spent the majority of their professional lives in services concerned with vulnerable children, young people and their families; and most indicated a desire to continue to be directly involved in developing and improving service delivery systems for young people.
- 4.3.3 It is also clear that before, during, and after the opening of Bimberi, a significant amount of effort went into reviewing and developing (updating) the legislation, guidelines, policies and procedures necessary to operate Bimberi. However, it is the Commission's view that insufficient attention was given to 'updating the vision' for Bimberi and the broader youth justice system.
- 4.3.4 In their submission to the Review, the ACT Government articulated four goals for the youth justice system: '*Within a human rights framework and applying the best interests principle, the objectives of the ACT youth justice system are:*
- *To prevent young people from entering the youth justice system and to divert those young people who do come into contact with the youth justice system at all opportunities;*
  - *To support the holistic development and wellbeing of young people in the youth justice system to keep them safe and to maximise their opportunities to achieve positive life outcomes;*
  - *To promote young people's rehabilitation and reduce recidivism; and*
  - *To facilitate effective throughcare and transitioning to assist a young person's reintegration into the community.*<sup>7</sup>
- 4.3.5 For the purposes of this discussion, the Commission considers these objectives to be the ACT Government's current vision for the youth justice system.

4 Moore, M., & Wakeling, S., 'Juvenile Justice: Shoring up the Foundations', *Crime and Justice: A Review of Research*, 22, (1997) 253-301.

5 Winkworth, G., & White, M., 'Australia's Children Safe and Well: Collaborating with Purpose Across Commonwealth Family Relationship and State Child Protection Systems', *Australian Journal of Public Administration* Volume 70, Issue 1, pages 1-14, March 2011, 70(1), (2011) 1-14.

6 Winkworth, G., and White, M., *Report to the ACT Human Rights Commission on Structures and Organisational Arrangements to Support Reform in ACT Youth Justice* (2011) 50 at Appendix B.

7 ACT Government, *The ACT Government's Submission to the Children and Young People Commissioner's Inquiry into the Youth Justice System in the ACT and the Human Rights Commissioner's Audit into Conditions of Detention at the Bimberi Youth Justice Centre*, (2011) 30.

## Public value

- 4.3.6 The primary way an organisation communicates the public value of its vision is in its published documentation. In analysing planning and policy documents and the CSD website, the Commission found that the stated vision which appears in the Government's submission to the Review was not strongly communicated. Of particular note, the vision was not referenced or reflected in the *ACT Children's Plan 2009-2014* or the *ACT Young People's Plan 2010-2014*. In fact, there is minimal reference to young people at risk of offending in the ACT Young People's Plan and almost no reference in the ACT Children's Plan.
- 4.3.7 In interviews conducted with executives, Winkworth and White observed that many participants identified a lack of a shared understanding of the ACT Government's stated vision for the youth justice system and Bimberi as one of the overarching problems that continued to undermine internal and external support for the vision. The authors found that the lack of a clearly stated vision was a common concern among executive participants. For example, they heard:  
*'There is a need for greater awareness and consensus of objectives. Fundamental changes are needed here.'*
- 4.3.8 Further, some executives felt there was a lack of clarity about the role of the youth justice system, and Bimberi's role within it.  
*'We are not clear on the systemic role of Youth Justice and Bimberi's place in achieving the goals.'*  
*'One of the biggest challenges is determining "what is the purpose of Bimberi and the broader youth justice system?"'*
- 4.3.9 Interviews conducted by the Commission with former management were consistent with this view. One participant stated:  
*'We don't have a vision for youth justice in the ACT, and how Bimberi fits into that vision. We need a more clearly articulated vision for what a human rights youth justice system looks like and what a human rights compliant Bimberi looks like.'*
- 4.3.10 Several executives discussed their frustrations when incidents at Bimberi appeared to divert from the rehabilitative purpose of youth justice. They reported being concerned about the reactivity to incidents at Bimberi which they felt were normal in a youth detention environment. They thought such incidents should not have received the public attention they did, and were concerned at the impact this attention had on the rehabilitative narrative contained in the vision.  
*'We really struggled with the way incidents got into the political realm - the media outcry and intolerance over the roof incident [for example]. Then the pressure to be more secure. We were sent the wrong messages and we sent the wrong messages to the community - that this is not to happen again rather than realising the kids would come down in time.'*  
*'The facility was purpose built for a less custodial culture. We need to be better at developing a story and communicating the story. The Department has not effectively maintained the narrative.'*  
*'Our messages are very reactive. The emphasis is all about security. We have failed to send out strong messages about what Bimberi is about. When the media got involved and it got into the political domain then debate shut down.'*  
*'The act of courage is to hold the line that Youth Justice is not about stopping youth crime it's about helping vulnerable young people. It is by focusing on developmental outcomes for these children that we stop juvenile crime.'*
- 4.3.11 While the Commission acknowledges and supports the rehabilitative and re-integrative focus of the ACT Government's current vision for the youth justice system, the Commission concludes that the 'story' of the public value of the vision has not been strongly embedded or communicated across the youth justice system or the broader community.
- 4.3.12 The Commission acknowledges that the political and media reactivity to certain incidents at Bimberi placed significant pressure on CSD and likely weakened the 'story' of the rehabilitative vision of the youth justice system. It is the Commission's view that CSD would be more able to 'hold the line' on the rehabilitative vision if the youth justice system were more embedded in the broader community. In the next section of this Chapter the Commission makes suggestions and recommendations as to how CSD can create a more durable, and widely supported 'story' of the youth justice system's public value.

### Authorising environment

- 4.3.13 In assessing the strength of the authorising environment, the Commission primarily looked to the level of endorsement of the vision by others who are critical to the achievement of the vision. In interviews with executives, Winkworth and White found many believed that key external and internal stakeholders were not engaged with the vision of a rehabilitative justice system for young people. A widely held view was that other ACT Government agencies lack clarity about their responsibilities to vulnerable young people before, during and after their contact with the youth justice system. Winkworth and White heard:
- ‘...this group of shared clients who come into contact with many systems are really non clients. They belong to everybody yet they belong to nobody.’*
- 4.3.14 Others spoke of the need for much more support ‘on the outside’
- ‘People do what they have to but there is no real commitment.’*
- ‘The links are OK but the ‘buy in’ is really poor.’*
- ‘Trying to get [other ACT government agencies] to commit resources was like pulling teeth.’*
- 4.3.15 Executives expressed frustration about the unclear roles of the Education and Training Directorate (ETD) and the Canberra Institute of Technology (CIT). They felt the issue of a shared responsibility for young people involved in the youth justice system was particularly uncertain across the justice and education systems. Examples were given of battles for additional resources to assist young people with major literacy and numeracy problems, where *‘it is never clear who pays or how long they will pay’*. Further discussion on the relationship between the youth justice system and the education system is contained in Chapter 12 (education).
- 4.3.16 In terms of internal endorsement, and despite a program of regular meetings between Bimberi management and CSD, and a range of other stakeholders, some participants described Bimberi as being like an ‘oil rig’; in that the centre was geographically and culturally removed from the rest of CSD, and that some people at the centre felt isolated from the central office and from each other. As one participant commented:
- ‘Anything so out of sight develops its own culture’*
- 4.3.17 Similarly, interviews conducted by the Commission with Bimberi management suggested that the vision for Bimberi, and the broader youth justice system, was not fully understood or supported by all of the staff. We heard that:
- ‘There were significant and varied expectations about what we could provide and achieve.’*
- ‘A small number of staff derailed it also, who took matters outside and weren’t ‘onboard’ with the vision.’*
- ‘It was the [x] of us versus the world.’<sup>8</sup>*
- 4.3.18 As Winkworth and White observed in their report, organisations that do not have a strongly led, embedded and communicated vision face the risk of a ‘cultural drift’, in which *‘component parts of the organisation developed separate cultural identities and operate effectively for divergent and sometimes competing purposes.’<sup>9</sup>* It is the Commission’s view that this may have happened between CSD and Bimberi in 2010.
- 4.3.19 In summary, the Commission concludes that the authorising environment surrounding the ACT Government’s vision of the youth justice system was fragile due to external and internal stakeholders not sufficiently endorsing the vision.

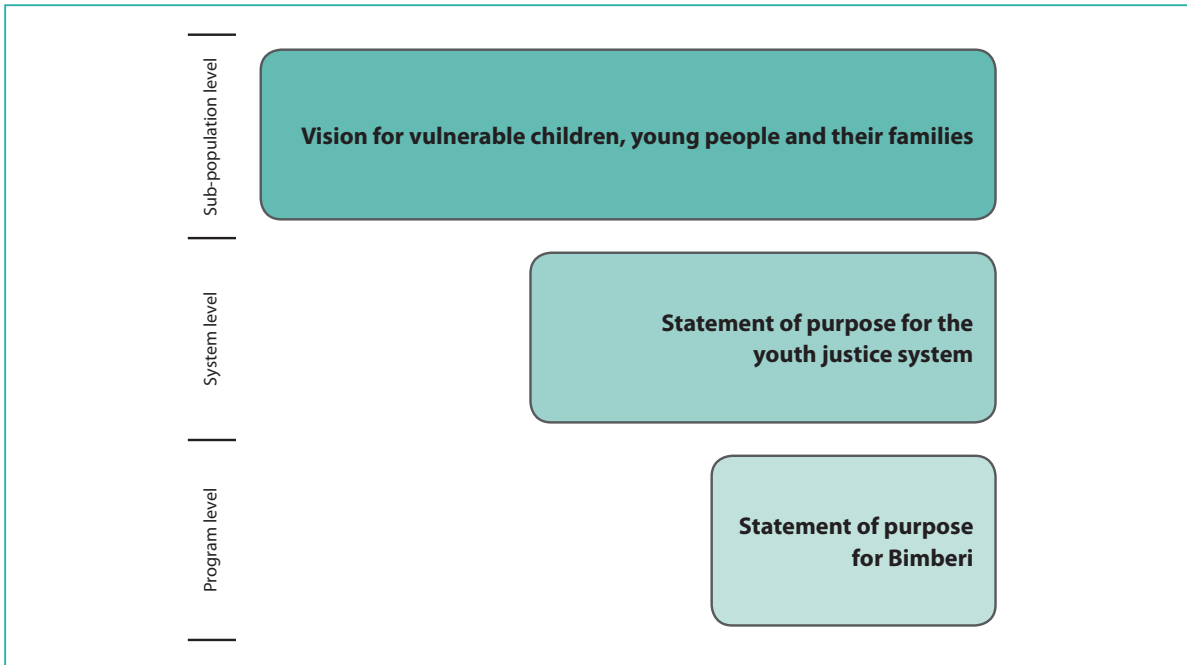
## 4.4 A way forward – creating a clear and shared vision

- 4.4.1 In charting a way forward, the Commission suggests the ACT Government develop clear and shared visions at three operating levels, being:
- The sub-population level: a vision for vulnerable children, young people and their families;
  - The system level: a statement of purpose for the youth justice system; and
  - The program level: a statement of purpose for Bimberi.
- 4.4.2 In the Commission’s view, the vision for each level should logically ‘cascade’. This means the vision for vulnerable children, young people and their families should inform and be reflected in the statement of purpose of the youth justice system; and similarly, the statement of purpose of the youth justice system should inform and be reflected in the statement of purpose for Bimberi. The cascading nature of these vision statements is depicted in Figure 4.1 below.

<sup>8</sup> The quote has been altered in the interest of protecting the identity of the participant/s.

<sup>9</sup> Winkworth, G., and White, M., *Report to the ACT Human Rights Commission on Structures and Organisational Arrangements to Support Reform in ACT Youth Justice* (2011) 52 at Appendix B.

Figure 4.1: Cascading visions for vulnerable young people



4.4.3 In developing the vision for each operating level, the Commission suggests the ACT Government apply a best practice process which:

- Creates a strong authorising environment through effective whole-of-government and whole-of-community measures;
- Sets a clear and shared vision;
- Translates the vision into practice; and
- Builds an accountability framework that leverages the engagement of the whole-of-government and whole-of-community.

4.4.4 In this section, the Commission will make suggestions and recommendations as to how the ACT Government can strengthen the authorising environment at each operating level in order to develop vision statements that have high public value and buy-in across government and the community. Section 4.5 will make suggestions and recommendations about how the vision statements can be translated into practice at each operating level through aligning the organisational performance system, planning system and people system. Section 4.6 will make suggestions and recommendations as to how the ACT Government can create a strong accountability framework to ensure each level of the system for young people is performing well and able to constantly improve.

### *A vision for vulnerable children, young people and their families*

#### **Engaging the Whole of Government**

4.4.5 Theorists in public administration have observed that ‘governments around the world are moving toward greater collaboration or joint working to meet increasingly complex challenges.’<sup>10</sup> The United Kingdom has ‘joined up government’, Canada has ‘horizontal government’, and federal Australia has the ‘whole of government approach’. Recently, the ACT embraced this trend with the release of the Hawke Review of the ACT Public Sector (ACTPS), ‘Governing the City State: One ACT Government - One ACT Public Service’ (the Hawke Report). The Hawke Report introduced a ‘horizontal’ or cross-government mechanism in the form of the ACT Public Service Strategic Board (the ACT Strategic Board).

10 Parston, G., and Goodman, J., *High-Performance Government Organisations: Principles for Creating Public Value*. Accenture (2008) 6.

- 4.4.6 The ACT Strategic Board's purpose is to provide whole-of-government leadership and strategic direction to the ACT Public Services, and to promote an integrated, whole-of-government approach to public administration.<sup>11</sup> The Hawke Report recommended the ACT Strategic Board establish sub-committees to drive ACTPS performance in delivering Government priorities.
- 4.4.7 The introduction of the ACT Strategic Board presents an opportunity to strengthen the authorising environment for vulnerable young people generally, and, more specifically, those involved in the youth justice system and Bimberi. In the Commission's view, the ACT Strategic Board should establish a sub-committee for vulnerable children, young people and their families.

**Recommendation 4.1:** The ACT Strategic Board establish a sub-committee on vulnerable children, young people and their families.

- 4.4.8 The Commission was pleased to learn that on 21 June 2011, the ACT Strategic Board created a sub-committee with a focus similar to that suggested by the Commission.

***Engaging the Whole of Community***

- 4.4.9 While the creation of a sub-committee of the ACT Strategic Board will strengthen the authorising environment across government, Chapter 3 of this Report (community embeddedness) and the previously cited literature highlight the importance of engaging the broad community in defining the ACT's vision for vulnerable children, young people and their families. In the process of setting this vision, it is suggested the ACT Strategic Board sub-committee find ways to meaningfully engage:

- Children and young people;
- Families;
- Victims of crime;
- The ACT youth & community sector;
- Bimberi management and staff;
- The business community; and
- The Legislative Assembly.

***Engaging children and young people***

- 4.4.10 The Commission acknowledges that the ACT Strategic Board sub-committee would benefit from proven mechanisms to engage children and young people in the vision setting process. A growing body of evidence and practice exists on the various ways governments can engage children and young people. The Commission would welcome the opportunity to work with the Government to establish and implement meaningful youth participation processes. Further, best practice youth participation principles and practices are provided in this Report in Chapter 3 (community embeddedness).
- 4.4.11 From an ongoing perspective, Child Impact Statements are a tool used around the world to give children and young people more prominence in policy formation process. They have been variously described as:
- *'A systematic attempt to analyse and evaluate the consequences of the proposed action [on children and young people]'* (Sweden);
  - *'A tool to assess how a proposed [law/policy] will affect the rights and wellbeing of children and young people'* (Northern Ireland); and
  - *'A tool for identifying and measuring the effect of [law/policy] on children and young people'* (Scotland).
- 4.4.12 The Commission believes Child Impact Statements would be a useful tool for the ACT Government and ACT Strategic Board for ensuring the inclusion of the views of children and young people and for ensuring all decisions are made with their best interest in mind. The benefits of Child Impact Statements include:
- Promoting and raising awareness of children and young people's rights;
  - Ensuring children and young people's rights are considered at an early stage in law/policy development;
  - Embedding children and young people's rights in the minds of decision-makers and policy-makers;
  - Involving children and young people in the development of law/policy that affects them;

<sup>11</sup> Hawke, A., *Governing the City State: One ACT Government – One ACT Public Service*, ACT Government (2011) 6.

- Promoting more reasoned decision-making, and avoiding or mitigating any negative impacts that law/policy may have;
- Making more effective law/policy, and delivering more effective programs;
- Saving money and time, by helping to identify problems or improvements at an early stage;
- Statutory human rights obligations; and
- Acting in the best interests of children and young people.

4.4.13 The Commission anticipates that Child Impact Statements would apply to:

- Proposed legislation and regulations, government plans, policies, strategies;
- Program and service design and implementation;
- Budget setting, planning decisions, tendering processes;
- Organisational procedures and practices; and
- Other decisions that apply generally to the ACT community.

4.4.14 The Commission is aware that many policy decisions are referred to the ACT Youth Advisory Council (YAC)<sup>12</sup> for their input, and the YAC's role in providing a voice for children and young people and advice to Government is vital. However, this is not a responsibility that the YAC can fulfil alone, nor should sending a discussion paper to the YAC for response be seen as adequate consideration of the issues for children and young people. Additionally, while the Children & Young People Commissioner has the opportunity to see relevant draft Cabinet Submissions, resource constraints and limited timeframes often make meaningful contribution by children and young people to the policy debate difficult, and the process does not provide an opportunity for children and young people to be directly consulted.

**Recommendation 4.2:** The ACT Government commit to introducing Child Impact Statements and work with the Commission and other relevant stakeholders to develop a suitable model.

4.4.15 In making this recommendation the Commission notes Child Impact Statements are aligned to the ACT Government's intention to consider *'individuals and groups in the community who may be affected by new policy, legislation and decision making of Government'* in the Triple Bottom Line assessment framework that is being developed under the *Canberra Social Plan 2011*.<sup>13</sup>

***Engaging the Legislative assembly:***

4.4.16 The Commission believes the Legislative Assembly has a critical role to play in developing a vision for vulnerable children, young people and families in the ACT. The Commission notes the Hawke Report recommended that mechanisms be developed:

*'... to bring non-government Members of the Legislative Assembly into the earlier stages of policy and program design.'*<sup>14</sup>

4.4.17 In citing existing examples of good practice, the Hawke Report noted that the Legislative Assembly Standing Committee with responsibility for the children and young people portfolio has consistently inquired into and reported on issues facing young people, including youth justice issues. The Commission sees merit in the ACT Strategic Board sub-committee involving this Legislative Assembly Standing Committee in the setting of a vision for vulnerable children, young people and their families in the ACT.

***Setting a clear and shared vision***

4.4.18 With the sub-committee of the ACT Strategic Board in place (whole-of-government) and processes developed to meaningfully engage the broad community (whole-of-community), the ACT Government will be able to develop a vision for vulnerable children, young people and their families that has high public value and authorisation.

12 The Youth Advisory Council comprises 15 young people aged between 12 and 25 years (inclusive) at the time of their appointment. The objectives of the Youth Advisory Council are:

- To give young people opportunities to take a leading role in participation and consultation activities on issues that affect their lives;
- To act as a conduit to the Minister on the views of young people;
- To raise awareness of the aspirations, needs and concerns of young people within government and the community; and
- To facilitate interaction between young people, the ACT Government and the wider community.

13 [http://www.cmd.act.gov.au/\\_data/assets/pdf\\_file/0010/216559/2011CanberraSocialPlan\\_Print\\_Version.pdf](http://www.cmd.act.gov.au/_data/assets/pdf_file/0010/216559/2011CanberraSocialPlan_Print_Version.pdf) accessed 9 July 2011, 46.

14 Hawke, A., *Governing the City State: One ACT Government – One ACT Public Service*, ACT Government (2011) 57.

- 4.4.19 In this Report, the Commission does not seek to propose a vision for vulnerable children, young people and their families. However, we do suggest in relation to the content the ACT Strategic Board sub-committee and its stakeholders might consider in the process of setting this vision, that the vision for vulnerable children, young people and their families should:
- Be centred on vulnerable children and young people, and not the systems that support them;
  - Reflect that every child and young person wants to succeed – and can succeed;
  - Seek to meet the needs and see improvements in the lives of vulnerable children, young people, their families and their communities;
  - Seek to assure and improve the safety, health, development, learning and well being of all of the ACT’s vulnerable children and young people; and
  - Mobilise collective capability to inspire and promote a shared sense of optimism, purpose and empowerment across the system.

**Recommendation 4.3:** The ACT Strategic Board sub-committee adopt a whole-of-government and whole-of-community approach to develop a clear and shared vision for vulnerable children, young people and their families, and that children and young people and the Legislative Assembly Standing Committee on Education, Training and Young Affairs be meaningfully engaged in the vision-setting process.

### *A statement of purpose for the youth justice system*

- 4.4.20 A vision for the youth justice system for the ACT has already been developed by CSD. However, as shown previously in this Chapter, this vision was not developed within a strong authorising environment and, consequently, has little buy-in across government agencies or within the broader community. The Commission suggests this vision be redeveloped by CSD and called a ‘statement of purpose’.

#### *Creating a strong authorising environment*

- 4.4.21 In order to increase buy-in across government agencies and the community, the Commission suggests the statement of purpose be redeveloped within the context of the ACT Strategic Board’s vision for vulnerable children, young people and families.
- 4.4.22 To support the development of the statement of purpose for the youth justice system and its translation into practice, the Commission is of the view that CSD should establish a Youth Justice Advisory Group, with the secretariat function housed in the Youth Directorate, OCYFS. This Group should comprise practitioners and experts in the field of youth justice, detention, rehabilitation and reintegration, as well as youth and family advocacy groups.

**Recommendation 4.4:** The Community Services Directorate establish a Youth Justice Advisory Panel to guide the development of a statement of purpose for the youth justice system and to monitor the ongoing translation of this purpose into practice.

- 4.4.23 To develop a statement of purpose for the youth justice system, the Commission suggests CSD implement processes that meaningfully engage:
- All government directorates involved in the youth justice system (whole-of-government); and
  - Young people, families, advocacy groups, service providers, practitioners and experts involved in the youth justice system (whole-of-community); and
  - The Youth Justice Advisory Panel [recommendation 4.4] (whole-of-community).
- 4.4.24 Lastly, the Commission suggests the statement of purpose be approved by the ACT Strategic Board sub-committee for vulnerable children, young people and their families. It is envisaged that approval of this kind will enhance the statement’s whole-of-government authorisation.

### *Setting a clear and shared vision*

- 4.4.25 As with the vision for vulnerable children, young people and families, the Commission does not seek to put forward in this Report a statement of purpose for the youth justice system. Rather, the Commission suggests that in the process of developing its statement, CSD and its stakeholders consider that the statement of purpose for the youth justice system should:
- Build on the ACT Government's current vision for the youth justice system;
  - Be oriented to achieve rehabilitation and positive reintegration;<sup>15</sup> and
  - Prevent low risk young people from entering the criminal justice system.

**Recommendation 4.5:** The Community Services Directorate adopt a whole-of-government and whole-of-community approach to develop a clear and shared statement of purpose for youth justice in the ACT.

**Recommendation 4.6:** The ACT Strategic Board sub-committee monitor and report on achievement of the vision for vulnerable children, young people and their families with specific reference to vulnerable young people in the youth justice system.

### *A statement of purpose for Bimberi*

- 4.4.26 The CSD website describes Bimberi's key objective as being:  
*'to assist sentenced young people to understand, address and take responsibility for their offending or risk taking behaviours.'*<sup>16</sup>
- 4.4.27 In the Commission's view this statement has a number of limitations, in that it narrowly focuses on young people who have been sentenced by the Court to detention (when most young people in Bimberi are not sentenced, but remanded), and it is not reflective of the wider objectives of rehabilitation and reintegration, which are contained in the current stated objectives of the youth justice system.

### *Creating a strong authorising environment*

- 4.4.28 The previous recommendations made in this section create the foundations for a statement of purpose to be developed for Bimberi that will have high public value and authorisation. The Commission suggests the statement of purpose for Bimberi be developed within the context of the ACT Strategic Board's vision for vulnerable children, young people and families, and CSD's statement of purpose for the youth justice system.
- 4.4.29 To develop a statement of purpose for Bimberi, the Commission suggests OCYFS implement processes that meaningfully engage:
- All government directorates involved in Bimberi (whole-of-government);
  - Young people and families involved in Bimberi (whole-of-community); and
  - The Youth Justice Advisory Panel [recommendation 4.4] (whole-of-community).
- 4.4.30 Lastly, the Commission suggests the Bimberi statement of purpose be approved by the ACT Strategic Board sub-committee for vulnerable children, young people and their families. Again, it is envisaged that approval of this kind will enhance the statement's whole-of-government authorisation.

### *Setting a clear and shared vision*

- 4.4.31 As with the statement of purpose for the youth justice system, the Commission does not seek to propose in this Report a statement of purpose for Bimberi. Rather, the Commission suggests OCYFS and its stakeholders consider that the Bimberi statement of purpose should:
- Emphasise the therapeutic as well as custodial nature of the service;
  - Recognise that most residents of Bimberi are there for short periods and are often connected to other service systems; and
  - View custody as an opportunity to intervene positively in the lives of vulnerable young people.

<sup>15</sup> Altschuler, D.M., & Brash, R., Adolescent and Teenage Offenders Confronting the Challenges and Opportunities of Reentry, *Youth Violence and Juvenile Justice*, (2004) 291, 72 – 81.

<sup>16</sup> <http://www.CSD.act.gov.au/ocyfs/bimberi> referenced on 17th June 2011.

**Recommendation 4.7:** The Community Services Directorate adopt a whole-of-government and whole-of-community approach to develop a clear and shared statement of purpose for Bimberi.

**Recommendation 4.8:** The ACT Strategic Board sub-committee monitor and report on achievement of the vision for vulnerable children, young people and their families with specific reference to vulnerable young people in Bimberi.

## 4.5 Translating the vision into practice

- 4.5.1 A large body of management literature exists on how high performing organisations implement their vision to create value or results. Much of this literature has focused on the private sector, however, in the last decade or more academics and experts have turned their mind to how this literature applies to the public sector.
- 4.5.2 Uniformly, the literature on high performing government organisations shows that the underlying requirements for successful implementation are:
- Processes that translate the vision into outcomes, and outcomes into measureable performance indicators; and
  - A high performance culture.
- 4.5.3 The literature shows that visions are embedded where there is reinforcing leadership, systems and processes.<sup>17</sup> Further, it is the leadership, systems and processes in an organisation that create the performance culture.<sup>18</sup> The greater the alignment between and across these systems and processes, the more they will support a high performance culture. This section reviews the operation and alignment of three critical CSD systems and processes, namely:
- The organisational performance management system;
  - The planning system; and
  - The people performance management system, with particular reference to leadership.

### *The organisational performance management system*

#### **Best practice**

- 4.5.4 A robust performance management system is one of the key means by which high performing government organisations can continually improve themselves. The first component of this system is to determine the intended outcomes. Next, executives and managers, in consultation with staff, are required 'to elaborate a series of performance measures at operating levels for measuring success.'<sup>19</sup> The literature stresses that it is important to be able to demonstrate how these operational metrics logically achieve improved outcomes.
- 4.5.5 Historically, governments have not measured their performance in terms of outcomes; rather they have measured performance in terms of activity, outputs or processes. While such measures allow government to assess the effectiveness of their investment and efforts, and can be useful program management devices, their existence can obscure the fundamental purpose of the provision of the service.<sup>20</sup>
- 4.5.6 In recent years, human services departments in Australia have moved away from performance measurement focused on activity, outputs or processes and worked to develop outcome-based performance measures. In relation to the outcome frameworks for children and young people, those developed in Victoria, Tasmania, and Western Australia are notable. Those frameworks take a broader ecological approach to children and young people's development and allow governments and organisations working with young people to focus on facilitating the intended outcomes in a young person's life (eg safe and stable housing), rather than on specific features of their day-to-day activities (eg number of young people referred to refuges). In reflecting best practice, the outcomes frameworks in Victoria, Tasmania, and Western Australia identify outcomes in health, learning, development, safety and well being of young people.
- 4.5.7 Once outcomes have been defined, high performing government organisations formulate plans that 'provide a clear and integrated path by which to move towards their intended outcomes. To do that they establish a clear understanding between the inputs, outputs, processes and outcomes, so each of these can be planned and orchestrated effectively'.<sup>21</sup>

17 Peter M. Senge. *The Fifth Discipline: The Art and Practice of the Learning Organisation*. New York: Doubleday Currency. (1990).

18 Parston, G., and Goodman, J. *High-Performance Government Organisations: Principles for Creating Public Value*, Accenture (2008) 5.

19 Ibid.

20 Winkworth, G., and White, M., *Report to the ACT Human Rights Commission on Structures and Organisational Arrangements to Support Reform in ACT Youth Justice* (2011) 58 at Appendix B.

21 Parston, G., and Goodman, J., *High-Performance Government Organisations: Principles for Creating Public Value*. Accenture (2008) 4.

4.5.8 A proven method for governments (and nonprofits) to translate their outcome framework into performance measures is a 'theory of change' or 'program logic'. In her influential work, Weiss<sup>22</sup> defined a theory of change, simply, as a theory of how and why any initiative works. A theory of change sets out how an initiative (such as a project, a program, or a policy) is understood or intended to produce particular outcomes.<sup>23</sup> Many theories of change are presented as four components in a linear sequence: inputs, activities, outputs, and outcomes. These represent the logical flow from:

- Inputs (resources such as money, employees and equipment) to
- Work activities, programs or processes, to
- The immediate outputs of the work that are delivered to customers, to
- Outcomes or results that are the long-term consequences of delivering outputs.

4.5.9 In recommending the ACT Government commence outcome-based planning for the youth justice system, the Commission notes that CSD began consulting with the community service sector in 2010 on the development of an 'Outcomes Based Service Funding Agreement - Purchasing Framework'. The aim of the project is to develop a purchasing framework for the procurement and quality improvement of human services funded by the CSD that may be transferable across all ACT Government agencies delivering human services. The project will develop a population based approach and measure the achievement of specific population results over a ten year period, in relation to improving social and economic outcomes for vulnerable Canberrans.<sup>24</sup>

***An outcome framework for vulnerable children, young people and their families***

4.5.10 While the Commission acknowledges that moving from activity-based planning to outcome-based planning is not an easy task, the introduction of the ACT Strategic Board sub-committee for vulnerable children, young people and their families presents an opportunity for the ACT Government's organisational performance system to be strengthened at the highest levels through the adoption of outcome-based planning.

**Recommendation 4.9:** The ACT Strategic Board sub-committee translates the vision for vulnerable children, young people and their families into an outcome framework that includes the health, learning, development, safety and well-being of children and young people.

***A youth justice practice framework***

4.5.11 Prior to the recent development of the stated objectives, the Commission notes that the ACT Government had very few performance measures for the youth justice system. Nationally, the key outcome measure for youth justice systems is recidivism.<sup>25</sup> The limitations of this outcome measure are widely acknowledged by academics and system administrators. Further, in their report to the Commission, the Australian Institute of Criminology explains the ACT's method of collecting recidivism data could be improved. These matters are discussed in detail in Chapter 6 (evidence) of this review.

4.5.12 In addition, the Productivity Commission's *Report on Government Services* (RoGS) reports national data on 11 performance indicators for the youth justice system. All of these indicators are either process or output focused, such as number of young people diverted or proportion of pre-sentence reports completed (process), and number of young people participating in certain programs (output).

4.5.13 Executives interviewed by Winkworth and White agreed that organisational performance management was an area for considerable improvement in the youth justice system. One participant felt there is a need for a performance framework that is:

*'More focused on rehabilitation and outcomes of young people. We need a coordinated whole of government data report.'*

4.5.14 Due to a lack of outcome and performance measures, it is the Commission's view that the ACT Government does not have an effective system for measuring the organisational performance of the youth justice system. It is worth noting that similar conclusions have previously been made in relation to the NSW and Victorian youth justice systems.<sup>26</sup>

22 Weiss, C.H., *Evaluation Research. Methods for Assessing Program Effectiveness*. Prentice-Hall, Inc., Englewood Cliffs, New Jersey, (1972).

23 Rogers, P.J., 'Logic models' in Sandra Mathison (ed) *Encyclopedia of Evaluation*, Beverly Hills, CA: Sage Publications. (2005) 232.

24 [http://www.CSD.act.gov.au/home/purchasing\\_framework#latest](http://www.CSD.act.gov.au/home/purchasing_framework#latest), accessed 18 June 2011

25 Richards, K., Rosevear, L., & Lyneham M., *Juveniles' contact with the criminal justice system in the ACT: An overview*, Australia Institute of Criminology (2011) 50, Appendix A.

26 NSW Auditor-General, *Managing and measuring success: Department of Juvenile Justice*, Sydney: Audit Office of New South Wales (2005); Victorian

- 4.5.15 The adoption of an outcomes framework by the ACT Strategic Board sub-committee presents an opportunity for the work already commenced by CSD to be strengthened into an organisational performance management system for the youth justice system. In the Commission's view, CSD should work with the recommended Youth Justice Advisory Panel (recommendation 4.4) to develop and identify the intended outcomes for the youth justice system and a set of logical performance indicators. These intended outcomes and performance measures should be embedded in a youth justice practice framework that:
- Is headed by the Statement of Purpose of the youth justice system (recommendation 4.5);
  - Links the practice framework to the outcomes framework for vulnerable children, young people and their families (recommendation 4.9) and other relevant policy and program plans;
  - Outlines the values and principles that underlie the desired approach to working with young people in the youth justice system. These core principles will establish a moral authority guiding expected practice;
  - Describes specific approaches and techniques considered fundamental to achieving the desired outcomes. This might include 'evidence based' approaches, promising practices and/or approaches believed to be effective through practice based experience;
  - Describes intended outcomes and performance measures; and
  - Identifies and describes the way that partners will work together to achieve the statement of purpose and to integrate values and principles.

**Recommendation 4.10:** The Community Services Directorate translate the statement of purpose for the youth justice system into a youth justice practice framework with outcome measures and performance indicators.

#### *Bimberi Practice Framework*

- 4.5.16 At present there are no outcome measures or performance indicators in place for Bimberi. As a result, it is the Commission's view that the ACT Government does not have an effective system for measuring the organisational performance of Bimberi. Further, executives interviewed by Winkworth and White felt too much performance attention is focused on safety and security, at the expense of the stated objectives of rehabilitation and reintegration.
- 4.5.17 To strengthen the organisational performance management system for Bimberi, it is the Commission's view that OCYFS should engage with the recommended Youth Justice Advisory Panel to identify the intended outcomes for Bimberi and a set of logical performance indicators. These intended outcomes and performance measures should be embedded into a Bimberi practice framework that:
- Is headed by the Statement of Purpose of Bimberi (recommendation 4.7);
  - Links the practice framework to the Youth Justice practice framework (recommendation 4.10) and other relevant policy and program plans;
  - Outlines the values and principles that underlie the desired approach to working with young people in Bimberi. These core principles will establish a moral authority guiding expected practice;
  - Describes specific approaches and techniques considered fundamental to achieving the desired outcomes. This might include 'evidence based' approaches, promising practices and/or approaches believed to be effective through practice based experience;
  - Describes intended outcomes and performance measures; and
  - Identifies and describes the way that partners will work together to achieve the statement of purpose and to integrate values and principles.

**Recommendation 4.11:** The Community Services Directorate translates the statement of purpose for Bimberi into a Bimberi practice framework with outcomes measures and performance indicators.

- 4.5.18 More detail on the recommended Bimberi Practice Framework can be found at Chapter 8 (case management).

#### *Data collection and reporting*

- 4.5.19 An inherent part of an effective organisational performance management system is a well designed data collection system. Data that is collected and reported well enables service delivery to be adjusted to achieve better outcomes, is a strong

accountability tool, promotes transparency, and motivates people towards continuous improvement. It also allows for early detection and correction of failing or under-performing initiatives.

- 4.5.20 Many participants in this Review expressed concern that the current data systems are not sufficient to meet existing data collection and reporting requirements, including those for CSD, ACT Ministers and the national juvenile justice minimum data set. Chapter 6 (evidence) of this Report makes recommendations to improve data collection systems and processes, and it is the Commission's view that significant investment is needed to develop a robust data collection system that will support CSD's transition to an outcome-based performance management system.
- 4.5.21 The unit within CSD responsible for youth justice data collection and reporting is the Youth Justice Policy Unit. That unit is also responsible for the development of youth justice policy and procedures, maintenance of the youth justice victims register and the development of interagency agreements with key youth justice stakeholders. This Unit will need to play a key role in developing an outcome-based performance management system for the ACT youth justice system and the data systems to support it.
- 4.5.22 The Commission holds concerns regarding the capacity of the currently configured Youth Justice Policy Unit to lead the development of the outcome-based organisational performance measurement system and the associated data collection system. This comment is made not in relation to the professionalism of the current Unit; rather that, in the Commission's view, the scope of work is significant and will require additional resources and specialists skills.
- 4.5.23 Looking ahead, when the organisational performance measurement system and associated data collection system are in place, it will be vital that the insights generated by the performance data be translated into improved practice. Again, the Commission holds concerns regarding the capacity of the currently configured Youth Justice Policy Unit to fulfill this role.

**Recommendation 4.12:** The Community Services Directorate ensure the necessary capacity and skill are in place to develop an outcome based organisational performance measurement system and associated data collection system and translate the data into improved practice.

- 4.5.24 In making these recommendations, the Commission suggests CSD either expand the Youth Justice Policy Unit or partner with a specialist unit of a university or other jurisdiction.

### *An aligned planning system*

#### *Current practice*

- 4.5.25 During the Review, the Commission reviewed a number of Government plans which either broadly or directly relate to vulnerable young people, including those involved in the youth justice system and Bimberi. They were:
- **Canberra Plan and Canberra Social Plan**, which outline the Government's strategic and aspirational vision for the city. The objectives seek to ensure that all Canberrans enjoy the benefits of living in a community that is safe, socially inclusive and respectful of human rights; all Canberrans are able to fully participate in community life; and the most vulnerable in our community are respected and supported.
  - **ACT Young People's Plan 2009-14**, which provides an integrated policy framework with a specific focus on vulnerable young people who are at risk of not realising their potential to achieve positive life outcomes. This Plan is based on the themes of participation, access, transitions and support.
  - **ACT Children's Plan 2010-14**, which articulates the ACT Government's commitment that children and young people reach their potential, make a contribution, and share the benefits of the community.
  - **Aboriginal and Torres Strait Islander Justice Agreement 2010-2013**, which seeks to reduce the over-representation of Aboriginal and Torres Strait Islander people in the ACT justice system as both victims and offenders.
  - **ACT Youth Commitment** which, when developed, will reflect the National Partnership on Youth Attainment and Transitions, and set targets to ensure that no young person is lost from education, training or employment.
  - **Youth and Family Service Delivery Framework**, which will provide effective and efficient operation of the service system for vulnerable and in-need children, young people and their families in the ACT.
  - **ACT Children's and Young People's Justice Health Services Plan 2008-2012**, which is designed to sustain and improve the health of children and young people in detention by providing and coordinating effective, holistic and efficient health services.
  - **Mental Health Services Plan**, which articulates the vision and the strategic direction for the development of the ACT mental health sector, and the steps towards achieving it.

- 4.5.26 Several participants in the Review commented on the number and complexity of plans operating within or across youth justice. In their submission to the Review, Northside Community Services called for:
- 'a serious analysis of the myriad of plans, strategies and frameworks now littering the field, often with overlapping elements but little collective accountability for client outcomes. For instance, any changes to Bimberi - or youth justice more generally - would not only relate to the Bimberi Reviews and the Diversion paper, but also the new Youth and Family Service Delivery Framework, the Young People's Plan, the Aboriginal Justice Agreement, the Mental Health Services Plan, the Alcohol, Tobacco and Other Drugs Strategy, the recent reports on adult corrections and related strategies (Hamburger and Burnett).....etc.'*
- 4.5.27 Further, Noetic Solutions, who were contracted by the ACT Government to undertake consultation on the *Towards a Divisionary Framework in the ACT* discussion paper, reported a level of fatigue within the community services sector as a result of the multiple planning and review processes undertaken in the last few years. In that consultation process, stakeholders also called for consolidation.
- 4.5.28 In its independent review of the ACT Public Service, the Hawke Review reported that participants in that process also felt: *'the ACTPS has too many layers of overly detailed planning and reporting, and suffers from a lack of alignment of effort that comes from agencies being overwhelmed in overlapping frameworks, plans, and strategies.'*<sup>27</sup>
- 4.5.29 The Hawke Review went on to observe what it called 'the vacant middle ground,' referring to a weak connection between the strategic intent and supporting action plans. The Review went on to say:
- 'Very detailed effort is put into supporting action plans and strategies articulating the "what" but the proliferation of supporting documents is clouding the ACTPS's line of sight to the key ones. Alignment of effort is being lost in a sea of reporting. Unifying themes are being obscured through fragmentation of planning and delivery. The ACTPS is succeeding in the detail, but perhaps missing the mark in its understanding and pursuit of the whole.'*<sup>28</sup>
- 4.5.30 The Commission's experience in this Review is congruent with the observations made in the Hawke Review, with some additional observations. While the ACT Government has invested considerable time and money into developing a vision for all young people in the ACT (through the ACT Children's Plan and ACT Young People's Plan), these plans do not provide sufficient guidance in relation to vulnerable children and young people. Without this guidance, it is difficult for subsequent planning to be aligned. In relation to the youth justice system, the Commission observes the vision of the youth justice system, articulated by the ACT Government in their submission to the Review, is not reflected in any previous documentation or in any implementation plans relating to young people or the youth justice system. It appears that vision may have been recently developed, meaning the supporting plans were developed without reference to this vision.
- 4.5.31 Further, the Commission heard from participants that existing plans do not 'cascade' down to teams and individuals at the operating level. One participant commented that there was no 'corporate plan' to guide the activities or outcomes Bimberi delivered. The ability to successfully cascade plans is recognised as a key capability for high performing organisations.<sup>29</sup>
- 4.5.32 In the Commission's view, the ACT Government planning system for young people and the youth justice system could be improved through greater alignment.

#### ***A possible way forward***

- 4.5.33 The suggestions and recommendations made in this Chapter aim to assist in strengthening the planning systems for young people in the ACT. To demonstrate this point, Figure 4.2 depicts the current planning system and Figure 4.3 depicts the recommended planning system (both figures, below). Looking at the figures side by side, the 'vacant middle ground' noted in the Hawke Report can be readily seen. By way of reference and summary, the Commission recommends the following planning instruments be developed to strengthen the alignment of the planning system:
- A vision for vulnerable children, young people and their families (as discussed in this chapter);
  - An outcomes framework for vulnerable children, young people and their families (as discussed in this chapter);
  - A prevention framework for children and young people comprising:
    - A primary prevention plan (see Chapter 7);
    - A secondary prevention plan, including the Youth and Family Support Program (see Chapter 7); and
    - A tertiary prevention plan including a practice framework and case management model for working with vulnerable young people (see Chapter 8);
  - A statement of purpose for the youth justice system (as discussed in this chapter);
  - A diversionary framework (see Chapter 7); and
  - A statement of purpose for Bimberi (as discussed in this chapter).

<sup>27</sup> Hawke, A., *Governing the City State: One ACT Government – One ACT Public Service*, ACT Government (2011) 205.

<sup>28</sup> Ibid.

<sup>29</sup> Parston, G., and Goodman, J., *High-Performance Government Organisations: Principles for Creating Public Value*, Accenture (2008) 4.

Figure 4.2: Current planning system for young people in the ACT

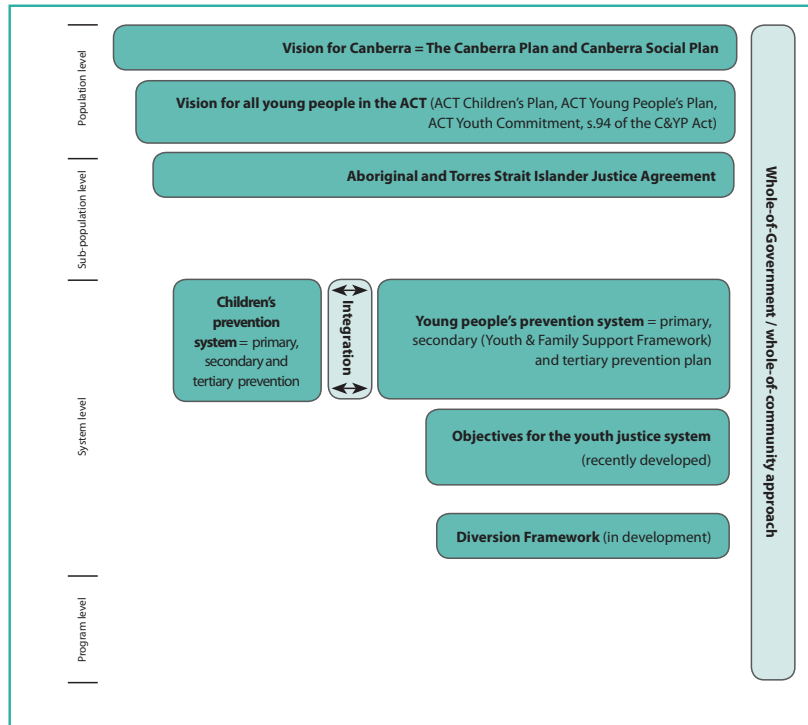
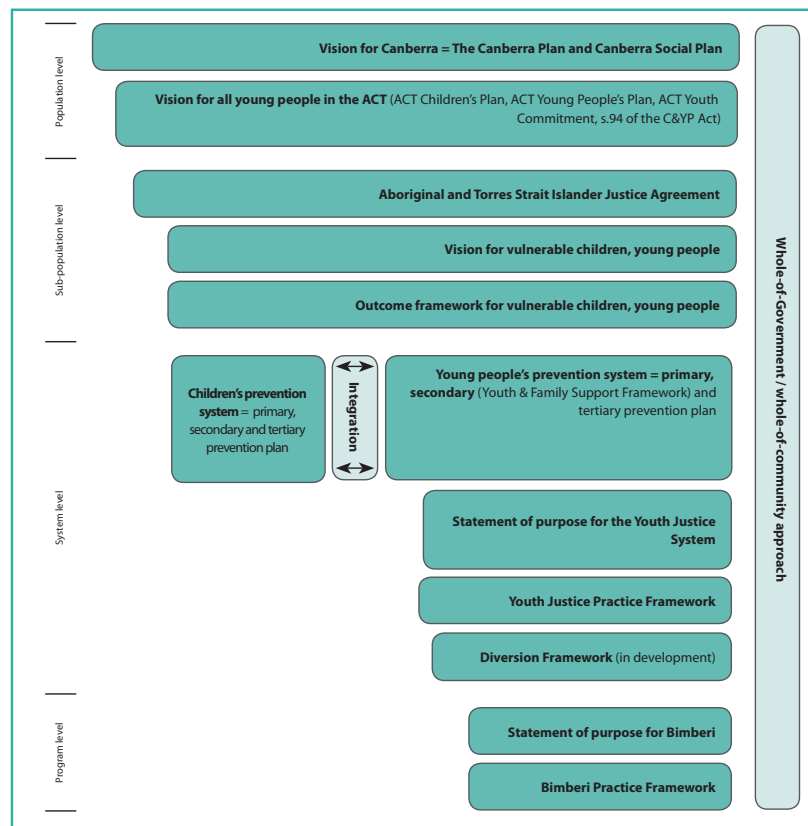


Figure 4.3: Recommended planning system for young people in the ACT



### An aligned people system

- 4.5.34 Even with a vision that has high public value and authority, which is translated into practice through an outcomes framework with logical performance indicators, and supported through an aligned planning system, successful implementation largely rests on an organisation's culture of performance. At their foundation, high performance cultures are built on behaviours, attitudes and beliefs that generate a sense of purpose, ambition and enthusiasm towards realising the organisation's vision and strategy.<sup>30</sup> One of the most powerful influences on the behaviours, attitudes and beliefs of any organisation is the behaviour and performance of its leaders.

#### Best practice

- 4.5.35 An established characteristic of high performing government organisations is the cultivation and mobilisation of leaders who:
- **Are strongly aligned on a professional and personal level with the stated values and guiding principles of the organisation.** In their report to the Commission, Winkworth and White note that *'without a rigorous commitment to the maintenance of a coherent set of values throughout the organisation, from the top levels of its leadership to the day-to-day frontline staff delivering services, the organisation faces the risk of a "cultural drift" in which component parts of the organisation develop separate cultural identities and operate effectively for divergent and sometimes competing purposes. At this point the organisation becomes ineffective.'*<sup>31</sup>
  - **Are skilled at communicating the outcome framework to ensure the entire organisation is acting in concert to achieve its vision.** Research shows that effective communication is a primary requirement for effective implementation.
  - **Are skilled at leading and managing change.** To develop a high performing culture, leaders must *'rigorously follow a defined process of change entailing five key steps: visioning improved outcomes, role redesign, planning, implementation and evaluation.'*<sup>32</sup>
  - **Are skilled at aligning their workforce to the vision and strategy.** Building or transforming the structure and skill of a workforce to achieve the vision and strategy; and *'identifying and eradicating inappropriate or debilitating behaviour, beliefs and attitudes.'*<sup>33</sup>
  - **Work with staff at all levels to embed the systems of a high performance culture,** including those that enable decision making, innovation, and the ability to take calculated risks that are likely to achieve greater outcomes; as well as those that hold individuals accountable for their performance and reward staff with recognition, greater responsibility, and career progression.<sup>34</sup>

#### Leadership of Bimberi management

- 4.5.36 The former management team were heavily involved in the design and development of the Bimberi facility and, as discussed above, clearly demonstrated that they had a commitment to making Bimberi a best-practice model for human rights compliant youth detention, and a facility where positive outcomes and rehabilitation could be achieved for young people.
- 4.5.37 As also discussed above, the vision for the youth justice system, and the role of Bimberi within this system, was inadequately developed and articulated by CSD and other stakeholders. This lack of a clear vision made it difficult for Bimberi management to develop and sustain a high performance culture within the centre, particularly in the context of the following factors:
- In 2010, a sharp increase in the number of young people residing at Bimberi;
  - Significant public and media scrutiny;
  - A reactive political environment;
  - A budget for operations and staffing at Bimberi based on the cost of the Quamby facility which did not sufficiently account for the additional costs of the larger new facility (although we note that staffing resources have increased in recent times due to increased Government investment);

30 Parston, G., and Goodman, J., *High-Performance Government Organisations: Principles for Creating Public Value*. Accenture (2008) 5.

31 Winkworth, G., and White, M., *Report to the ACT Human Rights Commission on Structures and Organisational Arrangements to Support Reform in ACT Youth Justice* (2011) p? at Appendix B.

32 Parston, G., and Goodman, J., *High-Performance Government Organisations: Principles for Creating Public Value*. Accenture (2008) 5.

33 Ibid.

34 Ibid.

- Tensions between the expectation and the reality of what systemic change (including rehabilitation) a new facility can deliver; and
- Unanticipated challenges related to some of the features of the new facility, including its size, staffing requirements and security system.

- 4.5.38 Nevertheless, based on interviews with current and former staff, and a range of other participants and stakeholders, the Commission considers that the leadership style exhibited by former management may not have always been conducive to the creation of a high performance culture.
- 4.5.39 The Review heard a divergence of views from participants regarding the leadership style of former management, with some speaking positively of former management, including, in particular their commitment to their collective vision and achieving what they could with the limited resources available.
- 4.5.40 However, the majority of former and current staff participants who discussed the leadership style of former management at Bimberi, both in interview and via-survey, raised concerns about communication between management and staff, and a lack of support and respect for staff.<sup>35</sup> Concerns about leadership style at Bimberi were also raised by community and government agencies who reported having difficulty engaging with Bimberi management to provide services or programs to young people at Bimberi. These matters are discussed in more detail in the following chapters.
- 4.5.41 In reaching these conclusions, the Commission notes that it is the responsibility of CSD executives to set, support, monitor and, if necessary, adjust leadership behaviour within the youth justice system. It is also the responsibility of CSD executives to build, maintain and update the system and processes that support the desired leadership behaviour and high performance culture.
- 4.5.42 The Commission heard differing views from participants regarding the level of support and feedback from CSD executives to Bimberi management, however it does appear that CSD executives were aware of a deteriorating environment at Bimberi for young people and staff and were making efforts to address these issues.
- 4.5.43 Specifically, the Commission is aware of a number of steps taken by the Director-General, and other executives, to address issues of individual and systemic concern. These processes were beginning to result in visible improved outcomes for young people and staff by the time this Review commenced in late 2010.

#### **Looking ahead**

- 4.5.44 Positively, the Commission heard that much has changed at Bimberi in the last six to eight months. Generally, many participants report feeling cautiously positive about the leadership behaviour of the current management, and welcoming of the Change Management Strategy that was introduced at Bimberi in November 2010. However, as noted above, further measures may be necessary 'on the ground' at Bimberi to ensure this positive change continues.
- 4.5.45 In its submission to the Review, the ACT Government describes the purpose of the Change Management Strategy as: *'improving support for young people detained at Bimberi, as well as enhancing the professionalism of staff and the smooth functioning of the centre.'*<sup>36</sup> Further, the Change Management Strategy was described as being focused on ensuring:
- Clear internal communication strategies;
  - A learning culture through work-based learning opportunities;
  - Young people are the focus of all work;
  - Case plans and case management processes are client-centred;
  - Operational standards balance staff and client safety with providing a therapeutic environment for detainees;
  - Strong relationships with agencies and community partners;
  - Opportunities for collaboration between management and detainees;
  - Increased support to Bimberi staff; and
  - New operational standards and processes are formalised, and embedded through policy and procedure.<sup>37</sup>

<sup>35</sup> For more detail see Chapter 5 (staffing).

<sup>36</sup> ACT Government. *The ACT Government's Submission to the Children and Young People Commissioner's Inquiry into the Youth Justice System in the ACT and the Human Rights Commissioner's Audit into Conditions of Detention at the Bimberi Youth Justice Centre*, (2011) 6.

<sup>37</sup> Ibid.

- 4.5.46 While some of these focus areas relate to systems and processes, many relate to more visible and supportive leadership.
- 4.5.47 While most participants were hopeful about the changes that had been implemented, some expressed concern about how long those changes could be sustained. To a degree, the Commission shares this concern. In drawing from the literature, the Change Management Strategy can be described as a 'command and control' style of public sector reform.<sup>38</sup> Command and control models are often used when reform is crisis driven. The literature cautions that *'once adequate performance is established, however, the benefits of command and control are less clear. Governments find it hard to sustain the focus and drive on which command and control depends.'*<sup>39</sup>
- 4.5.48 While the leadership behaviour of the former management has been questioned in this Review, the Commission acknowledges that these leaders were not supported by strong and reinforcing systems and processes. In drawing from the literature, the Change Management Strategy must create alignment between leadership behaviour and reinforcing systems and processes in order to achieve sustainable, high performance outcomes. As such, the Commission believes CSD must take further short term and longer terms steps to achieve these outcomes.
- 4.5.49 In the short term, we recommended that CSD implement measures to consult staff on their feelings about how improvements can be made, and make changes to day-to-day practice based on that feedback and other expert advice.

**Recommendation 4.13:** The Community Services Directorate consult with Bimberi staff about proactive steps to address any staffing culture concerns, and consider engaging a consultant to work with staff and management to develop a more positive culture.

- 4.5.50 In the long term, the Commission believes CSD must invest considerably more time and resources into the development of systems and processes than it has into improving leadership behaviour.

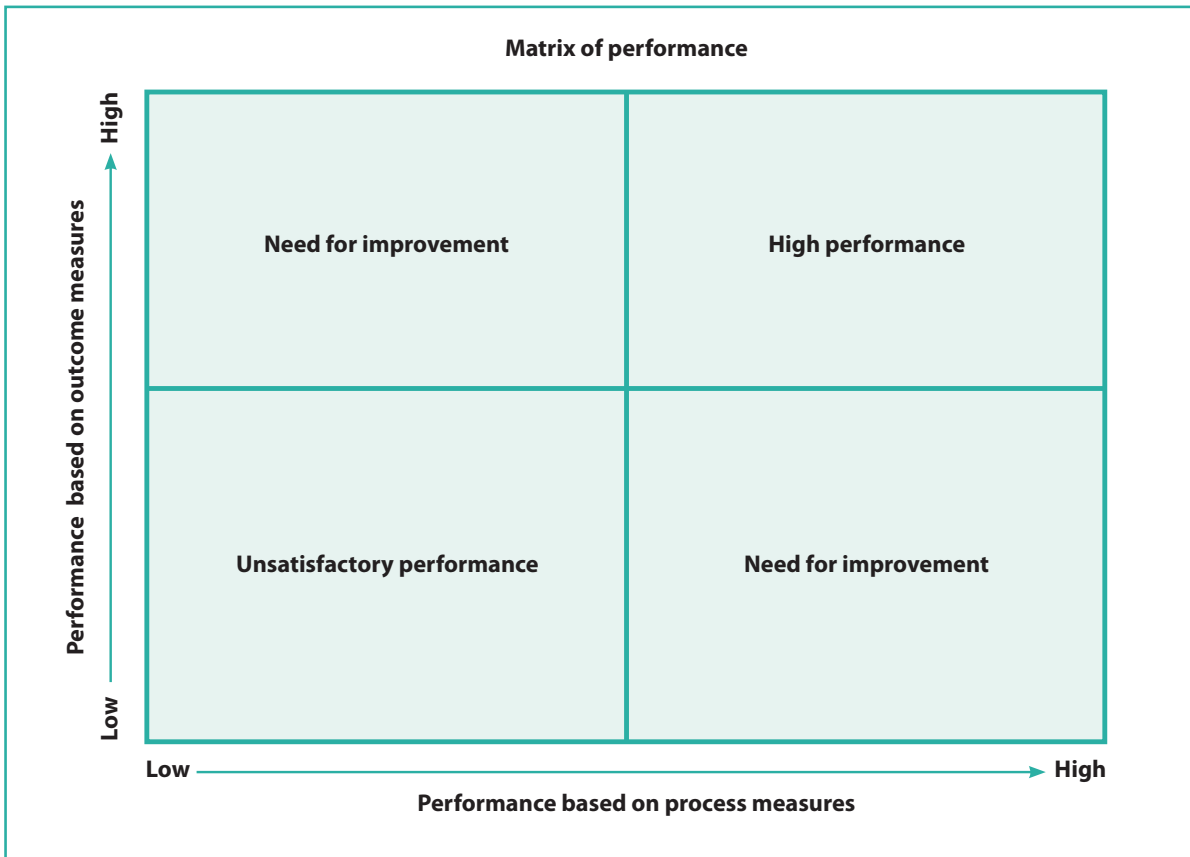
#### *People performance management*

- 4.5.51 People performance management systems have the same ability to drive alignment with an organisation's vision as organisational performance measurement systems. They do this by holding managers and staff members to account for their particular areas of responsibility, and providing a support mechanism which assists managers and staff to successfully achieve required objectives.
- 4.5.52 Chapter 5 (staffing) of this Report outlines CSD's current process for staff appraisals, supervision and support and finds that those processes have not been consistently complied with at Bimberi. This is concerning, and Chapter 5 makes recommendations to address this. However, here, the Commission wishes to make further recommendations as to how CSD can improve the people performance management system to ensure it generates and supports aligned leadership behaviour, as well as aligned individual objectives and development. It is the Commission's view that CSD's people performance management system needs to be strengthened to allow for early detection of leadership behaviour that is not aligned with the purpose of the youth justice system.
- 4.5.53 One way of doing this is to adopt a matrix model of people performance management. In a matrix model, managers are judged according to a number of broad dimensions and need to show evidence of achievement in each of these in order to receive a satisfactory rating through the people performance management system. For example, Figure 4.4 below indicates that a manager who performs well on outcome measures (such as that all young people in Bimberi are achieving measurable improvements in their literacy and numeracy), but poorly on process measures (such as effective staff management) is not rated highly. On the other hand a manager who performs well in the processes of staff management yet is unable to achieve effective outcomes is also not rated highly.

<sup>38</sup> Barber, M., 'Three paradigms of public sector reform' (2007), *Transforming Government*, McKinsey and Company, 23.

<sup>39</sup> *Ibid.*

Figure 4.4: Matrix model for people performance management



**Recommendation 4.14:** The Community Services Directorate introduce a matrix model of people performance management to assess measures of leadership behaviour as well as outcome measures.

## 4.6 An accountability framework

- 4.6.1 The recommendations contained in this Report and the significant structural change to Government represented by the introduction of the ACT Strategic Board, will separately and jointly change the way the ACT government engages with and provides services and support to vulnerable children and young people, particularly those involved in the youth justice system and Bimberi. In these circumstances, it is the Commission's view that the ACT community, Legislative Assembly and bureaucracy would benefit from the accountability framework being strengthened in relation to the way government improves the system for these young people.
- 4.6.2 In seeking to strengthen the accountability framework, the Commission notes the unanimous recommendations of the 2008 *Commonwealth Joint Parliamentary Committee on National Capital and External Territories Report into the National Capital Authority*, which said:  
*'Transparency and accountability to the Parliament will be enhanced through the Chairperson of the board appearing twice a year at public hearings before this committee.'*

- 4.6.3 The Commission sees applicability of this recommendation in relation to the introduction of the range of other vision and accountability drivers discussed in this chapter. Transparency and accountability of the ACT Government would be enhanced if the Government were to appear every two years at public hearings before the Legislative Assembly Standing Committee on Education, Training and Youth Affairs.
- 4.6.4 In holding hearings every two years, the Legislative Assembly Standing Committee on Education, Training and Youth Affairs could inquire into achievements of the vision and outcomes for vulnerable young people in the youth justice system. Of particular importance, the Standing Committee could hear submissions from a whole-systems perspective through:
- Inviting appearances from the **whole-of-government**, such as relevant Ministers, the ACT Strategic Board sub-committee, Director-General of the CSD, and representatives from the police, Department of Public Prosecutions (DPP) and Legal Aid; and
  - Inviting appearances from the **whole-of-community**, such as representatives from the Courts, Aboriginal Legal Services, external oversight bodies, advocacy groups, practitioners, experts, families and young people.
- 4.6.5 Such an accountability mechanism would allow for review of progress, and the making of associated recommendations for continual improvement every two years.


**Recommendation 4.15:** The Legislative Assembly Standing Committee on Education, Training and Youth Affairs consider holding public hearings every two years on achievements towards the vision and outcomes for vulnerable young people in the youth justice system.

- 4.6.6 Regardless of whether the above recommendation for an accountability framework is adopted, the Commission sees value in the external oversight bodies (the Public Advocate, the Official Visitor, and the Commission) preparing a joint annual report on achievement towards the vision and outcomes for vulnerable young people in the youth justice system, including Bimberi. The Commission recommends this report be tabled with both the ACT Strategic Board sub-committee and the Legislative Assembly Standing Committee on Education, Training and Youth Affairs.

**Recommendation 4.16:** The external oversight bodies (the Public Advocate, the Official Visitor, and the Human Rights Commission) report jointly and annually to the ACT Strategic Board sub-committee and the Legislative Assembly Standing Committee on Education, Training and Youth Affairs on achievements towards the vision and outcomes for vulnerable young people in the youth justice system.

## 4.7 Change management

- 4.7.1 This Chapter has made a broad range of suggestions and recommendations to better align the systems for vulnerable children and young people to a clear and shared vision. It has followed a linear progression of recommending improvements to:
- The vision at each operating level;
  - Translation of this vision into practice through:
    - Adopting outcomes measures and performance indicators (the organisational performance management system);
    - Better aligning the planning system; and
    - Strengthening the people performance system; and
  - The strength of the accountability framework.
- 4.7.2 These recommendations, and others in this Report, represent a significant amount of change to plan, manage and achieve. Of particular note, the recommendations require CSD to improve its performance culture by better aligning three large systems (the organisational performance measurement system, the planning system, and the people performance measurement system).



4.7.3 The recent Hawke Review called for a *'fundamental shift in workforce approaches and culture'*. In calling for this change, the Review commented on how difficult cultural change can be:

*'Most governments have been less effective at reforming the 'software' of the public sector – the cultural systems that underpin high performance rather than the 'hardware' of structures, systems and processes.'*<sup>40</sup>

4.7.4 To support the required change, the Hawke Review suggested that the Chief Executive and Head of the ACTPS engage an individual with the necessary skills and experience in change management to partner the implementation team. The Commission sees value in this and makes a similar recommendation.

**Recommendation 4.17:** The Community Services Directorate consider engaging a change management expert to assist with the significant cultural change required to instill a high performance culture across the youth justice system.

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40 Hawke, A., *Governing the City State: One ACT Government – One ACT Public Service*, ACT Government (2011) 260.