

# Chapter 5: Staffing

## *A Quality Youth Justice System Employs Skilled Staff And Provides Them With Ongoing Training, Support And Supervision*

### Relevant Terms of Reference

- Staff levels, training and retention.

### Relevant Human Rights Standards

- Right to Life (HR Act s.9)
- Right to Equality (HR Act s.8)
- Freedom from Inhumane Treatment (HR Act s.10)
- Protection of the Family and Child (HR Act s.11)
- Staff have appropriate remuneration, qualifications and ongoing training including on Aboriginal culture (SMR r.46, 47; POJ r.81, 82, 83, 85; RCIADC r.177)
- Staffing profile should reflect background of residents particularly Aboriginal staff (BR r.22, RCIADC r.178)
- Female staff should manage female areas and should reflect female population (SMR r.53, BR r.22)
- Staff should model behaviour (SMR r.48)

## 5.1 Introduction

- 5.1.1 A quality youth justice system is critically dependent upon the strengths and capacities of the staff across the system who deliver services to young people. Human rights standards recognise, with respect to staff, that *the proper management of detention facilities depends on their integrity, humanity, ability and professional capacity to deal with juveniles, as well as personal suitability for the work.*<sup>1</sup>
- 5.1.2 Recruitment of skilled and committed workers who share the values and vision of youth justice is vital, but the ability of staff to deliver quality services requires a system that supports and develops them through effective training, supervision and management.

## 5.2 Staff within the youth justice system

- 5.2.1 In interviewing and observing staff providing frontline services to young people both in community youth justice and in Bimberi, the Commission has been encouraged by the level of commitment of the majority of staff to making a difference to the lives of young people, and the skills and dedication they display in providing services in a challenging environment.
- 5.2.2 However, it is apparent that youth justice staff across the system are not being adequately trained, supported or resourced to work effectively with young people, and that they are often frustrated at the constraints imposed by high caseloads and low staffing levels, which limits the progress they can achieve with young people and their families.
- 5.2.3 The decision to commence operations at Bimberi with the same staffing budget as the Quamby facility, and the inadequate supervision and support provided to staff at the new Centre in its critical first two years, has had serious repercussions for both staff and young people at the Centre, and has prevented it from meeting the expectations of a human rights compliant youth justice facility.

<sup>1</sup> United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), rule 82.

- 5.2.4 In the Commission's view, improvement of staffing levels, training, conditions and support for youth justice staff is essential, as it is not possible to have a quality youth justice system that respects the human rights of young people unless the human rights of workers are also respected and their contributions properly valued.
- 5.2.5 This Chapter reviews best practice in recruitment, training, support and supervision of staff in youth justice, and assesses the current practice in Bimberi and, briefly, in the Community Youth Justice (CYJ) area of the Community Services Directorate (CSD).

### Human rights standards

- 5.2.6 There are a range of human rights standards relevant to staffing in a youth justice system. Staff are bearers of human rights that are protected under the ACT *Human Rights Act 2004* (the HR Act), which include the rights to liberty and security of person, life, and equality.<sup>2</sup>
- 5.2.7 There are also specific international human rights standards for staffing in youth justice. The Beijing Rules require that staff in youth justice reflect the diversity of young people who come into contact with the system, and that efforts be made to ensure the fair representation of women and minority groups in youth justice agencies.<sup>3</sup> In the ACT context this requires that particular consideration be given to the recruitment of Aboriginal and Torres Strait Islander workers, given the significant over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system.<sup>4</sup> Based on 2008-2009 data, Aboriginal and Torres Strait Islander young people in the ACT were 35 times more likely to be detained than non-Indigenous young people.<sup>5</sup>
- 5.2.8 The Rules for the Protection of Juveniles Deprived of their Liberty include standards for recruitment, remuneration, qualifications, management and training of youth justice personnel. These standards are discussed in more detail below.

### Importance of skilled youth justice staff

- 5.2.9 The expectations we have of workers in the youth justice system are high. As Camino and Zeldin observe '*we as a society hold extraordinary expectations of youth workers. We expect them to carry out an astonishingly diverse range of functions and to be equipped with an array of skill sets*' yet often do not provide them with the training, resources or structures to best assume these responsibilities.<sup>6</sup>
- 5.2.10 Workers in the youth justice system play a vital role in supporting many aspects of the lives of the young people they work with, including their rehabilitation. While evidence-based rehabilitation programs are essential, workers who have positive relationships with young people can effectively reinforce and maintain progress. As Birdgen suggests, workers can model pro-social behaviour and maintain optimism about change, and can find opportunities to motivate young people in everyday interactions.<sup>7</sup>
- 5.2.11 Working within the youth justice system, youth workers have to manage what are often considered competing priorities: they are required to meet expectations related to community safety and those related to achieving positive outcomes for young people; expectations related to compliance and security, and those related to responding to young people's personal and growth needs; expectations related to the best interests of the Centre and those related to the best interests of the individual. High levels of media and political scrutiny regarding both security and welfare issues in the youth justice system may also send mixed messages to youth workers about the expectations placed on them.
- 5.2.12 Although these expectations are often characterised as being oppositional to each other (for example, that you can't have a focus on control and on rehabilitation at the same time), youth justice experts such as Chris Trotter argue that these expectations can be reconciled and, in fact, more positive outcomes can be achieved where care and control functions are integrated.<sup>8</sup> To have the best and most sustainable outcomes, he argues, workers must require good behaviour, but also provide young people with guidance, encouragement and confidence, so that they can achieve. Programs must attempt to meet young people's needs and to curb their behaviours so that community safety can be maintained. Creating false dichotomies has been shown to be unhelpful conceptually and programmatically, and to lead to crises of confidence and limited capacity to achieve positive outcomes.

2 *Human Rights Act 2004* (ACT), s.18 (right to liberty and security of person), s.9 (right to life), s.8 (right to equality).

3 *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* ('Beijing Rules'), rule 22.

4 Royal Commission into Aboriginal Deaths in Custody, *National Report* (1991) vol 3, 329, rec.178.

5 Australian Institute of Health and Welfare, *Juvenile justice in Australia 2008-09*, (2011), 99.

6 Linda Camino and Shepherd Zeldin, 'Making the Transition to Community Youth Development: Emerging Roles and Competencies for Youth-serving Organisations and Youth Workers' (2002) Spring/Summer edition, *CYD Journal* 70-78, 77.

7 Astrid Birdgen, 'Therapeutic Jurisprudence and Responsivity: Finding the Will and the Way in Offender Rehabilitation,' (2004) *Psychology, Crime and Law*, Vol10(3) 283-295, 288.

8 Chris Trotter, *Working with Involuntary Clients: A guide to practice* (1999); Chris Trotter, 'The impact of different supervision practices on in community corrections,' (1996) *Australian and New Zealand Journal of Criminology*, Vol. 28, No. 2, 29-46.

5.2.13 In his work on involuntary clients (including young people in the youth justice system in Victoria), Trotter points to the value of relationship-based practice models that integrate both compliance (social control) and growth (helping). Juvenile justice expert Dr Larry Brendtro and others stress the importance of:<sup>9</sup>

- *Fostering trustworthy relationships that demonstrate the skills and behaviours to be developed:* There is some evidence to suggest that the most effective interventions with young people are provided by skilled staff with an ability to engage young people, to foster trust and to mentor the types of behaviours and skills that young people are expected to develop. These relationships are not only ones that can be most effectively used to facilitate the achievement of positive outcomes, but are often those that young people most often value and seek.<sup>10</sup>
- *Adopting strengths-based approaches:* In particular, Trotter suggests that demonstrating and reinforcing pro-social behaviour is essential in changing young people's thinking and actions. He argues '*that the more effective probation officers (those with clients who had low recidivism rates) focused pretty much exclusively on the positive things that their clients said and did and made little if any use of confrontation.*' Trotter quantitatively demonstrates that the worker's ability to identify, reinforce and use client strengths was essential in achieving positive results and reducing rates of recidivism and anti-social behaviour.
- *Ensuring clarity of role and approach:* Trotter argues that the nature of the relationship must be made clear to the client, and the client must have faith in the worker's capacity to support change in order for the relationship to benefit the client and reduce recidivism. The relationship must have a purpose, and clients must understand and have confidence in the worker, their relationship and the approach that the worker is adopting for things to improve. Workers who could provide young people with boundaries and develop their insight proved to be most effective, while those who focused primarily on punishment or scare tactics and those who focused primarily on relationship building proved to be ineffective. Workers who were empathetic were not necessarily more effective than those who were not if, alongside this empathy, they could not demonstrate pro-social behaviours and clearly articulate and reinforce their expectations. This approach is also articulated in the Response Ability Pathways,<sup>11</sup> and Therapeutic Crisis Intervention,<sup>12</sup> frameworks which, until recently, were provided to all staff at Bimberi as part of their induction training.
- *Meeting expectations:* Trotter and others suggest that to best forge these change-driving relationships, workers must not only be clear about what young people can expect from them, but also deliver on these expectations. Being accessible to young people, completing tasks within the agreed timeframes and providing clear boundaries are characteristics and behaviours that are valued by young people and demonstrate the worker's commitment to the relationship and the work being completed. An inability to meet these expectations or to explain to young people why these expectations have not been met can have a destructive impact on relationships.

5.2.14 These desirable characteristics and behaviours of youth workers are congruent with those raised by young people who participated in the Review and in previous studies.<sup>13</sup> In summary, young people most often wanted workers who:

- Spent time building trustworthy relationships and who treated them with respect;
- Had expectations of them, but also faith and belief that positive outcomes could be achieved;
- Were available to them when they needed them (i.e. during periods of stress, when problems were emerging, when they needed someone to advocate for them);
- Fulfilled their commitments or explained why they were unable to do so;
- Responded to them as unique individuals with their own needs and desires; and
- Spent time finding out what they want help with and how they might best be supported.

## 5.3 Staffing and recruitment at Bimberi

5.3.1 Youth workers at Bimberi are key supports for young people, supervising small groups of young people over shifts of 12 hours. Bimberi operates on a unit management model, with an admissions unit and three residential units. Each unit is divided into wings, with up to six young people allocated to each wing, in individual cabins. Youth workers report to a team leader, who then reports to a unit manager. Youth workers also staff the control room, provide escorts for young people within and outside the Centre, and supervise young people when participating in programs provided by external agencies.

9 See eg. Maria Borzycki, *Interventions for prisoners returning to the community* (2005).

10 Larry Brendtro, Martin Brokenleg, and Steve Van Bockern, *Reclaiming youth at risk: Our hope for the future* (1990).

11 Ibid.

12 Family Life Development Center, 'Therapeutic Crisis Intervention System' (2010) *Information Bulletin* 6.

13 Tim Moore, Vicky Saunders and Morag McArthur, 'Lost in Transition' *Draft Report to the Department of Disability, Housing and Community Services*, (2008); Mark Halsey 'Negotiating conditional release: Juvenile narratives of repeat incarceration' (2006) *Punishment & Society* 8(2), 147-181.

Until late 2010, youth workers attended class with young people during the school day to provide supervision, but this no longer occurs for every class.

- 5.3.2 The ACT Government submission to the Review (the Government Submission) states that:  
*'Youth detention staff have an integral role in providing the safe care and custody of children and young people at Bimberi, assisting them to successfully complete their orders and to engage in social, therapeutic, criminogenic, educational and recreational programs to support rehabilitation and reintegration into the community on release.'*<sup>14</sup>  
*'Daily operations at Bimberi are heavily reliant on staffing. On any given day the range of activities for children and young people and the centre can include visits from family and legal advisors, appointments (for example, health appointments and case management/ case conferences); programs including educational and vocational training, cultural programs, recreation, personal development, drug and alcohol programs and escorts (both internal movements to and from visits, programs and appointments, and external movements such as court appearances and health appointments in the community).'*<sup>15</sup>
- 5.3.3 The staffing profile at Bimberi, set out in the table from the Government Submission reprinted below, currently provides for 26 youth workers, 10 team leaders and four unit managers, each of whom work on a shift basis.
- 5.3.4 CSD-employed staff at Bimberi also include a centre manager, operations manager, programs and services manager, business manager, sport and recreation officer, three case managers, an administrative team, chefs and grounds and facilities staff. The Aboriginal and Torres Strait Islander case manager position is currently vacant.
- 5.3.5 In addition to CSD staff, Bimberi is also the workplace of staff employed by the Education and Training Directorate (ETD) in the Murrumbidgee Education and Training Centre (METC) and a small team of health professionals in the health centre. These services are discussed in more detail in Chapters 12 (education) and 13 (health).

**Table 5.1: Bimberi staffing profile: December 2008-2010<sup>16</sup>**

Position	Classification	2008	2010
Centre Manager	SOG A	1	1
<b>Operational Staff</b>			
Operations Manager	SOG C	1	1
Unit Managers	ASO6	3	4
Team Leaders	ASO5	7	10
Youth Detention Officers	ASO3/4	28	26
<b>Program and Case Management Staff</b>			
Program and Services Manager	SPOC	1	1
Case Managers	ASO6	2	2
Aboriginal and Torres Strait Islander Case Manager/ Liaison Officer	ASO5	1	1
Sport and Recreation Officer	ASO5	1	1
Business Manager	ASO6	1	1
Admin Support	ASO4	1	1
Admin Support	ASO3	1	1
Facilities and Services Manager	ASO5	1	1
Grounds/Maintenance Officer	ASO4	1	1
Grounds/Maintenance Officer	GSO8	1	1
Grounds/Maintenance Officer	GSO5	1	1
Cook	GSO7	1	1
Cook	GSO6	1	1
<b>Total</b>		<b>54</b>	<b>56</b>

Source: CSD data.

<sup>14</sup> ACT Government, *Submission to the Human Rights Commission Bimberi Review* (2011) 76.

<sup>15</sup> *Ibid* 69.

<sup>16</sup> *Ibid* 77.

## Staffing shortages

- 5.3.6 The United Nations Convention on the Rights of the Child, Article 3.3 provides that:  
*'States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.'*
- 5.3.7 In the Independent Report of Lord Carlile on secure establishments for children in England, he noted the correlation between staffing levels and the number of incidents and the use of restraints, and the role of staffing levels in allowing socialisation of young people and positive work with them to be carried out in safety. Lord Carlile also reported that there was a relationship between retention of staff and quality of care, and that children sensed an atmosphere of instability when staffing turnover was high: *'It became apparent during the visits that institutions that had good staff retention records were places where the child-staff relationship was better.'*<sup>17</sup>
- 5.3.8 Although Bimberi is a much larger facility – approximately four times the size of the Quamby site,<sup>18</sup> with additional amenities such as an indoor sports centre, indoor heated swimming pool and full sized oval – and has a greater number of independent residential wings, the operational and staffing budget for Bimberi was transferred across from Quamby without enhancement. The Government Submission notes that the operational budget of approximately \$5.8m was transferred from Quamby to Bimberi on opening.<sup>19</sup> There was, however, a one-off provision of transitional funding of \$710,000.
- 5.3.9 In responding to this issue CSD informed the Commission that the rationale for the transfer of the existing budget from Quamby was that *'[w]ithin the principles of prudent financial management, analysis of actual expenditure incurred over an initial operating period would provide an accurate evidence base to put to Government on the costs of operating Bimberi.'*
- 5.3.10 Nevertheless, the practical effect was that operations commenced at Bimberi with the same budget for permanent operational staff as had been in place at Quamby. At Quamby, larger units of young people were supervised by two or three youth workers working together. To manage Bimberi staffing on a Quamby budget meant moving away from this model to a staffing model where individual youth workers would work alone with a group of young people in a residential unit or wing, supported by a team leader and unit manager, who would move between wings and other duties within the Centre.
- 5.3.11 Further, staff were not recruited for all four residential units. The Government Submission notes that:  
*'The budget did not provide an amount to fully fund the fourth residential unit as the number of young people in the centre to date had not demonstrated an ongoing requirement for the regular use of all residential buildings. The funded staffing levels at Bimberi would be adequate until the population approached or exceeded 20 young people.'*<sup>20</sup>
- 5.3.12 In August 2009, CSD commissioned an audit of Bimberi operations and financial performance to develop a business case for further funding for the facility. A report was provided by Oakton consultants in December 2009 (Oakton Report), which predicted that the level of staffing presented a high risk of exposure if the number of residents increased. The Oakton Report noted that:  
*'DHCS does not have sufficient funds allocated for the ongoing operations of Bimberi, particularly if there is a significant increase in resident numbers. Currently Bimberi does not have sufficient permanent and casual staff to deal with a sudden surge in resident numbers that would require Bimberi to operate at full capacity.'*
- 5.3.13 Oakton recommended that Bimberi should aim to recruit sufficient permanent staff to operate the residential units then occupied, without relying on casuals to cover training time and scheduled leave. It noted that:  
*'The use of casuals should be restricted to unexpected absences or sudden increases in resident numbers. This would be more cost effective and provide a better capacity to respond to demand.'*
- 5.3.14 In response to that recommendation, CSD developed a submission to seek a staffing budget increase to support the staffing requirements to cover operations in the short to medium term; the budget was to cover both permanent and casual staffing needs. Additional funds for staffing of \$1.7M were allocated from July 2010.

17 The Lord Carlile of Berriew QC, *An independent inquiry into the use of physical restraint, solitary confinement and forcible strip searching of children in prisons, secure training centres and local authority secure children's homes* (2006), 31.

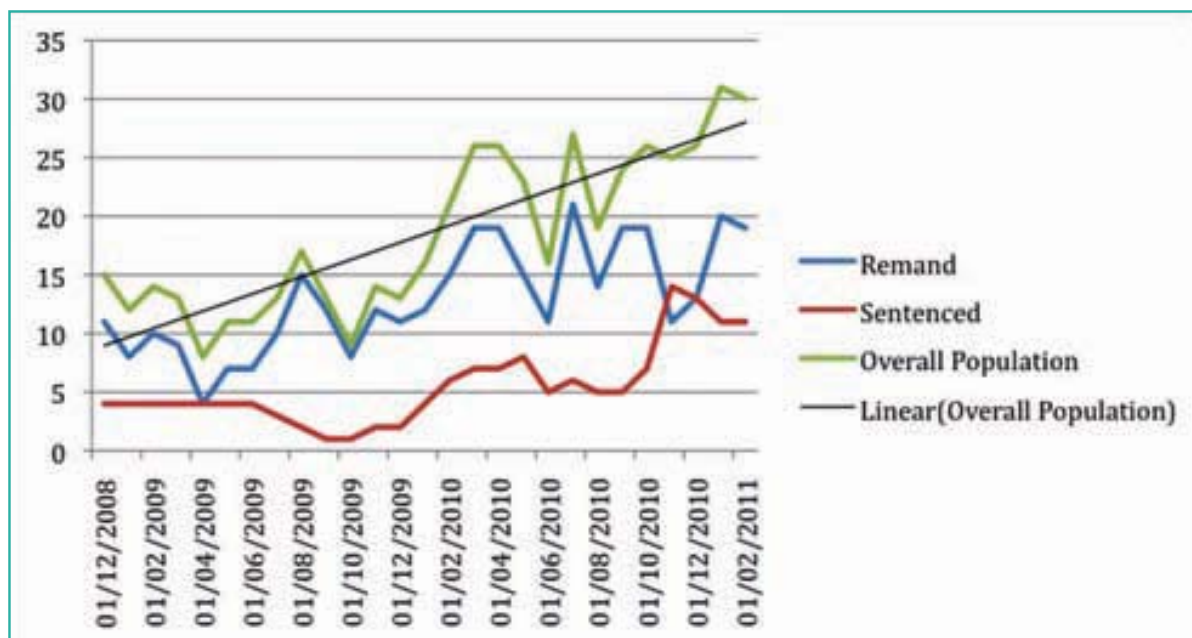
18 Oakton consultants, *Bimberi Operations and Financial Performance Audit*, December 2009, 15.

19 ACT Government, *Submission to the Human Rights Commission Bimberi Review* (2011), 74.

20 *Ibid.*

- 5.3.15 From early 2010 the sudden surge in resident numbers forewarned in the Oakton report became a reality, with numbers of remands and committals climbing steadily and peaking at a total of 31 residents in January 2011. Figure 5.1, below, is reproduced from the Government Submission and illustrates this increase.

Figure 5.1: Population and mix of sentenced and remand at Bimberi: December 2008–February 2011<sup>21</sup>



(Note: this figure comes from the Government Submission, and has not been verified by the Commission)

- 5.3.16 However, the number of operational staff was not increased to meet the greater number of residents over 2010. Records reviewed by the Commission show that permanent staff numbers fluctuated during 2010, but were generally maintained around commencement level. These staff levels were inadequate to properly supervise the influx of young people admitted to the Centre.
- 5.3.17 Staff payroll records indicate that there was a considerable turnover rate in both permanent and non-permanent staff during 2010. Information provided in the Government Submission shows a separation rate for permanent operational staff of 4% in 2008-09, 10% in 2009-10 and 9% in 2010-11. However, we have since confirmed with CSD that 11 out of a total of 56 permanent staff, and 8 out of 41 permanent operational staff separated from Bimberi in the period from 1 July 2010–30 April 2011, which is a separation rate of over 19.6% in each case, for those 10 months alone.
- 5.3.18 While the number of staff employed at Bimberi remained relatively constant, despite the turnover, the numbers of staff present on the floor were sometimes dramatically reduced through sick leave and other unplanned leave, which left remaining staff and management to cope as best they could with large groups of young people. One review of an incident in 2010 found that during the relevant shift there were eight less operational staff than required under the staffing model, and that the shortfall was the result of sick leave, vacant positions and staff taking accrued days off. This left a total of seven operational staff on duty (four youth workers, one team leader and two unit managers). One youth worker was required to operate the control room, leaving only six staff on the floor to supervise 26 young people.
- 5.3.19 The sick leave statistics show that in the final year of operation of Quamby, 2008-09, there were a total of 4450 personal leave hours. In 2009-10, the first full financial year of Bimberi's operation, this increased to 5710 hours. This financial year, to the end of April 2011, there had already been 4435 hours of personal leave. If this trend continues, this financial year Bimberi will record 5322 hours of personal leave. While this is a reduction from last financial year, it remains a 20% increase on the final year of Quamby's operation. It appears that, at times, leave taking became a vicious cycle, with increased stress on remaining staff and pressures to work additional shifts culminating in those staff becoming exhausted and taking leave. The increase in workplace injuries and critical incidents discussed below also contributed to staff leave.

<sup>21</sup> Ibid 68.

5.3.20 The Government Submission states that:

*'As the population of children and young people at the centre increases, the reliance on staff to cover the various demands is acute. The pressure is exacerbated when dealing with both planned and unplanned leave. Although there were occasions of staff turnover at Bimberi in 2010, the primary experience was not one of chronic staff shortage; rather that the available staff could not meet the high population of young people. Further exacerbating the situation was the inability to rapidly respond to increasing population numbers as it takes a number of months to recruit and train additional staff.'*<sup>22</sup>

5.3.21 From July 2010, the budget for staffing was enhanced to include an additional unit manager, the upgrade of two team leader positions and funding to cover casual staffing to allow the opening of the fourth residential unit. However, as noted in the Government Submission, there is a delay of approximately three months between any successful recruitment action and commencement of duties as new staff undergo mandatory checks and training. The lag time in recruiting, and the loss of existing staff, led to a situation where there were serious staffing shortages in 2010. The Government Submission acknowledges that:

*'There were staff shortages experienced at Bimberi during 2010 that created a range of operational challenges. This included periods of operational lockdowns and also necessitated the engagement of additional staff through MSS Security to assist with night shifts.'*<sup>23</sup>

5.3.22 From interviews with a range of participants, it is clear that the staffing shortages placed significant pressures on staff. Many staff interviewed perceived that their concerns about shortages were not adequately addressed by management. One staff participant explained that:

*'Once I had a whole number of young people to manage in the unit with no staff, one kid was going off ... There were days like that all the time. [Young person] would be on the fence and the other [young people] would get up there. We had no way to manage them, no time for case plans and no training on what to do. Some days we had only 5 staff trying to run the whole show... It was terrible for the kids too, when one played up we couldn't get the others to school so they were missing education, they couldn't see the nurse because she wasn't here all the time and they couldn't get to appointments. Everything just fell apart.'*

5.3.23 We understand that management was in ongoing dialogue with CSD executives regarding the need for additional staffing resources and that the staffing budget placed constraints on recruitment in early 2010. CSD has informed the Commission that on 19 March 2010 the then-Deputy Chief Executive directed Bimberi management to recruit to need, notwithstanding the staffing budget. Nevertheless staff levels were not increased over 2010 despite four recruiting rounds, in which every applicant assessed as being suitable was apparently hired.

5.3.24 It has been suggested to the Commission that the inability to resolve staff shortages that arose was a function of a shallow talent pool, in which few of the candidates were assessed as being suitable to work at Bimberi in the positions to which they had applied. However, as discussed below, we note that staffing levels were subsequently increased in 2011 using a concerted strategy of over-recruitment.

5.3.25 Although the Government Submission attributes staffing shortages primarily to the sudden increases in resident numbers and unplanned leave taken by staff, in the Commission's view, action could have been taken more quickly to remedy this problem as it emerged. The approach taken by CSD of beginning with a 'zero base' budget to gather evidence about the cost of operating the new facility might be appropriate in relation to some operational costs (such as utilities), but is harder to justify in relation to staffing. In the Commission's view it should have been apparent from the outset that the design of Bimberi, with its larger number of individual residential wings, required a new staffing model to provide proper support and safety for staff and to meet the needs of residents. Even when the risk posed by low permanent staffing levels was highlighted by Oakton consultants in December 2009 staffing levels were not substantively increased at Bimberi until early 2011.

5.3.26 In the Commission's view, the failure to ensure adequate staffing levels at Bimberi from its opening is the key factor that prevented the Centre from achieving its intended outcomes over the early years. It is a contributing factor in many of the problems identified in this Report, and was also instrumental in the Legislative Assembly calling for this Review.

5.3.27 The effects of staffing shortages on morale and the physical and psychological safety of workers are discussed further below. Overall, the Commission considers that although staffing levels have improved, the current staffing model does not provide sufficient support and protection for workers, as it still relies on single workers supervising groups of young people in isolation.

<sup>22</sup> Ibid, 70.

<sup>23</sup> Ibid, 76.

### *Use of MSS Security Guards*

- 5.3.28 From April 2010, CSD attempted to redress staffing shortages through the introduction of private security contractors MSS to take on night shifts in place of youth workers, and to work on reception. Use of MSS guards freed up some youth workers to increase staff on the floor during daytime shifts. However, MSS guards were not adequately skilled or trained to stand in for youth workers, and the use of MSS led to other difficulties. Additionally, the employment of security guards to perform the duties of youth workers reflects poorly on how the role of a Bimberi youth worker is perceived.
- 5.3.29 It appears that there was very little consultation with staff around the introduction of MSS. One participant noted that 'We just arrived one day and there they were.' Incident reports show that young people often reacted badly and were verbally abusive to MSS guards, who did not have ongoing relationships with young people nor the skills to engage with them. Staff told us that they were instructed that MSS did not need to have any breaks on their 12-hour shift, and it appears that some staff did not feel the same level of responsibility for MSS staff as they did for their youth worker colleagues.
- 5.3.30 The Commission was provided with a Local Operating Procedure (LOP) for the use of MSS security guards. However, we note with concern that the version submitted to the Commission was undated (unlike several other LOPs). A number of staff participants reported to the Commission that they had not been provided with any policies and procedures regarding the responsibilities of MSS and of CSD staff supervising night shifts, until after an incident on 5 February 2011 where a recently employed MSS guard was seriously assaulted by two young people who were able to break out of their cabins during night shift.
- 5.3.31 The Commission notes that several independent reviews were commissioned in relation to the incident of 5 February 2011. The Commission was provided with the reports of an operational review and a technical review of this incident. Given the extensive investigations conducted by those reviews the Commission does not propose to comment in detail on this matter, but supports the recommendations of those two reviews.
- 5.3.32 The Commission has not seen the report of the review regarding the actions of staff involved, which we understand is still being finalised. The Commission notes strong concerns expressed by many staff participants regarding blame for this incident being placed on staff on the floor who were operating without sufficient guidance about their responsibilities.
- 5.3.33 The use of MSS guards on night shift finished on 14 April 2011, following induction of new youth workers.

### *Recruitment*

- 5.3.34 Best practice in recruitment of youth justice staff requires a timely, fair and transparent process to select staff on merit, using methods and criteria that are clear and relevant to the roles. The capacity to develop therapeutic relationships with young people, and to support their rehabilitation should underpin selection for all staff working with young people in the youth justice system.
- 5.3.35 The 2005 Human Rights Audit of Quamby, undertaken by the ACT Human Rights & Discrimination Commissioner, recommended that the ACT Government recruit high quality and skilled staff, ensuring gender parity, consistent with the ACT *Discrimination Act 1991* (the Discrimination Act). It noted that the presence of both male and female staff can have a beneficial effect both in terms of the custodial ethos and in fostering a degree of normality in a place of detention.
- 5.3.36 Standards for recruitment and employment in the ACT public sector are also contained in the ACT *Public Sector Management Act 1994* (the PSMA) and Public Sector Management Standards 2006, which provide general principles including assessment on merit, equal opportunities, training and development, safe and healthy working conditions and participation in decision-making processes.<sup>24</sup> Section 65 of the PSMA requires the Chief Executive to ensure that all people who are eligible have, as far as practicable, a reasonable opportunity to apply for any appointment, engagement, transfer or promotion; and the decision is made on the basis of an assessment of the relative merit of the applicants. Positions must generally be advertised in the Government Gazette, unless the position is for less than six months or it is a transfer or promotion through an identical merit-based process.<sup>25</sup>
- 5.3.37 Generally, positions in the ACT Public Service should be filled on a permanent basis. The Department of Disability, Housing and Community Services (now CSD) Enterprise Agreement states that:  
*'In order to promote permanent employment and job security for employees in the ACTPS, the Agency will endeavour to minimise the use of temporary and casual employment. The Agency agrees to the use of temporary employees only where there is no*

<sup>24</sup> *Public Sector Management Act 1994* (ACT), s 8.

<sup>25</sup> *Public Sector Management Standards 2006* (ACT), ss 32 and 37.

officer available in the Agency with the expertise, skills or qualifications required for the duties to be performed or the assistance of a temporary nature is required by the Agency for the performance of urgent or specialised work within the Agency and it is not practical in the circumstances to use the services of an existing officer.

*In respect of casual employment, where regular and systematic patterns of work exist and where persons have a reasonable expectation that such arrangements will continue, consideration should be given to engaging the person on a different basis, including on a permanent or temporary basis.*<sup>26</sup>

- 5.3.38 Part 5 of the PSMA also allows for decisions concerning appointments and promotions to be appealed. Further details of appeal rights are provided in Section J of the Enterprise Agreement.<sup>27</sup>

#### **Current recruitment practice at Bimberi**

- 5.3.39 CSD has informed the Commission that, from 2006, significant reform was undertaken in the process for recruiting youth workers for the Quamby Youth Justice Centre, which was carried over to Bimberi. The Government Submission states that: *'In selecting youth detention staff, DHCS seeks to find men and women who have experience working with young people. The focus is on people who have relevant or transferable experiences such as backgrounds in trade industries, sports, education, recreation or health areas.*

*The focus is also on attracting people who have a real interest in working in the best interests of young people, providing safe and secure care and towards the common goal of rehabilitation and transition of young people back to the community.*

*The ability to relate to people from different ethnic and cultural backgrounds and to treat young people fairly, consistently and in a non-judgmental way is also extremely important. The qualities and characteristics that are looked for in prospective staff are those of:*

- *Modeling positive behaviour*
- *Being attentive and observant*
- *Working effectively under pressure*
- *Thinking calmly and clearly*
- *Having strong communication (including writing) skills*
- *Using initiative*
- *Being dependable and reliable*
- *Being able to accept responsibility and follow directions*
- *Working as part of a team.*<sup>28</sup>

- 5.3.40 The criteria described by CSD are essential, but it is notable that CSD emphasises skills and backgrounds other than youth work. As discussed above, Bimberi youth workers can play an essential role in reinforcing and maintaining progress in rehabilitation through pro-social modelling and motivational dialogue during everyday interactions with young people. The most effective workers are likely to be those who seek to influence behaviour through relationships, rather than coercion, but who are capable of setting clear and consistent expectations of young people.<sup>29</sup> Hodas suggests that therapeutically based values and beliefs, appropriate competencies in relationship building and de-escalation of conflict, and the capacity for self-awareness and self-control are critical factors for successful workers.<sup>30</sup>

- 5.3.41 While recruiting workers from a range of backgrounds has benefits in bringing a mix of skills and life experience to the Centre, the Commission considers that qualified and experienced youth workers would be well placed to actively support rehabilitation, and should be specifically encouraged to apply for youth worker positions at Bimberi.

**Recommendation 5.1:** The Community Services Directorate include qualifications and experience in youth work as highly desirable criteria for youth worker positions at Bimberi.

26 Department of Disability, Housing and Community Services, *Enterprise Agreement 2010-2011*, A2.2, 7.

27 Ibid, 87-89.

28 ACT Government, *Submission to the Human Rights Commission Bimberi Review* (2011), 78.

29 Chris Trotter, *Working with Involuntary Clients: A guide to practice* (1999).

30 Gordon Hodas, 'Empowering direct care workers who work with children and youth in institutional care' (2005), Harrisburg, PA: Office of Mental Health and Substance Abuse Services <[http://www.parecovery.org/documents/Hodas\\_Direct\\_Care\\_Worker.pdf](http://www.parecovery.org/documents/Hodas_Direct_Care_Worker.pdf)>.

### Psychometric testing

- 5.3.42 As part of the reform to recruitment practice, psychometric testing or 'profiling' of applicants was introduced by CSD in 2006. The psychometric profiling service is provided by Australian Institute of Forensic Psychology (AIFP), which provides psychometric testing for correctional and youth justice organisations in a number of jurisdictions in Australia. The psychometric testing is credited as resulting in substantially improved quality of staff in detention facilities including Bimberi.<sup>31</sup>
- 5.3.43 The profiling process includes a battery of written tests completed by applicants, and processed by AIFP. This test battery, which takes approximately four hours to complete, includes a test of cognitive ability (IQ) and a range of proprietary tests that assess social attitudes (including racial bias and gender bias), attitudes to work and supervision, and psychological function or disturbance. The tests are scored based on norms derived from other applicants for youth justice roles across Australia. AIFP provides CSD with a report with recommendations as to which candidates should proceed to interview, and a psychological profile for those candidates, which can be used as the basis of a structured interview. AIFP provides training on the interpretation and application of the profile reports and their use in interviews. We understand that while former management had received this training, training has not yet been provided to current management who conducted recent recruitment rounds.
- 5.3.44 In conducting interviews with current and former staff across youth justice, a number of participants raised concerns about the operation of the psychometric testing, including several applicants who had been rejected in their application to work at Bimberi, but had gone on to work successfully in non-custodial areas of youth justice. Some of these participants had not proceeded to interview after completing the psychometric testing, while others had participated in a structured interview where issues from the test were 'flagged'. One participant stated that:
- 'The recruitment process at Bimberi is quite strange. The psychological test they get you to do is really confronting, they ask you a lot of personal questions and then don't give you the chance to explain why you chose one answer not the other, when neither was quite right. I found it really hard to answer questions about my family history and social life. They tell you at the beginning that they can tell if you are lying, so that made it even more difficult to answer questions like whether you've ever used cannabis.'*
- 5.3.45 Another participant noted that the psychometric testing appears to eliminate a large number of otherwise eligible applicants, which makes it difficult to recruit enough staff in a jurisdiction like the ACT where there is low unemployment. The same profiling process by AIFP for recruitment of corrections officers at the Alexander Maconochie Centre (AMC) is said to reject around 50% of applicants.<sup>32</sup> However, information provided by AIFP states that until 2011, the percentage of applicants at Bimberi rated 'high risk' by AIFP, and recommended not to proceed to interview, was 27%. In 2011, however, the rate has been higher, at 48%, which may suggest that recent recruiting rounds have attracted a different range of applicants.
- 5.3.46 There is clearly a tension between recruiting staff quickly and ensuring the quality of staff selection. In its submission to the Review, the ACT Government acknowledges that:
- '...maintaining a high quality and skilled work force for a youth detention facility in a small jurisdiction is a particular challenge... The nature of the employment, particularly working within a custodial environment, challenging client group and a requirement to work shift arrangements, further reduced the number of potential candidates for youth detention work.'*<sup>33</sup>
- 5.3.47 Without the results and reasons for recruitment decisions in individual cases, it is not possible to determine the basis for exclusion, or whether recruiters followed the recommendations of AIFP in each case. The Commission is informed by AIFP that recommendations not to interview applicants would normally only be indicated if an applicant's results raised serious concerns across a range of areas (for example applicants would not be excluded simply because they admit to experimenting with cannabis at some stage). In other cases a structured interview would be recommended to give the applicant an opportunity to explain unusual answers. Applicants scoring low on cognitive tests might not be recommended to proceed to interview, but an exception is made where an applicant's scores might be affected by language or cultural background.
- 5.3.48 There are detailed validation studies available for the AIFP tests, and peer reviewed studies have found evidence of the effectiveness of this proprietary test battery in reducing sick leave and staff turnover in Australian correctional personnel and police.<sup>34</sup> The Commission notes, however, that the validation studies do not specifically consider the effectiveness of the test in predicting the suitability of an applicant to perform the duties of a youth worker in a therapeutic environment.

31 Paul Wyles, 'Building a human rights youth justice system' (2009) 28,3 *Youth Studies Australia*, 4-12.

32 Knowledge Consulting, *'Independent Review of Operations at the Alexander Maconochie Centre'* (2011) 313.

33 ACT Government, *Submission to the Human Rights Commission Bimberi Review* (2011) 69.

34 See eg. Jonathon Lough and Michael Ryan, 'Psychological Profiling of Australian Police Officers: A Longitudinal Examination of Post-Selection Performance' (2006) 8,2 *International Journal of Police Science & Management* 143-152; Jonathan Lough, Elise, Wald, Kenneth Byrne and Gordon Walker, 'The Impact of Psychological Profiling of Australian Correctional Officers' (2007) Jul/Aug, *Corrections Compendium*; 'The AIFP Test Battery: A Validation Study Based on Australian Data' (1994) unpublished, available from the Australian Institute of Forensic Psychology.

- 5.3.49 On balance, the Commission considers that the psychometric testing remains an important tool for recruitment of quality youth workers at Bimberi, as it provides more detailed information about applicants than might be gathered in a standard interview process. In particular, the test battery allows applicants to be screened for racial and gender bias, and for punitive or authoritarian attitudes, which might not be detected on interview, but which would undermine a rights-respecting culture at Bimberi. Nevertheless, the testing is only one of the tools available and may need to be applied with greater flexibility in some cases where there is a limited pool of applicants. AIFP have informed the Commission that it can provide additional advice, where necessary, as to which candidates within the category normally recommended not to proceed to interview might nevertheless be appropriate to consider further.
- 5.3.50 The Commission is concerned that current recruitment panels using the psychometric profiling results do not have training in the use and interpretation of this tool. We have also been informed that recent recruitment rounds have been conducted very quickly, and that insufficient time has been allocated for psychometric testing results to be properly considered or incorporated into structured interviews.

**Recommendation 5.2:** The Community Services Directorate introduce training for Bimberi management on the AIFP psychometric profiling system to assist in the interpretation of test results and conducting structured interviews.

- 5.3.51 In the Commission's view, given the important roles that supervisors play in supporting workers and influencing staff retention it is important that applicants for these roles, including team leaders, assistant managers and the management team are also subject to psychological testing. It is not clear that this has happened for all supervisory positions.

**Recommendation 5.3:** The Community Services Directorate ensure that applicants for supervisory staff and management at Bimberi are assessed using appropriate psychometric profiling.

#### **Allegations of unfair promotions/appointments**

- 5.3.52 During the course of the Review, the Commission heard a range of concerns from participants about promotions and the allocation of temporary and permanent positions at Bimberi. Concerns were raised about certain staff in a clique being favoured, while other staff were overlooked for opportunities.
- 5.3.53 CSD rejects these allegations, and informed the Commission that all recruitment went through a merit-based selection process consistent with the ACT Government obligations, and in some cases staff alleged to have been favoured failed to win positions or promotions at the first attempt. The Commission notes that recruitment processes at Bimberi are undertaken within the framework of ACT Government guidelines for merit-based recruiting, which provide opportunities for applicants to appeal if dissatisfied with the process. The Commission is not aware of any use of this appeal mechanism.
- 5.3.54 The Commission has no evidence to suggest that relevant protected attributes, such as gender, race or disability, were factors in staffing decisions, although one survey participant did allege that 'skin colour' played a role in promotion of staff. We note that CSD has taken steps to have a better mix of staff at Bimberi, one that is more diverse and has improved gender parity.<sup>35</sup> It is not possible for the Commission to second-guess individual promotion and recruitment decisions raised by participants. We note that one promotion that a number of participants in the Review alleged to be inappropriate was independently reviewed and found to be appropriate. However, concerns raised by staff in interviews appear to be a symptom of a wider culture in which communication and transparency has been poor, and of tensions between management and certain staff members. Staff concerns regarding promotion also seem driven by a perceived lack of consistency in performance management or staff discipline. In the Commission's view, it is likely that a greater emphasis on staff support and communication from Bimberi management will alleviate staff mistrust of recruitment processes.
- 5.3.55 The submission of the Community and Public Sector Union (CPSU) to the Review indicates that many newly recruited staff were not made permanent after the completion of a three-month probation period. Given the issues relating to the staffing culture at Bimberi, the Commission believes it would be counter-productive to put qualified and trained staff on rolling temporary contracts. This is likely to lead to further distrust of management, and feed perceptions of favoured cliques. In the

35 Paul Wyles, 'Building a human rights youth justice system' (2009) 28,3 *Youth Studies Australia* 4-12.

Commission's view staff who satisfy three-month probationary requirements should be made permanent unless there are performance issues to justify the extension of probation.

#### Diversity of staffing group

- 5.3.56 As detailed above, human rights standards place an emphasis on staff at youth detention centres reflecting broadly the demographic make-up of the population of young people.<sup>36</sup> We are informed that 29 (38%) of the total of 77 permanent and casual staff at Bimberi are female, which is an improvement on the level of female workers noted in the 2005 Human Rights Audit of the Quamby Youth Detention Centre.<sup>37</sup>
- 5.3.57 Ten staff at Bimberi identify as being from a culturally and linguistically diverse background. However, we are informed that only one employee at Bimberi identifies as Aboriginal or Torres Strait Islander. Given that, on an average day, half of the Bimberi resident population may identify as Aboriginal or Torres Strait Islander, this is of concern.<sup>38</sup>
- 5.3.58 The Royal Commission into Aboriginal Deaths in Custody recommended:  
*'That Corrective Services make efforts to recruit Aboriginal staff not only as correctional officers but to all employment classifications within Corrective Services.'*<sup>39</sup>
- 5.3.59 The Government Submission states that:  
*'In recognition of the over-representation and high proportion of Aboriginal and Torres Strait Islander young people in detention, the Aboriginal and Torres Strait Islander Youth Liaison Officer position was upgraded to an ASO5 and, later, to an ASO6 position that now forms part of the Centre's Case Management Team.'*
- 5.3.60 The Commission understands that the occupant of this position left in August 2010, and several participants, and in particular many Aboriginal and Torres Strait Islander participants, reported to the Commission their concern at the delay in recruiting a replacement. This position has traditionally been a point of contact for Aboriginal and Torres Strait Islander non-government organisations working with young people at Bimberi. As at June 2011, this position remains unfilled, although the Government Submission suggests an appointment is imminent. This delay has put an unreasonable burden on the remaining two case managers.
- 5.3.61 Some Government participants noted that it would be preferable to ensure that all staff at Bimberi and in the wider youth justice system operated in a culturally appropriate manner, so that Aboriginal and Torres Strait Islander clients, families and non-government organisations would be treated appropriately by every part of the system. The Commission acknowledges the importance of improving cultural awareness across the system, but this should not be at the expense of specialised services. A significant number of Aboriginal and Torres Strait Islander participants believed it was necessary and appropriate to have an Aboriginal and Torres Strait Islander case manager/liaison point in Bimberi. Several services confirmed that this was their preferred interface with Bimberi and, given that the position is funded, it should be filled without delay.

**Recommendation 5.4:** The Community Services Directorate fill the Aboriginal and Torres Strait Islander Youth Liaison Officer position within Bimberi as a priority, and seek to better reflect the characteristics of the young people at Bimberi by recruiting more Aboriginal and Torres Strait Islander staff generally.

#### Current policy of over-recruitment

- 5.3.62 The Government Submission states that the ACT Government is now committed to 'over-recruiting' for youth worker positions at Bimberi.  
*'CSD has an active recruitment strategy to secure appropriately skilled staff at Bimberi. Recruitment rounds have been recently undertaken for YDOs in January, February and March 2011.'*  
*'As of early April 2011, all YDO positions at Bimberi are filled by permanent staff with an additional seven permanent YDOs available for rostering as part of the 'over-recruit' pool. An 'over-recruit' strategy will continue to be implemented because at any*

<sup>36</sup> Beijing Rules, rule 22.

<sup>37</sup> ACT Human Rights and Discrimination Commissioner, *Human rights audit of Quamby Youth Detention Centre* (2005) 25. The Audit recommended that *'High quality and skilled staff, ensuring gender parity, need to be recruited, paid commensurately and retained. Appropriate induction and ongoing training and development must be provided.'*

<sup>38</sup> Australian Institute of Health and Welfare, *Juvenile justice in Australia 2008–09*, (2011) 98. On an average day 7 of 15 or 46.6% of young people in detention in the ACT are Aboriginal or Torres Strait Islander.

<sup>39</sup> Royal Commission into Aboriginal Deaths in Custody, *National Report* (1991) vol 3, 329, rec.178.

one time not all staff may be available for rostered duties for reasons such as training and all forms of paid leave (annual leave, sick leave, worker's compensation).<sup>40</sup>

- 5.3.63 This is welcome and, in the Commission's view, long overdue. Increased funding in the 2011-2012 ACT Budget for 'Enhanced Youth Justice Services' includes increasing funding for Bimberi staff, and funding for a new pool of casual workers. The Government Submission suggests that this will be managed by Drake International. Such a pool will enhance the ability of management to deal with fluctuating numbers of young people and should further reduce the potential for future staff shortages. Nonetheless, the Commission considers it important that staff regularly drawn from the casual pool should not become default full-time youth workers, without the protection of permanent employment. As per the relevant ACT Government legislation and policies, full-time positions should be staffed on a permanent basis.
- 5.3.64 The Commission notes that the funding for 'Enhanced Youth Justice Services' in the Budget Papers includes funding for \$1.4 million in 2011-12 and 2012-13, but this will reduce to \$0.5 million in the out years. The Commission is concerned that this may mean some of these initiatives may be wound down from 2013-14 onwards. We are hopeful this does not mean the casual pool or increased permanent workforce will be reduced over time.

**Recommendation 5.5:** The Community Services Directorate continue to over-recruit youth workers for Bimberi, and to operate a casual staff pool at Bimberi. Casual youth worker staff who work full-time on an ongoing basis should be offered permanent employment where possible.

## 5.4 Staffing levels and recruitment in Community Youth Justice

- 5.4.1 Community Youth Justice (CYJ) is responsible for the supervision and case management of young people on court orders (bail and final orders) by the ACT Children's Court or the ACT Supreme Court as well as the preparation of court reports about young people as required. A designated court officer attends all court matters relating to a child or young person to provide reports on current youth justice clients and advice on the custodial and community-based services available to children and young people.
- 5.4.2 The CYJ unit is based in an office in Civic, and is funded for 11 FTE case managers, two team leaders and two assistant managers. We understand that only nine of the 11 case manager positions are currently filled. Case managers are classified as Health Professional 2 (HP2), which is roughly equivalent to ASO5 level. Team leaders are HP3, while assistant managers are classified as SOG C.
- 5.4.3 Current and former staff across CYJ have raised concerns with the Commission about inadequate staffing levels and resourcing at CYJ, which impacts on the ability to provide quality case management services for young people. One participant commented that:
- 'There is absolutely no money to do anything. There is a high turnover of case managers. We don't know from month to month what the case load will be like, can't predict what the court will do, or whose cases you have to take on.'*
- 5.4.4 Several interview participants commented on the difficulty maintaining enthusiasm and commitment when the case load meant they had to prioritise statutory functions of court reports rather than evidence based practice with young people. One participant stated:
- 'I am concerned that I can see myself slipping into a minimalist role, too much work to do with writing reports, which is just getting reports from all sources and writing up rather than directly working with and observing the client. I can see why people leave Youth Justice because you come in passionate about young people and the culture sucks it out of you. You end up doing what you have to do because that is all it allows, and then you become part of the problem.'*
- 5.4.5 Caseloads carried by case managers have gone up to 20 clients in recent months and are never less than 12 clients. By contrast, caseloads of the Turnaround Program and Youth Connection are capped at lower levels, and these services do not have to undertake statutory functions such as pre-sentence reports.<sup>41</sup> Participants consistently nominated a caseload of

40 ACT Government, *Submission to the Human Rights Commission Bimberi Review* (2011), 8.

41 The Turnaround program sits within the Youth Directorate of CSD, and provides case co-ordination for young people aged 12 to 18 presenting with high and complex needs. Turnaround workers coordinate the service delivery of the many different services involved with each client (on average seven different services are involved with each client on entry into the program). Youth Connection is an outreach based service, which endeavours to re-engage marginalised young people into educational pathways and support their families in this process.

eight to 10 clients as a workable number that would allow case managers to conduct outreach and work more productively with young people and their families:

*'[A caseload of] Eight would be a reasonable number that would allow us to do more outreach and evidence based practice. Youth Connections are able to do really good things by working directly with families, which we just aren't resourced to do.'*

- 5.4.6 Capping case loads at this level would require a significant increase in staff numbers, at case manager, team leader and assistant manager levels. The Commission supports the need for reduced case loads to enable CYJ case workers to do more than court ordered reports and supervision. The importance of case management is discussed further in Chapter 8.

**Recommendation 5.6:** The Government increase resourcing for Community Youth Justice to allow for caseloads to be capped at eight to ten clients for each case manager.

### *Recruitment practice in community youth justice*

- 5.4.7 From interviews with many current and former staff, the Commission considers that there is room for improvement in the recruitment practices in CYJ. Review participants raised a number of concerns regarding prerequisites for qualifications, transparency and fairness of recruiting, and delays in permanent recruiting.
- 5.4.8 Some participants questioned the requirement for CYJ caseworkers to have a degree qualification, and the apparent inconsistency in requirements for qualifications across different areas of youth justice. Some participants were concerned that although existing staff without degrees had been 'grandfathered', and allowed to retain their positions when this requirement was introduced, they did not have opportunities for career progression within CYJ.
- 'It made me question the system because when roles became vacant they were filled by a person with a degree... not necessarily the person who was most skilled.'*
- 5.4.9 The Commission understands that CSD does encourage and support staff without degree qualifications to obtain these, including through distance education, but notes the concerns raised by some participants about the relevance of a United Kingdom based degree course promoted to staff.
- 5.4.10 The Commission supports the requirement for a high level of qualifications for case managers and more senior managers in the youth justice system. However, it is not clear why this requirement is not applied consistently across youth justice, including, in particular, at Bimberi. We consider that CSD should allow some flexibility and recognition of equivalent skills, and other factors, such as the need to encourage the recruitment of Aboriginal and Torres Strait Islander case managers to work with Aboriginal and Torres Strait Islander young people. Where staff are employed without degree qualifications, they should continue to be supported by CSD to study relevant and appropriate university courses that meet the needs of youth justice.
- 5.4.11 Given the difficulties in filling currently vacant case manager positions, and the need to increase staffing levels, CSD should explore opportunities for a more pro-active approach in working in partnership with local universities to offer practical placements and work experience to students of appropriate university courses, with a view to recruitment as graduates.

**Recommendation 5.7:** The Community Services Directorate explore opportunities to work in partnership with local universities to offer practical placements and work experience in youth justice services to students of appropriate degree courses, with a view to recruitment as Community Youth Justice case managers on graduation.

- 5.4.12 A concern shared by many participants was the perceived lack of transparency in recruitment and the allocation of opportunities for acting roles at more senior levels:
- 'There is no consistency with how people are given opportunities to act up or permanent promotions. Positions are not advertised transparently. There is no process, no expression of interest and strange choices are made about who gets promoted.'*
- 'I have always been upset about the recruitment process in youth justice, the way that some people are given opportunities that others don't get. It is always done in crisis mode, putting people in positions rather than going through an open process.'*
- 'There is very little transparency with more senior jobs that come up. Certain people are always put in positions or get to work on projects. It is rare that an expression of interest will go out, people are just slotted in.'*

- 5.4.13 Although it is likely that the decisions referred to by participants fell within exceptions to the requirement to advertise positions under the Public Sector Management Standards<sup>42</sup> – for example, being acting roles for less than a six month duration, or transfers at level– it does appear that there is a perception of a lack of transparency, which is a source of frustration to staff in CYJ. CSD notes, in response, that since May 2010, expressions of interest have been sought for all acting roles over four weeks in duration.

**Recommendation 5.8:** The Community Services Directorate continue the practice of seeking internal expressions of interest for all temporary acting roles over four weeks in duration within Community Youth Justice to ensure transparency of decision making.

- 5.4.14 While some participants reported concerns about the time taken to go through the recruitment process for new case workers when positions were formally advertised, CSD have advised that over the last 12 months only one process was delayed, with that process taking four months.

### *Classification and pay*

- 5.4.15 Consistent with international standards, and the right to equality under s.8 of the HR Act, staff across the youth justice system should be paid commensurate to their duties. The 2005 HR Audit of Quamby recommended the ACT Government ensure that youth detention workers are paid commensurately and retained. It noted evidence that staff at Quamby were often paid at lower levels than their counterparts in other areas of juvenile justice and were required to do shift work. The Government Submission notes that:
- 'In consultation with staff and employee organisations, the duty statements and selection criteria for youth detention officer positions have been redefined and broad-banded. A number of positions including the Centre Manager, Unit Manager, and Team Leader positions have been upgraded.'*<sup>43</sup>
- 5.4.16 Nonetheless, the Commission believes a benchmarking of Bimberi classifications and rates of pay would ensure that all Bimberi staff are being paid appropriately. Some staff raised concerns about the calculation or rate of salary compared with correctional officers:
- 'Look at how hard we work, what we do and the dangers we are exposed to. Increase the pay, we are the lowest paid detention officers in Australia. We should get similar pay and conditions as correctional officers in AMC.'*
- 5.4.17 There may also be some anomalies in the classification of management positions at Bimberi. Although not raised as a concern, the Commission was surprised to learn that the operations manager position, which carries significant responsibility, is classified as SOG C.
- 5.4.18 We understand that some initial discussions about classification and pay rates in CYJ had begun some time ago, but that these were never finalised or endorsed by senior management.
- 5.4.19 For the purpose of this Review, the Commission scoped the benefit of engaging a consultant to undertake a classification review of rates of pay across CSD employees involved in the youth justice system, particularly staff at Bimberi and in CYJ. However, in discussions with potential consultants and with the Chief Minister's Directorate (CMD), it emerged that the ACT Government has already engaged consultants for a Whole-of-Government assessment of most ACTPS classifications. It is understood that this will be done in conjunction with relevant stakeholders, including unions. We were informed that this review will be comprehensive and will examine, among other things, the appropriateness and market rate value of existing classifications, the development of associated position classification standards and the possible adoption of a new single salary spine for the ACTPS.
- 5.4.20 The Commission did not see value in replicating this work, so, in May 2011, the Commission wrote to CMD requesting the ACT Government to prioritise the assessment of Bimberi and CYJ staff. Although the ACT Government could not give guarantees regarding priorities, it provided the Commission with preliminary findings of the consultants in relation to the pay and classification of Bimberi youth workers. This preliminary work indicates that while the pay rates of Bimberi workers are generally comparable with youth justice workers in other States and Territories, the salary structure and conditions for ACT correctional officers are in some aspects more favourable than those for Bimberi youth workers. In particular, there

42 Section 32.

43 ACT Government, *Submission to the Human Rights Commission Bimberi Review* (2011)78.

is greater recognition of the attainment of qualifications through automatic advancement to higher salary points, and correctional officers can progress through levels to higher salaries more quickly than Bimberi youth workers.

- 5.4.21 In the Commission's view the role of a youth worker at Bimberi is arguably more complex than the role of a correctional officer in an adult facility, as it requires a greater focus on relationship building and rehabilitation, in addition to traditional custodial duties. This should be taken into account in the classification review. The Commission understands that detailed work will be undertaken over the next three to four months to examine the classification, competency requirements and comparative pay rates of all ACTPS grades within the scope of the review.

**Recommendation 5.9:** The ACT Government review the pay structure for youth workers at Bimberi as part of the broader classification review to ensure that it is equitable and comparable to the pay structure for correctional officers in the ACT.

## 5.5 Training for youth justice staff

### *The importance of a skilled and trained workforce*

- 5.5.1 There is strong evidence to suggest that positive outcomes in youth justice systems require skilled and trained workers with the ability to create safe and stable environments and to meet young people's needs. The provision of quality education and training to youth justice staff is pivotal for a number of inter-related reasons. Firstly, there is evidence that more young people are entering the youth justice system than ever before, that the issues that they are presenting with are becoming more complex, and that staff need the skills and knowledge to manage these increasing demands.<sup>44</sup>
- 5.5.2 At the same time, governments and communities have increasingly demanded that interventions with young people in the youth justice system be evidence based and provided by skilled workers with clear roles and responsibilities within teams supported by effective managers. This requires that the workforce either attract highly skilled workers, or provide workers with appropriate training to positively implement programs and achieve sustainable outcomes for young people.
- 5.5.3 Internationally, research has shown that workers who are provided with ongoing training opportunities feel more valued than those who are not, feel more capable and therefore more comfortable in difficult situations, and are more reflective. They are more likely to achieve more positive outcomes and stay in positions for longer and are less likely to take extended periods of sick leave.<sup>45</sup>
- 5.5.4 In reviewing previous studies, Christy identifies a number of essential characteristics of an effective training curriculum for those working within a detention centre:
- It is comprehensive, touching on each significant aspect of the organisation and job performance;
  - It is relevant and directly tied to organisational purpose and to the job responsibilities of the trainees;
  - It results in observable and measurable behaviours (it is accomplished when learning occurs and new behaviours are verified); and
  - It is both theoretically sound and practical.<sup>46</sup>
- 5.5.5 The Commission considered these characteristics when speaking with stakeholders, in reviewing training documents and in making comment about the provision of training and learning opportunities to staff in the youth justice system.

### *The management of learning opportunities*

- 5.5.6 Induction training at Bimberi is primarily provided by or through CSD's Learning and Community Education (LACE) Team, which 'provides learning and development opportunities for government and non-government organisations to assist and support in the provision of services that promote the safety and wellbeing of children, young people and families'. This team is responsible for identifying training issues and developing practical programs for workers at the Centre, and also provides training for Disability ACT, Housing ACT, and Care and Protection Services, as well as for community groups working with vulnerable children and families.

44 See eg, David Roush, *Juvenile detention training needs assessment* (1996) National Juvenile Detention Association: Richmond, NY.

45 Craig Dowden and Claude Tellier 'Predicting work-related stress in correctional officers: A meta-analysis' (2004) 32,1 *Journal of Criminal Justice*, 31-47.

46 Joseph Christy 'A curriculum for training juvenile detention staff' (1989) Winter,4 *Journal of Juvenile Detention Services*, 23-29.

- 5.5.7 Currently one full-time staff member in the LACE Team is allocated to supporting staff at Bimberi and has been involved in:
- Managing and providing a six week induction training course for youth workers; and
  - Negotiating the provision of a Certificate IV in Youth Work and an Advanced Diploma in Community Services for experienced staff and managing workers' participation in these.
- 5.5.8 Although the LACE Team has significant experience and skill in identifying and providing responsive training opportunities, the Commission heard evidence to suggest that training priorities are primarily determined by Bimberi management with varying degrees of input from the LACE Team, and with minimal feedback from staff and other key stakeholders. This is problematic because it does not capitalise on the expertise of a broad set of stakeholders.
- 5.5.9 The Commission considers that staff from the Forensic Mental Health Team, the METC, and from Client Support Services could assist Bimberi management and the LACE Team to identify issues that reflect the needs of the group of young people accessing the Centre and provide guidance on what training opportunities might best prepare workers for responding to these needs.

**Recommendation 5.10:** The Community Services Directorate engage their Learning and Community Education Team to conduct regular training needs assessments with all staff at Bimberi, and to develop a professional development framework to meet emerging needs.

### Minimum qualifications

- 5.5.10 Currently, many of the positions held by staff at Bimberi do not require any prior training or qualifications. This is not unusual within the broad ACT youth sector, but does not mirror a trend in other jurisdictions (nationally and internationally) where youth justice workers are encouraged to have at least a certificate, if not a diploma or bachelor's degree, in youth work, youth justice or another human services related qualification.
- 5.5.11 Although the Commission is reluctant to make definitive statements about whether youth workers should be required to have some kind of training qualification before being employed at the Centre, we do recognise that, to be effective, youth workers must have an in-depth understanding of the needs and issues affecting young people and how to best manage and support young people in a custodial environment. Induction training alone cannot provide workers with the requisite skills and knowledge.
- 5.5.12 Furthermore, the Commission believes that workers moving into management positions at Bimberi (including team leaders, unit managers, operation managers and senior managers) should have relevant tertiary qualifications or be required to attain them after being promoted into these positions. This requirement should reflect the value that CSD puts on its workforce and on achieving positive, evidence-based outcomes for the young people at Bimberi, and for ensuring that less senior staff are well supported and supervised.

**Recommendation 5.11:** The Community Services Directorate conduct an assessment of qualification requirements, and the comparability of classifications and minimum qualifications, among all client-related positions in Care and Protection Services and Community Youth Justice.

### Induction training for operational staff

- 5.5.13 According to the Government Submission, '[a]ll new staff at Bimberi undertake a 6 week induction training course that covers a broad range of skills and knowledge required to perform the function of a [youth worker] in a youth justice centre. The induction training articulates recognition of prior learning towards a Certificate IV in Youth Work (Juvenile Justice)'.<sup>47</sup>
- 5.5.14 In the past, the induction training for youth workers was conducted over an eight week period and included more practice-based sessions, which further clarified worker roles and gave inductees more opportunities to trial their skills with supernumary shifts on the floor. Participants in this Review reported that this framework was more effective in enabling workers to better relate the theory to practice.

47 ACT Government, *Submission to the Human Rights Commission Bimberi Review* (2011) 80.

- 5.5.15 The Commission notes that the core training program offered to staff at the AMC is 12 weeks in duration and includes on the job training.<sup>48</sup>

***Issues related to induction training***

- 5.5.16 Although staff that participated in the Review could identify strengths within the current training program, some did not believe that they received enough training to do their job well. A number of content and process related issues were identified and are summarised below.

**Lack of training focused on the Centre's vision and goals**

- 5.5.17 The induction training includes workshops that focus on the scope of the ACT youth justice system and Bimberi's place within it, and provides participants with what appears to be a broad overview of policies and procedures. There is, however, limited discussion about Bimberi's broader vision and what it is attempting to achieve, and the role that staff play in meeting these goals. While these elements are missing from training, incongruent or inappropriate philosophies and approaches may develop and persist.

**Incongruence of philosophy and approach**

- 5.5.18 Participants reported that the care-custody dichotomy of youth detention is not clearly analysed and explored in the training, with many feeling conflicted about whether Bimberi's key role is to maintain control or to help young people rehabilitate. Participants suggested that workshops such as Response Ability Pathway (RAP) and Therapeutic Crisis Intervention (TCI) were beneficial in providing a strengths-based model for supporting young people, but felt that what was taught in these modules was incongruent with the content of other modules and what happened on the floor. It is not clear that these modules have been appropriately integrated into behaviour management policies and procedures, as further discussed in Chapter 14 (conditions of detention). A number of participants reported feeling frustrated that they had been given a vision about what was possible but not the opportunities to put this into practice. The Commission recognises that these inconsistencies may have been exacerbated due to staff shortages (and a lack of time to be able to positively engage and build relationships with young people) and hopes that these might be resolved when optimal staffing and training levels are achieved.
- 5.5.19 Ongoing conversations about how these approaches might be integrated into day-to-day operations should be ingrained in supervision sessions, planning days and strategic workshops.

**Lack of training on issues that affect young people's behaviours and on how to best respond**

- 5.5.20 Young people who are involved in the youth justice system often come with a range of underlying emotional and psychological issues that will influence their behaviours. These issues need to be understood and taken into account by staff when interacting with young people. In the Commission's view there is insufficient coverage of these issues in induction training, including, in particular, early experiences of abuse, trauma, alcohol and other drug issues and family violence. The Commission acknowledges that the LACE Team has included sessions related to supporting young people's mental health. However, this training needs to be integrated with other training modules, to explore how young people with mental health needs may require different approaches in behaviour management, for example.
- 5.5.21 In addition, the needs of young people incarcerated at Bimberi will vary depending on their age, development and criminogenic needs. After reviewing the training materials provided, the Commission is concerned that workers are not provided with a theoretical framework for understanding the differing needs of young people in the Centre, or the practical skills for identifying and responding to these needs. The needs of children under the age of 14 and those of young people aged 18 to 21 years seem not to receive much attention, nor do those of young women. Issues related to young people with intellectual and learning disabilities, those with autism and Asperger's syndrome and those with cognitive impairments also require greater attention. These issues are discussed further in Chapter 10 (individual needs).

48 Knowledge Consulting, *Independent Review of the Alexander Maconochie Centre* (2011), 314.

#### Limited training related to positive behaviour management and use of force

- 5.5.22 Although a majority of staff reported in the online survey conducted as part of the Review that they had received some training on behaviour management and the use of force, most reported that the training was inadequate and did not provide them with enough skills and knowledge on how to best manage difficult situations. The abridged TCI workshop that is currently provided to youth workers provides an overview of how to best manage and avoid critical situations, but it may be that the complete, unabridged, TCI program would better meet their needs. However, the Commission is aware that Cornell University (which owns the copyright to TCI) has not given Bimberi permission to use the copyrighted TCI material in an abridged way, nor for a trainer who is not fully accredited to train aspects of the course.

#### Lack of training related to Human Rights

- 5.5.23 The Commission understands that human rights is covered to some extent in the induction training program. When asked about the HR Act and the way that this Act is operationalised in Bimberi, most workers (including youth workers, support staff and management) saw the Act as constraining practice and believed that it placed young people's rights above those of workers. This reflects a narrow understanding of the Act and how it affects practice. More training and opportunities for workers to further understand the concept of human rights and their provision in youth justice is required.

#### Lack of training related to diversity and discrimination

- 5.5.24 Although there is a module in the training program that focuses on work with Aboriginal and Torres Strait Islander young people, it is not clear that this module includes discussions about how racism exists within closed environments and how it might best be handled.
- 5.5.25 Cultural awareness training that reflects the diversity of the youth population and the staffing mix at Bimberi is also not currently provided. Developing an understanding of the different cultural backgrounds of other staff members and young people, including cultural values and beliefs, would diminish the potential for conflict and foster an environment built on respect and acceptance.
- 5.5.26 Issues for women, for staff and young people with disabilities and for those who identify as being gay, lesbian, bisexual, trans or intersex are also not considered in the training.

**Recommendation 5.12:** The Community Services Directorate engage their Learning and Community Education Team, in conjunction with Bimberi management, to extend the current induction training program for new Bimberi youth workers to include more detailed and practical modules on:

- The vision of the ACT youth justice system and the role of Bimberi within that system
- The role of a youth worker and strategies for managing competing responsibilities
- Issues that influence young people's behaviours (such as trauma and abuse, mental health issues, intellectual disability, autism and Asperger's syndrome, cognitive incapacity)
- Relationship-based behaviour-management techniques (including de-escalation and life space crisis intervention)
- Human rights and how they might be integrated in day-to-day operations
- Diversity and discrimination (including strategies to address racism, homophobia and transphobia), and cultural awareness.

#### Ongoing training

- 5.5.27 The Commission heard from participants and from CSD staff that ongoing training opportunities have been inadequate. This is concerning because workers felt that the initial training package was 'intense' and provided them with a significant amount of information that they believed needed to be reconsidered after periods of time working on the floor. In particular, staff believed that opportunities to refresh their learning on behaviour management and on dealing with crises would be of benefit.
- 5.5.28 The Commission notes that induction training at the AMC is complemented by 40 hours of refresher training throughout the year and recommends that a similar regime be implemented for staff at Bimberi.

- 5.5.29 Learning opportunities do not need to be restricted to formal training programs, but may be integrated in other existing and planned Centre activities, including staff meetings, supervision sessions and performance appraisal processes. The Commission strongly encourages Bimberi management to work with team leaders and unit managers to look at strategies for enabling more learning opportunities for staff.
- 5.5.30 The Commission also notes that a number of CSD and community-based training opportunities (such as those auspiced by the Youth Coalition) might be made available to Bimberi workers to minimise costs and to help develop connections between the Centre and the broader youth sector.
- 5.5.31 The Commission received advice from CSD in May 2011 that issues related to ongoing training have been significantly redressed. The Commission was informed that staff are provided opportunities to engage in Certificate IV Youth Work and Advanced Diploma in Management classes and mandatory training on first aid, breathing apparatus, fire safety, mandatory reporting of child abuse and neglect, and use of force. The Commission was also advised that Therapeutic Crisis Intervention, Applied Suicide Intervention Skills Training, fire warden training, and workplace safety training have also become compulsory.

**Recommendation 5.13:** The Community Services Directorate engage their Learning and Community Education Team, in conjunction with Bimberi management, to develop and implement an annual training plan to provide staff with ongoing professional development opportunities both within the Directorate and the broader youth sector, and that the Directorate allocate a budget for the ongoing provision of training to meet staff needs.

#### *Training for non-operational staff*

- 5.5.32 A small number of non-operational staff in Bimberi reported a lack of induction training, and suggested that they were often unaware of how the Centre operated, who other staff were and how day-to-day operations were conducted. In addition to feeling isolated and confused, participants were concerned that they had not been briefed on how to deal with emergencies; a number of individuals said that they did not even know what to do if there was a fire or a riot in the Centre.

**Recommendation 5.14:** The Community Services Directorate engage their Learning and Community Education Team, in conjunction with Bimberi management, to develop and implement an induction training program for all non-operational staff working at Bimberi which includes sessions on:

- Vision of the ACT youth justice system and the role of Bimberi
- Role and nature of services provided at Bimberi
- Fostering a collaborative, rehabilitative and human rights compliant culture
- Responding to young people with difficult behaviours
- Responding to disclosures of abuse or neglect (including but not limited to mandatory reporting requirements)
- First Aid
- Work safety
- Emergency procedures
- Complaints procedures and the functions of oversight agencies.

#### *Core training for team leaders and unit managers*

- 5.5.33 Team leaders and unit managers are required to oversee a variety of day-to-day operations within the Centre, to supervise staff, to manage young people's behaviours and help develop plans for best responding to their immediate and rehabilitative needs, while also filling in for staff during meal breaks and when staffing shortages occur. These roles require a certain level of skill and knowledge, which needs to be developed and fostered through training and other support mechanisms.

- 5.5.34 Ultimately, the Commission believes that minimum qualification standards are required for these positions and encourages CSD to classify them to reflect these standards. In line with other jurisdictions, the Commission recommends that staff assuming team leader and unit manager positions have a minimum of a Diploma, and that current staff be provided opportunities to attain this qualification.

**Recommendation 5.15:** The Community Services Directorate engage their Learning and Community Education Team, in conjunction with Bimberi management, to develop and implement a training package for Bimberi team leaders and unit managers which includes sessions on:

- Supporting rehabilitation throughcare
- Group work and advanced communication skills for working with young people
- Youth participation (including receiving feedback, group decision-making and planning and peer support)
- Managing staff (including those with difficult behaviours)
- Supervision and performance management
- Critical incident debriefing
- Instilling Human Rights in practice
- Respecting diversity and addressing discrimination, bullying and harassment
- Managing complaints and grievances and the functions of oversight agencies.

*Further training opportunities*

- 5.5.35 According to the Government Submission, *'following induction, all staff are encouraged and supported to undertake further studies. A number of study options are sponsored by the CSD including at Certificate IV, diploma, undergraduate and post graduate levels. Ongoing staff development has included studies in social work, psychology, social welfare and leadership.'*
- 5.5.36 The Commission is aware that CSD has provided staff with opportunities to enrol in the Certificate IV in Youth Work and the Advanced Diploma in Community Services. We understand that workers can apply for study leave and other assistance under CSD studybank policies for other courses. The Commission recognises the merit of youth workers engaging in generic youth-work and management courses, but considers that more specialised training options that reflect the specific skills and knowledge required for developing and implementing appropriate and responsive youth justice programs and policies would be more beneficial. This reflects agreements made within the Australian youth justice sector that youth (or juvenile) justice certificates, diplomas and bachelors degrees be set as minimum requirements within youth justice facilities and programs.

**Recommendation 5.16:** The Community Services Directorate work with local training providers and universities to scope opportunities for developing and providing youth justice specific qualifications at the Certificate, Diploma and Degree levels.

- 5.5.37 Although the Commission welcomes the fact that CSD has purchased places in the Certificate IV and Diploma courses, some workers reported not being able to take up or continue their involvement in these training programs. In the staff survey, for example, half of the respondents reported that they had received no internal or external training opportunities since being inducted to the Centre. Some of the issues that limited their participation included:
- **A lack of commitment from management:** Participants reported that training opportunities were often compromised, particularly when they were called in to cover shifts or held back to complete administrative tasks.
  - **A lack of planning:** Participants reported that training opportunities were often offered in an untimely fashion, making it difficult for those with childcare and family responsibilities to be able to manage competing priorities.
  - **Timing issues:** Participants reported that most training activities were offered after a 12-hour shift, which seriously limited their ability to attend and to fully participate in these learning opportunities. The Commission heard examples where staff had fallen asleep in class, were so exhausted that they cried in class or experienced significant fatigue on the way home after class.

- 5.5.38 Training providers reported similar difficulties, noting that they sometimes arrived at Bimberi to discover that no students were available and that the class would therefore need to be postponed. Trainers called for a clearer statement of commitment from Bimberi management, and strategies to ensure that students could fully participate in all learning activities.

*Opportunities for experienced staff to deliver training*

- 5.5.39 Although participants valued the expertise of the LACE Team and trainers who were brought in from outside of the Centre, many suggested that providing existing experienced staff with opportunities to be further involved in the delivery of training would be beneficial for both those being trained and those conducting the training. New staff would benefit from the opportunity to hear how the theories and policies being discussed might be translated into practice, and experienced workers would benefit from having their knowledge and expertise recognised and validated.
- 5.5.40 The Commission recognises the strengths of such a model, but cautions that it would be most effective only if experienced staff were given the training and support to lead workshops and were comfortable with the content being discussed. A team-teaching arrangement might be helpful, as would 'train-the-trainer' models.

**Recommendation 5.17:** The Community Services Directorate engage their Learning and Community Education Team to explore in-house training options that provide experienced workers with opportunities to more actively participate in the delivery of training at Bimberi. Where possible, this involvement would be recognised through accredited 'train-the-trainer' qualifications.

## 5.6 Training for Community Youth Justice workers

- 5.6.41 According to documentation received from the LACE Team, only three CYJ staff had enrolled in training between December 2008 and January 2011. The team was unable to confirm whether these staff had participated in the training or what outcomes had been achieved.
- 5.6.42 Participants corroborated this finding, with most CYJ workers reporting that they had received no induction and that ongoing training was limited, if offered at all. Training for team leaders also seemed limited, with no opportunities for staff to develop their supervision and management skills when assuming these additional duties.

**Recommendation 5.18:** The Community Services Directorate engage their Learning and Community Education Team, in conjunction with Community Youth Justice (CYJ) management, to develop and implement an induction training program for CYJ case managers which includes sessions on:

- Vision of the ACT youth justice system and the role of CYJ
- Case management and client supervision skills (including relationship based practice, provision of CHART and YLS/CMJ)
- Supporting rehabilitation throughcare
- Introduction to the ACT legislation, and to the role of the courts and CYJ's responsibilities to them
- Role and nature of services available to young people in the youth justice system
- Responding to young people with difficult behaviours
- Responding to disclosures of abuse or neglect (including but not limited to mandatory reporting requirements)
- Complaints procedures and the functions of oversight agencies.

- 5.6.43 Like their Bimberi counterparts, team leaders in CYJ reported that only ad hoc induction processes existed, which they believed did not adequately prepare them for managing their new roles. The Commission recommends that these induction processes be formalised so that consistency can be assured.

**Recommendation 5.19:** The Community Services Directorate engage their Learning and Community Education Team, in conjunction with Community Youth Justice (CYJ) management, to develop and implement a training package for CYJ team leaders which includes sessions on:

- Advanced case management and client supervision skills
- Advanced communication skills for working with young people
- Youth participation (including receiving feedback, group decision-making and planning and peer support)
- Managing staff (including those with difficult behaviours)
- Supervision and performance management
- Critical incident debriefing
- Instilling Human Rights in practice
- Managing complaints and grievances and the functions of oversight agencies.

## 5.7 Supervision of staff

- 5.7.1 Working in correctional facilities can be both demanding and stressful for workers, who are required to manage often competing roles and responsibilities with varying levels of support and guidance. In a youth justice facility like Bimberi, workers are required to work with young people whose behaviours might be confronting and challenge their sense of competence and authority. Sometimes young people share with them painful stories of traumatic life events, and workers see evidence that the limits of their job and the failures within the system often lead to poor outcomes for young people they may feel responsible for protecting or otherwise supporting. This can often lead to unresolved feelings of guilt and disappointment or frustration and anger. When unmanaged, workers can experience varying levels of burnout, which can exist alongside compassion fatigue and, when left unresolved, vicarious trauma.
- 5.7.2 Maslach et al define burnout as '*a syndrome of emotional exhaustion and cynicism that occurs frequently among individuals who do people work of some kind.*'<sup>49</sup> In addition to causing high turnover, staff burnout may also lead to poor quality of care, absenteeism, use of alcohol and drugs, insomnia, and family problems. High workloads, ambiguity of role, and excessive amounts of direct contact with clients have all been identified as leading to burnout.
- 5.7.3 Workers at Bimberi are also required to take on a host of responsibilities that demand high levels of skill and expertise which, if mishandled, can have detrimental impacts on themselves, fellow workers, the young people and the Centre as a whole. In addition to quality training, workers therefore require opportunities to reflect on their practice and, with a trusted mentor, develop strategies for attaining missing skills and redressing knowledge gaps.
- 5.7.4 One mechanism that can assist workers in both of these circumstances is professional supervision. Most definitions of professional supervision include reference to administration (where supervisees are guided on issues related to their performance of administrative tasks), education (where supervisees are provided opportunities to reflect upon and develop skills and knowledge related to their practice) and support (where supervisees are given the opportunity to reflect on their practice, to talk through critical issues and to be reassured about their practice). Generally, supervision is provided by more experienced and more senior members of staff in both formal and informal contexts and are underpinned by reflective practice principles.
- 5.7.5 In his reflections about supervision in care and protection, the former Director of the Youth Directorate Paul Wyles argues that supervision can lead to better outcomes for clients, workers, and organisations. Citing the Forde Inquiry into Abuse of Children in Queensland Institutions, Wyles notes that:  
*'In circumstances of poor supervision, no inspections and little accountability or external advocacy for children, caregivers wielded almost unlimited power over the children.'*<sup>50</sup>
- 5.7.6 Supervision can preserve workers' positive feelings about themselves and the value of their work, which can enable them to adequately help the children and families they are serving. Supervision provides an opportunity to nurture the workers, to contain and understand their reactions and to recognise and process angry, competitive and uncomfortable feelings. Workers who are unsupported, attacked or criticised by their colleagues are unable to work effectively.

49 Christina Maslach, Susan Jackson, Michael Leiter, Wilmar Schaufeli, Richard Schwab, *The Maslach Burnout Inventory: Manual* (1996), Palo Alto: Consulting Psychologists Press, 1996.

50 Paul Wyles 'When the Bough Breaks the Cradle Will Fall : Child Protection and Supervision: Lessons from Three Recent Reviews into the State of Child Protection in Australia' (2007) 2, 1 *Communities, Children and Families Australia*, 49-58.

- 5.7.7 Wyles also points to the benefits of supervision for agencies managing staff, drawing on Guransky's work: *'Employers bear major industrial and moral responsibilities for supervising, evaluating, challenging, supporting and developing workers in the interests of good practice. Without good management of workers, good management of service delivery by workers can neither be expected nor ensured.'*<sup>51</sup>
- 5.7.8 He argues that supervision needs to be embedded in human service systems to ensure that workers are provided with the support, guidance and emotional capacity to assist clients in challenging and often chaotic environments.

### Current provision of supervision

- 5.7.9 According to the Supervision Framework and Supervision Policy for the Office of Children, Youth and Family Support (OCYFS), supervision is *'a process in which one worker is given responsibility to work with another worker(s) in order to meet certain organisational, professional and personal objectives which together promote the best outcomes for service users'*. The policy suggests that supervision is embedded in all practice within its statutory services and has four key functions: *'Firstly, it is a central component of the internal governance and performance management framework by which staff clarify their role, responsibility and accountability. Secondly, supervision provides staff with the structured support, guidance, and reflection required to remain child-centred and family-focused in the midst of complexity, uncertainty, anxiety and risk. Thirdly, effective supervision models good practice through its collaborative process of problem identification, analysis, action planning and review. Finally, supervision supports staff in working effectively with partner agencies without whose cooperation, good outcomes for children cannot be fully achieved. In summary, supervision provides the practice leadership that is fundamental to the quality of services and interventions with vulnerable children and their families.'*
- 5.7.10 According to the policy, OCYFS staff, including Bimberi and CYJ staff, are required to have supervision every fortnight, with more junior and less experienced staff being provided with it weekly (see Table [5.2], below, for further details). In addition, the OCYFS encourages an 'open-door policy' where staff can engage in ongoing dialogue about practice issues with their superiors and participate in peer- and team-level development activities.

Table 5.2: OCYFS minimum supervision requirements

Position	Minimum supervision
New staff members	At least 2 hours once per week - renegotiated to 2-3 hours per fortnight
All frontline practitioners, caseworkers, case managers	1.5-2 hours per fortnight
Residential workers	2 hours per month
Residential Team Leader/ Unit Managers	2 hours per month
Team Leaders (non residential)	1.5 hours per fortnight
Managers/Senior Managers	1.5-2 hours per fortnight
Administrative staff	1.5 hours per month
Policy Officers	1.5 hours per fortnight
All staff - Performance Review/Appraisal	6 monthly

- 5.7.11 Community youth justice case managers reported receiving supervision each fortnight, and spoke highly of these sessions and the support they received. Supervision sessions were seen as a useful mechanism for ensuring consistency of practice in case management.
- 5.7.12 However, although this policy was endorsed in 2009, there is little evidence to suggest that supervision has been provided to Bimberi youth workers in a planned or effective way. Some experienced workers reported that in the first two years of operation at Bimberi that they were often left second-guessing their roles, responsibilities and how to best manage and support young people. One worker reported having had only one supervision session in many years of service, and another having had only one session at Bimberi, which was with a new team leader the worker had never met before. Some reported negative interactions with their supervisors: that after raising any issues or concerns, supervisors would admonish them for poor performance (without giving them frameworks to reflect upon or develop alternative strategies to improve their practice) and dismiss their grievances without explanation.

51 Ibid.

- 5.7.13 In relation to the 'open-door policy' described in the OCYFS policy, many workers reported that it was difficult for them to meet with Centre managers because the door to the administration block could not be opened by youth workers, and management were not always on-site. Some workers reported that responses to emails and phone calls by management were not timely. The informal 'corridor conversations' noted as important in the OCYFS policy were thus unlikely to occur.

**Recommendation 5.20:** The Community Services Directorate comply with the Office for Children, Youth and Family Support's *Supervision Framework* and *Supervision Policy* and report on compliance in its annual report.

## 5.8 Work safety

- 5.8.1 Workers have the right to a safe workplace where risks are managed appropriately. Workplace safety is a key concern for staff at Bimberi, who at times faced an unacceptable level of risk of physical injury, due to staff shortages. Workplace safety across the youth justice system also encompasses psychological safety and the provision of a workplace that is supportive and free from bullying and harassment.
- 5.8.2 Under the ACT *Work Safety Act 2008* (the Work Safety Act) those in control of the workplace, including employers, have a legal duty to take all reasonably practicable steps to eliminate or minimise harm from risks to the health and safety of their workers. In a new development, compared to the previous *Occupational Health and Safety Act 1989*, these risks under the Work Safety Act explicitly include all psychosocial hazards, such as workplace bullying.
- 5.8.3 The Work Safety Act sets out a risk management framework that seeks to remove or, if removal is not possible, mitigate risk. One of the key requirements of preventing risks to work safety is workplace consultation - between workers, their representatives and management - to identify risks and agree on solutions to prevent and address them and to evaluate the effectiveness of the solutions.
- 5.8.4 Under the ACT *Discrimination Act 1991* (the Discrimination Act) it is unlawful to treat someone unfavourably in employment because of a protected attribute. Protected attributes include race, sex, age, sexuality and disability. Unfavourable treatment can include bullying or harassing someone because of a protected attribute. Generally, the primary liability is on employers to prevent such behaviour occurring. It is also unlawful under that Act to sexually harass someone in the workplace, or vilify another person through a public act because of their race, sexuality, gender identity or HIV/AIDS status. Employers and individuals can be held liable for sexual harassment and vilification, and complaints regarding a breach of the Discrimination Act may be made to the Commission. Similar protection is offered under Commonwealth discrimination law, although Commonwealth law covers fewer attributes.
- 5.8.5 Sections 39 to 41 of the PSMA requires the ACT Government to establish an access and equity program for the service' Accordingly, the ACT Government recently launched a new Respect, Equity and Diversity (RED) Framework. One of the stated objectives of the framework is to 'retain employees'. The framework:
- *'Outlines the legislative provisions supporting a respectful, equitable and diverse workplace culture;*
  - *Provides guidance to all ACTPS staff in meeting their obligations under the PSMA and other relevant legislation, policies and guidelines;*
  - *Defines respect, equity and diversity;*
  - *Supports the creation of a work environment that is respectful, courteous, inclusive, collaborative, equitable and productive;*
  - *Aims to ensure the ACTPS workforce is reflective of the broader ACT community demographics;*
  - *Aims to develop a culture where ACTPS employees feel supported and confident disclosing their diversity status so that we have an accurate picture of the workforce;*
  - *Identifies the respect, equity and diversity challenges facing the ACTPS; and*
  - *Determines actions to be undertaken to meet the identified challenges.'*<sup>52</sup>

- 5.8.6 The RED Framework defines respect as *'to value and consider others at work'*. Workplace diversity is defined as being about recognising the value of individual differences and integrating these into the workplace. Equity is defined as ensuring that everyone is treated in a fair manner, according to their individual needs and circumstances in the workplace, and includes the concept of equal employment opportunity (EEO). The Framework suggests that a positive work environment is characterised by:
- *'A high degree of trust and respect between all levels of staff;*
  - *A warm and friendly climate in which colleagues feel valued, and have a strong sense of loyalty to the organisation;*
  - *High quality leadership and management;*
  - *Open and honest communication;*
  - *A measure of self-determination over how work is undertaken;*
  - *A culture where diversity is respected and valued;*
  - *A lack of exclusive 'clubs' and cliques;*
  - *Opportunities for personal development and career progression; and*
  - *A high level of creativity and job satisfaction, arising from teamwork and cooperation.'*<sup>53</sup>
- 5.8.7 The Framework places obligations on all ACTPS staff, but particularly obliges management to actively prevent work bullying and harassment by addressing conduct that is inappropriate and taking necessary corrective and preventative action. Executives have the added responsibility of supporting the role of the agency's Respect, Equity and Diversity contact officers and network co-ordinator. The Commission supports the adoption of contact officers, and has for many years provided contact officer training to government employees and the wider community. Contact officers are a confidential source of information for peers on respect, equity and diversity, including options for resolving issues of discrimination, bullying and harassment in the workplace via internal or external means. The Commission recommends that these officers not be in management positions, as supervisors may feel obliged to action information that is provided confidentially. Contact officers should empower staff to choose how they would like to resolve these issues. Appendix A of the RED Framework suggests a range of actions that should be undertaken to retain staff. A key action is to develop a contact officer network.
- 5.8.8 Complementing the RED Framework, the ACT Government also has Guidelines on Preventing Workplace Bullying. The Guidelines suggest that bullying is *'likely to occur when people are working in a negative environment'*, and *'the culture and tone of an organisation will either encourage a positive work environment or inhibit it'*. The Guidelines also refer to the Code of Practice on Preventing and Responding to Workplace Bullying (the Code), declared under the Work Safety Act, which provides practical guidance as to how to meet obligations under the Act. The Code sets out risk factors that can contribute to a work culture where work bullying is likely to occur, including poor workplace relationships and lack of appropriate work systems. The latter includes lack of resources, poor rostering or lack of support systems.

### **Work safety at Bimberi**

- 5.8.9 The Commission received 18 completed surveys from current and former staff at Bimberi and conducted 34 interviews with staff. The Commission was also provided with one record of an exit interview, which we understand to be the only one conducted since Bimberi opened. In the staff survey, over 90% of staff who answered a question on safety reported that Bimberi was a 'somewhat unsafe' or 'very unsafe' place to work (n=14). Further, nearly 60% stated it was 'somewhat unsafe' or 'very unsafe' for young people (n=9). When asked about what factors determined safety and security the majority identified shortage of staff or shortage of experienced staff (n=12). Other common concerns were poor communication and faulty equipment, such as radios, CCTV and duress alarms. A number of survey respondents and interview participants reported experiences of racism, bullying and harassment, from other staff and supervisors, and some noted their feelings of being excluded and treated less favourably than others perceived to be in a clique. Other participants, however, did not report these experiences.

5.8.10 The Commission requested relevant workers' compensation data, comparing the last year of Quamby's operation to claims submitted during Bimberi's operation. Table 5.3, below, and accompanying information was provided by CSD:

**Table 5.3: Injuries reported by Quamby and Bimberi employees since 1 July 2006**

		Quamby Reported Injuries	Bimberi Reported Injuries	Accepted workers' compensation claim	Classified as a serious event
2006/07	Physical	10		5	2
	Psychological				
2007/08	Physical	4			
	Psychological				
2008/09	Physical	2	9	4	1
	Psychological		1	1	1
2009/10	Physical		17	5	2
	Psychological		1	1	1
2010/11	Physical		15	2	3
	Psychological		2	1	1

*'The data shows that the number of accepted workers' compensation claims has remained steady over time and there is no notable difference between Quamby and Bimberi youth detention centres. The data also shows an increase in reported injuries over time however DHCS believes this probably reflects improved staff awareness of their responsibilities to report workplace incidents and is consistent across other areas of the department. Improved education and electronic accident/incident forms are likely contributing factors. The trend towards increased reporting is highlighted by the table below which illustrates a steady decline over time of reported injuries translating into workers' compensation claims. (Note: these figures come from CSD, and have not been verified by the Commission)'*

**Table 5.4: Percentage of reports leading to an accepted workers compensation claim**

	2006/07	2007/08	2008/09	2009/10	2010/11
<b>% of Reports leading to an accepted Workers' Compensation Claim</b>	50%	0%	42%	33%	18%

*(Note: these figures come from CSD, and have not been verified by the Commission)*

5.8.11 Although CSD claims that the falling percentage of accepted workers' compensation claims is indicative of improvement, the Commission is concerned at the reports of several serious assaults on staff during 2009-2010 and 2010-2011, including a worker being attacked by several young people while alone on the oval, a worker being assaulted with a fire extinguisher, an MSS guard being attacked by two young people with a metal bar, and a worker being assaulted with a mop and bucket

5.8.12 The Commission also notes the number of claims of psychological injury at Bimberi, with four claims submitted for psychological injury since Bimberi's opening. Three of these have been accepted and all were classified as serious events. While this is something to monitor, the Commission is aware that the number of reported psychological injuries over the last ten years has fluctuated significantly, with five reported in 2004-2005 but zero in 2006-2007 and 2007-2008.

***Effect of staff shortages and isolation***

5.8.13 One of the driving factors leading to low staff morale and lack of safety was the poor support given to workers during staff shortages. Staff participants reported feeling isolated due to being left alone with large groups of young people. This was partly the result of the staffing model, which generally only allowed one youth worker per wing (which houses up to six young people), but staff shortages exacerbated these issues and increased staff feelings of being unsafe. As one former staff member commented:

*'I always worked on my own. There were only 3 shifts [from opening to May 2010] where I worked with someone. I was responsible for 3-6 young men on my own. These kids towered over me.'*

5.8.14 Another survey participant responded:

*'...staffing levels have been dangerously low and have contributed to dangerous incidents and staff feeling unsafe. Lunchtimes have been cut down to half an hour which is inadequate during a 12 hour shift. Overtime is offered constantly... There should be*

enough staff on the floor so that it does not matter if 1 or 2 are away sick from time to time. There should be enough staff for youth workers to work in pairs. I think it is unsafe to have detainees in the gym or on the oval or somewhere on your own.'

- 5.8.15 Another wrote in a submission that was provided to the Review:
- 'The recruitment is too slow and numbers of new staff are nowhere near enough to fill the gaps that are being left by exiting staff. This has led to staff working in isolation and the almost inevitable situation of staff left in potentially dangerous situations both physically and mentally. Over the last few weeks staff have been punched, kicked, hair pulled, various items thrown at them, working for 24 hour periods and having the contents of a fire extinguisher released all over them. Due to staff shortages it can take several minutes to arrive at the Unit to assist a staff member in distress.'*
- 5.8.16 Staff are also left alone in the control room, and can spend long periods of their 12-hour shift not interacting directly with other staff. CPSU report that this isolation can be compounded by staff sitting by themselves in the staff room during lunchbreaks due to the rostering structure. Staff participants and the CPSU reported staff being unable to take toilet breaks when staffing levels were low, and being humiliated by having to repeatedly ask to be able to do so over the radio in front of young people.
- 5.8.17 Staff also reported long delays in having leave approved. This largely related to recreational leave, even where such leave was requested months in advance. Staff reported that during 2010 they would often not even receive an answer to leave requests. More recently staff are receiving feedback, but some report that leave cannot be approved until a week or two before it is due to be taken.
- 5.8.18 The nature of the staffing roster, exacerbated by staff shortages, also meant that staff rarely had an opportunity to meet altogether. There are opportunities for briefings of staff at the morning change of shifts, but meetings involving all staff at Bimberi, including health and education staff, are rare. The CPSU reported that they were rarely given opportunities to meet with staff. Compounding this, the CPSU reported a lack of peer support mechanisms for staff.

**Recommendation 5.21:** The Community Services Directorate revise the staffing model for Bimberi to ensure that workers are not required to work in isolation with groups of young people, and that sufficient staff are rostered to allow workers to take breaks at reasonable intervals throughout their shift. The Directorate consult with staff regarding the revised staffing model, but the Commission's preferred model is that two youth workers be allocated to each residential wing on each shift.

#### ***Bullying and harassment***

- 5.8.19 The Code provides that information that can assist in identifying bullying work environment risk factors include issues raised by health and safety representatives, sick leave, transfer requests; results from worker opinion surveys, issues raised by workers and workers' compensation claims.<sup>54</sup>
- 5.8.20 The Commission heard a number of allegations by current and former staff in interviews about bullying behaviour from other staff, team leaders, unit managers, and by management. Bullying was also mentioned by many survey participants with comments including complaints about *'being chastised in front of other staff and young people, bullying'* and that *'the leadership style within the Centre would be based on bullying, belittling of workers and instilling fear such as a loss of positions.'* A small number of interview participants also reported experiences of inappropriate sexual comments and harassing behaviour by staff at Bimberi.
- 5.8.21 As staff involved did not wish to have their identities disclosed, the Commission was not able to investigate or verify the accuracy of these allegations, but it is apparent that a number of current and former staff have the perception that they have been bullied, and that they were not aware of appropriate channels to address these concerns. In response, CSD advised the Commission that the reported views of current and former staff does not correlate with the number of staff complaints received by CSD.

#### ***Racial tensions***

- 5.8.22 As discussed in relation to training needs, the Commission is concerned about racially based tensions among the staff group. Some staff members reported specific incidents of racial abuse and comments made by more senior staff against Pacific Islander workers, and workers from other cultural backgrounds. Other staff reported a perception of reverse discrimination against 'white' workers. While we have encouraged staff to make individual complaints to the Commission

<sup>54</sup> Work Safety (ACT Code of Practice for Preventing and Responding to Bullying at Work) Code of Practice 2010, 8.

in relation to specific incidents, the prevalence of these reports suggests that more needs to be done to create a positive culture of non-discrimination within the Centre. Discrimination and cultural-awareness training, as recommended above, would assist this process.

### **Pregnancy**

- 5.8.23 A potential issue raised by staff participants is the safety and treatment of youth workers who become pregnant. The Commission understands that the current practice is to roster such youth workers in the control room for the duration of their pregnancy. However, this shift is only available for two staff. If a third were to become pregnant, staff participants speculated that they would have to either do administration work (which they might not be skilled to do) or be sent to the CSD main office for an office-based position, and therefore risk losing penalty rates (which can be up to 1/3 of their pay).
- 5.8.24 This raises several issues for the Commission. Firstly, changing a person's work duties due to their pregnancy may raise issues of unfavourable treatment under the Discrimination Act. Such action may be reasonable in some circumstances, but the Commission believes this should be based on an appropriate risk assessment and done in consultation with the individual staff member. Secondly, a move to CSD for a pregnant youth worker could result in a loss of earnings, not just for the duration of that person's pregnancy, but also during subsequent maternity leave. This may also raise issues of direct discrimination under the Act.
- 5.8.25 Bimberi management must consider their obligations under the Discrimination Act before altering the duties or pay of a youth worker because of pregnancy. A practical solution suggested by staff participants was that the position of the reception officer (currently staffed by MSS security guards) could be filled by pregnant youth workers or those staff returning to work from injury. These staff could answer phones and help take some of the responsibility from Control Room during peak times.
- 5.8.26 In response, CSD advised that they currently manage, and will continue to manage, their responsibilities to their staff in accordance with the Maternity Leave Provisions of the Enterprise Agreement.

### **Other safety issues**

- 5.8.27 Participants also raised concerns with physical health and safety issues for staff and young people, particularly in relation to fire safety, the facilities in some of the classrooms, physical facilities such as bins, and storage and handling of dangerous substances, including pool chemicals.
- 5.8.28 The Commission requested details of relevant risk assessment tools required to ensure compliance with obligations under the Work Safety Act. The Commission is concerned that CSD was not able to provide the Review with a copy of a Fire Safety Plan for Bimberi, including details of fire wardens, as requested. Instead, we were informed that:  
*'On 3 May 2011, Fire Direct attended Bimberi to provide a quotation for the implementation of an Emergency Evacuation Plan including and incorporating electrical/gas isolation valves and designated assembly areas; associated signage and fire warden training including the emergency warning system.'*
- 5.8.29 The Commission was subsequently provided with a copy of a Management-In-Use Plan incorporating an emergency response procedure manual produced by First Five Minutes Pty Ltd for Bimberi in May 2008, prior to the Centre opening, and a Local Operating Procedure entitled 'Emergency Action Principals (sic)'.
- 5.8.30 It is not clear that the procedure manual attached to the Management-In-Use Plan has been distributed to staff, or that the Plan has been followed and updated regularly. The Plan states that *'An annual revision of this document including all attachments is to be carried out by a nominated "competent person." All details of the revision are to be annotated in this schedule.'* However, no revisions are annotated after June 2008.
- 5.8.31 The procedure manual further states that *'Evacuation exercises should be held annually to practise the Centre's emergency procedures. A debriefing of staff members to identify any deficiencies in the procedures should follow each exercise.'* CSD has informed the Commission that no evacuation exercises or emergency drills have been conducted at Bimberi.

- 5.8.32 The Local Operating Procedure is unhelpful as it states that in the event of a 'fire' code, youth workers are to 'secure local' or 'secure as directed', which is defined to mean securing residents in the unit in the location of the incident, or securing residents in an identified location. Clearly young people should not be secured in their cabins in the event of a fire, and the procedure should instead clearly direct youth workers to evacuate young people to the designated evacuation points within the Centre when a fire code is called.
- 5.8.33 We understand that youth workers are given training and refresher courses in using fire safety equipment and breathing apparatus, however, several non-operational staff reported that they had not received any instruction regarding fire safety or evacuation procedures.
- 5.8.34 Taken as a whole, the relevant data and concerns raised by staff participants and the CPSU clearly indicate that Bimberi was not meeting its obligations under relevant OHS and discrimination laws and Government policy. In particular, it does not appear that all reasonably practicable steps were taken to eliminate or minimise harm from risks to the health and safety of their workers.

#### Interim response

- 5.8.35 In discussions with participants in the Review, and as outlined on the consent form signed by all verbal interview participants, the default position for all submissions to the Review is that they would remain anonymous unless a participant particularly wished to have comments attributed to them. However, the Commission also stated that from time to time issues of significant concern may be raised that warranted immediate attention. This included issues that required mandatory reporting under the CYP Act, and those raising staff and young people's physical safety.
- 5.8.36 In the Commission's view, some of the matters we heard from participants raised such serious safety concerns that we believed that waiting until the release of the Report may have put staff and young people at risk. Given these risks, the Commission raised some issues directly with CSD without disclosing the identity of participants who informed us of OHS concerns. The Commission understands that this resulted in WorkSafe ACT undertaking an assessment of some of the physical features at Bimberi and some urgent safety issues being rectified.
- 5.8.37 Further recommendations regarding work safety are made below.

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*Promising Practice: CSD has engaged a risk management expert from Your Enterprise Solutions Pty Ltd to undertake a Risk and Compliance Framework Gap Analysis at Bimberi.*

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#### Critical incident debriefing and ongoing support

- 5.8.38 According to its policy and procedure manual, Bimberi requires that staff who are involved in critical incidents are debriefed by a senior member of staff as soon as possible after the experience. In addition to completing incident report forms, and participating in operational debriefing, staff also need to be effectively supported by management to deal with the emotional aftermath of a traumatic event.
- 5.8.39 As noted above, a number of critical incidents occurred at Bimberi during a period when staff were already dealing with stresses of staffing shortages and isolation. A number of staff were confronted by violent and challenging behaviours, being assaulted by young people or witnessing traumatic events. In interviews, several staff participants who had been involved in or witnessed these incidents reported that although management were clear in directing them to fulfil administrative tasks after these incidents, they did not feel that they received the emotional support they needed. These workers considered that management were often more concerned about 'dealing with the fallout' of these situations and focused most of their interactions on operational debriefing. Some participants reported that such operational debriefing involved challenging workers on their behaviour or ascribing blame in a way that was considered unwarranted.
- 5.8.40 A number of workers reported that they were not given opportunities to emotionally debrief, and that they often came away from operational debriefing sessions feeling more anxious, angry, upset or unsafe than they had been beforehand. Similar comments were made in the staff survey, for example one respondent noted that: 'staff were not valued and taken care of particularly when there was a major incident and/or a serious assault on staff'. Another stated that :  
*'When difficult situations arise during our work, such as use of force, assaults and fights amongst detainees, we youth workers are often criticised for our intervention during these situations when the camera footage is reviewed. It is difficult to act on the spur of the moment, and we should not be criticised for our actions unless they are wrong (such as over reactions). There is no debriefing of a beneficial nature after incidents, senior staff are way too casual about this. Youth workers do not feel supported by management or senior staff.'*

5.8.41 Management reject these assertions, stating that:

*'Invariably steps were taken to ensure that the affected staff member was okay, to listen to what the staff member had to say about the incident and to refer the staff member to the Employee Assistance Program if required. Debriefings regarding opportunities for improvement in dealing with similar incidents in the future were conducted only after the staff member had recovered from the incident and was usually days or weeks after the incident. Such discussions never took place in the immediate aftermath of an incident.'*

5.8.42 Critical incident debriefing is the subject of some contention, with a body of research questioning the efficacy of group debriefing and other studies suggesting that poorly managed debriefing can in fact heighten or reinforce trauma.<sup>55</sup> In this context it is perhaps understandable that management, without training in counselling, may have hesitated to provide emotional support to workers, and instead sought to refer staff to the professionals trained in that area within the Employee Assistance Program. Unfortunately, this approach of management was perceived as unsupportive by a number of workers.

5.8.43 Given the contested views on the efficacy of critical incident debriefing, the Commission considers that it is important that CSD seek expert advice to develop an evidence-based policy to best support staff following critical incidents. Staff should be involved and consulted in this process to ensure that it will meet their needs.

**Recommendation 5.22:** The Community Services Directorate, in collaboration with professional experts and Directorate staff, develop and implement a critical incident debriefing or support model.

#### **Counselling**

5.8.44 In addition to stress and anxiety that staff experienced after individual events, participants often reported that the ongoing stresses inherent within the Centre had a toll on their emotional and mental health. Coupled with poor communication practices and spending hours without support or, in some cases, any interaction with fellow staff team members, youth workers often reported feeling isolated and unsafe for extended periods of time. One staff member shared that he would vomit in the shower each morning before coming to work because the pressure was so significant.

5.8.45 In conducting interviews and focus groups, the Commission encountered staff who were displaying signs of trauma, with many harbouring what appeared to be feelings of resentment, anger and distress even months after incidents had occurred. The Commission is of the view that a number of the staff have been traumatised by their experiences at the Centre and require counselling as a matter of urgency. In April 2011, the Commission communicated this view to CSD and encouraged CSD to actively offer counselling to all staff who had worked at Bimberi in 2009-10. The Commission understands that as at July 2011 this counselling has still not been provided.

**Recommendation 5.23:** The Community Services Directorate assertively offer all Bimberi staff counselling and assistance to manage any ongoing emotional or mental health concerns connected with their work. This assistance be offered in paid hours and at a location preferred by staff (at the Centre or another location), and be in addition to entitlements under the Employee Assistance Program.

#### **Shifts (8hr vs. 12hr)**

5.8.46 One issue raised as a concern by many staff was the move to 12-hour staff shifts. This change was made after Bimberi was already operational. While some staff reported that they had not been adequately consulted, the Commission understands that CSD undertook at least two rounds of consultation with staff. Staff participant views on the move to a 12-hour shift were mixed. Some found it an unreasonable impact on their work-life balance, while others appreciated the potential increase in pay and having longer periods away from work. Some staff also reported that it has an impact on their relationship with the young people:

*'A little mistake becomes big if you're alone in the unit for 12 hours.'*

55 See eg Marielle Aulagnier, Pierre Verger and Frederic Rouillon. 'Efficiency of psychological debriefing in preventing post-traumatic stress disorders' (2004) 52 (1) *Rev Epidemiol Sante Publique*, 67-79.

- 5.8.47 Related to this, some participants suggested that young people could sense a worker becoming tired towards the end of their shift and this was often when serious incidents occurred. Staff also commented that at Quamby with 8-hour shifts there were more opportunities for staff to socialise.
- 5.8.48 Finally, the move to the 12-hour shift appears to have been motivated partly for financial reasons and partly as an attempt to give staff more breaks. Some participants recalled that at Quamby on an 8-hour shift staff had a single one-hour lunch break, but the 12-hour shift was intended to enable more frequent breaks. Unfortunately, due to staff shortages, these breaks appear to have become smaller and less frequent, and in some cases non-existent. In the Commission's view this is unacceptable on any shift duration, but particularly when staff are being asked to work 12 hours.

### Communication between management and workers

- 5.8.49 In addition to supervision and debriefing, day to day communication between frontline staff and management is vital to allow workers to feel informed and supported, and to ensure that management have a good understanding of practice and issues emerging on the floor.
- 5.8.50 In the AMC context, the 2011 Independent Review of Operations by Knowledge Consulting noted that it is essential, particularly in the early years of a new facility, that the Superintendent:  
*'...be free to manage down and manage locally. This person's full attention should be the management of their local staff and detainees. Past failings in other jurisdictions can be in part attributed to a person in the Superintendent's role who was too tied up in external inquiries and extraneous management issues, not attending to the centre and as a result failings occurred.'*<sup>56</sup>
- 5.8.51 Although former management described having a cordial and professional relationship with all staff members, the overall impression of the Commission from interviews with former management was that there were some members of the management team who felt embattled and frustrated in dealing with a group of staff they perceived as trouble-makers undermining their vision for Bimberi. Perhaps because of this perceived threat, and pressures of staffing shortages and critical incidents, it appears that the former management team were not able to take as active a role in supporting staff on the floor as they would have liked.
- 5.8.52 Management have suggested to the Commission that *'members of the former management team regularly walked the floor and engaged with staff members in a friendly and informal way as they performed their duties on the ground.'* However, participants in interviews and surveys consistently reported feeling removed from management, and have said of former management that *'we only saw them when things went wrong.'*
- 5.8.53 Many interview participants noted the psychological as well as physical barrier represented by the locked door to the management building. One participant explained that he felt unwelcome, *'like a door to door salesman'* knocking to try to get in to see management. Management have informed the Commission that there were genuine reasons for the locked door arrangement, including that the building contains private and confidential records and that there was a history of theft and inappropriate tampering with management offices occurring before the introduction of the locked door. Nevertheless, the Commission notes that youth workers have now been given swipe card access to the management building at Bimberi.
- 5.8.54 In the Commission's staff survey, out of 18 current and former staff, 16 reported that communication between staff and management was either 'bad' or 'very bad'. Fifteen out of 18 reported that they did not feel valued or respected by management. Of 12 participants who provided written comments about leadership style, all raised concerns about an authoritarian approach with little room for input, for example:  
*'Authoritative. Many good ideas and suggestions to improve the operations of the centre contributed by youthworkers and teamleaders were discarded. I felt that centre management wanted complete control of the centre and that they were out to get rid of staff creating a rift and sense of distrust.'*  
*'Orders from leadership are occasionally received by email, but other than that there is very little contact between leaders and youth workers. This is disappointing.'*
- 5.8.55 The Commission acknowledges that the survey may involve a level of 'selection bias' in that staff and former staff unhappy with management may be more motivated to complete the survey. However these comments are consistent with the views of many current and former staff interviewed by the Commission. Some current staff we interviewed were more generous in their comments, noting their personal liking for members of the former management team, but still expressing frustration with the decision making process and the lack of support for staff.

56 Knowledge Consulting, *Independent Review of Operations of the Alexander Maconochie Centre* (2011), 105.

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*Promising Practice: Bimberi management has now introduced daily briefing opportunities for staff, and this has been supported by a weekly staff newsletter and weekly staff meetings.*

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- 5.8.56 Although there are still issues regarding communication and support, current management have taken steps to improve communication with staff. As noted above, staff now have swipe card access to the administration building where management are located. One staff member stated that 'At least now you know they are trying things, and if it fails we all at least know they tried. Now managers trust staff, and use the workers' skills'. There are now daily briefing opportunities for staff, and this has been supported by a weekly staff newsletter and weekly staff meetings. The Commission recommends that these continue. While staff were supportive of these arrangements, due to the nature of the current roster some reported they were unable to attend meetings due to conflicting obligations.

#### **Performance appraisals**

- 5.8.57 According to the OCYFS policy, a performance appraisal is a process undertaken at at least bi-yearly meetings between supervisor and supervisee. The aims of a Performance Appraisal for the individual and their supervisor are to:
- Identify achievements during the previous six months and identify areas for improvement (support function);
  - Set measurable objectives and/or targets in line with their team objectives and/or targets for the coming six months (accountability function); and
  - Identify professional development objectives (development function).
- 5.8.58 It is a requirement in the policy that Performance Appraisals be conducted every six months, with supervisors and supervisees identifying their achievements and areas in need of improvement, setting measurable targets for the coming six months and identifying development objectives.
- 5.8.59 The Commission received evidence to suggest that compliance with this policy is not widespread, with many staff reporting that performance appraisals were not offered at all, or only when management was unhappy with performance issues. In such situations, staff reported that they were given minimal information about issues that had arisen and felt attacked rather than supported to collegially identify strategies for redressing issues.

**Recommendation 5.24:** The Community Services Directorate, in consultation with Bimberi management and staff, develop and implement a Centre-wide performance appraisal scheme which clearly articulates when appraisals will be conducted, by whom, and how this process will be evaluated.

#### ***Suggested Ways Forward to improve staff safety and support at Bimberi***

##### **Meeting obligations to support staff**

- 5.8.60 Many of the goals and recommended practices of the various ACT Government frameworks outlined above are positive and consistent with relevant human rights and industrial standards. However, based on the reports and the workplace culture witnessed by the Commission, these goals are not being met in Bimberi. In fact, the descriptions of positive workplaces described in the ACT Government's RED Framework and Guidelines on Preventing Workplace Bullying appear to be the antithesis of the work culture at Bimberi. This is not, in the Commission's view, due to a lack of effort or desire from staff and management to create a positive work culture, but rather largely driven by the historic staff shortages at Bimberi, lack of specific skills and training in management and related failure to prioritise staff supports.
- 5.8.61 The strategies outlined in the ACT Government's own policies are sound and provide good options for improving the workplace culture at Bimberi. They provide a resource tailored to ACT Government, which is readily accessible to management at Bimberi. For example, a range of measures are underway on a whole of Government basis to implement the RED Framework and associated guides. Bimberi should be a priority area for these sorts of staff supports, as a closed environment, long shifts and high-risk clients make the work of youth workers particularly challenging.
- 5.8.62 The Bullying Code of Practice also provides practical advice on eliminating and controlling work-bullying risk factors by using measures to address the risk factors described above. These measures may include:
- Planning organisational changes and consulting workers in the process;
  - Making management accountable for positive leadership;

- Clearly defining job roles;
  - Training on difficult behaviours;
  - Training workers in diversity; and
  - Supporting vulnerable staff.
- 5.8.63 One of the major tools the Guidelines on Preventing Workplace Bullying recommends to address workplace bullying is engaging with staff, by:
- Utilising the whole-of-government Respect at Work Policy and Guidelines;
  - Raising awareness and training;
  - Undertaking ongoing risk management;
  - Using existing work safety committees and representatives;
  - Directly consulting with workers through discussions and surveys;
  - Specific focus groups;
  - Seeking feedback on proposed policies and procedures; and
  - Incorporating consultation into ongoing risk management.
- 5.8.64 Consistent with this, the Government's RED Framework appointment of contact officers should be urgently implemented at Bimberi. These would provide peer support for workers, and ensure staff are aware of their rights and avenues of complaint. The Commission found generally that youth workers struggled to find a person to discuss their concerns or safety issues with. As one youth worker commented:
- 'If staff have nowhere to turn they take stress leave.'*
- 5.8.65 As the Guidelines on Preventing Workplace Bullying suggest, sick leave and workers' compensation data can indicate when staff culture is suffering. These should be monitored for trends.
- 5.8.66 In addition, during the course of the Review, the Commission was made aware of the additional layer of peer support operating at the AMC. The Commission understands that AMC staff choose peer-support officers, who undertake comprehensive training and provide an additional level of support in times of crisis. These peer-support officers are not intended to replace the critical incident debrief procedures, but rather to be a point of contact and support for staff who are feeling under stress, either due to issues at work or in their personal life. The Commission sees value in contact officers also fulfilling this role.
- 5.8.67 Related to this, Bimberi should ensure all staff are aware of relevant Employee Assistance Program details. As the Commission has already communicated to the Chief Executive of CSD, following the recent traumatic period at Bimberi, specialist counselling should be offered to staff above the usual EAP offering. As outlined above, all staff working at Bimberi should go through a thorough induction process and must be provided key information such as details of work safety representatives and fire wardens.
- 5.8.68 Steps must also be taken to prevent a negative culture returning to Bimberi. The Commission believes exit interviews should be offered to all staff leaving the Centre. A comprehensive staff complaints database should be created and regularly reviewed for concerning trends or systematic issues.
- 5.8.69 The Commission also believes that many of the issues between staff are due to the lack of opportunities to meet together. The Commission recommends that opportunities be given to have whole-of-centre staff meetings, involving as many youth workers as the roster will allow, along with all available non-operational staff. This might also be followed by a union meeting. In addition, Bimberi management should consider facilitating opportunities for staff to mix more informally, for example through a social club and sporting teams.
- 5.8.70 In the time available, the Commission has only been able to identify the most obvious of workplace OHS issues. The Commission considers that these issues need to be addressed through a systematic action plan, as recommended below, and that WorkSafe ACT should undertake a comprehensive audit of Bimberi's response to physical and psychological hazards as soon as possible.

**Recommendation 5.25:** The Community Services Directorate, in consultation with Bimberi management, develop and implement a work safety action plan to urgently address identified issues at Bimberi incorporating the following actions:

- Implement the ACT Government's RED Framework and Guidelines on Preventing Workplace Bullying, and the ACT Code of Practice on Workplace Bullying in full at Bimberi as soon as possible
- Contact Officers be selected by staff and trained
- Consultation arrangements with staff be improved to meet obligations under the Work Safety Act
- Review record keeping obligations under the Work Safety Act and related legislation and ensure that Bimberi has all necessary risk-management documentation, including a risk-management register and emergency management plan
- Request WorkSafe ACT to undertake a comprehensive inspection of Bimberi
- Exit interviews be offered to all staff leaving Bimberi
- Ensure that rostering allows staff to attend a reasonable number of daily briefings and weekly staff meetings
- Consider having whole-of-centre staff meetings, involving as many youth workers as the roster will allow, along with all available non-operational staff. This might also be followed by a union meeting
- Examine the peer-support model for staff operating at AMC to consider whether it should be adopted at Bimberi.

**Recommendation 5.26:** The Community Services Directorate review whether 12-hour shifts for youth workers at Bimberi best serve the interests of the residents and staff of the Centre.

## 5.9 Staff retention and support in community youth justice

- 5.9.1 Supporting staff in community youth justice to provide quality services to young people is no less important than supporting staff in Bimberi. Staff in CYJ have reported frustration that Bimberi is the more visible side of youth justice and publicity given to Bimberi tends to overshadow the good work happening in CYJ.
- 5.9.2 The Commission has been informed that there has been significant turnover in case managers in CYJ and that, at times, the number of case managers has dropped as low as four permanent staff, putting considerable case loads on remaining staff. This turnover points to a need for greater support for staff, as well as increases in resources to allow case managers to do more satisfying work that makes a difference for young people.
- 5.9.3 While case managers are a relatively cohesive team, and gain much support from team leaders and assistant managers, there is certainly work to be done in building staff morale and a sense of efficacy in CYJ. In the Commission's view the RED Framework and Bullying Code of Practice would provide a strong model for improving staff culture and dealing with issues that might undermine team cohesion in CYJ.
- 5.9.4 Recommendations regarding case management and practice support are considered in Chapter 8.

### *Opportunities to provide input and feedback to management*

- 5.9.5 While interview participants reported favourably on professional supervision provided to CYJ case workers, and relationships with immediate managers, participants at all levels of CYJ raised concerns about more systemic issues of communication between senior management and case workers, and the lack of opportunities for case workers to contribute to important matters affecting policy and practice:

*'Management need to break down the barriers of hierarchy and give staff at coalface an opportunity to have input, they should talk to case managers not just assistant managers.'*

*'The senior managers communicate with the assistant managers but not directly with the case managers, and there is no communication between the director and case managers, everything has to be filtered down, but there are no formal channels for this communication, no regular staff meetings, only supervision with individual workers, so it is not so easy for them to pass all that information on, it tends to be ad hoc, when an issue arises. There is very little opportunity for case managers to have input into management decision making which is frustrating for them... As a case manager you are left in the dark. It would have been useful to have case managers involved in the policies and procedures.'*

- 5.9.6 A number of participants commented that it would be useful for case managers to have direct involvement in the regular meetings with CSD executives and other agencies to discuss the co-ordination of services for their clients, rather than having to feed this information through assistant managers.
- 5.9.7 Current and former CYJ staff who spoke to the Commission provided a range of helpful insights and suggestions for improving case management practice, which are discussed in Chapter 8. A number remarked positively about being included in the consultation, as they did not often have a chance to contribute to issues of policy.
- 5.9.8 In the Commission's view, there is a clear need for more structured opportunities for case management staff to be kept informed of developments and to contribute to decision making within CYJ.

**Recommendation 5.27:** The Community Services Directorate enhance communication channels between management and case managers in Community Youth Justice to provide greater opportunities for case managers to receive information and contribute to decisions and policy issues relating to their practice.