

Youth Detention Operations and Reform Response to Youth Detention Inspection Report – June 2023

YDOR Response (for publication on Government Portal)

On behalf of the Department of Youth Justice, Employment, Small Business and Training (the department), we welcome the Youth Detention Inspectorate's June 2023 inspection report for the Brisbane Youth Detention Centre (BYDC), Cleveland Youth Detention Centre (CYDC) and West Moreton Youth Detention Centre (WMYDC).

Rigorous and transparent oversight is essential to ensuring young people in detention are managed appropriately, safely and securely in accordance with the *Youth Justice Act 1992* and *Youth Justice Regulation 2016*. Inspection recommendations provide critical insights to ensure youth detention services evolve with contemporary best practice. The focus areas for this quarter include:

- youth detention centre transfers, and
- pre-court procedures and legal rights.

The department welcomes the June 2023 report.

Sincere appreciation is extended to the Youth Detention Inspectorate (YDI) for their important work to improve the youth justice system. I also acknowledge the youth detention staff who work in these challenging environments and their commitment to improving the lives of young people and ensuring the safety of youth detention centres.

Michael Drane
Senior Executive Director
Youth Detention Operations and Reform
Department of Youth Justice, Employment, Small Business and Training

YDOR Response to Recommendations including Actions and Timeframes

Focus Area 1 – Youth detention centre transfers

Findings

Youth Detention Operations and Reform Response to Youth Detention Inspection Report – June 2023

The inspectorate identified the following opportunities relevant to this focus area:

- The importance of consulting young people, families and stakeholders when transfers between detention centres occur (when assessed as safe and appropriate) and the need to ensure accurate documentation of all steps in the decision-making process.

See response to Action 1.

- The need to strengthen YDC information transfer processes, via consistent communication between YDCs, the consideration of a standardised handover process and potential DCOIS upgrades to improve the timeliness of YDC transfers.

It is acknowledged that proactive information sharing across YDCs is vital to ensure the safety, wellbeing and effective rehabilitation of young people. The inter-YDC transfer form is currently being revised, which will be disseminated to YDCs following approval. This form is completed by the multi-disciplinary team for inter-YDC transfers and provides the receiving YDC with relevant information about a young person (including but not limited to) medical/health requirements, safety and security factors, behaviours, triggers, strengths, suicide risk and/or non-suicidal self-injury and participation in education, programs and interventions.

In consultation with the YDCs, YDOR is currently reviewing and updating the YD-1-1 Casework policy to ensure effective case management services and practice consistency wherever possible, also acknowledging that YDCs tailor services to suit their local operational needs. This is being actioned in collaboration with Court, Regional Operations and Practice Support (CROPS) to ensure alignment with community-based casework procedures.

Information recording and sharing for interfacility transfers has been identified as a high priority as part of ongoing DCOIS system functionality upgrades. This work is currently in progress.

Action 1	Accepted in principle	YDOR Implementation Actions (Please provide detail of a verifiable actions in dot point format)	Date for Completion (please list 'month/year' for each dot point action that will be/was completed)
YDOR to develop an all YDC practice guide or tip sheet reaffirming transfer requirements, including need to consult young people, families and stakeholders during the transfer assessment process (as appropriate) and		All interfacility transfer consultations need to balance safety and security considerations, time and risk assessments may impact the level of consultation undertaken. It is to be acknowledged that it will not always be appropriate to consult with young people and families prior to transfer and doing so may actually cause an increase in risk. There are also examples of young people or their families, initiating transfer requests, or	

Youth Detention Operations and Reform Response to Youth Detention Inspection Report – June 2023

<p>ensuring all key decisions are accurately recorded in the ICMS.</p>		<p>circumstances where transfer might be suggested to the young person as an option based on their personal circumstances.</p> <p>It is agreed however, thorough collateral checks should be completed prior to transfer, to ensure there aren't any factors that would present as a significant concern if transfer were to occur.</p> <p>YDOR notes that the requirement to conduct transfer consultation processes is supported by policy and the existing process is outlined in Chapter 2 of the Youth Detention Centre Operations Manual (YDCOM).</p> <p>If there is a risk to the young person's safety, or the safety of others, due to the alleged offending and/or a Domestic Violence Order (where the Aggrieved is also accommodated at the Centre), transfer will occur.</p> <p>It is also important to note that the report does not indicate to what extent the issues informing this action were observable in terms of supporting evidence. Individual reflections from staff do not reflect youth detention processes or systems as a whole, it is representative of that individual's knowledge only. An example can be found on page 6 of the report: "Participating staff reflected they could not recall any situation where the young person's views and wishes were gathered prior to transfer and identified <i>YDCs do not consider this communication practice essential to transfer decision-making</i>". Data and evidence-informed actions and recommendations will further strengthen understanding of the broader issues and how best to address them.</p> <p>The development of an all-staff memo as an action is not accepted, as updated advice would be better directed at multi-disciplinary teams and the Youth Justice Service Centres to reinforce processes and practice consistency.</p> <p>The following actions are committed to:</p>	
--	--	---	--

Youth Detention Operations and Reform Response to Youth Detention Inspection Report – June 2023

		<ul style="list-style-type: none"> • Review and update of Chapter 2 YDCOM (2.1.2 When a young person is held in watchhouse custody) • ACU to finalise and disseminate an information sheet regarding out of catchment transfers, clarifying the reasons as to why a young person, their parents or care providers are not routinely consulted prior to a decision being made. This will help ensure understanding of this part of the process and differentiate from interfacility transfers. • YDOR will create a one-page tip sheet to be disseminated to the Client Services teams. 	<p>January 2024</p> <p>January 2024</p> <p>January 2024</p>
--	--	---	---

Focus Area 2 – Pre-court procedures and legal rights

Findings

The inspectorate identified the following strengths, challenges and opportunities relevant to this focus area:

Key strengths

- The positive impacts of the introduction of the Court Support Officer role, including reducing the need for Caseworkers to provide direct pre and post court support to young people.

Key opportunities

- Given positive outcomes achieved in the timely receipt of court paperwork and transfers via liaison with involved internal and external stakeholders in the Cairns and Townsville Childrens Courts, YDCs are encouraged to continue to advise of any barriers and challenges impeding service delivery for consideration of state-wide solutions via available existing and temporary interagency working groups and multiagency forums.

Report reference page 10: “CYDC reported all their attempts were unsuccessful which has significantly influenced their ability to release young people in a timely and efficient manner. This has resulted in young people being released late at night, exhausting local community services to ensure the young person is accommodated and supported in Townsville prior to travelling back to their respective community”. This appears to have since been resolved in consultation with RDs, DJAG and the Fast-Track Sentencing Pilot working group. For example, Cairns Childrens Court matters are now heard on Thursdays instead of Friday, for young people at CYDC, mitigating the risk of missed transport and extended stays in Townsville over weekends.

CROPS to further advise - see response to Recommendation 1.

Youth Detention Operations and Reform Response to Youth Detention Inspection Report – June 2023

- There remains varied interpretation of the 2019 practice directive relating to young people attending court during detention episodes, identifying a need to review its applicability given the increased use of video-link for court appearances.

See response to Action 2.

Key opportunities

- To address delays in applying for bail and continued legal representative communication barriers, there may be benefits to considering the development of an escalation process via the working groups overseeing the fast-track sentencing pilot led by the Department of Justice and Attorney General (DJAG).

Addressed through the Fast-Track Sentencing Pilot Local Operational working groups. The following Fact Sheet (which is available on the DYJESBT website and is regularly provided to legal representatives is also relevant to this finding: [Contacting a young person in a youth detention centre \(desbt.qld.gov.au\)](https://desbt.qld.gov.au)

CROPS to provide further advice.

Action 2	Accepted	YDOR Implementation Actions (Please provide detail of a verifiable actions in dot point format)	Date for Completion (please list 'month/year' for each dot point action that will be/was completed)
YDOR to review the 2019 practice directive relating to in-person court appearances by detained young people to ensure applicability in the current environment and provide practical operational guidance to ensure consistency across YDCs.		<p>The 2019 practice directive remains relevant and has been enshrined in Chapter 2 of the YDCOM (page 19). It is meant to be a guide, and therefore YDCs will adapt their processes accordingly in response to local and emerging issues. It is to be expected there will be some variations in the approach to managing this issue, as the contributing factors will be dependent on the individual young person and the specific circumstances on the day.</p> <p>Nonetheless, YDOR will review Chapter 2 of YDCOM, with a view to providing clarity around the roles and responsibilities of QPS and youth detention staff in these circumstances and ensure practice consistency wherever possible. YDOR will also consider a range of alternatives</p>	March 2024

Youth Detention Operations and Reform Response to Youth Detention Inspection Report – June 2023

		including trauma-informed practice principles to best support young people's attendance at court.	
Action 3		YDOR Implementation Actions (Please provide detail of a verifiable actions in dot point format)	Date for Completion (please list 'month/year' for each dot point action that will be/was completed)
CROPS team to raise with the fast-track sentencing pilot steering committee the continued difficulties reportedly experienced by detained young people in relation to contacting and providing instructions to legal representatives, in an attempt to explore or develop an appropriate escalation process.		CROPS confirmed the issue regarding young people contacting and providing instructions to legal representatives was raised at fast-track sentencing meetings. However, they reported it remains an ongoing issue complicated by staff shortages, limited space etc. The Youth Detention Centres continue to prioritise legal meetings, with some extending hours to accommodate additional meetings.	
Recommendation 1	Accepted	YDOR Implementation Actions (Please provide detail of a verifiable actions in dot point format)	Date for Completion (please list 'month/year' for each dot point action that will be/was completed)
Future Quality and Improvement (Q&I) processes evaluate the impact of the Court Support Officer role, including analysing whether the position has resulted in improved engagement between young people and their legal representatives, increased information		The Court Support Officer role was introduced into YDCs as a temporary position as a result of the Fast-Track Sentencing trial funding to primarily support court appearances. It should also be noted the funding is time limited and only commenced in March 2023. The roles also continue to adapt to the needs of the courts and the Fast Track Sentencing Trial needs. The Court Support Officer roles are a positive addition to the YDC teams. Accordingly, the following action is committed to:	

Youth Detention Operations and Reform Response to Youth Detention Inspection Report – June 2023

sharing and reduced workload pressures on Casework, Cultural Unit and Programs staff.		<ul style="list-style-type: none"> linking to future Q&I processes, reviewing the positive impact the role has on enabling program delivery in the YDCs. 	As per future Q&I processes
---	--	---	-----------------------------

Other Observations and Issues

The June 2023 inspections did not identify any issues and observations of concern.