

RESPONSE TO THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE'S FINAL REPORT, HEAR ME OUT, INQUIRY INTO IMPLEMENTATION PROGRESS OF BANKSIA HILL'S MODEL OF CARE INSTRUCTION

On 15 August 2024 the Commissioner for Children and Young People (the CCYP) tabled the final report *Hear Me Out, Inquiry into implementation progress of Banksia Hill's Model of Care Instruction* (the Report). In the Report, the Commissioner indicated that 'The Department of Justice and Corrective Services Division are requested to provide their formal responses to the Parliament of Western Australia on the recommendations and findings no later than 15 November 2024'.

The Western Australian Government acknowledges the deeply saddening recent events at Banksia Hill Detention Centre and Unit 18 and remains committed to working with the CCYP to enhance the safety and wellbeing of young people involved in the youth justice system. The Western Australian Government is dedicated to collaborative agency endeavour to achieve shared outcomes and priorities related to supporting vulnerable young people in Western Australia.

The Western Australian Government has considered the Report, and its response has been prepared by the Hon John Quigley MLA Attorney General after consultation with the Hon Paul Papalia CSC MLA Minister for Corrective Services in the circumstances the matters raised largely fall under his portfolio responsibility, and following consultation with other State Government departments impacted by the findings and recommendations in the Report. The Western Australian Government's comments on the findings and recommendations in the Report are provided in Table 1 below.

As echoed in the Attorney General's correspondence to the CCYP on 23 July 2024, the Western Australian Government notes significant improvements at Banksia Hill Detention Centre. This includes an increase of out-of-cell hours and education attendance, a decrease in serious incidents, increased staffing, and an uplift in clinical and therapeutic interventions. There has also been a strengthening of cultural safety and awareness, largely through the work of the Department's Aboriginal Services Unit, and Aboriginal Elders and leaders, in early 2024. An increase in engagement for services and advice from Aboriginal Community Controlled Organisations is also noted. Expanded delivery of tailored staff training is also underway to help frontline workers better understand and provide more effective support to young people with foetal alcohol spectrum disorder and other neurodisabilities.

The Western Australian Government is committed to building a high security, therapeutic youth detention facility to accommodate Western Australia's most challenging young offenders to provide them with the monitoring, supervision and support they need to stabilise their complex behaviours, whilst enabling focus on providing stable, therapeutic interventions and education. A new facility to house Western Australia's most high-risk youth detainees will be constructed alongside the Banksia Hill Detention Centre and is intended to replace the use of Unit 18. Enabling works for the new facility are intended to commence soon.

This constitutes the Western Australian Government's response to the Report.

Hon. John Quigley MLA
ATTORNEY GENERAL

Hon. Paul Papalia CSC MLA
MINISTER FOR CORRECTIVE SERVICES

**Table 1: RESPONSE TO THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE'S FINAL REPORT,
HEAR ME OUT, INQUIRY INTO IMPLEMENTATION PROGRESS OF BANKSIA HILL'S MODEL OF CARE INSTRUCTION**

| Finding | | Recommendation | | Response |
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| 1 | <p>The implementation plan fails to address all the supporting standards referred in the Model of Care Instruction, resulting in significant gaps.</p> <p>This includes:</p> <ul style="list-style-type: none"> - Young people will be meaningfully involved in planning and decision-making. - Child-safe behaviour management practices will uphold the rights of young people. | 1a | Expand the implementation plan to cover all supporting standards. | <p>The Department of Justice's Model of Care Implementation Plan includes all supporting standards detailed in the Model of Care instruction (documents attached to CCYP report).</p> <p>The Implementation Plan sets out key actions that have been identified in relation to each of the service principles and supporting standards outlined in the Model of Care Instruction. As outlined in the Model of Care Instruction, these key actions will be reviewed, monitored, and further developed over time. Work to support positive outcomes for young people also continues to be undertaken as part of everyday operations and outside of key actions identified in the Implementation Plan.</p> <p>The Department of Justice is enacting its commitment to meaningfully involve young people in the decisions that affect them whilst in detention.</p> <p>Mechanisms including Youth Leadership Councils provide young people with leadership roles and a voice, and Peer Support Programs allow young people to support others with the assistance of dedicated support staff. The Department has re-established regular unit-based meetings between staff and young people and introduced a six-monthly program survey for young people to complete for the purpose of informing meaningful service provision. Where Multi-disciplinary Teams consider a young person's placement and management across Youth Detention Centres or transfer to an adult facility, young people are involved.</p> <p>The Department has established an Aboriginal Services Unit led by a manager with eight Aboriginal Services Officers. A yarning circle has been established at Banksia Hill Detention Centre to help provide a safe, culturally appropriate place for young people to talk, and smoking ceremonies and other traditional formalities are performed to further harness cultural connection. The Aboriginal Elders and Leaders mentoring program brings external cultural expertise and support to young people in detention, with Elders and mentors supporting and mentoring young people one on one connecting them to culture, Country, family, and Community. There are currently eight Elders and mentors as part of this program, with the department exploring further expansion.</p> <p>Young people received in detention or transitioning from a remand to a sentenced stay are allocated a Senior Case Manager who meets with them to make introductions and discuss program participation. For Aboriginal young people, this complements the Aboriginal Services Unit's work to undertake a specific orientation process. Within five days of an Aboriginal young person's admission in detention, orientation includes cultural mapping and seeks the young person's voice about their specific cultural needs.</p> |
| | | 1b | Expand engagement of children and young people in decisions affecting them while in detention, including support and advice regarding their rights. | |
| 2a | The Model of Care Instruction and implementation plan provided to the inquiry, did not contain a defined approach for monitoring, reviewing and evaluating to ensure ongoing alignment with best practice and responsiveness to emerging needs during the implementation phase. | 2a | Develop a monitoring and evaluation framework that will enable responsiveness to identified needs and best practice. | The Department of Justice is currently working with The Kids Research Institute Australia to develop a proposal for further supporting the Implementation Plan and evaluation of the Model of Care. |
| 2b | The implementation plan provided to the inquiry lacks timelines for achieving actions, identification of those responsible for overseeing each action, and a process for reviewing and/or revising timelines and actions to address | 2b | <ul style="list-style-type: none"> * Schedule regular reviews of progress against the Model of Care Instruction project and implementation plans * Update the implementation plan to identify timelines for actions and responsible persons. * Update the plan to include a | <p>The Department of Justice employs one full time staff member whose role is to monitor implementation of the Model of Care Instruction.</p> <p>As outlined in the Model of Care Instruction, work continues to occur outside of key actions identified in the Implementation Plan. Significant, supporting detail underpinning the Implementation Plan is provided for and sits a level below this high-level document.</p> |

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| | emerging needs and/or operational challenges. | | process for reviewing and assessing timelines and actions to respond to emerging needs and/or operational challenges. | |
| 3 | Although progress has been made on implementing changes within detention facilities, the approach is fragmented and has primarily focused on programmatic responses rather than structured, system-wide reform. | 3 | Review the implementation plan urgently to include actions for embedding system reform. | <p>The implementation of programmatic responses has provided significant opportunities to stabilise Banksia Hill Detention Centre, served to consolidate current effort, and most importantly, has enabled the re-introduction of a structured day for young people at the centre.</p> <p>At Unit 18, out-of-cell hours have notably increased. Out-of-cell hours at Banksia Hill Detention Centre are now between nine and 11 hours a day, and six and seven hours at Unit 18.</p> <p>Programs to address key criminogenic needs of young people in custody have been vastly increased and improved. Recreation programs include activities such as football, athletics, yoga, a running club and basketball. Most programs, recreational and rehabilitation, are open to all young people irrespective of their status, whether they are sentenced or unsentenced. Young people are afforded an opportunity to self-nominate which program they wish to participate in.</p> <p>As further outlined in response to recommendation 12, agencies across Government continue to enhance collaboration and service delivery to improve outcomes for young people in detention.</p> |
| 4 | The Model of Care Instruction refers to the need for relational, physical and procedural security. However, the implementation plan does not include any specific actions to address the component of relational security other than to stabilise staffing. | 4 | Review the implementation plan to identify actions to enact the supporting standards for relational security, particularly focusing on each of the supporting standards, and developing relationships. | <p>The principles of relational security have always been important at Banksia Hill Detention Centre and the Department of Justice will continue to prioritise their application in the safe care and management of young people. This will include developing specific measures to improve relational security at both Banksia Hill and Unit 18.</p> <p>The Department of Justice continues to focus on key enablers of the Model of Care Instruction including stabilising staff levels and culture, investing in service partners, infrastructure, systems, and processes that support the operations of Banksia Hill Detention Centre.</p> <p>A significant infrastructure works program has been established to improve the physical environment for young people and staff at Banksia Hill Detention Centre. Throughout 2023-24, this has included refurbishment of the Intensive Support Unit, and the rebuilding of units damaged in a May 2023 major disturbance at Banksia Hill Detention Centre.</p> <p>Further infrastructure developments include a new Crisis Care Unit at Banksia Hill Detention Centre, and a new purpose-built therapeutic youth detention facility which will replace Unit 18.</p> |
| 5 | The actions outlined in the implementation plan fail to address the stated need in the Model of Care Instruction to accommodate the diverse and complex needs of young people at BHDC. | 5 | Include actions in the implementation plan to address the diversity and complexity of needs of children and young people, focusing on delivering individualised, developmentally appropriate supports. | <p>The Implementation Plan includes 'Individualised programs and support' with associated supporting standards that address the delivery of individualised, developmentally appropriate supports in consideration of the diversity and complexity of the needs of children and young people.</p> <p>'Principle 8' of the Model of Care Instruction, 'Ensure cultural safety and strength for Aboriginal young people' has been a key focus in 2023-24. Work has included the recruitment of the Manager Aboriginal Services to lead a team of Aboriginal Youth Support Officers (AYSOs). Throughout 2023-24, AYSOs have increased their involvement across Banksia Hill Detention Centre and Unit 18 to implement orientation processes for young people to ensure they are culturally informed and supported, can access appropriate language supports, have their cultural needs identified, and are supported in their appropriate contact with family.</p> <p>The Aboriginal Elders and Leaders Cultural Mentoring Program was developed throughout late 2023 and early 2024 in partnership with Elders, Leaders, and Aboriginal Community Controlled Organisations. Since commencement at both Banksia Hill Detention Centre and Unit 18, Aboriginal Elders are regularly in attendance at both sites helping to connect young people to culture and offering guidance and leadership to young people and staff. Work is ongoing to expand the pool of Aboriginal Elders and Leaders to include Elders and Leaders from regions across Western Australia.</p> |

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| 6 | Despite the Model of Care Instruction's reference to the need for a balanced approach to safety and security, the implementation plan does not include specific actions to address relational security, except for stabilising staffing. | 6 | Review the implementation plan to identify steps for supporting relational security standards, ensuring continuity and consistency in building strong relationships. | The principles of relational security have always been important at Banksia Hill Detention Centre and the Department of Justice will continue to prioritise their application in the safe care and management of young people. This will include developing specific measures to improve relational security at both Banksia Hill and Unit 18. |
| 7 | The complaints process for children and young people is included in an orientation booklet, which many young people reported not receiving. The process is limited to verbal complaints through staff and does not provide external mechanisms. | 7 | Review the complaints process in line with the Child friendly complaints guidelines as available on the CCYP website. | There are a range of complaint mechanisms for young people in custody, with the current process in line with Royal Commission recommendations. Elements of the complaints process were developed in consultation with young people and identifies internal and external avenues for making a complaint. Work continues with Youth Leadership Councils to continue enhancing the complaints process and information provided to young people via the orientation process and onsite. Banksia Hill Detention Centre has also recently enhanced the visual presentation of complaint handling, and these improvements will be implemented at Unit 18 soon. |
| 8 | The Model of Care Instruction and implementation plan do not reference the National Principles for Child Safe Organisations, although some supporting standards align with the principles' objectives. | 8 | Regularly review and improve implementation of national child safe principles in accordance with Principle 9 in the Model of Care Instruction. | Work to incorporate and address the National Principles for Child Safe Organisations in the Banksia Hill Model of Care is ongoing. |
| 9 | There have been extensive delays in conducting a comprehensive review of the <i>Young Offenders Act 1994</i> , which was first announced in 2017. | 9 | * Prioritise review of the <i>Young Offenders Act 1994</i> . * Commence public consultation in 2024. | This recommendation is not within the scope of the Inquiry. |
| 10 | The Certificate III in Correctional Practice does not equip youth custodial officers (YCOs) with the full range of knowledge and understanding required to work effectively with children and young people who have multiple, high and complex needs. Continuous professional development is necessary for staff. | 10 | Develop a structured plan for ongoing critical training to YCOs (and potentially other staff) to support them in working individually with children and young people with multiple, high and complex needs. | Work to address this recommendation has commenced. |
| 11 | Despite referring to children and young people in detention, the Model of Care Instruction for Banksia Hill Detention Centre and its associated implementation plan do not extend to Unit 18. | 11 | * Develop a Model of Care Instruction for Unit 18, that includes actions to achieve service standards. * Develop a specific implementation plan to address the highly complex | The Model of Care is being reviewed and extended to ensure it delivers the best possible outcomes for young people at Unit 18. During the initial implementation of the Model of Care at Banksia Hill Detention Centre, the Department of Justice considered initiatives which could also be transitioned to Unit 18. The Department is currently scoping a more formal implementation of the elements of the Model of Care for further implementation at Unit 18. The Model of Care and its impact at both sites will be reviewed regularly. |

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| | | | and multiple needs of detainees at Unit 18. | |
| 12 | The Department of Justice, Corrective Services Division (CSD) will require support and commitment from other WA Government agencies to ensure the implementation of a therapeutic model of care, quality throughcare planning and delivery of necessary supports and services to detainees. | 12a | Seek agreement from the State Government to develop a formal agreement (MOU) with at least the Departments of Education, Communities, Health, Training and Workforce Development (at a minimum) to work together on high-quality throughcare plans for children and young people in detention facilities and post-release. | <p>Agencies across Government continue to enhance collaboration and service delivery to improve outcomes for young people in detention, with Memorandums of Understanding (MOU) already in existence across a number of Government agencies.</p> <p>MOUs exist between the Department of Justice and the Departments of Communities, Education, and Health. Agreements and contracts also exist with all service providers who attend youth custody. There is an opportunity for service principles and supporting standards identified in the Model of Care Instruction to be considered for inclusion in MOUs going forward.</p> <p>All agencies named in this recommendation have expressed strong support for continued collaboration with the Department of Justice to support young people in the detention setting, and post release.</p> <p>Underpinning this commitment is:</p> <ul style="list-style-type: none"> • Recognition of the critical importance of interagency collaboration in enhancing outcomes for young people within the youth justice system. • Acknowledgement of the need to strengthen transitional support for children and young people at Banksia Hill Detention Centre, particularly those who have served custodial sentences or experienced ongoing periods of remand. • The development and implementation of a case management model to support children in care while they are in detention and planning for their exit from detention. • A willingness to consider further opportunities to enhance whole-of-government efforts to implement wrap-around services that support physical, cultural, social, and emotional wellbeing, including: <ul style="list-style-type: none"> ○ Strengthening care that is focused on rehabilitation; ○ Enhancing and focusing investment upstream to children, families, and communities as an enabler for early intervention and prevention; ○ Progressing meaningful system reform that spans the entirety of the early years, including focus beyond youth justice; ○ Enhancing mental health, disability and child development supports and services; ○ Providing culturally safe programs and health services; ○ Implementing forensic models of care; ○ Enhancing and expanding existing programs. |
| | | 12b | The MOU should include terms of reference (purpose and scope), roles and responsibilities of each agency and expectations for each agency. Focus on ensuring Model of Care Instruction principles and actions provide holistic, individualised and child-centred support. | The Department of Justice will work with agency partners to consider this recommendation in the context of future updates to existing MOUs. |
| 13a | The existing YCO staffing model is inadequate for providing an individualised, holistic and child-centred service model, notwithstanding staff shortages. | 13a | Review and revise the YCO staffing ratio to enable staff to provide individualised support and engagement to detainees. | The Department of Justice has undertaken a review of the roster at Banksia Hill Detention Centre to provide greater consistency of staff and detainee interaction to assist with relationship building. It is anticipated that a future review of the rosters will identify additional opportunities for staff to have contact with young people to inform the case management and care functions provided by custodial staff. |
| 13b | The current YCO staffing model contributes to staff feeling unsafe and unsupported in their roles. | 13b | When implementing revised YCO staffing ratios, account for leave coverage, professional development and the individual needs of detainees to maintain the | The Department of Justice has undertaken a review of the roster at Banksia Hill Detention Centre to provide greater consistency of staff and detainee interaction to assist with relationship building. It is anticipated that a future review of the rosters will identify additional opportunities for staff to have contact with young people to inform the case management and care functions provided by custodial staff. |

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| | | | safety of children, young people and staff. | |
| 14a | There appears to be no formalised approach to defining the purpose, goals and objectives of programs offered in detention facilities. | 14a | Include clear expectations in service contracts on the services to be delivered, purpose, goals and objectives. | The Department of Justice has commenced work to include clearer expectations in service contracts. |
| 14b | There seems to be an absence of a formalised evaluation process to assess the efficacy and effectiveness of programs delivered by external service providers. | 14b | Develop an annual (at minimum) evaluation framework to review program/service efficacy and effectiveness and identify potential changes for evolving needs. | The Department of Justice considers there may be practical impediments to implementing a formalised evaluation to assess the efficacy and effectiveness of programs delivered by external providers. Work is being undertaken by the Department to ensure its evaluation processes are robust and external service providers are delivering benefits for the young people in its care. |
| 15 | Not all staff and detainees are aware of the existence of the Model of Care Instruction and its associated implementation plan. | 15a | <ul style="list-style-type: none"> * Schedule regular (monthly) sessions for all staff cohorts to discuss the Model of Care Instruction and implementation plan. * Provide guidance on their implementation. * Seek feedback and suggestions for improvements from the staff. * Hold sessions at various times over the month to maximise attendance. | An extensive communications strategy is being developed to further inform the Model of Care Instruction. This will include ongoing communication with children and young people and their families or caregivers. The Department of Justice welcomes the opportunity to work collaboratively the CCYP regarding this body of work. The communications plan will include all relevant stakeholders. |
| | | 15b | Provide children and young people with age and developmentally appropriate information so they are able to understand changes and provide feedback and suggestions. | An extensive communications strategy is being developed to further inform the Model of Care Instruction. This will include ongoing communication with children and young people and their families or caregivers. The Department of Justice welcomes the opportunity to work collaboratively the CCYP regarding this body of work. The communications plan will include all relevant stakeholders. |

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| 16 | <p>The Total Offender Management System (TOMS) is unsuitable for case management of children and young people. Although the system can generate reports aligned with efficiency and effectiveness key performance indicators for government and for the National Minimum Data Set, it has substantial limitations in accurately recording and reporting all relevant information pertaining to a child or young person in detention.</p> | <p>16</p> <p>Undertake system enhancements to enable automatic individualised reporting on key wellbeing indicators of children and young people in detention, including but not limited to:</p> <ul style="list-style-type: none"> * hours out of cell and hours outdoors * number of family visits and/or contacts * number of legal visits and/or contacts * number of health and mental visits and/or health/mental health-related incidents (by classification e.g. nurse, doctor, mental health worker) * hours of education received * program engagement - hours, program type. <p>Reasons for any cancellation of planned education, programs, supports or visits should be recorded.</p> <p>Include accessibility to individual case management plans, with controls on who can make changes or access private and confidential information.</p> | <p>Work is ongoing in relation to record keeping and reporting, with indicators such as hours out of cell, hours of education received, medical visitations and outcomes and program engagement already captured.</p> <p>The Department of Justice continues to explore options to develop and implement strengthened reporting processes.</p> |
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