

OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

Management, Staffing and Amalgamation
Review Paper

**Banksia Hill Directed Review
August 2013**

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1 Introduction

- 1.1 On the evening of Sunday 20 January 2013, an extremely serious incident of mass disorder occurred at Banksia Hill Juvenile Detention Centre ('Banksia Hill'), a facility managed by the Department of Corrective Services ('the Department'). This was by far the most serious incident of this type in Western Australia since what is generally known as the 'Casuarina Prison riot' of Christmas Day 1998. Although the incident had some very specific dynamics and features which set it apart from previous prison 'riots' in Western Australia (for example, staff and detainees were not targeted with violence), the term 'riot' is an apt description of the incident.
- 1.2 Banksia Hill is the state's only juvenile detention centre and at the time, housed 185 males and 21 females. The incident began just before 6.00 pm when three male detainees absconded from one of the units and then used some loose pavers and debris to break another detainee out of his cell. After the first assisted break out, the situation escalated with more and more detainees being assisted to break out of their cells.
- 1.3 In total, sixty one detainees escaped from their cells and a significant number of detainees caused damage to their cells. Due to the nature of the incident and the extent of the damage, it has not been possible to put a precise figure on the number of detainees involved in the incident. Department-supplied figures put the number of detainees involved in the riot at around 73, all male, but it is more likely that, in total, somewhere between one-half and two-thirds of Banksia Hill's male detainees were actively involved to some degree, and also some of the females.
- 1.4 Extensive damage was caused to parts of the buildings at Banksia Hill, including 106 cells, as well as to some equipment and personal property. The worst of the damage resulted from windows being attacked from both the outside and the inside.
- 1.5 The consequences for the detainees were dramatic, with 73 of the male detainees being immediately transferred in the early hours of 21 January 2013 to a nearby adult prison, Hakea Prison ('Hakea'). Within the next three weeks the majority of the remaining male detainees at Banksia Hill were subsequently transferred to Hakea while the damage caused by the riot was repaired and security upgrades implemented. The female detainees continued to be housed at Banksia Hill along with a small number of male detainees under 15 years of age and some older male detainees who needed to be held there for specific purposes.
- 1.6 On 24 January 2013 the Minister for Corrective Services ('the Minister') directed the Inspector of Custodial Services ('the Inspector') under section 17(2)(b) of the

Inspector of Custodial Services Act 2003 to carry out a full investigation into all aspects of the incident including:

- the context of the incident;
- facts of any contributing/causal factors;
- security and integrity of the cells;
- security systems and infrastructure;
- security practices and protocols for all staff;
- adequacy of crisis/emergency management planning and crisis/emergency management response;
- temporary housing of juvenile detainees at Hakea Prison; and
- to report to Parliament on the findings at the conclusion of the review.

- 1.7 In addition, the Minister also asked the Inspector ‘to review staffing levels at the facility and report on the management of the incident and its impact on staff’.
- 1.8 The terms of reference for this Directed Review of the riot at Banksia Hill (‘the Inquiry’) require the Inspector to carry out ‘a full investigation into all aspects of the incident’ including the specific areas identified. This Management, Staffing and Amalgamation Review Paper (‘the Paper’) is one of a suite of six Papers prepared as part of the Inquiry and in support of the Inspector’s Report to Parliament.

2 Overview

- 2.1 Banksia Hill opened in October 1997 replacing the Longmore and Nyandi Detention Centres. It is considered a maximum security facility and was originally designed to accommodate all young offenders, male and female, serving a sentence of detention. Such young offenders may at law be as young as 10 years of age (although rarely under 12 years) and may include young people over 18 years of age completing their sentence of detention. In October 2005, male detainees on remand, and all female detainees, were accommodated at Rangeview Remand Centre (Rangeview).
- 2.2 On 14 May 2009 the Minister announced a project to convert Rangeview into a Young Adult Facility and to expand Banksia Hill to accommodate all of Western Australia's young male and female detainees, including arrestees, remandees, and those who had been sentenced. It was initially expected that the amalgamation of the two juvenile facilities would be completed by November 2011, however, significant building delays in completing capital works required at Banksia Hill meant that the amalgamation did not occur until September 2012.¹
- 2.3 The delay in completing the building project placed significant stress on detainees, staff and management, as the amalgamation was continually deferred. Numerous serious incidents also occurred on the Banksia Hill site.
- 2.4 It had been hoped that the amalgamation would resolve underlying and longstanding problems with the staff culture and morale at Banksia Hill. This did not occur. By the time of the amalgamation, issues associated with low morale and severe shortages of staff, as well as a breakdown in the relationship between staff and senior management had resulted in detainees being locked down for significant periods of time.
- 2.5 By November 2012, concerns regarding the management team's ability to manage the situation at Banksia Hill resulted in a change and the introduction of a new management team.
- 2.6 This Paper examines the amalgamation process, the effect of low staff morale and staffing numbers as a causal factor in the riot, as well as the impact of the riot on staff.
- 2.7 The methodology involved in the preparation of this Paper (see Appendix A) included a survey of all employees, exit interviews, meetings and workshops with both groups and individuals deemed significant to the process, as well as the examination of a significant number of relevant documents.

¹ See the report of the Office of the Auditor General, *Performance Audit: Banksia Hill Redevelopment Project* (August 2013).

3 Conclusions

- 3.1 Previous inspections by the Office of the Inspector of Custodial Services (OICS) of juvenile custodial facilities have painted a consistent picture of staff shortages. In the latest inspection of Banksia Hill conducted in mid-2011, frequent shortages of staffing were noted and OICS warned of the critical importance of maintaining adequate staffing levels into and beyond the amalgamation period.² However, it is obvious that the Department has been unable to prevent a continued escalation in staff shortages.
- 3.2 A consequence of the continuing and escalating staff shortages were the excessive lockdowns of detainees, a factor which precipitated the riot.³ These staff shortages were due to high levels of absenteeism due to unplanned leave, namely workers' compensation leave and personal leave. Even when compared to other large, 'high-risk' agencies, the amount of workers' compensation leave taken by the Department staff was high.
- 3.3 Excessive personal leave affects the Department generally, and not Banksia Hill alone. Nevertheless, the high frequency and length of personal leave, coupled with the extremely elevated workers' compensation rate placed a severe strain on the facility's operations. In the month prior to the riot, on average, out of approximately 80 uniformed staff rostered each day, 22 staff members were absent.⁴ Even after individuals were brought in to cover the shifts through overtime, on average the facility was still down 15 uniformed staff every day.
- 3.4 There are a number of contributing factors to the alarmingly high levels of staff absenteeism. To begin with, it was clear that Banksia Hill was unable to assertively manage the problem, with chronic under-resourcing of Human Resources at the centre level and a lack of support and resources from Head Office.
- 3.5 The high absenteeism is also a reflection of an overall deterioration in morale and culture that has transpired over a number of years. Part of the problem has been management instability and a fractured relationship between management and staff, with three changes in Directors occurring in 2012 alone. Staff overall described management as being out of touch, incompetent and constantly changing.
- 3.6 The poor management of the amalgamation was another crucial contributor to the deterioration of staff culture and morale, and serves as a text-book example of how not to undertake an amalgamation, despite the best intentions of the

² Office of the Inspector of Custodial Services (OICS), *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 76 (March 2012).

³ See this Inquiry's *Emergency Management Review Paper* [5.14 – 5.16].

⁴ This includes youth custodial officers, unit managers, and senior officers.

individuals involved. A fundamental error was the discontinuation of the project co-ordinator role at the end of 2011, despite the large body of work still to be completed. Project management notes from May 2012 state that the abolishment of the position “proved largely non-advantageous”.

- 3.7 The distinct cultures of Rangeview and Banksia Hill were not accounted for in the amalgamation and the absence of shared policies, procedures and an underlying philosophy led to divisions among staff and confusion for detainees. The significant capital work delays and a number of serious building site related incidents further increased staff stress and fear. Many staff are still traumatised by the change and pessimistic about the future.
- 3.8 Contributing to the lack of cultural cohesion was the absence of an implemented performance management system to reinforce and sustain desired behaviours. This has led to high performing staff being provided little encouragement for their efforts and the minority of poor performing staff not being managed effectively.
- 3.9 Overall, while the amalgamation happened, true change has yet to occur. Until staff are united under a shared philosophy and culture (with associated performance management mechanisms in place), there will continue to be high levels of unplanned leave, low morale and an overall ‘identity crisis’ among staff. The move back from Hakea to Banksia Hill is therefore crucial in establishing a new, more positive culture among staff.

4 Background Information

Structure

- 4.1 The highest level position in the Department is the Chief Executive Officer, also known as the Commissioner. The Commissioner therefore has the final say on the policy, strategy, and actions of the Department. Underneath the Commissioner are a number of Assistant and Deputy Commissioners responsible for specific organisational areas/functions. The Deputy Commissioner Community and Youth Justice is responsible for youth custodial facilities and also for community corrections (both adult and youth). Reporting to this role is the Assistant Commissioner Youth Justice, who is concerned specifically with youth in detention and the community.
- 4.2 Figure 1 displays the organisational structure of Banksia Hill at the time of the riot. This structure largely reflects what was approved by the Commissioner's Executive Team (CET) in March 2011. Until July 2010 Banksia Hill had been managed by a Superintendent, who (with the Superintendent of Rangeview Remand Centre) reported to the Director Youth Custodial Services (the Director). Following the retirement of Banksia Hill's substantive Superintendent at the end of June 2010 the two positions of the Director and the Superintendent of Banksia Hill were merged with the Director taking on responsibility for both operational and strategic responsibilities. The Superintendent's position was formally abolished 1 November 2012.

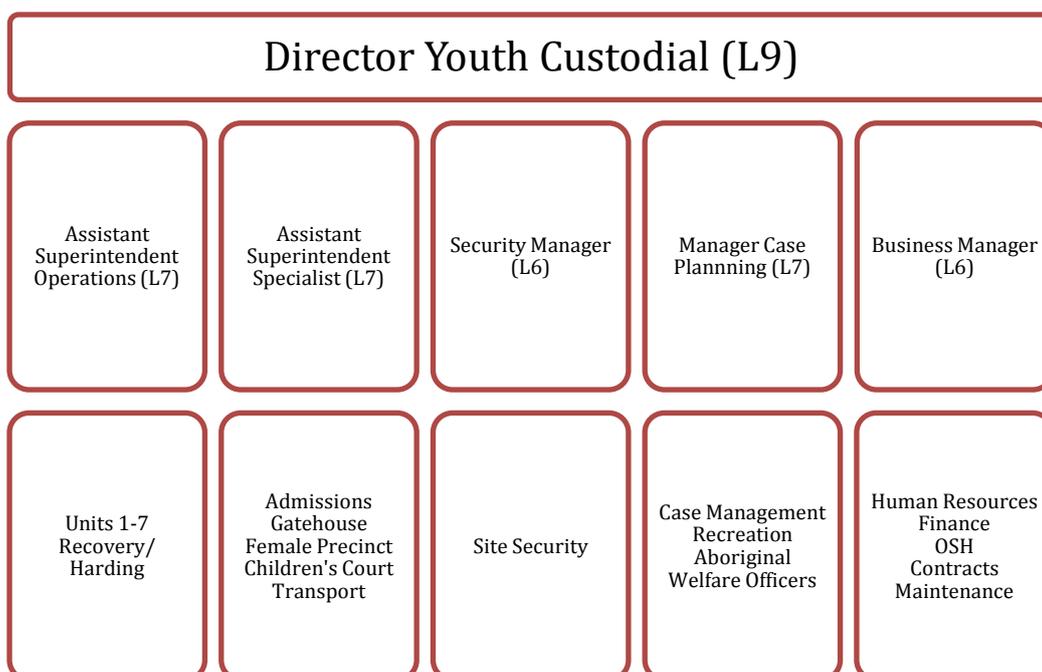


Figure 1
Current Banksia Hill organisational structure

- 4.3 The Director was responsible for the development of policies/procedures/ protocols, determining business directions, planning capital needs and resources, and the overall delivery of services to juveniles in custody. As such, the Director was responsible for the operational oversight of the centre in addition to the development of strategy.
- 4.4 The individual responsible for the day to day running of most of the facility was the Assistant Superintendent Operations. While the Assistant Superintendent Operations could contribute to policy development, their main role was the management of and delivery of services to juveniles, including those juveniles in the special purpose unit and those with specific management plans. Reporting to this position were the Senior Officers who had direct responsibility for all units (excluding admissions, gatehouse, and the girl's unit). In each of the units there was also a unit manager who supervised a number of youth custodial officers (YCOs).
- 4.5 The Assistant Superintendent Specialist oversaw the units that were not the responsibility of the Assistant Superintendent Operations, such as admissions, gatehouse, and the female precinct. Like the Assistant Superintendent Operations, the Assistant Superintendent Specialist could be involved in policy development, but was primarily concerned with the day to day management of juveniles in their units. The Assistant Superintendent Specialist chaired regular meetings that discussed educational, psychological and 'at risk' issues of detainees so as to ensure that adequate and appropriate care was provided, and also managed the Department's staff members at Perth Children's Court.
- 4.6 The Manager Case Planning was responsible for the overall case management of individual detainees and was involved in re-entry programs, reparation and centre activities, with a primary aim of reducing juvenile recidivism. In addition to being the line manager for the Case Planning Unit, the Manager Case Planning was also responsible for the Recreation Activities Officers and the Aboriginal Welfare Officers.
- 4.7 The remaining management roles included the Security and Business Managers. The Security Manager coordinated the security function of Banksia Hill through activities such as intelligence gathering, investigations, and security audits. The role of the Business Manager, which was re-established at the start of 2013, involved overall responsibility for the business areas, such as human resources, finances, and assets.
- 4.8 In March 2013 this Inquiry was informed by the Deputy Commissioner Community and Youth Justice of a plan to restructure the management of Banksia Hill. In the proposed structure was to be an additional hierarchical layer, with a Deputy Director reporting to the Director. Like the Assistant Superintendent Operations in the current structure, the Deputy Director was to

be responsible for the day to day management of the facility, transport, and the Children’s Court. The creation of the Deputy Director position was intended to provide greater strategic focus for the Director, as well as closer working relationships with external stakeholders.

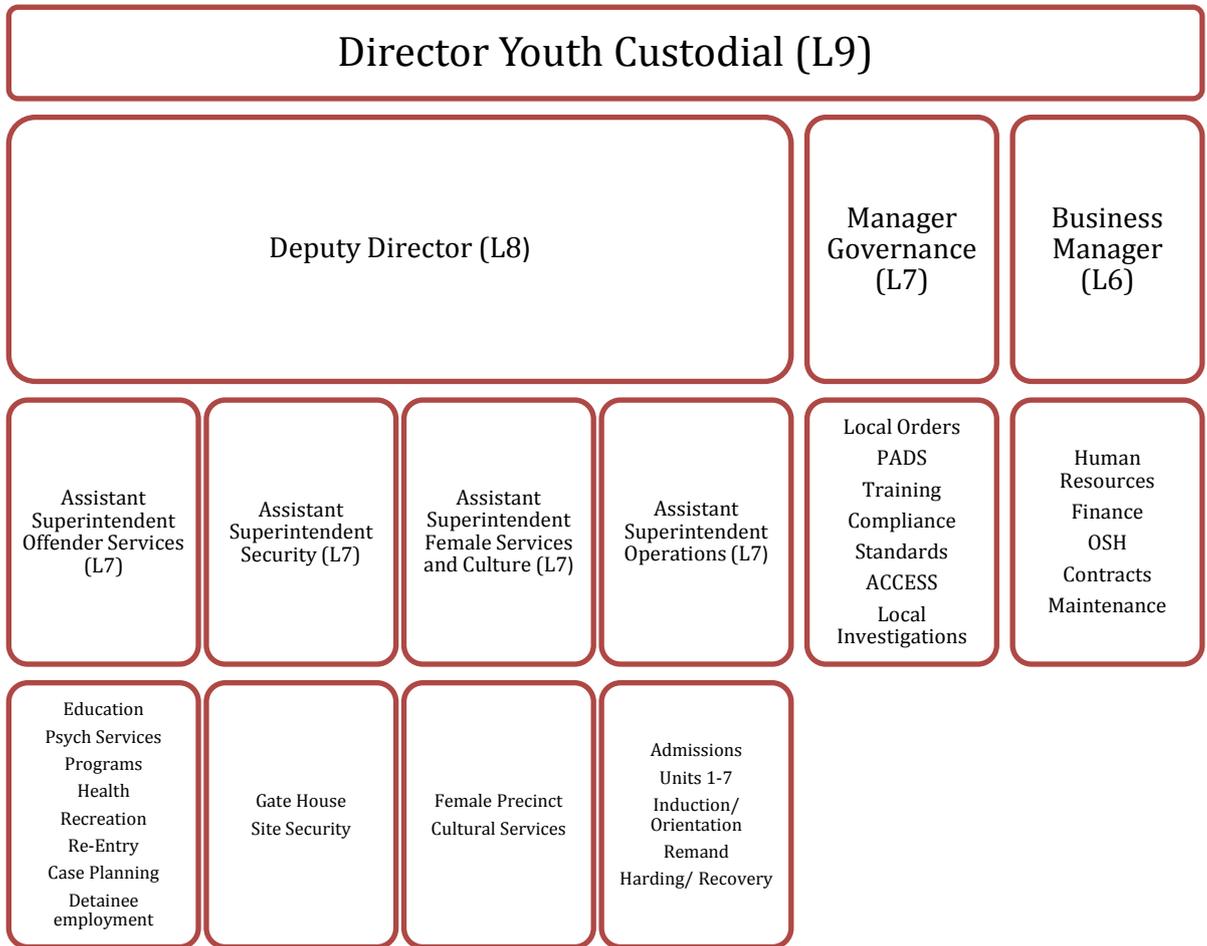


Figure 2
Proposed Banksia Hill restructuring plan

- 4.9 The Deputy Director was to have management responsibility for four Assistant Superintendents. These included an Assistant Superintendent Security (a position which was to have similar responsibilities to the Security Manager) and an Assistant Superintendent Offender Services (a position similar to the Manager Case Planning, with responsibilities for psychological services, education, programs, health, recreation, employment, and case planning). The Assistant Superintendent Operations was to be responsible for all units with the exception of the female precinct and was to play a significant role in the day to day operations of the facility. Unlike the Assistant Superintendent Operations in the CET approved structure, this position included responsibility for the admissions/discharge functions of the facility and responsibility for cleaning, kitchens, industries and gardens. The Assistant Superintendent Female and

Cultural Services was to manage the female precinct and ensure that the services of the facility are culturally appropriate.

- 4.10 Separate to the Deputy/Assistant Superintendents in the proposed plan was the Manager Governance and Standards and the Business Manager. The Manager Governance and Standards was to be responsible for operational governance and compliance, including the performance appraisal system, training, complaints, and local investigations. The Business Manager role was unchanged in the proposed structure. This is unsurprising given that the role had only recently been re-established at the start of 2013 and was not part of the original CET approved structure.
- 4.11 When the Department informed OICS of this proposed structure, the Deputy Director, Assistant Superintendent Operations, and Assistant Superintendent Security roles had already been approved by the Commissioner. At that time, the Inspector expressed the view that it was important for the Department to ensure that these senior positions did not create unnecessary hierarchical levels or create a barrier between staff, detainees, and the Director. The other changes to the organisational structure were supported, in particular the creation of the positions of the Manager Governance and the Assistant Superintendent Female and Cultural Services. The Deputy Director position has since been removed from the proposed organisational structure and the remaining positions have been approved.

FTEs⁵

- 4.12 As of 20 December 2012, there were 248 paid FTE at Banksia Hill, with an approved FTE of 246. Youth custodial staff represent 199 of this FTE, and include:
- 18.0 Senior Officers;
 - 35.7 Unit Managers; and
 - 145.3 Youth Custodial Officers (YCOs).
- 4.13 This number of youth custodial staff is considered consistent with the one to eight staff to detainee ratio under which Western Australia's Youth Custodial Service operates. Most of the remainder FTE was taken up by administration and management staff, with a small number of groundspeople/hospital worker staff (5.5 FTE).

⁵ Full-Time Equivalent (FTE) is a unit that indicates the workload of an employed person in a way that makes workloads comparable across various contexts. An FTE of 1.0 means that the person is equivalent to a full-time worker, while an FTE of 0.5 signals that the worker is only half-time.

5 Workforce Information and Attendance

Previous Inspection and Review Findings

- 5.1 Previous OICs inspections of youth custodial facilities have painted a consistent picture of staff shortages. In the first inspection of Rangeview in 2005, staff surveys indicated clear dissatisfaction with staffing levels and its consequential effect on workload and the provision of services.⁶ The subsequent 2008 inspection of Rangeview painted a grimmer picture, with shortages of custodial officers leading to rolling lockdowns, cancellation of activities, and increased levels of overtime.⁷
- 5.2 While the initial inspection of Banksia Hill⁸ did not indicate a serious staff shortage problem, by the time of the 2008 inspection the situation had grown, at the very least, to be as dire as Rangeview.⁹ There was a 32 per cent vacancy rate for juvenile custodial officers, which resulted in unsustainable overtime costs and likely contributed to the overall low staff morale at the time. The Inspector recommended that the Department deliver and maintain a full staffing complement by the end of 2009.
- 5.3 By the time of the 2010 Inspection of Rangeview, the Department had attempted to address these chronic staffing shortages in Youth Custodial Services, however, they had only been partially successful due to an unprecedented rise in detainee numbers at this time.¹⁰ Overtime was still at concerning levels and critical functions such as reception, admission, and orientation were considered acutely understaffed. Once again, the Inspector recommended that action be taken by the Department to address these deficiencies.
- 5.4 In the latest inspection of Banksia Hill conducted in mid-2011, frequent staff shortages were noted despite some stabilisation in staff numbers at the time of the inspection, with the staffing situation overall described as fragile.¹¹ This was despite extra recruitment drives conducted in 2010 that had been intended to address the high level of staff absences due to resignations, secondments, annual leave, and other types of leave. The Inspector recommended that the frequency of lockdowns be reduced and warned of the critical importance of maintaining

⁶ OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 29 (August 2005).

⁷ OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 50 (April 2008).

⁸ OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 37 (September 2006).

⁹ OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 58 (December 2008).

¹⁰ OICS, *Report of an Announced Inspection of Rangeview Remand Centre*, Report No. 69 (October 2010).

¹¹ OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 76 (March 2012).

adequate staffing levels into and beyond the challenging amalgamation period. However, visits to the facility following the inspection found that consistent staff shortages on weekends had resumed, curtailing detainee participation in recreational activities.

- 5.5 Further concerns were raised with the Department in the 'Audit of Custodial Roof Incidents' released in the latter half of 2012.¹² The audit found that out of the 218 roof ascents that occurred between 2001 and 2012, 151 (69%) occurred in juvenile facilities. The report highlighted the need for adequate staffing levels, low lockdown frequency and positive staff-detainee interactions to minimise the boredom and frustration that can lead to roof ascents.
- 5.6 As the following sections illustrate, it appears that the Department has been unable to prevent a continued escalation in staff shortages following the last inspection. While the staffing situation at Banksia Hill at the time of the last inspection was described as 'fragile', at the time of the 20 January riot it had reached crisis-level.

Workers' Compensation

- 5.7 It firstly should be noted that workers' compensation leave is the right of every employee, and given the environment in which departmental employees perform their work (both adult and juvenile), there is an increased chance of injury compared to many other working environments in Australia. However, even when compared to other large, 'high-risk' agencies, the amount of workers' compensation leave taken by DCS staff is high.
- 5.8 In a recently completed review by RiskCover (the Department's worker's compensation insurance provider), the Department was benchmarked against the eight largest high risk agencies in the fund.¹³ The Department was positioned in the bottom half of these agencies in all comparative measures and was, for example, ranked 7th in terms of claims per FTE, percentage of lost time injury (LTI) claims, average estimated cost per FTE and average estimated days lost per FTE. As a result of the increasing frequency and costs of claims, the annual contribution the Department pays to RiskCover has doubled in the past three years to approximately 23 million dollars.
- 5.9 Despite the dire nature of the workers' compensation situation, detailed statistics that would assist with management of the situation remain limited. There are, for example, currently no workers' compensation or injury management Key Performance Indicators (KPIs) developed for each facility operated by the Department. It is also perplexing that only one internal audit had

¹² OICS, *Audit of Custodial Roof Incidents* (December 2012).

¹³ RiskCover, *Department of Corrective Services Worker's Compensation and Injury Management Systems Review* (February 2013).

been undertaken regarding worker's compensation in the past five years, and it did not examine either the trends or the management of claims, being primarily concerned with the storage/reporting of data and legislative compliance.¹⁴

- 5.10 Two external audits were undertaken during the same period, one being the review by RiskCover mentioned above and the other being an audit by the Office of the Auditor General.¹⁵ The audit undertaken by the Auditor General examined eight public sector agencies, was predominately compliance focussed and concerned with reporting, documentation, and legislative compliance. While the RiskCover review was the most comprehensive of the three audits in terms of trends and the management of claims, its Department-directed scope also had its limitations. It did not examine the reasons behind the worker's compensation trends apparent in Youth Custodial Services and provided little rationale on the reasons behind the increase in cases that led to the doubling in premiums over three years.
- 5.11 In the RiskCover review, Youth Custodial Services and Community Corrections (CCYJ) were not separated for the purpose of statistical reporting, despite the clear differences between the two functions and working environment. While this limits the usefulness of the findings for the purposes of this Paper, the RiskCover data did indicate that CCYJ tend to have a lower number of claims per FTE compared to adult prisons, yet have a substantially higher percentage of severe claims (more than 60 days off work), cost per claim, and estimated days lost per claim.
- 5.12 Examination of Youth Custodial Services specific HR data corroborates these findings.¹⁶ For example, as of 31 December 2012, there were 48 active workers' compensation claims out of an FTE of 248. Hence, approximately 1 in 5 employees had an active worker's compensation claim in the month before the riot, with approximately 1 in 7 employees having an active claim for a lost time injury.
- 5.13 Overall, in 2012 there was an average of 126.6 hours of workers' compensation leave taken per FTE in Youth Custodial Services. This compares extremely poorly to the rest of the custodial system. For all adult prisons (with the exception of Bunbury Regional Prison), the amount of personal leave per FTE is significantly higher than the amount of workers' compensation leave per FTE. In Youth Custodial Services, this pattern is reversed.

¹⁴ Ernst and Young, *DCS's OSH framework and Worker's Compensation processes* (August 2010).

¹⁵ Office of the Auditor General Western Australia, *Management of Injured Workers in the Public Sector* (May 2013).

¹⁶ Department of Corrective Services, *OICS Inspection Information – Youth Custodial Services (Banksia Hill Detention Centre)* (February 2013).

5.14 Overall, the average amount of workers' compensation leave per FTE across the state in 2012 ranges from 15.0 hours (Boronia Pre-release Centre) to 145.6 hours (Bunbury Regional Prison), with an average of 79.9 hours (see Figure 3).¹⁷ With 126.6 hours, Youth Custodial Services has the second highest workers' compensation leave per FTE out of all custodial facilities in the state.

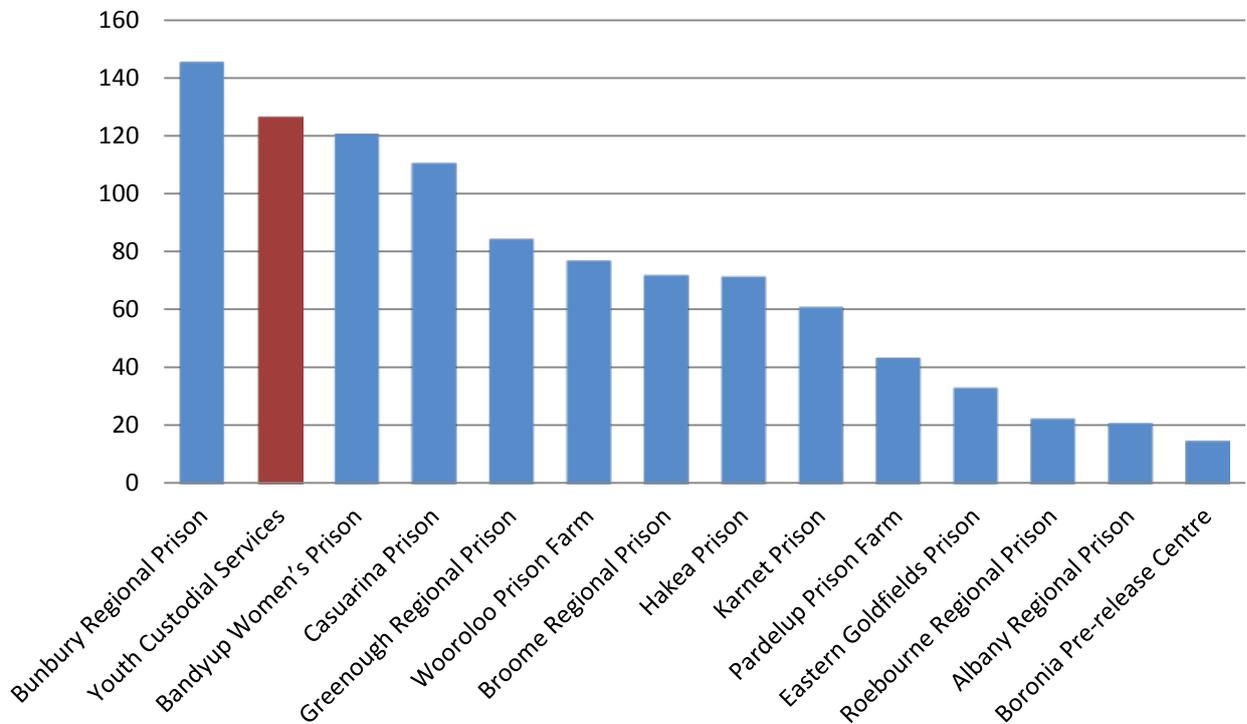


Figure 3

Average number of hours of workers' compensation leave per FTE in the Department's facilities in 2012

5.15 The RiskCover review notes that CCYJ had longer duration claims than elsewhere in the Department, with an average of 78 days lost per claim.¹⁸ No reasons were suggested for this statistic in the report. As Figure 4 demonstrates, the lengthier duration of claims at Youth Custodial Services is a relatively recent phenomenon, with a significant jump in severe cases having occurred between 2009 and 2010. Workers' compensation claim data from Banksia Hill/Rangeview also demonstrates that the proportion of non-LTI claims have decreased markedly from 2008, while LTI's (including severe LTI's that exceed 60 days off work) have increased during this time period.

¹⁷ West Kimberly has a lower level of worker's compensation leave. However it was not operating for all of 2012 and so was excluded.

¹⁸ RiskCover, *Department of Corrective Services Worker's Compensation and Injury Management Systems Review* (February 2013).

5.16 A typical reporting pattern in organisations is that 20 per cent of claims are severe, with these severe claims accounting for 80 per cent of all workers' compensation claim costs.¹⁹ In 2008, severe claims in the Department had been approximately 20 per cent of all claims and this had risen to 38 per cent by 2012. This substantial increase in severe claims resulted in a corresponding increase in costs to the Department.²⁰

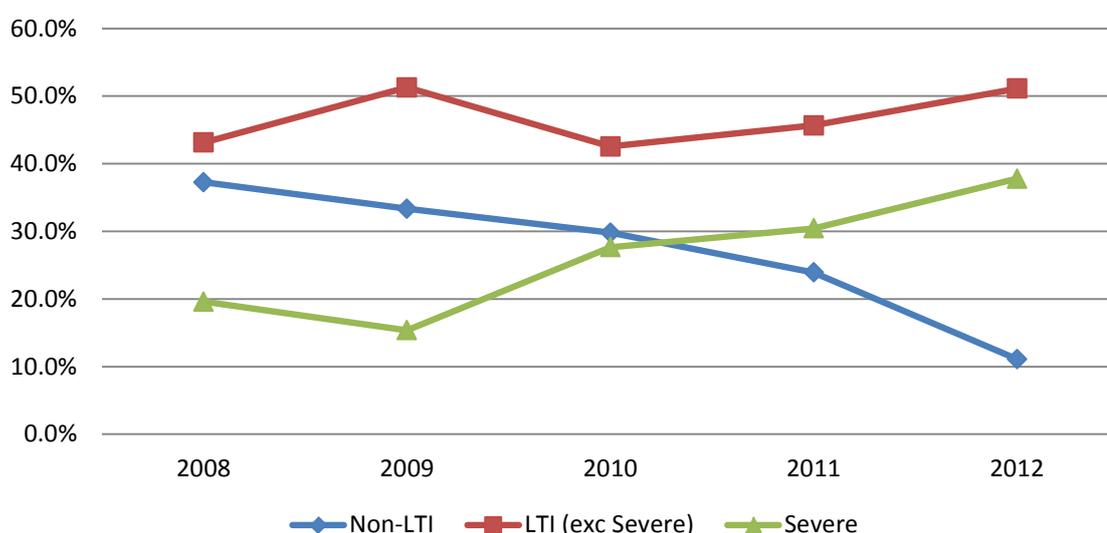


Figure 4

Proportion of claims per severity level 2008 – 2012.²¹

5.17 The types of claims at Banksia Hill are also significant. The RiskCover review indicated that 23 per cent of claims in CCYJ were for mental stress, compared to the Department's average of 12 per cent.²² Examination of the worker's compensation claim log of Banksia Hill/Rangeview puts the figure at 33 per cent for 2012, suggesting an even more severe stress leave problem among staff.²³ In an earlier report by RiskCover, it was found that the highest percentage of stress claims (close to 40%) was due to prisoner suicide and attempted suicide.²⁴ There has never been a suicide in a juvenile facility in Western Australia. Accordingly, there appears to be an atypical set of stressors affecting Youth Custodial staff, which will be discussed later in this Paper.

¹⁹ Work Cover WA, *Long Duration Claims in the WA Workers' Compensation Scheme: 2004/05 – 2009/10* (June 2011).

²⁰ Estimated claim costs in Youth Custodial Services rose from \$941,599 in 2008 to \$1,533,185 in 2012.

²¹ This graph was derived from workers' compensation claim data received from the Department.

²² RiskCover, *Department of Corrective Services Workers' Compensation and Injury Management System Review* (February 2013).

²³ The public sector average is 10 per cent. See Office of the Auditor General Western Australia, *Management of Injured Workers in the Public Sector* (May 2013).

²⁴ RiskCover, *Review of Stress Claims – Corrective Services 2001 – 2003* (August 2003).

5.18 Of interest is the rapid increase in mental stress claims from 2011 to 2012, coinciding with the amalgamation and a number of severe incidents at Banksia Hill (see paragraphs 7.37 – 7.40). As Figure 5 demonstrates, the proportion of mental stress claims increased from 10 per cent in 2010 to 33 per cent in 2012. The two most common injury types in 2008 ('being hit by moving objects' and 'falls, slips, and trips of person') were the two least common injury types in 2012 (for the four common injury categories compared).²⁵ The increase in body-stressing claims (i.e. strains and sprains) reflects a rapid increase in such claims in the Department generally. However, it is notable that across all of the Department, mental stress claims have declined and 'being hit by moving objects' claims have increased over the past few years. Though it is possible that the spike in mental stress claims and the equivalent decline in 'being hit by moving objects' claims in Youth Custodial Services represents random variation, it is an atypical shift in the pattern of claims as compared to the rest of the Department.

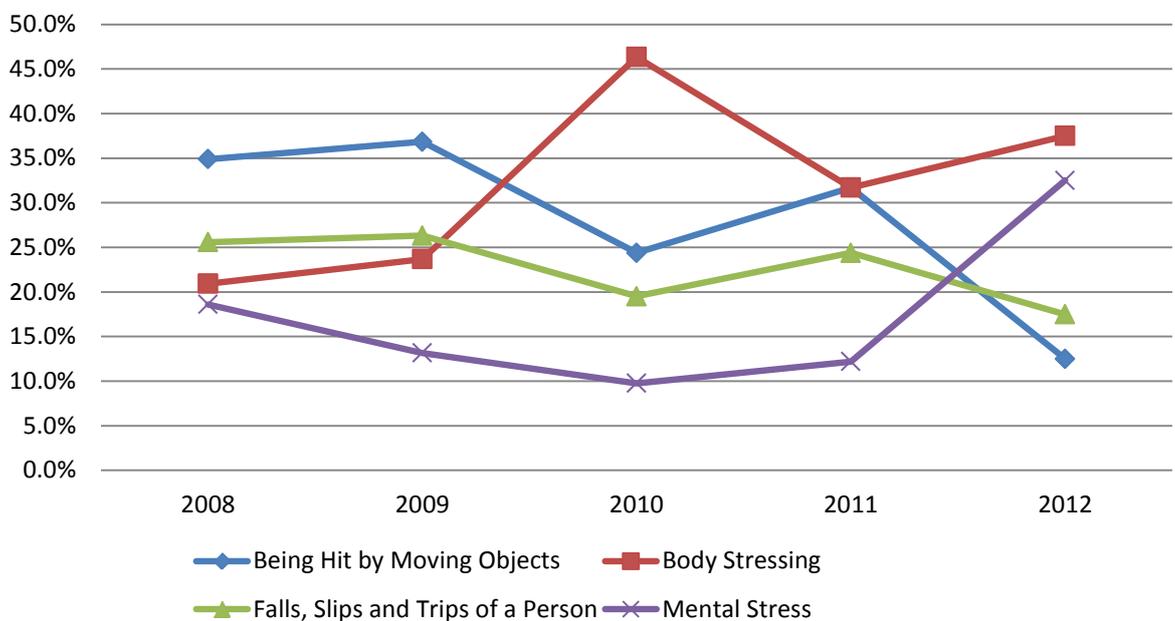


Figure 5

Proportion of claims for the four most common injury mechanisms 2008 - 2012.²⁶

5.19 While body-stressing claims are the most prevalent among departmental staff, mental stress claims are the most expensive and second most severe (compared to the other categories) according to the RiskCover review. Therefore, the increase in mental stress claims at Banksia Hill may explain the concurrent increase in the cost and length of LTI's at CCYJ as noted in the RiskCover review.

²⁵ Other categories include: biological factors; chemicals and other substances; heat, radiation, and electricity; hitting objects with part of the body; and other. Each of these categories had <10 claims over the time period and so were not included (the four compared had between 35 – 65 claims).

²⁶ This graph was derived from worker's compensation claim data received from the Department.

Personal Leave

- 5.20 Personal leave (which includes both sick and carer's leave among other types of leave) is an important safeguard of employee welfare. However, the use of personal leave can also be extremely costly to organisations, not only because of the direct salary costs for the individual absent, but also because of the costs involved in covering the individual's position while they are away and any consequential costs that may arise from an impairment in service provision.²⁷
- 5.21 Research has demonstrated that public sector agencies tend to experience greater levels of absenteeism compared to private sector organisations.²⁸ The Department have additional factors that increase the likelihood of absenteeism compared to other public sector agencies including: high work-related stress, shift-work, working with difficult individuals, and increased exposure to assault and disease.²⁹ Research has also noted the high risk of youth custodial staff experiencing vicarious trauma (anxiety and stress resulting from exposure to another individual's trauma)³⁰ and 'compassion fatigue'.³¹
- 5.22 In a previous directed review by OICS in 2005,³² it was noted that the prisons sector³³ had significantly higher absenteeism rates than the already high public sector average, with prison officers having 60-100 per cent higher sick leave per FTE compared to the public sector average in the years compared.³⁴ While recent personal leave data in the public sector is not available, it appears that absenteeism in the Department has not improved since the release of the 2005 directed review. Currently, the average hours of personal leave per FTE is 126.3 hours (compared to the 81 hours per FTE in 2004/5), with custodial facilities ranging from 106.2 hours to 194.4 hours.
- 5.23 Banksia Hill demonstrated lower levels of personal leave compared to the majority of prisons in Western Australia, with an average of 107.3 hours of personal leave taken per FTE in 2012. This is not an unexpected result, as prison officers have higher personal leave entitlements (140 hours) than YCOs (114 hours). It has been noted that higher levels of leave entitlement can result in

²⁷ Australian National Audit Office. 'Absence Management in the Australian Public Service', Audit Report No. 52 (June 2003).

²⁸ Ibid.

²⁹ Audit Office of New South Wales, 'Performance audit report: NSW Police and Department of Corrective Services' (July 2002).

³⁰ McNamara P, 'Staff support and supervision in residential youth justice: An Australian model' (2010) 27 (3) *Residential Treatment for Children and Youth* 214.

³¹ Adams R., Boscarino, J & Figley C, 'Compassion fatigue and psychological distress among social staff: A validation study' (2006) 76 (1) *American Journal of Orthopsychiatry* 103.

³² OICS, *Directed Review of the Management of Offenders in Custody* (November 2005).

³³ At the time of the report the statistics looked at the Prisons Division of the Department of Justice.

³⁴ In 2003/04 prison officers had 105 hours of sick leave per FTE, compared to the public sector average of 50. The following year it improved to 81 hours per FTE.

higher levels of absenteeism,³⁵ and while this may not occur in all agencies,³⁶ in the Department there does appear to be a culture of employees taking their entire annual allocation of personal leave.³⁷

- 5.24 The 107.3 hours of personal leave per FTE at Banksia Hill comes close to, but does not exceed the 114 hours of personal leave that are available to YCO's each year. However, there is an unequal distribution of leave taken by staff. An examination of personal leave records among youth custodial staff from February 2012 until the riot indicates that of the 245 staff members (98%) that took leave in this period 168 (67%) individuals took either their full or less than their annual personal leave entitlement. Hence, 31 per cent of staff in youth custodial took more than their annual entitlement in the year preceding the riot, with 21 individuals (8%) taking in excess of 200 hours of personal leave in the time period.
- 5.25 The leave taken by this 31 per cent of staff accounts for 62 per cent of all personal leave taken during the time period. The 8 per cent of staff who took in excess of 200 hours of personal leave accounted for 30 per cent of all leave taken. While previous research has found that a small percentage of the workforce can account for the majority of leave taken, this is quite a substantial proportion of the workforce taking elevated levels of leave.³⁸ This places a burden on the majority of individuals who do not take large amounts of leave, particularly in circumstances where significant amounts of personal leave are taken at short notice.
- 5.26 Examination of the sign on sheets of uniformed staff in the 30 days prior to the riot corroborated the high leave statistics previously discussed. The sign on sheets indicated that on average, 8 uniformed staff were absent due to personal leave on any given day. This corresponds to approximately 10 per cent of the rostered uniformed workforce absent each day due to personal leave. Much of this leave is on short notice, and hence considerable staff resources are spent frantically attempting to contact people to cover for absentee employees each day. This also contributes to increasing resentment among employees and has a detrimental effect on teamwork. As one staff member said during this Inquiry "This would be a great place to work if everyone turned up".
- 5.27 While the high level of personal leave is a problem that affects the Department generally, and not specifically Banksia Hill, nevertheless, the high frequency and

³⁵ Australian Public Sector Commission, *Fostering an attendance culture: A guide for APS agencies* (June 2006).

³⁶ Office of the Auditor General Western Australia, *Get better soon: The management of sickness absence in the WA Public Sector*, Report No. 5 (August 1997).

³⁷ The average personal leave taken per FTE across the Department's adult prisons in 2012 was 126.3 hours. Prison officers have a personal leave entitlement of 140 hours.

³⁸ Australian National Audit Office, *Absence Management in the Australian Public Service*, Audit Report No. 52 (June 2003).

length of personal leave, coupled with the extremely elevated workers' compensation rate, placed a severe strain on the facility's operations.

Turnover

- 5.28 In 2012, 18 staff members separated from Banksia Hill. Out of this 18, 11 resigned, five retired, one was promoted externally, and one was dismissed. The overall separation rate was 7.1 per cent. This is a reasonable separation rate, as some amount of turnover is expected due to retirements or individuals looking for new challenges. Indeed, too low a turnover rate may result in an overly stagnant workforce in terms of ideas and enthusiasm,³⁹ and may result in individuals with a poor person-job fit remaining unproductively in their role.⁴⁰
- 5.29 This turnover rate is comparable and in many cases lower than prisons in the adult system. For example Hakea has a separation rate of 8.9 per cent and Greenough Prison has a separation rate of 8.6 per cent. The turnover rate is also far lower than the public sector average of 18 per cent, with the high public sector turnover rate indicative of the tendency for employees to frequently move between agencies.⁴¹
- 5.30 Hence, Banksia Hill employees, and departmental employees generally, exhibit far less movement between agencies compared to the rest of the public sector. This reflects both the specific skill set required and developed in working at a custodial facility, as well as what employees stated in workshops conducted during this Inquiry about their desire to pursue a career in youth custodial.

Strain on Operations

- 5.31 Overall, there have been concerning levels of absenteeism among staff at Banksia Hill for an extended period of time, with the situation appearing to intensify in the immediate lead-up to and aftermath of the amalgamation. It needs to be emphasised that credit is due to the staff who turn up to work day in day out despite the high level of absenteeism that is present among some of their peers.
- 5.32 Examination of the sign on sheets of uniformed staff in the month preceding the riot showed that on average, out of approximately 80 uniformed staff rostered each day, 22 staff members were absent.⁴² On some days, over 30 staff were

³⁹ Abelson M., Baysinger B, 'Optimal and dysfunctional turnover: Toward an organizational level model', (1984) 9 (2) *Academy of Management Review* 331.

⁴⁰ Siebert W & Zubanov N, 'Searching for the optimal level of employee turnover: A study of a large UK retail organization' (2009) 52 (2) *Academy of Management Journal* 294.

⁴¹ Western Australian Public Sector Commission, *State of the Sector 2012* (November 2012).

⁴² This number includes vacancies on the roster, but did not include spaces in the roster reserved for secondments or marked as 'unallocated'. Staff who were on return to work programs and hospital sits were included, and so on some days this represented an optimistic picture of the number of staff available to manage detainees in units.

absent.⁴³ Even after additional staff were brought in to cover the shifts through overtime, on average the facility was still down 15 uniformed staff every day.

- 5.33 This situation was extremely costly for the Department in terms of overtime and increased the possibility of staff burnout and further absences. Overall, detainees need far more intensive supervision and a higher duty of care compared to adult prisoners and such chronic staff shortages make it extremely difficult to run a structured day which meets detainees specific rehabilitative needs and provides them with appropriate levels of out-of-cell time.⁴⁴
- 5.34 Staff shortage induced lockdowns were said to be frequent preceding the riot, and while accurate data on their frequency is not available, it is certain that the lockdowns resulted in higher levels of detainee boredom and agitation.⁴⁵
- 5.35 The comparative strain on operations can most clearly be envisaged when you compare Banksia Hill's absenteeism statistics to the privately run Acacia Prison. While Banksia Hill has 126.6 hours of workers' compensation leave and 107.3 hours of personal leave per FTE, Acacia has 10.3 hours of workers' compensation leave and 50.5 hours of personal leave per FTE. Hence, Banksia Hill has over 10 times the average hours of workers' compensation leave and double the average personal leave compared to Acacia Prison. In terms of total hours, Banksia Hill has approximately triple the amount of unplanned leave despite having 100 less FTE and one-fifth the custodial population.
- 5.36 Since the riot the situation appears to have further deteriorated. As of mid-April 2013, 60 out of 199 YCO's have an active workers' compensation claim. Six staff resigned shortly after the riot. The proportion of staff on workers' compensation is now considered the worst in the state. Overall, the data is extremely concerning and the situation may spiral completely out of control unless assertive steps are taken. Further analysis on the contributing factors underlying the high absenteeism will be discussed in the following sections.

⁴³ This happened 3 times from the 20th December 2012 to the 19th January 2013.

⁴⁴ Richards K, 'What makes juvenile offenders different from adult offenders?' *Trends and Issues in Crime and Criminal Justice* (February 2011), No. 409, Australian Institute of Criminology.

⁴⁵ This was mentioned in monitoring reports, community submissions, by juveniles, and by staff themselves (both in workshops and in the employee survey).

6 The Amalgamation

Timeline (2009-2013)

- 6.1 As Figure 6 demonstrates, the last few years in youth custodial services have seen numerous staffing changes at all levels of the organisation and events which have had lasting impacts on the staff psyche.
- 6.2 When the decision to amalgamate the two juvenile centres became publicly known in early 2009, the initial planned amalgamation completion date was late 2011. As the timeline indicates, there were three separate projects occurring related to the amalgamation. They were referred to as CET74 (Young Adults Facility, now known as Wandoo Reintegration Facility), CET84 (the amalgamation of Banksia Hill and Rangeview), and the capital works. The Director of Youth Custodial Services had the responsibility of being the project manager for the amalgamation (CET84).
- 6.3 Not long after capital works commenced at Banksia Hill, the poor security of the construction site was exploited via the escape of a detainee using scaffolding. In workshops conducted during this Inquiry staff said that this event created a paradigm shift towards a security focus over a welfare focus.⁴⁶ Nevertheless another escape occurred two years later. The latter escape was particularly violent, involving the assault of a building contractor and the use of the contractor's vehicle to smash through the front gates of the facility. This resulted in a further increase in emphasis on security.⁴⁷
- 6.4 This violent escape occurred amidst a backdrop of extended building delays and an increase in violent and destructive roof ascents.⁴⁸ Banksia Hill staff also felt particularly aggrieved by two violent assaults on staff members that occurred in late 2011. It is safe to say that staff were growing increasingly fatigued by the construction site environment and increasingly concerned about detainee behaviour.
- 6.5 A number of managerial changes occurred concurrent with these serious incidents. The Director and Superintendent role at Banksia Hill were merged from July 2010, with the Director taking on the Superintendent's operational responsibilities in addition to maintaining the strategic and policy focus it had been previously been responsible for.

⁴⁶ This resulted in the creation of the Primary Response Team (PRT), which was a specially trained tactical response team to deal with incidents.

⁴⁷ Staff stated that there was an increased emphasis on detainees being escorted when moving between buildings.

⁴⁸ For example, there were at least 5 roof ascents in the first half of 2012 that involved damage to property or attempted staff assault (via the throwing of projectiles from the roof).

- 6.6 Banksia Hill had five Superintendents/Directors since the start of 2009, with three of those changes in the pivotal amalgamation year. There was particular turbulence at the start of 2012, with the acting Director being in the role for only a few months before being replaced. The replacement Director at the time was overseeing the capital works in addition to being the project manager for the amalgamation. The capital works portion of the role was removed shortly after in an attempt to reduce the Director's workload.
- 6.7 High level managerial changes also occurred, with the Deputy Commissioner Community and Youth Justice and the Deputy Commissioner Adult Custodial swapping positions and roles six months out from the amalgamation.
- 6.8 While not included on the timeline, the project manager had the assistance of one project coordinator dedicated to progressing the amalgamation. At the end of 2011 the project coordinator position was abolished, leaving the amalgamation without a position dedicated to its progression for the first five months of 2012. The Director at the time therefore had to take on further project management responsibility in addition to the operational and strategic roles of being the Superintendent and Director.
- 6.9 Shortly after the amalgamation, both the Director and Assistant Commissioner Youth Justice were replaced, resulting in the final management change in the lead-up to the riot.

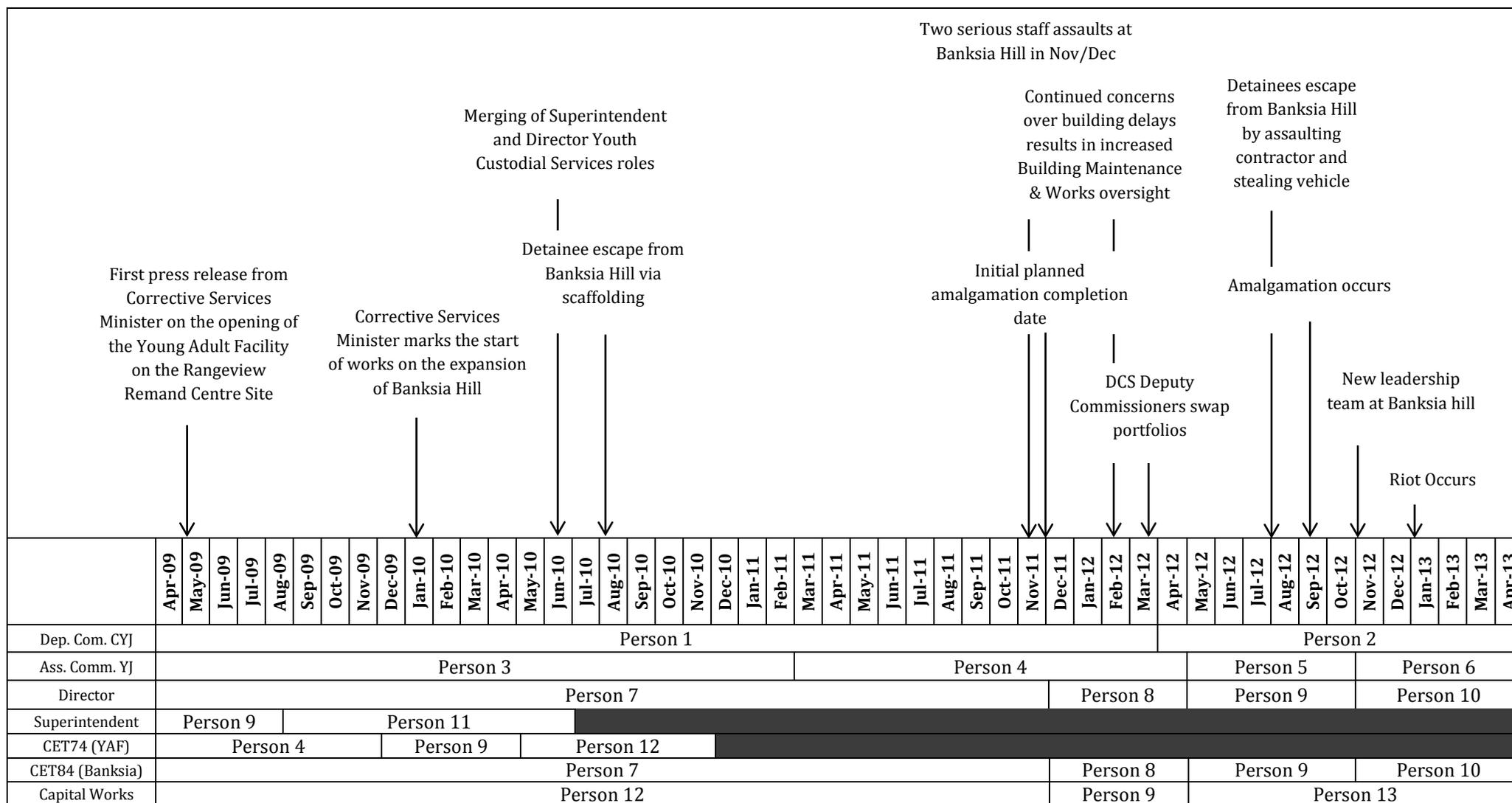


Figure 6
Timeline of Key Staffing and Amalgamation Events

Management of the Amalgamation

- 6.10 Overall, the amalgamation was not a success. In fact, it can serve as a text-book example of how not to undertake an amalgamation, despite the best intentions of the individuals involved. Discussions with staff during this Inquiry and the employee survey results demonstrated unequivocal condemnation of both the process and the outcome. Not a single survey respondent considered that the preparation for the amalgamation was adequate.
- 6.11 Employee perceptions of preparedness for a number of amalgamation components were compared, including perceptions of training, policies/procedures, rosters, daily regime, blending staff cultures, intelligence gathering and information sharing, and working across centres. Over 40 per cent of staff noted that all aspects of the amalgamation were “very unprepared”.
- 6.12 Examination of mean survey scores suggested that there was particular disdain towards rosters and the lack of policies/procedures for the merged facility. However, there was an overall similarly high level of disapproval for each component. Approximately one-quarter of the respondents to the survey felt that the amalgamation directly contributed to the riot. It was clear that the amalgamation remained an open wound for a large proportion of the workforce and its failure had undoubtedly contributed to the high levels of staff absenteeism and overall poor morale in the centre pre and post-riot.
- 6.13 No single individual was responsible for this failure. Nor was there a single point in time where all the mistakes were made. Rather, it was a culmination of numerous errors over a period of time. These errors included:
- Lack of change management expertise and a detailed change management plan;
 - A simultaneous change in three levels of management six months out from the amalgamation date;
 - A freezing of almost all amalgamation processes at a time when a number of crucial policies had not been completed;
 - Lack of project management support;
 - Focus on the building work delays to the detriment of all else; and
 - The lack of staff ‘buy-in’ to the amalgamation.
- 6.14 It seemed in the beginning that some of the right things were done with the setup of change sub-committees and the initial work on defining one set of operating rules and procedures. As one person said:
- The committees clearly had a mandate to improve the ‘New Banksia Hill.’ There was a positive atmosphere that staff would have a say in changes

and actually build a fantastic Centre that would be built on the ethos of rehabilitation and for the good of young people. It was stated in meetings and in other personal communications that the new Centre would cost around \$30 million dollars and now was the time to make major changes.

- 6.15 In addition, implementation schedules and monitoring and reporting processes were also finalised by early 2010. However, the lack of a detailed change strategy, a matter that was raised in the CET in February 2012 (refer below), led to a number of simple logistical failures.

Lack of orientation

- 6.16 Examples of these types of failures included Rangeview staff informing this Inquiry that many of them did not undergo any sort of orientation to working at Banksia Hill. They explained that they simply turned up on the day and were left to their own devices. The individuals who did experience an orientation described variable levels of quality. Shift managers from Rangeview stated that their orientation to the new centre was 45 minutes, which they described as insufficient given their responsibilities in co-ordinating emergency responses in the centre. Staff from administration described how they were brought over to learn the processes at Banksia Hill prior to the amalgamation, yet were not shown anything by Banksia Hill staff. Similarly, staff from Banksia Hill noted that they did not receive any training on working with remandees and overall, they were unprepared for the significant changes that occurred to the running of the centre.

Failure to appreciate cultural differences

- 6.17 The cultural differences between Rangeview and Banksia Hill staff in terms of the way they operated, were not accounted for. It is evident that Rangeview and Banksia Hill had very different organisational cultures. While some of that can be attributed to the nature of their business (remand and female detainees versus longer term sentenced detainees) this is only part of the picture. Undoubtedly, the inherent risks associated with remand detainees necessitated a higher level awareness of the need to manage that risk and the need to ensure appropriate mechanisms and procedures were in place. Also the nature of the work meant that the population and the needs of the detainees were forever changing and the workforce needed to be flexible and responsive to cope. Dealing with sentenced detainees requires a different approach where routine can be established, where risks can be more readily identified and managed and where longer term relationships can be built and maintained.
- 6.18 Some less obvious cultural differences were identified. Nearly everyone reported that the Rangeview culture was more collaborative in style with Youth Justice Officers working as a team with Education Officers, Psychologists and Health

professionals in the management of each young person. Banksia Hill on the other hand was seen as operating in silos for a number of years.

- 6.19 These cultural differences also led to quite different operational practices on a day to day basis. However, none of these differences were adequately recognised or managed, with staff informing the Inquiry team that “mini-fiefdoms” formed as a result.⁴⁹

Absence of a shared philosophy and policies

- 6.20 Staff stated that the lack of clarity and shared understanding in policies and procedures led to power struggles, division, and an overall us-and-them culture. Early in the process of amalgamation a 100 page philosophical document had been developed named ‘*Making a Positive Difference in the Lives of Young People in Youth Custodial Services*’, which sought to inform the underlying culture of the merged centres. However, although approved by the CET in April 2011 the Department failed to promulgate the new document. Even if it had been published it is doubtful, given the feedback to this Inquiry by senior management (both pre and post amalgamation), that it would have been accepted by staff.
- 6.21 Staff stated that the failure to disseminate and integrate a shared philosophy caused confusion and instability among the detainees who were experiencing different styles of management depending on who was dealing with them. A simple anecdotal example of this was that staff who originated from Banksia Hill had no problems allowing pencils for young people undertaking psychological services activities, whereas Rangeview staff prohibited their use. Overall, staff were extremely disappointed at the lack of structure, guidance, and processes during the amalgamation.

Poor preparation and waste of resources

- 6.22 Not only was the change process managed poorly in terms of culture, policies and procedures, but it appears that even the physical aspects of the move were handled badly. Many stories emerged during the Inquiry which not only illustrate the lack of preparation at the simplest levels but also, more seriously, have become part of the mythology of Banksia Hill. It is these stories that can build a culture, a shared understanding of ‘the way we do things around here’. Staff claimed that even the simplest things were not thought through and as a consequence there was a lack of toilet paper, mattresses, desks and insufficient food supplied.
- 6.23 Also alarming were the stories of waste – how in the haste to move, many items were binned at Rangeview including wet laundry, dirty laundry, office and food supplies. Issues around how confidential information was handled during the

⁴⁹ For example, admissions and the female precinct being ‘mini-Rangeviews’ and other areas ‘Banksia worlds’.

move have also been raised, with cabinets of confidential documents left at Rangeview with no apparent plan to transfer them. Even the apparent difficulties staff had with rosters post amalgamation was a source of considerable frustration for staff.

Need for a detailed change management plan

- 6.24 These numerous deficiencies point to the lack of both change management expertise and a detailed change management plan. Staff who worked on both the Young Adult Facility (YAF) project and the Banksia Hill amalgamation stated that external consultants were brought in and 'held their hand' throughout the entire YAF process, something lacking in the Banksia Hill amalgamation. While a transitional strategy was developed in 2011 and included a checklist of actions that needed to occur, this was a relatively brief document and did not include the finer details of who was responsible for each action, a plan for each action's completion and how the two cultures were to be merged. This Inquiry was informed by centre management that at the time of the amalgamation, the working groups utilised a 'products log' in association with an action plan and communication strategy, however no definitive change management strategy was in place.
- 6.25 The lack of a detailed change strategy was raised in February 2012 in project status reports, where it was noted that milestones such as the development and submission of the change strategy had passed. The Director at the time asked the CET for an extension to May 2012 to develop the strategy. However, a detailed management strategy never eventuated.
- 6.26 Given the simple logistical failures of the amalgamation referred to above and other failures such as the failure to complete important documentation listed in the products log (for example, updating the emergency management plan), the documentation used to inform the change management process was clearly inadequate for the scale of the change that was taking place.

Reasons for the lack of a change management plan

- 6.27 The lack of project management support staff appears to be a key contributor to the lack of a detailed change strategy and ultimately, the failure of the amalgamation. Management (both for the period during 2012 and before) stated that there was a lack of support and they had to juggle a number of responsibilities simultaneously. Due to the abolishment of the Superintendent role, the Director had to manage both the strategic and operational responsibilities of Youth Custodial Services. The Director was also the project manager, and was involved in the development of amalgamation related documentation. On top of this, the Director was also attempting to rectify delays in the capital works.

- 6.28 The Director at the time felt that Building Maintenance and Works (BMW) should have had a more active role in managing the capital works, and that as the 'client' the Department should have had far less interaction with the builders. Further information on the Department's interaction with the BMW in relation to the YAF and the Banksia Hill redevelopment projects is contained in a report by the Office of the Auditor General.⁵⁰ Overall, the Director had far too many responsibilities to perform any of his functions optimally and it is understandable why issues such as staff shortages and worsening morale got progressively out of hand.
- 6.29 Prior to 2012, the Director of Banksia Hill had a project co-ordinator assisting with the amalgamation. Funding for this position ceased at the end of 2011, and the position was discontinued despite the large body of work still to be completed. Although this position was re-established in May 2012 there was a five month absence of a dedicated role to advance the amalgamation, in the year that it was planned to occur. The decision to abolish the position was clearly a fundamental misjudgement and the Department continued to understate the effect of the situation. Project management notes from May 2012 record that the abolishment of the position "proved largely non-advantageous". If the position had not been abolished there is a possibility that a detailed change management strategy could have been developed.
- 6.30 Although various members of the management team identified they that were short of resources dedicated to change management, few recognised the need for the involvement of people with specific change management expertise. This expertise was clearly absent throughout the amalgamation process. If such personnel had been on the change management project, the significant risks associated with forcing two very different cultures together without careful management may have been communicated more clearly.
- 6.31 Most managers agreed that the capital works impeded planning for the amalgamation, and was said to have 'consumed everyone's attention'. Working groups which had been meeting to plan the amalgamation started to break up by mid-2011, and by November of that year had ceased entirely. Management staff at the time believed there was no point in continuing the amalgamation planning process given the extensive delays to the capital works which continued to push out the final amalgamation date. Management staff also stated that frontline staff became less engaged in the process due to the delays and due to the serious incidents that occurred in late 2011 and during 2012. The working groups were re-established approximately six months from the amalgamation. However, it appears the lack of planning for this interim six month period and the apparent

⁵⁰ Office of the Auditor General, *Performance Audit: Banksia Hill Redevelopment Project* (August 2013).

lack of Head Office involvement in the project control meetings also stymied the decision making process.⁵¹

- 6.32 A further impediment to the progress of the project was the numerous management changes that occurred, particularly the changes that occurred six months prior to the amalgamation. During April/May 2012, there were simultaneous changes at three levels of senior management within the organisation, with new officers starting in the roles of Director, Assistant Commissioner Youth Justice and Deputy Commissioner Community and Youth Justice. From the information provided to this Inquiry by the individuals involved, it was apparent there was little communication between those switching roles.

Lack of staff 'buy-in' to the amalgamation

- 6.33 Possibly the most significant impediment to the success of the amalgamation however, was the lack of staff 'buy-in'. Staff felt that the decision to close Rangeview was politically motivated, and they did not see any benefits to it occurring. Many staff still hold this view, as evidenced by the employee survey results, with some expecting the government to change their mind and re-open Rangeview as a youth custodial centre. It appears that the potential benefits of the amalgamation, for example in terms of better access to health services or programs, were not communicated effectively to staff and therefore there was no perceived imperative for the change. The Director at the time noted that some staff members (including some of his management team) were certain that the amalgamation was never going to happen, only three months out from the planned amalgamation date.
- 6.34 Contributing to the lack of staff 'buy-in' was the fact that many who had been consulted in relation to the construction of new facilities felt they had not been listened to. Many examples were provided of end outcomes in terms of building design and facilities that simply do not adequately meet the operational needs (e.g. for the work of the Education Officers, the psychologists and the trainers).
- 6.35 Another significant issue put forward by staff was that even when people were involved in committees and working parties and provided input, they felt that no one was listening. As one person said:

Management did not take advice nor seek advice regarding the changes to the Centre and the move that occurred. Despite spending a great deal of time consulting with all of the staff with different roles in the centre, nothing was actioned or taken on board. The consultation process and

⁵¹ When a new officer started as project co-ordinator in May 2012, he began recording meeting apologies. Between May 2012 and the amalgamation, the Assistant Commissioner Corporate Support was absent in 75% of meetings, and the Human Resources Director was absent from 50% of meetings. No proxies were recorded as being provided for these positions.

planning of the various committees turned out to be simply token consultation.

- 6.36 While the initial plan was to create a new centre to mark a new era in youth custodial services, the end result was that the two centres were simply mashed together, with the distinct cultures co-existing as before. While a philosophy document was created in 2010 to inform the culture of the new centre, it was never implemented, communicated, or embraced by staff. Accordingly, the opportunity to put in place a cohesive culture, post-amalgamation, was lost. A new name for the amalgamated centre was also part of the initial plan, representing a new centre with a new approach to the treatment of detainees. This did not go ahead. Although without proper change processes in place, this kind of name change can seem tokenistic, the retention of the name Banksia Hill certainly did not assist in the message that this was a new centre with a new way of doing things.
- 6.37 Overall, while the amalgamation happened, true change has yet to occur. Until staff are united under a shared philosophy and culture (with associated performance management mechanisms in place), there will continue to be high levels of unplanned leave, low morale and an overall 'identity crisis' among staff. The move back from Hakea to Banksia Hill is therefore crucial in establishing a new, more positive culture among staff.

7 Issues and Themes

- 7.1 In 2011, the Human Rights Commission undertook a review of the ACT Youth Justice System and quite rightly pointed out in its introduction in relation to staffing: “A quality youth justice system is critically dependent on the strengths and capacities of the staff across the system who deliver services to young people.”⁵²
- 7.2 It is apparent from this Inquiry that the issues relating to staffing, management and culture played a critical role in the events leading up to the riot and what has occurred since. Due to deficiencies in these areas, detainees were not being provided with appropriate access to services, with their agitation reaching fever pitch on 20 January 2013.
- 7.3 As outlined in the methodology (see Appendix A), evidence and opinions in relation to staffing, management and culture were gathered for this Inquiry in a variety of ways including workshops, one on one meetings, surveys as well as the review of relevant reports and data. From this consultation a number of themes have emerged which are closely related to the poor management of the amalgamation and the staffing issues already discussed in this Paper. These include:
- Leadership and lack of performance management;
 - Lack of oversight of unplanned leave and attention to occupational health and safety; and
 - Fear and apathy amongst staff affecting morale and culture.
- 7.4 In addition, other issues affecting staff have also been considered as part of this Inquiry including recruitment and training, the staff to detainee ratio, internal relationships, the role of the liaison and education officers and the post incident management of staff.

Management and Leadership

- 7.5 As is the case with any organisation, the quality and style of leadership and effectiveness of management has a direct impact on operations and outcomes. In the employee survey conducted as part of this Inquiry, 21.9 per cent of the respondents attributed poor leadership to the riot occurring. Respondents described the leadership as being out of touch, incompetent or constantly changing. As shown in the timeline of staffing and amalgamation events (see page 22), the detention centre has endured several changes in the senior management team including the Superintendent/Director positions. Even though

⁵² Human Rights Commission, *Review of the ACT Youth Justice System* (July 2011) Chapter 5.

many people spoke positively about the current management team, there seems to be little confidence that these people will stay.

- 7.6 No one individual can be said to be 'responsible' for the riot. While many aspects of the leadership and management of the detention centre undoubtedly contributed to the occurrence of the riot, it seems that each individual manager did their best under the circumstances and with the best intentions. At times things may have been done that were misguided or inappropriate but one of the critical factors was that the Director had been expected to manage a significant change process, as well as the day to day operations and with very little support. Support comes in many forms: expertise, resources, interest and commitment, and as described previously, all seemed lacking.

Performance Management

- 7.7 Performance management, either formal or informal, has been largely non-existent for non-probationary staff. Despite some efforts by HR staff in creating a practical template, no action was really taken. Head Office HR staff informed the Inquiry team that when they reviewed usage of the performance management system at Banksia Hill, less than 7 per cent of staff had participated in a formal performance management process. Some reported that they had not been involved in a formal performance conversation for over ten years.
- 7.8 In addition, staff felt that rewards and punishments were applied inconsistently. High performing staff who go above and beyond to positively engage detainees (such as organising sporting events) were said to be perpetually ignored. Many staff reported only receiving feedback if they did something wrong. Many felt that people were rewarded (such as being put into acting positions) based on who they knew rather than what they did. Many examples were provided of this.
- 7.9 Insufficient communication was mentioned on many occasions with a number of anecdotal examples provided, such as staff being given different jobs on return from leave without notice and explanation. There were also cited cases of people being removed from jobs in a similar way. Staff also expressed frustration and some distress at the appearance and disappearance of managers with little explanation.

The Unit Manager

- 7.10 The role of the Unit Manager is to manage both staff (as their line manager) and detainees in their unit. Although the role of Unit Manager is critical, not only in day to day operations but also for the well-being and effectiveness of staff, it does not seem to be working effectively. Not only have there been many changes to occupants of this role, with many people acting in the role for short periods (contributing to instability), but the duties are unclear and the selection process

seems poor. Many people reported that selection seemed to be based on relationships with the “right people” rather than on merit. Furthermore one workshop group described it as a “very uncoveted role” saying there used to be a mentorship program to support people in the role and this no longer exists.

The Shift Manager

- 7.11 The Shift Manager is the senior officer responsible for managing much of the operational functions of a given shift. It should be noted that it is widely accepted that the Shift Manager position is an unenviable one, particularly at present. Many staff consulted felt that most of the Shift Managers are very effective under difficult circumstances. Many people, both in consultations and in the employee survey commented that the Shift Manager did a fantastic job on the night of the riot.

Causes and Management of Unplanned Absence

- 7.12 There were varying views expressed about the staffing situation at Banksia Hill. Nearly everyone consulted (including both staff and detainees) believed that staff shortages were a key contributor to the riot. In the employee survey 47.9 per cent of respondents attributed staff shortages to the occurrence of the riot and 33.3 per cent attributed it to lockdowns (which was stated to occur because of staff shortages). However, it should be noted that this is not connected to an FTE shortage as Banksia Hill was running largely to its FTE allocation. As previously described, the primary issue is that staff have not been turning up for work, resulting in extreme staff shortages. These staff shortages are due to unplanned absences, including both workers’ compensation leave and personal leave.
- 7.13 Poor morale and an increase in fear and stress have also been factors. The Workers’ Compensation problem is not new but the percentage of stress related claims has increased, with mental stress constituting 10 per cent of claims in 2010 and 33 per cent in 2012. While no doubt the increasing number and escalation of detainee incidents would have increased the fear and stress levels of many employees, it is fair to say that with a healthier culture and stronger and more effective leadership and management presence, including amongst senior officers, it is unlikely that unplanned absences would have reached these rates.
- 7.14 Secondary employment was raised as a contributing factor by some stakeholders but examination of the secondary employment register did not raise any serious concerns. While there always remains a possibility of undisclosed secondary employment, this was not a significant issue during this Inquiry, particularly when compared to the issues of management, culture and morale.

- 7.15 It is evident that there has been inadequate management of the unplanned leave situation. Workers' Compensation needs proactive and attentive management and this has not occurred. The immediate manager of the employee on workers' compensation has an important role to play in paying attention, communicating with the staff member concerned and working positively with that employee to find out the causes of the absence and in finding solutions. However, serious issues such as these require expertise from HR professionals, which has been found wanting. Clearly the current Head Office workers' compensation case officer team of three is woefully under-resourced to tackle the problem. Each has a case load of approximately 140 which means that they can do no more than track cases and report. Active management is out of the question.
- 7.16 Overall, there was little evidence of site-based HR support or expertise to manage workers' compensation cases. Management reported that HR staff were unable to provide a budget, report on overtime data, or develop a business case, and were absent or working restricted hours due to workers' compensation leave/personal leave for key periods in 2012. Corporate HR provided a resource from Community and Youth Justice HR to assist 2 days a week "to coach, mentor and guide" for a 12 week period, however this was arguably insufficient. Given the extent of the problem, what was probably needed was the expertise of a senior HR practitioner to directly case manage each and every case until the numbers were normalised.
- 7.17 One ex-employee who had been on workers' compensation, stated that he believed "that HR people should ring individuals on Workers Comp to assist them in getting back to work and basically show some care". Due to a lack of available personnel, this was not happening.
- 7.18 RiskCover completed a review of the Workers' Compensation and Injury Management System in February 2013.⁵³ This review clearly defines the role of RiskCover as being responsible for the conduct of all workers' compensation claims which includes liability determination, claims management, payment of accounts, dispute management and claims settlement/finalisation. The review further sets out that the Workers' Compensation Officers within the Department are responsible for:
- The transfer of information between key parties;
 - Contributing to key claims management decisions/actions; and
 - Overseeing the payment and recouping of workers' weekly compensation and protecting the interests of the Department and ensuring fair treatment of injured workers.

⁵³ RiskCover, *Department of Corrective Services Workers' Compensation and Injury Management System Review* (February 2013).

- 7.19 It is clear that the responsibility for injury management sits with the Department and that RiskCover's role is one of supporting the Department in their attempts to assist injured workers return to work. However, this support is mostly financial and when an injured worker is unable to return to work, the Department and RiskCover should work together to settle the claim (usually involving the worker being deemed unfit by a medical board and leaving the Department). It was stated by Head Office staff that medical boarding had not been occurring.
- 7.20 Some of RiskCover's findings are well aligned with this Inquiry, such as:
- Evidence that both injured workers and management do not feel there is transparency in the workers' compensation process;
 - The workers' compensation and injury management process is applied inconsistently and may depend on how well liked the worker is by management;
 - Managers are not clear of what is expected of them, do not have sufficient training and have insufficient support; and
 - Potential to maximise the linkages between workers' compensation, injury management, and occupational health and safety.
- 7.21 RiskCover's review suggested that the Department be more proactive in regards to reporting and analysing workers' compensation data and recommended the use of RiskCover's benchmarking report. The audit also suggested that the Department review the reports provided by RiskCover to ensure they continue to meet their needs.
- 7.22 In addition, a number of comparative indices that all public sector agencies are required to report upon in their annual report (such as the return to work percentage) are not reported or are reported incorrectly by the Department. This was been noted by both RiskCover and the Office of the Auditor General as significantly reducing transparency and reducing the possibility that the Department are able to track and manage problematic areas.⁵⁴ Additional concerns raised by the Auditor General include:
- The Department was one of two agencies (out of the 8 compared) that did not review workers' compensation claim files. This prevented them from monitoring whether information was up to date and reduced the likelihood of learning from the management of previous cases;
 - Over half of workers who should have been on a return to work program were not; and

⁵⁴ Office of the Auditor General Western Australia, *Management of Injured Workers in the Public Sector* (May 2013).

- For those workers who were placed on a return to work program, in half of the cases studied there was documentation missing or communication with employees was poor.

7.23 RiskCover provided a table benchmarking the Department against the top 8 high risk agencies in the Fund, and as previously noted, the Department sat at the lower half of the table for all measures. The report identified the key factors contributing to this as being:

- The “time off” culture;
- The nature of the work and the limited capacity for return to work programs;
- Lack of financial accountability at site level; and
- A need for a more proactive approach to injury management.

7.24 The review by RiskCover also identified that the Department spent more per claim on workplace rehabilitation services than other high risk agencies with \$669,338 paid to rehabilitation providers in 2011/12. The report identifies that a heavy reliance on these providers tends to establish them as the face of injury management rather than the employer. It also identifies that there is no real monitoring of these providers to ensure effectiveness. Many large private self-insured employers manage injury management in-house as a consequence. Similarly many large employers establish preferred practitioner networks to gain better medical support for their injury management programs. Contrary to RiskCover’s advice about maintaining injury management in-house, Corporate HR at the Department has recently contracted an outside provider, “Red Earth”, to assist with the management of the problem.

Occupational Health and Safety

7.25 This lack of corporate attention to workers’ compensation matters extends to occupational health and safety (OSH) more broadly. The fact that the Corporate OSH team consists of less than 3 FTE is indicative of an overall lack of commitment.⁵⁵ It should be noted that there has been no dedicated OSH resource at Banksia Hill until the middle of last year, when a temporary 0.6 FTE was allocated to the role of OSH Coordinator. While this is seen as a positive step, it is again probably not adequate given that the issue of health and safety (including employee perceptions of safety) are having such a significant effect on operations. The fact that this position is yet to be funded is a significant concern.

⁵⁵ The lack of human resourcing was noted in a May 2012 Worksafe assessment of the Department’s Occupational Safety and Health Management System. It should be noted that the Department performed well in the review, which is a credit to the under-resourced Corporate OSH staff at the Department.

- 7.26 Dedicated OSH resources should facilitate systems, procedures and rigour in areas such as hazard and incident reporting, emergency and evacuation procedures and practice, all which would have been very beneficial for managing and learning from the incidents that have occurred in recent times.
- 7.27 Paying attention to the management of unplanned absence and facilitating a safer and healthier workplace would undoubtedly improve the staff shortages which clearly contributed to the events of 20 January 2013. With an annual workers compensation deposit contribution⁵⁶ hitting a new high of \$24,273,650 in 2013/14, there is clearly a financial incentive to make this a priority.⁵⁷

Cultural Problems among Staff

- 7.28 One consistent theme that emerged from interviews with staff and the employee survey was the presence of fear towards detainees. Given the environment in which custodial staff members work, some amount of fear is an adaptive attribute. Many of the detainees are in Banksia Hill for serious crimes and so being alert around detainees is perfectly appropriate. However, the amount of fear exhibited appears to be excessive and may well have contributed to the increased propensity for lockdowns and a decline in staff-detainee engagement.
- 7.29 The employee survey indicated that 45 per cent of Banksia Hill staff felt either unsafe or very unsafe at work. Approximately 32 per cent felt safe or very safe at work. When a similarly worded question was asked at the maximum security Hakea Prison in 2012, 75 per cent felt 'always safe' or 'mostly safe', with only 25 per cent feeling 'mostly unsafe' or 'never safe'. Similarly at the maximum security Casuarina prison, 99 per cent of staff felt 'always safe' or 'mostly safe' at the time of this Office's 2010 inspection.
- 7.30 While the Banksia Hill survey was conducted after the riot and therefore would likely have elevated scores, there is a considerable gulf in the perception of safety between Banksia Hill and the two maximum security adult prisons. Both Casuarina and Hakea have both had serious staff assaults over the past few years and house some of the most dangerous offenders in the state. It cannot be said that Banksia Hill is a more objectively dangerous work environment than these prisons.
- 7.31 Interestingly, the fear of detainees appears to be present only among YCO's. In the employee survey, 59 per cent of YCOs' felt unsafe or very unsafe. No YCOs' felt very safe. In comparison, 90 per cent of staff associated with education, psychology, programs and health felt safe or very safe. No respondent from these

⁵⁶ The deposit contribution is what the Department pays to RiskCover, the state government insurance provider.

⁵⁷ RiskCover, *Department of Corrective Services Workers' Compensation and Injury Management System Review* (February 2013).

staffing groups felt unsafe or very unsafe. This is a surprising outcome given that staff in these non-YCO roles would commonly interact with detainees and in many cases these interactions would be without a YCO present and with large detainee numbers (such as in a classroom).

- 7.32 Another notable outcome is that staff who were from Banksia Hill prior to the amalgamation were more likely to feel unsafe or very unsafe (52.8%) versus those from Rangeview (43.2%). While this difference is smaller than comparisons between the occupational groups, it is significant given that Rangeview staff worked in a more volatile environment. As a remand centre, Rangeview had a rapidly changing population, with detainees coming down from drugs and some having undiagnosed or untreated mental illnesses upon entering the system.
- 7.33 In contrast, prior to the amalgamation Banksia Hill had predominately sentenced detainees, and as such had what was regarded as a more 'settled' population. Due to this difference in clientele, Rangeview staff were described by some as being more security focused and aware of the risks, yet also more easy-going and collaborative with other staff groups such as psychologists and teachers. A previous Superintendent of Rangeview stated that this was due to the fact that it was under-resourced and so staff were constantly engaged and had to rely on one another.
- 7.34 Banksia Hill, alternatively, was considered to have a more fearful culture going into the amalgamation. A ministerial brief, prepared by the Department in April 2012 noted:⁵⁸

...the morale is much higher at RRC as is the team spirit...Management believes that RRC staff are looking forward to the amalgamation but BHDC are fearful of the move. The BHDC staff are fearful of change.

- 7.35 The fear of change was not limited to the amalgamation. For example, management staff said that attempts to introduce performance management systems or a unit management competency framework were met with fierce resistance at Banksia Hill. These systems had been previously introduced at Rangeview without incident, but were said by management staff to be 'a bridge too far' for Banksia Hill staff.
- 7.36 It was said that staff became progressively resistant to management generally, with Head Office staff noting that Banksia Hill management came up against a work force that bluntly refused to accept the rules, for example the use of mobile phones being taken into the facility. This behaviour continued post-

⁵⁸ Department of Corrective Services, *Banksia Hill Redevelopment Communications Strategy* Correspondence Number 39-17289 (27/04/2012) 3.

amalgamation.⁵⁹ As noted previously, staff conversely felt that management were incompetent, out of touch, and constantly changing. Accordingly, the culture at Banksia Hill was not optimal pre-amalgamation, with one staff member describing it as “sad, unhappy, and unhealthy”.

- 7.37 This culture did not develop overnight and was said to have been the result of a gradual deterioration over the last 5 years. Certain events appear to have expedited this cultural shift. Firstly, there was the escape that occurred in August 2010, where a detainee escaped via scaffolding from the building site. The Superintendent at the time noted that this resulted in a cultural shift towards barrier management. Secondly, the serious assaults on staff that occurred at the end of 2011 further altered staff perceptions of detainees and their feelings of personal safety.
- 7.38 The violent escape the following August, where detainees assaulted a building contractor and stole his vehicle further negatively impacted on staff perceptions of detainees.
- 7.39 During this time there was also an escalating pattern of roof ascents. Roof ascents previously involved detainees sitting on the roof for a while and then coming down as soon as the Emergency Support Group (ESG) arrived. During the first half of 2012 there were a number of roof ascents involving widespread damage to buildings and the throwing of projectiles at staff.
- 7.40 Amidst all these events was the ever present spectre of the building site, and the effect that the building site (which was frequently found to be not secure) had on staff morale and feelings of safety cannot be understated. In nearly all discussions with staff, the demoralising effects of the building site were raised, with YCO’s at Banksia Hill commenting that all of the major incidents were due to the building site.
- 7.41 A ministerial brief in August 2012 described the low morale among staff:⁶⁰

The series of recent events involving BHDC staff (escape, detainees assaulting staff, general disruptive behaviour) has negatively impacted upon staff confidence levels which in turn can manifest itself in industrial unrest.

There is no doubt that staff are concerned and unsettled by recent events and therefore not looking forward to the transitioning of the facility.

⁵⁹ Department of Corrective Services, Security Services Directorate *Security Assessment* BHJDC (November 2012) 20.

⁶⁰ Department of Corrective Services, BN Regarding transition issues at Banksia Hill Detention Centre, Correspondence Number 46-00078/1 (23 August 2012) 2.

- 7.42 It was this progressively demoralised and fearful environment into which Rangeview staff were brought over for the amalgamation.
- 7.43 The culture at Rangeview was considered more positive than Banksia Hill pre-amalgamation and it was hoped that it would positively affect Banksia Hill staff. However, this did not appear to eventuate. A key factor was the lack of staff, which led to a high frequency in lockdowns. Monitor reports at Banksia Hill in October 2012 described staff-shortage induced lockdowns as a near-daily event. Interviews with staff and the employee survey revealed that most staff were just as unhappy about the situation, however they stated that they simply had no choice in the matter due to the inadequate staffing levels.
- 7.44 Conversely, however, management and Head Office staff indicated that this was not always the case, with some staff locking down detainees unnecessarily. Advice to the Executive in October 2012 noted:⁶¹

The decision making process regarding the allocation of staff and the justification for lockdowns seems to be geared towards the maintenance of the lockdowns. Whether this is a general fear amongst staff regarding their safety or for other reasons is unknown...The staff shortages are consistently highlighted as an issue, however I do not believe the problem is as bad as it is claimed to be.

- 7.45 Information provided to this Inquiry suggested that there was an increasing number of apathetic and disaffected staff. Discussions with management, monitor reports, and discussions with staff suggested that lockdowns became a first resort rather than a last resort. In addition, the cleanliness of wings declined, staff were not adhering to security protocols, and overall discipline issues were present. A Banksia Hill YCO described it as a “contagious apathy”, with pride overall declining to the point where “you felt like giving up”. In these circumstances, it is unsurprising that staff shortages were at such elevated levels.
- 7.46 Staff informed the Inquiry that they felt a lack of support by peers and management. The constant changes in management, the lack of Head Office support provided to the Director of Banksia Hill prior to the amalgamation (giving him little time to devote to staff issues) and the lack of management recognition of high performing staff would certainly not have helped in this regard.
- 7.47 It appears that senior officers and unit managers bear some responsibility for this situation, as the discipline issues, apathy, and fear among staff do not appear to have been sufficiently challenged.

⁶¹ Director Security Services, Department of Corrective Services, email (26 October 2012).

- 7.48 If a unit is left in an unclean state, or if staff are not unlocking detainees, it is not the sole responsibility of top management to intervene. It should be the unit manager (who is the line manager for YCO's) or the senior officer (who is the line manager for unit managers). The individuals in these roles need to be competent role models for the staff they supervise and they need to enforce the rules.
- 7.49 From discussions with staff, most genuinely want to rehabilitate detainees – they do not want to be prison officers or 'key-turners'. Many were deeply saddened by the loss of activities, such as sporting events, that occurred during 2012. However, there was clearly a minority of staff who attempted to propagate fear in the staffing group and influence recently recruited YCOs. A ministerial brief in 2012⁶² suggested approximately 10 per cent of staff fitted into this category. A similar proportion of respondents in the employee survey believed that the riot was due to the excessive freedom of detainees, despite the unprecedented levels of lockdowns that were occurring pre-riot. These views need to be assertively challenged by all levels of management.
- 7.50 While the construction delays, staff shortages, management instability/ disengagement, the handling of the amalgamation and the serious incidents most certainly contributed to the low morale of staff at Banksia Hill pre-riot, there are some chronic cultural issues (fear and apathy) that require assertive action. These cultural issues persist to this day, and require a multifaceted approach to be improved (including sufficient staffing, competent middle management, an implemented performance management system and an underlying philosophy to guide work).

Recruitment and Training

- 7.51 Most people consulted believed that the recruitment and training of staff had seen significant improvements over the years. It is evident that both processes have good systems of continual review and improvement which is making positive differences both in terms of perceptions of people within the Department but also in outcomes.

Recruitment

- 7.52 Recruitment has introduced new and more rigorous assessment tools. There is generally one recruitment campaign a year which produces enough candidates to participate in two training schools during the same period. The recruitment process is thorough, containing the following steps in assessment:

⁶² Department of Corrective Services, *Banksia Hill Redevelopment Communications Strategy* Correspondence Number 39-17289 (27 April 2012) 3.

- Applications are submitted and assessed;
- Shortlisted applicants are required to complete a battery of psychological, aptitude, literacy and numeracy tests. These tests have been customised to meet the requirements of the Department and the role;
- Further shortlisting occurs as a result of the assessment of these tests and the shortlisted candidates are then interviewed;
- Medical fitness testing occurs at this point. Despite concerns raised by some that these tests may not be sufficiently stringent, according to the recruitment team, these tests have been developed in conjunction with outside expertise and do in fact serve to “weed out” candidates at this point who are not deemed sufficiently fit;
- Shortlisted candidates are then interviewed again by a psychologist (from an outside provider) who can tailor the interview based on information received during the previous assessment processes;
- The outcomes of this process are reviewed by an internal psychologist working within the Recruitment team; and
- All information is then referred to a Decision Panel who comprises a range of people including management from the Detention Centre and Youth Justice as well as the Academy and the in-house Psychologist. From this point a pool of suitable candidates is created.

7.53 This is a rigorous process by any standards. Apparently the full battery of tests was thoroughly reviewed three years ago and improvements were made. However, if there is a lack of clarity about what is being sought (target candidates, values desired etc.), this can affect the quality of decision making. Also if the “right” people are selected and then they encounter a different culture or mindset on coming to the job, the best recruitment process will count for little.

7.54 Some people have suggested that it might be an opportune time to ‘raise the bar’ in terms of entrance requirements and selection criteria for the youth custodial officer positions. This may improve what has been described by Head Office management as a lack of professional pride among YCOs, and may assist in improving perceptions of the role so that it is seen as a career path for aspirational high performing individuals.

7.55 Given the general attractiveness of the job in the recruitment campaigns, this may be a realistic strategy. The following statistics from the last two campaigns demonstrate the attractiveness of the role:

Table 1*Youth Custodial Recruitment Details 2011-2012*

2012 YCO Recruitment	
Total number of applications	384
Applicants Interviewed	129
Applicants in pool	59
Applicants withdrawing from pool	5
2011 YCO Recruitment	
Total number of applications	175
Applicants Interviewed	52
Applicants in pool	13
	(+2 conditional)
Applicants withdrawing from pool	Unknown

- 7.56 Nonetheless, if the recruitment and selection standards are raised even higher, there is the potential for even less individuals from an Aboriginal background making it through the recruitment process. The lack of Aboriginal staff was raised in the previous inspection of Banksia Hill, where it was noted that only one Aboriginal applicant made it through the recruitment school held at the time.⁶³ The lack of Aboriginal staff places considerable pressure on the few that are there, who play a key role in the centre's decision making and in many cases are the only staff members who Aboriginal detainees talk freely with. The situation has not improved since the previous inspection, and it is notable that there were no Aboriginal staff on duty on the night of the incident.
- 7.57 Overall, the separation rate of at Banksia Hill was 7.1 per cent and the acquisition rate was 9.8 per cent in 2012, with 25 individuals commencing work in the year. Given the large number of suitable applicants and the positive acquisition to separation ratio, insufficient recruitment numbers does not appear to be a contributing factor to the staff shortages at Banksia Hill.
- 7.58 One issue affecting the recruitment and selection process is that of timeliness. The Department of the Attorney General remains the administrator of recruitment and selection processes for the Department on a shared services arrangement. It is understood that the Department of the Attorney General requires six weeks' notice for the YCO pool to arrange the contracts. Other anecdotal evidence received during this Inquiry suggests that recruitment for other positions at Banksia Hill is also subject to significant time delays.
- 7.59 Another issue worth noting is that through a traineeship system, the Department has flexibility to recruit YCOs as "trainees" for periods of up to 12 months without affecting their FTE levels. However, it appears that this has not been

⁶³ OICS, *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*, Report No. 76 (March 2012).

utilised. When attrition levels are reasonably predictable and, in the case of Banksia Hill, where there are significant shortages due to unscheduled absence, it is puzzling that this strategy has not be utilised. In relation to Banksia Hill, it is understood that as of the end of March, there are 17 people from the previous recruitment campaign who are considered suitable for appointment, are still interested in working for the Department and are ready to participate in the training. Given the delay for job readiness created by the 14 week training program, the continuing high shortages of staff and an increase in turnover, it is difficult to understand why the Department has not yet acted to put these people on as trainees.

- 7.60 It is interesting to note that in the Review of the ACT Youth Justice System, the Human Rights Commission recommended the practice of over-recruiting to combat the problems arising from staff shortages generated by unplanned absence and attendance at training as well as the significant time lag from recruiting to active employment.⁶⁴

Training

- 7.61 While there was general agreement that training has seen some significant improvements, both in terms of the increased professionalism of the training Academy but also with the introduction of satellite trainers, Banksia Hill has not been making full use of these new opportunities. This Inquiry was informed that this is largely due to staff shortages which have prevented people being able to attend training. One person told the Inquiry that they had not been on a training course in seven years and that their requests to attend were being continually rejected due to staff shortages.
- 7.62 The training facilities are also inadequate, particularly for practical training. In this regard, the building works for the newly amalgamated centre made no provision for accommodation for any training facilities. As the Emergency Management Review Paper notes, this led to the unsatisfactory situation of staff doing practical simulation training in the presence of the detainees, resulting in detainees being aware of the tactical response options available to staff.
- 7.63 At this point in time, there are no established pathways of training to assist in promotion. For instance, there is no requirement for supervisory or management training for anyone holding a people leadership position. Undoubtedly this has impacted on the competency levels of key roles such as Unit Managers.
- 7.64 A review of the Youth Custodial Entry Level Training Program was undertaken in December 2012. It is noted that one of the recommendations was for training in the use of weapons and chemical agents. While Academy staff stated that it was still to be defined how and when these defensive tools will be employed, it is

⁶⁴ Human Rights Commission, *Review of the ACT Youth Justice System* (July 2011) Chapter 5.

concerning that there is an ever-increasing focus on security when staffing levels and the implementation/adherence to policies and procedures are more pressing concerns.⁶⁵

7.65 Staff training was also the subject of one of the recommendations from the 2005 Mahoney Inquiry. It was recommended that the Department employ an additional 11 FTE just to accommodate training.⁶⁶ This was not fully implemented.

Operational Issues Relating to the Workforce

7.66 It was clear to this Inquiry that many of the issues and problems between management and staff were mirrored in the relationships between staff and detainees. Examples of this include:

- Non-custodial staff informed the Inquiry that some officers were treating detainees increasingly poorly, being abusive, bullying and showing little respect. However, some staff were said to be tolerating poor detainee behaviour which apparently had not been tolerated previously;
- Poor communication regarding what was happening and why. For instance, non-custodial staff informed the Inquiry that some detainees were not informed that they were to move to Hakea; and
- The lack of incentives and disincentives was raised many times in various meetings, workshops and surveys, both in relation to terms of the detainees and in relation to the employees. Not only were custodial officers said to be frustrated by inconsistent rewards and punishments being meted out to detainees, but managers were accused of turning a blind eye to poor performance and discipline issues and not providing recognition and positive feedback at times when work was done well. In relation to the detainees, staff commented that when detainees were involved in incidents they got placed in Harding which, because it was air-conditioned, hardly seemed like a punishment.⁶⁷ Similarly, it was felt that in the face of a detainee doing nine things right, it would take the one bad thing to get noticed and to generate a reaction.

7.67 The Human Rights Commission Review into the ACT Youth Justice System, supported the need for youth custodial staff to have appropriate employment conditions, training and support.⁶⁸

⁶⁵ Please refer to this Inquiry's *Security Review Paper* and *Emergency Management Review Paper*.

⁶⁶ Mahoney, Hon. DL, *Inquiry into the Management of Offenders in Custody and in the Community* (2005).

⁶⁷ Harding is the facility's 'Special Purpose Unit', which is used for admissions, orientation, observation and the management of misbehaving detainees.

⁶⁸ Human Rights Commission, *Review of the ACT Youth Justice System* (July 2011) Chapter 5.

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.

Other Staffing Issues

The 1:8 staff to detainee ratio

- 7.68 Currently, there is a 1:8 staff to detainee ratio. A consequence of this ratio is that detainees cannot be let out of their cells unless this 1:8 ratio is met. Due to staff shortages, this has led to 'rolling lockdowns', where one staff member unlocks eight detainees for a period of time, with these detainees then re-locked into their cell so that the staff member can unlock and supervise another group of detainees.⁶⁹
- 7.69 The 1:8 ratio is higher than other detention centres in Australia, with interstate detention centres operating on a 1:3 to 1:5 staff to detainee ratio.⁷⁰ A 2010 business case to improve the staff to detainee ratio in the redeveloped Banksia Hill was never submitted to Treasury.⁷¹
- 7.70 From discussions with staff, most did not seek an across the board improvement in the ratio, on the basis that the needs of young people within the Centre are so varied based on who they are, their age, their gender and why they are there. For instance, some suggested a lower 1:4 ratio for high need areas such as the Harding unit and the female precinct, with a higher ratio for the more settled detainees.
- 7.71 A decrease in the ratio will likely improve the morale of staff, who also informed the Inquiry team that they enjoyed the camaraderie of working with others and that they would feel safer and less isolated with more staff around.
- 7.72 Although there is a need to comprehensively re-examine the efficacy of improving the staff to detainee ratio, this cannot occur in isolation. Unless improvements are made in terms of absenteeism and the current morale/culture, a decrease in the ratio will not necessarily improve the frequency of lockdowns (the practice may simply shift to rolling lockdowns with one staff member to four detainees) and not reduce the potential of a similar incident occurring in the future.

⁶⁹ This is described in more detail in this Inquiry's *Security and Emergency Management Review Paper*.

⁷⁰ Department of Corrective Services, *Business Case: Banksia Hill Detention Centre Redevelopment Project* (CET 84) (September 2010).

⁷¹ *Ibid.*

The liaison role

- 7.73 Rangeview originally had an officer with a liaison role who answered queries from relatives and lawyers concerning detainees. This assisted with the arranging of visits, ensuring access to legal advice, and to direct concerns to the appropriate party. As a result of the amalgamation, the liaison position in Rangeview was transferred to case planning. Many people consulted felt that this was unworkable, including staff within case planning. The liaison position was considered a critical one and was a 24 hour service, whereas case planning staff work conventional hours. Hence, it became more difficult to organise legal advice outside conventional hours, post-amalgamation.⁷² It seems that the case planning team was inadequately resourced to take on this important but onerous function. Furthermore it appears that liaison officers were specially trained for the task and no training has been provided for the case planning team to take on this role.

Relationships

- 7.74 Many of the internal relationships within Banksia Hill were not seen as being as positive as they could have been and it was suggested that different groups within Banksia Hill have operated in 'silos' for a long period of time (even prior to amalgamation). The psychologists for instance, reported a distinct difference in the way they were included and consulted in Rangeview and how they have found themselves often at loggerheads with a number of staff in Banksia Hill. They expressed the view that they could be consulted more in areas relating to behaviour management. This goes both ways however, with key management and operational staff complaining that the psychological staff do not involve them in decision making and often work in isolation. The placement of detainees on observation checks was one example where operational and psychological staff do not always 'see eye to eye' or seem to appreciate the other person's perspective and point of view.
- 7.75 Similarly, the relationships between custodial officers and education is not seen as being as good as it used to be. According to some staff, there used to be regular meetings between security and teachers to keep each other abreast of issues.

Education

- 7.76 It is understood that most of the education officers have been on short term rolling contracts for long periods of time (some more than three years). Not only does this create unnecessary feelings of insecurity but makes some practical aspects in the lives of staff on contract (such as acquiring bank loans) very difficult. Although it appears that some steps have been taken to remedy this situation (moving the staff from the *School Education Act 1999* to the *Public*

⁷² Legal Aid, *Submission to the Banksia Hill Riot Inquiry* (March 2013).

Sector Management Act 1994) there have been delays. This is a situation that requires urgent attention.⁷³

Security

7.77 Security is another area that has been identified as being under-resourced.⁷⁴

Post Incident Management

7.78 One of the terms of reference of the Directed Review is the requirement to report on how staff were impacted by the riot, and how the Department sought to minimise that impact. During the Inquiry it was identified that:

- Counselling was offered to all staff;
- Representatives from the Departmental Welfare and Support and the Department's Employee Assistance Programme were on site for two weeks, making themselves available to staff;
- A Hot Debrief was held on the morning following the incident;
- A Cold Debrief was held; and
- Emails were sent to staff identified as still struggling.

7.79 Much of the incident support was operationally focused. People such as psychologists, education officers and administrative staff may not have been at the front line but are still feeling the effects of the riot deeply and many have expressed that they feel quite isolated and unsupported.

7.80 The questions relating to post incident support in the Employee Survey received only a small number of responses but of those 92.6 per cent said that they were offered counselling post-riot. This is a positive result. However, some staff suggested that it took a long time to be contacted for counselling and that the amount of counselling provided was insufficient or that they have not yet had the time to receive counselling.

7.81 The Cold Debrief was described by staff as being poorly organised, with many staff present for the riot not present for the debrief. It was said that staff were also unwilling to come to the debrief if they were not on shift. A voluntary support session that was planned to occur on the same day as the Cold Debrief was cancelled by Banksia Hill on the day.

And Now

7.82 It is clear from this Inquiry that in many ways things are worse than ever. The different cultures and operating practices, together with lack of clarity around

⁷³ This was a live issue at the time of our discussions with staff, however as of 21 June 2013, staff have been provided with permanent positions under the PSGOGA.

⁷⁴ Please refer to this Inquiry's *Security Review Paper*.

how things are done, still persists. The move to Hakea has created additional complexities, including tension between many of the prison officers and the youth custodial officers. Some YCOs said they felt as if the prison officers are contemptuous of them and many of the YCOs also felt that the prison officers are lazy and uninvolved.⁷⁵ There was significant resentment about feelings of inequity in terms of shift and pay between the YCOs and the prison officers. As one person observed in a workshop, “all they do is watch and tell YCOs how to do their job”.⁷⁶ This situation reinforced a commonly held view that youth custody is the ‘poor relation’ in an environment where adult custodial services looms so large.

7.83 Nonetheless, a significant number of staff are showing resilience and optimism. The fact that the employee survey had a far higher response rate than any previous OICS employee survey indicates hopefulness and a belief that things could be better. Most of the custodial staff consulted in this Inquiry stated that they came to the job to make a positive difference in the lives of young people and that is why they stay.

7.84 The new management team introduced in November 2012 had been seen by many to be making a positive difference prior to the riot. Even since the riot they have continued to strive for better relationships inside with Banksia Hill staff and with key stakeholders such as the Union. As one person said:

I also am very concerned that [the Assistant Commissioner] and [the Director] will have to take the responsibility for what happened on the day. The situation was in chaos prior to their arrival with numerous lockdowns, disorganisation in the centre, and lack of good security.

7.85 With any new management team there can be understandable resistance to change, nonetheless, the steps being taken by the new management team are definitely in the right direction. The establishment of a Reform group who are dedicated to the work and not doing it as part of their day to day jobs is welcomed. The management team are trying to get out and about and be seen on the ‘shop floor’ but at the time of this Inquiry, they had only been partially successful. This takes time.

⁷⁵ It is possible that tensions have eased since our discussions with staff, as an April survey of prison officers working in the juvenile estate found that 95% felt supported by YCO’s when working with detainees.

⁷⁶ In the survey of prison officers working in the juvenile estate, 95% believed they managed detainees ‘well’ or ‘very well’. Only 52% of the prison officers surveyed believed that YCO’s managed detainees ‘well’ or ‘very well’.

8 Appendix A: Methodology

- 8.1 The preparation of this Paper involved the examination of a significant number of relevant documents, a survey of all Banksia Hill employees, exit interviews, and meetings and workshops with both groups and individuals deemed significant to the Inquiry. Further information on the process follows.

Employee Survey

- 8.2 To provide an opportunity for Banksia Hill staff to confidentially provide their views on the riot and their working life, an online employee survey was emailed to all Banksia Hill staff members. The survey covered a number of areas including their perception of personal safety and the factors that contribute to safety, the quality of the preparation for the amalgamation, the contributing factors to the riot, the level of detainee access to services after the riot, and their actions on the night of the riot.
- 8.3 Due to a lack of computer access for staff members stationed at Hakea Prison, hard copy versions of the survey were left with locked boxes in Units 11 and 12. Staff were provided one and a half weeks to complete the survey, either online or via the hard-copy version.
- 8.4 There were a total of 110 respondents to the survey. Due to length of time the survey was available, it is likely that some employees were not able to complete it due to being on worker's compensation leave or annual leave. However, the response rate was over 50 per cent for those staff who were not on leave during the survey distribution period.
- 8.5 A brief summary of the survey results is included in Appendix B.

Prison Officer Survey

- 8.6 In April 2013, a survey was also emailed to prison officers who had worked in the juvenile estate, post-riot. The survey covered a number of areas including their relationship with YCOs, their relationship with detainees, and their awareness of the philosophy and conduct required when managing detainees.
- 8.7 There were a total of 25 respondents to the survey. The precise number of prison officers working in the juvenile estate was unclear, however, it is estimated that the response rate was somewhere between 25 and 50 per cent.

Exit Interviews

- 8.8 The Department is meant to provide employees with the opportunity to conduct an exit interview and complete an employee exit survey. Data gathered from the exit survey is designed to improve management practices in areas such as staff retention, recruitment, workforce planning and working conditions.
- 8.9 The Department was not able to provide any employee exit survey results. It was said that they could not identify the business area from where the employee exit surveys would have originated. Records of any interviews conducted were also not available.
- 8.10 A list of individuals who had separated from Youth Custodial Services from the start of 2012 until the riot was requested from the Department. Attempts were made to contact ex-Banksia Hill employees who had resigned in order to gain their perspective on what it was like working at Banksia Hill and the factors that contributed to their resignation. Sadly, many of the individuals had changed address since they left the Department and many of those that we attempted to contact did not return our calls despite repeated attempts. Some individuals were also too traumatised to speak about their experiences. Overall, three exit interviews were conducted out of a total of 16 individuals that we sought to contact.

Meetings and Workshops

- 8.11 Workshops were held with a number of distinct staffing groups in order to discuss their views on the riot and their working life. Seven workshops were held, each lasting between one and two hours, and included the following staffing groups:
- Senior Officers;
 - Youth Custodial Officers at Banksia Hill;
 - Youth Custodial Officers at Hakea;
 - Aboriginal Welfare Officers;
 - Administration;
 - Education/Case Planning; and
 - Psychological Services
- 8.12 A number of meetings were held with specific stakeholders to discuss a variety of areas including the riot, staffing issues, and the amalgamation.

9 Appendix B: Survey Results

	Very dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied
Overall, how satisfied are you with your working life?	20.4%	36.1%	19.4%	17.6%	6.5%
	Very Unsafe	Unsafe	Neutral	Safe	Very Safe
In terms of personal safety, how safe do you generally feel at work?	9.3%	36.1%	22.2%	25%	7.4%
	Yes	No	Unsure		
Has your perception of personal safety changed since the incident?	50.5%	42.1%	7.5%		

How important would you rate the following factors in contributing to a safe workplace?

In reality, how much focus does Banksia Hill place on the following factors?
(1 = very low importance, 5 = very high importance)

	Own Perception Mean	Focus in Reality Mean	Divergence
My peers	4.54	2.34	-2.20
My knowledge and interaction with detainees	4.32	2.72	-1.60
The centres infrastructure (perimeter security, gates, gates, grills, cameras)	4.54	2.53	-2.01
Procedures	4.57	2.65	-1.92
Recovery Team	4.43	2.75	-1.68
Intelligence and Information	4.46	2.61	-1.84

	Yes	No	Unsure
Did you feel there was adequate preparation for the amalgamation of Banksia Hill?	0%	93.3%	6.7%

Please rate the level of preparedness for the following aspects of the amalgamation process.

	Very Unprepared	Unprepared	Neutral	Prepared	Very Prepared
Training	48%	37%	14%	1%	0%
Policies/Procedures	52%	38%	11%	0%	0%
Rosters	63%	23%	14%	1%	0%
Daily Regime	50%	32%	18%	0%	0%
Blending Staff Cultures	58%	26%	14%	3%	0%
Intelligence Gathering and Information Sharing	41%	34%	20%	5%	0%
Working Across Centres	46%	37%	15%	3%	0%

Please note any perceived changes in the level of detainee access to services after the incident as compared to before the incident.

	Less Access	Same Access	More Access
Education	82.8%	17.2%	0%
Access to Sport and Recreation	88.0%	12.0%	0%
Visits	61.2%	38.8%	0%
Legal Advice	20.6%	77.3%	2.1%
Access to Health Specialists	14.1%	82.8%	3.0%
Mental Health Services	21.2%	75.8%	3.0%
Suicide Prevention and At-Risk Management	28.3%	66.7%	5.1%
Case Planning Programs	38.4%	61.6%	0%
	81.8%	18.2%	0%

Overall, why did you think the incident occurred?

Theme	Number of Responses	% of Responses
Staff Shortages	46	47.9
Lockdowns	32	33.3
Amalgamation	25	26.0
Poor Leadership	21	21.9
Lack of Consequences	20	20.8
Cell/Centre Physical Security	19	19.8
Lack of Staff Consultation	18	18.8
Lack of Education/Programs/Recreation	16	16.7
Gender Mixing	14	14.6
Low morale and/or apathy	14	14.6
Overpopulation	14	14.6
Lack of Policies/Procedures	12	12.5
Remand/Sentenced Mixing	12	12.5
'Welfare' Mentality	11	11.5
Centre Design	10	10.4
Heat	10	10.4
Building and construction	9	9.4
Inconsistent Detainee Management	8	8.3
Training	8	8.3
'Prison Guard' Mentality	7	7.3
Staff Culture	7	7.3
Staff Failings - supervision and/or interaction	7	7.3
Age of Detainees	6	6.3
Burnout	6	6.3
Detainee Attributes	6	6.3
Lack of Defensive Tools	5	5.2

	Yes	No	Unsure
Did you feel you had adequate training to prepare you for the incident?	24.1%	69.0%	6.9%
Did you feel you had clear instructions during the incident?	75.0%	21.4%	3.6%
Were you offered any additional support/services following the incident?	92.6%	7.4%	

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