



Review of youth custody:
Follow-up to 2023 Inspection
(Part Two)

November 2024

The Inspector of Custodial Services and staff acknowledge Aboriginal and Torres Strait Islander people as the Traditional Custodians of this country, and their continuing connection to land, waters, and community throughout Australia. We pay our respects to them and their cultures, and to Elders, be they past or present.

Reader advice

The following review contains discussions on self-harming and suicide. It also includes the name of a young Aboriginal person who has passed away. The family of the deceased young person have given us permission to use his full name. Reader discretion is advised as some people may find the content of this report distressing.

Review of Youth Custody: Follow-up to 2023 Inspection (Part Two)

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Two tragic deaths in detention in Western Australia

We sent a draft of this report initially to the Department of Justice (the Department) on 22 August 2024. Just over a week later, a young person took his own life at Banksia Hill Detention Centre (Banksia Hill). At the time of writing, little has been made public about this young person at the request of his grieving family. However, what is well known is this was the second time in less than a year that a young person within the custody of the Western Australian State Government felt they had no other option than taking their own life.

On 12 October 2023, Cleveland Dodd was the first young person in Western Australia to die in any form of custody since John Pat died in Roebourne's police lockup in September 1983. Protests after John Pat's death were the impetus for the Royal Commission into Aboriginal Deaths in Custody. Forty years later, Cleveland was tragically found unresponsive in his cell at Unit 18 at Casuarina Prison (Unit 18). He remained on life support until this was turned off by his family a week later.

At the time of writing, Cleveland's death was the subject of an expedited coronial inquiry. No announcement or listing had been made regarding the death of the other young person.

It is clear the Department must accept responsibility because these two young men died while in its care. But the situation is far more complex and to fully understand why these deaths occurred, the full details of their life circumstances must be examined in detail. Only then can whole of system preventative reforms be achieved. This will no doubt be explored by the Coroner in each inquest.

Inspector's Overview

Reforms in youth justice are progressing well, but much remains to be done

As I have said on many occasions, effective rehabilitation keeps our community safe. This may be stating the obvious, but a degree of contention remains about what this looks like. Often the question posed is whether security and safety should be prioritised over welfare and support.

I am happy to state what I think effective rehabilitation in youth detention should look like, and that is: a model that delivers trauma-informed and child-centred care to young people in a safe and secure operating environment. These are complementary rather than mutually exclusive objectives. Likewise, one is not a pre-cursor for the other. Both require attention in equal measure.

I also agree with the many people who have said to me 'that is easy to say, but far more difficult to deliver'. But on page 6 of this report, we have included just four examples of what has been achieved elsewhere around the world. It is hard and difficult work, but success is not impossible or in the realms of theory.

The Department is making good progress on its planned reforms towards the dual objectives of welfare and support, and security and safety. This report provides detail around many of the achievements to date, drawing on what we found in our detailed review work as well as our monitoring of conditions in youth detention.

In addition to this review, we maintain up-to-date monitoring of conditions via liaison visits to Banksia Hill and Unit 18, telephone contact with key personnel at both facilities, and analysis of data and reports related to conditions for staff and young people. What this ongoing work continuously shows us is that a level of fragility still exists in both centres.

I have no reason to doubt the sincerity and commitment of those leading reforms in youth justice, but the work of reform is far from completed and some uncertainty remains in my mind about what the end destination might look like. I would like to see a clear statement from the Department of 'what good looks like' for Banksia Hill in the future.

I remain cautiously optimistic.

Publication without the Department's response

We sent a first draft of this report to the Department on 22 August 2024. Tragically, just over a week later a second young person took his own life in Banksia Hill. We withdrew that draft and provided an updated version to the Department on 30 September 2024 for review and comment. The response from the Department was originally due on 4 November 2024, but this was extended to 11 November 2024. As of 17 November 2024, apart from a couple of minor factual clarifications, we have not received a detailed response to the report and proposed recommendations from the Department.

Section 37 of the *Inspector of Custodial Services Act 2003* (the Act) requires that if I am to disclose information or make a statement that is either directly or impliedly critical of, in this case, the

Department, I must before doing so give the Department an opportunity to make submissions in relation to the matter. The Act is silent on the timeframe for such submissions. This Office has always been accommodating in providing a reasonable time for a response to a draft report, including granting requested extensions.

There is a Memorandum of Understanding between the Department and my Office which sets out agreed operating parameters, including timeframes for various processes such as responses to draft reports. It is not a legally binding document but establishes what we both agree are reasonable timeframes. The agreed timeframe for the Department to respond to draft reports is five weeks.

I am taking the unusual step of proceeding to publish this report without the Department's response. My reason for doing so is that I consider the Department has been given a reasonable timeframe in which to respond to the draft report. Further, under Section 35 of the Act, reports by my Office are subject to a 30-day embargo period prior to tabling once they are delivered to the President and Speaker of the Parliament, meaning the report would not be published until after the State Election in March 2025. As it is, I will have to make a determination under Section 35(2) of the Act to ensure it is published prior to the end of the year. The extent of public interest in the contents of this report is also a determinative factor in this decision.

Acknowledgments

We have five Independent Detention Centre Visitors who are community volunteers appointed by the Minister for Corrective Services. They attend Banksia Hill and Unit 18 on a regular basis providing an opportunity for the young people to raise issues and feedback that information to our office. I acknowledge the importance of their work and thank them for the contribution they have made to our ongoing monitoring of Banksia Hill and Unit 18.

We are grateful for the support and cooperation received throughout the review from the superintendents and staff at Banksia Hill and Unit 18 and from key personnel in the Department. The young people who took the time to speak with us and share their perspective also deserve our acknowledgement and thanks.

Finally, I acknowledge and thank all our staff who worked on the review for their expertise and hard work throughout. I want to acknowledge Christine Wyatt for her work leading this review and as principal drafter of this report.

Eamon Ryan
Inspector of Custodial Services

18 November 2024

Executive Summary

Key Findings

Wholesale system level reform is required

We have consistently recommended significant changes to the management of youth custodial services moving to trauma-informed, child-centred care. We have also highlighted many successful international reform examples, all of which have required long-term or generational change. While the Department has commenced this journey, it is in its infancy and a much more wholesale system level reform is necessary. A brave commitment to change is crucial, not only from the Department but the Western Australian community, and the State Government. It will be hard, but the deaths of two young men in custody demand it.

Noticeable improvements aligned to the Model of Care

There has been considerable progress stabilising Banksia Hill and Unit 18 since the 2023 inspection. Some of this can be attributed to the implementation of the Model of Care. One of the initial priority areas for the Model of Care has been staffing, with a focus on rebuilding the custodial workforce to safe levels. Consequently, the time young people are spending out of cell has increased significantly. While this is positive, we are concerned by the slow progress to review and address inherent challenges within the current staffing model.

Physical environments significantly upgraded

While there have been some significant upgrades to the built environments of Banksia Hill and Unit 18, most of the works have centred on physical security enhancements. This has included cell hardening, fence replacements, roof treatments, and CCTV upgrades. Proposals for the new crisis care unit and second youth detention facility are also progressing, with works commencing on the new crisis care unit at the time this draft report was sent to the Department for comment. However, clear plans for the closure of Unit 18 are yet to emerge despite its original intent as a temporary facility.

The Aboriginal Services Unit is a welcome achievement

Since our last inspection, considerable focus has been placed on improving cultural connection, security, and safety for the young people in detention. The Aboriginal Services Unit is almost fully staffed and has been providing welcome support services. Cultural spaces at Banksia Hill have been developed and changes are being embedded in centre practices and staff training.

Education is achieving positive results but needs greater resources

The increase in custodial staffing and consequential increased time out of cell has enabled the consistent delivery of a new teaching model at Banksia Hill and Unit 18. Early indications suggest the new model is producing better outcomes for young people. However, there is room for improvement by setting aside the wing-delivery mode of education, boosting teacher resources to

include Education Assistants and Aboriginal Education Officers, developing a structured program of vocational education, and exploring technological opportunities.

Significant advances in health space, with room for more

Young peoples' access to health care has improved since the 2023 inspection. Primary health services have an almost fully resourced medical team and specialists are available as needed. They work collaboratively with the recently set up Department of Health multidisciplinary team of specialist clinicians. This team is still establishing itself including its role and function, but early indications suggest it is filling some known gaps in health services, particularly in the neurodevelopment space.

Case planning and programs units are dedicated but under resourced

The case planning unit is under resourced and workload pressures have only marginally been mitigated by temporary positions. This has meant the case management of young people has become unmanageable despite the record low population of young people in custody. Similar staffing challenges exist in the criminogenic programs team which has traditionally, reduced the number of programmatic interventions being delivered. An innovative response to this challenge has seen Aboriginal Youth Support Officers co-facilitate programs so they can continue to be delivered. Significant effort and investment in voluntary programs and activities has also meant young people's time out of cell is more meaningful.

Conclusion

There has been some valuable improvement across several areas at Banksia Hill and Unit 18 since our 2023 inspection. The focus on increasing custodial staffing has reduced young people's time locked in cell and increased their access to a variety of much-needed support services. These 'green shoots' are beginning to produce better outcomes for young people in custody.

However, we expected progress in some areas to be further along, and we are very concerned the population numbers we are observing are artificially low. As such, if more progress is not made, more urgently, any considerable increase in the number of young people in custody, puts the positive 'green shoots' at risk. Similarly, another large-scale critical incident, or worse - another death in custody - may mean a loss of staff and the potential for spiralling deeply back into the crises we have observed over recent years.

List of Recommendations

Recommendation	Page	DOJ Response
Recommendation 1 Expand the Model of Care to include Unit 18.	7	
Recommendation 2 Reimagine and establish a youth care role – separate from youth custodial officers – to support and guide young people in every aspect of their day in custody.	11	
Recommendation 3 Develop and implement a mixed-shift system to maximise consistency and continuity of care for young people.	11	
Recommendation 4 Reconsider the location for the construction of the Crisis Care Unit.	19	
Recommendation 5 Expand the resourcing of the education centre to include Education Assistants and Aboriginal Education Officers.	25	
Recommendation 6 Implement a structured vocational training program that offers accredited training and work skills to prepare young people for employment on release.	26	
Recommendation 7 Explore opportunities within the Digital Capability Fund to pilot tablet technology in cell for young people in custody.	27	
Recommendation 8 Investigate attraction and retention options for Youth Psychological Services making it an employer of choice.	31	
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Background

Our three yearly inspections provide a transparent, public account of the treatment of and conditions for people in custody. However, we do not think it is possible to accurately assess the performance of any facility based only on a snapshot every three years. Risk and performance change over time, and more frequent oversight is needed, even though this may not lead to a formal report or recommendations. As such, we conduct regular liaison visits to monitor performance, risk, and improvement opportunities, and to identify emerging themes or areas of concern.

We visit most custodial facilities in Western Australia between three and six times per year. However, since our last inspection of Banksia Hill Detention Centre (Banksia Hill) and Unit 18 at Casuarina Prison (Unit 18) (February 2023 to June 2024), we have conducted 17 liaison visits in addition to other forms of contact with the centres. Our Independent Visitors have also visited Banksia Hill five times and Unit 18 four times since the last inspection providing a wealth of additional information for us through their role speaking to young people.

Table 1 OICS (O) and Independent Visitors (IV) provide regular oversight visiting facilities between inspections.

	2023										2024						Total
	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Banksia Hill	O	IV	IV	O	O	O		O	IV	O	O/IV			O/IV	O		O = 9
Unit 18	O/IV	O		O/IV		O		O	IV	O			O		O/IV		O = 8

On a weekly basis, we have also monitored the Department's data, including:

- out of cell hours
- staffing levels
- incidents
- acts of self-harm and attempted suicides.

It is due to these ongoing and mixed-monitoring activities that we can provide an independent, fair, and expert voice to Parliament and the Western Australian community about the treatment of young people in custody.

The number of young people in detention continues to trend downwards

Since the last inspection, the daily average number of young people at Banksia Hill and Unit 18 was 86, with 15 per cent of those placed at Unit 18. The overall figure continues to trend downwards with departmental data showing the daily averages slightly above 100 since the beginning of the decade and considerably higher before then. Over the last 10 years there has been a 54 per cent decrease in the youth custodial population (by 61 from 143 to 82).

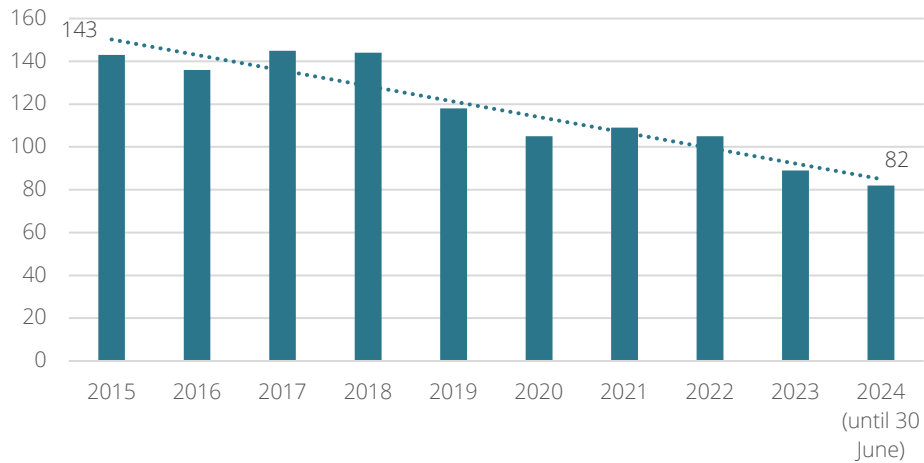
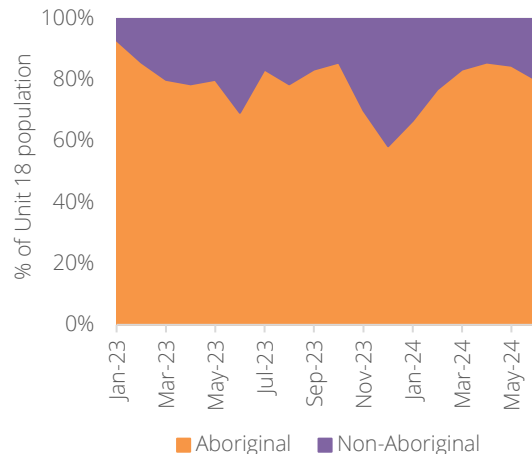
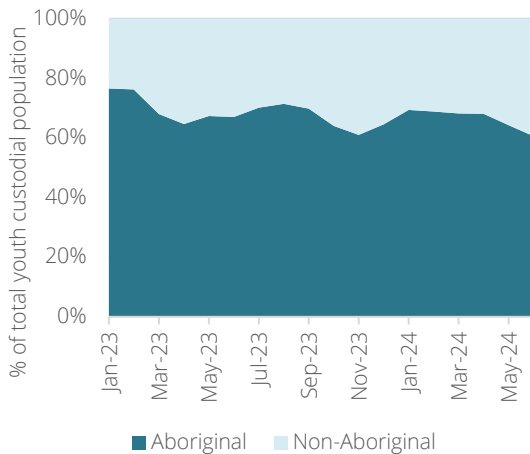


Figure 1 The total youth custodial population has decreased by 40 per cent since 2015.

A small fraction of this reduction can be explained by the transfer of young people to adult custody. In July 2023 amendments to the *Young Offenders Act 1994* (the July amendments) mandated the transition of a young person to prison within 30 days of their 18th birthday. Since the changes have been assented to (until 30 June 2024), 35 young people (3 young women and 32 young men) have transferred to prison from Banksia Hill (28) and Unit 18 (7).

Despite the downward trend, Aboriginal young people continue to be considerably overrepresented in custody. Between January 2023 and June 2024, roughly 60 to 77 per cent of the population identified as First Nations. However, for those placed at Unit 18, the overrepresentation was starker with Aboriginal young people equating to between 58 and 93 per cent of that population. Much of the fluctuation can be explained due to the small number of young people placed at Unit 18.



Figures 2 and 3 Aboriginal young people continue to be overrepresented in custody.

The cost to keep young people in custody is immense

The cost of keeping a young person in detention has almost tripled since 2018-2019. In 2023-24 it cost \$3,124 per day to hold one young person in custody. This equates to more than \$1.1 million per year or roughly \$93 million for the whole year where the daily average number of young people in custody was 82. The cost of keeping an adult in custody over a whole year has similarly risen since

2018-2019 from \$108,000 to \$140,000. However, this increase only equates to approximately 30 per cent.

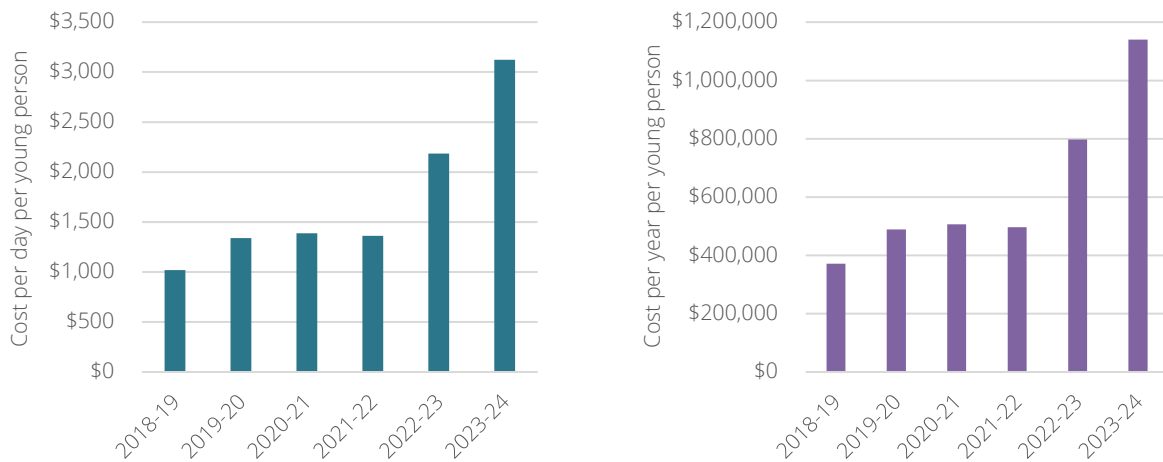


Figure 4 and 5 Keeping one young person in custody for a year costs more than \$1.1 million.

Economies of scale are important to note here; there are many more adults in prison than young people in detention. Staffing ratios in youth custody are also considerably higher than in adult prisons. The immediate and ongoing needs of young people (including compulsory education) are similarly higher. Adding in repair costs for the extensive and frequent infrastructure damage at both Banksia Hill and Unit 18, and the costs from reform changes, it is understandable the cost per day has increased. However, by comparison, monitoring a young person in the community only costs \$157 per day or \$57,000 per year.

\$3,124

Cost per day keeping a young person in custody.

\$384

Cost per day keeping an adult in prison.

\$157

Cost per day monitoring a young person in the community.

\$38

Cost per day monitoring an adult in the community.

1 A word of caution

The following pages reflect many positive 'green shoots' across the various areas of support service delivery for young people in custody in Western Australia. There are improvements in:

- time out of cell
- culturally safe and secure practices
- educational outcomes
- health services
- voluntary programs and activities.

However, this is a word of caution. We have seen this before – the beginning of a positive trajectory that initiates a sense of hope. In September 2020 we inspected Banksia Hill and found relative improvements in several areas. But this was not sustained and by December 2021 the situation had become so frighteningly untenable we completed an occasional inspection of the Intensive Support Unit (ISU) (OICS, 2022B). Consequently, we issued the Department a show cause notice under Section 33A of the *Inspector of Custodial Services Act 2003* having formed a reasonable suspicion there was a serious risk to young peoples' care and welfare, and they were being subject to cruel, inhuman or degrading treatment.

Similarly, before that we inspected Banksia Hill in August 2014, 18 months after the mass riot of January 2013. We found the centre was moving in a positive direction with some early signs of success. But after a period of relative calm, the centre 'became increasingly unstable, especially in the second half of 2016... [which] continued into 2017' (OICS, 2017, p. i). And by January 2018 the then Minister for Corrective Services directed this Office to review a series of allegations about the treatment of two young people in the ISU.

These examples demonstrate the history of fragility for youth custodial services and should not be far from memory, particularly as we have just observed – the 'green shoots' were not enough to prevent another young person from taking their own life.

We are cautious about highlighting improvements at Banksia Hill and Unit 18. The progress is occurring at a time of record low numbers of young people in custody. At the time of writing there were only six young people in Unit 18 (it had been as low as 4) and 57 in Banksia Hill. We are concerned these numbers may be artificially low. We say this because, apart from the July amendments, there are no major legislative reforms or diversionary interventions that might explain the low numbers of young people in detention in Western Australia. Whether these low numbers can be sustained remains to be seen, but an increase would have significant implications for support services at both centres. As such, the question remains:

Has enough been done to embed the changes sufficiently to weather the next challenge – be that an increase in the population or another critical incident which results in high attrition and custodial staff shortages?

Inspector of Custodial Services

The Department has established a dedicated Young People Directorate, led by a Deputy Commissioner, to oversee the management of young people in custody and the community. This is pleasing and we hope it ensures services to this cohort are focussed and sustained. But we remain cautious - previous reforms at Banksia Hill made inroads too, but they stalled when they were deprioritised against other issues within the wider custodial estate. While there are very few young people in custody presently, we are also observing record high levels within the adult population. There are men and women across Western Australia sleeping on the floors of prison cells because there are not enough beds for them. Sometimes this means three people in a cell designed for one. Prison officer shortages across the adult estate, but particularly at Hakea Prison, are resulting in similar levels of lockdown as Banksia Hill and Unit 18 experienced in 2023. These conditions are dire, but they cannot be a distraction; the Department must not divert its attention again at the cost of young people in custody. The Department must manage both these crises simultaneously, and the State Government must appropriately resource it to do so.

1.1 There must be wholesale system level reform

For more than a decade we have recommended significant changes to the management of youth custodial services moving to trauma-informed, child-centred care. We have simultaneously highlighted successful international examples of reform initiatives, some of these are included on the next page. All have required long-term or generational, and community-level change.

What you will read in the following chapters is good, but it is not good enough. Because it is clear to us, and others, that after two deaths in custody, the Western Australian community, the State Government, and the Department must accept that wholesale system level reform is vital.

It will be hard. It will take 'the development of new systems, approaches and technologies, the development of existing staff, recruitment of new staff and the enhancement of management and governance systems' (KilKelly & Bergin, 2023, p. 69). It will also require resilient leadership, bravery, and an acceptance of the complexity of change management - all of which are essential to ensure history does not repeat itself. Again.

Colorado, United States

Principles of the Sanctuary Model are used by the Colorado Division of Youth Services across its secure youth population. Noting similar population needs as Western Australia (including complex trauma, substance misuse, and mental health concerns), the Sanctuary Model is a trauma-responsive and positive youth development approach which aims to understand the underlying causes of youth behaviour and replace punitive methods with supportive practice. Implementation has been long term and the significant change has seen the population reduce from approximately 800 to 150, with those young people placed in more than a dozen small secure care locations.

Banksia Hill failed implementing the Sanctuary Model as part of a transformation project in 2016. This was not because the model, its principles, or the genuine intent to move to trauma-informed care were not sound for the Western Australian context. It failed due to poor implementation and as a lack of clarity around the transformation project (OICS, 2017). It also failed in part because trauma-informed care works best in small, intensive, locally based units, rather than a single, large and diversely-populated facility such as Banksia Hill (OICS, 2017).

Oberstown, Ireland

Established under the *Children Act 2001*, Oberstown is Ireland's national centre for the detention, care, and education of young people under 18 years referred by the courts to detention or remand. Oberstown's principle objective is to provide the 'highest standards of rights-based, child-centred care, education, training and other programmes so young people can meet their potential and reintegrate successfully back into their communities and society (Oberstown Children Detention Campus, 2022). It meets their needs through its model of individualised care, CEHOP®, which focuses on providing Care, Education, Health and wellbeing interventions, Offending behaviour programmes, and Preparation for leaving.

As with other jurisdictions implementing trauma-informed approaches to youth justice, it took long-term commitment to the principle of children's rights, and an understanding that 'all actions, measures and approaches to children deprived of liberty must be child-centred' (KilKelly & Bergin, 2023). It also required resolute change management for Oberstown to succeed.

Spain

The Diagrama Foundation run up to 35 re-education (detention) centres in 15 of the 17 counties in Spain. Diagrama uses a model of therapeutic care to bring about behaviour change in young people. Developed and adapted over 30 years, the model works with young people aged 14-23 who have typically been convicted for violent offences. Like young people in custody in Western Australia, Diagrama reports they have worked with young people facing the same 'full range of challenges – disengagement from education, from different types of family background, and with a wide range of health, social and other challenges, including learning difficulties, substance misuse and mental health issues' (Diagrama Foundation, 2019).

In 2019 Diagrama developed a Blueprint for Change for the Northern Territory. This blueprint recommended the use of three distinct roles as used in its Spanish young centres. We highlighted these in our last inspection report of Banksia Hill and Unit 18 recommending the Department reimagine and establish a youth care role aligned to Diagrama's Social Educators – 'staff qualified to degree level and guided by the technical staff (psychologists, health specialists, social workers etc.) who support young people throughout every aspect of their day...!' (Diagrama Foundation, 2019).

Scotland

On 30 August 2024, the last remaining child in a Young Offender Institution in Scotland was moved to a secure children's care unit. This move marks the beginning of a new era where all people under 18 years will be cared for in more child-friendly settings. The change implemented by the Scottish Government is the result of a new law banning children in Scotland from being sent to prison following a similarly fraught history observed in Western Australia - suicides of detained young people (Forbes & Connor, 2024).

The young people are now placed in one of the four secure care centres around Scotland. The centres house young people in groups of up to six, allowing for individualised, trauma-informed, therapeutic care (Inside Time, 2024). Staff have been trained in trauma-informed approaches including recognition that many young people needing secure accommodation 'will have endured adverse childhood experiences, including often been the victim of crime themselves' (CYCJ, 2024).

2 Noticeable improvements aligned to the Model of Care

Since the last inspection when Banksia Hill and Unit 18 were in states of acute crisis, there has been considerable progress in stabilising both centres through the implementation of the Model of Care (MOC). The MOC is approximately 18 months into a four year roll-out, and one of the initial priority areas has been staffing, particularly rebuilding the custodial workforce to safe levels. This has in turn dramatically increased the time young people are spending out of cell. However, there has not been any significant formal shift to address the current staffing model.

2.1 The Model of Care is limited to Banksia Hill

We have consistently argued Banksia Hill needed a trauma-informed model of care and operational philosophy (OICS, 2021; OICS, 2018A; OICS, 2017; OICS, 2015; OICS, 2013). So, we were pleased in 2021 when the Department engaged NOUS Group to consult, review best practice, and develop an operational philosophy and service model (OPSM) for Banksia Hill. The OPSM was adopted in 2022 and a four-year MOC implementation plan was developed with the following service principles:

1. Elevate and respect young people's voices.
2. Foster structure and consistency for young people.
3. Ensure cultural safety and strength for Aboriginal young people.
4. Connect young people with family, kin, and community.
5. Foster a through-care-focussed approach to care for young people.
6. Embed developmentally appropriate and needs-informed approaches.
7. Apply positive restorative approaches to discipline.
8. Promote culture of appreciation, care, and support for staff.

The MOC also has three key program areas expected to support young people during their time in custody:

- individualised programs and support
- physical, mental, and spiritual wellbeing
- learning, development, and life-skills.

There has been considerable and observable progress towards implementing the MOC. We acknowledge the Department's efforts in this space, particularly as previous attempts to embed operational philosophies at Banksia Hill have failed during implementation (OICS, 2022A). Significantly, previous attempts have manifested with a workforce fatigued by constant change. On this occasion, we have not heard any such complaints. Therefore, it is paramount the Department's efforts are sustained. However, we are concerned the MOC only applies to Banksia Hill. Unit 18 was opened under the advice it would be a temporary measure with closure expected within 12 months. Yet more than two years after commissioning, there is no date for the facility's closure. As such, an overarching philosophy and care model at Unit 18 are overdue.

Recommendation 1

Expand the Model of Care to include Unit 18.

2.2 Custodial staffing levels keep pace with attrition due to high recruitment efforts

Departmental documents show a priority effort for the MOCs implementation relates to staff. The Department has been seeking to ensure staff are ‘sufficiently resourced and supported so they feel safe and avoid negative impacts such as primary or vicarious trauma, stress, burnout, and other physical and mental health problems’ (DOJ, Undated A). One of the first steps to delivering this is bolstering custodial staffing.

We have previously argued insufficient custodial staffing has been a core contributor to the crises in recent years (OICS, 2023A). The deficiency has been due to vacancies, planned and unplanned absences, and a dated staffing ratio of one staff member to eight young people. However, we are pleased to observe staffing numbers beginning to stabilise. Between January 2023 and April 2024, 91 youth custodial officers (YCOs) commenced employment while 86 officers (of all ranks) separated.

Table 2 Attrition of youth custodial officers (all ranks) remains a constant challenge for youth custodial services.

	Commencements	Separations
January – December 2023	91	-59
January – April 2024	0	-27
Total	91	-86

By comparison to data obtained from our previous inspection, in 2021 there were 22 commencements and 43 separations, while in 2022 (January to 31 October 2022) there were 63 commencements and 44 separations. Those figures alone indicate that recruitment is only managing to keep pace with attrition. Fortunately, the Department has scheduled six recruitment training schools in 2024 which is expected to yield 141 new YCOs.

Contributing to the insufficient staffing has been the considerably high levels of workers’ compensation claims within the youth custodial estate. The number of claims has been increasing each year since 2020. Only the first four months of 2024 were available to us at the time of this review. However, if this figure was to be extrapolated for the year on the current rate, 2024 will see fewer claims than 2023 - when it is hoped claims peaked at 139. Furthermore, as critical incidents and large-scale events at both centres are reducing, we hope the annual number of workers’ compensation claims for both physical and psychosocial injuries, may be even further reduced.

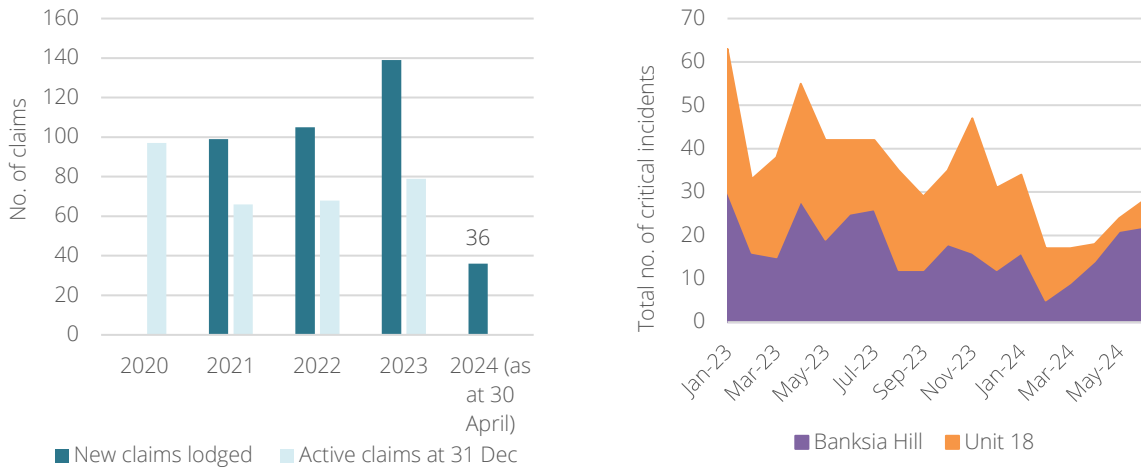


Figure 6 and 7 To date there have been fewer workers' compensation claims, which may in part be explained by the reducing number of critical incidents.

Similarly, we would expect attrition to slow. If this were to eventuate, it will mean that new staff can supplement the existing workforce and build experience and skill, rather than simply fill vacancies.

Supplementary prison officer workforce unlikely to eventuate

In June 2023 the State Government also announced a 90-strong supplementary workforce of prison officers who were intended to be screened and trained to work in youth justice (Cook & Papalia, 2023B). At the time of writing, this supplementary workforce has not materialised. For June 2023, the daily average adult prisoner population was 6,711. By June 2024, the month's average had risen to 7,764 (or 14.5%). This increase of more than 1,000 prisoners would equate to the fourth largest facility in Western Australia after Acacia, Casuarina, and Hakea prisons.

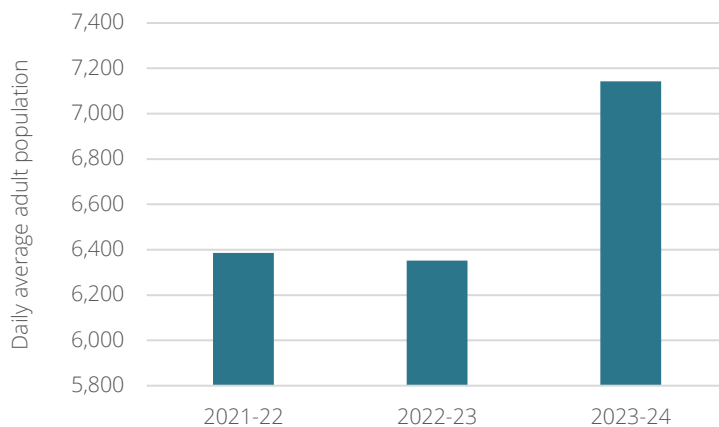


Figure 8 The daily average number of adults in custody has increase substantially over the last 12 months.

Given the substantial rise in the prisoner population since that announcement, it is unlikely the 90 prison officers will be transferred due to the staff shortages plaguing adult prisons.

2.3 Limited progress reimagining the staffing model and mixed-shift system

While we are pleased with the recruitment efforts within the custodial workforce, we remain concerned the approach appears to be 'once we fill the vacancies, then we will look at alternate staffing models.' In our previous report we recommended the Department (OICS, 2023A):

Recommendation 6: Reimagine and establish a youth care role – separate from youth custodial officers – to support and guide young people in every aspect of their day in custody.

Recommendation 7: Develop and implement a mixed-shift system to maximise consistency and continuity of care for young people.

The Department supported both recommendations in principle. While we heard it was still committed to these recommendations, we believe more progress should have been made to date. The following updates were provided as part of this review:

Recommendation 6: The staffing model for Banksia Hill is being considered as part of the implementation of the Model of Care.

Young people are already supported by a range of non-custodial roles, including Aboriginal Youth Support Officers, Aboriginal Mentors and Elders, and Individual Support and Transition Services through non-Government organisations, Centacare and Hope Community Services. Both contracts have been extended beyond the initial contract period until 31 December 2024 to ensure sufficient service provision across both sites, including over weekends at Unit 18.

The mentors for this service have been integral to de-escalating incidents with young people in Unit 18 and have assisted in improving interactions between young people and youth custodial staff. [Emphasis added]

Recommendation 7: An interim roster was developed and implemented for Banksia Hill in November 2023 with the intention to alleviate redeployment and create increased stability in units.

However, the interim roster maintained the 12-hour shift patterns, while a full review of the roster, with consideration of a mixed-shift system, will be considered as part of the implementation of the Model of Care. This also requires extensive staff and union consultation.

Whether by design or not, the Department's response to Recommendation 6 affirms our perspective that staff, other than custodial officers, should be leading the day-to-day guidance of young people in custody. Particularly as the Department highlights, mentors have 'de-escalated incidents' and 'improved interactions' between the young people and custodial staff. We confirmed these

statements in our discussions with custodial, civilian, and clinical staff at Unit 18. It solidified our original finding and leads us to again make the same recommendation.

Recommendation 2

Reimagine and establish a youth care role – separate from youth custodial officers – to support and guide young people in every aspect of their day in custody.

Regarding Recommendation 7, the MOC Implementation Plan (the Plan) states that in 2023 a new operational roster should be implemented to ‘increase consistency and stability of staffing and safety for staff and young people and ensure dedicated training days for staff’ (DOJ, Undated B). For the out-years (2024-2026), the Plan states the operational roster is meant to be refined ‘if required’.

This raises significant concern for us as we have argued previously 12-hour shifts, while popular with staff, limit the continuity of care delivered to young people (OICS, 2023A). They also reduce the consistency required for safe and secure relationships between the staff and young people (OICS, 2023A). As with Recommendation 6, this leads us to repeat our recommendation. We urge the Department to reimagine the staffing model in the best interests of the young people in custody and for the staff charged with supervising them.

Recommendation 3

Develop and implement a mixed-shift system to maximise consistency and continuity of care for young people.

2.4 Young people are getting increasing access to time out of cell

We have repeatedly made comment on the quantity of out of cell hours accessed by young people in custody, often noting time in cell precedes critical incidents (OICS, 2023A; OICS, 2022B; OICS, 2018B; OICS, 2017; OICS, 2013). Given the crises we have seen in youth custody particularly over the last couple of years, we have been tracking the Department’s daily records of out-of-cell hours since the beginning of 2023. It is clear over this time there has been improvement with an upward trend in young people’s time out of cell. In May 2023, the average was just four hours (for all young people at Banksia Hill and Unit 18). Since then, the average has increased to 9 hours and 22 minutes (June 2024).

Due to the low numbers of young people in custody, caution should be taken when interpreting this data: fluctuations are more apparent, and averages are skewed by extremes at both the lower and higher ends of the recorded times out of cell. For example, in April 2024 there was one day where one young person did not receive any time out of cell, while on one day in May 2024 nine young people only received 15 minutes out of cell. Similarly, those young people accommodated in privileged units experience fewer lockdowns often receiving averages above nine hours per day.

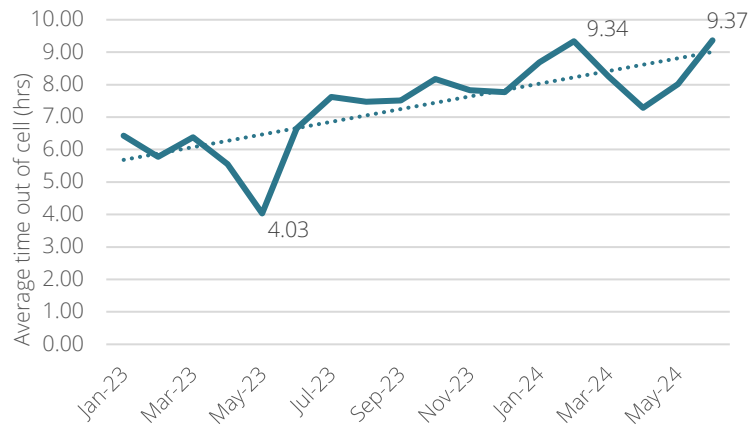


Figure 9 The average time young people in custody are spending out of cell has been increasing.

The decreases observed for March and April 2024 (in Figure 9 above) can in part be explained by an increase in the proportion of young people who experienced at least one day with two hours or less out of cell (38% and 47% respectively). These figures were a substantial increase on the proportions observed in January and February 2024 (15% and 11% respectively). However, by June 2024, only two young people had days with less than two hours out of cell, equating to just two per cent of young people in custody for that month. We are pleased to see this overall trend is reducing.

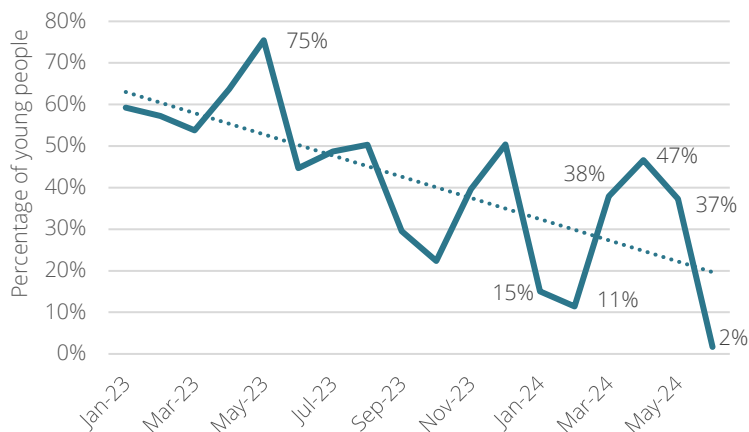


Figure 10 The percentage of young people in custody with 2 hours or less out of cell per day has decreased.

Time out of cell largely aligns with custodial staffing levels

Averaging such small numbers is not a standard research practice, particularly as stated earlier, outliers heavily affect the result. However, since February 2024, the Department has been forwarding to our office weekly average out of cell hours at Unit 18 and Banksia Hill, as well the daily YCOs staffing levels. This data shows the average time out of cell aligning generally against staffing levels at both facilities. As more YCOs are present on shift, the more time young people average out of cell, and vice versa.

At Banksia Hill there was significant daily fluctuation in April 2024 with as little as two hours out of cell one day followed by more than 11 hours the next. The greatest time young people spent in cell occurred over weekends when staffing levels were at their lowest. Two of these dates (7/4/2024 and

19/4/2024) also coincided with critical roof ascent and damage incidents. Similar results were observed in May 2024.

[Banksia] was good when I first came here, then it was bad, then good, then bad, now good again.'

Comment by young person discussing how lockdowns made him feel bad and got him into trouble, going on the roof and joining in riots.

The trend on weekends may also explain why some young people at Banksia Hill told us weekdays were better as they were filled with programs and activities. They explained there was 'nothing to do' on Saturday or Sunday as only a couple of officers 'bothered to organise things for the boys'.

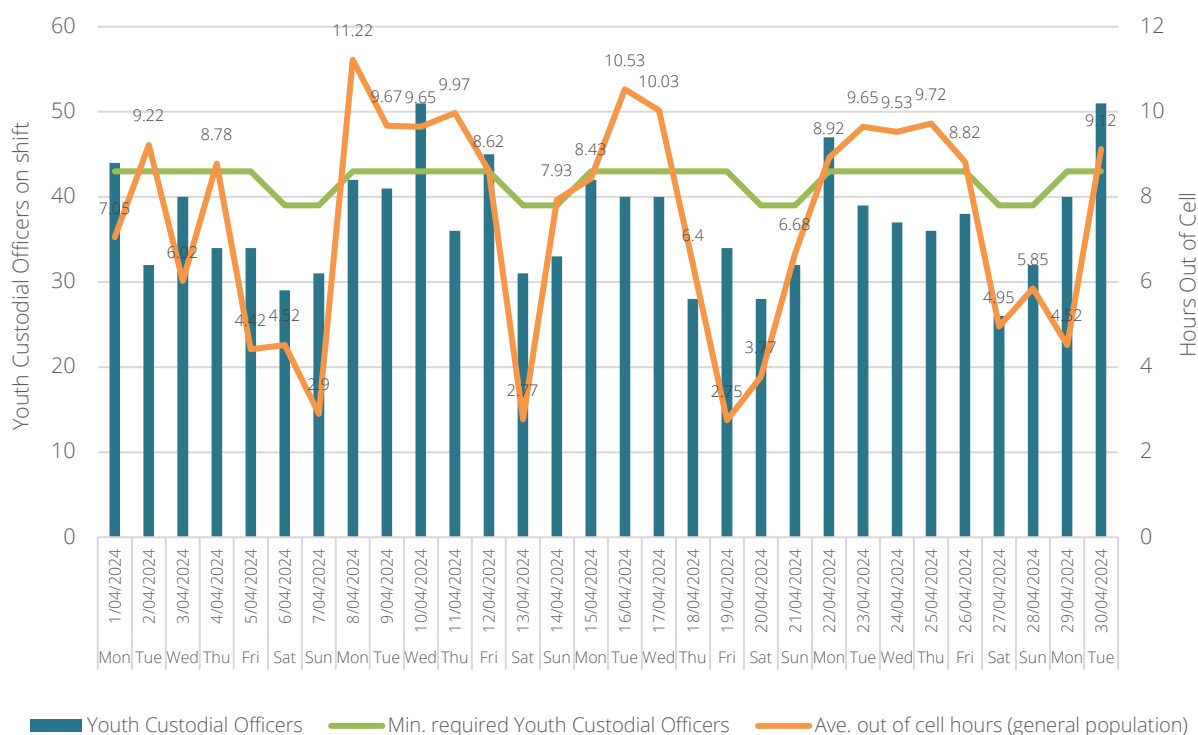


Figure 11 The average time out of cell for young people at Banksia Hill aligns with custodial staffing levels noting weekends regularly achieve the least time out of cell (April 2024).

Due to the prioritisation of staffing at Unit 18, the weekend trend was not apparent at the facility with young people receiving in the range of three to six hours out of cell throughout April 2024 and most days averaging above 4.5 hours. While this consistency is positive, it remains low compared to the potential 11.25 hours young people could achieve if not locked down throughout the day. Some young people at Unit 18 noted the improved time out of cell, particularly over the previous six months. They advised us they preferred placement at Unit 18 to their previous placements at Banksia Hill, and particularly in the ISU where lockdowns could be severe. One young person at Unit 18 explained Banksia Hill 'stresses me out' and the lockdowns made him jump on the roof.

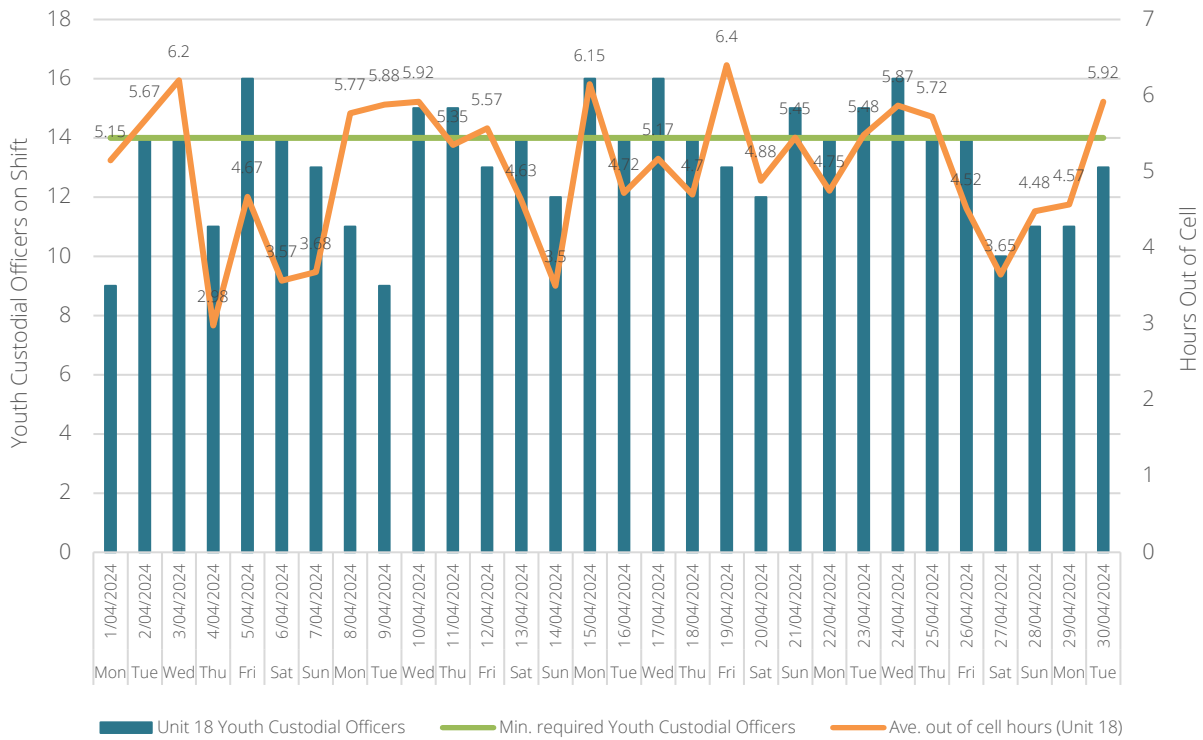


Figure 12 The average time out of cell at Unit 18 was largely consistent but still low (April 2024).

At the time of writing, we have not received full data sets for May or June 2024. But figures for August 2024 continue to show improvement in out of cell hours and staffing levels.

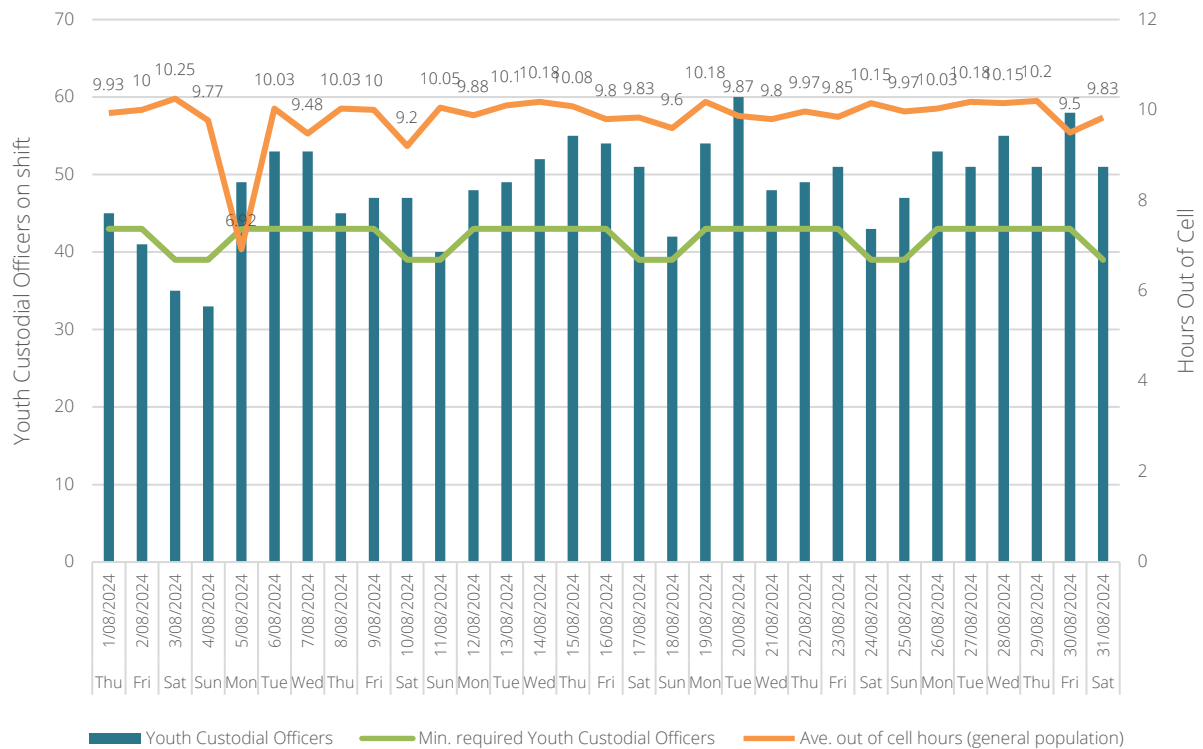


Figure 13 The average time out of cell at Banksia Hill has increased (August 2024).

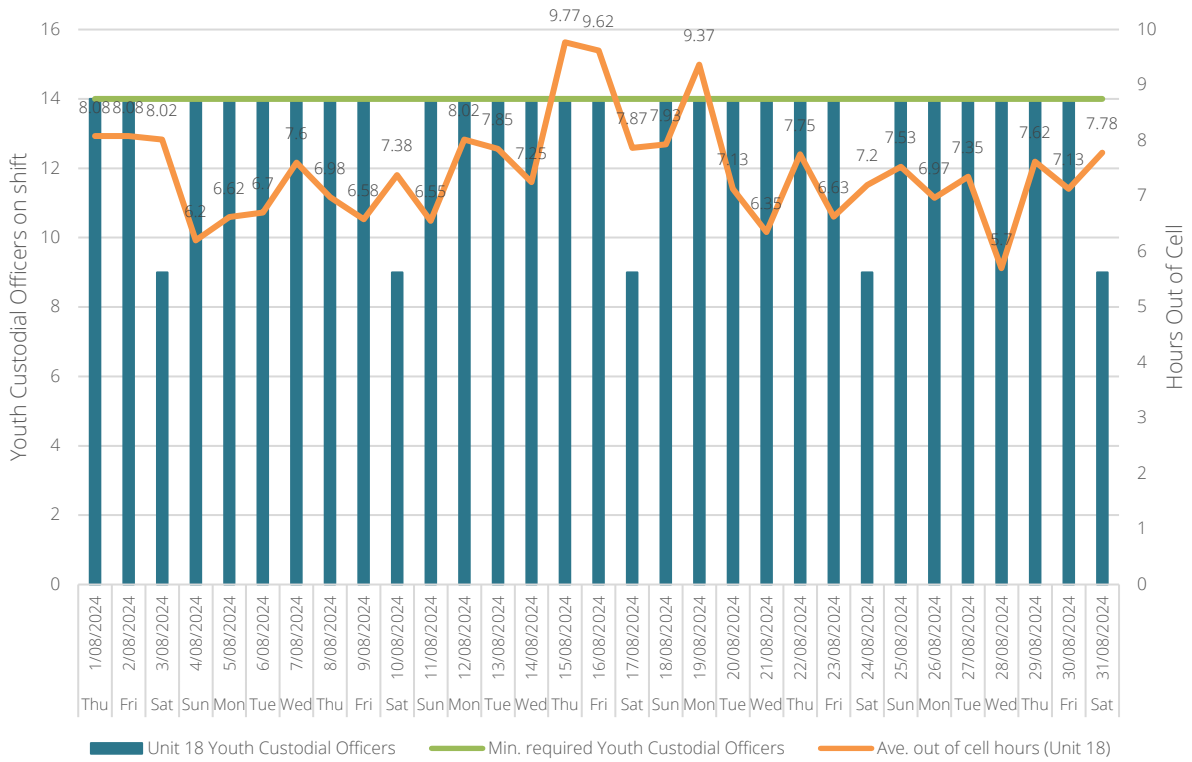


Figure 14 The average time out of cell at Unit 18 has increased but staffing on Saturdays is consistently lower than the remainder of the week (August 2024).

3 Physical environments significantly upgraded

The built environments of Banksia Hill and Unit 18 have been considerably upgraded since our last inspection, although most of these enhancements have centred on physical security. Proposals for the new crisis care unit and second youth detention facility are also progressing. But there are no clear plans for the closure of Unit 18 despite its original intent as a temporary facility.

3.1 Many changes to the built environment focussed on physical security

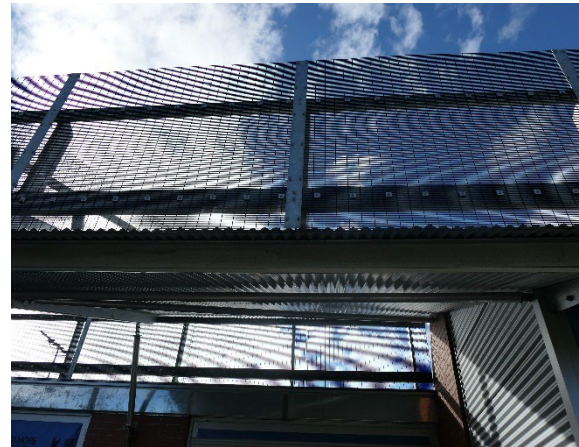
Like staffing, one of the other priority areas for the MOC's initial implementation has been upgrading, repairing, and addressing deficiencies with the built environment. Significant works have commenced, some have been completed, while others are in the planning phase. The Department has developed business cases and funding submissions. Capital works have included:

- transportable buildings at both centres
- exercise yard upgrades
- cell hardening in the Intensive Support and Jasper units
- window protection
- fence replacement
- roof treatments
- CCTV upgrades.

Given the state of general disrepair we observed last inspection at both centres (OICS, 2023A), the works and investment are encouraging. The new exercise yard within the ISU is bigger, brighter, and more engaging, while the observation cells have been refreshed with new glass and landscape murals. Some positive enhancements have also occurred to the Banksia Hill cultural space [see chapter 4.2]. However, overall, much of the effort has focussed on physical security and target hardening with Banksia Hill increasingly losing its campus-feel to prison-like security measures.



Photos 1 and 2 The new exercise yard and observation cells are vastly brighter than previously.



Photos 3 and 4 Anti-climb roof treatments installed as part of target hardening approaches at Banksia Hill.

Purpose of the newly developed Jasper Precinct was unclear

Security measures within the Jasper Precinct at Banksia Hill have been reinforced. New anti-climb fences have been erected as well as similar treatments to the roofs to prevent, or at least temper, young people's access to heights. All the unit's cells have been steel lined as young people were compromising the internal walls and breaking free from their cells. This was part of the justification for opening Unit 18 as the safety of young people and staff could not be guaranteed. New transportable buildings have also been installed in the Jasper Precinct for education, programs, and meeting spaces so to bring services to the young people placed within the unit. This will limit the need for them to access other service areas of Banksia Hill.

However, at the time of this review, and despite repeated enquiries to local management, we did not receive a clear indication Jasper was redeveloped as a replacement for Unit 18. We also were not given express advice Unit 18 would close. Unit 18 is not fit for purpose. It is cold and bleak without any purposeful attempt to include youth-focussed design elements to mitigate and soften its construction as a maximum-security prison accommodation block. There also remains a strong and, what could be perceived as, an intimidating presence of adult prison officers including members of the Special Operations Group, the Department's emergency and tactical response team.



Photo 5 Transportable buildings installed in the Jasper precinct meant to reduce movement of young people from the unit.

Unit 18 is not fit for purpose as a Youth Detention Centre. It is a standard accommodation block designed for a maximum-security adult facility. Ideally, a Young Offenders Detention Centre should be specifically designed and built for an identified, child- and youth-focussed purpose.

Yet, despite its innumerable limitations, Unit 18 has evolved to now delivering a 'family care model of service' in part due to its significant infrastructure shortfalls. As a single unit with a very small population, the proximity of senior management, support services, and custodial staff means there is no justification for not delivering intensive, needs-based support to the young people placed there. We heard daily collaboration had increased significantly and this had been a marked shift since the death of Cleveland Dodd. Also, efforts to appropriately staff the unit, with custodial, civilian, and clinical staff, have been redoubled.

If the Jasper Precinct is meant to replace or be another alternative placement option for young people with complex behavioural needs, replicating the intensity of welfare and support services at Unit 18 is a must. It will be critical to Banksia Hill not succumbing to another large-scale riot or destructive incident. However, it was unclear to us what the purpose of Jasper will be, particularly in the immediate future. Certainly, from our conversations with staff it was unmistakable they did not want the young people returned from Unit 18 prematurely. While not a consensus, many suggested it should not occur until the second youth detention facility was operational. This is many years away.

The counter argument against the delayed closing of Unit 18 would be to replicate in its entirety the services and supports currently available in Unit 18 with a unit in Banksia Hill. The obvious choice would be Jasper Unit.

3.2 Announcement of a second facility

We have long argued having only one facility to accommodate all detained young people of varying needs and demographics is not best practice and had ultimately failed in the Western Australian context (OICS, 2023A; Ryan, 2022; OICS, 2017). Most recently Recommendation 1 of our 2023 inspection report asked the Department to '[c]ommit to the design and construction of a second youth custodial facility that meets the complex needs of different cohorts of young people' (OICS, 2023A). The Department noted that recommendation as a matter for Government.

However, on 30 November 2023 the Western Australian Government announced a 'purpose built youth detention facility to replace Unit 18' (Cook & Papalia, 2023A). We welcomed this development as the planned high security, therapeutic youth detention facility is expected to accommodate and support the most challenging young people with the greatest need.

The announcement resulted from a Youth Justice Infrastructure Review conducted by the Department. That review recommended building the new centre adjacent to Banksia Hill, which would allow the delivery of high-level support without disrupting the therapeutic interventions and education being delivered to more settled detainees at Banksia Hill (Cook & Papalia, 2023A).

The new facility is also expected to accommodate any high-needs young people on remand affected by substances or with behavioural issues before they are assessed for placement at Banksia Hill (Cook & Papalia, 2023A). However, at the time of this review, these additional functions for remandees could not be confirmed by any local management representative at Banksia Hill or Unit 18. Furthermore, limited information is available to us about the detailed contents of the business case submitted to the State Government for consideration.

At the time of writing, a site was still being confirmed as environmental assessments were needed.

3.3 Continued concerns about the proposed location for the crisis care unit

Despite our deep concerns last inspection (OICS, 2023A), plans to build the much-needed crisis care unit directly in the centre of Banksia Hill, appear to be progressing. The Department did not support our recommendation to examine alternative locations for the unit. The Department explained that the site was chosen due to its central location creating ‘an integrated feel’, its proximity to accommodation units ‘ensuring equal access for all’, and its proximity to other services across the centre.

We remain very concerned about the intended location. It will ‘create a building site in the centre of the facility, permanently interrupt sight lines in the centre, and reduce recreation options’ for the young people (OICS, 2023A, p. 23). We also dispute the Department’s response that the intended location will ensure ‘equal access for all’. Access to crisis care must be given to every young person who needs it, regardless of whether the location of such a facility is near to or far from other accommodation within the centre.

Regardless of how advanced plans are for the crisis care unit, we have not received evidence that the risks of this build have been mitigated or that the loss of amenity its location creates, will be remedied. This leads us to maintain our previous recommendation.

Recommendation 4

Reconsider the location for the construction of the Crisis Care Unit.

4 The Aboriginal Services Unit is a welcome achievement

In April 2022, the Western Australian government announced \$25.1 million had been committed towards improving services for young people in custody (Johnson, 2022). A key component of this was establishing an Aboriginal Services Unit 'which will provide specific cultural support and services to help address overrepresentation of Aboriginal young people at Banksia Hill, including those from regional Western Australia.' The announcement stated: '[c]atering for a cohort of young people in a culturally safe way will improve outcomes, aligns with best practice and will contribute to providing cultural education across the site' (Johnson, 2022). The centre was promised 'eight more Aboriginal welfare officers and Aboriginal medical and mental health workers, bringing the total to 12' (Johnson, 2022).

In October 2022, during the Western Australian hearings at the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, the Department also agreed it would be appropriate to have an Aboriginal person as a senior manager within Banksia Hill (Reynolds, 2022). A Level 7 Manager Aboriginal Services position was filled in October 2023. Recruitment of the additional Aboriginal Youth Support Officers (AYSO) has progressed slowly since early 2022 and by the time of writing was almost complete. The work of the Manager has also been bolstered by the involvement of an Aboriginal Youth Justice Officer.

4.1 Culturally based support services to youth are a key focus

Initially, with the increasing number of AYSOs, each young person coming into the centre was allocated to an AYSO case list. Allocated AYSOs would meet with young people regularly, making a note on the Department's database about the contact. Importantly, those with greater or acute needs were seen more frequently, either daily or as needed.

More recently, AYSOs have been assigned instead to units, providing support to all those in their unit, including at Unit 18. This potentially enhances opportunities for less formal contacts on a day-to-day basis, in addition to the formal contacts which are recorded. This unit-based approach will be important to maintain consistent but casual contact with the young people should the youth population numbers increase from their record low, and to limit the effects population growth can have on workload.

We have found AYSO contact has significantly elevated the level of support available to each young person who are highly appreciative of the role AYSO are having during their time in custody. While all young people are seen by the AYSOs, First Nations young people benefit greatly by having ongoing contact and support from a First Nations worker.

Good relationships between young people and AYSOs are also improving the quality of engagement and information available for other services at Banksia Hill and Unit 18. This includes:

- custodial staff managing youth behaviours
- psychologists and others working with self-harming and suicidal youth
- staff involved in case planning and throughcare
- health staff
- education staff

- programs facilitators
- activities staff.

The Manager is also chairing an Aboriginal Advisory Committee for the new State Forensic Mental Health Services team from the Department of Health which has recently been established at Banksia Hill. Part of the role of the advisory committee is to look at culturally safe and appropriate approaches for the Department of Health team's new screening tools. There are also plans to examine policies the team is developing.

Centre orientations by Aboriginal Services add an important cultural dimension

We are also pleased to see the involvement of AYSOs in the critical first days young people come into custody. AYSOs complete a detailed orientation checklist for those placed at Banksia Hill beyond a few days, covering:

- identifying the young person's first language
- cultural assessment (including family mapping)
- religious assessment
- family support
- provision of centre information
- a tour of the whole centre.

Where needed, the orientation also includes a Welcome to Country for First Nations young people who have been brought to Banksia Hill off their own Country. Observing cultural protocols is an important improvement to ensuring young people feel safe.

The orientations conducted by AYSOs sit alongside other early information and checks for young people performed by custodial, health, mental health, and case planning staff. However, they add an important cultural dimension to induction processes that was previously absent despite the best efforts of other First Nations staff and the significant overrepresentation of Aboriginal young people in custody in Western Australia. The orientations also provide an important opportunity to initiate a support source for young people.

4.2 Cultural spaces and cultural recognition have been enhanced

Banksia Hill has had limited investment in its cultural spaces over many years, and there is no such space at Unit 18. However, we acknowledge the truly astonishing effort that has occurred at Banksia Hill since our last inspection transforming the summit of the bushland covered hill within the centre. The new cultural area, Moordidjabiny Kaatup (meaning 'Becoming strong on the hill') has been co-designed with and developed by a group of young people led by an AYSO to become a ceremonial ground for the centre. Red earth was brought in from Northern Western Australia, a fire pit is in place, and it is ringed with logs for sitting on. It will be a focus for Welcome to Country protocols for young people from other regions, for yarning and other interactions with First Nations Elders, and for other cultural ceremonies and events. It opened during NAIDOC week in July 2024.



Photo 6 and 7 Opening of the cultural space, Moordidjabiny Kaatup, which means 'becoming strong on the hill'.

A bush tucker garden has also been created near Murchison Unit, and a bush tucker trail has commenced development in the bush on the hill to enhance cultural learning. During the NAIDOC Week celebrations, young people led groups of visitors through the trail advising them about the plants and their uses, as well as the changes expected throughout the six Noongar Seasons. We have been advised these projects on the hill may also form the basis of an ecotourism training program for young people which we look forward to seeing develop. It is intended in the longer term that every unit at Banksia Hill also have smaller cultural spaces or gardens.

4.3 Embedding cultural security in staff training and centre practices

The Manager Aboriginal Services has also been driving cultural security practices at both facilities, so they are widely embedded. This includes delivering cultural security training sessions to all new YCO recruits ensuring respect for cultural differences for First Nations and other young people. Similar input has occurred into induction training for all new support staff and service providers working at Banksia Hill. These early employment training and induction sessions are reinforced at quarterly meetings with support staff and service providers. And Curtin University's Centre for Aboriginal Studies has recently been engaged to provide senior managers in the centres with an on-Country cultural immersion program.

We have also been pleased to observe the extensive network of First Nations Elders, leaders, and agencies at Banksia Hill and Unit 18. The Manager Aboriginal Services has engaged these groups as the two facilities seek to embed cultural security into their practices. Some of these First Nations groups and leaders have come on board for events during National Reconciliation and NAIDOC weeks, as well as International Women's Day. Other Aboriginal Community-Controlled Organisations (ACCOs) have been contracted to provide services at the centres, including:

- providing cultural healing for young people with intergenerational and family trauma
- developing a cultural security framework for youth custodial services which it is hoped will help embed Aboriginal co-design into centre policies, procedures, and practices
- a four day training program to better equip AYSOs for their work with young women and girls at Banksia Hill.

Youth custodial services are also in negotiation to bring in culturally secure medical services for First Nations youth.

5 Education is achieving positive results but needs greater resources

The new teaching model at Banksia Hill is having a positive impact on education outcomes for young people. This has been helped by fewer lockdowns enabling a consistent service. However, our office is still concerned delivery is based on which accommodation wing a young person resides, rather than what is best for the individual and their learning. Education in youth custodial services needs to appeal to the most highly accomplished teachers. But the 1:8 staff to young person ratio is the highest in Australia, and this is compounded by not having Education Assistants despite the complex needs of the young people. There are also infrastructure and technology limitations which restrict the variety of courses education can offer.

5.1 New approaches are having a positive impact on young people

Education staff deliver education to young people in a trauma-informed and strengths-based approach using the Berry Street Education Model and Direct Explicit Instruction. The new approaches have been increasingly implemented over the last 18 months, moving away from the tutoring style of education that was employed in youth detention over many years. This change is aligned with the MOC's key program area – 'Learning, development and life-skills', giving all young people access to a quality education.

At Banksia Hill each day is structured teaching to the skills of the young people with dedicated sessions for review. We heard that staff and young people alike appreciated this structure. So much so that during a recent week-long pause to celebrate National Reconciliation Week (NRW), staff and young people sought to return to their structured day by day 3, preferring to celebrate NRW during their afternoon electives period. For a cohort of young people largely disengaged from school in the community, this was considered a positive reflection of the implemented

School Day	
9.00am – 10.30am	Literacy Hour <ul style="list-style-type: none"> • Daily Review • Curriculum Work
10.30am – 11.00am	Recess
11.00am – 12.00pm	Numeracy Hour <ul style="list-style-type: none"> • Daily Review • Curriculum Work
12.00pm – 1.15pm	Lunch
1.15pm – 1.30pm	Mindfulness
1.30pm – 2.45pm	Electives <ul style="list-style-type: none"> • Thematic teaching • CGEA/EGE Electives • Keys for Life

changes. However, because the education day aligns to the centre's daily regime, staff noted some concern education sessions were too long. They suggested this was affecting the effectiveness of education as 50-minute sessions are better to sustain young people's attention and capacity to learn. The Berry Street Education Model builds in 'Brain Breaks' that allow for intentional, short lesson interruptions to promote a sustained focus over the course of the whole lesson which helps address some of these concerns (Berry Street, 2023).

The change in approach to education was helping some young people to achieve significant advancement. Initial assessment and testing established baselines to measure the young people's educational growth. The graphs for young people 1 and 2 (below) show their largely positive and significant improvement in reading, writing, and numeracy skills since the mode of education changed from tutoring to direct explicit instruction. These gains help to reduce the educational gap between their chronological age and academic age, and potentially improve their chances of re-engagement with schooling upon release.



Figure 15 and 16 Educational progress for young people was showing promise.

The delivery of education for the young people at Unit 18 has also shifted. Until recently, many young people were receiving highly restricted times out of cell. Unsurprisingly, when they were out of cell, the young people prioritised other activities, including talking to family, rather than education. This was compounded by a lack of dedicated infrastructure for education. However, since May 2024 a dedicated space has allowed for more consistent delivery of service. It is not a structured day like Banksia Hill education delivery, but it is an initial step towards improving education outcomes for those young people who are considered Western Australia’s most complex and challenging.

5.2 Fewer lockdowns mean greater consistency, but the wing-delivery model is not meeting need

Lockdowns due to custodial staffing shortages in 2023 severely impacted the delivery of education at Banksia Hill. At the time of the last inspection, we heard teachers were delivering meals to young people in cell rather than delivering education services. And, if sufficient custodial staffing permitted education to proceed, this was done within the common rooms in the young people’s units. It was far from ideal with ongoing distractions ultimately hampering the quality of service and outcomes for young people despite the best efforts of teaching staff.

However, significant improvement has been evident since the beginning of 2024. Summer School was delivered at Banksia Hill in the first three weeks in January with very minimal interruption. Similarly, the whole of Term 2, 2024, saw regular and consistent delivery of education, in school. Departmental records show there were only a couple of occasions, again due to custodial staffing shortages, when education was delivered to the young people in their units. This is very positive, but we continue to be concerned the education outcomes of young people in custody depends on sufficient custodial staffing numbers.

We are similarly concerned that education is still being delivered to groups of young people based on which accommodation wing a young person resides, rather than what is best for the individual and their learning. The wing-delivery model at Banksia Hill was implemented to reduce interactions and potential disputes between young people who have known conflicts with each other. However, as a delivery mechanism for education, it compromises young people’s learning as they are not

streamed with those with similar abilities. Teachers are then stretched across the classroom trying to facilitate learning to a broad spectrum of abilities. Education staff should determine the composition of their classrooms, based on the individual assessment, and needs of the young people they must educate. Increasing mediation between young people may also reduce conflicts so streaming is more achievable.

5.3 Conditions for education staff should be more appealing

The education team operates on an almost \$5 million annual budget, most of which is consumed by employee salaries and benefits. Classroom teachers have also recently won a salary dispute which will see their pay rise 12 per cent over the next three years. This will assist attracting qualified and dedicated teaching staff within youth custodial services. However, with a national teacher shortage, pay is only part of the package needed to incentivise and retain staff.

At Banksia Hill the classroom model is one teacher to eight young people. We were advised this was one of the highest ratios in youth detention in Australia. The high ratio was compounded by the high levels of learning disabilities and language disorders among the young people in detention and inadequate teaching assistance. There are no Education Assistants employed within youth custodial services and insufficient Aboriginal Education Officers (currently 1.6 Full Time Equivalent - FTE). There are also significant disruptions to the classrooms which further stretch the teaching staff and their ability to deliver quality education outcomes to young people who are often easily distracted.

Education in youth custodial services is delivered by the Department of Justice, rather than the Department of Education (DOE). Previously, we have had such significant concerns we have suggested transferring responsibility to the DOE (OICS, 2018A). Since that time there has been considerable progress. However, we would still like to see DOE taking a more active role in youth custodial services, either by offering further support or allocating specialist resources. This also aligns with the MOC's Learning, development, and life-skills key program area – by supporting staff with the resources they need to deliver effective learning opportunities to young people.

We believe population numbers within youth custody are artificially low and while education at Banksia Hill may be achieving some excellent results currently, when the numbers inevitably increase, more support will be imperative to maintain those achievements.

Recommendation 5

Expand the resourcing of the education centre to include Education Assistants and Aboriginal Education Officers.

5.4 Infrastructure and technology limitations hamper delivery and course variety

Banksia Hill and Unit 18 have inadequate facilities to offer a broad range of educational and vocational options for young people. Until late March 2024, Unit 18 did not have a dedicated space for education. It now operates within a transportable building, the size and layout of which only permit one to two young people and a teacher use at any one time. This allows for intensive one-on-

one teaching for those with the highest needs. However, it does not permit sufficient space for any vocational learning.

While Banksia Hill has a dedicated school, critical incidents (particularly in May 2023) resulted in a heavy loss of vital infrastructure to fire and other damage. At the time of writing, much of that infrastructure remains out of commission for repair or rebuild. This has meant other spaces across the site have been repurposed, such as an education workshop that is currently utilised for admissions to the centre. The loss of education spaces, particularly vocational workshops, reduces the variety of courses that can be offered despite a continued demand.

Since the July amendments to the *Young Offenders Act 1994*, the proportion of older young people in detention (those 17 years and over) has decreased. At the time of our last inspection this equated to 51 per cent of the population compared to 36 per cent on 30 June 2024. This means there were fewer young people in custody who had attained post-compulsory school age. However, at more than a third, this is still a substantial proportion of the population and the absence of a dedicated and fulltime vocational program for those who do not want to be in school remains necessary. As such, we reiterate our recommendation from the previous inspection to provide a structure vocational program for young people (OICS, 2023A). The Department supported this recommendation and advised us it had closed the recommendation because:

“Try-A-Trade” workshops continue to be delivered to provide young people with practical skills development in painting, plumbing and master plumbing skills.

While positive, the delivery of workshops does not meet the spirit and intent of our original recommendation for a structured program.

Recommendation 6

Implement a structured vocational training program that offers accredited training and work skills to prepare young people for employment on release.

We are also concerned there is limited technology used at Banksia Hill and Unit 18. We have been pleased with the uptake of smartboards in the classrooms, which are now well embedded since the last inspection. However, as is the case across the custodial estate, there is very limited internet access and no in-cell technology for young people to develop their newly acquired skills or advance their studies.

We acknowledge there are security risks that will need to be worked through to successfully implement these technologies. But they are necessary for the delivery of quality and contemporary education services. There are also numerous other benefits, particularly through the use of tablet technology, which have proven successful in other jurisdictions. Not least of which is the ability for young people to maintain connection with family and community. This should be a particular consideration given the vastness of Western Australia, and the location of Banksia Hill and Unit 18 in the metropolitan area.

The State Government has a Digital Capability Fund that was established in late 2022 to drive investment in digital transformation across the public sector and provide the capacity to upgrade

legacy technology (ODG, 2022). Exploring opportunities within the fund to improve education outcomes for young people seems self-evident.

Recommendation 7

Explore opportunities within the Digital Capability Fund to pilot tablet technology in cell for young people in custody.

6 Significant advances in health space, with room for more

Young peoples' access to health care has considerably improved in the past 18 months. Primary health services are now delivering proactive care and have a range of specialists available as needed, complementing the professional and almost fully resourced medical team. They are also working collaboratively with the Department of Health's multidisciplinary team of specialist clinicians which has recently been set up at Banksia Hill. This team is still establishing itself including its role and function, but early indications suggest it is filling some known gaps in the neurodevelopment space. Due to the short length of time young people average in custody, much of their work is screening, and liaison and advocacy for throughcare specialist assessment and treatment. Any ongoing treatment by the team is likely to be mental health care, although this may cause tension due to a primary mental health service pre-existing.

6.1 Primary health services have resumed proactive practice

There have been significant improvements in the delivery of health services to young people in custody since the last inspection, particularly at Banksia Hill. The access issues we previously observed had dissipated and there was a limited measurable backlog in service. This is largely due to the increase in custodial staffing numbers. The increase has, in essence, guaranteed the medical centre has an officer assigned to it daily permitting medical services to proceed. The officer's presence enhances security, and they double as an escort to enable the young people's attendance.

As such, the health services team can operate a smooth and proactive health care model. It has an almost complete complement of medical professionals and specialist services. This includes a medical practitioner, dentist, and optometrist (as required), and mental health nursing. On an as-needs basis there are also hearing assessments and health promotion activities that often include education on recreational drug use, smoking, alcohol consumption, and diet and nutrition. There are also weekly sexual health clinics. Retention of the nursing team has been high over a long period with some nurses working at Banksia Hill for more than a decade. The centre is seeking to augment its services further with two Aboriginal Health Workers to assist in the provision of culturally appropriate healthcare. However, it has struggled to recruit to these positions, a problem we heard was mirrored within the community. We urge the Department to persist in its endeavours to fill these roles.

Unit 18 nursing under contract

The Unit 18 medical centre is staffed by nurses under contract providing 24-hour coverage. The young people at Unit 18 can access primary health nursing and medical practitioner services onsite, while for other services they must be transferred back to Banksia Hill. While this arrangement is not ideal, we accept it is necessary given Unit 18's constrained infrastructure.

Banksia Hill's medical centre provides limited oversight of the contracted service at Unit 18, and we heard this relationship could benefit from more clarity. The Banksia Hill Clinical Nurse Manager (CNM) provides liaison, visiting Unit 18 weekly to ensure the contracted nursing staff feel part of the bigger health services team. The Unit 18 nurses also email the CNM with clinical queries. However, we heard some of the contracted staff did not feel adequately supported by their own organisation

and we encourage the Department to examine this arrangement closely should it continue until the as yet unknown closure of Unit 18.

6.2 Valuable collaboration as the new Department of Health team establishes itself, its role, and its relationships

Since mid-2023 a multidisciplinary team from the Department of Health has been forging its establishment at Banksia Hill. It is currently called the State Forensic Mental Health Service – Youth Detention, Neurodevelopmental and Mental Health Team (the SFMHS team). However, its name is being re-worked due to its complexity. Determining resourcing and composition continues to develop with the SFMHS team currently including a clinical nurse specialist, a paediatrician, a psychiatrist, neuropsychologists, and a speech pathologist. We welcome the expert knowledge these clinicians are bringing to youth custodial filling some known gaps in service. However, we are pleased that consideration for further resourcing is also being given to:

- social workers
- occupational therapists
- mental health nurses
- clinical psychologists.

A determination on the team's composition is to be made based on the needs of the young people in custody, and may change or be supplemented by other expertise where needs change.

In establishing its role and function, the SFMHS team is keen to ensure it is not duplicating services already available. As such, the team is building relationships with pre-existing health, mental health, and psychological services, and custodial operations. Already, the SFMHS team have provided valuable training to the health services team covering Autism Spectrum Disorder, Fetal Alcohol Spectrum Disorder, and Attention Deficit Hyperactivity Disorder. The primary health services team have not previously specialised in neurodevelopmental conditions or neurodiversity, so they have welcomed this new expertise on site. The CNM explained that understanding these disorders better meant nursing staff were able to identify traits and conditions during the young people's admission assessments. Consequently, this was prompting an early referral to the SFMHS team. Ultimately, the teams' collaboration was improving practice and outcomes for young people.

At the time of writing, the SFMHS team was only servicing those young people placed at Banksia Hill. However, some initial psychiatric services had commenced at Unit 18.

Assessments, referrals and where feasible, delivering therapy in custody

The SFMHS team is still in its early days but has made significant inroads creating a screening tool that includes specialist assessment questions on health background, life experiences, disability, and mental health. The original intent was to screen as many young people coming into youth detention as possible. However, this has evolved into a selective screening process, which we heard initially appears to be capturing those in need and will be crucial if the population increases from its current record lows.

The process first involves a desktop triage whereby every morning the team collates information on young people received into Banksia Hill the previous day. Information is obtained from various sources, including the Departments of Justice and Health databases. The triage results are then presented at the SFMHS team's weekly multidisciplinary team meeting to determine whether the young person should undergo the newly developed screening tool. This screening determines interventions, therapies, and further specialist assessment the young person needs.

Depending on the length of time the young person remains in custody, the SFMHS team then liaises with external specialist providers for throughcare intervention in the community. Otherwise, young people may commence some treatments while they are in detention. To date, any ongoing delivery has been largely in the psychiatric and mental health space, or where comorbidities with mental health exist.

Delivery of primary mental health care is confusing

One of the areas the team acknowledges is the most confusing, and has the capacity to cause the most tension, regards mental health care. This is in part due to the SFMHS team's name including 'mental health' despite not having a remit to deliver primary mental health care. Currently, that service is delivered at Banksia Hill and Unit 18 via the Mental Health Alcohol and Other Drugs (MHAOD) branch of the Department of Justice. According to departmental advice, MHAOD should provide Banksia Hill coverage from 8.00 am until 4.00 pm, seven days per week. However, understaffing has resulted in an average of one day per week. This is unsurprising as resourcing and recruitment for MHAOD is challenging across the entire custodial estate, not only in the youth space (OICS, 2024A; OICS, 2024B; OICS, 2023B).

Initial discussions have commenced with the SFMHS team supportive of having the primary mental health care service transferred within its remit. This should mitigate confusion and allows the SFMHS team to capitalise on its broader network, appeal, and resourcing. However, at the time of writing, no decision had been finalised. Ultimately, there is potential young people will fall between the gaps due to the confusion of where their needs lie. We encourage the Departments of Justice and Health to resolve this urgently to prevent that outcome.

6.3 Vacancies reduce psychologists' expertise to risk management

Psychological services were undermanned

The biggest area within the health sphere that is not performing as designed, is the Youth Psychological Services (Custody) team. Currently, it has an allocation of 6.6 FTE clinical or forensic psychologists. However, departmental documents indicated that between January and April 2024, available FTE ranged between 3.6 and 4.2, and at the time of writing this had reduced further due to long term leave and no planned backfill arrangements. This meant, as per our previous inspection, they were under resourced and over worked to meet demand (OICS, 2023A). Consequently, young people complained they could not get same-day access to a psychologist.

We were advised the vacancies were due to recruitment challenges attracting suitably credentialed clinicians to these roles. This was compounded by the lack of variety in their work (as discussed below) and their employment conditions which differed to other government departments and

organisations. We heard those agencies paid for their employees' clinical registration and professional development, incentivising their employment. This ultimately meant retaining clinicians was also a concern, and together with the recruitment challenges, it was unsurprising to us we were told the team's morale was low.

Fortunately, Youth Psychological Services also has a community team that provides services to young people on community orders, and some of these psychologists were doing a small amount of in-reach to Banksia Hill. This was providing some relief, particularly on weekends. This was positive but not sustainable as there were only a few volunteers willing to work in the custodial setting. We also heard submissions had been made to address the attraction and retention issues seeking to make the Department an employer of choice in the tight employment market. Exploring all options to fill the vacant psychological services positions is vital to improving access and service delivery to young people in custody.

Recommendation 8

Investigate attraction and retention options for Youth Psychological Services making it an employer of choice.

Risk management assessments are prioritised above criminogenic counselling

Young people who are at-risk to themselves are managed through the At-Risk Management System (ARMS). The psychology team is charged with risk assessments for young people placed on ARMS. Young people can only be removed from ARMS when they are no longer a discernible risk to themselves. This is determined by the At-Risk Assessment Group, for which the psychology team and their assessments are critical.

Since the beginning of 2023, the number of young people managed on ARMS on any one day at Banksia Hill and Unit 18 has not dropped below 15. This last occurred in September 2023 and since that time (particularly after the death of Cleveland Dodd), the number has been consistently above 20 with some days more than double that amount.

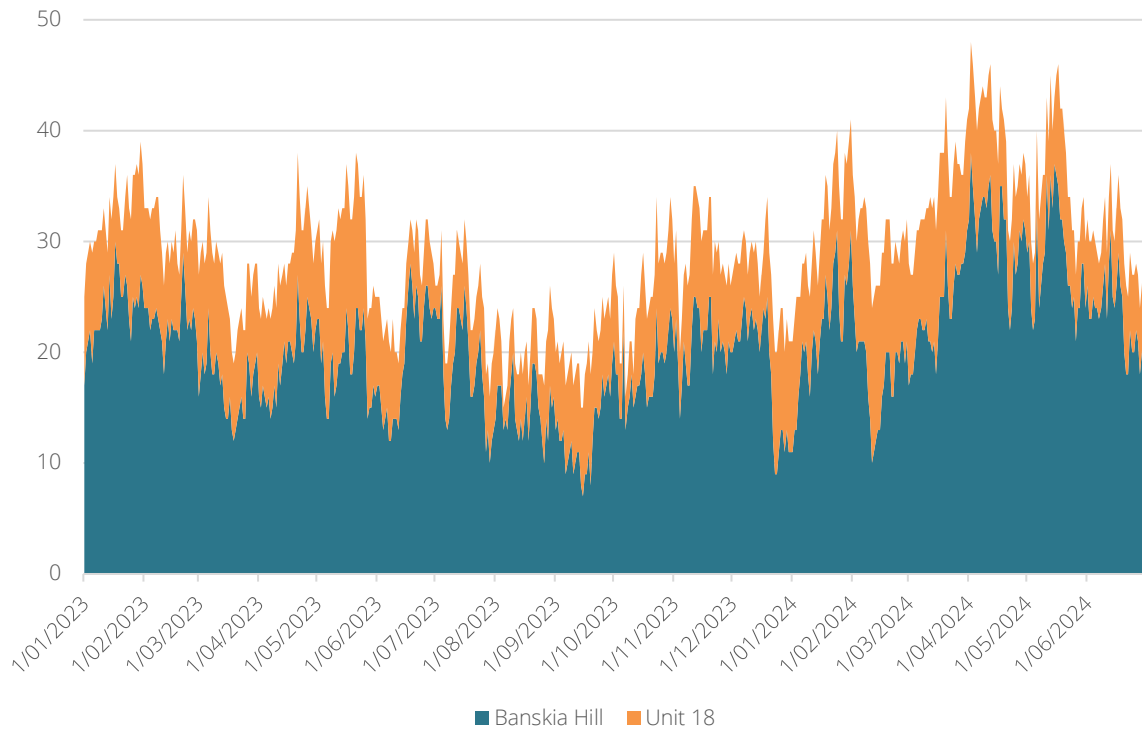


Figure 17 The number of young people on ARMS was consistently high despite the reducing population size.

These numbers are exceptionally high, particularly as the population overall is trending downwards. Since the beginning of 2024, the proportion of all young people managed on ARMS has increased, sometimes equating to more than half of all those in custody.

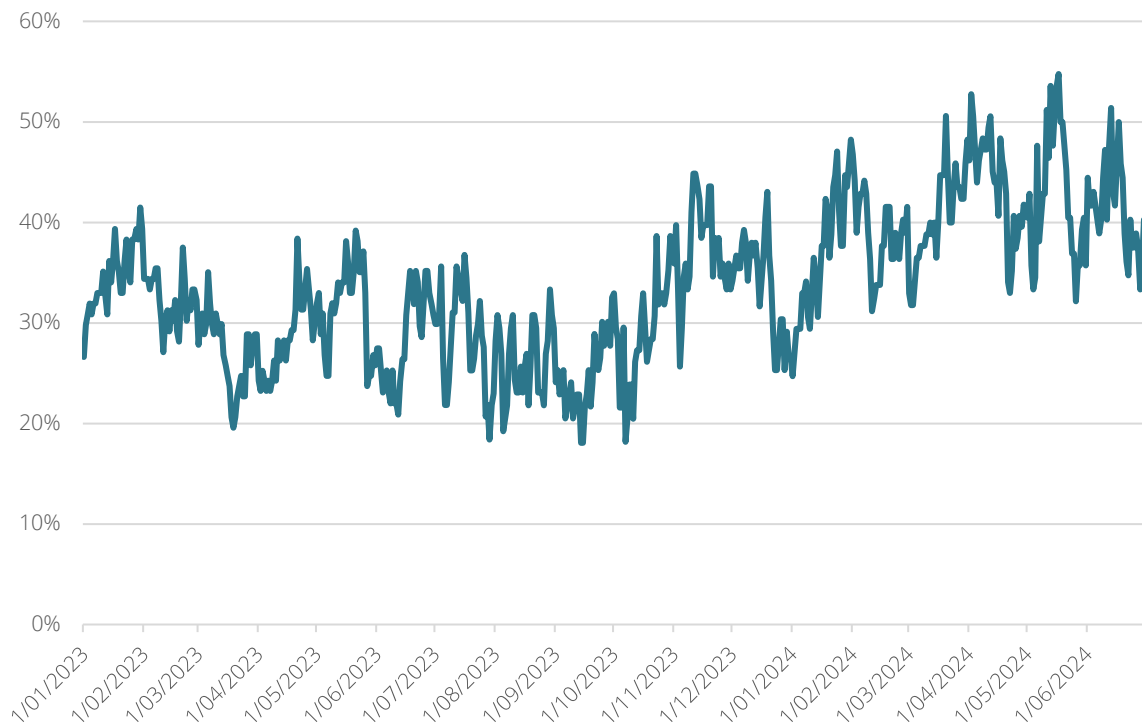


Figure 18 Over a third of the population of young people have been on ARMS on any one day since the beginning of 2024.

Insufficient staffing within the psychology team has meant their resourcing has been dedicated to ARMS risk assessments, primarily focussed on those young people with the highest need (level 1 and 2). To assist the psychology team, some of the lower-level ARMS risk assessments are being conducted by the Senior Programs Officer (level 3 and 4).

The high demands of the ARMS risks assessments come at the detriment of delivering offence-specific counselling to young people. This is exacerbated given their average short time in custody can prevent longer programmatic intervention. Likewise, consistently, and often unvaryingly conducting risk assessments may also not be considered particularly rewarding work for clinicians. Noting the challenges in retaining psychologists within youth custodial services, we encourage the Department to be mindful of all contributing factors which may prevent this service meeting its demands.

6.4 Infrastructure is limited, particularly with the additional services

One of the main areas constraining all aspects of health service delivery is limited infrastructure. At Unit 18 a small office has been converted into a nursing station. It was not purpose built and as such it is not an appropriate space to conduct health consultations with young people. We heard concerns that some young people were reluctant to engage the nurses or the medical practitioner when in attendance because the nursing station does not provide space for private, confidential discussions or examinations.

Banksia Hill is also constrained by infrastructure deficiencies. During 2023, parts of the medical centre were severely damaged during critical incidents. Some facilities remain out of order at the time of writing. This is compounded by a lack of dedicated storage space within the centre. Currently there are two clinic rooms being utilised as storage and these will need to be cleared to account for the growing service.

Similarly, the new SFMHS team is currently using workstations within the Case Planning Unit. The space may be appropriate for administrative purposes. However, when clinical consultation space is required, the competition for space across Banksia Hill may test the valuable collaboration the two health teams have begun to forge. To its credit, Banksia Hill has identified these limitations. In response, it has relocated the psychology team and cleared those old offices for use as a series of bookable, therapeutic spaces for clinical consultation. Works have progressed with quotes for refurbishments and new furnishings. We look forward to seeing these developments progress and whether the logistics can be appropriately managed given the space will need to meet so many competing demands.

7 Case planning and programs units are dedicated but under resourced

The case planning unit is under resourced. There are staffing pressures that have marginally been mitigated by temporarily double stacking positions (holding 2 people against 1 position) in recognition of the additional workload created by manual reporting processes. But largely, case management of young people has become unmanageable despite the record low population of young people in custody. Similar staffing challenges exist in the criminogenic programs team which has traditionally, reduced the number of programmatic interventions delivered. An innovative response to this challenge has seen AYSO's co-facilitate programs so they can continue to be delivered.

There has also been significant effort and investment in voluntary programs and activities to ensure young people's time out of cell is meaningful. This has been positive but as a sense of stability within youth custodial services increases, the focus is now shifting from quantity to quality, and removing unnecessary duplication.

7.1 Case planning is under resourced and overstretched

Staffing pressures meant case management was almost unmanageable

Case planning staff were committed to providing intensive case management and liaison for young people in custody. However, they admitted having a limited relationship with many of those in their care over recent years. Frequent incidents, custodial staff shortages, and rolling lockdowns made it difficult to meet with young people. It is good to observe these challenges easing, which is further aided by the very low number of young people in custody currently. Yet despite these positives, we heard the case planning unit's workload had become unmanageable, in part due to staffing shortfalls.

There were only four Senior Case Managers with caseloads of 15-25 young people. As many of those young people have extremely high needs, this level can be unwieldy and will become more so if the population increases. On current numbers it has been particularly challenging due to the considerable staff turnover within the unit which has occurred since our last inspection. There had been 12 staff changes with some experienced staff leaving while others were on long term leave. There had also been a succession of contract staff. At the time of this review, two of the four substantive case managers and the Manager Case Planning were absent. The vacancies were only able to be covered as positions were 'double stacked' based on an agreed understanding about the additional workload created by Detainee Management Reports (discussed below).

Similarly, a much-needed Team Leader was in place only because Banksia Hill was permitted to double stack the Coordinator Youth Custodial Re-entry Programs and Services position. That position is essential given continuing burdens on the case management team, clinical support needs of the case managers, the complexity of many of the cases, and to ensure continuity of service.

Case management continued to be occupied with work beyond its normal remit

Workload pressures within case planning were also, in part, due to the demands of reporting for the courts and Supervised Release Review Board. During our last inspection we found case managers were spending significant time preparing detailed detention reports about young people, particularly focussing on time in cell (OICS, 2023A). Since that time, we have heard these demands have increased, particularly for Detainee Management Reports which were originally requested by the President of the Children's Court for sentencing. These and other summary reports are now sought by courts at all levels and on multiple occasions, including for bail hearings. The additional reporting requirements reflect legitimate and longstanding concerns from the courts about the treatment of young people at Banksia Hill and Unit 18.

Importantly, some of the information in these reports has now been automated relieving some of the burden of the extra reporting. However, case managers must still manually add in considerable detail. Some staff reported this was onerous and reduced their capacity for other case management functions like assessing risk, planning interventions, and assisting in release preparations for young people. It is hoped that as custodial staffing stabilises and young people spend increasing time out of cell meaningfully engaged in activities, the level of manual reporting will be reduced. Some approaches have been made to the court in this regard, but at the time of writing the situation remains unchanged.

Compounding these reporting obligations, is the new documentation required due to recent amendments to the *Young Offenders Act 1994*. In July 2023, changes were enacted mandating the transfer of young people within 30 days of them attaining 18 years of age. For each of these young people, case planning initiate documents for consideration by the Banksia Hill multi-disciplinary team (MDT) and the Commissioner of Corrective Services. Case planning was also preparing reports on the suitability of every young person aged 17 for transfer to adult custody at the direction of the former Minister for Corrective Services in 2022. On 30 June 2024 that equated to over a third of the population (36%).

Case planning is wanting to restore consistent initial assessment processes

As a priority, case planning wants to restore preliminary assessments within three days of admission for both newly remanded and sentenced young people. Case managers will access any prior court reports, other information on file, and contact young people's Youth Justice Officers, and parents or caregivers.

Within seven days, a case plan should be completed or updated if a young person's status changes, from remanded to sentenced. This should include reviewing or completing their Youth Level of Service/Case Management Inventory. There is also a new five question tool to screen out those at lowest risk. The young person's capacity to engage in programs (responsivity) needs careful consideration before referrals are made for criminogenic or other personal development programs.

This should be followed by an MDT meeting involving custodial staff, education staff, AYSOs, the Youth Justice Officer, and others as needed. This meeting may include the young person, their parents or caregiver and where needed, their Department of Communities case manager.

Restoring these processes while commendable will be challenging given the current staffing limitations and heavy workload. The double-stacking of positions is only temporary and to date has only managed to maintain basic staffing levels. We heard a business case had been submitted to create 10 case planning positions; we look forward to seeing the outcome of that proposal.

Recommendation 9

Adequately resource Case Planning to enable the team to provide comprehensive case management.

7.2 The challenge to deliver treatment programs manifests as high recidivism

There are significant barriers to delivering treatment programs to young people at Banksia Hill and Unit 18. One of the biggest factors is young people are often not in custody long enough to participate in these interventions as they are currently designed over a span of weeks and months. The average length of stay for all young people is approximately 37 days, and shorter again for female detainees whose average is only 22 days (OICS, 2022C). During this review we heard the Department continues to investigate the modularisation of treatment programs having supported our recommendation for this modality in our review into family and domestic violence supports for people in custody (OICS, 2022C). If implemented, it will mean young people can commence intervention in custody but continue with these programs when released to the community or recommence them should they return to detention.

While we encourage the Department to continue in these endeavours, we are concerned the criminogenic programs team is understaffed. The team has an allocation of three Senior Programs Officers (SPO). However, at the time of writing only one of these positions was occupied. This prevents the delivery of programmatic interventions to young people as two SPOs have traditionally been required to present those programs (OICS, 2023A).

Program interventions are designed to address offending behaviours. Prioritising this work by fully staffing this team is critical, particularly given departmental data shows high rates of reoffending among young people. Between 2018-2019 and 2023-2024, the rate-of-return to detention for those released within two years was between 45 and 53 per cent, while the rate-of-return to corrective services (either within detention or the community) was between 64 and 86 per cent. We acknowledge some of these returns resulted from a breach of an order rather than the young person reoffending. However, the unacceptably high rates suggest current mechanisms and criminogenic treatment are not suitably reducing the likelihood of contact with the criminal justice system.

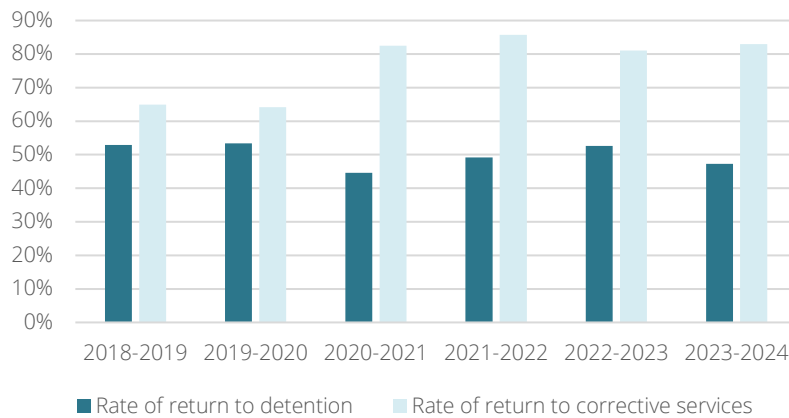


Figure 19 Young people’s return to corrective services supervision is too high.

Cultural innovation mitigates some of the challenges posed by vacancies in the criminogenic programs team

The centre has attempted to ameliorate the SPO staffing shortfall by securing the assistance of the Aboriginal Services Team to co-facilitate programs in a culturally safe and secure environment. The AYSOs are co-facilitating personal development programs like Do It Easy and Emotional Management alongside the SPO and in alignment with the new MOC.

Co-facilitation can improve program effectiveness by enhancing engagement with participants ensuring their understanding of course concepts and the application to their lives. The AYSOs also ensure content is culturally relevant. Given First Nations young people account for approximately 70 per cent of the daily average population in custody, this is an innovative change in practice. However, AYSOs are not clinically trained like SPOs and while we understand this pragmatic solution, consideration should be given to whether the rehabilitative efficacy of the programs is maintained. If not, appropriate training and qualifications should be made available to the AYSOs if this practice continues.

In addition to the AYSOs co-facilitation of personal development programs, they are also co-facilitating other activities and programs across Banksia Hill and Unit 18. These include:

- Wungening and Holyoake alcohol and other drugs programs
- Beyond Youth Justice Services (Beyond JYS) group programs
- Noongar language classes
- Red Dirt Healing (a program at Unit 18).

The involvement and guidance of the AYSOs has also permitted the SPO to assist the undermanned psychology team by performing risk assessments for young people on lower-level ARMS (levels 3 and 4) [see chapter 3.3].

7.3 Voluntary programs have dramatically increased, with the next phase focussed on reducing duplication

Since our last inspection there has been significant effort made to offer a variety of programs which enhance young people's time out of cell both at Banksia Hill and Unit 18. As of 30 May 2024, there were 32 different programs and activities available, offering various levels of educational, recreational, therapeutic, and criminogenic value. One of the most valued and enjoyed by the young people was the Hip Hop program available at Unit 18 five days per week and two days at Banksia Hill.

Senior management advised us that initially the priority had been about getting a variety of programs and activities into the centres. However, now governance processes are beginning to be established and the next priority is reducing duplication.

Programs committee will assist increasing engagement in meaningful activities

In November 2023 Banksia Hill established a programs committee. Its draft terms of reference demonstrate a commitment to overseeing and optimising the programs and activities being offered to young people in custody. Part of the committee's role is to ensure all new programs and activities are aligned to the MOC's service principles, and to ensure they address and fulfil the physical, mental, emotional, and spiritual needs of the young people (DOJ, 2023).

In line with the MOC principle 'Elevate and respect young people's voices', the programs committee is beginning to include young peoples' input in program planning and decision making. The committee has surveyed young people across Banksia Hill allowing them to provide feedback on programs delivered in the centre, their interest or disinterest in those programs, while also identifying where they wanted increased engagement or had suggestions for new opportunities.

This practice has been conducted twice since our last inspection and shows a genuine attempt at cultivating an environment of collaboration. It was promising to see the young peoples' feedback used when they expressed disinterest in certain programs like the Sexual Health Quarter. Their opinions were noted, and changes were made accordingly. This included reducing the frequency of the program and altering some of the program's content through consultation with the sexual health nurse on duty.

We hope to see this collaboration and thoughtful consideration of the needs and interests the young people continue. In turn, we expect it will maintain and reinforce the positive engagement the programs team have created. It is critical to understand the young people's motivation to participate and engage in programs which will be essential to maximising the impact over time and ensuring resources are allocated efficiently. This is a good practice initiative.

Rationalising programs, removing duplication, and reducing inequitable access

The increasing number of programs and activities has been positive to engage young people when they are out of cell. However, senior management advised us that there is concern about overlap in some of the functions, goals, and learning initiatives. As such, a strategic review of the services would be conducted in the future. This aligns with one of the roles stipulated in the programs committee's draft terms of reference; ensuring existing programs and activities are not duplicated (DOJ, 2023).

The programs survey also identified instances where young people had participated in programs they did not find enjoyable or engaging. These programs often repeated content or failed to capture their attention. Some young people told us they felt many of the programs were geared for younger children and covered subjects or skills older detainees already knew, while others suggested programs were inconsistent with some stopping mid-way.

In the context of the initial priority to 'get services in', we can appreciate some programs may not have met the young people's expectations. However, the approach minimised consideration for their individual interests and preferences. It was also contrary to supporting standards of the MOC's service principles which state:

- Young people will have input into design and efficacy of services and programs.
- Each day will be structured with a set of engaging and constructive activities for every young person (DOJ, Undated A).

Similarly, it was contrary to the Learning, development and life-skills key program area which states 'Young people will have opportunities to engage in recreational activities aligned to their strengths and interests' (DOJ, Undated A).

We are pleased adjustments have been made to some of these programs and a wider review is planned. However, concerns persist about the holistic consideration given to matching young people with programs which suit their interests. The survey report produced by the programs committee noted there were inconsistent referral processes with some young people chosen to participate at random or being allocated to a program or activity based on the unit within which they reside. This was creating issues and inequities between young people. We understand under both Banksia Hill and Unit 18's hierarchical models of accommodation, there are incentives offered to young people in more privileged units. Continuing to improve the governance around programs and activities generally, as well as the referrals process specifically, should alleviate such problems.

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Appendix B Acronyms

Term	Expansion of Abbreviation
ACCO	Aboriginal Community-Controlled Organisations
ARMS	At-risk Management System
AYSO	Aboriginal Youth Support Officer
Beyond YJS	Beyond Youth Justice Services
CCTV	Closed Circuit Television
CNM	Clinical Nurse Manager
DOE	Department of Education
DOJ	Department of Justice
FTE	Full time equivalent
MHAOD	Mental Health Alcohol and Other Drugs
MHN	Mental Health Nurse
MOC	Model of Care
NAIDOC	National Aborigines and Islander Day Observance Committee
NRW	National Reconciliation Week
OICS	Office of the Inspector of Custodial Services
SFMHS	State Forensic Mental Health Services
SPO	Senior Programs Officer
YCO	Youth Custodial Officer

Appendix C Department of Justice's Response

A response to the report and its recommendations was not received at the time of printing and lodgement with the Parliament of Western Australia.

Appendix D Methodology

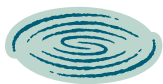
Data sets for this review were obtained from the Department of Justice's (the Department's) offender database through a series of extractions using SQL Server Management Studio. We also used a series of pre-constructed reports from the Department's Reporting Framework and from the offender database.

We also examined departmental documentation including policy and procedures.

An initial draft version of this report was sent to the Department in August 2024 for comment but withdrawn after the death of the second young person, this time at Banksia Hill. Additional information was added and then a second draft was sent to the Department for comment and to respond to the recommendations on 30 September 2024. A formal response was not received from the Department prior to printing and lodging the report with the Parliament of Western Australia. When the response is received, it will be published on our website.

This report was a review of a custodial service in accordance with Section 22 of the *Inspector of Custodial Services Act 2003*.

Key dates	
Review announced	15 May 2024
Field work	June – August 2024
Draft report sent to Department of Justice	30 September 2024
Response received from Department of Justice	Not received prior to printing and lodgement
Declaration of prepared report	18 November 2024



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